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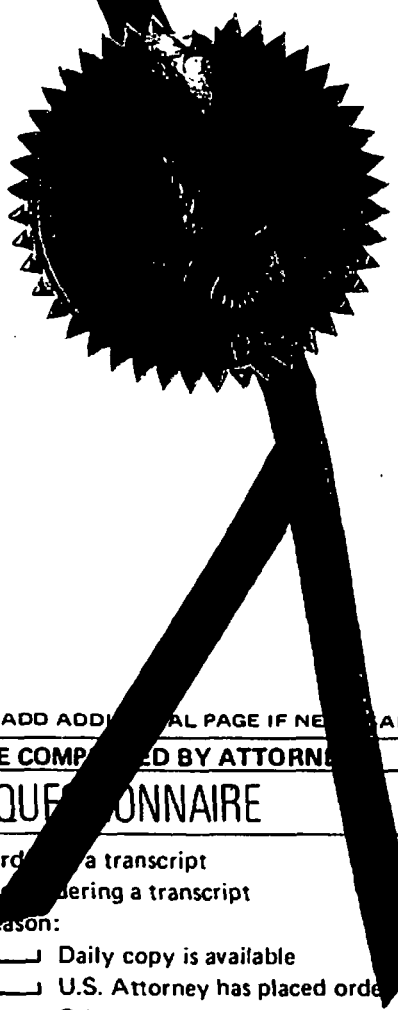

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UNITED STATES DISTRICT COURT

#65

United States of America

-vs-

Julio Rosado, Andres Rosado, Ricardo Romero, Steven Guerra and Maria Cueto

Docket Number CR-83-00025

Charles P. Sifton
(District Court Judge)

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Elizabeth Fink, Esq.
(Counsel for Appellant)

Date Feb. 18, 1983

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against - CR 83-0025

JULIO ROSADO,
ANDRES ROSADO,
RICARDO ROMERO, and
STEVEN GUERRA,
MARIA CUETO,

Defendants.

- - - - - - - - - - - - - - - - - - - -X

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SENTENCE MEMORANDUM
OF THE
UNITED STATES

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PRELIMINARY STATEMENT

On February 16, 1983, these five defendants were convicted of the crime of criminal contempt after a trial by jury. In addition to the verdict of guilty, the jury returned a special verdict that their contempt was a serious, not petty, offense. All five (5) defendants had refused to obey a court order that they testify before a grand jury investigating the terrorist group known as the Fuerzas Armadas de Liberacion Nacional (Armed Forces of National Liberation; hereafter "FALN"). Except for the defendant Guerra, each defendant had served a period of incarceration for civil contempt in 1977 for refusing to obey court orders to testify before federal grand juries in Manhattan and Chicago investigating the FALN.

This memorandum is submitted in support of the government's motion to revoke the bail of these defendants and in support of the government's sentence recommendation.

The defendants' failure to comply with this Court's order to provide information to the grand jury is a matter of such national importance that, in order to deter others from similar conduct purposely designed to block an investigation into crimes of the most serious nature and to punish these defendants for contributing to a well constructed wall of silence, a substantial term of imprisonment is warranted.

This memorandum has three purposes. First, to set forth the background of the FALN so that the Court will fully appreciate the scope and gravity of its activities and, in turn, the seriousness of the defendants' refusal to respond to questions before the grand jury. Second, to set forth the method of operation of the FALN to demonstrate why routine methods of investigation have not been successful and therefore why it is necessary to compel witnesses to provide information to the grand jury. Third, to set forth the basis for the government's contention that each of the five defendants are members of the FALN and in a position to supply information concerning the FALN. Finally, their bail should be revoked immediately because they are a danger to the community.

The information contained in this memorandum is based on a review of files of the Federal Bureau of Investigation, the New York City Police Department and other police departments and on personal interviews with Alfredo Mendez, a former member of the FALN now cooperating with the Government, as well as interviews with other persons. We have written this memorandum in unusual detail in direct response to defense denials of factual assertions contained in the pre-sentence report prepared by the probation department, wherein the government stated

that each defendant played a functional role in the FALN which explains their refusal to testify here.

In sum, we suggest that this memorandum answers the question, "What is the sentence which fits the crime of these defendants?"

STATEMENT OF FACTS

The FALN is a clandestine organization composed of individuals who have dedicated themselves to the overthrow of the United States government in Puerto Rico. The group's members claim that armed violence is the only vehicle through which independence for Puerto Rico can be achieved. They also seek the release of convicted FALN members whom they consider to be prisoners of war and the removal of all United States military installations from the island of Puerto Rico. Unlike other independence groups that engage in acts of terrorism on the island of Puerto Rico itself, the FALN has elected to stage its violent actions within the continental United States. Since late 1974, the FALN has been responsible for over one hundred forty-six (146) bombing and incendiary attacks, in addition to armed takeovers and a series of armed robberies nationwide.

Like other terrorist groups operating in this country, the FALN traces its lineage to predecessor organizations, in this instance, Movimiento Independencia Revolucionario Armado (hereafter "MIRA). MIRA and its predecessors were responsible for about two hundred (200) incendiary bombings in New York City beginning in 1968 and continuing until the emergence of the FALN in 1974. When the defendant Andres Rosado attempted to purchase incendiary materials from an FBI undercover agent in 1970, MIRA posed a real threat to the people of New York and other places.

The Attempted Purchase of Incendiary Materials by Andres Rosado

In May, 1970, an FBI source in New York City was in contact with Martin Crespo Feliciano who had shown an interest in purchasing explosives and firearms for shipment to Puerto Rico. Crespo introduced other persons to the source.

On May 8, 1970, the source met with one of these persons, whom we shall refer to as "A", who requested the source to have the source's "Mafia" contact call him at a certain telephone number. In order to remove the FBI source from the operation, this call was made by an FBI agent who arranged a meeting with A.

This meeting was subsequently held and A outlined the type of explosives he desired. He indicated that he

had one thousand dollars ($1000) to spend. A second meeting was to occur about a week later at which time A would be informed that the amount involved was too small for a big operator to handle and a subsequent meeting would hopefully be arranged between a second FBI agent and Rivera. Before these later meetings transpired, Carlos Feliciano, a Puerto Rican Nationalist was arrested by the New York City Police for a series of bombings and A made no further effort to contact the "Mafia" man.[1/]

On June 26, 1970, a confidential source of the Federal Bureau of Investigation, who had furnished reliable information in the past, reported that Martin Crespo Feliciano, known as an ardent advocate of independence of Puerto Rico, was anxious that contacts between the Mafia and the Puerto Rican independence movement be resumed in order to continue discussions regarding the procurement of explosives and armaments. As a result of this information, Joseph Stabile, a Special Agent of the FBI, acting in an undercover capacity, met with the defendant Andres Rosado, and identified himself as "Angelo", a man with Mafia connections. Several negotiations over the sale of incendiaries then ensued.

At about 8:00 p.m., on June 30, 1970, Agent Stabile was seated on a bench on a downtown platform of the Spring Street Station of the Lexington Avenue IRT Subway

Line in Manhattan. Stabile was alone on the bench which was built to seat six individuals quite comfortably.

Agent Stabile observed a then unidentified individual approach and sit on the same bench on which Agent Stabile was seated. While this individual, later identified as the defendant Andres Rosado, sat on the bench, he appeared to be reading a copy of the New York Times. After a train entered the station, stopped and continued on its way, Rosado stood up, approached Stabile and asked, "Do you think the Mets will win this year?" Stabile responded, "Well, I think they'll will this year." Then, Rosado sat down on the bench in a position near Agent Stabile, so that they could converse in confidence.

Special Agent Stabile extended his hand to Rosado and stated, "I'm Angelo." Rosado shook hands with Stabile and said "I'm Tony." Stabile asked Rosado if he could do anything for him. Tony replied, "We'd like to get some potassium chlorate." Stabile suggested that they leave the subway station in order to discuss this matter more fully and more privately. They left the station and proceeded to the northwest corner of Spring and Lafayette Streets, then walked slowly uptown for about three blocks.

Rosado informed Stabile that he represented a group which wanted to buy materials which could be used for explosives. Stabile responded that he was quite disturbed

because this meeting was made by someone other than the individual who had previously discussed these matters with him. Stabile pointed out that the possibility of something going wrong was increased tremendously each time an additional person was included in the negotiations. Rosado replied that he knew nothing about "any other guy," nor did he know of any arrangements which may have been previously made. Rosado emphasized that he spoke for his group and that he wanted to talk business on that basis.

Rosado explained that his group wanted to obtain one hundred pounds of potassium chlorate to be delivered in two bags, each bag containing fifty pounds of potassium chlorate. Rosado added that his group did not desire to purchase machine guns, hand grenades, C-3 plastic explosive, blasting wire, blasting fuses and/or blasting caps. Rosado commented that his group had available fifteen hundred dollars ($1,500) for the purchase of required material with the possibility that up to twenty-five thousand dollars ($25,000) might be available for future purchases. Stabile assured Rosado that the required amount of potassium chlorate could be obtained and that he would find out what one hundred pounds of potassium chlorate would cost.

It was agreed that Stabile would communicate with Rosado by dialing telephone number 684-9870 in New York

City at 1:00 P.M. on Thursday, July 2, 1970, and then asking for "Tony". Rosado assured Stabile that this was a safe contact. Rosado added that this telephone was located in a store operated by Americans, "nice people," and that he would be there to take the call. At that time, this phone was listed to the Royal Latex Company, Inc., 375 Third Avenue in Manhattan.

At about 8:25 p.m., Agent Stabile and Rosado returned to the northwest corner of Spring and Lafayette Streets where they went their separate ways.

At about 8:00 p.m., on July 30, 1970, on the downtown platform of the Spring Street Station of the IRT Lexington Avenue Subway line, Agent Stabile met Rosado again. They both emerged from the subway station through the kiosk located on Lafayette Street north of Spring Street, then walked north on the west side of Lafayette Street, talking as they walked.

Rosado advised Agent Stabile that his group had available thirteen hundred dollars ($1,300) for the purchase of 300 pounds of potassium chlorate. Agent Stabile told Rosado that the amount of money involved was so small that his Mafia superiors probably would not accept the "contract."

Rosado gave Stabile the telephone number 561-5783 and requested that Stabile call that number at about 7:00

p.m., Sunday, August 2, 1970, and ask for "Tony." Rosado emphasized that it would not be possible to contact him at that number at any other time. At that time, this phone number was listed to the psychiatric ward of Bellevue Hospital where Rosado worked at the time.

Stabile offered to "put the word out" for a smaller operator to pick up the contract. Rosado was chagrined at this turn of events and protested that he (Rosado) would have to discuss this proposal with his leaders. If they agreed, then Stabile would be contacted through the usual means. Rosado firmly, but politely, declined to give Stabile any method whereby Stabile might contact him in a direct manner.

The two met again on August 28, 1970 at about 8:00 p.m. on the downtown subway platform at the Spring Street Station. Agent Stabile advised the defendant Rosado that his Mafia superiors "definitely" refused to deal with Rosado and his group, but Stabile offered to "put the word out" for a smaller operater to pick up the contract.

The defendant Rosado responded that he would have to consult with his group and that he would contact Agent Stabile in the usual manner, if authorized by his group. The defendant Rosado declined to give any direct means by which Agent Stabile could contact the defendant Rosado.

There was no further contact between Agent Stabile and Rosado.

The meetings between Agent Stabile and the defendant Rosado were observed and photographed by other FBI agents. (See photos annexed as exhibit A).

It is important to recall that Sergeant Charles Wells of the Bomb Squad (NYPD) found a bottle of potassium chlorate and three hundred twenty-nine (329) pounds of sodium chlorate and related materials during a search of the Morales bomb factory on July 12, 1978 in Queens. Potassium and sodium chlorate were used in fifty-eight (58) incendiary devices itilized by the FALN over the years 1974-1978 (957). According to Sergeant Wells, the three hundred (300) pounds of potassium chlorate which the defendant Rosado sought to buy from Agent Stabile could have been used to construct, at least two thousand four hundred (2400) incendiary devices of the type customarily employed by the FALN.

The response of Andres Rosado to the testimony of Sergeant Wells is of striking significance. In a symbolic gesture during trial, all of the defendants removed themselves from the counsel table and sat in the first row of benches. (49). When Sergeant Wells testified to some very technical matters relating to the construction of explosive devices, Andres Rosado resumed his seat at the

end of the counsel table and, for the first time, took notes. Rosado also personally reviewed the investigative file of Sergeant Wells relating to the bomb factory seizures, which was furnished to the defense in the courtroom. (976-977; 3500 exhibits 1,2,3).

The training received by the defendant Andres Rosado in the military prepared him well for his negotiations with Agent Stabile. While serving in the U.S. Army during the years 1962-1964, the defendant Rosado was qualified in two military occupation specialities (hereafter "MOS"). In his primary MOS, he was designated a heavy weapons specialist (MOS 112.1) which required him, among other things, to direct deployment of personnel and select sites for employment of crew-served weapons, to supervise fire direction activities and to compute firing data, to serve as gunner and assistant gunner on indirect fire crew-served weapons and to know how to prepare these weapons and ammunition for firing. In his secondary MOS, the defendant Rosado was trained as an ammunition storage specialist (MOS 411.1) which required him, among other things, to receive, store and issue various types of ammunition, including chemical ammunition, ammunition components and military explosives and to know techniques for destroying and neutralizing unserviceable and irreparable ammunition, ammunition components and

explosives. (See Army Regulation 611-201 dated 15 June 1960 annexed as exhibit B). Also, a U.S. Army manual entitled "Operation and Maintenance Instructions for Sniperscopes" bearing the name "P.F.C. Andrew Rosado" was found in the Queens bomb factory described later. From these and other facts, we submit that Andres Rosado is an FALN bomb technician, ample explanation for his refusal to testify before the grand jury.

The National Commission on Hispanic Affairs

The National Commission on Hispanic Affairs (hereafter "NCHA") was created at the General Convention of the Episcopal Church in 1970. Between 1971 and 1976, the NCHA disbursed over one million dollars ($1,000,000) in grants of funds provided by the Episcopal Church which limited the purpose for which these funds could be used as follows:

> Provided, that no grant under this program shall be made to any organization if such organization or any officer or agent thereof advocates the use of physical violence as a means of carrying out the program of the organization, and Provided further, that the funding of any grant shall be discontinued if the grantee or any officer or agent of the grantee shall be finally convicted of a crime which involves physical violence perpetrated in carrying out the program of the organization.

Maria Cueto had full and sole responsibility for financial matters of the NCHA and the purchase of equipment (653-654). All told, during her tenure, the NCHA expended over three million dollars ($3,000,000), a good portion of which was used to fund the travel of later convicted FALN members. Three of these defendants and other members of the FALN were also members of the NCHA while the defendant Cueto served as its director during the periods indicated:

NAME	PERIOD	CONVICTED	SENTENCE (YEARS)
Maria Cueto	5/1/71-9/1/76	Criminal Contempt	-
Julio Rosado	4/17/72-8/23/72	Criminal Contempt	-
Ricardo Romero	5/1/71-11/15/74	Criminal Contempt	-
Pedro Archuleta	5/1/71-5/23/74	Civil contempt	-
William Morales	2/4/75-7/15/76	explosives and arson violations (EDNY); Queens County	ninety-nine and two-thirds (99 2/3)
Luis Rosado	2/4/75-12/1/75	fugitive (Illinois; EDNY)	-
Oscar Lopez	11/13/72-11/6/75	seditious conspiracy; Hobbs Act (N.D. Ill.)	fifty-five (55)
Carlos Torres	1/14/76-7/15/76	seditious conspiracy; Hobbs Act (N.D. Ill.)	seventy-eight (78)

On at least one occasion, the defendant Cueto caused a fraudulent disbursement of one hundred thousand dollars ($100,000) of NCHA funds which were laundered through the Crusade for Justice organization. (See cash flow chart annexed as exhibit C).

In early 1975, one Edward R. Lucero was chairman of the board of an organization known as the Colorado Economic Development Association (CEDA) located in Denver. At about that time, Lucero met with the defendant Cueto, Nita Marquez and Ernesto Vigil, the latter two of whom were affiliated with a Colorado organization known as the Crusade for Justice (hereafter "CFJ") which had been founded by the defendant Romero (488).

On January 28, 1975, Lucero, at the request of Cueto, submitted a proposal for a fifty thousand dollar ($50,000) grant from the National Commission on Hispanic Affairs (see letter, annexed as exhibit D). The CEDA board of directors turned down the proposal and so advised Lucero who, in turn, informed the defendant Cueto. Cueto told Lucero to stall for awhile, which he did, eventually accepting the fifty thousand dollar ($50,000) check which he then deposited into a CEDA account. In turn, at Cueto's direction, Lucero provided Vigil with a CEDA check, also in the amount of fifty thousand dollars ($50,000).

Although Lucero did not know how this fifty thousand dollar ($50,000) check was expended, Nita Marquez provided him with a report detailing its disposition (annexed as exhibit E) and requested that he provide it to Cueto. Cueto advised Lucero that he should sign this financial statement reflecting the disbursement of the

funds because CEDA had contracted the proposal out to another agency. Lucero signed the financial statement in the presence of Marquez and Cueto, even though he had no personal knowledge of what happened to the money.

In fact, the CEDA board of directors turned down not only this first fifty thousand dollar ($50,000) check, but also a second one in 1976, and did not "contract out" the grant to another agency as the defendant Cueto had claimed. The process was repeated in 1976 when Lucero exchanged a second fifty thousand dollar ($50,000) NCHA check for a CEDA check at Cueto's request. Once each fifty thousand dollar ($50,000) CEDA check was deposited into a CFJ account, it was withdrawn over months by Ernest Vigil in 1975, and over months by Nita Marquez in 1976. Vigil was also a member of the NCHA in 1975 and 1976. Both Vigil and Marquez have long arrest records and refused to be interviewed by the FBI. The result is that the ultimate recipient of these two fifty thousand dollar ($50,000) amounts is, at present, unknown.

According to its treasurer, Matthew Costigan, the Episcopal Church approved each apparent $50,000 grant to CEDA based on Cueto's representation that CEDA had authorized Lucero to apply for and accept each grant. The Episcopal Church would not have authorized disbursement of either $50,000 check had it been known that Lucero was

acting without the knowledge or approval of CEDA. For its part, CEDA asserts that Lucero acted on his own, ultra vires.

The FBI has attempted without success to trace other grants disbursed by the NCHA. On several occasions, grants were made to apparently fictitious organizations, either not listed in the phone book or else located at non-existent addresses. One check in the amount of twenty five thousand dollars ($25,000) dated May 31, 1976 was endorsed by FALN member Roberto Caldero, who later was adjudged in civil contempt for refusing to testify before the grand jury.

The Gestetner Equipment

The Hispanic Institute of Theology (hereafter "HIT") was formed in March of 1974 as an offshoot of the NCHA. The HIT received funding from the NCHA under the direction of Maria Cueto.

On August 30, 1974, Maria Cueto ordered a Gestetner stencil making machine and a Gestetner duplicating machine to be delivered to the HIT at 175 9th Avenue, New York City. The price of the two machines was $4,692.00. On September 5, 1974, Maria Cueto ordered paper, ink and other material for use with the Gestetner equipment.

On September 11, 1974, an attempt was made to deliver the equipment. However, the HIT office was closed. Delivery was finally made to the defendant Cueto on September 23, 1974 as evidenced by her signature on the delivery notice and her name on other documents annexed as exhibit F.

On October 26, 1974, five bombs exploded in New York City, and the FALN was heard from for the first time. The FALN claimed responsibility through a communique and through telephone calls to Associated Press. The communique was printed on Gestetner paper of the same type purchased by Maria Cueto and delivered to the HIT just thirty-three (33) days earlier. Notably, service records of the Gestetner Corporation indicate that the equipment remained at the office of the HIT until at least April 16, 1975, four bombings later.

On July 12, 1978, the two Gestetner machines were found in the Queens bomb factory described below. Also found were Gestetner paper, stencils and ink, all similar to the supplies ordered by Maria Cueto in 1974. Following an examination by FBI and NYPD experts, it was determined that defects noted on the October 26, 1974 FALN communique were consistent with defects in the Gestetner duplicating machine, which also bore an ink impression of the FALN logo. Communiques in sixty-three (63) separate bombings

were produced from the stencil which also produced several hundred blank communiques bearing the FALN logo which were also found in the apartment.

The Typewriter Receipt

In August of 1977, an official of the NCHA notified the FBI that a receipt dated October 19, 1974 had been found taped underneath the desk used by Maria Cueto. typewriter. The receipt, for the purchase of a Smith-Corona Classic XII, was in the name "Elizabeth Belmonte, 176 Smith Street, Brooklyn, New York". FBI investigation determined that the name was fictitious. Moreover, the NCHA knew nothing about the typewriter.

Examination by the FBI crime laboratory concluded that the first five New York FALN communiques, including the one claiming responsibility for the Fraunces Tavern bombing where four persons were murdered, were typed on a typewriter with characters consistent with those of a Smith-Corona Classic XII typewriter. The typewriter corresponding to the NCHA receipt has never been found.

At the trial of this case, a joint defense was mounted whereby the defendants sought to convince the jury that their positions with the NCHA made them lay ministers of the Episcopal Church.[2/] Their ministry would be affected by their appearance before the grand jury, or so the argument went. Although issues of canon law are beyond the

scope of this memorandum, we do note that the Episcopal Church as an institution did not intervene when a grand jury subpoena was first served on the defendant Cueto, In the Matter of Wood 430 F.Supp. 41 (S.D.N.Y. 1977) and that the Episcopal Church has never considered the defendants as clergy for tax or social security purposes, or any other purpose. None of the defendants had any formal ties with the NCHA by the time they were subpoenaed before the grand jury in 1977. Finally, the affidavit of Bishop Milton L. Wood (annexed as exhibit G) lays to rest once and for all any claim of privilege or religious justification on the part of any of these defendants.

In addition to funding the purchase of the missing typewriter and equipment found in the Queens bomb factory, the defendant Cueto's misuse of other NCHA funds calls into question the function of the NCHA-FALN link. Cueto's duplicity in making misrepresentations to the Episcopal Church to get authorization to disburse one hundred thousand dollars ($100,000) in 1975 and 1976, the award and payment of expenses for travel of the defendant Ricardo Romero, Oscar Lopez and Luis Rosado at the time of the first FALN bombings in New York in 1974, and a grant of twenty-five thousand dollars ($25,000) paid to FALN member Roberto Caldero, provides substantial evidence that the NCHA was used as a source of funds for the FALN.

The Search of the Defendant Maria Cueto's Apartment

On March 10, 1977, Maria Cueto moved out of an apartment located at 192 Lincoln Place, Brooklyn, New York. On March 22, 1977, agents of the FBI and members of the Bomb Squad (NYPD) searched the apartment with the consent of the landlord. A dog named "Brandy," who was specially trained in the detection of explosive residues and had proven reliable many times in the past, accompanied the officers. Upon entering the apartment, a closet was observed in the bedroom, secured by a heavy duty hasp and padlock which had been installed by Cueto. The interior of the closet contained several shelves, only two of which had not been painted and had not been placed in the closet by the landlord. All the shelves, including those painted and the two unpainted, were removed from the closet and examined by Brandy, who then gave a positive response to the unpainted shelves, but not to the painted shelves. This response was consistent with dynamite residue on the unpainted shelves.

Thereafter, the unpainted shelves were submitted to the FBI Laboratory for further analysis. Laboratory tests proved inconclusive, in part, because Brandy's nose was more sensitive than the state of the art equipment then available to the FBI. According to experts at the FBI

Laboratory who have personally worked with Brandy, bomb dogs, particularly this one, are especially good at detecting dynamite as opposed to other explosives. Also, it was not at all unusual for bomb dogs to be able to detect dynamite residue which was beyond the detection limits of laboratory equipment. Further, in the opinion of FBI explosive experts, for Brandy to have detected dynamite on those closet shelves, dynamite must have been present inside that closet approximately within the two months prior to the search.[3/]

According to the landlord, the defendant Julio Rosado was a regular visitor to the apartment and had his own key. After the search, Rosado complained to the landlord for permitting a search of the apartment by the FBI.

Sentences Received by Convicted FALN members

In addition to those affiliated with the NCHA, other FALN members have been convicted and sentenced as follows:

NAME	CONVICTED	SENTENCE (YEARS)
Marie Haydee Torres	explosives violation causing death (SDNY)	life imprisonment
Dylcia Pagan	seditious conspiracy Hobbs Act, weapons offenses, robbery	eight (8) (state) fifty-five (55) (federal)
Ricardo Jimenez	" "	eight (8) ninety (90)

Carmen Valentin	"	"	eight (8) ninety (90)
Elizam Escobar	"	"	eight (8) sixty (60)
Adolfo Matos	"	"	eight (8) seventy (70)
Luis Rosa	"	"	thirty-one (31) seventy-five (75)
Alfredo Mendez	"	"	eight (8) seventy-five (75)
Ida Luz Rodriguez	"	"	eight (8) seventy-five (75)
Alicea Rodriguez	"	"	thirty (30) fifty-five (55)

ACTS OF TERRORISM ATTRIBUTABLE TO THE FALN

The FALN publicly emerged on October 26, 1974, when the group claimed credit for five bombings that occurred in downtown New York City. The defendant Ricardo Romero and convicted FALN member Oscar Lopez travelled to New York on October 24, 1974 from Denver and Chicago respectively. They each returned to those cities on October 27th, the day after the bombings. In its next bombing, on December 11, 1974 the FALN ambushed a police officer of the City of New York.

The Ambush of Police Officer Angel Poggi

On December 11, 1974, rookie Police Officer Angel Poggi was performing his first day of duty with the 23rd Precinct, located in East Harlem. During their tour of

duty, Officer Poggi and his partner received a call to investigate a purported dead body at 336 East 110th Street. When the officers arrived, they could find no evidence of this body, so they departed the building. Later, a second call was received which directed the officers to the first floor of the building. Officer Poggi and his partner returned in order to conduct a more thorough investigation and, when Officer Poggi pushed open a door, a booby trap device armed by a trip wire-clothespin trigger exploded in his face causing permanent injury which has required Officer Poggi to serve in a limited duty status since that date. According to Sergeant Wells of the Bomb Squad, this clothespin trigger was similar to other booby trap devices used by the FALN, some of which were found in the Queens bomb factory and Milwaukee safehouse described later.

NCHA travel records indicate that on December 8, 1974, the defendant Ricardo Romero flew to New York City, i.e., three days before the ambush. These same records also reflect that Luis Rosado travelled from New York to San Juan on December 18, 1974, then returned on December 21, 1974.

Fraunces Tavern

The FALN's next asault on January 24, 1975, demonstrated its capacity for mass slaughter. Four deaths, over sixty serious injuries and extensive property damage

resulted when the FALN detonated a bomb in historic Fraunces Tavern during the lunch hour. Any notion of altruistic motive and the use of bombs for their symbolic value was dispelled by the placement of this bomb under a stairway adjacent to the main dining area. The photographs of the carnage at Fraunces Tavern (annexed as exhibit H) make clear the cost of the silence of these defendants.[4/] The most serious injuries resulted, not from the blast concussion, but from shrapnel produced from the victims' plates and silverware as depicted in the autopsy x-ray of one of the victims (also annexed). The attack on the innocent at Fraunces Tavern was followed several months later by attacks on four New York City buildings in April, 1975.

The FALN Broadens Its Attacks

The FALN first appeared in Chicago, Illinois, on June 15, 1975, when they claimed responsibility for two powerful bombs that detonated in the downtown Loop area. In October, 1975, the FALN displayed a capability for coordinated attack by simultaneously exploding bombs in New York City, Washington, D.C., and Chicago. During the following year, the FALN detonated several more devices in New York and Chicago, causing property damage and injuring innocent bystanders. For some unexplained reason, however, the FALN did not claim responsibility for these incidents.

One of these attacks involved the placement of incendiary rather than explosive devices in the downtown Chicago Marshall Field Department Store.

In late June, 1976, the FALN resumed making claims for its terrorist actions which were, during the subsequent years, to include both explosive and incendiary devices. One of these attacks was on the Hilton Hotel in New York City in September, 1976, and resulted in an estimated $300,000 in damages. Another target was the Merchandise Mart in Chicago which suffered an estimated $1,335,000 in damages from a February, 1977, bombing. An incendiary device placed in New York City's Gimbel's Department Store on October 11, 1977, resulted in a fire that caused damage estimated at $125,000. Perhaps the most violent of these attacks which occurred between June, 1976 and July, 1978 was directed against the Mobil Oil Company employment office in New York City. On August 3, 1977, a powerful bomb detonated inside of this office during the busy morning rush period, killing one man and injuring several other bystanders. The bomb had been placed inside of an umbrella and left on a coat rack.

On November 3, 1976, based on a tip from a drug addict, Chicago police discovered a "bomb factory" in an apartment building located at 2659 West Haddon Street, Chicago, Illinois. This discovery led to the

identification of Carlos Alberto Torres, his wife Marie Haydee Torres, Ida Luz "Lucy" Rodriguez, and Oscar Lopez as being involved in the criminal activities of the FALN. All four individuals immediately vanished, thus ending the double lives they had been leading for several years. The four had masqueraded as law abiding community members and had assiduously avoided doing anything that would have drawn attention to them. Indeed, "Lucy" Rodriguez was working in an executive position with the federal government when the "bomb factory" was uncovered. Dynamite found in this apartment was identical to that used by the FALN in the bomb murder at the Mobil Oil building in New York City.

In May, 1978, the FALN again mounted a coordinated attack by simultaneously placing devices in New York, New Jersey, and Washington, D.C., and threatening to bomb Chicago targets. A month later the group placed incendiary devices in three department stores in the Chicago suburb of Schaumburg.

The Queens Bomb Factory

On July 12, 1978, William Morales was severely injured when a pipe bomb which he was constructing exploded in what can only be described as an FALN bomb factory located at 26-49 96th Street, Elmhurst, Queens, New York.

Except to note that the Queens bomb factory contained sixty-six (66) sticks of dynamite and five thousand (5,000) rounds of ammunition, the extent of the munitions seized is simply too extensive to detail here (see inventory annexed as exhibit I). However, two carbines, a rifle, a sawed off shotgun and one handgun, the latter recovered from another apartment in which Morales resided, have important links to the defendant Ricardo Romero who resides in Colorado. In fact, one of the carbines was purchased by Romero on October 6, 1974, at Kent Sporting Goods, 3985 Tennyson, Denver, Colorado, and was shortly thereafter reported stolen by him. The second carbine recovered from the Queens bomb factory was reported stolen in 1974 by a Ronald Cochran as a result of a burglary at 9900 East 25th Street, Aurora, Colorado. A .22 caliber Arminus revolver found in Morales' apartment was last owned by one Thomas Anthony of 303 Colorado Avenue, Grand Junction, Colorado, who reported a .22 caliber revolver stolen on or about February 16, 1974. Some of the ammunition found in the bomb factory was in its original packaging which bore stickers from Dave Cook Sporting Goods, where Romero had purchased two carbines other than those found in the bomb factory. Romero also reported these other carbines stolen from his home in Colorado on April 1, 1975. They have never been recovered.

There is more than the weapons and ammunition from the defendant Romero and the Gestetner copying machine paid for with NCHA funds by the defendant Cueto which links these defendants with the Queens bomb factory. The fingerprints of the defendant Julio Rosado were found on various items including an explosive ordinance disposal manual and a tool and die set manual for a die set found in the bomb factory. A die set is used to reload spent shells from fired ammunition. Hundreds of rounds of ammunition recovered from the bomb factory, in fact, had been reloaded. The fingerprints of the defendant Julio Rosado and William Morales were also found together in a "Lyman Reloading Manual". The fingerprints of the defendant Andres Rosado were found on an Army manual recovered from the bomb factory. By more than mere coincidence, one of his (Andres') fingerprints was found on a page of text which concerned the Geneva Convention, a matter of some significance to the FALN which will be discussed later. A concern for the integrity and ultimate success of this investigation prevents us from disclosing whether or not other fingerprints of any of these defendants were found in other places and on other items inside of the Queens bomb factory.

In the opinion of Sergeant Wells of the Bomb Squad, the explosives and incendiaries, including sticks of

dynamite, found in the Queens bomb factory could have constructed at least twenty-eight (28) explosive devices and two thousand six hundred and thirty-two (2632) incendiary devices of a type even more powerful than that customarily used by the FALN.

Morales' Escape

On May 21, 1979, after his convictions in this District and Queens County, William Morales escaped from a Bellevue Hospital prison ward which was observable from the apartment window of Andres Rosado, a former Bellevue employee, who then resided at apartment 30F, 444 Second Avenue, New York City. After Morales' escape, a pair of bolt cutters and an ace bandage were recovered, and there was observed a rectangular cut in the steel security screen on a cell window through which Morales had escaped.

The last and only contact visit that Morales had was with Susan Tipograph, one of his attorneys and, here, the "legal advisor" to the defendant Julio Rosado. This visit occurred between 6:20 p.m. and 7:10 p.m., on May 18, 1979, after a search of the prison ward for contraband. For a few weeks prior to the date of the escape, Tipograph became increasingly vehement in asserting that the attorney-client privilege protected her from a search by correction officers. On one occasion, when correction officers denied her request to be exempted from a search,

she surrendered a knife only after repeated questioning. On the day of her last visit with Morales, her bag was not searched, nor did she go through a metal detector, nor was she physically searched.

Just before the evening meal on May 18th, Morales asked another inmate to tie a series of shoestrings around his waist so that a metal hook hung between his legs. Morales was visited by Tipograph almost immediately after the shoestrings were tied around his waist. Morales told the inmate that his attorney, "Susan," and he were comrades and that she would do anything that he wanted.

At about 9:30 to 10:00 p.m., on May 18, 1979, Morales was observed with bolt cutters concealed under his robe with an ace bandage. During the next two nights, Morales used the bolt cutters on the screen through which he later escaped. Various inmates assisted him in this through diversionary tactics. Morales told one inmate that he had originally obtained the bolt cutters from a visitor and that he could use the bolt cutters by tying them to the stumps of his hands which had been severely injured during the Queens bomb factory explosion.

After his escape, Morales' paramour, Dylcia Pagan, told Alfredo Mendez that a female attorney strapped the bolt cutters to her leg and smuggled them into Morales. She also stated that Susan Tipograph helped a great deal

with the escape. Mendez was advised of the same fact by Elizam Escobar, another incarcerated FALN member, and was further informed that the May 19th Communist Organization helped with the escape, as did the Black Liberation Army which had armed teams in the area of Bellevue Hospital at the time of the escape.

Before his escape, one "J. Rosado", "Rosado" and "Luis Rosado" also visited Morales, according to Department of Corrections records. These same records reflect that, before his escape, William Morales called the defendant Julio Rosado on May 13, 1979, and also called the defendant Maria Cueto twenty-five (25) times from Bellevue Hospital during the period January 24, 1979 through April 20, 1979.

FALN Bombings Continue

In October, 1979 explosive devices detonated in New York and Chicago in conjunction with a series of bombings on the island of Puerto Rico. Communiques issued both in the United States and Puerto Rico claimed responsibility for these incidents in the names of the FALN and three other island-based groups. The joint communiques also informed the world that at least four Puerto Rican independence groups were now working in cooperation with one another. In November, 1979 the FALN struck again in Chicago with the placement of bombs at two military recruiting offices and an armory.

In mid-March, 1980, the FALN engaged in a new terrorist tactic when members of the group simultaneously seized the Carter-Mondale Presidential Campaign Office in Chicago and the George Bush Campaign Office in New York. Campaign workers were held hostage at gunpoint at each location while FALN members ransacked the facilities and stole supporter name lists. Shortly after the takeover, threatening communiques, in some instances accompanied by photos of their residences, were mailed to approximately two hundred (200) Carter-Mondale supporters including Democratic National Convention delegates living throughout the State of Illinois.

FALN members were responsible for other armed confrontations. On December 24, 1979 armed FALN members conducted the well-planned armed robbery of an armored truck in Milwaukee, Wisconsin. On January 14, 1980, heavily armed FALN members attempted to rob the Oak Creek, Wisconsin National Guard Armory of machineguns and other weapons. The attempt was thwarted when the personnel on duty at the armory convinced the gunmen that the vault could not be opened and that the weapons had no bolts.

The Arrest In Evanston

On April 4, 1980, Evanston, Illinois police, during a routine patrol, arrested eleven (11) FALN members who had assembled for the purpose of robbing an armored

truck making a pickup at Northwestern University. Seized with the arrestees who included Alfredo Mendez were a stolen truck, stolen van and cars, thirteen (13) weapons, various disguises and articles of false identification.

Investigation stemming from these arrests led to the discovery of FALN "safehouses" in Milwaukee, Wisconsin, Jersey City, New Jersey, and Chicago.

Following the arrests on April 4, 1980, state and federal indictments naming all of the arrestees were returned. Haydee Torres was extradited to New York where she was convicted and sentenced to life imprisonment for the August 3, 1977 fatal bombing of New York City's Mobil Oil Building. The case against Torres consisted primarily of eyewitness identification and her fingerprint found at the scene. The remaining ten (10) defendants were convicted in Illinois state court of armed violence and weapons offenses. On December 10, 1980, those ten (10) defendants were indicted in the Northern District of Illinois for seditious conspiracy, Hobbs Act armed robbery, interstate transportation of stolen motor vehicles and various weapons offenses. All were convicted by a jury and were sentenced on February 18, 1980 to terms of incarceration ranging from fifty-five (55) to ninety (90) years consecutive to the state sentences previously imposed.

Following the April, 1980 arrests, other FALN related armed robbery attempts took place in the Chicago area. On November 19, 1980, a heavily armed group of approximately eight individuals took over a Texaco Service Station located at 6140 North Broadway, Chicago, Illinois, apparently in an effort to rob an armored truck that was due to stop there shortly. The truck was delayed and the invaders departed, leaving the service station personnel bound with rope. The modus operandi is similar to other FALN armed robberies and armed robbery attempts. Alfredo Mendez has advised agents of the FBI that during visits at the Chicago Metropolitan Correctional Center during early 1981, he was told by FALN member Roberto Caldero that the FALN committed the Texaco robbery.

On December 10, 1980, a few hours after the Illinois federal indictment was returned, FALN members tied up an employee and at gunpoint stole a van from Highland Park Ford, Highland Park, Illinois. FALN members Felix Rosa and Luis Rosado were arrested after a high speed chase on the Edens Expressway involving cars from numerous police agencies. Rosa is currently serving a twelve (12) year term in prison for his part in that robbery. Luis Rosado jumped bond and is currently a fugitive on this and other charges discussed below.

On December 21, 1980 two bombs utilizing the propane gas tanks typical of FALN devices exploded in lockers at Penn Station in New York City. A telephone caller and a written communique claimed responsibility in the name of the previously unheard of Resistencia Armada Puertorriquena (Puerto Rico Armed Resistance). The devices have numerous similarities to the devices contructed and claimed by the FALN.

On May 16 and 17, 1981, a few days after the Glenview, Illinois arrest of fugitive FALN leader Oscar Lopez, a series of bombs were planted in various locations in the crowded Pan American Airways Terminal of John F. Kennedy Airport in New York City. The first device exploded in an occupied washroom killing one person. A second device was found in a zipper bag placed under a seat in what had been a crowded terminal area. It was deactivated by the New York Bomb Squad before it could explode. A third device was found hidden in a wall-mounted trash receptacle. This bomb as well as two bombs which were mailed to the Honduran Consulate and to the United States Mission to the United Nations were not equipped with timing devices, but rather appear to have been designed to detonate while being dismantled. Two of the three devices exploded in that fashion. All of these devices were claimed by the Puerto Rican Armed Resistance, although

striking similarities to FALN techniques of bomb construction were observed.

On February 28 and March 1, 1982 four powerful dynamite bombs detonated in New York City's financial district. FALN members claimed credit for these explosions in a five page communique. The language of that communique expresses solidarity with and support for persons involved in a number of other violent criminal activities. A copy of the communique was found in a telephone booth on Riverside Drive and 91st Street in Manhattan, only a few blocks from the apartment shared by Silvia Baraldini and Michelle Miller, leaders of the May 19th Communist Organization.

On September 20, 1982, a powerful bomb exploded outside Bankers Trust in New York City causing extensive property damage. An individual telephoned the New York office of United Press International and claimed responsibility for this bombing on behalf of the FALN.

INVESTIGATION OF FALN SAFEHOUSES

As a direct result of the arrest of the eleven (11) heavily armed FALN members on April 4, 1980, FALN safehouses were discovered in Chicago, Illinois, Milwaukee, Wisconsin, and Jersey City, New Jersey. Others were discovered in Pittsburgh, Pennsylvania and New York City

during the investigation of the Brinks robbery in Nyack, New York.

The Jersey City Safehouse

This safehouse was rented in the name of James and Doris Bonk, names utilized by FALN fugitives Carlos Alberto Torres and Marie Haydee Torres.

A thorough search of this apartment on April 8, 1980, revealed the following items: blasting caps, pipe bomb components; a military booby-trap simulator, detonation timers made from altered watches, jeweler's tools used to alter the watches, propane gas tanks, batteries and electrical components, firearms ammunition, four pairs of handcuffs, makeup and disguise books; newspaper articles regarding FALN perpetrated bombings, paper bearing the FALN logo, copies of the threatening communique sent to the Carter-Mondale delegates, diagrams and documents relating to potential FALN targets, and extensive intelligence files and dossiers compiled on prominent Americans in the public and private sectors.

The Milwaukee Safehouse

The Milwaukee safehouse was a single family residence which had been purchased in the name of Carmen Ayala and Alexander Gonzalez, names utilized by FALN fugitives Ida Luz Rodriguez and Oscar Lopez, respectively. According to Alfredo Mendez, the Milwaukee safehouse was

used extensively as a planning and training site by the FALN during the period January 1980 through April 4, 1980. There is substantial evidence that the defendant Julio Rosado participated in these activities which we recount now.

After arriving at the Milwaukee safehouse for the first time in December 1979 or January 1980, Mendez was led to a basement workshop where Oscar Lopez told him that the day's purpose was to instruct Mendez in the proper construction of various types of explosive and incendiary devices. As is described in great detail in Mendez' trial testimony against Oscar Lopez, Mendez spent several hours being schooled in the tools and techniques of bomb manufacture. Lopez described and demonstrated the techniques and watched while Mendez practiced. Mendez learned how to alter watches to serve as time delays, and learned how to build firing circuits. Lopez also described the circumstances which led to the New York incident in which William Morales blew off his hands in an FALN bomb factory in Queens, New York. Lopez described how the watch on that particular pipe bomb had been incorrectly altered, thereby causing premature detonation. Throughout the day's instruction, Lopez had Mendez construct approximately ten (10) timing devices and firing circuits.

On January 13, 1980, Mendez again travelled with Lopez to the Milwaukee safehouse, where they joined eight or nine other individuals. All present except for Lopez wore masks. Everyone but Lopez and one female wore gloves.

After dinner, all present went to the basement to discuss the plans for the armed robbery of the Oak Creek, Wisconsin, National Guard Armory. Carlos Torres and FALN fugitive leader William Morales, did most of the briefing. A detailed discussion of the surveillances both inside and outside the armory took place. Sketches were displayed and explained. Torres utilized a chalk board in this briefing, and explained that hand grenades, mortars, machineguns, M-16, rifles, and bazookas would be obtained. The raid plan was discussed and assignments made. Either Carlos Torres or William Morales stated that New York people were expected to bring with them two machineguns. The decision was made, however, to conduct the raid without the machineguns because the New York people never showed up. The meeting lasted until 1:00 a.m. when the participants went to sleep with their masks on.

The Oak Creek raiders including Mendez left the Milwaukee safehouse on January 14, 1980, at approximately 6:00 a.m. They proceeded to the Oak Creek Armory, where they conducted the raid. Following the raid, they returned

to the safehouse where they again wore pillowcase-like masks.

At the Milwaukee safehouse, Mendez carried on a discussion with a woman he believed to be FALN co-defendant Lucy Rodriguez, who questioned him about his success in finding safehouses in the Chicago area. Mendez discussed his need for funds for a security deposit, at which time Lopez indicated that money was no problem. Lopez and Rodriguez produced a box and a bag crammed full of ten, twenty and fifty dollar bills, for which Lopez gave Mendez five hundred dollars ($500). Mendez estimated that the box and bag contained tens of thousands of dollars.

On April 3, 1980, Mendez and FALN co-defendants Dick Jimenez and Carmen Valentin along with Mendez, using a roundabout route, drove to the Milwaukee safehouse, picking up Lopez on the way. Upon their arrival, Mendez donned a pillowcase-like mask, entered, and observed William Morales talking with a group of masked individuals about firearms and other military topics. Morales discussed a number of things on this occasion, including his time in jail before his escape.

At one point, Mendez walked to the upstairs of the house, where he observed what appeared to be two sticks of dynamite wrapped with tape lying on the floor. Mendez noticed a large, multi-band radio which Lopez advised had

been "expropriated". Mendez also observed various walkie-talkies and what appeared to be police band radios.

Between 1:00 and 2:00 p.m. on April 3, 1980 all the people in the house proceeded to the basement, where they conferred until night-time about that "action" planned for the next day. Lopez and Morales and others explained that the target was an armored truck carrying money from Northwestern University, Evanston, Illinois. Handguns and shoulder weapons would be used. All were to regroup at a hotel on Chicago's northwest side after the robbery.

Many questions and comments regarding the robbery took place throughout the meeting. The plan, however, remained basically as Morales and Lopez had initially outlined it. They made clear that they had done this type of job before and knew how it was done. They bragged in particular about a big armored truck job that they had done in New York. During the evening, Lopez advised that three people from New York who were supposed to participate and bring two machineguns and crystals for walkie-talkies had not arrived because of a transportation problem. Lopez felt that the action could still be accomplished because the group had sufficient manpower and various other weapons. Although the difficulties of communicating without the radio crystals were discussed, Lopez made clear that the plan would go forward. Early the next morning,

Mendez and the individuals who would be arrested later that day, departed the Milwaukee safehouse and proceeded to Evanston, Illinois. They were arrested later that day.

The search of the Milwaukee safehouse on April 8-9, 1980 yielded a number of items stolen in armed robberies, including citizen's band radios and radio scanners, a rifle, military gear and files stolen in the National Guard armory raid, files stolen during the Carter-Mondale raid, and items of personal identification stolen from a number of victims. Also recovered were army fatigues believed to have been used in the armory raid and a postal carrier's uniform believed to have been used in connection with the Milwaukee armored car robbery perpetrated by the FALN on December 24, 1979.

Other items of physical evidence recovered from this safehouse included: pipe bomb components, blasting caps, numerous altered watches, jewelers tools, a bulletproof vest, weapons ammunition, a makeshift soundproof weapons firing booth with target range, four pair of handcuffs, extensive disguise paraphernalia, a shotgun hidden in the false bottom of a dresser, and the barrel of a sawed-off shotgun recovered in the Evanston arrest. Also recovered were communications gear, FALN literature and the stencil used to produce the Carter-Mondale communique.

A large number of weapons, large quantities of cash, surveillance diagrams and photos, as well as a large album containing photographs of law enforcement officers (all as described by Alfredo Mendez) had been removed by the time of the search. Mendez later learned from his co-defendants that Lopez had narrowly escaped arrest in Evanston and had hurriedly carried away what he could,

The fingerprints of the defendant Julio Rosado were found inside of the Milwaukee safehouse, on pages of newspapers from Puerto Rico - La Nuevo Dia - dated March 13th and March 16th, 1980. One of these same newspapers also bore the fingerprints of FALN member Adolfo Matos, who was arrested in Evanston on April 4, 1980. Fingerprints of other convicted FALN members including Marie Haydee Torres, Oscar Lopez, Carlos Torres, Lucy Rodriguez, Dick Jimenez and Carmen Valentin were also found in the Milwaukee safehouse.

The Shore Avenue (Chicago) Safehouse

Apartment 2-E, 1334 West North Shore Avenue, Chicago, Illinois, was rented in the name of one Maria Ruiz who has advised the FBI that she never resided at this location, although, her personal identification had been stolen prior to the rental of this apartment in her name.

The search of this safehouse on April 9, 1980 revealed the following items: blasting caps, wire, and

bomb components, a radio, rubber gloves and disguise paraphernalia.

The Ainslie Street (Chicago) Safehouse

At the time of his arrest on May 29, 1981, Oscar Lopez was driving a vehicle registered in the fictitious name of Gilberto Escribano, 3151 West Ainslie, Chicago, Illinois. Lopez also had in his possession a variety of stolen and forged identification.

A search of Apartment 1-B, 3151 West Ainslie on May 30, 1980 produced a host of terrorist related paraphernalia. Advised by Mendez to scrutinize the walls for hidden compartments, agents found three plastic bags of dynamite hidden behind a panel in the hallway. Also found in the safehouse were blasting caps, a .22 caliber automatic pistol and ammunition, disguise paraphernalia and a bomb timing device. Also found were FALN documents, which included sheets of white paper bearing the FALN logo; a pamphlet titled "Assaults on Bank Units" and a document concerning Cadre development pages of the "Anarchist's Cookbook" which deal with electronics, sabotage and surveillance. Also found was a handwritten rough draft of the Carter-Mondale communique.

Two other extremely significant documents were found. The first consisted of seven pages of an internal FALN manual entitled "In This We Trust". The seven pages

recovered are the most important of the entire manual for they describe in exact detail the particular method by which FALN members construct their explosives and incendiary devices. "In This We Trust" was first located in the Queens bomb factory searched subsequent to the explosion which maimed FALN fugitive leader and bomb maker William Morales. Pages were later recovered during the search of Marilyn Buck's East Orange, New Jersey apartment in connection with the Nyack, New York armored car robbery investigation. The training in bomb making which convicted FALN member Oscar Lopez gave FALN recruit Alfredo Mendez tracks these diagrams exactly.

The 50th Place (Chicago) Safehouse

Investigation resulting from the discovery of a scanning radio repair receipt in Oscar Lopez's car led to Apartment 13-A, 607 East 50th Place, Chicago, Illinois, which was leased in the name of Harry Barren.

On September 29, 1981, discovered during a search consented to by the management were three radios, timers, and disguise paraphernalia.

One latent fingerprint of FALN fugitive, Luis Rosado, was identified on the toaster in this apartment. As previously indicated, Rosado is currently a fugitive for both the Highland Park, Illinois Ford dealership armed

robbery and the New Year's Eve New York bombings which maimed three police officers of the City of New York.

The Pittsburgh Safehouse

On March 3 and 6, 1982, during the investigation of the Brinks robbery in Nyack, New York a search warrant was executed in a safehouse located at 350 Omega Street, Pittsburgh, Pennsylvania, used by a cross-section of terrorists. The fingerprints of defendant Julio Rosado and Michael Deutsch, attorney for the defendant Andres Rosado and William Morales, were found inside of the safehouse along with the fingerprints of the following other persons:

Nathaniel Burns - a member of the Republic of New Afrika, indicted in the SDNY on racketeering charges, including the Brinks robbery and other crimes.

Donald Weems - a member of the Black Liberation Army, currently under indictment in Rockland County for murder as a result of the Brinks robbery.

Yvonne Thomas - Thomas, now a government witness, was the wife of Samuel Smith, a participant in the Brinks robbery who was killed in a shoot-out with police officers in Queens, New York, on October 23, 1982. Smith's prints were also found in the safehouse.

Joanne Chesimard - a leader of the Black Liberation Army, currently a fugitive after having escaped

from custody where she was serving a life sentence for the murder of a police officer.

Tyrone Rison - an admitted participant in the planning of the Brinks robbery and other robberies, who is now a cooperating government witness.

Cecilio Rodrigo Ferguson - a member of the Republic of New Afrika, currently under indictment in the Brinks case in the SDNY during which the Government expects to prove that Ferguson actually participated in the Brinks murders with an M-16 rifle.

Jeral Wayne Williams - a member of the Republic of New Afrika, currently under indictment in the Brinks case in the SDNY. Williams is one of the FBI's ten most wanted fugitives.

Susan Rosenberg - a member of the May 19th Communist Organization, currently indicted in the Brinks case in the SDNY; Rosenberg is currently a fugitive.

Anita Louise Hearn - a former resident of 245 West 139th Street, in which was located an acupuncture clinic used by the Black Liberation Army and the Revolutionary Armed Task Force as a communications center.

Robert Vickers - incarcerated member of the Black Liberation Army.

Raymond Oliver - a member of the Republic of New Afrika, who admitted participating in an armored truck robbery and who has testified as a Government witness.

Marilyn Buck - associate of the Black Liberation Army, currently an indicted fugitive in the Brinks case in the SDNY.

Jesse Dixon - a leader of the Provisional Government of the Republic of New Afrika, a support group of the Black Liberation Army.

Anthony Laborde - a member of the Black Liberation Army; charged with murder of one New York City police officer and the attempted murder of another, Laborde was found guilty of the attempted murder in Queens County and is awaiting retrial on the murder charge.

Yaasmyn Fula - presently incarcerated for civil contempt for refusing to testify before the grand jury in the SDNY investigating the Brinks case

Susan Rautenberg - a former roommate of Susan Rosenberg and Susan Tipograph, legal adviser to defendant Julio Rosado and attorney for Silvia Baraldini and Michelle Miller; Baraldini is on trial as a defendant in the Brinks case in the Southern District of New York.

Winston Patrick Paterson - associate of the Republic of New Afrika; assisted in the escape of Joanne

Chesimard and participated in the reconnaissance of the armored car robbery in Inwood, New York, on April 22, 1980.

The Baraldini/Miller Apartment

This series of fingerprints provides clear evidence of an operational alliance among various terrorist groups. Many questions for these defendants literally jump to mind from the Pittsburgh safehouse fingerprints alone. Silvia Baraldini extolled this alliance when, on February 2, 1983, she made the following statement to Judge Eugene Nickerson at the time she was adjudged in civil contempt along with Michelle Miller:

> We believe and we want to make it clear that the Puerto Rican people, the Puerto Rican nation, and the revolutionary movement has a total right to engage in armed struggle, to achieve their political goals... one of the things that's demonstrated is that the FALN is existing, and it's still continuing to act in a political fashion, to further the demands for Puerto Rican independence.

In the Matter of Baraldini and Miller, docket no. CV-83-0833, Tr. 2/2/83, pp. 75, 77-78 (E.D.N.Y.). Baraldini and her roomate Michelle Miller refused to be questioned about an exact carbon copy of an original FALN communique, found in her apartment, which claimed responsibility for the four bombings which occurred in Manhattan on February 28, 1982. The communique (annexed as exhibit J) makes clear that the FALN bombings of

February 28, 1982 were executed in support of incarcerated members of the Black Liberation Army. Even more ominous is a document seized from the person of Baraldini on November 9, 1982, which suggests the development of new tactics:

> We should also consider new tactics - for example, a campaign that targets individual U.S. Attorneys or grand jurors and holds them accountable for the impact of their actions. This type of campaign can be taken to their neighborhoods and places of work, as well as to other areas where we are organizing, and can serve to demoralize these agents of imperialist strategy.
>
> * * *
>
> No collaboration with the Grand Jury! Support the armed clandestine movements! Free all political prisoners and prisoners of war! Defeat U.S. Imperialism.

The importance of pursuing the interconnections between terrorist groups is underscored by the contempt of Baraldini, an admitted member of the May 19th Communist Organization who is now on trial, along with members of the Black Liberation Army, on RICO and other charges in the Southern District of New York. Along with the communique, the search executed in her apartment on November 9, 1982 uncovered folders labelled "FALN" and "Morales escape" as well as photographs of William Morales (annexed as exhibit K) obviously taken before his arrest in the Queens bomb factory on July 12, 1978. Also recovered from the

Baraldini - Miller apartment was a photograph of Pedro Archuleta, a receipt for a money order dated July 19, 1982 made out to the defendant Romero by Baraldini, instructions explaining how to fill out birth certificates as well as blank birth certificate forms and a receipt for a charge on a credit card held by the defendant Julio Rosado.

Despite the intensive investigation by the government into the activities of the FALN the only instances where arrests have been made were a result of circumstances unrelated to any ongoing investigation. For example, discovery of FALN safe houses in Chicago resulted from a tip from a narcotics addict who burglarized one of the safe houses and stole dynamite. In New York, the Queens bomb factory in 1978 was discovered only because of the premature explosion of the bomb while William Morales was in the process of constructing the device. The April 4, 1980 arrests in Evanston, Illinois were a result of local police being notified that the defendants were acting "suspiciously".

The silence of these defendants and others leaves unanswered important questions regarding the criminal partnership among various self-styled revolutionary groups, whose tactics include concerted and direct physical attacks upon those sworn to uphold the constitutional process.

The Arrest of Defendant Julio Rosado

At about 11:00 p.m. on June 16, 1981, Police Officer Barbieri (NYPD), while serving on an anti-crime patrol, observed the defendant Julio Rosado spray painting the letters F.A.L.N. on the wall of a Teamsters Union local located at 615 4th Avenue, Brooklyn, New York. Rosado was then arrested for criminal mischief and searched incident to this arrest. A briefcase carried by Rosado was found to contain photographs of William Morales, counter-surveillance photographs of members of the Joint Terrorist Task Force, directions on completing birth certificate and blank birth certificate forms. In addition, the brief case contained a slip of paper bearing the following notations:

Motorola 2 way radio

Crystals FM 43.060 8 each

43.560[5/]

Also, Rosado carried a photograph of himself, Juan Antonio Corretjer and Chicago FALN leader Jose Lopez. This triumvirate, consisting of the defendant Julio Rosado, Corretjer and Lopez, functions as the FALN Central Command according to Alfredo Mendez.

The Defendant Steven Guerra's Trip To Puerto Rico

On June 16, 1982, the defendant Steven Guerra travelled to Puerto Rico where he attended a meeting of a

cross section of terrorists led by Juan Antonio Corretjer. Corretjer introduced Guerra as one of the leaders of the resistance in the United States. Guerra's connection with the Episcopal Church and its activities was described as a front for the pro-independence movement.[6/]

The discussion at the meeting included detailed plans for the ambush of police officers and the destruction of dams through the use of explosives. The meeting also focused on the murder of a police officer who was killed even though he wore body armor, because he was shot with an Israeli-made Uzi automatic weapon, several of which are in the hands of the Puerto Rican underground.

The New Year's Eve Bombings

The latest claimed action by members of the FALN was the tragic series of events which took place last New Year's Eve in New York City. Four powerful bombs were planted in the area of New York City Police Headquarters, the Federal Buiding housing the New York FBI Office and the buildings housing the United States Attorney's Office and the Courthouse for the Southern District of New York (the buildings are closely situated). One of these devices was rendered safe by Sergeant Charles Wells of the Bomb Squad (NYPD) who testified at the trial of this case. The other three exploded, causing extensive property damage and grievous personal injury. One police officer conducting a

perimeter search of police headquarters after the first bomb detonated approached a fried chicken container placed near an entrance. As he approached the package, the bomb inside exploded, causing severe injury to his left foot which required amputation and injuries to his eyes as well as cuts and fragmentation wounds. Less than one hour later, two New York Bomb Squad officers attempted to render safe a device discovered at the nearby buildings housing the Court and United States Attorney's Office for the Southern District of New York. As the officers approached it, the device detonated, causing grievous injuries to both officers. One was blinded, lost four fingers from one hand, received two broken eardrums, lost most of his teeth and received serious cuts from fragmentation and concussion. The second officer suffered extensive eye damage causing possible loss of sight in one eye, ear damage and cuts. Both officers probably would have been killed had they not been wearing protective bomb suits. The fourth device was rendered safe and was recovered intact. A fifth device exploded outside of the Federal Building housing the Federal Court and the United States Attorney's Office for the Eastern District of New York, causing extensive damage. Investigation and examination of bomb components leads to the conclusion that these devices

have similar components and are similar in construction to previous FALN devices.

Responsibility in the name of the FALN was claimed by an individual who telephoned the following message to New York radio station WCBS as the bombs were exploding:

> This is the FALN. We are responsible for the bombings in New York City today. Free Puerto Rico. Free all political prisoners and prisoners of wars.

The conversation was recorded and the tape played for a number of individuals familiar with the voices of persons known to participate in unlawful FALN related activities. The voice has been positively identified by Alfredo Mendez and other persons, as that of as Luis Rosado, the brother of the defendants Julio and Andres Rosado. A written communique from the FALN was reprinted in full in the Winter issue of "Libertad", a publication of the National Committee to Free Puerto Rico Prisoners of War as follows:

> The Angel Rodriguez Cristobal Commando of the FALN assumes full responsibility for the coordinated armed attack against United States repressive agencies in New York City on December 31, 1982.
>
> This is the response of the Puerto Rican people in exile to the fascist repressive actions of the FBI, U.S. courts and police against our people in Puerto Rico and the U.S.

* * *

> The FBI, courts, police are our enemy and are responsible for implimenting the strategy of repression and terror against our people. Be prepared to accept the consequences.
>
> FALN CENTRAL COMMAND

On December 17, 1982, the defendant Julio Rosado travelled to Puerto Rico where he was observed by FBI special agents and officers of the San Juan police meeting with Juan Antonio Corretjer, Federico Cintron and Carlos Noya. Noya and Cintron are scheduled to be tried on June 12, 1983 for criminal contempt arising from their refusal to testify before the grand jury. According to Alfredo Mendez, the bombings of New Year's Eve in New York City would have required the sanction of Juan Antonio Corretjer, secretary general of the Liga Socialista Puertorriquena (Puerto Rican Socialist League; hereafter "LSP").

The defendant Julio Rosado returned to New York on December 30, 1983, the day before the New Year's Eve bombings.

Alfredo Mendez

Alfredo Mendez was arrested in Evanston, Illinois on April 4, 1980 along with ten FALN "comrades" who were on the way to rob at gunpoint an armored truck which was soon to arrive at Northwestern University. On February 14, 1981, after his conviction in the Northern District of

Illinois for seditious conspiracy, Hobbs Act armed robbery, interstate transporation of stolen motor vehicles, and various weapons offenses, but prior to his sentencing, Mendez initiated contact with the government. Subsequent to his sentencing, Mendez agreed to cooperate fully and completely with the government in an effort to halt future acts of violence and terrorism. Between May, 1981 and the present, Mendez has been extensively debriefed by Assistant United States Attorneys in the Northern District of Illinois and the Eastern District of New York, agents of the FBI, and by personnel of a variety of agencies involved in the investigation of terrorist acts. The information which Mendez has provided during hundreds of hours of debriefing has been painstakingly reviewed and evaluated. Wherever verification has been possible, accuracy and absolute reliability have been proven. Mendez testified for the government at length for the government at the trial of Oscar Lopez, and was cross-examined by Lopez personally, enroute to the jury's guilty verdict.

The Operation Of The FALN

Mendez was recruited into the FALN in 1979 while he was an active member of the Movimiento de Liberacion Nacional (the above-ground FALN support group or MLN). He was questioned repeatedly by Jose Lopez, brother of convicted FALN member Oscar Lopez, regarding his degree of

dedication to the liberation of Puerto Rico. In September or October, 1979 Lopez provided Mendez with a folded note telling him that it contained instructions on what to do and where to meet to join the armed struggle. This meeting took place at the Puerto Rican High School (MLN headquarters in Chicago) in the private office of Jose Lopez. At that time Mendez was given this note, Lopez orally instructed him that he should dress neatly on the day of the meeting, and that he should get a haircut before going. He further instructed Mendez to use public transportation to travel to this meeting and to take a couple of hours to "get lost" for a while before going. Mendez was also specifically instructed not to travel directly to the meeting. Lopez told Mendez to use different buses and trains in this travel and to be careful. Mendez explained to Lopez that he knew nothing about clandestine operations. Lopez responded that "they" would train him.

Mendez stated that he participated in approximately twenty (20) clandestine meetings during the time he was a member of the FALN. He was provided with manuals in the Spanish language, which dealt with the art of disguise and makeup, various methods of detecting and evading surveillances, and the use of dead drops for passing messages and information.

The MLN

Four of these defendants are members of the Movimiento de Liberacion Nacional (hereafter "MLN"). The MLN purports to be a legitimate political organization which advocates independence for Puerto Rico. In reality, the MLN serves as the training ground for FALN membership. In the MLN, the members receive their first taste of clandestine meetings, are trained in countersurveillance techniques, and are tested by the FALN as to the strength of their political beliefs and their willingness to commit themselves to "armed struggle". It is from the ranks of the MLN that Alfredo Mendez was recruited into the FALN. Mendez testified in the trial of Oscar Lopez regarding the money laundering function of the MLN as follows:

> So, anyway, we were discussing about the above ground MLN getting into real estate and housing and everything. We were discussing bringing in money that we appropriate or, you know, from armed robberies and using that money to buy buildings and, you know, we can use that money to, you know, put it into work for the struggle. Oscar Lopez said, "Yes, we done that before. We've been discussing it. But we want you to do it because you are a perfect person for that. You have been involved and you know a little bit about that. That would be great, you know." What we do is we take money -- again, we rob in the underground -- or they rob nationwide and in Puerto Rico and we bring it here and buy buildings. We were going to buy big complexes, you know, apartment buildings with ten or fifteen apartments in each. The purpose

> of that was to develop a political climate in those apartments so they could support the Puerto Rican liberation struggle and the armed struggle and could also use those apartments to hide our weapons and dynamite. Also we could use those houses money in the future for legal access to bail out, you know, anybody that gets busted in the future. Oscar said, "Yeah, we're going to submit that proposal to the nationwide organization and to Puerto Rico." he said, "I'll push for it. There shouldn't be any problem. It should get approved."

Maria Cueto

Alfredo Mendez met Maria Cueto only twice. However, Mendez stated that he was told, at different times, by Jose Lopez, Carlos Torres, Steven Guerra and Roberto Caldero that the NCHA was an FALN "front" used to provide FALN members with a legitimate cover and to launder monies "appropriated" by the FALN. The NCHA also provided salaries, travel expenses, equipment and funds for FALN activities. Mendez was told by the defendant Steven Guerra that Maria Cueto controlled the funds of the NCHA, and would allocate funds for use in the "armed struggle".

Mendez himself was to become a member of a group affiliated with the Episcopal Church to provide himself with a legitimate front, but was arrested beforehand. Specifically, Mendez was to help in writing a proposal requesting a substantial sum of money from the Episcopal Church to construct a housing project in Chicago. The

income generated from that project would then be siphoned off to support the "armed struggle."

Ricardo Romero

Alfredo Mendez met Ricardo Romero on at least three occasions in Chicago, and traveled once to Romero's house in Colorado. The defendant Steven Guerra told Mendez that Ricardo Romero supplies dynamite and weapons for the "armed struggle". On one occasion, Guerra told Mendez about an incident where the police in Colorado went to a house where Romero was staying, and Romero crawled out from under the house with the dynamite.[7/] Guerra also told Mendez that Romero also supplies weapons to Mexican terrorist groups.

FALN member Roberto Caldero told Mendez that Romero is a leader of the Chicano underground, and that Carlos Zapata, who was killed, on March 22, 1978, in Denver, Colorado when a bomb he was setting down exploded prematurely, was one of Romero's "guys".

Mendez has been present when Romero advocated "armed struggle" for both Chicano and Puerto Rican political groups. On several occasions, Mendez was deliberately excluded from conversations among Romero, Jose Lopez, Steven Guerra and others.

Steven Guerra

Alfredo Mendez, who grew up with Steven Guerra, knows Guerra to be a member of the FALN in Chicago.

In late 1976 or early 1977, the defendant Steven Guerra told Alfredo Mendez that he had been approached by two males who took him for a ride in their car and during the ride asked Guerra if he wanted to join the armed struggle. Mendez, being a member of the Puerto Rican Socialist Party at the time, told Guerra to refuse, since Mendez believed that these men probably were police or Central Intelligence Agency agents. Guerra apparently took Mendez' advice. Later, in October of 1979, Guerra recounted this story to Mendez and advised Mendez that one of the men who had made this approach to him had been Oscar Lopez, a convicted FALN member.

During 1979, Mendez became more and more involved in the work of the MLN and spent much time working on MLN projects at Borinquena College in Chicago. He also attended MLN meetings with groups of about twenty (20) to twenty-five (25) people, during which time discussions revolved around the need for armed struggle in order to liberate Puerto Rico. Those attending these meetings included Steven Guerra, Jose Lopez and, on occasion, Robert Caldero. The meetings, held at various apartments, led Mendez to grow closer to Lopez and Guerra as the months passed. One one occasion, Guerra impressed Mendez by

showing him a CRP communique shortly after that group had bombed something in Puerto Rico. Mendez also recalls seeing a FARP booklet in Jose Lopez' house on a visit there. The CRP and FARP are other Puerto Rican terrorist groups.

Mendez now believes that during late 1978 and early 1979, MLN members, particularly the defendant Guerra and Jose Lopez, were "feeling him out" for potential membership in the FALN By giving him tasks to do at the school and by watching the way in which he conducted himself, although he was unaware of this at the time. It was not until the early summer of 1979, possibly in July, that Mendez came to suspect that something more was involved. At the time, the MLN was sponsoring a meeting at Northwestern University, and Luis Rosado had come into Chicago from New York to address this session. Mendez went to Northwestern in the belief that the group might need someone to distribute leaflets or set up a sound system. On arriving, Jose Lopez and the defendant Guerra told him to go home because they wanted him to do them a favor. Later in the day, Guerra and Lopez brought Rosado to Mendez', house and handed him a sheet of paper on which were instructions for him to drive Rosado around town until 3:00 p.m. that date, at which time he was to bring him to the Greyhound bus station in downtown Chicago.

The note informed Mendez that he was to avoid being followed and indicated that no one must know what he was doing. The men then burned the note, after which they left, leaving Rosado at the Mendez residence. Mendez subsequently drove Rosado around the city during which time Rosado spoke out about the PSP (Puerto Rican Socialist Party) and noted how the group had been defeated in the Puerto Rican elections because their leadership had been afraid to support armed struggle in the independence movement. Mendez was given the distinct impression during the afternoon that Rosado was trying to feel him out as to his political beliefs, especially as regards the PSP. At 3:00 p.m., Mendez dropped Rosado off at the bus station and returned to his residence. He never saw Rosado again that day, and neither Lopez nor Guerra ever mentioned the incident again.

In late August, 1979, Steven Guerra asked Mendez if he wanted to become involved in the clandestine movement. Although the FALN was not mentioned by name, Mendez understood the FALN was the group to which Guerra referred. Guerra explained that the group was recruiting many people at that time and was doing a lot of testing. He indicated that money was not a problem for the group and specifically stated they had recently done a job on the East Coast that netted them one hundred thousand dollars

($100,000). He told Mendez that he had to have his response within a month.

Following this discussion, Mendez began thinking about the clandestine movement, especially in regard to how it could help poor people. Although he did not want to hurt anyone, Mendez began to think about the "Robin Hood" aspect of what Guerra had said, i.e., robbing the rich to help the poor. With this in mind, Mendez informed Guerra that he would accept his offer. Guerra said that he would convey the word and that someone else would talk to him in the future about the situation.

Shortly after the conversation with Guerra, Jose Lopez asked Mendez if the answer was "yes". When Mendez concurred, Lopez asked him if he was aware of the consequences. When Mendez again concurred, Lopez stated that someone would be contacting him. He told Mendez that from then on he was to limit his contact with him (Lopez). He also cautioned Mendez not to tell his wife about his decision.

During the latter half of 1979, Mendez spent a lot of time with the defendant Steven Guerra, and became deeply involved in the struggle. On one occasion when discussing with Guerra the financial difficulty of the struggle, Guerra told Mendez not to worry about money. Guerra then stated that money was not really the problem

it seemed to be, and that all funds did not come from fund raising, but rather that some of it comes from "This", gesturing with his thumb and index finger as if pointing a gun.

While lodged in Cook County Jail in 1980, Mendez was visited by Guerra. Guerra told Mendez that the FALN in Chicago had received one hundred thousand dollars ($100,000) from groups in Puerto Rico which had been used for purchase of weapons and renting of new safe houses. Guerra further indicated that several new people had been recruited into the FALN. During another conversation in 1979, Guerra hinted that the New York FALN had robbed an armored truck sometime in 1978.

Through Guerra and other sources, Mendez was told of a breakout that was planned for the FALN members when they were housed at the Dwight, Illinois prison facility. This plan was quite elaborate and included floor plans, maps and intelligence information regarding the number and location of guards. Mendez was told the only reason that the plan was not executed was because some of the females hesitated. As a back-up to the plan for an actual breakout, plans were also discussed to demand release of the FALN by hijacking a plane or kidnapping either a politican or a politically connected millionaire. Mendez stated that, while in prison, both Guerra and Alex Torres

continuously told him to be patient, that he would get out. On one occasion, Guerra handed him a slip of paper which bore the word "underground".

Guerra also talked to Mendez about plans having been made to break Haydee Torres out of prison, stating that there were Chicanos working on it. Guerra was also supposed to participate in the April 4, 1980 armored car robbery which led to Mendez' arrest. However, Guerra was unable to participate due to his impending marriage, and Mendez was utilized as a replacement. Guerra also told Mendez that he (Guerra) helped "case" Bellevue Hospital prior to the escape of William Morales.

Andres Rosado

Alfredo Mendez has had only limited contact with the defendant Andres Rosado. However, Andres Rosado told Mendez that he supported the "armed struggle". Rosado also expressed his approval for the violent actions of the "Macheteros" a terrorist group based on the island of Puerto Rico.

Julio Rosado

Alfredo Mendez met the defendant Julio Rosado at least five times, one of which lasted for approximately one week. The defendant Steven Guerra led Mendez to believe that Rosado was a member of the FALN in various conversations including one in which Mendez referred to

Rosado as a "down guy". Mendez has also observed Rosado meet in private conversations with Jose Lopez, Ricardo Romero and Juan Antonio Corretjer, a leader of the "armed struggle" in Puerto Rico.

Convicted FALN member Adolfo Matos told Mendez while both were incarcerated that Julio Rosado "is still taking care of business - he's still recruiting". Mendez understood this to mean that the defendant Julio Rosado is a recruiter for the FALN.

Membership In The FALN

According to Mendez members of the group are trained not to acknowledge membership even to other known members. However, because of his training, Mendez can recognize other members by what they say, how they act and with whom they meet in secret. Accordingly, based on his training and experience in the FALN, his observations of meetings between the five defendants and others known to be FALN members and based on statements made to him by admitted FALN members, Mendez believes that the defendants Julio Rosado, Andres Rosado, Ricardo Romero, Steven Guerra and Maria Cuerto are members of the FALN. Physical and other evidence unknown to Mendez, but recounted here, proves him correct.

The Defendamts Ricardo Romero and Steven Guerra Advocate The Violent Overthrow Of The United States Government

The FBI has received information from a person who was spoken to by a person actually present that, on April 14, 1983, after receiving permission to travel to speak at City College and Santa Clara College in San Franciso, the defendant Ricardo Romero was a guest speaker at a meeting of approximately seventy-five (75) persons. The purpose of the meeting was to commemorate the arrest of the eleven (11) FALN members arrested in Evanston and to honor all Puerto Rican terrorist groups, in particular, the FALN. Romero was introduced as the National Coordinator for the Mexican Commission of the MLN and as a grand jury resister.

Romero traced the history of non-collaboration with the grand jury to 1898 when an individual refused to testify before a grand jury which was investigating a secret group known as "The White Hats". Romero told the assemblage that the struggle against United States imperialism had begun in 1898, when forty-seven (47) Mexicans were indicted by the grand jury before which this individual had refused to testify. Because of the winter conditions in the Southwest during that year, a judge was not available to try the case until the Spring. Romero told the crowd that three witneses who had testified

against the forty-seven (47) were executed before Spring, which drew sustained applause from his audience. At one point, Romero advocated "dismemberment" of the United States, a goal he shared with the Republic of New Afika and those who seek independence and socialism for Puerto Rico, which explains their common tactics. Romero expressed solidarity with Michelle Miller, who also refused to testify before the grand jury, calling her actions internationalism in action. Romero concluded his remarks explaining how the integrity of the organization could be achieved with this exhortation to the crowd:

> Long live the FALN!
>
> Long live the armed clandestine movement!
>
> Long live independence and socialism for Puerto Rico!

At the conclusion of the defendant Romero's vitriolic speech, the defendant Steven Guerra described the path to independence for Puerto Rico advocated by those present in even more graphic terms. Guerra told the audience that Jose Lopez, founder of the MLN, had taught him many things. According to Guerra, Lopez, who was also a guest speaker, taught Guerra that:

> The right of our country to its independence, was not to be discussed with words, but with bullets. For believing this, we came to be branded as terrorists.

In San Francisco, then, the defendants Romero and Guerra, after their conviction of criminal contempt, have explained their refusal to testify before the grand jury with a force and clarity which can not be matched by any argument advanced by the government.

ARGUMENT

A SENTENCE OF SUBSTANTIAL IMPRISONMENT IMPOSED UPON EACH OF THESE DEFENDANTS WOULD NOT CONSTITUTE CRUEL AND UNUSUAL PUNISHMENT

Acceptance and implementation of the government's recommendation that each of these defendants receive a sentence of a substantial term of imprisonment should result from an analysis of, first, factors generally relevant to sentencing in criminal contempt cases and, second, the Eighth Amendment prohibition against cruel and unusual punishment as it applies in this case.

Given that the role of criminal contempt is the "protection of the institutions of our government and enforcement of their mandates," Bloom v. Illinois, 391 U.S. 194, 201 (1967), the factors now before this Court in regard to the sentencing of these defendants have been described by the Supreme Court as follows:

> The interests of orderly government demand that respect and compliance be given to orders issued by courts possessed of jurisdiction of persons and subject matter. One who defies the public authority and willfully refuses his obedience, does so at his peril. In imposing a [sentence] for criminal contempt, the trial judge may properly take into consideration the extent of the willful and deliberate defiance of the court's order, the seriousness of the consequences of the contumacious behavior, the necessity of effectively terminating the defendant's defiance as

> required by the public interest, and the importance of deterring such acts in the future. Because of the nature of these standards, great reliance must be placed upon the discretion of the trial judge.

United States v. United Mine Workers, 330 U.S. 258, 303 (1946).

The Historical Context

Before turning to a discussion of each of these sentencing factors, it would do well to place in some context the criminal contempt of these defendants, who trace their own contemptuous conduct within a historical context extending as far back as 1898, including a tradition of "non-collaboration" with the grand jury beginning in 1936 (484, 500). As the defendant Julio Rosado sees it:

> And this is at the very heart of our contentions that what is at issue here is a political question, more properly handled by representatives of the government of the United States and the representatives of the Puerto Rican National Liberation Movement that may be discussed in depth, and which may lead to a settlement involving an act of decolonization on the part of the United States, and thereby resolve all conflicts between the Puerto Rican people and the government of the United States.
>
> . . .
>
> Mr. Harmon says if only the bombings will stop, there will be no Grand Juries.
>
> Well, if only the government of the United States committed itself to a

> political dialogue that will help establish the framework for decolonization, then there would be no violence; there would be no Grand Juries, and there would be absolutely no reason for standing here in opposition (1161).

(Tr. 1/19/83, pp.22-23; 1161). We accept as valid the defendants' contention that their criminal conduct here should be viewed in the context of other events.

"Terrorism on behalf of Puerto Rican independence currently poses the most serious problem for the United States." Terrorism in the United States. The Rand Corporation, p.6476 (May 1980), p. 14 annexed as exhibit M. The FALN is a successor organization to other terrorists whose activities have plagued this country for many years. The role of the FALN has been and continues to be the importation and conduct of armed revolution in population centers of the mainland United States in furtherance of an attempt to overthrow the government of the United States in Puerto Rico. Although the defendants surely have some specific reason for tracing their history of non-collaboration to 1936, a complete picture of any events in 1936 must include the conviction of eight persons in Puerto Rico for conspiring "to overthrow, put down and destroy by force the Government of the United States and to oppose by force the authority of the United States . . . by force and violence . . . [utilizing] firearms, ammunition,

other weapons, and military equipment." Albizu v. United States, 88 F.2d 138, 139 (1st Cir.), cert. denied, 301 U.S. 707 (1937). A ten-year prison sentence did not deter the defendants in the Albizu case. The First Circuit noted that:

> [A]fter having served his sentence in a federal penitentiary [Albizu] and his associates promptly resumed their incendiary program.
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> * * *
>
> At the appointed hour of noon on October 30, 1950, the nationalist conspiracy erupted into violent action in various places on the island.
>
> * * *
>
> In the town of Jayuya, four carloads of young nationalists arrived at the police station, opened fire and killed or wounded three of the four policemen on duty and then burned the police station.

Home Insurance Company of New York v. Davila, 212 F.2d 731, 734 (1st Cir. 1954). Ultimately, Albizu and his cohorts took the cause of Puerto Rican independence to the highest levels of government, first, by attempting to assassinate the President and killing a security guard in the process, then by shooting five Congressmen in the House of Representatives. See, United States v. Lebron, 222 F.2d 531 (2d Cir. 1955). The Lebron case is instructive also because it describes the coordination among New York, Chicago and Puerto Rico revolutionaries, an operational

tradition continued today by the FALN. Also, the fact that four Lebron defendants pleaded guilty and testified for the government makes the point (as does Alfredo Mendez) that even the most committed zealots begin to think in practical terms when faced with the possibility of a substantial jail sentence.

Perhaps, the significance of the year 1936 may be found in the identity of one of the spectators at the trial of this case -- Juan Antonio Corretjer who was one of the defendants convicted in the original Albizu case in 1937, and who met with the defendant Julio Rosado in Puerto Rico, only days before the New Year's Eve bombings in New York City. The historical link between these five defendants and fifty (50) years of armed violence is stronger still as evidenced by the fingerprints of the defendant Julio Rosado found, on March 6, 1982 upon an MLN document in the Pittsburgh safehouse apparently used by both the FALN and the Revolutionary Armed Task Force. (See, Statement of the LSP and MLN before the United Nations Committee on Decolonization annexed as exhibit N). This document, bearing the MLN logo, translated the words of Juan Antonio Corretjer to a United Nations committee on August 31, 1978, which the committee transcribed verbatim as follows:

> The most evident and most important phenomenon in Puerto Rico at present is the emergence of an "underground"

mentality and the growing organization of a clandestine Puerto Rican revolutionary movement in Puerto Rico and the United States. The Armed Forces for National Liberation (FALN) are on United States territory; and various clandestine organizations operate in Puerto Rico; and they operate with the heroism and the prudence that Baltasar Gracian advised during the Spanish renaissance. They have been organized without the knowledge of the police and they may perhaps suffer some casualties; it will be possible to do them damage; but they will not be prevented from moving forward and developing.

* * *

When I spoke of clandestine Puerto Rican independence movements, I was not just using rhetoric. A revolutionary worker executed Allan Randall, a Yankee lawyer sent to destroy the Puerto Rican union movement; a guerrilla of the Armed Forces for National Liberation (FALN) took by surprise the headquarters of the police in Montebello, in the western mountains of Manati, rendered garrison force there helpless, painted slogans supporting Puerto Rican independence and the UTIER strike, seized arms, munitions and communications apparatus and withdrew victorious. When I left Puerto Rico there was news of armed clash between a guerrilla force and the police forces in Naguabo, in the vicinity of the great Roosevelt Roads imperialist base; and the combined forces of the colonial police and the Navy were searching in vain for the guerrillas.

* * *

It is easy enough to recall the punitive actions which were carried out in this very city by the Armed Forces of the National Liberation Movement. FALN the most notable of which took place in the

> well-known Fraunces Tavern, a historic place where General Washington took leave of this officers. With the passage of time, that place has become an enduring symbol of the transformation of the noble North American leadership into a contemptible oligarchy exploiting its subjects, and even into "the worst enemy of mankind" as it has recently been most justly described. From a cell in the city, today, a courageous Puerto Rican revolutionary, William Morales, whose hands have been amputated, defies the colonizers of our country.

(Verbatim record of the 1128th meeting, Special Committee On The Situation With Regard To Implementation Of The Declaration On the Granting Of Independence To Colonial Countries And Peoples, held at the United Nations on August 31, 1978, pp. 7-11), Of some significance was the attendance at this meeting of attorney Michael Deutsch along with later convicted FALN member Dylcia Pagan, paramour of William Morales, who, at that time, was awaiting the outcome of proceedings following the service of a grand jury upon her.

The defendant Julio Rosado considers the appearance before this United Nations committee to be an event of some significance (Julio Rosado pre-sentence report, p. 9). This might be explained by Rosado's position as MLN Eastern Regional Coordinator or by the statement of Jose Lopez on behalf of the MLN given

immediately on the heels of Corretjer's FALN diatribe. Lopez described the MLN in this way:

> The M.L.N. is a Puerto Rico and Chicano-Mexicano organization founded in the United States about a year ago and which advances the principle of non-participation in the colonial electoral process, the need for clear and revolutionary politics in Puerto Rico, the need for the emergence of a National Liberation Front to build unity among independence forces, and the creation of an anti-imperialist movement in the U.S.

(Verbatim record, supra at p. 77-90). With a touch of logic one can easily read between the line of Lopez' spoken words. The hidden syllogism goes like this: The MLN is dedicated to non-participation in the electoral process and to revolutionary politics. Political change outside of the electoral process means revolution. Therefore, the MLN is dedicated to change through revolution. Of course, this position has been forced upon the FALN-MLN by the people of Puerto Rico at least ninety-four percent (94%) of whom have always voted to maintain their current status with the United States. Terrorism in the United States, supra, at p. 15. The overwhelming rejection of the ends allegedly sought by the FALN-MLN makes almost inevitable further resort to terrorist bombs, thus increasing the need for significant sanctions to be imposed here.

Thus the historical perspective from which the defendants view their own criminal conduct merely poses

more questions about the FALN -- none of which these defendants would even listen to before the grand jury. Their philosophy, written for all time in the blood of others, should give neither the people of the City of New York, nor these defendants, any comfort as the date for sentence approaches.

The view of the defense that their concerted defiance must be viewed essentially as a political matter is mirrored by FALN doctrine put into practice regularly when FALN members have been arrested and charged with crimes. In that event, whether in Chicago or Evanston, Illinois, the Eastern District of New York, the Southern District of New York, or Queens County, Supreme Court, FALN defendants have always claimed that they are prisoners of war subject to the Geneva Convention, and not properly tried as criminals by any court of the United States or of the separate States. See, e.g., People v. Siegal, 102 Ill. App.2d 529, reversed, 94 Ill. 2d 167 (1983). This bizzare notion also explains the dearth of appellate decisions after conviction of FALN members. Thus, whether charged with contemptuous or otherwise substantively criminal conduct, the FALN and its supporters have refused to recognize that the law applies to them or to their conduct, which is we submit, another factor which this Court should consider in regard to sentence.

The Routine of Civil Contempt

Over the years, the conduct of FALN would-be revolutionaries and their supporters when served with grand jury subpoenas has established a pattern of deliberate contempt rather than testimony. At least, fifteen (15) persons including Jose Lopez, Roberto Caldero, Lureida Torres and these defendants have refused to testify before grand juries investigating the activities of the FALN. See, e.g., Matter of Archuleta, 561 F.2d 1059 (2d Cir. 1977); In re Cueto, 554 F.2d 14 (2d Cir. 1977); In the Matter of Grand Jury Subpoenas Served on Andres Rosado, Julio Rosado and Luis Rosado, 441 F.Supp. 1081 (S.D.N.Y. 1977); In the Matter of Dylcia Pagan, docket no. 78 C 1839 (E.D.N.Y.); In the Matter of Baraldini and Miller, docket no. CR 83-00116 (E.D.N.Y.); In the Matter of Cintron and Noya, docket no. CR 83-152 (E.D.N.Y.). Eight of these persons -- Julio Rosado, Ricardo Romero, Andres Rosado, Maria Cueto, Cintron, Noya, Archuleta and Baraldini -- have twice refused to obey court orders to testify. A grand jury in Puerto Rico investigating a terrorist attack on a Navy bus in which two persons were murdered was deprived of evidence from a person who chose contempt rather than cooperation with the grand jury. In re Pantojas, 628 F.2d 701 (1st Cir. 1980). We have prepared a chronology of the bombings and other crimes of the FALN (annexed as exhibit

O) into which has been woven specific acts of the defendants which link them to the FALN. The relationship in time between the contemptuous conduct of these defendants, and other acts done by them and/or the FALN, raises many additional questions which they have refused to answer before the grand jury.

The epidemic of contempt cases arising out of terrorist investigations is not limited to the FALN, nor to this district. From the very limited information then available, this Court has recognized that "a large number of people have taken common steps and are making a common effort" to prevent the grand jury from performing its constitutional mandate to investigate criminal activity of the FALN. (In the Matter of Baraldini and Miller, docket no. CV 83-0833, (Tr. 3/4/83, p. 22-23). This sort of combined action represents a serious threat to the authority of the Court and, if successful, would prevent the grand jury from investigating terrorist cases in general. In the last eighteen months, at least eleven persons have been adjudged in civil contempt in an investigation in the Southern District of New York of the Revolutionary Armed Task Force, which includes the Black Liberation Army, the May 19th Communist Organization, the Republic of New Afrika and former members of the Weather Underground. See e.g., In the Matter of Fula, 672 F.2d 279

(2d Cir. 1982); In re Rosahn, 671 F.2d 690 (2d Cir. 1982); In the Matter of Shaheem, Jabbar, Cynthia Boston, Jerry Gaines, Richard Delaney, Silvia Baraldini, Rene Thornton, Deborah Buckner, Allan Berkman, and Bernadine Dohrn, docket no. M-11-188 (S.D.N.Y.). The Black Liberation Army has been responsible for many murders and armed robberies over the years and, in the past, has utilized deliberate ambush murders of police offers as a means of making some vague political point.

Likewise, in the Southern District, seven persons are currently incarcerated after civil contempt adjudications in the investigation of a group known as Omega 7 which is dedicated to the overthrow of the present Cuban government through violent means used in this country. See In the Matter of Pedro Remon, Ramon Sanchez, Andres Garcia, Jose Gracia, Alberto Perez, Eduardo Ochoa and Eduardo Losada-Fernandez, docket no. M-11-188 (S.D.N.Y.). Omega 7 has taken credit publicly for the machine gun murder of two persons one of whom was a diplomat and, at least, thirty bombings, some of which were intended to threaten law enforcement against investigation by the grand jury.

With contempt at least fashionable, probably de rigueur, in revolutionary circles, the magnitude of the problem faced by law enforcement becomes evident. Thus, a

light sentence in this case would further embolden armed revolutionaries by adding to their arsenal a license exempting their activities from the scrutiny of the grand jury. On the other hand, a stiff sentence reflecting the seriousness of this particular contempt would send a message to the FALN and revolutionaries of all stripes as did the verdict of the trial jury. That message, in no uncertain terms, should be that the law can and will respond to acts of terrorism. "The duty to testify has long been recognized as a basic obligation that every citizen owes his government." United States v. Calandra, 414 U.S. 338, 345 (1973). We ask this Court to make clear the importance of fulfilling this duty.

Sentencing Factors

Bearing in mind the historical context so important to these defendants, we now turn to their own conduct by which they seek, for the benefit of the FALN, to carve out an exception to the rule of law that the grand jury is entitled to "everyman's evidence." Branzburg v. Hayes, 408 U.S. 665, 682 (1971).

Each of the general sentencing considerations discussed in the United Mine Workers, case supra finds application in this case and may be summarized as follows:

a. Extent of the Defiance - Each defendant has refused even to listen to questions posed before the grand

jury, thereby demonstrating a total lack of good faith which might arguably be present if questions were answered, even on a selective basis. Their contempt is part of a pattern which the defense embraces from the perspective of almost fifty (50) years of "non-collaboration". Even over the short term, since 1977, the defendants' repudiation of the authority of the courts of the United States was contemporaneous with approximately seventy-eight (78) separate FALN bombings. Had any one of these defendants testified truthfully in 1977, or had they provided fingerprints, voice exemplars or handwriting specimens sought by the grand jury in Chicago and New York, then the freedom of the FALN to operate would have been severaly hampered. Of course, the discovery of the Rosado defendants' fingerprints, the carbine purchased by the defendant Romero and the copying machine bought by the defendant Cueto in the FALN bomb factory in Queens on July 12, 1978 (two months after the Rosado defendants were released from custody on civil contempt) make clear the reason for their recalcitrance then and now. We submit that the defiance of these defendants has been total, continuous, purposeful and with full knowledge that the price of their silence would be paid, not by them, but by the innocent victims of the FALN.

b. Seriousness of the Consequences of the Contempt

By their contumacious silence, these defendants have given the FALN a free hand to engage in terrorist bombings with no questions asked and with impunity -- which is exactly what they intend. As a result, the grand jury, has been completely obstructed from even beginning an investigation which will not be "fully carried out until every available clue has been run down and all witnesses examined in every proper way." United States v. Stone, 429 F.2d 138, 140 (2d Cir. 1970). The investigation of the grand jury, so totally frustrated by these defendants, would lead inevitably to those who have used, and would use, bombs in pursuit of alleged social change -- in this case, change rejected repeatedly by the people of Puerto Rico.

c. Public Interest in Terminating the Defendants' Defiance

Since 1974, the FALN has engaged in approximately one hundred forty-six (146) bombings, murdered five people, injured approximately one hundred (100) others seriously, including four police officers of the City of New York, and caused property damage exceeding three million ($3,000,000). Seizures of FALN munitions, weapons and bomb paraphernalia in Chicago and Evanston, Illinois and Milwaukee, Wisconsin and New York have resulted in the

recovery of two hundred eighty-nine (289) sticks of dynamite, three hundred twenty-nine (329) pounds of incendiary material, fifty (50) altered watches, twenty-nine (29) weapons, several thousand rounds of ammunition, sophisticated machinery and other terrorist materials. The FALN remains undeterred largely resulting from its tight knit organization and myopic zealotry which make even more important the role of the grand jury. The recent New Year's Eve bombings make clear the continuing public interest in preventing the FALN from striking again.

d. The Importance of Future Deterrence

The tactics of the FALN taken in conjunction with the provable acts of these defendants present a "clear and present danger" to the grand jury which has power only because it is an "arm of the court". Levine v. United States, 362 U.S. 610, 617 (1960). Little imagination is necessary to conclude, as we do, that the New Year's Eve bombings were meant to intimidate agents and detectives of the Joint Terrorist Task Force, the United States Attorneys of the Eastern and Southern Districts and, most important, this Court from interfering with the criminal activities of the FALN. Such tactics will not succeed, no matter what the sentence in this case.

William Morales and Luis Rosado, both fugitives, the latter being the brother of the Rosado defendants,

remain at liberty increasing the need for deterrence. Most important, is the paramount need for this Court to vindicate the authority of all of the Courts of the United States when their authority is repudiated as a matter of course by terrorists and their sympathizers. Twenty-nine (29) civil contempts in terrorist cases demands a strong response from this Court. It is a legitimate goal of sentencing in this case to restore civil contempt, "the least drastic alternative," Shillitani v. United States , 384 U.S. 364, 371 n.9 (1966), as the primary means of securing compliance with court orders.

For the foregoing reasons, we respectfully submit that each of these defendants should receive a sentence of incarceration for a substantial number of years. As Mr. Justice Rutledge once stated, "No man or group is above the law. All are subject to its valid commands". United States v. United Mine Workers, supra, at p. 385 (dissenting opinion).

Eight Amendment Considerations

The Supreme Court has never found a sentence imposed in a criminal case violative of the Eighth Amendment merely because of its length. Carmona v. Ward, 576 F.2d 405, 408 (2d Cir.), cert. denied, 439 U.S. 1091 (1979). There has developed a proportionality test for determining whether a particular sentence is so excessive

as to violate the Eighth Amendment consisting of three steps:

> 1) a judgment on the seriousness of the offense; 2) a comparison of the punishment imposed with that fixed for other crimes within the jurisdiction; and 3) a comparison of the sentence under review with those authorized in other jurisdictions for the same crime.

Id. at 409.

The starting point of our analysis of the actual sentence which should be imposed in this case is the special verdict of the jury which found that this was a serious crime. (1363-1366). This verdict is of the utmost significance "because the [Eighth Amendment] constitutional test is intertwined with an assessment of contemporary standards." Gregg v. Georgia, 428 U.S. 153, 175 (1976). In reaching this unanimous verdict, the jury knew that a sentence of more than six months was possible and reached its verdict on a record far less complete than the one now before this Court. In fact, the jury knew only the nature of the crimes under investigation and that the claimed motive for the defendants' disobedience included a mixture of religious and social elements relating to their alleged work in the Hispanic community. "These suggestions [of honest motive] . . . were, viewed charitably, misguided. They could have only served to patronize the jury and to add a distracting element of emotionalism to the

proceedings." United States v. Bagaric, docket no. 82-1247, p. 25 (2d Cir., decided April 14, 1983). Not only was this defense misguided, it was deliberately false as described below, thus compounding the defendants' contempt.

The Supreme Court has analogized contempt to obstruction of justice committed in violation of 18 U.S.C. §1503, which carries a sentence of five years imprisonment. United States v. Brown, 339 U.S. 41, 52 n.15 (1949). This Court has observed that the "length of the term of imprisonment . . . on criminal contempt appears to be limited only by the Constitution's prohibition against cruel and unusual punishment," (Tr. 1/19/83, p.7). The Eighth Amendment provides that:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. CONST., VIII Amend. The recognition by this Court of an Eighth Amendment limitation on the imposition of sentence, imposed here is derived from the principle that there "is no statutory maximum which governs the power of the district court judges to sentence for contempts . . ." United States v. Brown, 247 F.2d 332, 339 (2d Cir. 1957), aff'd, United States v. Brown, 339 U.S. 41 supra.

Other recent convictions of criminal contempt in this district provide some basis for comparison of the sentence to be imposed in this case. In the companion

cases of United States v. Petito, 671 F.2d 68, (2d Cir. 1982) and United States v. Cavalieri, docket no. 81 CR 149, (E.D.N.Y.) aff'd 685 F.2d 426 (2d Cir. 1982), each defendant received a sentence of four years imprisonment on being convicted of criminal contempt after trials by jury. Petito and Cavalieri each refused to testify before a grand jury investigating labor pay-offs made and received in violation of the RICO statute. See, United States v. Sanzo, 673 F.2d 64 (2d Cir.), cert. denied, 103 S.Ct. 128 (1982). Each was held in civil, then criminal, contempt and sentenced after a joint sentencing hearing before the Honorable Mark A. Costantino, conducted pursuant to United States v. Fatico, 579 F.2d 707 (2d Cir. 1978), aff'd after remand, 603 F.2d 1053 (2d Cir. 1979), cert. denied, 444 U.S. 1073 (1980). At the conclusion of the hearing, Judge Costantino found that the defendants were "involved with organized crime." United States v. Cavalieri, Tr. 8/14/81, p.3. In another case in this district, a sentence of five years imprisonment was upheld when a loansharking victim refused to testify at trial after the jury had been selected and sworn. United States v. Berardelli, 565 F.2d 24, 31 (2d Cir. 1977) ("While it is true that the five year sentence was severe, it was amply justified by appellant's conduct.") The Court of Appeals concurred in the finding

of Judge Bartels "that conduct like this really threatens the very fabric of the administration of justice." Id.

From the Berardelli, Petito and Cavalieri cases, we conclude that even in the absence of the aggravating factors present in this case, a sentence of five years imprisonment is not barred by the Eighth Amendment. Furthermore, this Court retains the discretion to impose a sentence in excess of five years imprisonment. The court should exercise that discretion in this case and sentence these defendants to a substantial term of imprisonment because of the special aggravating circumstances present here.

The Defendants' Lack of Cooperation

The defendants explain their refusal to testify as a matter of principle, which it is, although not the principle which the trial jury in this case rejected out of hand as a transparent sham. Evidence recounted in this memorandum establishes that these defendants are clearly in a position to provide testimony against members of the FALN, because they are the FALN. That each refuses to do so is factor in aggravation which this Court should consider at time of sentence. United States v. Bradford, 645 F.2d 115, 118 (2d Cir. 1981); see also, Roberts v. United States, 445 U.S. 552 (1980); United States v. Moody, 649 F.2d 124, 128 (2d Cir. 1981). Of course, each

defendant does retain the option to seek a reduced sentence under Rule 35, F.R.Cr.P. in the event that he or she might testify truthfully before the grand jury at some later time.

The Presentation of a False Defense

In essence, the trial jury found that the reason proffered by the defendants for their refusal to testify, then and now, should not mitigate the sentence to be imnposed by this Court. That this could be seen by jurors who knew only half of the story is a tribute to their common sense and a clear expression of the desire of this community to end the bloodshed caused by the FALN. The defense presented to the jury, and the way in which it was presented, demonstrated an utter contempt for the legal system, fragile in all events because it presupposes the good faith of participants. The defendants knew then, and know now, that their refusal to testify would only protect the FALN from detection, investigation and apprehension. We view the testimony of the clergyman and community workers presented by the defense at trial as a case of the not-so-docile sheep leading the shepherd. We submit that the false defense asserted before the trial jury demonstrates that these defendants are poor prospects for rehabilitation which this Court should consider as an aggravating factor. See, United States v. Grayson, 438 U.S.

41, 50-52 (1978); United States v. Hendrix, 505 F.2d 1233 (2d Cir.), cert. denied, 423 U.S. 897 (1975);

The poor rehabilitative prospects for these defendants is made clear by their convicted FALN cohorts. At sentencing in Chicago, Luis Rosa boasted: "There will be many more Fraunces Taverns and many more Sabana Secas," where a bus loaded with unarmed navy personnel was ambushed by machineguns killing two and wounding nine. His words were echoed by Carmen Valentin who issued the following threat when she was sentenced:

> [W]e are confident that all those that have partaken in this illegal and vicious trial will not be exempted for the righteous and just revolutionary procedure. There will soon be judges, marshals, members of the jury, prosecutors, agents, all of you - some of you will be walking on canes and in wheelchairs. Revolutionary justice can be fierce. Mark my words.

In the Eastern District of New York, after his conviction, William Morales spoke these prophetic words to Judge Nickerson:

> This Court does not [recognize my status as a prisoner of war], because it does not want to accept the fact that there is a state of war between... [the United States and Puerto Rico], and since this Court does not recognize that fact, then for formal recognition, that war should start immediately.
>
> The Puerto Rican people should start to acquire the necessary funds and

> materials to wage war against colonialism and for freedom from imperialism.
>
> * * *
>
> Die fighting on your feet. There are many ways to fight, from using a pencil on a piece of paper to using a machine gun and dynamite...

The false defense had a broader significance than a mere attempt at "jury nullification", a tactic by which the defendants sought an acquittal from the jury on non-legal grounds. See e.g., Beck v. Alabama, 447 U.S. 625 (1980). By requesting the jury not to follow the law (484-85, 495), these defendants sought to pervert and manipulate the constitutional system of law which must, above all else, function to protect the truly innocent. Had the defense been succesful, the good faith of government investigators unjustifiably would have been called into question. Only the FALN could profit from such a tactic. Although this Circuit apparently has not considered the matter of "jury nullification", the District of Columbia Circuit has had some experience with the technique, and has described its consequences in this way:

> This so called right of jury nullification is put forward in the name of liberty and democracy, but its explicit avowal risks the ultimate logic of anarchy.

United States v. Dougherty, 473 F.2d 1113, 1133 (D.C. Cir. 1972); United States v. Gorham, 523 F.2d 1088, 1098 (D.C.

Cir. 1975). Thus, the defendants' drive towards anarchy is complete, finding expression both in the courtroom and in the street -- surely an aggravating factor which this Court should consider at time of sentence.

The dogged persistence of these defendants and others, contemptuous in and of itself, has led at least twenty (20) judges of the United States to consider and reject their phony claims of improper government motive. Among these was the Honorable Marvin Frankel, vouched for by the defense in this case by offering into evidence his book, The Grand Jury: Institution on Trial (498, 746), who said:

> Now, look, when a woman or a person of any sex is before a grand jury and asked about bombings in which life or property have been placed in jeopardy and the question is, does the prosecuting official have a responsible basis for putting such questions about such matters, or is he trampling on First Amendment rights, I think the witness is adequately protected, given the right of appeal if a supposedly impartial judge looks at the basis for putting such serious questions about such serious matters and says that there is enough basis, let the person answer.
>
> Similarly, if a priest were asked did he see a murder in his cathedral and this was asked wildly and irresponsibly it might be an invasion of First Amendment freedoms that a judge ought to be sensitive to, but if a judge then looked at the materials on which the prosecutor swore he was

> asking the questions and it looked as though somebody has indeed killed somebody in the cathedral and the priest had indeed possibly seen it, then I don't think anybody's religion is hurt or anybody's religious freedom is impaired if the priest under oath says yes or no, he did or did not see the murder.

In the Matter of Raisa Nemikin, docket no. M. 18-188, tr. 2/24/77, pp. 12-13 (S.D.N.Y.). One wonders how Luis Rosado kept a straight face as his attorneys, acting either as unknowing shills or in complicity with him, argued why he should not be held in civil contempt in the Southern District in 1977. If not then, then surely on New Year's Eve of this year, a smile must have crossed his lips as he contemplated the maiming of three police officers on that night.

In sum, the presentation of a false defense, repeated many times before other courts, for the corrupt purpose of securing a strategic advantage for the FALN further compounds the crime of these defendants and should be considered as an aggravating factor in the imposition of sentence.

Some Important Comparisons

It is our position that the evidence submitted to this Court is sufficiently reliable to establish that the defendants are members of the FALN.[8/] United States v. Fatico, supra. However, the distinction between being a

member of the FALN and remaining silent so as to protect the FALN, matters not at all to the citizens of this community. Either way, these defendants have abetted and assisted and continue to abet and assist, the FALN by their conspiracy of silence and in other ways described earlier. From all of the circumstances, then, the criminal conduct in this particular case closely parallels a violation of 18 U.S.C. §2385 (Advocating overthrow of the Government) which provides in part:

> Whoever knowingly or willfully advocates, abets, advises or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or
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> * * *
>
> Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof - -
>
> Shall be fined not more than $20,000 or imprisoned not more than twenty years.

The constitutionality of this statute has been upheld where there exists "a clear and present danger...that the revolutionists would strike when they thought the time was

ripe" United States v. Dennis, 341 U.S. 494, 505, 510 (1951), a situation certainly existing and "abetted" here by the defendants' silence, which gives the FALN a free hand to operate at will. While the obstruction of justice statute provides some analogy for the imposition of sentence in most contempt cases, five years imprisonment would not be a measure of the defendants' crime and would not begin to punish these defendants, nor deter others who would follow their lead. Since the contempt of these defendants most closely parallels the crime of advocating the overthrow of the government, rather than the less inclusive obstruction of justice, the twenty year penalty is the more appropriate standard of measure for the sentence to be imposed by this Court.

The sentence to be imposed in this case should also bear some relationship to sentences actually imposed on other members of the FALN convicted of such serious crimes as Hobbs Act and explosives violations, and seditious conspiracy. As of today, twelve (12) members of the FALN have received sentences totalling nine hundred and ninety-four (994) years imprisonment (not including Haydee Torres' life sentence), an average of over eighty-three (83) years imprisonment for each convicted FALN member.

Furthermore, we ask this Court to consider that these defendants are protecting persons who could receive a

life sentence when convicted, as did Haydee Torres, for "ongoing criminal activity of the most serious sort". Order, 1/3/83, p. 19. New York law also carries a mandatory life sentence for damaging an occupied building with an explosive device where the circumstances are such as to render the presence of a person inside a reasonable possibility. 39 McKinney's Penal Law §150.20. Physical injury or death is not an element of the crime because as the Governor of the State of New York stated:

> The unlawful use of explosives in an occupied building is a dastardly deed evincing an extraordinary indifference to human life and deserving the maximum punishment of life imprisonment . . .

Practice Commentary, Penal Law §150.20.

The sentencing judge of the Chicago FALN terrorists considered the crimes of the FALN even more serious. In response to an argument made at the time of their sentence by Carlos Torres and Elizam Escobar, District Judge Thomas R. McMillan gave his view of the crimes committed by FALN brigands:

> And [the death penalty] as a matter of fact, is the penalty which should be imposed on count one in this case. However, Congress has given me a maximum of twenty (20) years on which I can sentence you to the penitentiary on count one, which is seditious conspiracy, in violation of our statute which is Section 2384 of Title 18.

At the time he made this statement, Judge McMillan had heard an essentially circumstantial case consisting mainly of evidence of the Evanston arrest, the Chicago and Queens bomb factories, the Chicago and Milwaukee safehouses and bombings claimed by the FALN. Alfredo Mendez had not yet cooperated with the government. The view of Judge McMillan, that the atrocities of the FALN warrant imposition of the dealth penalty, is entitled to considerable weight in determining the appropriate sentence for those who shield their accomplices from prosecution.

In the states which have borne the brunt of the attacks by the FALN and its predecessors, the power to imprison for contempt is not limited to any specific term fixed by statute or otherwise. Where a violation of a court order in the State of New York "consists of an omission to perform an act or duty, which is yet in the power of the offender to perform, he shall be imprisoned until he has performed it". 29 McKinney's Judiciary Law §774.[9/] The law of criminal contempt in the State of Illinois recognizes that:

> The power of a court to punish for contempt does not depend on constitutional or legislative grant, but is inherent in all courts as essential to proper and effective functioning of the courts and to the administration of justice. Thus, the power of the courts of this state and the penalities to be imposed in a

> contempt proceeding, are neither created nor limited by act of the legislature.

47th and State Currency Exchange, Inc. v. B. Coleman Corp., 56 Ill. App. 3d 229, 371 N.E. 2d 294, 298 (1978). A sentence of five years imprisonment, in circumstances far less compelling than here, was upheld in another Illinois criminal contempt case. People v. Levinson, 75 Ill. App. 3d 429 (1979). As a result, the law of those states most directly affected by the acts of FALN criminals leaves the length of imprisonment to the discretion of the trial court in contempt cases, as does federal law. Neither the law of New York nor Illinois would bar imposition of the sentence recommended by the government in this case.

The verdict of this jury which echoes the judgment of the laws of the United States and the States of New York and Illinois, all attest to the seriousness of the crime of these defendants. Where the Eighth Amendment is at issue, "the judgments of legislatures, juries and prosecutors weigh heavily in the balance." Enmund v. Florida, __ U.S. __, 50 U.S.L.W. 5087, 5091 (decided July 2, 1982). That unified judgment is that this case warrants the imposition of a severe sentence which fits the crime of these defendants.

CONCLUSION

Under the circumstances of this case, which demonstrate the grave threat to our institutions posed by these defendants, we submit that the Court should sentence each defendant to a term of imprisonment of fifteen (15) years.

Dated: Brooklyn, New York
May 19, 1983

Respectfully submitted,

RAYMOND J. DEARIE
United States Attorney
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

JAMES D. HARMON, JR.
Senior Litigation Counsel

CHARLES E. ROSE
Assistant U.S. Attorney
(Of Counsel)

END NOTES

1/ Carlos Feliciano, a member of MIRA, was arrested in the Bronx, New York on May 16, 1970, by officers of the Police Department of the City of New York as he placed a bomb outside of a military recruiting station. During 1970, Felicano was trained in incendiary and bomb making techniques by Filiberto Ojeda Rios, alias "Reuben" a Cuban intelligence operative who told an undercover officer that he had been trained in sabatoge and explosives in Cuba. Feliciano was convicted in New York County on June 19, 1973.

2/ The Episcopal Church Publishing Company apparently has established a fund of ten thousand dollars ($10,000) to support these defendants. This company, with which the defendant Guerra is associated, has no official connection with the Episcopal Church. In fact, the company publishes materials stressing political philosophies not held by the Episcopal Church as an institution. The fund for these defendants was established with monies from the discretionary expense account of Bishop Paul Moore of the New York City Episcopal Church Diocese, another defense witness.

3/ As a sign of Brandy's prowess, she was awarded the SPCA Medal of Honor and the Steuben Society Distinguished Service Medal.

4/ The dynamite used by the FALN at Fraunces Tavern had been stolen in 1968 from the Heron Dam Site in New Mexico. Pedro Archuleta, a New Mexico resident and former NCHA member, refused to answer questions about this dynamite before a Southern District grand jury in 1977 (820). He was then represented by Linda Backiel, the self-proclaimed expert on so-called grand jury abuse who testified for the defense at the trial of this case.

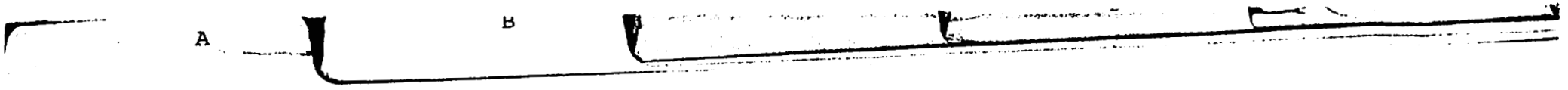
5/ Radio crystals of these frequencies are not used by the FBI nor by the police departments of Evanston and Chicago, Illinois or the City of New York. According to a representative of Motorola, Inc., these frequencies are assigned to telephone maintenance personnel, and power and gas utility companies, respectively.

6/ A document entitled "FALN, Political Position" found in the Chicago bomb factory in 1976 makes clear that posing as a cleric is "helpful toward confusing and eluding the enemy". The relevant page of this document is annexed as exhibit L.

7/ On April 17, 1973, officers of the Englewood (Colorado) Police Department observed a ten year old boy playing with a .38 cal. revolver. The boy told the officers that he had stolen the gun from the home of the defendant Ricardo Romero, six days earlier. On April 18, 1973, Englewood police executed a search warrant at Romero's house where they found five (5) rifles including a .30 cal. carbine and a Russian made 7.62 mm rifle. The revolver stolen by the young boy, in turn, had been among a group of twenty-eight (28) weapons stolen from a store in Galesburg, Illinois on January 31, 1973.

8/ The term "member" has no particular meaning within the parlance of the FALN and is used here as a generic term to include the various functional roles played by each defendant in the FALN.

9/ Under New York Law, civil contempt carries the possibility of open ended commitment without limitation, whereas criminal contempt carries a possible sentence of thirty (30) days imprisonment through direct court proceedings, or four years imprisonment upon indictment. 29 McKinney's Judiciary Law §750; Penal Law §215.51. The unusual consequence is that civil contempt provides the "more meaningful consequences." See Practice Commentary, 7B McKinney's CPLR §2308.


A
B

INFANTRY INDIRECT FIRE CREWMAN

MOS CODE 112

Duties

Commands and controls mortar or Davy Crockett squad, section or platoon. Employs individual weapons to protect position and employs mortar or Davy Crockett in offensive and defensive operations in all types of terrain and climate. Directs deployment of personnel and selects sites for emplacement of weapons. Assigns target areas. Selects ammunition types appropriate for specific targets. Orders, observes, adjusts, and coordinates fires to destroy enemy personnel, weapons and equipment. Supervises fire direction activities, and computes firing data. Conducts surveys to determine location of emplacements for effective fire. Instructs replacement personnel in all phases of tactical employment of infantry indirect fire weapons. Supervises or participates in construction of hasty field fortifications, security of unit, preventive and organizational maintenance of weapons and equipment, and receipt, storage, and distribution of rations, supplies, and ammunition. Serves as gunner and assistant gunner of infantry indirect fire crew-served weapons. Carries and prepares ammunition for use. Prepares rough maps, field sketches, and overlays to indicate location of critical terrain features and enemy activities. Operates radio and telephone to transmit and receive messages.

Skills and Knowledges

Entry:

Code 112.0. Must know fundamentals of infantry tactics to include principles of fire and maneuver. Must know nomenclature, care, and employment, to include capabilities and limitations of individual weapons and indirect fire crew-served weapons, such as rifle and mortar or Davy Crockett. Must know fundamentals of mine warfare. Must know how to protect self, weapon, and equipment from chemical and other contamination. Must know principles of field sanitation. Must know visual signals employed within small infantry units. Must be able to read maps and aerial photographs. Must be able to identify types of ammunition for infantry indirect fire weapons by markings. Must be able to administer first aid.

Specialist:

Code 112.1. Must be qualified as Infantry Indirect Fire Crewman (112.0). Must know employment, to include capabilities and limitations, of mortar. Must know use of mortar sight. Must know use of firing tables for mortar. Must know techniques of range estimation. Must know nomenclature, care, and use of aiming circle to include measurement of horizontal and vertical angles. Must know how to prepare weapon and ammunition for firing, lay weapon for direction and elevation, fire weapon, prepare range cards, and take in-and-out-of-action procedures. Must be able to prepare initial data used in computation of firing data. Must be able to make corrections caused by difference in altitude, meteorological changes, weapon deviation, and deflection, and to compute firing data. Must know elements of fire request, fire orders, and fire commands.

Code 112.2. Must be qualified as Infantry Indirect Fire Crewman (112.1). Must know employment, to include capabilities and limitations, of the Davy Crockett weapons' system. Must know use of firing tables for Davy Crockett. Must know how to prepare weapons' system and ammunition for firing, lay for direction and elevation, fire the system, and take in-and-out-of-action procedures.

Code 112.6. Must be qualified as Infantry Indirect Fire Crewman (112.2). Must know organization and tactical employment of mortar or Davy Crockett squad or section. Must know use of target-grid method of fire adjustment. Must know ammunition supply procedure within battalion. Must know communication procedures and use of communication equipment organic to battalion. Must be able to command and control squad or section. Must be able to measure angles using mil relation formula, field glasses, or map. Must be able to locate positions suitable for emplacement of indirect fire weapons and establishment of observation

posts. Must be able to request and adjust supporting fire. Must be able to supervise receipt, storage, and distribution of ammunition. Must be able to coordinate employment of unit vehicles in performance of unit mission. Must be able to supervise and coordinate fire direction activities. Must demonstrate qualities of initiative, resourcefulness, and leadership.

Code 112.7. Must be qualified as Infantry Indirect Fire Crewman (112.6). Must be able to command and control platoon engaged in employment of indirect fire weapons or both direct and indirect fire weapons. Must know organization and tactical employment of these types of platoons. Must know capabilities and limitations of other combat arms units used in support of infantry units and combined arms teams. Must know fundamentals of company administration and supply and mess activities.

Physical Requirements

Requires clear speech to deliver commands to unit personnel. Requires auditory acuity to receive oral reports of personnel and to respond to commands in field. Requires color discrimination to identify ammunition types and to perform reconnaissance and observation duties. Requires depth perception to obtain optimum sensing in adjustment of fires. Requires good night vision to perform night combat duties.

Mental Requirements

Aptitude Area IN. (If aptitude area IN is not available, use aptitude area CO.) Requires verbal and reasoning ability to read and understand communications received, make appropriate disposition, or initiate necessary action. Requires memory to recall instructions of superior. Requires vocabulary or arithmetic reasoning aptitude and pattern analysis aptitude to observe and adjust fires. Requires high degree of emotional stability to fulfill command responsibilities and to facilitate quick thought and action in fast changing situations involving personal hazard.

Special Requirements

Must have natural or acquired aggressive nature and strong sense of loyalty of assigned unit. Personnel classified in MOS code 112.2 must be cleared, based upon a National Agency Check, for access to SECRET information and materials in accordance with AR 604–5, and must have emotional stability as evidenced by digit 1 in "S" factor of PULHES.

Related Civilian Occupations

DOT classification

None

Federal Civil Service classification

None

STANDARDS OF GRADE AUTHORIZATION

Line	Duty position	Code	Grade	Explanatory notes
1	See paragraph 7b(1)	112.0		
2	Ammunition Bearer	112.0	E–3	
3	Assistant Gunner	112.0	E–3	
4	Loader	112.0	E–3	
5	Gunner (mortar)	112.1	E–4	
6	Gunner (Davy Crockett)	112.2	E–4	
7	Instrument Operator	112.1	E–4	
8	Fire Direction Computer	112.1	E–5	
9	Forward Observer	112.6	E–5	
10	Squad Leader	112.6	E–5	When authorized in mortar squad on basis of one per squad.
11	Assistant Platoon Sergeant fire direction chief	112.6	E–6	When authorized in mortar platoon to supervise fire direction computer personnel.
12	Section Leader	112.6	E–6	When authorized in mortar section on basis of one per section.
13	Squad Leader	112.6	E–6	When authorized in Davy Crockett squad on basis of one per squad.
14	Platoon Sergeant	112.7	E–7	When authorized as principal NCO in platoon of indirect and direct fire weapons.
15	Section Leader	112.7	E–7	When authorized in Davy Crockett section on basis of one per section.

AMMUNITION STORAGE SPECIALIST

MOS Code 411

Monitor—CofOrd

Duties

Receives, stores, issues, and keeps stock control records on various types of ammunition, including chemical ammunition, ammunition components, and military explosives. Inspects incoming and outgoing shipments of ammunition to verify correctness of quantity and nomenclature, serviceability, and conformity to requisition. Stores ammunition and explosives in magazines, warehouses, revetments, and open storage areas in conformity with quantity distance tables and safety regulation pertaining to ammunition of all types and to military explosives. Makes routine visual inspections and inventories of ammunition in storage. Destroys or neutralizes unserviceable and irreparable ammunition and explosives in accordance with prescribed methods. Packs, crates, and loads ammunition on all types of vehicles, and utilizes proper shoring and bracing to assure safe shipment. Prepares transportation orders for issue of ammunition from supply point to using unit. Establishes, posts, and keeps current ammunition stock records used to control requisition, receipt, storage, and issue of military explosives, ammunition, and ammunition components. Supervises and participates in administrative and clerical duties to insure efficient operation of an ammunition stock control section.

Skills and Knowledges

Specialist:

Code 411.1. Must know how to apply AR and other DA publications governing property accountability, responsibility, and ammunition supply procedures. Must know how to use the DA supply manual to determine correct nomenclature, ammunition identification code symbols and markings, stock numbers, and other pertinent storage data. Must know types of ammunition to include chemical ammunition, ammunition components, and military explosives. Must know general mission and operation of an ammunition company, ammunition depot, and supply point. Must know techniques for destroying and neutralizing unserviceable and irreparable ammunition, including use and maintenance of equipment. Must know methods and procedures for receiving, storing, and issuing various types of ammunition, ammunition components, and explosives, including utilization of materials handling equipment. Must know safety measures and precautions to be exercised when handling, storing, transporting, and destroying or neutralizing various types of ammunition, ammunition components, and explosives.

Code 411.2. Must know characteristics of various types of ammunition, ammunition components, and explosives. Must know techniques and procedures for establishing and maintaining records for stock control purposes including inventory procedures, storage location systems, and lot number control. Must know procedures for documentation of ammunition supply activities, including requisition, shipment, receipt, maintenance, disposition, and issue. Must know ammunition reporting procedures. Must be able to interpret and use supply manuals, interchangeability lists, substitution lists, and weapons density lists. Must be able to prepare graphical analysis of stock status as required.

Noncommissioned officer:

Codes 411.6 and 411.7. Must know factors involved in selection of sites and layout of ammunition storage areas. Must know principles of warehousing. Must know channels of distribution for ammunition from ordnance supply points and depots to using units. Must know characteristics and all identifying markings of ammunition supplies such as color, code symbols, lot, and type of explosive or chemical filler. Must know how to interpret and apply quantity distance tables, storage and vehicle load drawings, planographs, and combination storage charts. Must know inspection and inventory procedures pertaining to ammunition storage. Must know capabilities of personnel and equipment. Must know how to apply safety regulations and procedures to specific situations.

Physical Requirements

quires good near vision in performance of pection of ammunition. Requires color vision o interpret color-coding of ammunition. Must be physically able to engage in strenuous physical activity for prolonged periods.

Mental Requirements

Aptitude Area GM. Requires verbal ability in reading regulations pertaining to ammunition supply and storage. Requires spatial relationship ability to evaluate and analyze storage facility utilization. Requires emotional stability and attentiveness in the handling of high explosives.

Related Civilian Occupations

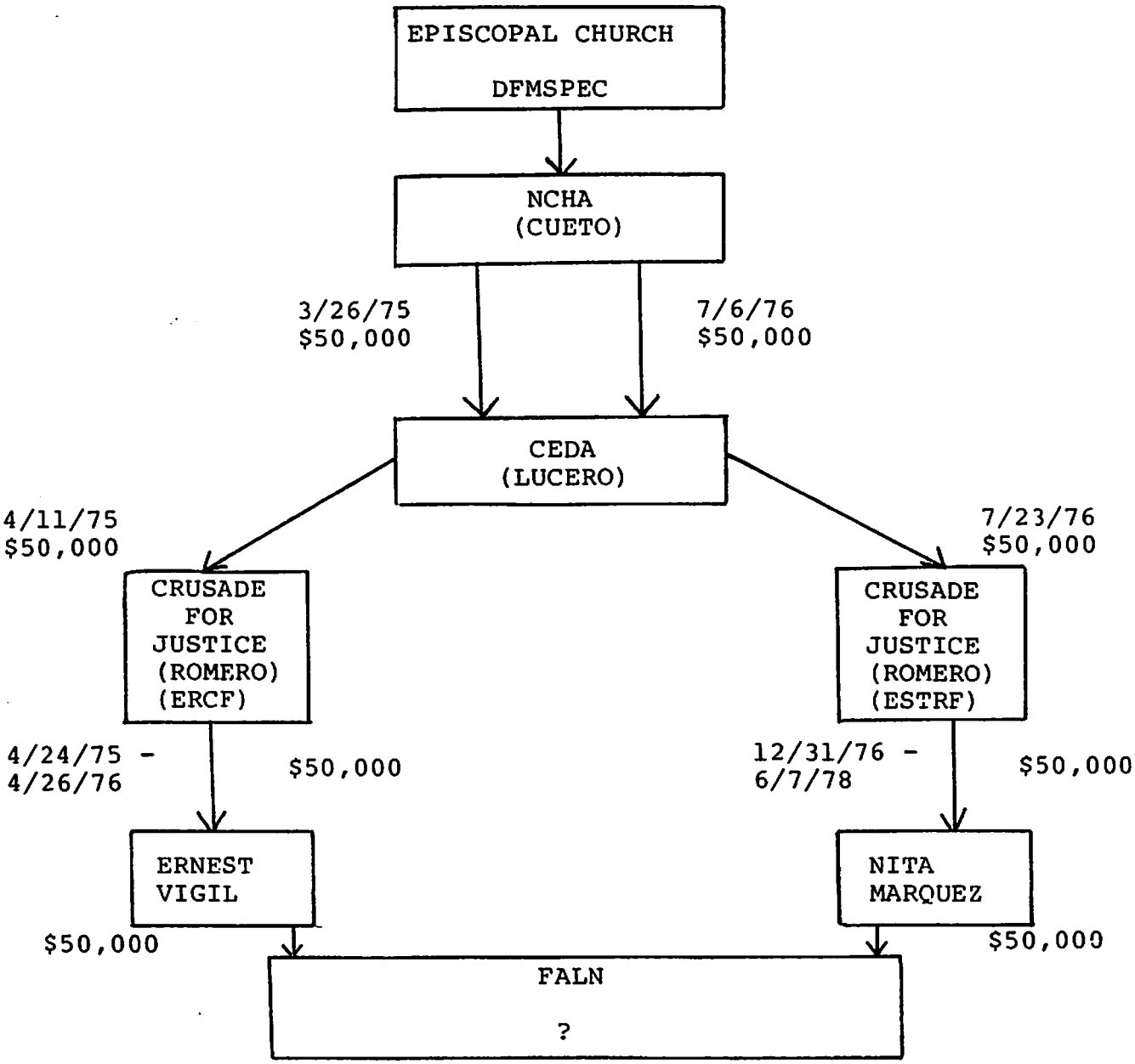
DOT classification	*Code*
Inventory Clerk	1-01. 41
Magazine Keeper	1-38. 03
Federal Civil Service classification	*Code*
Munition Handling	WB 6511
Powder Handling	WB 6510

STANDARDS OF GRADE AUTHORIZATION

	Duty position	Code	Grade	Number of positions authorized*										Explanatory notes
				1	2	3	4	5	6	8	16	32	64	
	Ammunition Storage													
1	Ammunition Storage Helper.	410.0	E-2	---	---	1	1	1	2	2	5	10	20	Grades of additional positions will be authorized in same pattern.
2	Ammunition Storage Helper.	410.0	E-3	---	1	1	1	2	2	3	5	10	20	
3	Ammunition Storage Specialist.	411.1	E-4	1	1	1	2	2	2	3	5	10	20	
4	Senior Ammunition Storage Specialist	411.1	E-5	---	---	---	---	---	---	---	1	2	4	
	Chemical Ammunition Storage													
5	Chemical Ammunition Storage Helper.	410.0	E-2	---	---	1	1	1	2	2	4	9	18	Grades of additional positions will be authorized in same pattern.
6	Chemical Ammunition Storage Helper.	410.0	E-3	---	1	1	1	2	2	2	5	9	19	
7	Chemical Ammunition Storage Specialist.	411.1	E-4	1	1	1	2	2	2	3	5	10	19	
8	Senior Chemical Ammunition Storage Specialist.	411.1	E-5	---	---	---	---	---	---	1	2	4	8	
	Ammunitions Records													
9	Ammunition Records Clerk.	411.2	E-4	1	2	2	3	4	4	6	11	22	43	Grades of additional positions will be authorized in same pattern.
10	Senior Ammunition Records Clerk.	411.2	E-5	---	---	1	1	1	2	2	5	10	21	
11	Ammunition Storage Inspector.	411.6	E-5											
12	Chemical Ammunition Salvage Inspector.	411.6	E-5											
13	Ammunition Section Chief ammunition supply sergeant.	411.6	E-5											Authorized in magazine platoon or cellular team engaged in receipt, storage and issue of 50 to 89 tons of ammunition per day.
14	Ammunition Section Chief ammunition supply sergeant.	411.6	E-6											Authorized in magazine platoon or cellular team engaged in receipt, storage and issue of 90 tons of ammunition per day.
15	Chief Ammunition Clerk.	411.7	E-7											Authorized in ordnance ammunition company, ammunition section of division ordnance office, or ordnance section of Army.

*Blank spaces in this column indicate not applicable.

CASH FLOW CHART*



Key to abbreviations:

NCHA	- National Commission on Hispanic Affairs
DFMSPEC	- Domestic and Foreign Missionary Society of the Episcopal Church
CEDA	- Colorado Economic Development Association
ERCF	- Economic Research and Consulting Firm
ESTRF	- Escuela Tlatelolco Research Fund

* This chart describes the disposition of the proceeds of two fifty-thousand dollar ($50,000) checks laundered at the direction of the defendant Maria Cueto.

EXECUTIVE COUNCIL of the EPISCOPAL CHURCH
815 SECOND AVENUE/NEW YORK, NEW YORK 10017/(212) 867-8400
Cable Address: FENALONG, N.Y.

28 January 1975

Colorado Economic
Development Association
621 Fox Street
Denver, Colorado 80204

Att: Edward R. Lucero

Dear Mr. Lucero:

The National Commission on Hispanic Affairs of the Episcopal Church of the US is inaugurating a far-reaching and intesive research on the social aspects of the Chicano in the US. This is part of our mandate within our Community Development Program.

Your organization has been recommended to us as an agency that has the expertise and necessary contacts that will make possible a thorough and comprehensive research.

Below are some areas to be researched:

1. Population
2. Social units
3. Migrant farmworkers
4. Employment
5. Welfare
6. Education (alternatives)
7. Grass-roots, federal & religious social service agencies servicing the Chicano.
8. Religious affiliations.

A member of the Commission will be contacting you to discuss this project in depth. If, after meeting with our representative, you decide to carry out the research, please send us an estimate of costs and a time-work schedule. We will submit it to the Commission for its consideration and will inform you as to their decision.

With expectations of a long and satisfactory working relationship, I remain,

Cordially yours,

NATIONAL COMMISSION ON
HISPANIC AFFAIRS

Maria T. Cueto

Maria T. Cueto
[illegible] Officer

mtc:rn

1/21

"OUR BUSINESS IS YOUR PROGRESS"

621 FOX STREET
DENVER, COLORADO 80204
(303) 255-0421

February 17, 1975

Ms. Maria Cueto
National Commission on
Hispanic Affairs
815 - 2nd Avenue
New York, New York 10017

Dear Ms. Cueto:

We have met with a representative from the National Commission on Hispanic Affairs and we feel that CEDA and its various resources will be able to comply and fulfill the items spelled out in your letter dated 1/28/75. We will need approximately 13 months from March 1, 1975, in order to fulfill the above mentioned terms.

Following is a pro-forma budget that we anticipate expending the $50,000 to be received from your office:

A.	Consultants	$15,000
B.	Travel and Per Diem	10,000
C.	Personnel and Fringe Benefits	20,000
D.	Supportive Services - Consumable Supplies, Rent, etc.	5,000
	Total	$50,000

Sincerely,

Edward R. Lucero
Director

ERL/eb

EXECUTIVE COUNCIL of the EPISCOPAL CHURCH
815 SECOND AVENUE/NEW YORK, NEW YORK 10017/(212) 867-8400
Cable Address: FENALONG, N.Y.

2 April 1975

Colorado Economic
Development Association
621 Fox Street
Denver, Colorado

Att: Ed Lucero

Dear Mr. Lucero:

Under separate cover we have sent you a check in the amount of $50,000, which was approved by the National Commission on Hispanic Affairs of the Episcopal Church at its last plenary session, to employ you to carry out NCHA's education and research program.

Our local Commission member will work with you in the coordination of our program.

Cordially yours,

NATIONAL COMMISSION ON
HISPANIC AFFAIRS

María T. Cueto

María T. Cueto
Hispanic Officer

mtc:rn

5/22/78

EXECUTIVE COUNCIL
of the EPISCOPAL CHURCH
815 SECOND AVENUE
NEW YORK, NEW YORK 10017

Colorado Economic Development Association

621 Fox Street - Denver, Colorado 80204

RECEIVED
JUN 13 1976

STATEMENT OF INCOME - EXPENDITURES and CASH-ON-HAND
For Fiscal Year Beginning April 1, 1975 and
Ending April 1, 1976

JUN 30 1976

Receipts:		
National Commission on Hispanic Affairs	$ 50,000.00	
	+	
Total Cash Received		$ 50,000.00

Less: Total Expenditures:		
Professional & Technical Services	$ 15,500.00	
Travel	2,400.00	
Office Expenses & Operating Supplies	1,250.00	
Publication & Duplication Supplies	590.00	
Program Expenses	30,200.00	
Miscellaneous	60.00	
Total Expenditures		-$ 50,000.00

Net Income (or Deficit) $ 50,000.00

Plus Total Cash-on-Hand Beginning of Fiscal Year +$

Total Cash-on-Hand, End of Fiscal Year $

Chief Operating Officer's signature

Financial Officer's signature

EXECUTIVE COUNCIL of the EPISCOPAL CHURCH
815 SECOND AVENUE/NEW YORK, NEW YORK 10017/(212) 867-8400
Cable Address: FENALONG, N.Y.

1 July 1976

Mr. Ed Lucero
Colorado Economic
Development Association
621 Fox Street
Denver, Colorado

Dear Mr. Lucero:

In concurrence with our program, we have decided to go ahead and fund the C.E.D.A. program to continue carrying out the work in research that was initiated in 1975.

Please continue to send the findings periodically to keep us up to date as to the results of your work.

A member of the Commission and our Chairman, Mr. Vigil, will contact you to work out the details with reference to budget and expenditures. He will answer any questions you may have with regard to our expectations.

Cordially yours,

NATIONAL COMMISSION ON
HISPANIC AFFAIRS

Mario T. Cueto

Mario T. Cueto
Hispanic Officer

mtc:rn

5/22/78

Gestetner Corporation

363504
#12

Gestetner

300 East 42nd Street
(corner Second Avenue)
New York, N.Y. 10017

Telephone 212-557-9700

O; E Hispanic Institute on Theology DATE 9/5/74

S 175 9th Ave. TEL: 867-8400 X 344

Y N.Y. Zip Code 10011 STATE N.Y.

ine Model Serial No.

CUSTOMER'S ORDER NO.

DESCRIPTION	UNIT PRICE	GROSS EXTENSION	QUANTITY DISCOUNT	TOTAL NET
STENCILS NO. COLOR				
GS. Vinyltronic Stencils (9 Hole)	24 00	1200 00	60 00	1,140 00
ES INK NO. COLOR				
. # 419 Black	4 95	247 50	72 50	175 00
. # 419 Red	5 60	560 00	165 00	395 00
MS, PAPER GRADE SIZE SUB. COLOR				
. 8½x11 #1 8½x11 20lb. White	5 00	1,500 00	750 00	750 00
Color Change Pak	70 00	70 00		70 00
B Q 1 (Color Changer)	13 45	13 45		13 45
TE TO SHIPPING DEPT.		3,590 95	1047.50	2543 45
EASE CALL MARIA CUETOS 867-8400 XT-344				
Please notify before making delivery RUSH A.S.A.P.				

EADY DELIVERED ☐ TO BE DELIVERED ☑

TO BE DELIVERED

Time out: Repair completed:

EX. YONKERS

Service Call ☐ Courtesy Call ☐
Contract Call ☐ Repeat Call ☐

Meshkat
Supply Salesman

466

As per phone / Maria Cuetos
Customer's Signature

Gestetner CORPORATION

466 Lexington Avenue • New York, N. Y. 10017 • A/C 212 - 679-7020

Invoice To

Name Hispanic Institute on Theology Date 8/30/77

Address 175 9th Ave. Tel.

City New York State New York

Deliver To Same

Customers Order No.

Terms NET 30

QUANTITY	ITEM	PRICE
1	GESTETNER MACHINE MODEL 466 MK II SERIAL NO. 15C7011	1695 00
1	Gestefax 456 SN 83024	2650 00
	NET	4345 00
	SALES TAX	347 60
	TOTAL	4692 60

THE TERMS AND CONDITIONS PRINTED ON THE REVERSE SIDE ARE INCORPORATED HEREIN AND CONSTITUTE A PART OF THIS AGREEMENT.

SALESMAN J. Adames

Order and Items Accepted for GESTETNER CORPORATION.

By [illegible] BRANCH MANAGER

SIGNED Hispanic Institute on Theology FIRM NAME

By Maria J. Cueto SIGNATURE TITLE

ADDRESS 175 9th Ave. N.Y., N.Y.

Area 10

DELIVERY NOTICE 691 3709

44 Gestetner CORPORATION

9/20/74 VIA CROTON 9/23

ER TO Hispanic Institute On Theology From: GESTETNER CORP.

175 9th Ave. N.Y. 20 St

R 2nd. ~~Ave.~~ FL. Dodge Hall

A NO.

Maria Cueto

9/23/74 No later than 12:00 if possible

$16.—
STAINS 2.—
$18.—

AMOUNT	ITEM	SERIAL NUMBER
1	466	15C 7011
1	456	83024

2

RECEIVED IN GOOD ORDER

SIGNED Maria T. Cueto

Hispanic Insti Theo

DATE 9-23-74

NO.

INSTRATION SOLD

MAN J. Adames

CARRIER

DELIVERY NOTICE

Gestetner CORPORATION

8/30/74 VIA CROTON 9/11

TO Hispanic Institute for Theology
175. 9 Ave. N.Y., N.Y.

From: GESTETNER CORP.

1 St. ?

Near 20 St

NO DELIVERY
9/9 PLACE CLOSED
1.05 PM

NO.

Maria Cueto
Sept. 9, 1974

$16.—

AMOUNT	ITEM	SERIAL NUMBER
1	466	15C 7011
1	456	83024

RECEIVED IN GOOD ORDER

SIGNED

2

NSTRATION SOLD

DATE

MAN

NO.

CARRIER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA :

-against- : AFFIDAVIT
82 CR 25

JULIO ROSADO, et al. :

Defendants. :

----------x

STATE OF NEW YORK)
:ss.:
COUNTY OF NEW YORK)

MILTON L. WOOD, being duly sworn, deposes and says:

1. I am a bishop of the Episcopal Church and the Executive for Administration of the Executive Council of the Episcopal Church (the "Executive Council"). The Episcopal Church is governed, in the first instance, by the General Convention which is held every three years. During the interstitial periods the program of the Church is administered by the Presiding Bishop, presently the Most Rev. John M. Allin, and the Executive Council. The Executive Council constitutes the Board of Directors of the Church under the laws of the State of New York.

2. The Presiding Bishop and Executive Council have taken no position (a) in the proceedings before this Court or before the United States District Court for the Southern

District of New York wherein several members of the National Commission for Hispanic Affairs were held in civil contempt in 1977 or (b) on the sentence to be imposed in this case.

3. On March 3, 1983 I met with Lester Zorn, United States Probation Officer, and was interviewed by him, apparently in my capacity as a representative of the former employer of Maria Cueto. Although I have not seen, and understand that under normal circumstances would not be permitted to see, the Probation Report prepared by Mr. Zorn, I refer the Court to that report for an expression of my views with respect to her role in the affairs of the Church.

4. The position of the Executive Council in regard to the civic responsibilities of persons associated with the Church's Hispanic Commission was in my opinion fairly represented by the Honorable Chester J. Byrns, a state court judge sitting in St. Joseph, Michigan and then a member of the Executive Council. In an article (annexed as Exhibit A hereto by permission of Judge Byrns) which appeared in the newspaper for the Diocese of Western Michigan, Judge Byrns stated:

> [No] competent and authorized Episcopal authority has advocated the establishment of a legal principle that knowledge of criminals and crimes held by an employee of the Church outside the confessional should be privileged from inquiry as a matter of freedom of religion. In fact,

the women were taking a position contrary not just to the law of the land, but one which is not supported by their Church who also was their employer.

* * *

The power from Christ to forgive sins was not given to Church secretaries or its social workers. It is reserved to priests and then under only certain conditions, i.e., sorrow by the penitent for the sin; a resolution not to repeat, etc. Certainly, the Church doesn't hire lay employees to hear confessions of crime and give absolution any more than it hires them to commit a crime or aid and abet in its commission or conceal it. A priest who sees a crime or knows of it, other than from the confessional, cannot refuse to answer proper inquiry about such knowledge.

\- - -

I cannot agree with the argument that it is important that our Church employees have a privilege from answering lawful questions about criminal activity of which they have knowledge so that they will have credibility with the minorities with whom they work. I don't either believe that because the lay employees here designated themselves "lay ministers" that this gives them any special legal status.

5. I note in conclusion that the Presiding Bishop and the Executive Council were aware of the facts and circumstances surrounding the civil contempt proceedings instituted in the Southern District of New York in 1977 and made what was

believed then to have been an informed decision to leave the matter to the due administration of the courts. Nothing has changed this position since that time.

MILTON L. WOOD

Sworn to before me
this 18 day of May, 1983

NOTARY PUBLIC

CLINTON F. BEST
NOTARY PUBLIC, STATE OF NEW YORK
No. 31-4659722
Qualified in New York County
Commission Expires March 30, 1985

"Freedom" Doesn't Mean Church Privilege

By the Honorable
Chester J. Byrns
Member of the National
Executive Council
Of the Episcopal
Church of the U.S.

After serving ten months for contempt of court for failing to answer questions about activities of a Puerto Rican terrorist group that makes its point with bombs, Maria Cueto and Raisa Nemikin, staff employees of our national Church, were released January 23 by order of U.S. District Judge Robert L. Carter of New York City. They could have been incarcerated until May 8 which will be the end of the term of the U.S. Grand Jury investigating the bombing of the Fraunces Tavern in New York City in 1975.

The incarceration of these two young ladies - Maria was Director of the Church's Hispanic Commission and Raisa was her secretary - became something of a cause celebre in church circles not only within the Episcopal Church but in other faiths and within the National Council of Churches which became the champion of Maria and Raisa.

—

What was overlooked in the matter was that it was the continuing contempt of the ladies for refusal to answer questions certainly well within the ambit of the Grand Jury that was keeping them in jail. Paraphrased the questions were:

"Do you know where Carles Torres is?" "When did you last speak to him?"

(Torres is the prime suspect in the Puerto Rican terrorist - F.A.L.N. - bombings and is still at large. He had been a member of the Church's Hispanic Commission. (The F.A.L.N. is responsible for at least 65 bombings!).

"Was Torres involved in the Fraunces Tavern bombing?"

"Can you tell us who was involved in that bombing or do you have any information about it?"

"Were any funds of the Episcopal Hispanic Commission directly or indirectly given the F.A.L.N.?"

At any time had the women answered these questions which deal with crimes - not Church matters - they could have been free.

Neither Miss Cuerto or Miss Nemikin said they had any knowledge sufficient to answer these questions. Neither we nor the Grand Jury as of now will ever know if they did or didn't. The defense made by their lawyers was that the ladies enjoyed a privilege because of their Church employment not to have to answer these questions.

—

Many of the advocates and supporters of the two hoped to establish a legal principle of privilege similar to that given knowledge gained in a priest - penitent relationship. The court in this case refused to do so. The courts have taken such position in other cases.

The release of the women should not now be interpreted as establishing any such precedent despite what I suspect some may claim. Their conviction of contempt still stands although the punishment has been mitigated.

The women were released (boiling a 24 page decision of [illegible] clemency. It was this, in effect, that the women were seeking in their latest bid for release. As Judge Carter noted, if more than ten months confinement could not make the women answer the three questions, a few months more apparently would not either be successful. As I have written in previous articles, this matter has absorbed a great amount of Church time and emotion. Although the Presiding Bishop expressed gratitude that the women were released and although he and the Executive Council offered spiritual and material assistance to the two, no competent and authorized Episcopal authority has advocated the establishment of a legal principle that knowledge of criminals and crimes held by an employee of the Church outside the confessional should be privileged from inquiry as a matter of freedom of religion. In fact, the women were taking a position contrary not just to the law of the land, but one which is not supported by their Church who also was their employer.

—

I can't imagine the courts or the Congress or a state legislature adopting such a privilege. The priest-penitent privilege where recognized is itself narrowly interpreted. That a priest may not reveal what was told him (her) in confession by one seeking forgiveness as a penitent does not mean that a Church employee, who sees or who knows for fact who committed a crime, may refuse a request by the proper authorities to furnish such information or refuse to say if he or she knows anything about it.

The power from Christ to forgive sins was not given to Church secretaries or its social workers. It is reserved to priests and then under only certain conditions, i.e. sorrow by the penitent for the sin; a resolution not to repeat, etc. Certainly the Church doesn't hire lay employees to hear confessions of crime and give absolution any more than it hires them to commit a crime or aid and abet in its commission or conceal it. A priest who sees a crime or knows of it, other than from the confessional, cannot refuse to answer proper inquiry about such knowledge.

—

I cannot agree with the argument that it is important that our Church employees have a privilege from answering lawful questions about criminal activity of which they have knowledge so that they will have credibility with the minorities with whom they work. I don't either believe that because the lay employees here designated themselves "lay ministers" that this gives them any special legal status.

Interestingly, less than five per cent of Puerto Rico wants complete independence. Of that small percentage only a minute fraction support the FALN which uses anarchistic weapons and means. Thus, if the two women are trying to protect their credibility or their mission with Puerto Ricans by refusing to answer questions relative to the FALN, they are, I believe, losing credibility and respect for [illegible] Puerto Ricans to whom we owe a ministry.

To the extent we support the women in this we destroy our minority mission.

—

Judge Carter in his opinion, after stating there are no religious principles at stake, expresses what I think is really involved at pages 15 and 16 of his opinion:

"Perhaps all that is being articulated and acted upon by the contemnors (the women) is a commonplace view among the 'outs' in a social system – here the Hispanic poor among whom movants work – that one is being a traitor to one's group if she cooperates with law enforcement officials."

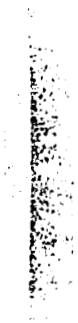
I personally do not believe (and never did) that our ministry to minorities requires us to do business with the radical and criminals who are always an infinitesimal percentage of a minority group. During the heyday of GCSP I felt we unwittingly, and really in good but naive faith, did business with some people and activities in minority groups who were dangerous and who exploited not only us but the minority we sought to help.

So bad did it become, that many in our Church wanted to discontinue such ministries. We lost membership and financial support within the Church. The Church was losing credibility also with the minorities who recognized we and they were being "ripped off". Hopefully much of that is behind us and we have learned so we can now do effective ministry with all minorities and not feel this includes criminals who exploit them and us.

Unfortunately, the last word hasn't been spoken at our Executive Council on this. There will no doubt be discussion on continued employment of the women and what, if any, of their attorney fees the Church should legally or morally pay. All these matters, however, should not cloud the real issue they raised and its resolution (correct in my judgment) in the court.

—

I am satisfied that, while offering spiritual and material comfort to them if they asked for it, and asking for clemency, the Presiding Bishop did not knuckle under to tremendous pressure within and without this faith to advocate a legally and, in my opinion, a religiously indefensible position.



Form 185—TSM-1007104(82) 467

Criminal Court of the City of New York

PART....., COUNTY OF.....

I, Kenneth Cohen Shield 29255, a police officer of the Police Department of the City of New York, have taken from Apartment D8 at 26-49 96th. St. Queens, N.Y. pursuant to a search warrant issued by Hon. Bernard Dubin a Judge of the Criminal Court of the City of New York, the following described property:

1. One (1) Ping Pong note, fron bathroom.
2. One (1) note from toilet.
3. One (1) Rent receipt.
4. One (1) Brown bag.
5. One (1) PS form 1093.
6. One (1) Ballistics List.
7. One (1) Suspect material list.
8. Twelve (12) pieces of paper.
9. Eight (8) Pieces of paper.
10. Business cards and wrapper.
11. One (1) Manuel (book).
12. Three (3) Ballistics Manuals.
13. One (1) Package of manuals.
14. One (1) Package photo and holder.
15. Various duplicated booklets.
16. Various duplicated articles.
17. Various PAIN Letterheads and papers.
18. Loose PAIN Material.
19. One (1) Package of PAIN Material.
20. One (1) Package of PAIN Material.
21. One (1) Package of PAIN Material.

The above items #'s 1 thur 21 vouchered at 114 Pct. Voucher #'s 267637 and 267638. Property Clerk # 78011721.

22. One (1) Gestetner Copy Machine Model 466, Tan no serial number.
23. One (1) Gestetner Color Change Pak, Model 466 legal for the above Machine.
24. One (1) Gestetner Gestefax Model 456 copy machine, Tan no ser. numb.
25. One (1) Sears Typewriter Manual 2 Model 268.52620 Serial # F4789627 with black plastic case.

The above vouchered at 114 Pct. Voucher # 267639. Property Clerk # 78011723

26. One (1) RCBS Reloading Press.
27. One (1) Lyman bullet sizing press with sizer die.
28. Two (2) Bullet sizing dies.
29. Three Lyman mould blocks and one (1) empty box.
30. One (1) set of moulds with handles.

(CONTINUED ON PAGE TWO)

Receipt for the above described property was:

Check One

- ☐ Given to the person from whom it was taken.
- ☐ Given to the person in whose possession it was found.
- ☐ Left in premises ..... Street, County of ..... where property was found, in absence of any person.

31. One (1) set of mould handles.
32. Six (6) boxes containing reloading dies and 3(three) dies in each box RCBS.
33. Five (5) boxes containing shell holders RCBS.
34. One (1) Lyman reloading scale with beam and funnel.
35. One (1) Lee melting pot for lead.
36. One (1) cast iron lead pot.
37. One (1) Lyman Ingot mould.
38. Four (4) boxes of hodgon bullet lube.
39. One (1) box containing redding case lube kit.
40. One (1) bottle of bonanza case sizing lube.
41. One (1) RCBS reloading tray.
42. Three (3) lead ingots.
43. One (1) measure of Chaus scale measures.
44. One (1) brown plaid suitcase marked K-53.

The above items #'s 26 thru # 44 Vouchered at 114 Pct. Voucher Number #'s 267640 and 267641.

45. One (1) 30 cal. K-1 Natl. Ord.(Ser # filed) marked K53.
46. One (1) 30 Cal. Winchester 1185577 Marked K54.
47. One (1) 45 cal. Apache Arms(ser # filed) marked K55.
48. Two (2) 12 Ga. Mossberg Clip fed bolt act. Model 1950 marked K56 with 22¼ inch Barrel.

Above items #'s 45 thru 48 vouchered 114 Pct. voucher # 267642.

49. One (1) full box 22 cal. primers marked K-1.
50. One (1) full box 32 auto ctges marked K-2.
51. One box with 42 30 cal. bullets marked K-3.
52. One (1) box nine (9) boxes of 22 cal primers marked K-4.
53. One (1) box containing 6 30 cal ctges. Marked K-5.
54. One (1) box cont. 50 38 spl unprimed ctges cases marked K-6.
55. One box cont 50 44 cal. magnum ctges marked K-7.
56. One box cont. 50 unprimed 9 mm ctg. cases marked K-8.
57. One full box cont. 33 cal primers marked K-9.
58. One full box ctges. 44 mag. unprimed cases marked K-10.
59. One full box cont. 40 32 cal [illegible] ctges. marked K-11.
60. One ful box cont. 357 Mag. Ctges. marked K-12.
61. One ful box cont. 357 Mag. ctges. marked K-13.
62. One box cont. 32 auto cal 13 ctges. marked K-14.
63. One box cont. 29 38 spl unprimed cases Marked K-15.
64. One box cont. 357 mag or 38 spl. bullets marked K-16.
65. One full box of 44 cal bullets marked K-17.
66. One full box of 357 or 38 spl. bullets marked K-18.
67. One full box cont. 50 50 cal. ctges. marked K-19.
68. One full box cont. 43 spl unprimed spls marked K-20.
69. One full box cont. 9 mm marked K-21.
70. One full box auto cal priming cases Marked K-22.
71. One full box cont. 9 mm lumer and unprimed cases marked K-23.
72. One full box 357 ctges. marked K-24.
73. One full box 44 or 45 primers marked K-25.
74. One full box cont. 357 mag unprimed casings marked K-26.
75. One full box cont. 44 mag 44 casings marked K-27.
76. One full box cont. 44 mag ctges. marked K-28.
77. One full box cont. 380 ctges. marked K-29.
78. One full box cont. 380 auto marked K-30.
79. One full box cont. 357 Mag. ctges. marked K-31.
80. One full box cont. 45 ACP bullets marked K-32.
81. One box cont. 49 45 auto ctges. marked K-33.
82. One full box cont. 30 carbine ctges. marked K-34.
83. One full box cont. 45 auto unprimed casings marked K-35.
84. One full box 44 mag. ctges. marked K-36.
85. One full box 44 Mag. ctges. marked K-37.

CONTINUED ON PAGE THREE

86. One beige leather shoulder holster marked M-38.
87. One tan leather shoulder holster marked M-39.
88. Six 30 cal carbine clips with 30 rounds in each Marked M-40 to M-45.
89. One 30 cal. carbine clip 15 rounds marked M-46.
90. One 12 ga clip with 3 12 ga Rem. shot shells #6 marked M-47.
91. One 45 cal clip to 45 cal apache Sears Auto rifle with 25 rounds marked M-48.
92. Eight 12 guage Rem Express #6 shot.

Above Items #'s 49 to 92 vouchered at 114 Pct. Voucher #'s 267643, 267644, 267645, and 267646.

93. One Plastic bag cont. Pipe Fragments.
94. One plastic bag cont. Copper tubing caps.
95. One plastic bag cont. assorted wires.
96. One plastic bag cont. AG-1 Flash Bulbs.
97. One plastic bag cont. Assorted wrist watches.
98. One plastic container containing white power.
99. One plastic bag cont. assorted watches.
100. One plastic bag cont. safety fuses.
101. One plastic bag cont. Ping Pong balls.
102. One plastic bag cont. Ping Pong balls.
103. One plastic bag cont. Military Manuals.
104. One plastic bag cont. Barrory Testers.
105. One plastic bag cont. a Handwritten note.
106. One plastic bag cont. battery connectors.
107. One plastic bag cont. alligator clips.
108. One plastic bag cont. assoted wires.
109. One plastic bag cont. assorted hardware (screws, epoxy).
110. One plastic bag cont. assorted tape.
111. One plastic bag cont. Printed Literature.
112. One plastic bag cont. Printed note.
113. One plastic bag cont. assorted batteries and holders.
114. One plastic bag cont. Hand tools.
115. One Plastic bag cont. assorted pipes.
116. One plastic bag cont. assorted empty boxes.
117. One plastic bag cont. assorted tubes of epoxy glue.
118. One plastic bag cont. assorted disguises.
119. One Plastic bag cont. wooden mortar and pestol.
120. One plastic bag cont. assorted timers.
121. One plastic bag cont. assorted tools.
122. Two plast bags cont. syringes, plastic spoons.
123. One Plastic bag cont. paper containing Rubber bands.
124. One plastic bag cont. two portable radios.
125. One plastic bag cont. a tester.
126. One plastic bag cont. copper tubing.
127. One plastic bag cont. two boxes of sugar.
128. One plastic bag cont. copper tubing and cutter.
129. One bottle cont. gun cleaning solvent.
130. One plastic bag cont. miscellaneous hardware.
131. One plastic bag cont. two intercom units.
132. One plastic bag cont. day/night electric timer.
133. Two plastic bags cont. disguise kit.
134. One plastic bag cont. plastic bag of caps.
135. One plastic bag cont. assorted tools.
136. two boxes cont 5# Propane tanks.
137. One plywood work table with drill press & Vice & fragmented pieces.
138. One addressograph Machine class 100, #DA-352-8.

CONTINUED ON PAGE 4

139. One addressograph Graphe type class 350 Machine.
140. One Speedex key making machine, S/N 854 Model 9110 [illegible].
141. One Black and Decker die saw.
142. One work shop drill, Skilshop ½" Drill, model 1710.
143. Twenty Two plastic bags containing alledged incendiary mix.
144. One glass bottle cont. unknown liquid.
145. One box assorted debris.
146. One box of batteries.
147. One Little Town Bench Vice.
148. One Singer electric motor # 7378086.
149. One Plastic bag cont. rocket fuels & assorted paraphernalia.
150. One screen.
151. One plastic bag cont. fragments of wrist watch, 9 volt battery, photo flash bulb with green and black wires attached secured with duct tape.
152. One plastic bag containing FAIN decals, Pieces of grinding machine, piece of eyeglass, piece of blood stained glass, calabrated dial from voltmeter.
153. One plastic bag cont. fragments of pipe nipple and cap ends, and three pieces metal discs.
154. One plastic bag cont. remnants of silver duct tape.
155. One plastic bag cont. remnants of cloth and fibre material.
156. One plastic bag cont. remnants yellow rubber playtex glove.
157. One plastic bag cont. various lengths of thin gauge wire, one rubber cork, one spring type clothes pin, one wrist watch and 9 volt battery assembled as time delay , one AG-1 photo flash bulb.
158. One plastic bag cont. felt tip pen, two drill bits, yellow handled screwdriver, six assorted tools, one syringe body.
159. One plastic bag cont.one unidentified partial finger.
160. One plastic bag cont. 38 wrappers from Atlas Power Primer Dynamite # 0319764?.
161. One plastic bag cont. 28 wrappers from Atlas Power Primer Dynamite # 0115764?.
162. Twenty one plastic containers.
163. One metal container.
164. One cardboard container.
165. One plastic bag cont. one sample of dynamite from Atlas Power Primer Dynamite # 0319764? (Sample taken from 8"x2" stick).
166. One plastic bag cont. one sample of dynamite from Atlas Power Primer Dynamite #0115764?(Samp. taken from 8"x1½" stick)

The above items #'s 93 thru 166 are vouchered at the 114 Pct. on vouchers /////////// #269860 thru 269869 and #269878 thru ////// #269883.

167. Six empty sugar boxes.
168. One empty baking soda box.
169. One carry bag.
170. Two rolls of tape.
171. Six plastic containers and funnels.
172. One extension cord.
173. One red rubber hose.
174. Two table lamps.
175. One ice chest cont. assorted debris.
176. One box cont. debris.
177. Three metal gates.
178. One folding bed and blood stained mattress.

CONTINUED ON PAGE 5.

179. One black bag cont. assorted tools and hardware.
180. Two Wooden tables.
181. One wood door.
182. Two particial wall partitions.
183. Six partly full boxes of duplicators ink.
184. One U.S. portable television set.
185. Two boxes of stencils.
186. One Runox clock radio.
187. One bag of charcoal.
188. One burlap bag.
189. One black bag cont. three empty boxes.
190. One Typewriter table.
191. Four Pieces of bloodstained wood.
192. One sealed bag cont. three stove knobs, one black beret, two electric timers, one package typing paper, one pair cloth gloves, one pair rubber gloves, and one wood and metal hair comb.
193. Three small pieces of planter board containing bloodstains.
Above items #167 to 193 vouchered at 114 Det. voucher #'s 333054 thru 333057.
194. One brown material case cont. twenty one keys.
195. One piece of white paper with writing on it.
Above items #'s 194-195 vouchered at 114 Det. Voucher # 333058

Name	Shield	Rank	Command

FUERZAS ARMADAS
FALN
de LIBERACION NACIONAL PUERTORRIQUEÑA

February 28, 1982

The FALN assumes full responsibility for the bombings which have ured in the financial sector of Wall Street on Sunday, Feb. 28, 1982. armed attack against yanki imperialist corporations and institu- is is part of our continuing war for the liberation of our home- from United States colonialism, for the immediate and unconditional ease of our Prisoners of War and Political Prisoners and in soli- ity with the heroic people of El Salvador and its armed Vanguard Frente Farabundo Marti de Liberacion Nacional (FMLN).

It is the response of the Puerto Rican people in exile to the latest unouncements by the U.S. imperialdsts as manifested through there thpieces Reagan (Jan. 12, 1982) and Speaker of the House O'Neil b. 12, 1982)that the yanki imperialist government supports state- d for Puerto Rico.Again the imperialists have made clear their designs our homeland: to culminate the conization of Puerto Rico by ab- bing it into the yanki federal state. They intend to this with the pport and blessing of international capitalism as was clearly stated 1977 by then president Fordat a Trilateral Commission meeting held Puerto Rican soil on land stolen from us by the parasitic, conni- ng thieves and murders, the Rockefellers.

We the oppressed Puerto Rican nationality forced to abandon our loved homeland to live and survive in the wretched slums and ghettoes the U.S. know what statehood really signified for the Puerto Rican ople. We are living it. Statehood for Puerto Rico means genocide. is a life of servitude to the interets of a profit hungry, parasitic nority, the total destruction of our identity, language, values, tionality, culture and the plunder and rape of our land and natural sources for the benefit of the yanki capitalists. This we must and ll resist. Puerto Rico is not nor ever will be part of the U.S.A. uerto Rico belongs to the Puerto Rican people. This we will defend nd fight for until victory or death.

The FALN wishes to bring to the attention of the people of Puerto ico, the United States and the world the inhumane treatment that our iled comrades and members of our organization, the Eleven Puerto Rican Prisoners of War (Oscar Lopez Rivera, Lucy Rodriguez, Carlos lberto Torres, Haydee Torres, Luis Rosa,Alicia Rodriguez, Ricardo imenez, Dylcia Pagan Morales, Adolfo Matos Antongiorgi, Elizam escobar, armen Valentin) are receiving in the dungeons of the yanki prison ystem. Their health problems have been ignored, prison authorities re constantly harassing and attempting to provoke them, they have een kept in lock-up and isolation for weeks at a time, family visits ave been interfered with, literature and reading material is denied them, and they are constantly being placed in sdtuations where phy- sical and mental stress is applied.

EXHIBIT A

FUERZAS ARMADAS FALN de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

This has included the shooting of a bullet into the cell of Luis Rosa and the denial of medical attention for Haydee Torres even when prison doctors diagnosed the possibility of her having an early stage of cancer. Despite a national andinternational campaign which mobilized medical groups, civic and religious organizations, workers, students and professionals who pressured the yanki government and its bureau of prisons she has not been attended to.

Our organization will not tolerate any physical or mental harm done to our comrades to go unanswered. We demand they be treated as Prisoners of War as stated by the Geneva Convention and the United Nations Protocols concerning freedom fighters captured in wars of national liberation. We hold the yanki capitalist class and the sadistic beasts who operate and compose its repressive forces responsible for any harm which may befall our Prisoners of War, Political Prisoners and for any attacks aimed at crushing and repressing the legitimate aspirations of our people for independence and socialism. This is not an empty boast. Yanki imperialism well knows that Puerto Rican Revolutionaries do not bluff. They have felt our bullets and smelled the odor of our dynamite from Colonel Riggs, to Blair House, the attack on Congress, the Anglers Club, Sabana Seca.

The Puerto Rican struggle for independence and socialism is part of the revolution of the oppressed and exploited masses of Latin America against the oligarchies, capitalism and imperialism. It is also part of the international working class revolution for the destruction of capitalism and the construction of socialism. As revolutionaries we are united with the oppressed and exploited masses of the world and we clearly understand that the only progressive governments are those which are being guided by Marxist-Leninist principles and are constructing a socialist society free of class exploitation.

For these reasons we reject the hypocritical "support" and "solidarity" for Puerto Rican independence expressed by the capitalist governments of Venezuela and Mexico. While supporting independence for Puerto Rico Venezuela blatantly strengthes the hand of the tyrannical and fascist Duarte regime in El Salvador by providing political and material support for the brutal and cowardly assasination of thousands of Salvadorean people. As an ally of the yanki imperialists in maintaining the olegarchy in power in El Salvador the government of Venezuela is guilty of murder and genocide. It is assuming an ever increasing aggressive role as protector and enforcer of the yanki imperialists plans to expand and consolidate their grip in the Caribbean and Central America. In return the U.S. has agreed to equip the Venezuelan army with modern weapons, provide loans and capital for the economic expansion of the Venezuelan capi-

talists, and allow these capitalists access to new markets for its products. Venezuela would be acting as a sub-imperialist power in keeping with the plans of the trilateral Commission. It would become one of the guardians of Trilateralism in Latin America, especially in the Carribean and Central America, repressing the popular and revolutionary movements internally and protecting the interests of imperialism.

The Mexican goverment also claims to support Puerto Rican independence. It has even hosted an international conference in solidarity with Puerto Rican independence. This image as "defender of the oppressed" is a farse. It is a cover for the most brutal and oppressive exploitation of the impoverished Mexican masses by the Mexican oligarchy and yanki imperialism. Like in El Salvador thousands of Mexican workers, peasants, students, professionals, and revolutionaries have been assassinated or "disappeared" by the repressive agencies and the right wing death squads organized and financed by the Mexican ruling class. In Mexico law and order is maintained through assasination, terror and torture. The true intent of Mexico's progressive foreign policy is nothing but a manuveur to mask repression at home and to serve as a stabilizing force in the area against the popular and revolutionary movements so that they do not swing to far to the left. In the strategy of the imperialists it appears as the nice guy while the U.S. is the bad.

Our struggle for national liberation does not need this "solidarity" from murderers, torturers and exploiters. They are the enemies of freedom loving people everywhere. We do not need to prostitute our political principles to gain the temporary support of our class enemies who will eventually betray us when we no longer benefit them or serve their interests.

To our Chicano-Mexicano, Black and Native-American brothers and sisters who are fighting within the yanki federal state to regain the lands and territory stolen from them we extend our deepest and most sincere revolutionary solidarity. The FALN supports the reunification of the Chicano-Mexicano lands in the Southwest and West with Mexico and the creation of a non-aligned and socialist Mexico; the legitimate right of Black people to the land area in the South and the creation of the nation of New Afrika; and the right of the Native-American peoples' and nations to recapture their occupied lands. For us there is only one road: armed struggle, and one enemy: yanki imperialism. In the spirit of proletarian internationalism the FALN will contribute to the destruction of the imperialist yanki federal state by waging armed struggle until Puerto Rico is free of yanki colonialism and interference.

To the Blabck freedom fighters who are presently receiving the full weight of the yanki repressive machinary and who are being killed and tortured by these agents of death, your strength,

ourage and will to fight has inspired us. We support your fight gainst the colonial enslavement of your people and for New Africa nd we are as certain of the inevitability of your victory as we e of ours.

We also wish to express our solidarity with the three north-mericans captured in the Brinks expropriation. By linking up ith your Black comrades and making their struggle your own you ve put into practice the Leninist principle which states that he duty of the working class and its advanced sectors in the mperialist countries is to actively assist and fight for the iberation of the colonies. Companeros, we salute you for your ample, unselfishness and total committment to national liberation nd the international working class revolution.

The war for independence and socialism for Puerto Rico will not e easy and will require many sacrifices. But the enemy is not in-incible, Vietnam, Nicaragua, Cuba and now El Salvador have proven hat. Yanki imperialism will do everything possible to destroy our evolutionary organizations and crush the aspirations of our people or freedom. Their strategy against the independence movement is lear: on the one hand they will try to use their legal and judicial ystem to force the movement into courts and away from the streets; n the other they will use violence to intimidate, provoke, frighten and paralyze the work, placing us in a defensive position in hich we can only react. It is in this context that we should see he grand jury incarcerations of Carlos Rosario Pantojas, Carlos oya Muratti and Norberto Cintron Fiallé; the frame up of Jorge lbizu Orta and the assasinations of Arnaldo Dario Rosado, Carlos oto Arrivi and Angel Rodriguez cristobal. The taking of the case of leques to the Supreme Court in Boston, the involvement of the yanki ourts in Puerto Rico concerning the student strike at the University f Puerto Rico are attempts at forcing our struggle to take place ithin the legal apparatus of the imperialists. This manuveur is esigned to disarm us and places us in a position where we recognize heir authority over us and where all battles take place under conditions termined by them. Under these circumstances we can only lose. We hould be determining the battles and where they are to take place not he enemy.

Our struggle if it is to succeed must be guided by the strategy pr-longed peoples war. In order to do this we must build organi-ations which the enemy cannot destroy because it cannot see them. nly the politico/military organization with clandestine structures, embers and methods of work are in a position to mobilize and organ-e our people and at the same time wage armed struggle. Those inde-ndence organizations working within the framework of bourgeois egality because they have faith in the system, or because they feel he conditions are not right for the clandestine organization or

FUERZAS ARMADAS FALN de LIBERACIÓN NACIONAL PUERTORRIQUEÑA

ecause "they have nothing to hide" are only fooling themselves. When
ey least expect it the enemy will annihilate them if it feels these
rganizations pose a threat. Puerto Rico is a nation intervened by a
oreign power. It is militarily, economically and politically occupied.
s a result the Puerto Rican people have always had a right to pick
arms and the conditions for armed struggle have always existed.
hat has been lacking at certain moments have been the revolutionary
rganizationswho will lead this struggle. Now these organizations
ist. Their existance challanges every independentista to either
ve forward by supporting and joining the revolutionary armed
landestine organizations or step aside and show their true colors
joining the reformist and autonomist sectors which are trying
contain the armed struggle for independence and socialism.
The success of our struggle is dependant on the growth and
ffectiveness of the armed clandestine politico/military organiza-
ions. Only they are in a position to effectively combine and lead
he mass and armed struggles. Therefore it is this unity which we
ust work for. Through the union of the armed clandestine organiza-
ions, which have been born and developed from revolutionary theory
nd practice and in the heat of battle, we will organize the National
iberation front and its military detachment the People's Revolutionary
rmy. It will be this vehicle which will drive the yanki imperialists
rom Puerto Rico and which will lead to the necessary structures for the
onstruction of a socialist society.

INDEPENDENCE AND SOCIALISM FOR PUERTO RICO
IMMEDIATE AND UNCONDITIONAL FREEDOM FOR OUR PRISONERS OF WAR
AND POLITICAL PRISONERS
U.S. HANDS OFF EL SALVADOR, NICARAGUA, AND GUATEMALA
NOT ONE GRAM OF OUR NATURAL RESOURCES WILL LEAVE PUERTO RICO
LONG LIVE THE ARMED CLANDESTINE STRUGGLE

FALN CENTRAL COMMAND

K

E. A Few Observations About Underground Disguises

Many oriental legends speak of a disguise as an effective method to foil discovery by the enemy. However, curiously enough and contrary to the popular conception of a disguise, the legends also teach us that a disguise does not consist only of clothings, but also of mannerisms and behavior.

The story is told of a Japanese operative who, a few centuries ago, managed to remain unidentified and unexposed for 17 years. This was the result of the fact that throughout this time he used the disguise of a drunkard, while his enemies were looking for him as a Samurai (soldier).

Today, more than ever, the need is not only for a disguise, but also for all that which is helpful toward confusing and eluding the enemy.

There is no question that what some people say about a certain behavior, etc. being likely to mislead also one's friends is a true statement; however, disguises are a necessity for important operatives and, as far as one's friends are concerned, they will be taken care of by those people whose task it is to mobilize them.

Making good use of a disguise is as essential as the mastering of warfare techniques and an individual's political preparation. To pose as a drug addict, drunk, clerk, cleric, bourgeois, etc. has but one requirement: the disguise must be capable of convincing.

A disguise is essential at this stage of the nuclei, although needs and reality may change and it may no longer be a necessity tomorrow. We must not be bashful or shame ourselves to use it effectively.

TERRORISM IN THE UNITED STATES

Brian Michael Jenkins

May 1980

P-6474

PONENCIA DE LA LIGA SOCIALISTA PRESENTADA POR EL
C. DEL MOVIMIENTO DE LIBERACION NACIONAL
FRENTE A LA COMISION DE DESCOLONIZACION DE LA ORGANIZACION
DE NACIONES UNIDAS (ONU) EL 25 DE AGOSTO DE 1978

MLN

Movimiento de Liberación Nacional

ELEMENTS OF LA LIGA SOCIALISTA PRESENTED BY THE C. OF
THE MOVIMIENTO DE LIBERACION NACIONAL (MLN)
BEFORE THE UNITED NATIONS COMMITTEE ON DECOLONIZATION
(UNITED NATIONS) ON AUGUST 25, 1978.

GRATUITO

LA PONENCIA DEL MOVIMIENTO DE LIBERACION NACIONAL ANTE EL COMITE SOBRE DESCOLONIZACION (COMITE DE 24) DE LAS NACIONES UNIDAS

Honorables Delegados

Quisiera aprovechar esta oportunidad para darle las gracias en nombre de nuestra organización, el Movimiento de Liberación Nacional (MLN) por darnos la oportunidad de comparecer ante este augusto organismo para esclarecer las condiciones de los puertorriqueños en los Estados Unidos y su relación que hay con la cuestión en vuestra agenda para el día de hoy, el caso colonial de Puerto Rico. El M.L.N. es una organización puertorriqueña y chicano-mexicana fundada hace cerca de un año en los Estados Unidos que propone el principio de no participar en el proceso electoral colonial, la necesidad de una política clara y revolucionaria en Puerto Rico, la necesidad inminente de un Frente de Liberación Nacional para edificar la unidad dentro de las fuerzas de independencia y para la creación de un movimiento anti-imperialista en los Estados Unidos. El M.L.N. me ha dado la encomienda de poner ante la apreciación de este honorable organismo lo sombrío, la miseria y condiciones oprimentes que el pueblo de Puerto Rico tiene que vivir a diario dentro de las entrañas del monstruo, como dijera el gran apóstol de la libertad cubana, José Martí, refiriéndose a los Estados Unidos más de cien años atrás, y que el fundamento de toda esta situación radica en la misma dominación imperialista de nuestra patria.

La migración puertorriqueña hacia los Estados Unidos es un capítulo sin paralelo en los anales de la inmigración en Estados Unidos. Hay varias razones para esto. La primera es que la migración puertorriqueña tiene que ser entendida dentro del contexto de un intento de poder imperialista para aniquilar la identidad nacional del pueblo subyugado. La segunda tiene que ser entendida como un plan para salvar y prolongar la hegemonía colonial sobre ese pueblo, como en el caso de Puerto Rico donde la migración ha

DECLARACION DE JUAN ANTONIO CORRETJER, SECRETARIO GENERAL DE LA LIGA SOCIALISTA PUERTORRIQUENA, ANTE EL COMITE DE DESCOLONIZACION DE LAS NACIONES UNIDAS, EL 31 DE AGOSTO DE 1978.

LA LIGA SOCIALISTA PUERTORRIQUENA lamenta verse obligada a comparecer, separada de las otras organizaciones patrióticas, ante este Comité. La carga de conciencia patriótica y revolucionaria y de deber fraterno que la obliga, se hará notable según expongamos nuestro punto de vista.

LA LIGA SOCIALISTA PUERTORRIQUENA es una organización auténticamente independiente en su pensamiento y su actividad. Evidentemente en ninguna otra de las organizaciones fraternales esta conciencia de si es tan determinante de sus ejecutorias. Fundada en enero de 1964, en su corta historia ha asimilado experiencias que han necesariamente dejado huellas en su manera de pensar y actuar. Valga decir, para solo un ejemplo, que en 1969 la totalidad de su Comité Central fue detenido y en julio de 1970 en medio el ardor de la gran huelga contra la General Electric se atentó contra la vida de su Secretario General y de su esposa. No hay queja. Los jefes somos pararrayos. Fue una gran experiencia. Aprendimos a batirnos solos; y el ridículo grito triunfal del FBI proclamando la dispersión de la LIGA SOCIALISTA se redujo simplemente a eso: ridículo. Hoy, la LIGA SOCIALISTA es una organización mucho más fuerte que entonces.

Entre las experiencias aprovechadas y que pesa de manera muy especial sobre nuestra conciencia está la larga y fecunda meditación que en los pasados seis años ha ocupado nuestro pensamiento. Es anterior a esos años en la persona que habla; pues sobre él ha llovido todo el agobio del imperialismo, la opresión nacional y el yugo de clase, de la manera especial en que lo ha tenido que resistir un puertorriqueño de su edad y militancia. El cuadro de personas jóvenes que lo rodean y sostienen aprovechan bien esa ezperiencia y la enriquecen con su inteligente y valerosa manera de ver el mundo en que vivimos.

A lo que voy es a mencionar el hecho abominable que es raíz de lo que nos trae hoy ante este Comité: la Guerra entre España

THE MOVIMIENTO DE LIBERACION NACIONAL'S POSITION BEFORE THE UNITED NATIONS' COMMITTEE ON DECOLONIZATION (COMMITTEE OF 24); AUGUST, 1978.

Honorable Delegates:

I would like to take this opportunity to thank you on behalf of our organization, the Movimiento de Liberación Nacional (M.L.N.) for giving us the opportunity to come, before this august body, to put forth the conditions of the Puerto Ricans in the U.S. and their relationship to the question on your agenda today-- the colonial case of Puerto Rico. The M.L.N. is a Puerto Rican and Chicano-Mexicano organization founded in the United States about a year ago and which advances the principle of non-participation in the colonial electoral process, the need for clear and revolutionary politics in Puerto Rico, the need for the emergence of a National Liberation Front to build unity among independence forces, and the creation of an anti-imperialist movement in the U.S. The M.L.N. has mandated me to put into perspective before this honorable body, the dismal, wretched, and oppressive conditions which the Puerto Rican people have to daily live within the entrails of the monster, as the great apostle of Cuban freedom, José Martí, called the United States more than one hundred years ago; and how this situation has its fons origo in the very imperialist domination of our homeland.

The migration of Puerto Ricans to the United States is an unique chapter in the annals of U.S. immigration. There are several reasons for this: first, the Puerto Rican migration has to be understood in the context of an imperialist power's attempt to annihilate a subject people's national identity; second, it has to be understood as a plan

to salvage and to prolong the colonial hegemony over those peoples--the Puerto Rican migration has served as a safety-valve for the island's chronic unemployment rate which runs as high as 45%; third, it has to be understood as a forced migration of a people in order to acquire their labor for U.S. monopoly capital (It should be noted, that hundreds of thousands of Puerto Ricans, excluded from their lands due to an all out attempt, during the first three decades of U.S. domination over the island, to transfer it into a sugar emporium, had no alternative but to make the journey northwards during, and, after the Second World War to fill the jobs no one else wanted. This pattern has not ceased, particularly, as far as the agricultural workers are concerned; today there are more than 50,000 Puerto Rican farm workers in the U.S. who live under semi-slavery conditions. Lured by offers to come to work in the farms of agri-business, upon arrival these workers are packed into concentration camps from which it is very difficult to leave.); and fourth, it has to be understood as a conscious colonialist plan to geographically transplant the colonized people from the colonial territory to the metropole without changing the imperialist relationships -- Puerto Ricans are forced into the urban ghettos or rural camps of this country to share their miserable lot with other oppressed peoples, but not the fortunes of the colonizer.

It is against the back-drop of these unique characteristics that the dynamics of the Puerto Rican situation in the U.S. has to be analyzed. According to a recent report of the U.S. Civil Rights Commission, entitled, Puerto Ricans in the Continental United States: An Uncertain

[redacted]LARATION OF JUAN ANTIONIO CORRETJER, SECRETARY GENERAL OF THE PUERTO RICAN SOCIALIST LEAGUE, BEFORE THE DECOLONIZATION COMMITTEE OF THE UNITED NATIONS, AUGUST 31, 1978.

THE LIGA SOCIALISTA PUERTORRIQUENA, regrets having to appear here, separate from the other patriotic organizations. The patriotic and revolutionary basis, the fraternal duty which makes this necessary, will become selfevident as we expound our position.

THE LIGA SOCIALISTA PUERTORRIQUENA is an authentically independent organization in both thought and deed. Evidently, in none of the other fraternal organizations does this consciousness play so determinant a role in action. Founded in January, 1964, in its short history it has assimilated experiences which have necessarily influenced its manner of thinking and acting. It is sufficient as an example, to point out that in 1969 the entire central committee was detained, and in July, 1970 in the midst of the heat of the great strike against General Electric, there was an attempt on the life of its Secretary General and his wife. We do not complain. Leaders are shields. It was a great experience. We learned to fight on our own; and the ridiculous, triumphal cry of the F.B.I. announcing the dispersal of the Liga Socialista was just that: ridiculous. Today, the Liga Socialista is a stronger organization that it was then. Among the experiences put to good use, and which weighs in our consciousness in a very special way is the long and fruitful meditation of the past six years. For me this consciousness has been developed over a great timespan, since he who addresses you has felt the full weight of imperialism, national oppression, and the class yoke. Born in the particular way in which a Puerto Rican of his age and militancy passes. The young people who surround me and sustain me have taken in that experience and enriched it with their intelligent and courageous manner of seeing the world in which we live.

What I am arriving at is the abominable act which brings us here, before this committee: the war between Spain and the United States which victimized our country. It is an unnecessarily prolonged debate, on a number of tactical an strategic alternatives sadly aimed at the prolongation of the Spanish presence in Puerto Rico, were concluded and resolved at gunpoint, and not against Spain, but against Puerto Rico; and not in favor of Puerto Rico, but in favor of the United States. Such was the collapse of emerging liberalism in Puerto Rico: we went right into colonialism under the U.S., and today, with the

[redacted]

LIST OF FALN RELATED BOMBING, INCENDIARY AND OTHER INCIDENTS

te & Time	Bombing/Other Incident	FALN Claim	Injuries	Damage
	1974			
'16/74	.22 cal. revolver, later found in Queens bomb factory, is stolen in colorado			
/31/74	Domrosch Park; Lincoln Center	Communique		
/28/74	Newark (N.J.) P.D.; Newark City Hall	Communique		
0/6/74	Romero purchases carbine later found in Queens bomb factory			
0/24/74	Romero travels to NYC from Colorado; convicted FALN member Oscar Lopez travels from Chicago to NYC			
Saturday, 10/26/74, 2:56 AM	Midland Marine Bank, 140 Broadway, NYC In Mercury Comet parked in front	Telephone call to AP in NYC and Communique	None	$175,000.00
Saturday, 10/26/74, 2:57 AM	Chemical Bank, Exxon Building, 1251 Avenue of the Americas, NYC. Front window ledge street level.	Telephone call to AP in NYC and Communique	None	$175,000.00 $200,000.00
Saturday, 10/26/74, 2:57 AM - 3:06 AM	Banco de Ponce, Eastern Airlines Building, 10 Rockefeller Plaza, NYC Street level entrance door	Telephone call to AP in NYC and Communique	None	Unestablished
Saturday, 10/26/74 3:36 AM	Lever House Building 390 Park Avenue, NYC. Garden-front of building.	Telephone call to AP in NYC and Communique	None	$100,000.00

Saturday, 10/26/74, 3:30 AM - 3:40 AM	Union Carbide Building, 270 Park Avenue, NYC Base of column in Plaza.	Telephone call to AP in NYC and Communique	None	$250,000.00
10/27/74	Romero travels from NYC to Colorado; Oscar Lopez travels from NYC to Colorado			
12/8/74	Romero travels to NYC			
Wednesday, 12/11/74, 11:20 AM	Abandoned Building 336 East 110th, NYC Aimed at police officer.	Telephone call to AP in NYC and Communique	NYCPD Officer ANGEL POGGI	Unestablished
	1975			
Friday, 1/24/75, 1:20 P.M.	Fraunces Tavern Restaurant, 101 Broad Street, NYC Hallway to Anglers Club.	Telephone call to AP in NYC and Communique	4 killed 63 injured	Unestablished
1/28/75	$50,000 CEDA proposal submitted to NCHA by LUCERO and CUETO			
Wednesday, 4/2/75,	New York Life Building, 51 Madison Avenue, NYC, Lobby Street level	Telephone call to AP in NYC and Communique		$35,000.00
Wednesday, 4/2/75, 11:40 PM - 11:55 PM	Metropolitan Life Building, 340 Park Ave., South, NYC Entrance door, Street level	Telephone call to AP in NYC and Communique		$30,000.00
Wednesday, 4/2/75, 11:40 PM	New York Life Building, 51 Madison Avenue, NYC, Lobby Street level	Telephone call to AP in NYC and Communique		$35,000.00

Wednesday, 4/2/75, 11:40 PM - 11:55 PM	Metropolitan Life Building, 340 Park Ave., South, NYC Entrance door, Street level	Telephone call to AP in NYC and Communique		$30,000.00
Thursday, 4/3/75, 12:00 AM	Bankers Trust, 280 Park Avenue, NYC Gate, street level	Telephone call to AP in NYC and Communique		$75,000.00
Thursday, 4/3/75 12:12 AM	Blimpies Restaurant 5 West 46th Street, NY, In stack of garbage bags at curb in front	Telephone call to AP in NYC and Communique		$21,100.00
Saturday, 6/14/75, 12:35 AM	Mid-Continental Plaza Bldg-Monroe Street entrance. (Device originally placed in Plaza of the 1st National Bank, CG, but moved by passersby)	Telephone call to AP in CG, Ill., and Communique	One injury	$240,869.00
Saturday, 6/14/75, 12:52 AM	United Bank of America, 1 East Wacker Drive, NYC Flower box, front of bank	Telephone call to AP in CG, Ill., and Communique	None	$9,322.39
Saturday, 6/14/75	US Fed Bldg., 219 S. Dearborn St., CG, THREAT-NO BOMB RECOVERED	Telephone call to AP in CG, Ill., and Communique	None	no explosion
Monday, 10/27/75 12:48 AM	Continental National Bank, 231 South LaSalle St., CG, Ill. Behind column near LaSalle St. entrance	Telephone call to AP in NYC and Communique	None	$26,560
Monday, 10/27/75 1:00 AM	IBM Building, 233 South Wacker Drive, CG, State Street entrance behind column	Telephone call to AP in NY and Communique	None	$11,200.00 $16,500.00

Monday, 10/27/75 1:20 AM	Sears Tower, 233 South Wacker Drive CG, next to marble bench in Plaza facing west front of bldg.	Telephone call to AP in NY and Communique	None	$38,000.00
Monday, 10/27/75 1:55 AM	Standard Oil Building 200 East Randolph St. CG, on stone bench, 15-20 ft. from entrance to CG Bank of Commerce DEVICE DID NOT DETONATE	Telephone call to AP in NY and Communique	None	None-bomb did not detonate
Monday, 10/27/75 1:43 AM	National Westminister Bank Limited, 100 Wall St., NYC, rear of bank, street level	Telephone call to AP in NY and Communique	None	$32,000.00
Monday, 10/27/75 2:00 AM	First National City Bank, 111 Wall St., NYC, side of bldg, street level	Telephone call to AP in NY and Communique	None	$5,500.00
Monday, 10/27/75 2:05 AM	US Mission to the 799 First Avenue, NYC street level shrubbery	Telephone call to AP in NY and Communique	None	$55,000.00
Monday, 10/27/75 2:12 AM	Chase Manhattan Bank, 23 East 57th St., NYC, outer wall, street level	Telephone call to AP in NY and Communique	None	$46,361.00
Monday, 10/27/75, 2:20 AM	First National City Bank, 40 West 57th Street, NYC, street level near bank entrance	Telephone call to AP in NY and Communique	None	$8,000.00 $10,000.00
Monday, 10/27/75, 1:59 AM	US Department of State Bldg, 21st and "C" Streets, NW, WDC, north side of entrance on 21st Street	Telephone call to AP in NY and Communique	None	$15,000.00

Monday, 10/27/75, 2:03 AM	Bureau of Indian Affairs, 20th and Constitution Aves., WDC, in shrubbery near wall on Constitution side	Telephone call to AP in NY and Communique	None	$250.00
Sunday, 11/9/75, 2:05 AM	First National City Bank, 15th Street and Irving Place, NYC, Southeast wall	NO CLAIM (Probably FALN based on target and modis operandi)	None	$3,500.00
	1976			
2/8/76	Chase Manhattan Bank; Court Street, Brooklyn			
3/31/76	$25,000 NCHA check issued to FALN member Roberto Caldero			
Monday, 6/7/76, 10:42 PM	John Hancock Bldg. Window ledge of Bonwit Teller Store, 875 North Michigan Avenue, CG	NO CLAIM (Probably FALN based on modis operandi, evidence and type of targets)	None	$7,661.80
Monday, 6/7/76, 10:45 PM	100 North LaSalle Street Building, CG, in trash can in front of Bank Leumi Le Israel	NO CLAIM (Probably FALN based on modis operandi, evidence and type of targets)	None	$7,000.00 plus minor damage to parked car
Monday, 6/7/76, 11:25 PM	Corner of Dearborn and Monroe Streets, CG. In trash can near 1st National Bank of Chicago Plaza	NO CLAIM (Probably FALN based on modis operandi, evidence, and type of targets)	Mrs. LEE MARKOVITZ, ALLEN MARKOVITZ, Miss SHARON AVERS, RICARDO SCHWARZ Mrs. FANNIE SCHWARZ	Unestabl. only trash

Monday, 6/7/76 11:00 PM	Chicago Police Dept. 1121 South State St. CG, in trash can near front entrance	NO CLAIM (Probably FALN based on modis operandi, evidence, and type of targets)	None	$1,730.00
Saturday, 6/19/76, Noon	Marshall Fields Dept Store, 111 North State St., CG, Ill. incendiary device found in woman's apparel section	No claim but assumed FALN because of construction, modis operandi and date	None	None
Monday, 6/21/76,	Marshall Fields Dept Store, 111 North State St., CG, Ill. incendiary found in 6th floor raincoat section, assumed to have been placed 6/19/76	No claim but assumed FALN because of construction, modis operandi, and date	None	None
Friday, 6/25/76, 1:00 AM	Pan American Bldg. 45th Street and Park Avenue, NYC, 70 yards from the 45th Street entrance	Telephone call to NY Post and Communique	None	Unestab.
Friday, 6/25/76, 1:19 AM	40th Precinct, NYC Police Dept, 138th St. and Alexander Ave., Bronx, NY, wooden door, rear yard	Telephone call to NY Post and Communique	None	Unestabl.
Friday, 6/25/76, 1:00 AM but not found until 7:30 AM	1st National City Bank (CITIBANK), 349 East 149th St., NYC, near 149th Street door	Telephone call to NY Post and Communique	None	Unestabl.

Friday, 6/25/76 Discovered at 4:30 PM Detonation time unknown	Chase Manhattan Bank, 137th Street and Lincoln Ave., Bronx, NY	Telephone call to NY Post and Communique	None	Unestabl.
6/24-25/76	Dynamite recovered from Queens and Chicago bomb factories stolen in Deer Creek Canyon, Colorado			
7/6/76	NCHA $50,000 check disbursed by Cueto FROM Episcopal Church funds			
Monday, 7/12/76, 12:40 PM	Macy's Department Store, 34th and Broadway, NYC - 2 incendiaries - 1 in 7th floor fabrics and other found on 7/14/76 in 6th floor blankets	Telephone call to NY Post and Communique	None	$1,000.00
Monday, 7/12/76, 12:45 PM	Ohrbach's Department Store, 5 West 34th St., NYC, 2 incendiaries - 1 on 2nd floor dress section, 1 on 6th floor rug section	Telephone call to NY Post and Communique	None	$200.00
Monday, 7/12/76, 12:50 PM	Gimbel's Department Store, 33rd Street and Broadway, NYC, 2 incendiaries - 1 in 2nd floor men's robes dept., 1 in 2nd floor men's sportsware dept.	Telephone call to NY Post, and Communique. Also call to Gimbels in which FALN was not mentioned but threat was implied.	None	Unestablished

Monday, 7/12/76, 1:15 PM & 1:25 PM	Lord and Taylor Dept. Store, 5th Ave. and 38th St., NYC, 2 incendiaries - 1 in 5th floor County clothes dept., 1 in 3rd floor 1-2-5 dept.	Telephone call to NY Post and Communique	None	Unestablished
Monday, 7/12/76, 1:15 PM	Korvette's Dept. Store, 1293 Broadway, NYC, 2 incendiaries - 1 in 8th floor drapery dept., 1 found 7/28/76 in 2nd floor men's dept.	Telephone call to NY Post and Communique	None	Unestablished
Monday, 7/12/76, 1:15 PM & 2:00 PM	B. Altman's Dept. Store, 361 5th Ave., NYC - 2 incendiaries - 1 in bedspread dept. - 1 behind oriental rug	Telephone call to NY Post and Communique	None	Unestablished
7/23/76	$50,000 lundered through Crusade for Justice (CFJ)			
Friday, 9/10/76 12:45 AM	Nimpex Building, 734 North LaSalle St., CG, Doorway of Commonwealth of Puerto Rico Labor Office	Telephone calls to UPI in CG and Ohio St. Holiday Inn and Communique	None	$121,235.00
Friday, 9/10/76,	The Holiday Inn, 644 Lake Shore Dirve, CG, woman's restroom, 33rd floor, Pinnacle Restaurant	Telephone calls to UPI in CG and Ohio St. Holiday Inn and Communique	None	$10,000.00

riday, /10/76, 2:42 AM	Holiday Inn Chicago city Center, 300 East Ohio St., CG, THREAT TO BOMB-NO DEVICE RECOVERED	Telephone calls to UPI in CG and Ohio St. Holiday Inn and Communiques	None	None - NO BOMB
Jednesday,)/15/76	Marshall Fields Dept Store, 111 North State St., CG, Ill. incendiary found in couch in 7th floor furniture dept., assumed to have been placed 6/19/76	No claim but assumed FALN because of construction, modis operandi, and date	None	None
Tuesday, 9/21/76, 8:10 PM	New York Hilton Hotel, 24th Floor Stairwell, 53rd Street and Sixth Avenue, NYC	Telephone call to NY Post and Communique	None	$300,000.00
Tuesday, 9/21/76, 8:13 PM	Statler Hilton Hotel, 7th Avenue and 33rd Street, NYC-THREAT TO BOMB NO DEVICE RECOVERED	Telephone call to NY Post and Communique	None	None - NO BOMB
11/3/76	Chicago bomb factory discovered			
11/23/76	Archueleta subpoena served (Chicago G.J.)			
12/31/76	Nita Marquez begins to launder 2d NCHA $50,000 out of CFJ bank account			

1977

1/4/77	Cueto/Nemkin subpoenas issued
1/10/77	Cueto and Nemikin appear before GJ (SDNY)

2/17/77	Opinion of Judge Pierce, Matter of Wood (SDNY)			
Friday, 2/18/77, 12:55 AM	The Merchandise Mart, Merchandise Mart Plaza, CG, in bank of lockers near Wells Street exit under "L" station	No direct claim however, at 12:45 AM, 2/19/77, CBS radio in NY got call directing them to Communique claiming credit for bombs of 2/17/77 (?)	None	$1,335,000.00
Friday, 2/18/77, 1:05 AM	US Gypsum Bldg., 101 South Wacker Drive, CG, in plaza facing SW side of building	No direct claim, however, at 12:45 AM, 2/19/77, CBS radio in NY got call directing them to Communique claiming credit for bombs of 2/17/77 (?)	None	$20,196.98
Friday, 2/18/77, 11:55 PM	Texaco Touring Office, Chrysler Building, 405 Lexington Ave., NYC, near window on Lexington Ave.	Telephone call to CBS Radio in NYC and Communique	None	Unestablished
Friday, 2/18/77, 11:55 PM	Gulf and Western Bldg., 61st Street and Columbus Ave., NYC, plaza, south-side of building	Telephone call to CBS radio in NYC and Communique	None	Unestablished
2/28/77	Cueto and Nemikin remanded (SDNY)			
3/5/77	Defendant Cueto adjudged in civil contempt (Pierce, J., SDNY)			
Sunday, 3/20/77, 11:55 PM	American Bank Note Company, 1241 Lafayette Ave., NYC, in moat on Barretto Street side of building.	Citizen discovered Communique in phone booth and NY Post received copy in mail	None	$40,000.00

Sunday, 3/20/77,	Whelan Drug Store, 3rd Ave. and East 70th St., NYC, inside of store but apparently aimed at FBI Office on upper floors	Citizen discovered Communique in phone booth and NY Post received copy in mail	NORMAN LITTMAN	$25,000.00
3/22/77	Search of defendant Cueto's apartment			
3/29/77	Archuleta served with third subpoena (SDNY)			
Saturday, 4/9/77, 8:42 PM	Bloomingdale's Dept. Store, 1000 Third Ave., NYC, 2 incendiaries in 5th fl. furniture dept. and 1 incendiary in 2nd fl. boys dept., 1 incendiary, 8th fl. casual dept.	No telephone claim but Communique discovered in telephone booth in NYC	None	Unestablished Extensive water damage
Saturday, 4/9/77, 8:45 PM	Macy's Dept. Store, 151 West 34th St., NYC, 2 incendiaries in 7th fl., rug dept., and 1 incendiary in 9th fl., furniture dept.	No telephone claim but Communique discovered in telephone booth in NYC	None	Unestablished Extensive water damage
Saturday, 4/9/77, 8:52 PM	Gimbel's Dept. Store, 33rd St. and Broadway, NYC, 1 incendiary in pile of rugs, 5th fl. and 1 incendiary beneath furniture on 9th fl.	No telephone claim but Communique discovered in telephone booth in NYC	None	$30,000.00
4/19/77	Court of Appeals opinion In re Cueto			
4/28/77	Archuleta incarcerated (Chicago; Parsons, J.)			

Saturday, 6/4/77, 12:30 PM - 12:45 PM	The City-County Bldg., 118 North Clark Street, CG, Ill., in 5th floor hallway near mayor of CG's Office	Telephone calls to CBS and UPI in Chicago-No Communiques	MANUEL COLON & DAVE SCHIMMEL	$5,000.00
Saturday, 6/4/77, 12:47 PM	Threats to bomb undescribed locations	Threats via telephone call to CBS, CG, Ill. to bomb undescribed locations	None	None - No devices found except for City-County Bldg.
Wednesday, 8/3/77, 9:37 AM	Dept. of Defense Office 21st Fl., 342 Madison Ave., NYC - hidden behind venetian blind in hallway-moved into Defense Office where it detonated	2 calls to NY Post, Communique found in Central Park in NYC	None	$6,000.00
Wednesday, 8/3/77 10:40 AM	Mobil Building, Employment Services Office, 1st floor, 150 East 42nd St., NYC, device hidden in umbrella in employment office	2 calls to NY Post, Communique found in Central Park in NYC	CHARLES STEINBERG Killed, Injured: WALTER DAUB, DORETTE REID, IVAN GERSON, ROBERT WILLIAMS, PAULINA ADKINS	$12,000.00
Monday, 8/8/77, 9:45 AM	AMAX Building, 8th Fl. hallway, 1270 Avenue of the Americas-Device failed to detonate, found in 8th fl. hallway near storeroom in envelope (Probably placed on 8/3/77)	2 calls to NY Post, Communique found in Central Park in NYC	None	None device did not detonated

ednesday, /3/77, :40 AM	Threat to bomb 245 Park Avenue, NYC, no device found	2 calls to NY Post	None	None-no device found
Jednesday, 3/3/77,):40 AM	Threat to bomb 410 Park Avenue, NYC, no device found	2 calls to NY Post	None	None-no device found
Wednesday, 8/3/77	World Trade Center NYC, Threat to bomb, no device found	2 calls to NY Post	None	None-no device
8/19/77	Court of Appeals opinion Matter of Archuleta			
8/22/77	Rosados incarcerated for civil contempt (S.D.N.Y.)			
9/27/77	Opinion of Judge Owen Matter of Rosado			
Tuesday, 10/11/77, 1:50 AM	Gimbels East Dept., 125 East 86th and Lexington Ave., NYC, 2 incendiaries in 6th fl. furniture dept.	Telephone call to NY Post, 2 Communiques-1 Post in mail, 1 in phone booth in NYC	None	$125,000.00
Tuesday, 10/11/77, 2:00 AM	Macy's Dept. Store, Kings Plaza, Brooklyn, NY, 1 incendiary in 4th fl. furniture dept.	Telephone call to NY Post, 2 Communiques-1 to Post in mail, 1 in phone booth in NYC	None	"several thousand"

Tuesday, 10/11/77, 1:00 PM	Trash container, corner of East 59th Street and Madison, Ave., NYC, near Bank Melli Iran in the General Motors Bldg. Explosive device "low ordered" sometime prior to 11:30 AM, 10/11/77	Telephone call to NY Post, 2 Communiques-1 to Post in mail, 1 in phone booth in NYC	None	None-devices low ordered in open air
Tuesday, 10/11/77, 7:50 PM	US Post Office, Main Branch, 433 West Van Buren St., CG, Ill., 8th floor (device apparently placed in mailbox where homemade "blasting cap" had "low ordered." Device then brought in routine mail pickup to main post office where discovered.)	Telephone call to NY Post, 2 Communiques-1 to Post in mail, 1 in NYC phone booth	None	None-device "low ordered"
Saturday, 10/15/77, Afternoon	National Guard Armory, 1551 North Kedzie Ave., CG, Ill., 2 explosive devices placed in 1st floor outside window wells-homemade "blasting caps on both devices had "low ordered." Devices apparently placed 10/11/77	Telephone call to NY Post, 2 Communiques-1 to Post in mail, 1 in NYC phone booth	None	None-devices "low ordered"
11/9/77	Ricardo Romero incarcerated (Chicago; Parsons, J.)			
11/21/77	Ohrbach's Dept. Store, 35th Street; Manhattan			

1978

1/6/78	Archuleta held in civil contempt (Chicago; Parsons, J.)			
1/23/78	Defendant Cueto and Nemikin released from Custody on civil contempt			
1/31/78	Police car (NYPD), Police Academy, 20th Street & Third Avenue, NYC			
1/31/78	Con Edison Trash Can Irving Place, NYC			
1/31/78	Defendant Romero released from custody on civil contempt			
2/5/78	Con Edison transformer, Hall & Vanderburgh Avenues, Larchmont, N.Y.			
2/16/78	116th Street & Second Avenue, NYC			
Friday & Monday, 2/24 & 27/78	Undescribed target (s) in NY threatened in Communique-No bombs exploded or found	FALN Communique received by UPI in NYC on 2/27/78 claiming credit for "armed attack" postmarked 2/24/78 in NYC	None	None-no devices detonated
4/28/78	F.W. Woolworth Dept. Store, 441 Fifth Avenue, NYC			
5/8/78	Rosados, Archuleta released from custody on civil contempt			

Monday, 5/22/78, 9:38 AM	US Dept. of Justice Bldg., Constitution Ave., entrance, WDC	Telephone call to UPI in NYC-no Communique	None	Unestablished
Monday, 5/22/78, 9:50 AM	Century Gift Shop Newark International Airport, Terminal A, Mezzanine Level, on shelf at rear of store-incendiary	Telephone call to UPI in NYC-no Communique	None	Not established
Monday, 5/22/78, 9:55 AM	Men's restroom, Main Terminal, LaGuardia International Airport Queens, NY-incendiary	Telephone call to UPI in NYC-no Communique	None	Unestablished
Monday, 5/23/78, 9:55 AM	Faber Smoke Shop, Eastern Airlines Terminal, John F. Kennedy International Airport, Queens, NY-incendiary	Telephone call to UPI in NYC-no Communique	None	Unestablished
Monday, 5/22/78, 10:05 AM, (NY time)	O'Hare International Airport, CG, Ill., THREAT TO BOMB - No devices discovered	Telephone call to UPI in CG, Ill., and telephone call to UPI in NYC-no Communique	None	None-no devices detonated
Monday, 5/22/78, 10:05 AM (NY time)	O'Hare Hotel, O'Hare International Airport, THREAT TO BOMB - No devices discovered	Telephone call to O'Hare Hilton Hotel and telephone call to UPI in NYC	None	None-no devices detonated
Saturday, 6/24/78, 12:30 PM & 12:45 PM	J.C. Penney Dept. Store Woodfield Mall, Schaumburg, Ill., 2 incendiaries-1 in furniture dept., 1 in drapery dept.	Telephone calls to UPI, CBS and WCRW-AM all in CG, Ill. and Communique	ROSEMARY DAVIS	$20,000.00

Saturday, 6/24/78, 12:45 PM & 12:50 PM	Marshall Fields Dept. Store, Woodfield Mall, Schaumburg, Ill., 2 incendiaries-both found in sofas in the furniture dept.	Telephone call to UPI, CBS and WCRW-AM all in CG, Ill. and Communique	RONALD P. KRAVITZ	$1,825.00
Saturday, 6/24/78, 12:50 PM	Sears Department Store Woodfield Mall, Schaumburg, Ill., 2 incendiaries-1 found in furniture dept., 1 found in blankets in linen dept.	Telephone calls to UPI, CBS and WCRW-AM all in CG, Ill. and	None	$10,000.00
7/12/78	FALN bomb factory discovered in Queens; Morales arrested; three unexploded pipe bombs recovered			
7/12/78	Discovery of FALN bomb factory, 26-49 96th Street, Queens, N.Y.			
Wednesday, 7/12/78,	Macy's Department Store, Herald Square, 34th St. and Broadway, NYC, incendiary 9th fl. furniture dept.	Communique mailed to UPI in NY. Also Communique found in WILLIAM MORALES' "bomb factory" found NYC 7/12/78	None	Unestablishe
Wednesday, 7/12/78, 11:30 PM	Korvette's Dept. Store, Herald Square, 34th St. and Broadway, NYC, 2 incendiaries-1 found in 8th fl. bedding depart, 1 in 2nd fl. men's dept.	Communique mailed to UPI in NYC. Also Communique found in WILLIAM MORALES' "bomb factory" found in NYC, 7/12/78	None	Unestablishe
7/31/78	Morales arraigned in E.D.N.Y.			

Tuesday, 8/29/78 10:30 AM	Macy's Dept. Store, Herald Square Store, 34th and Broadway, NYC, incendiary found in sofa in 9th fl. furniture dept. apparently placed on 7/12/78	Communique mailed to UPI in NYC. Also Communique found in WILLIAM MORALES' "bomb factory" found in NYC, 7/12/78	None	None
8/31/78	Juan Antonio Corretjer extols the FALN before the U.N.			
	1979			
2/26/79	Morales' federal trial begins (E.D.N.Y., Nickerson, J.)			
2/28/79	Morales found guilty (E.D.N.Y.)			
3/6/79	Morales' state trial begins (Queens County)			
3/8/79	Morales found guilty (Queens County)			
4/11/79	Morales sentenced (E.D.N.Y.)			
5/21/79	Morales escapes assisted by the BLA, the May 19 CO and Tipograph			
9/12/79	In Vega Baja, Puerto Rico, robbery of armored truck was robbed by persons wielding an M-16 rifle and handguns			$800,000
Wednesday 10/17/79 7 PM	Republican Committee Cook County Hdqtrs. 187 N. Dearborn, CG outside doorway, 2nd fl.	Telephone call to CBS News and Communique	None	None-device disarmed

ednesday 0/17/79 1:15 PM	Cook County Building, Clark and Randolph Street, ___ 5th Floor Washroom	Telephone call to CBS News and Communique	None	$50,000.00
ednesday 10/17/79 11:45 PM	Great Lakes Naval Training Center, Outside of Reserve Training Center, Bldg. 2711	Telephone call to CBS News and Communique	None	$10,000.00
Wednesday 10/17/79 11:25 PM	US Customs Bldg. Old San Juan, PR	Telephone calls SJ Star/UPI/AP and Communique	None	$1,500.00
Wednesday 10/17/79 11:30 PM	Reserve Officers Beach Club, Avenida Ponce de Leon, Old San Juan, Puerto Rico	Telephone calls SJ Star/UPI/AP and Communique	None	$1,500.00
Wednesday 10/17/79	US Coast Guard Radio Tower, Old San Juan, Puerto Rico	Telephone calls SJ Star/UPI/Ap	None	$80.00
Wednesday 10/17/79	Monumentos A Los Primeros Norte-Americanos, Guanica, Puerto Rico	Telephone calls SJ Star/UPI/AP and Communique	None	Unknown
Wednesday-Thursday 10/17-18/79	Collins International Communications Tower Isabella, Puerto Rico	Telephone calls SJ Star/UPI/Ap and Communique	None	$5,000.00
Thursday 10/18/79 2:10 AM	US Customs House 502 Union Street, Puerto Real, Fajardo, Puerto Rico	Telephone calls SJ Star/UPI/AP and Communique	None	None-device disarmed
Friday 11/16/79 (Device probably placed 10/17/79)	International Tractor Bldg. 555, Ft. Buchanan, Puerto Rico, device found unexploded inside of a tractor	Telephone calls SJ Star/UPI/Ap and Communique	None	None-device disarmed
Wednesday 10/17/79	NY State Democratic Committee, Room 1801 60 East 42nd Street, New York	Telephone call UPI and Communique	None	None-"mock" device-no explosive

9/24/82	All five defendants are indicted in the EDNY on criminal contempt charges			
10/8/82	Defendants arraigned on the criminal contempt indictment			
11/9/82	Search warrant executed in Baraldini's apartment in Manhattan; carbon copy of FALN communique recovered			
11/9/82	Search of Baraldini/ Miller apartment			
11/16/82	Robbery of $350,000 armored truck by Macheteros using Russian made AK-47 and M-16 1 KIA	1 KIA		$350,000
11/24/82	Defendants re-subpoenaed to testify before grand jury in the EDNY; superseding Brinks indictment filed in the SDNY			

1983

New Year's Eve 12/31/82	(High Order) FBI and NYPD Headquarters; U.S. Attorney (SDNY); Courthouse (EDNY)	Phone call from Luis Rosado and FALN Communique reprinted in "De Pie", a periodical controlled by the defendant Julio Rosado	Three police Officers (NYPD)	Substantial

10/20/81	Brinks armored truck robbery and murder of two police officers and security guard committed by elements of the BLA May 19 CO; several arrests occur			
11/18/81	return date of the Rosados, Romero and Guerra grand jury subpoenas; argument before Judge Platt; four defendants refuse to testify			
12/16/81	Cueto subpoenaed to grand jury (EDNY); Judge Platt denies motion to quash			
	1982			
1/6/82	Cueto refuses to be sworn before grand jury			
Sunday 2/28/82	(High Order)			
2323 Hrs	Merrill Lynch	Communique	0	Unestablis
2325 Hrs	Chase Manhattan	Communique	0	Unestablis
2335 Hrs	N.Y. Stock Exc.	Communique	0	Unestablis
2345 Hrs	American Stock Exc.	Communique	0	Unestablis
5/16/82	U.S. Navy sailors ambushed in Puerto Rico	1 KIA; 2 WIA		
6/16/82	Defendant Guerra's trip to Puerto Rico			
Monday 9/20/82	(High Order)			
0039 Hrs	Bankers Trust 280 Park Avenue	Call UPI	0	Unestablis (Glass)

1981

1/12/81	Nine (9) A-7 jet aircraft of Air National Guard destroyed at Muniz Air Base, San Juan by Macheteros through explosives			$150,000,000
2/18/81	Ten FALN members sentenced in Chicago			
3/23/81	Attempted robbery of an armored truck by BLA in Danbury, Connecticut			
4/21/81	Macheteros rob an armored truck in San Juan			$348,000
5/16/81 7:10 a.m.; 8:00 a.m.	JFK Airport Pan Am departure terminal (two bombs)	Puerto Rican Armed Resistance; Communique	1 KIA	
5/17/81 5:10 a.m.	JFK Airport Pan Am terminal (device exploded while being disarmed)	Puerto Rican Armed Resistance; Communique		
5/18/81 9:30 a.m.	Honduran Consulate 18 E. 31st Street, NYC		device discovered	
5/29/81	Oscar Lopez arrested in Illinois			
6/2/81	Armored truck robbery by the BLA in the Bronx, New York			

Saturday, 3/15/80, 9 AM	Carter-Mondale Presidential Re-election Illinois Campaign Office, 5 & 6th floors, 109 North Dearborn St., Chicago, Ill. Armed invasion	Communique to UPI in NY, Telephone call to target in Chicago	None-7 employees held against will	Ransacked offices-spracy paints walls, stole documents and $150.
Saturday, 3/15/80,	George Bush Presidential Campaign Office, 130 East 59th Street, NYC Armed invasion of office	Communique to UPI in NY	None-employees held against will	Ransacked offices-spray painted walls, stole documents
Monday, 3/17/80 and onward	Threatening letters sent to Carter-Mondale supporters throughout Illinois, Also possible threatening telephone calls		None	None
4/4/80	Arrest of 11 FALN members in Evanston			
Friday, 4/4/80	Apparent FALN armored truck robbery attempt - 11 members arrested in Evanston, Illinois before action took place.		None	None
4/8,9/80	Search of Milwaukee safehouse			
4/22/80	Armored truck robbery and murder by BLA in Inwood, New York			
12/21/80 5:55 p.m. & 6:03 p.m.	Penn Station 8th Avenue passageway NYC	Puerto Rican Armed Resistance telephone call and Communique		

Thursday 10/18/79	--- City Republican Hdqtrs, 45 East 45th Street, New York	Telephone call UPI and Communique	None	None-___ device-explosive
11/2/79	Joanne Chesimard excapes from a New Jersey state prison			
Friday 11/28/79 11:45 PM	US Military recruiting Station, 4654 South Ashland Ave, __ wnd floor restroom	Telephone call and Communique	None	
Saturday 11/24/79 11:20 AM	Illinois Naval Militia Building, 401 East Randolph Street, CG Outside of side door	Telephone call and Communique	None	
Saturday 11/24/79 12:35 AM	US Military Recruiting Station, 1940 West Irving Park, Chicago Inside of rear storeroom	Telephone call and Communique	None	
12/3/79	Bus containing U.S. Navy personnel ambushed by Macheteros using M-16 and Russian made AK-47 assault rifles at Sabana Seca, Puerto Rico	two sailors KIA; 9 WIA		
	1980			
Monday, 1/14/80	Oak Creek National Guard Armory, Oak Creek, Wisconsin Invaded in search of military weapons	None	None-3 men held while FALN searched building	Stole 1 car, gun, wallet
3/12/80	Three Army ROTC officers ambushed in Puerto Rico by Macheteros using M-16 rifles			