



**Effects and effectiveness of law  
enforcement intelligence  
measures to counter  
homegrown terrorism: A case  
study on the *Fuerzas Armadas  
de Liberación Nacional (FALN)***

*Final Report to the Science & Technology  
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Security*

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Based at the University of Maryland

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## About This Report

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## Executive Summary

This qualitative case study describes how law enforcement intelligence measures were used to counter the *Fuerzas Armadas de Liberación Nacional* (Armed Forces of National Liberation, or FALN), a Puerto Rican clandestine paramilitary organization of Marxist-Leninist orientation that emerged in New York in 1974 and claimed responsibility for over 100 attacks in the United States and Puerto Rico (primarily in New York, Chicago, and Washington, DC). From a counterterrorism perspective, this study is of particular interest for two reasons. First, the FALN provides a unique example of a homegrown terrorist group that was particularly violent during the period when it was active, but eventually desisted. Second, a range of different strategies was used to counter the FALN threat, including judicial and legal, political and governance, and police and prison systems, which may have variously affected the activities and organization of this terrorist group.

The following questions guided this research:

- a. What type of intelligence measures did law enforcement use against the FALN, and how were they implemented?
- b. What were the outcomes of this strategy?
- c. Based on the gathered evidence, is it possible to infer a link between the use of these measures and the end of the FALN?
- d. Did this counterterrorism strategy have any impact on the Puerto Rican violent separatist movement in general?

Data were gathered through open-source documents and focused interviews. Internet web searches produced over one hundred documents, including government reports (n=10), court files (n=20), FALN communiqués and propaganda materials (n=15), scholarly publications (n=12), and newspaper articles in both English and Spanish (n=52). Incident-level data were extracted from the Global Terrorism Database (GTD) to analyze trends and *modus operandi* of the FALN. Lastly, six focused interviews were conducted with four former FBI agents, one former Assistant U.S. Attorney, and one former police officer to corroborate the gathered information and gain further insight into the investigation drawing from different perspectives. After outlining the origins of the Puerto Rican independence movement and the emergence of the FALN, this study provides a detailed description of the investigation setting and a chronology of key interventions and outcomes starting from the first claimed bombing in New York City in 1974 to the last known activity by a FALN leader, the foiled prison escape attempt by Oscar Lopez in 1985.

The criminal investigation was led by the FBI and consisted of two major phases. The first phase ran from 1974 to 1980, and aimed to solve the bombings by identifying the individuals who were behind the FALN. Typical investigative tactics, such as running leads, talking to informants, interviewing potential witnesses, and conducting physical surveillance, however, did not produce the expected outcomes. Despite this, during this phase there were three major breakthroughs, i.e. the discovery of two bomb factories, one in Chicago in 1976 and the other one in New York in 1978, and the arrest of eleven FALN

members by local police in 1980. Although these incidents were mostly due to mistakes by the FALN rather than law enforcement planning, the FBI was able to take advantage of these opportunities and came up with an innovative, long-term, intelligence-driven strategy that was implemented in Chicago between 1981 and 1984. This second phase led to a number of successful outcomes: (1) it unraveled the FALN conspiracy, whose organization and functioning had been unknown; (2) it foiled a number of violent plots, including prison escapes, an armed robbery, and a terrorist attack; and (3) it led to the apprehension of five FALN members.

Based on these research findings, which linked causes and effects following a chronological sequence, we can infer that the FBI intelligence-led strategy caused the disruption of the Chicago cell and successfully prevented their terrorist plans. More specifically, this case study shows that the use of law enforcement intelligence-gathering measures was successful in countering the FALN threat and produced a number of positive outcomes *when the investigative approach shifted from tactical and reactive to strategic and proactive*. Although we found evidence suggesting that a link between law enforcement interventions and the disruption of the FALN exists, it is likely that the end of the FALN as a terrorist organization was the result of a combination of factors, including government counterstrategies, lack of popular support and perceived legitimacy, internal transformations, and societal changes. Finally, it is difficult to ascertain whether the government strategy has had any impact on the larger Puerto Rican violent separatist movement. In conclusion, we outline key lessons learned from this investigation, which provide useful insights for future intelligence-based counterterrorism strategies.

## Effects and effectiveness of law enforcement intelligence measures to counter homegrown terrorism: A case study on the *Fuerzas Armadas de Liberación Nacional (FALN)*

### Introduction

Efforts to counter violent extremism and terrorist activity can take many forms, varying from legislative efforts to community-level interventions with a range of other options involving an array of institutional actors. In the United States, law enforcement has long played an important role in such efforts and, increasingly, experts are arguing that intelligence-led policing has great potential for counterterrorism purposes.<sup>1</sup> Unfortunately, few studies have examined the effectiveness of existing counterterrorism strategies in general, and law enforcement-based interventions in particular. There is a need to understand the short-term and long-term effects of intelligence-led practices to inform policymakers and justice officials involved in developing counterstrategies, and this study aims to look at one law-enforcement led counterterrorism effort from the 1980s to assess what might be learned from that case for efforts moving forward in the United States. This qualitative case study describes how law enforcement intelligence-gathering measures were used to counter the threat of the *Fuerzas Armadas de Liberación Nacional* (Armed Forces of National Liberation, or FALN), a Puerto Rican clandestine paramilitary organization that was particularly violent during the 1970s and 1980s, but eventually desisted. Based on an analysis of open-source documents and focused interviews with six key informants, this research found that law enforcement interventions produced a number of positive outcomes that contributed to the disruption of the FALN *when the approach shifted from a reactive criminal investigation to a strategic and proactive intelligence-led strategy*. Although the research found evidence suggesting that a link between law enforcement interventions and the disruption of the FALN exists, other factors may have also contributed to its end as a terrorist organization, such as the lack of support from the Puerto Rican populace, historical and societal changes, and the existence of legitimate alternatives and political concessions.

### Research questions and method

The following questions guided this research:

- a) What type of intelligence-gathering measures did law enforcement use against the FALN and how were they implemented?
- b) What were the outcomes of this strategy?
- c) Based on the gathered evidence, is it possible to infer a link between the use of these measures and the end of the FALN?
- d) Did this counterterrorism strategy have any impact on the Puerto Rican violent separatist movement in general?

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<sup>1</sup> Edmund McGarrell, Steven Chermak, and Joshua Freilich, "Intelligence Led Policing as a Framework for Responding to Terrorism," *Journal of Contemporary Criminal Justice* 23, no.2 (2007): 142-158.

Data were gathered through open-source documents and focused interviews. First, we conducted an in-depth search of open-source materials using various web engines to retrieve all publicly available information on the FALN and efforts to counter the organization.<sup>2</sup> These searches produced over one hundred documents, including government reports (n=10), court files (n=20), FALN communiqués and propaganda materials (n=15), scholarly publications (n=12), and newspaper articles in both English and Spanish (n=52). Additionally, we drew extensively from two unpublished works authored by one of our key informants, which present a detailed account of all stages of the investigation with commentaries from public officials who were involved in the FALN case.<sup>3</sup> Next, we extracted data from the Global Terrorism Database (GTD) to analyze trends and *modus operandi* of the FALN.

Lastly, we conducted six focused interviews with four former FBI agents, one former Assistant U.S. Attorney, and one former police officer to corroborate the gathered information and gain further insight into the investigation drawing from different perspectives.<sup>4</sup> In our original protocol, which was approved by the Institutional Review Board, we proposed to conduct additional interviews with non-government affiliated individuals (i.e., civil rights activists and former FALN affiliates) to better understand the circumstances surrounding the rise and fall of the FALN, and the short-term and long-term impact of counterterrorism strategies. Unfortunately, we were unable to carry out these interviews. One person initially agreed to participate in this research, but subsequently withdrew consent without providing an explanation. Two other contacts were approached by email twice, but never replied.

To compose this case study, we followed the substantive case report format.<sup>5</sup> This format requires an identification of the problem, a description of the setting, a discussion and interpretation of key findings, and lastly a “lessons learned” section.<sup>6</sup>

It is accurate to say that the type of strategy examined in this case study today would fall into the so-called intelligence-led policing approach. A 2005 Department of Justice report described intelligence-led policing as “a collaborative enterprise based on improved intelligence operations and community-oriented policing and problem solving... Intelligence must be incorporated into the planning process to reflect community problems and issues. Information sharing must become a policy, not an informal

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<sup>2</sup> The search engines used were: Google, Google News, Google Scholar, Google Blog, Yahoo, Proquest, News Library, Lexis-Nexis, and Westlaw.

<sup>3</sup> Richard S. Hahn, “Terror’s Dawn: The FALN and the Beginning of Terrorism in America” (unpublished report. R. Hahn & Company, Inc: Seal Beach, CA: 2011), hereinafter: Hahn Vol. 1; Richard S. Hahn, “American Terrorists: the True Story of the FALN, America’s Most Prolific Terrorist Group” (unpublished report. R. Hahn & Company, Inc: Seal Beach, CA: 2011), hereinafter: Hahn Vol. 2.

<sup>4</sup> Robert K. Merton, Marjorie Fiske, and Patricia L. Kendall, *The focused interview: A manual of problems and procedure*, 2<sup>nd</sup> ed. (New York: Free Press, 1990). The author interviewed four former FBI agents (Don Wofford, Lou Vizi, Rick Hahn, and Dave Mitchell), one former police officer who asked to remain anonymous, and one former Assistant U.S. Attorney (Jeremy Margolis) between August and September 2011.

<sup>5</sup> Yvonna S. Lincoln and Egon G. Guba, *Naturalistic inquiry* (Newbury Park, CA: Sage, 1986).

<sup>6</sup> John W. Creswell, *Qualitative inquiry and research design: Choosing among five traditions* (Thousand Oaks, CA: Sage, 1998).



practice. Most important, intelligence must be contingent on quality analysis of data”<sup>7</sup> However, we did not use this theoretical framework to guide our research, since the FALN investigation was conducted before it was developed.<sup>8</sup> However, in our discussion, we refer to intelligence-led policing literature to help interpret our findings.<sup>9</sup>

After outlining the origins of the Puerto Rican independence movement and the emergence of the FALN, this study provides a detailed description of the investigation setting and a chronology of key interventions and outcomes.<sup>10</sup> In discussing how presumed causal links occurred between law enforcement interventions and outcomes, we considered possible rival explanations, such as the impact of other initiatives (e.g., providing concessions without political integration by pardoning convicted FALN members) and the influence of societal changes (e.g., diminished support from the Puerto Rican populace, general decline of nationalist and far-left extremist movements).<sup>11</sup>

To verify the trustworthiness of the data, we used data triangulation and searching for disconfirming evidence to establish credibility.<sup>12</sup> In reporting findings and conclusions, we included the broadest and most thorough information possible within prudent confidentiality limits. To increase the reliability of our findings, we maintained a chain of evidence whereby we regularly reviewed all possible materials, including raw data such as open-source documents, draft interview questionnaires, interview notes, audio files, and transcripts, to progress logically from initial research questions to case study conclusions without relying on pre-existing assumptions or biases.<sup>13</sup>

## History of the Puerto Rican violent separatist movement

The origins of the violent Puerto Rican nationalist movement date back to the 1868 revolt against the Spanish colonial regime by the people of Puerto Rico. This event was significant because it gave birth to the concept of the Puerto Rican nation as a distinct political, cultural, and social identity.<sup>14</sup> The first autonomous Puerto Rican government was established in March 1898, but after only three months the United States occupied the island during the Spanish-American War and imposed a military regime.<sup>15</sup> The

<sup>7</sup> Marilyn Peterson, “Intelligence-led Policing: The New Intelligence Architecture,” NCJ Report 210681. Washington DC: Bureau of Justice Assistance, U.S. Department of Justice, September 2005: p. vii.

<sup>8</sup> See for example: Jerry H. Ratcliffe, “Intelligence-led policing”, in Richard Wortley and Lorraine Mazerolle, *Environmental criminology and crime analysis*, (Devon, UK: Willan Publishing, 2008), 263-282; David L. Carter, *Law enforcement intelligence: A guide for state, local, and tribal law enforcement agencies* (National Institute of Justice & Community Oriented Policing Services, COPS: Washington, DC, 2009)

<sup>9</sup> Kelly J. Asmussen and John W. Creswell, “Campus response to a student gunman”, *Journal of Higher Education*, 66 (1995): 575-591.

<sup>10</sup> Robert K. Yin, *Case study research: Design and methods*, 3<sup>rd</sup> ed. (Thousand Oaks, CA: Sage, 2003).

<sup>11</sup> Robert K. Yin, *Applications of case study research*, 2<sup>nd</sup> ed. (Thousand Oaks, CA: Sage, 2003).

<sup>12</sup> Yin (see note 10 above).

<sup>13</sup> Yin (see note 10 above), 105.

<sup>14</sup> Michael Gonzalez-Cruz, “Puerto Rican revolutionary nationalism (1956-2005): Immigration, armed struggle, political prisoners and prisoners of war”, (doctoral dissertation, State University of New York at Binghamton, 2005), 135.

<sup>15</sup> Michael Gonzalez-Cruz, “The U.S. invasion of Puerto Rico: Occupation and resistance to the Colonial state, 1898 to the present”, *Latin American Perspectives* 25, no. 5 (1998).



movement for independence originated in this context and became progressively more violent during the twentieth century, although there has also long been a powerful movement advocating peaceful means to gain independence.

The history of Puerto Rican armed resistance can be divided in three politically violent periods:<sup>16</sup>

- a) **1898-1930**, when groups assaulted landowners and fought invading U.S. troops;
- b) **1930-1954**, when Pedro Albizu Campos led the Puerto Rican Nationalist Party;
- c) **1965-2005**, which coincides with the emergence of clandestine revolutionary nationalism during the period nominated *Nueva Lucha* (New Struggle).

The first period was characterized by sporadic attacks by poor day laborers (called *tiznados* for the soot with which they painted their face during their night attacks) against Spanish landowners, pro-statehood *criollos*, and U.S. troops. The *tiznados* were the first guerrilla groups fighting for Puerto Rican independence against its colonizers, and were armed with machetes, torches, and few firearms.<sup>17</sup> This period was also characterized by drastic changes in the agrarian economy resulting in the progressive impoverishment of local farmers whose plantations were taken over by American corporations. These changes, coupled with the extension of U.S. citizenship to Puerto Ricans in 1917, produced an increased migration flow from Puerto Rico to urban areas in the northeast U.S. Those who relocated from the island were mostly working-class people looking for jobs, political exiles, intellectuals, and artisans who established the first Puerto Rican communities in New York City. Local politics on the island changed in favor of expanded capitalism and created a new, wealthy class of landowners and intermediaries who were in favor of a U.S.-controlled government for the island.<sup>18</sup>

The second period began in 1930, when Pedro Albizu Campos, a mixed-race Puerto Rican of poor origin who studied law at Harvard University, became president of the Puerto Rican Nationalist Party. Albizu believed that the colonial situation of Puerto Rico “caused the material and moral misery of his people,” and that “the only way to redeem this besieged group was through insurrection.”<sup>19</sup> His 1932 political manifesto promoted mass mobilization by calling for workers to demand profits from corporations and the redistribution of land to local farmers. Under Albizu’s leadership, the Puerto Rican Nationalist Party became a militant grassroots organization present in every municipality. Militant groups were composed of farmers, artisans, students and intellectuals who conducted armed propaganda actions in support of workers’ strikes and to promote confrontation with colonial authorities. The United States responded to this political activism with harsh repression and violent attacks against militants. One of the most notable incidents was the 1935 massacre of Rio Piedras, where U.S. forces executed four nationalists in front of the University of Puerto Rico.<sup>20</sup> To avenge this attack, two nationalists murdered the chief of police in Old San Juan. On March 4, 1936, Albizu and other nationalist leaders were arrested and charged with

<sup>16</sup> Gonzalez-Cruz (see note 14 above).

<sup>17</sup> Gonzalez-Cruz (see note 15 above).

<sup>18</sup> Jorge Duany, *Puerto Rican Nation on the Move: Identities on the Island and in the United States*. (Chapel Hill: University of North Carolina Press, 2002).

<sup>19</sup> Gonzalez-Cruz (see note 14 above), 56.

<sup>20</sup> Gonzalez-Cruz (see note 14 above).

conspiracy to overthrow the U.S. regime. While Albizu was in prison in the United States, the Nationalist Party started to reorganize in New York and Chicago.<sup>21</sup>

In 1950, the U.S. Congress established a constitutional self-government, known as the Commonwealth of Puerto Rico or *Estado Libre Asociado* (ELA), which subsequently allowed Puerto Rico to have its own constitution but subjected it to U.S. laws and the U.S. Executive and Legislative branches. This caused a number of uprisings by Puerto Rican nationalists, most notably the 1950 assassination attempt against U.S. President Harry Truman by Oscar Collazo and Griselio Torresola and the 1954 attack on the U.S. Congress, in which Rafael Cancel Miranda, Irving Flores, Andres Figueroa Cordero and Lolita Lebrón opened fire against members of the U.S. House of Representatives.<sup>22</sup> Albizu experienced declining health in prison, dying in 1965.

The third period of Puerto Rican nationalist violence began around 1965 when clandestine groups started to emerge to promote the cause for independence of Puerto Rico through violent attacks against symbols of capitalism and the U.S. government. The majority of these attacks was carried out by a few organizations between the early 1970s and late 1980s, including (a) *Movimiento Independentista Revolucionario Armado* (MIRA); (b) *Fuerzas Armadas de Resistencia Popular* (FARP); (c) *Organización de Voluntarios por la Revolución Puertorriqueña* (OVRP); (d) *Fuerzas Armadas de Liberación Nacional* (FALN); and (e) *Ejército Popular Boricua/Los Macheteros*. Of all these groups, the FALN stands out because it was the only clandestine organization that was born in the mainland United States, where it also conducted most of its attacks (primarily in New York, Chicago, and Washington), whereas the other groups emerged and remained primarily active in Puerto Rico. The next section provides a closer look at the FALN, focusing on its political basis, objectives, and *modus operandi*.

### **The FALN: origins, political objectives, and *modus operandi***

The FALN was a clandestine paramilitary organization of Marxist-Leninist orientation that sought political independence for Puerto Rico through direct action<sup>23</sup>. It emerged in New York in 1974 and claimed responsibility for over 100 attacks in the United States and Puerto Rico during almost a decade of armed struggle (see Figures 1 and 2 below).

The FALN was unique in the Puerto Rican separatist movement because most of its members were second-generation Puerto Ricans, born and raised in the United States, some of whom had never been to Puerto Rico.<sup>24</sup> Therefore, their national identity and ideological commitment had completely been forged within the local U.S. communities. Following the example of national liberation movements in former colonial states (e.g., Vietnam and Algeria), the FALN embodied a form of leftist revolutionary nationalism

<sup>21</sup> Gonzalez-Cruz (see note 14 above).

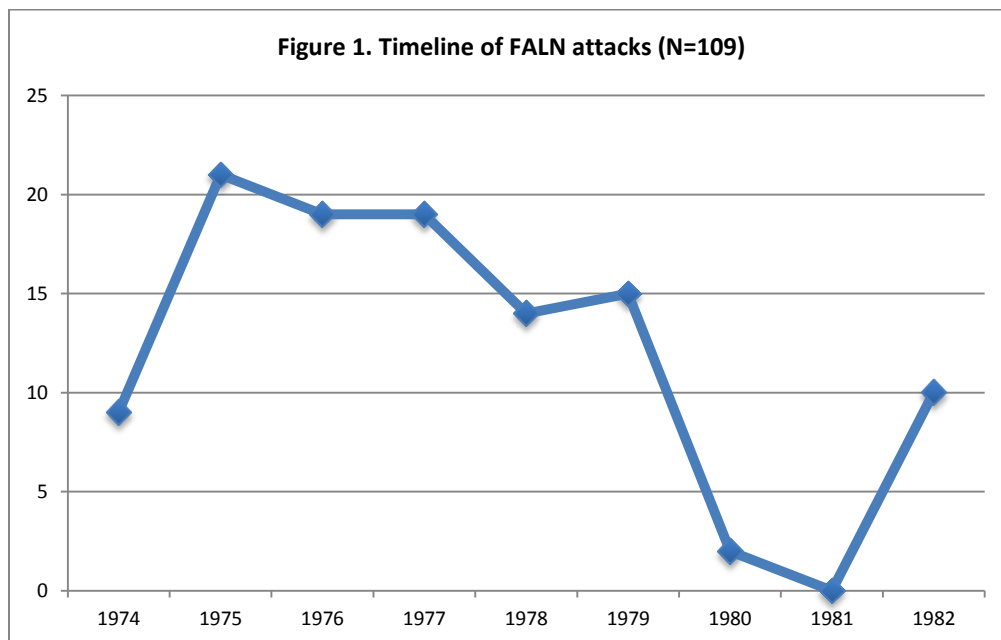
<sup>22</sup> Ronald Fernandez, *Prisoners of colonialism: The struggle for justice in Puerto Rico* (Monroe, ME: Common Courage Press, 1994).

<sup>23</sup> Ibid.

<sup>24</sup> Gonzalez-Cruz (see note 14 above).

whose primary objectives were cultural affirmation, self-determination, and de-colonization.<sup>25</sup> Specifically, the FALN's mission aimed at five goals:

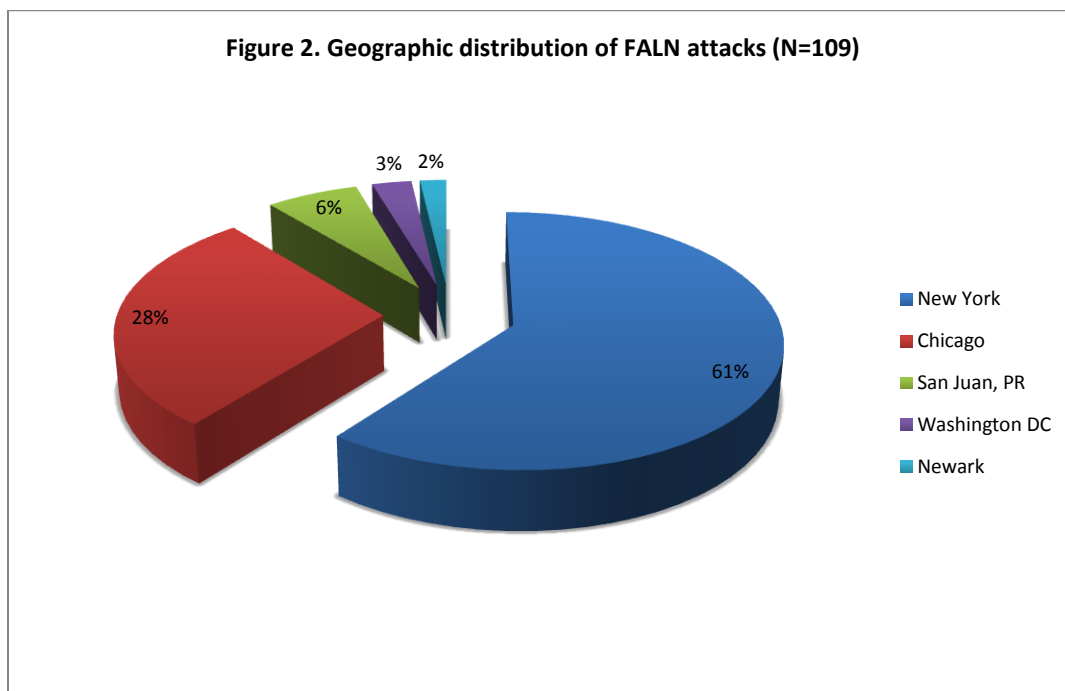
1. Directing an armed and political struggle in accordance with the Marxist-Leninist principle of an open front involving all sectors of the population willing to join armed struggle immediately;
2. Assembling all forces by coordinating political and military activities under the direction of a party composed of combatants assigned to different tasks;
3. Applying the principle of internal ideological debate, the study of Marxist-Leninist ideology, and the use of criticism and self-criticism;
4. Implementing the Stalinist ideological position concerning the concept of "nation" to the North-American context;
5. Prioritizing the fight for the independence of Puerto Rico over any issue of international solidarity and claiming concrete support to their armed struggle as a priority in the international war against colonialism.<sup>26</sup>



*Adapted from the Global Terrorism Database (GTD)*

<sup>25</sup> Montserrat Guibernau, *Nationalism: The Nation-State and Nationalism in the Twentieth Century* (Cambridge: Polity Press, 1996).

<sup>26</sup> FALN, *Posición Política*. Retrieved from: <http://www.latinamericanstudies.org/puertorico/FALN-political-position.pdf>, on July 12, 2011.



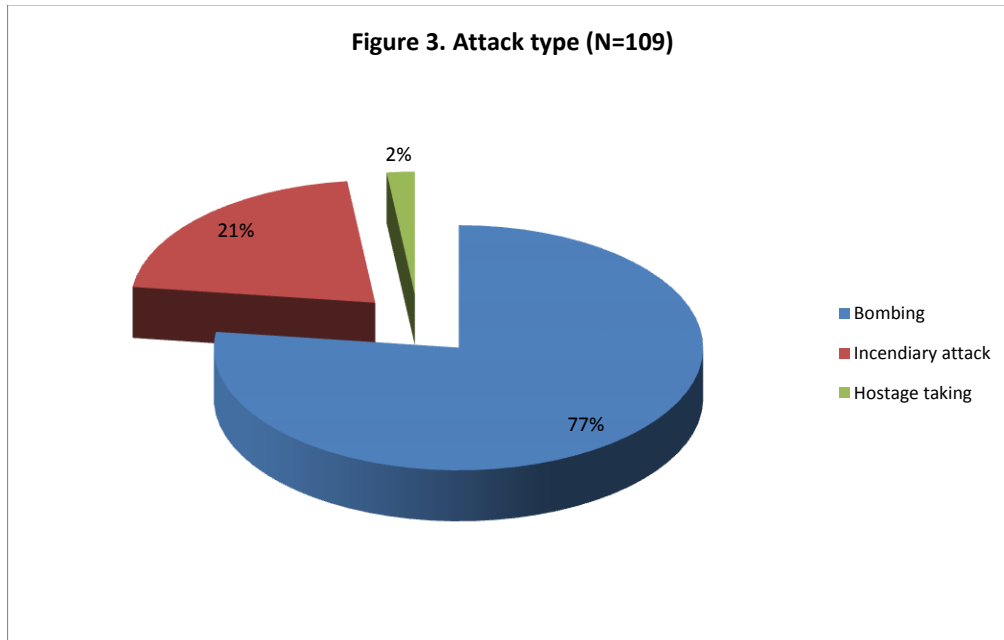
*Adapted from the Global Terrorism Database (GTD)*

From an organizational perspective, the FALN resembled other leftist groups. It was structured as a rigid hierarchy with a chain of command and central committees directing the activities of clandestine cells.<sup>27</sup> Members followed strict rules of conduct that dictated every aspect of their lives to guarantee secrecy and security. This involved, for example, keeping a low public profile and wearing disguises when they engaged in clandestine activities. New members were recruited by approaching likeminded individuals who expressed commitment to the Puerto Rican political cause and had to undergo a series of tests and training sessions to induct them into the Marxist-Leninist creed and prepare them for militancy.<sup>28</sup>

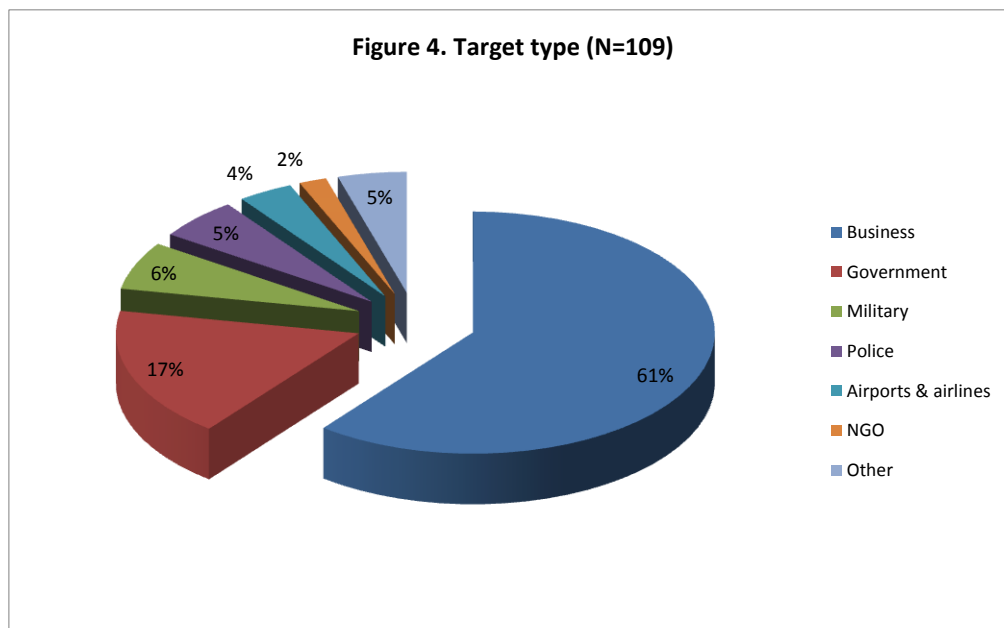
The FALN *modus operandi* consisted of bombings and attacks using incendiary devices against selected targets, primarily private and governmental office buildings, banks, and other commercial establishments. They subsequently claimed responsibility for these attacks in written communiqués left near the crime scene or sent to the press (see Figures 3 and 4 below).

<sup>27</sup> Ibid.

<sup>28</sup> Ralph Blumenthal, "New blasts show FALN resilience", *The New York Times*, 9 January 1983.



*Adapted from the Global Terrorism Database (GTD)*



*Adapted from the Global Terrorism Database (GTD)*

According to some scholars, the use of violence by the FALN was mostly symbolic and instrumental.<sup>29</sup> In fact, only five people were killed as a result of FALN attacks, which did however result in injuries to more than 80 people<sup>30</sup> and over \$3 million in private and public property damage.<sup>31</sup> Thus, the goal was not to hurt large numbers of American people but rather to destabilize U.S. authorities and gain support for the Puerto Rican independence cause. This perspective, however, was not shared by law enforcement, who believed that the FALN posed a tremendous threat to public safety because they had shown they were capable and sometimes willing to carry out deadly attacks.<sup>32</sup> In addition, the U.S. government rejected the notion that FALN members were “freedom fighters” or “prisoners of war”, as they later claimed. The next section focuses on the first phase of the criminal investigation, which started following the first claimed bombing in October 1974 and ended with the apprehension of eleven FALN members in April 1980.

### Phase 1: The criminal investigation (1974 – 1980)

When the FALN sent its first communiqué after detonating five bombs in New York City on October 26, 1974, no one within law enforcement knew of this organization or its membership.<sup>33</sup> The communiqué demanded unconditional and immediate independence for Puerto Rico stating that “mayor Yanki [sic] corporations” had been attacked because they were “an integral part of Yanki monopoly capitalism” and were to be considered “responsible for the murderous policies of the Yanki government in Puerto Rico.”<sup>34</sup> It also declared that the FALN commando had “two fronts, one in Puerto Rico the other in the United States, both nourished by the Puerto Rican people.”<sup>35</sup> Finally, it demanded the release of the five nationalists convicted for the attempt on President Truman’s life in 1950 and the shooting in Congress in 1954. Table 1 presents major FALN-related developments during this phase.

**Table 1. Key Events in FALN Investigation Phase #1**

<b>October 1974</b>
FALN detonates 5 bombs in New York City
<b>November 1974</b>
FBI agents in NY begin investigation of FALN
<b>December 1974</b>
FALN bomb in NYC injures policeman
<b>January 1975</b>
FALN bomb at Fraunces Tavern in NYC kills 4 and injures more than 50
<b>January 1975</b>
FBI expands FALN investigation, partnering with NYPD
<b>October 1975</b>
Coordinated FALN bombings in NYC, Washington DC, and Chicago

<sup>29</sup> Fernandez (see note 22 above); Gonzalez-Cruz (see note 14 above).

<sup>30</sup> More than 50 of these injuries occurred during the Fraunces Tavern bombing, discussed below. Based on data from the Global Terrorism Database. [www.start.umd.edu/gtd](http://www.start.umd.edu/gtd).

<sup>31</sup> Estimate reported by GlobalSecurity.org. Retrieved from <http://www.globalsecurity.org/military/world/para/faln.htm>.

<sup>32</sup> As clarified by Rick Hahn and Don Wofford in a correspondence with the author (1 December 2011).

<sup>33</sup> Author interviews with Don Wofford (29 August 2011) and Lou Vizi (14 September 2011).

<sup>34</sup> FALN, *Communique No. 1*, 26 October 1974, 1. Retrieved from: <http://www.latinamericanstudies.org/puertorico/FALN-1.pdf>.

<sup>35</sup> Ibid, 1.

<b>November 1976</b>
Discovery of FALN bomb-making factory in Chicago
<b>February 1977-June 1978</b>
30+ Puerto Rican nationalist attacks in NY, Chicago, Newark, DC, and Puerto Rico
<b>July 1978</b>
Discovery of bomb factory in NYC
<b>May 1979</b>
FALN bomb-maker escapes from prison hospital ward
<b>March 1980</b>
FALN seizes campaign headquarters of presidential candidates Bush and Carter
<b>April 1980</b>
11 FALN members arrested preparing for an armed robbery

The FBI took up the case immediately, as it had been in charge of investigating Puerto Rican violent nationalist groups since the 1950s. An *ad-hoc* squad was created, composed of five FBI agents who had expertise in Puerto Rican terrorism and five new agents.<sup>36</sup> The goal was to lead the criminal investigation and quickly solve the bombing by identifying the persons who were responsible for it. Given the lack of intelligence concerning the FALN, the first step was to acquire background information on Puerto Rican separatism from existing FBI files and open sources to determine whether there was any relationship with previous incidents.

Less than two months after the first attack, a second attack followed in December 1974. This time, the bomb injured a NYPD officer named Angel Poggi, who lost an eye when he triggered a booby trap placed in an abandoned building after police responded to an anonymous phone call claiming that there was a dead body inside the apartment.<sup>37</sup> A second FALN-signed communiqué was retrieved soon thereafter claiming that this action was “the response of the Puerto Rican people to the brutal murder of Marti ‘Tito’ Perez by the sadistic animals of the 25<sup>th</sup> precinct on Sunday, December 1, 1974.”<sup>38</sup> The reference was to an incident in which the police arrested a Puerto Rican man in Spanish Harlem. The man was subsequently found dead in his cell. Authorities ruled it as a suicide, but the second communiqué showed that FALN members believed that there was more to the story.<sup>39</sup>

The third incident, however, is the one that will be remembered as the deadliest attack in the history of the FALN. In January 1975, a bomb exploded in Fraunces Tavern, a restaurant and historical landmark in the Wall Street area of New York City, during lunchtime. The blast killed four people and injured more than fifty.<sup>40</sup> The FALN claimed responsibility for this bombing in a communiqué, which stated that this

<sup>36</sup> Author interview with Don Wofford (29 August 2011).

<sup>37</sup> Jay Maeder, “STORM FALN, January 1975 Chapter 410”, *Daily News*, September 21, 2001.

<sup>38</sup> FALN, *Communiqué No. 2*, December 11, 1974, 1. Retrieved from: <http://www.latinamericanstudies.org/puertorico/FALN-2.pdf>.

<sup>39</sup> The New York Times, *Puerto Rican death in a precinct cell is ruled a suicide* (11 March 1975).

<sup>40</sup> Lee Dembart, “Police seeking two in tavern blast: Pair seen fleeing Fraunces Annex before the explosion that killed four diners”, *The New York Times*, (26 January 1975), 1.



attack was “in retaliation for the CIA ordered bomb that murdered Angel Luis Chavonniere and Eddie Ramos, two innocent young workers who supported Puerto Rican independence and the conscienceless maiming of ten innocent persons [...] in a Mayaguez, Puerto Rico dining place on Saturday the eleventh of January of 1975.”<sup>41</sup>

The Fraunces Tavern incident put the FALN at the top of the FBI agenda.<sup>42</sup> After receiving *carte blanche* from Headquarters, FBI Special Agent Jim Ingram, who was in charge of Foreign Intelligence and Internal Security in New York, created a new and bigger squad with the sole objective of solving the FALN bombings.<sup>43</sup> Given the complexity of the FALN investigation, Ingram asked the NYPD to actively join the operation. Although the NYPD-FBI cooperation had been limited in the past, it was clear that the organizations could benefit from each other in this situation. The idea was that by “melding the street savvy, fast-moving, hit-and-run approach of police work with the long-term, examine-everything-and-arrest-later view of the agents,” it would be easier to quickly identify and arrest the people behind the FALN.<sup>44</sup> To facilitate this collaborative effort, Ingram chose an experienced and respected supervisor who could relate to both police officers and agents to lead the new *ad-hoc* team. Don Wofford, a young FBI agent who had recently joined the New York office, was named case agent on the Fraunces bombing.

The initial approach involved tactics typical of criminal case investigations, with agents and police officers sharing tasks, such as running leads, talking to informants, interviewing potential witnesses, and conducting physical surveillance. The goal was “to investigate the crime, not the organization claiming credit.”<sup>45</sup> This point is especially important and must be understood within the historical context when this investigation started. In 1974, Congress passed the Freedom of Information Act, which prohibited law enforcement agencies from collecting and disseminating information concerning U.S. citizens unless the information was related to possible criminal conduct. This law was adopted in response to a number of scandals involving the U.S. Government and the use of domestic intelligence for counterterrorism purposes (e.g., the FBI COINTELPRO program).<sup>46</sup> Under this new legislation, law enforcement agencies had limited tools to investigate political extremists. They could no longer conduct warrantless searches or install wiretaps in the name of national security, nor use informants unless there were allegations of criminal activities. The only available means to gather intelligence at this early stage of the investigation, therefore, was through physical surveillance of potential suspects.

The raw information gathered daily by the investigators was then handed over to Don Wofford and his right-hand man, Lou Vizi, who would analyze the reports in search of clues that revealed the identity of FALN members. Wofford believed that the solution to the FALN enigma would manifest itself at some point if he carefully examined and slowly put together the various pieces of the complex puzzle that was

<sup>41</sup> FALN, *Communiqué No. 3*, January 24, 1975, 1. Retrieved from: <http://www.latinamericanstudies.org/puertorico/FALN-3.pdf>.

<sup>42</sup> Author interview with Don Wofford (29 August 2011).

<sup>43</sup> Hahn Vol. 1 (see note 4 above).

<sup>44</sup> Hahn Vol. 1 (see note 4 above), 23.

<sup>45</sup> Hahn Vol. 2 (see note 4 above), 48.

<sup>46</sup> See for instance: Ward Churchill and Jim Vander Wall, *The COINTELPRO papers: Documents from the FBI's secret wars against dissent in the United States* (Cambridge, MA: South End Press, 1990).

emerging.<sup>47</sup> Unfortunately, this proved to be more challenging than he expected. Many theories started to take form as the investigation unfolded. Some investigators came to believe that the FALN was just another name for the Weather Underground. Others pointed to possible links with Cuba and the Chicano Rights movement. Others were convinced that the FALN was an extension of the 1950s/60s Puerto Rican separatist movement, and that its associates could be relatives or friends of older Puerto Rican nationalists.

On October 27, 1975, precisely one year after the first claimed FALN incident in New York City, a series of coordinated bombings targeted federal and corporate offices in Chicago, New York, and Washington, D.C. The investigators took this as evidence that either the members of the FALN were based in New York but were willing to travel to other areas, or that there were multiple cells operating out of different cities.<sup>48</sup> An analysis of the communiqués seemed to lend support to the second hypothesis; there were variations in the tone and style used in the notes, suggesting that different people might have drafted them. The first one, which was related to five New York City bombings, was rational and programmatic, detailing FALN's objectives and political agenda. The second one, on the contrary, was more emotional and personal, as the perpetrators sought retribution for the death of a friend in Spanish Harlem and the victims of a violent incident in Puerto Rico. The communiqué found after the October 1975 attacks in Chicago, New York, and Washington, D.C., was again a more articulated theoretical statement, espousing the same political rhetoric used by other radical leftist groups, such as the Weathermen, the May 19<sup>th</sup> Communist Organization, and the Black Liberation Army.<sup>49</sup> Despite these differences, they all used the FALN logo, were numbered sequentially, and were typed using the same typing machine.<sup>50</sup> In short, the picture was progressively becoming more complex.

Two parallel investigations started in New York and Chicago, as the FBI believed that the FALN members were hiding within local Hispanic communities in these cities, the largest such communities in the United States. Similar investigative activities were conducted, including surveillance of “persons of interests” identified by informants, interviews of potential witnesses and members of the local Puerto Rican communities, and forensic analysis of debris collected after the explosions. The relations between the New York and Chicago FBI offices were good from the very beginning, and proved to be fruitful in the long run.<sup>51</sup> Unfortunately, none of these activities led to any immediate results, except for thousands of pages of investigative reports. After two years of in-depth investigations, no suspects had been identified. A long-due breakthrough came in November 1976, when the odds seemed to finally turn in favor of the FBI.

### ***Turning point # 1: The discovery of a bomb factory in Chicago (November 1976)***

<sup>47</sup> Author interview with Don Wofford (29 August 2011).

<sup>48</sup> Ibid.

<sup>49</sup> FALN, *Comunicado No. 6* (27 October 27 1975). Retrieved from: <http://www.latinamericanstudies.org/puertorico/FALN-6.pdf>.

<sup>50</sup> Author interview with Don Wofford (29 August 2011).

<sup>51</sup> Hahn Vol. 1 (see note 4 above).

The first turning point in the investigation was a matter of pure luck. On November 3, 1976, a drug addict attempted to burglarize an apartment in the building where he resided in Chicago.<sup>52</sup> Instead of the usual furniture, however, the burglar found an almost empty space with boxes containing explosives, weapons, clothing, and wigs. A police informant found out that the burglar was trying to sell the explosives on the streets and immediately informed his contact at the Chicago police, who proceeded to arrest the burglar and went with the Chicago bomb squad to check the apartment where these materials had been found. The search uncovered a treasure trove of bomb-making paraphernalia, photographs of Chicago buildings, maps of the city, and several FALN documents, including a manual for guerrilla warfare detailing deceptive practices and rules of clandestine living titled *Posición Política*. They had accidentally stumbled into a FALN bomb factory or “safe house.” According to former FBI agent Don Wofford, this was “the biggest mistake the FALN made from which they never recovered and a turning point for the whole case.”<sup>53</sup>

Interviews with the neighbors led to the identification of four individuals who were seen around the apartment: Carlos Torres, who had recently bought the building, Oscar Lopez, and their respective wives, Haydee Torres and Ida Luz (Lucy) Rodriguez. A background check revealed that none of them had criminal priors, and they were not known to be political activists. In fact, they appeared to be leading normal lives with college educations and regular jobs, including one for the federal government. When the police tried to locate them at relatives’ residences, they were nowhere to be found. The FBI believed they had finally identified four FALN members, but the suspects had fled before they could fully capitalize on it.<sup>54</sup>

The discovery of the Chicago bomb factory was nevertheless a significant step forward. Jeremy Margolis, the Chicago Assistant U.S. Attorney (AUSA) in charge of the FALN case, was able to use the evidence collected at the crime scene to request a federal warrant against Carlos Torres.<sup>55</sup> The most important piece of evidence was a letter that linked the four suspects to the National Commission on Hispanic Affairs (NCHA) of the Protestant Episcopal Church, a charitable organization based in New York City that funded several projects to assist Hispanic communities all over the United States. An investigation into NCHA revealed that its board of directors included individuals who had been identified as “persons of interest” in New York and Chicago. In particular, there was evidence that these persons had received funding for a series of unspecified activities, including personal and travel expenses.<sup>56</sup> Extensive background checks were conducted, and a 24-hour surveillance plan was set up in New York to follow key suspects and find out whether they were meeting with other NCHA affiliates. None of these activities produced the expected results.<sup>57</sup> A financial investigation was also conducted to verify how the suspects

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<sup>52</sup> Ibid., 89.

<sup>53</sup> Author interview with Don Wofford (29 August 2011), transcript, 10.

<sup>54</sup> Hahn Vol. 1 (see note 4 above).

<sup>55</sup> Author interview with Jeremy Margolis, (31 August 2011).

<sup>56</sup> Author interview with Lou Vizi (14 September 2011).

<sup>57</sup> Author interview with Don Wofford (29 August 2011).

used the money obtained through the Commission. Unfortunately, this was also a dead end, as the Commission did not keep records of all its financial transactions.<sup>58</sup>

A Grand Jury was instituted in New York to compel the Episcopal Church to furnish records of these financial transactions and explain its ties with the FALN. Maria Cueto, Executive Director of the Commission, and Raisa Nemiken, her secretary, were subpoenaed to appear before the Grand Jury, but refused to testify and were held in contempt of court.<sup>59</sup> These events raised public attention and caused a divide within the church among those who were willing to cooperate with public authorities and those who considered the government's action as an invasion of their constitutional right to religious freedom.<sup>60</sup> Other Puerto Rican political activists were subsequently called to appear before the Grand Jury, including Julio Rosado, Luis Rosado, Andrew Rosado and Ricardo Romero, who the FBI believed were FALN associates themselves, but who similarly refused to testify and were held in contempt of court.<sup>61</sup>

While the Grand Jury proceedings were bogged down, bombings continued. Between February 1977 and June 1978, over 30 attacks were carried out in New York, Newark, Chicago, and Washington. Furthermore, the promised "second front" started to emerge; various groups claimed responsibility for a series of bombings against public and private entities all over Puerto Rico.<sup>62</sup> Although there was no indication that the FALN was involved, the tactics used (bomb materials, type of devices used, text of communiqués, etc.) closely resembled the FALN *modus operandi*, suggesting that they may have at least been influenced by the FALN.<sup>63</sup>

### **Turning point # 2: The discovery of a bomb factory in New York City (July 1978)**

The next breakthrough was, once again, accidental. On July 14, 1978, there was an explosion in an apartment in the Queens borough of New York City. Police officers who rushed to the scene found a severely injured man who appeared to have been building a bomb when it exploded in his hands leaving him disfigured and partially mutilated.<sup>64</sup> The man, who was later identified as William Morales, was immediately hospitalized and survived. The FBI knew his name as it had popped up during the NCHA investigation.<sup>65</sup> In fact, Morales had been interviewed and put under 24-hour surveillance after the discovery of the Chicago bomb factory. To the investigators who had asked him about his ties to Carlos Torres and Oscar Lopez, he appeared to be very approachable and passive.<sup>66</sup> The surveillance team did

<sup>58</sup> Author interview with Lou Vizi (14 September 2011).

<sup>59</sup> Mary Breasted, "2 Women to resist inquiry on bombing: term federal Grand Jury's actions a 'fishing expedition' periling 'Puerto Rican Independence'", *The New York Times*, February 24, 1977.

<sup>60</sup> Kenneth A. Briggs, "Episcopal Leaders Badly Split in Fight On Hispanic Panel", *The New York Times*, April 1, 1977.

<sup>61</sup> U.S. District Court, Eastern District of New York, *U.S. vs Julio Rosado, Andres Rosado, Ricardo Romero, Steven Guerra, and Maria Cueto. Sentence Memorandum*, CR 83-0025, May 20, 1983.

<sup>62</sup> The groups were: *Fuerzas Armadas de Resistencia Popular* (FARP), *Organización de Voluntarios por la Revolución Puertorriqueña* (OVRP), and *Ejército Popular Boricua/Los Macheteros*.

<sup>63</sup> Hahn Vol. 1 (see note 4 above), 147-154.

<sup>64</sup> Judith Cummings, "Apartment Blast Tied to Radicals: Police Say Evidence Found at the Scene of Queens Explosion Implicates the F.A.L.N.", *The New York Times*, July 14, 1978.

<sup>65</sup> Judith Cummings, "Blast victim tied to Church unit: Suspect in critical condition", *The New York Times*, July 15, 1978.

<sup>66</sup> Author interview with Lou Vizi (14 September 2011).

not notice anything unusual in his behavior, so he was eventually dropped from the investigation and regarded as a secondary actor within the FALN.<sup>67</sup> As it was later discovered, Morales was actually a leading figure and a master of deception tactics who, together with his common law wife Dylcia Pagan, scrupulously followed the rules of clandestine living.

In the Queens bomb factory, the police found massive amounts of explosives, bomb-making paraphernalia, chemicals for incendiary devices, weapons, and three pipe bombs ready to be activated. Under pressure to produce results after such a long and difficult investigation, criminal proceedings against Morales were started soon after his capture. Morales proclaimed himself a “prisoner of war” and refused to cooperate with the authorities.<sup>68</sup> In January 1979, he entered a plea of *nolo contendere*, and was sentenced to twenty years in federal prison for weapons and explosives charges, and to a minimum of twenty-nine years and a maximum of eighty-nine years in prison in state court for similar weapon-related offenses.<sup>69</sup>

Between July 1978 and April 1979, the FALN fell silent. According to former FBI Agent Rick Hahn, “this was undoubtedly no accident.”<sup>70</sup> The group needed time to recover from this incident: Not only had one of their key members been arrested, they had also suffered tremendous financial losses due to the explosives and weapons seized by the police. There were also significant developments on the political front in regards to the Puerto Rican situation. As a result of a number of hearings by political activists before the United Nations Committee on Decolonization, in September 1978 a resolution was passed reaffirming the right of independence and self-determination for Puerto Rico. In the words of Hahn, this was “a political victory for the *independentistas*, not to be tarnished by terrorist activity.”<sup>71</sup>

In May 1979, however, the FALN resumed its activities. William Morales, who was at the Bellevue hospital prison ward in New York to receive treatment for his wounds, managed to escape with the help of the May 19<sup>th</sup> Communist Organization.<sup>72</sup> The following months saw a resurgence of Puerto Rican terrorism both in the mainland United States and in Puerto Rico. In October 1979, bombs exploded simultaneously in Chicago and Puerto Rico, while dummy bombs were found at Democratic and Republican Party offices in Manhattan.<sup>73</sup> This was the first and only collaborative effort claimed in a joint communiqué by the FALN, FARP (*Fuerzas Armadas de Resistencia Popular*), and the OVRP (*Organización de Voluntarios por la Revolución Puertorriqueña*). The next month, three bombs went off at military

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<sup>67</sup> Author interview with Don Wofford (29 August 2011).

<sup>68</sup> Miami Herald, *Terrorist suspect wants to be treated as POW*, January 25, 1979.

<sup>69</sup> Hahn Vol. 1 (see note 4 above).

<sup>70</sup> Hahn Vol. 2 (see note 4 above), 169.

<sup>71</sup> Ibid., 170.

<sup>72</sup> The May 19<sup>th</sup> Communist Organization (M19CO), which takes the name from the joint birthday of Ho Chi Minh and Malcolm X, was formed in the late 1970s by members of different leftist organizations, such as the Weather Underground, the Black Liberation Army, the Black Panthers, and the Republic of New Africa. Its primary purpose was to provide support to underground terrorist groups, such as the FALN, the Weather Underground, and the Black Liberation Army. In addition to facilitating William Morales’ hospital escape, they carried out armed robberies and staged prison escapes. Most of its members were arrested and convicted in the early 1990s; for more information, see: Brent L. Smith, *Terrorism in America: Pipe Bombs and Pipe Dreams*, (New York: State University of New York Press, 1994).

<sup>73</sup> Facts on File World News Digest, *Terrorist bombs Chicago, Puerto Rico*, October 19, 1979.



facilities in Chicago, later claimed by the FALN in a communiqué. In March 1980, FALN commandos seized the Bush campaign headquarters offices in New York and the Carter headquarters in Chicago.<sup>74</sup> During the invasions, they stole lists of delegates to the Democratic National Convention and subsequently sent threatening letters to over 150 delegates on the day of the Illinois democratic primary. This was a clear sign that the FALN had no intention of ceasing its violent campaign for the independence of Puerto Rico.

### ***Turning point #3: The capture of eleven FALN members in Evanston, IL (April 1980)***

After nearly six years of investigations from October 1974 to March 1980, the FALN case was still at a dead end. Except for the five fugitives who remained at large, the FBI had no idea of who was behind the group and what its means of operations were. Although the discovery of bomb factories in Chicago and New York provided useful leads, the lack of cooperation from NCHA had stopped progress. Traditional criminal investigation tactics focusing on surveillance of potential suspects and interviews of family, associates, and potential witnesses did not generate any new, useful information.<sup>75</sup> Even the instrument of the Grand Jury, which was supposed to compel people to cooperate, did not work, and in fact may have even galvanized the resistance movement.<sup>76</sup>

The third breakthrough, which changed completely the course of the investigation, resulted from a combination of factors, specifically: another mistake by the FALN, a citizen tip, and “good police work.”<sup>77</sup> Eleven FALN members were captured in Evanston, Illinois, in April 1980 while they were preparing for an armed robbery. Following a call from a nearby rental agency from which a truck had just been stolen, the police spotted and arrested two FALN associates who were standing in a parking lot at Northwestern University. The remaining nine were arrested soon thereafter on a residential street where a neighbor had reported suspicious activity. The woman had noticed a group of people oddly dressed as joggers climbing up and down a parked van. As patrol officers questioned the joggers, one man’s fake moustache fell off.<sup>78</sup> They immediately arrested them and searched the van, where they discovered disguises, false IDs, and weapons.

The eleven initially refused to reveal their names to the police, but were later identified by the FBI.<sup>79</sup> With the exception of the three Chicago fugitives who were among those arrested, the other suspects were second-generation Puerto Rican college students or recent graduates whose identity was unknown to the police.<sup>80</sup> In court, they declared themselves “prisoners of war” and refused to speak except for expressing their defiance of the U.S. justice system and requesting to be brought before an international tribunal.<sup>81</sup>

<sup>74</sup> Sharon Cohen, “Carter delegate candidates threatened by FALN”, *The Associated Press*, March 18, 1980.

<sup>75</sup> Author interview with Dave Mitchell (10 September 2011).

<sup>76</sup> Hahn Vol. 2 (see note 4 above), 6.

<sup>77</sup> Author interview with Rick Hahn (10 September 2011).

<sup>78</sup> Time Magazine, *Nation: Hoping the bombs have stopped*, April 21, 1980.

<sup>79</sup> Dallas Morning News, *6 keep identities to themselves in FALN case*, April 6, 1980.

<sup>80</sup> The eleven FALN members were: Carlos Torres, Haydee Beltran Torres, Ida Luz “Lucy” Rodriguez, (i.e., the three Chicago fugitives), Alicia Rodriguez, Ricardo Jimenez, Carmen Valentin, Luis Rosa, Freddie Mendez, Elizam Escobar, Dylcia Pagan (i.e. William Morales’ wife), Adolfo Matos.

<sup>81</sup> Andres Torres and José Emiliano Velazquez, *The Puerto Rican movement: Voices from the diaspora* (Philadelphia: Temple University Press, 1998).

They were charged with seditious conspiracy and a variety of weapons violations, and sentenced to prison terms ranging from fifty-five to ninety years in February 1981.<sup>82</sup> Seditious conspiracy refers to plots aiming to “overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof.”<sup>83</sup> According to AUSA Jeremy Margolis, this charge was a perfect fit for the FALN case, given that the evidence could not tie individuals to specific incidents and carried a punishment of no less than twenty years of imprisonment.<sup>84</sup>

Although the media declared this to be the end of the FALN, for those “who had devoted a great deal of time and energy to the investigations there remained this unsettled matter of not understanding the conspiracy, not knowing who did what and how they had operated, [...] and a longing to understand the web of conspiracy and unravel the secrets of the FALN.”<sup>85</sup> This commitment on the side of the government coupled with yet another key turning point in the sequence of events caused the investigation to take a final decisive shift.

## **Phase 2: The shift to intelligence-led strategy (1981 – 1984)**

Although the previous investigation was concluded with the successful prosecution and conviction of eleven FALN members, there was still very little insight into this clandestine organization. The intelligence gathered in the previous seven years provided only a fragmented picture. The eleven defendants were uncooperative and refused to provide any useful information. Family, associates, and potential witnesses were either unwilling or unable to help law enforcement. In short, “the FALN remained largely an enigma.”<sup>86</sup>

Despite this lack of intelligence, both the Chicago and New York teams were convinced that the FALN posed an ongoing threat. The biggest concern was that they had not found where the arrested members kept their arsenal of weapons and explosives. Even if there were only a small number of Puerto Rican violent radicals left in the open, there was still a chance that they would strike again. Moreover, two key figures – Oscar Lopez and William Morales – were still at large.<sup>87</sup> These suspicions were confirmed when the FALN claimed responsibility for a series of bombings in New York City in March 1982 after almost two years of inactivity.<sup>88</sup>

It was clear, however, that something had to change in the way the investigation was handled. A final stroke of luck provided the opportunity the investigators had been waiting for. In February 1981, three days after the conviction of the eleven for seditious conspiracy, one of them, a newly recruited member

<sup>82</sup> JRank Law Library, FALN Terrorist Trial: 1981 - 11 Arrested In Evanston, Federal Charges And Trial, Clinton Grants Clemency, Suggestions For Further Reading. Retrieved from: <http://law.jrank.org/pages/3334/FALN-Terrorist-Trial-1981.html#ixzz1aQPulZIs>.

<sup>83</sup> United States Code, Title 18, Section 2384.

<sup>84</sup> Author interview with Jeremy Margolis, (31 August 2011).

<sup>85</sup> Hahn Vol. 2 (see note 4 above), 21.

<sup>86</sup> Ibid., 3.

<sup>87</sup> Oscar Lopez would later be arrested in Chicago in May 1981 during a routine traffic stop. Like his fellow FALN members, he immediately declared himself a political prisoner. He was also convicted for seditious conspiracy and weapons violations and sentenced to 70 years in prison.

<sup>88</sup> David Bird, “Wall Street bombings laid to resurgence of FALN”, *The New York Times*, (2 March 1982).



named Freddie Mendez, “flipped, marking the beginning of the new phase of this investigation.” Mendez had been with the FALN for a short period of time before he was arrested in Evanston, Illinois, and had not participated in many of the crimes that the others had been accused of. Afraid he would have to spend the rest of his life in prison, he approached AUSA Jeremy Margolis and agreed to collaborate in exchange for a reduction of sentence and participation in the federal Witness Security Program.<sup>89</sup>

For the first time since the beginning of the investigation, the FBI had finally found an insider who could shed some light on the structure and functioning of this secretive organization. Mendez’s contribution was fundamental for unraveling the FALN conspiracy, and allowed the Chicago team to experiment with an innovative strategy which combined traditional criminal investigation tactics (i.e., physical surveillance) with state-of-the-art intelligence-gathering measures (i.e., video cameras, pen registers, microphones, and wiretaps). Crucial to the realization of this strategy was the newly formed Chicago squad, which began as an informal cooperative effort between the FBI, the Secret Service, local and state police, and became progressively more established.<sup>90</sup>

The idea to create a multi-unit, multi-agency team to enforce the new strategy came to a young FBI Agent named Rick Hahn, who had gained experience working on FALN bombings both in New York and Puerto Rico. Hahn proposed his plan during a monthly intelligence meeting that the Secret Service ran with the Chicago Police intelligence community and State Police Division of Criminal Investigation (DCI) to discuss common matters, including possible terrorist threats. Since the FBI did not have sufficient manpower to carry out the kind of intensive surveillance activities Hahn had in mind, he asked the police and state investigators to participate as partners by committing their own manpower. As Hahn stated, “it was an offer they couldn’t refuse,” given that they all had tried unsuccessfully to unravel the FALN conspiracy and were aware that the group was rebuilding.<sup>91</sup> The following sections illustrate the different steps of the second phase of the law enforcement strategy, focusing on how these tactics were implemented, what objectives they pursued, and what results they achieved, as summarized in Table 2.

<b>Table 2. Key Events in FALN Investigation Phase #2</b>	
	<b>May 1981</b>
New FALN member Mendez agrees to serve as an informant	
	<b>August 1982</b>
FBI discovers FALN safe house after 8-month physical surveillance effort	
	<b>March 1983</b>
Approval of electronic surveillance of safe house	
	<b>March 1983</b>
FBI discovers and thwarts prison escape plans for FALN leaders	
	<b>April 1983</b>
FBI discovers additional FALN safe houses in Chicago, Kansas City, and Bloomington (IL)	
	<b>May 1983</b>

<sup>89</sup> Author interview with Jeremy Margolis, (31 August 2011).

<sup>90</sup> Ibid.

<sup>91</sup> Hahn Vol. 2 (see note 4 above), 88.

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FALN fugitive missing since 1978 discovered in Mexico

**June 1983**

FALN abandons armed robbery plan following police questioning of an FALN member

**June 1983**

Law enforcement intervenes after surveillance indicates plans for FALN 4<sup>th</sup> of July bombing

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### ***A government informant reveals the secrets of the FALN (May 1981)***

Freddie Mendez formally became a government informant in May 1981, one year after the arrest of the eleven FALN members. However, his collaboration was not immediately fruitful. Because of his limited time within the FALN and the cellular structure of the organization, he did not know the names of other members with the exception of his co-defendants and the persons who had trained him.<sup>92</sup> Therefore, he was unable to provide the kind of information the agents who interviewed him initially were looking for to solve the bombings. As former FBI Agent Hahn noticed, “this dearth of ‘actionable’ intelligence caused most investigators to quickly lose interest in him”.<sup>93</sup> Hahn, however, who was now FALN Case Agent and leader of the new Chicago squad, believed that Mendez could still be an important source of operational and strategic intelligence, if not tactical.

After debriefing him several times and analyzing the minutes of previous interviews, Hahn was able to gain unprecedented insight into the FALN. Mendez described in detail how he had been trained to evade surveillance and how safe houses were operated. In particular, Hahn discovered that FALN members used sophisticated counter-surveillance techniques to avoid detection, enhance security, and minimize the damage after a breach.<sup>94</sup> For example, Mendez explained how he would travel to meetings in secret locations wearing a disguise, taking longer routes using public transportation, jumping on and off buses and trains, and doubling back from time to time to ensure he was not followed. If, at any point, he suspected that someone was after him, he would immediately cease any clandestine activity and “go dormant”. The goal was not only to avoid being detected, but also to protect the secrecy of the organization and send a message to other members that they could also be in danger. This insight proved to be crucial in setting the parameters for the new strategy, and explained, in retrospect, why previous surveillance efforts did not produce the expected outcomes. With the benefit of hindsight, it became clear that the FBI had underestimated the FALN’s level of sophistication. In the words of former FBI Agent Don Wofford, they were “street-savvy people” who “took us for a ride”.<sup>95</sup>

### ***Discreet physical surveillance leads to the discovery of an active safe house (August 1982)***

The intelligence gathered from Mendez’s statements led to a series of immediate outcomes: (1) it revealed the intent of the FALN to resume activities after the big blow of the eleven arrests; (2) it corroborated existing evidence concerning the identity of other FALN members; (3) it broke a window

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<sup>92</sup> Hahn Vol. 2 (see note 4 above).

<sup>93</sup> Ibid., 58.

<sup>94</sup> Author interview with Rick Hahn, (10 September 2011).

<sup>95</sup> Author interview with Don Wofford, (29 August 2011), transcript, File 2, 24.

into the FALN conspiracy by revealing their internal rules of underground living and cellular structure; and, most importantly, (4) it led to the discovery of an active FALN “safe house” through in-depth and discreet surveillance of an identified suspect.

Realizing that previous surveillance attempts had failed because FALN associates were very careful when acting clandestinely, the FBI decided to experiment with a more sophisticated and long-term approach that required absolute discretion and a lot of manpower.<sup>96</sup> The schedule consisted of following the suspect, Edwin Cortes or “The Rabbit” as the agents called him, sixteen hours a day during the week and twenty-four hours per day on the weekend. The goal was to locate a “safe house” and gather sufficient circumstantial evidence to satisfy the probable cause requirement to obtain a so-called Title III authorization for electronic surveillance. The most important rule that investigators had to abide by was “don’t get burned.” At the first sign of interception (e.g., eye contact), the surveillance agent would have to immediately “drop him” and leave. To further ensure that no agent was recognized, they established a constant rotation of manpower. This very discreet surveillance involved initially over 50 investigators from the FBI, Chicago police, and Illinois state police who engaged in foot, vehicle, and air surveillance for approximately two weeks. After that, a core of ten investigators continued the surveillance activities for over eight months. The involvement of the Chicago police proved to be crucial, as the “cops” knew how to operate “on the streets” and had extensive expertise in chasing suspects without being noticed.<sup>97</sup>

The investigators spent considerable time initially following Cortes through his daily routine from home to work and *vice versa*. After a few days, they started noticing peculiar behaviors that were similar to the clandestine tactics described by the informant (e.g., leaving home wearing disguises and hopping on and off public transportation).<sup>98</sup> Once the agents identified the subway stations where the suspect was most frequently getting off, additional surveillance was mounted at those stops. The raw information gathered through these activities was registered in surveillance logs and later analyzed by the FBI. Finally, in April 1982, the suspect was seen entering and leaving a building during one of his clandestine walks. Convinced that they had found a safe house, the team conducted background checks of all tenants to identify the specific unit. One name in particular stood out because it did not match with public records. Locating the address of an active terrorism safe house was the first successful outcome of the new intelligence-led strategy.

### ***Electronic surveillance reveals the FALN objectives and neutralizes a violent threat (early March 1983)***

The second part of this intelligence-led strategy began once the location of the safe house was identified. Video and still cameras were installed around the building “to capture the comings and goings of The Rabbit and perhaps other suspects.”<sup>99</sup> The team soon discovered that there were indeed other people

<sup>96</sup> Hahn Vol. 2 (see note 4 above), 88-91.

<sup>97</sup> Author interview with former police officer (30 August 2011).

<sup>98</sup> Hahn Vol. 2 (see note 4 above).

<sup>99</sup> *Ibid.*, 123.

visiting the safe house. One of these, Alejandrina Torres, was known to the FBI, because the informant had identified her as a “courier of information regarding escape plans.”<sup>100</sup>

Using the intelligence gathered in the previous eight months, AUSA Jeremy Margolis put together an affidavit requesting authorization to install electronic surveillance to monitor the safe house (e.g., wiretap, pen register, video cameras, and microphones), also called Title III authorization.<sup>101</sup> This usually requires a statement from an informant or undercover agent reporting the conspiratorial conversations believed to be occurring at the suspected location. In the absence of an insider, Margolis used circumstantial evidence and “framed the affidavit as an empirical argument” to show that there was probable cause.<sup>102</sup> The document described in detail the FALN patterns of terrorism incidents over the years, Freddie Mendez’s account regarding counter-surveillance techniques and the use of safe houses, and how the intelligence gathered through discreet surveillance of key suspects matched the description of typical clandestine activities. This in-depth report convinced the federal District Court judge, who authorized the use of electronic surveillance to monitor the activities of the safe house in January 1983. This was the first time that a Title III authorization was granted based solely on circumstantial evidence obtained using the available law enforcement tools blended with the prosecutorial ones without the assistance of an informant or undercover agent.<sup>103</sup>

The strategy shifted from physical surveillance to monitoring phone intercepts, microphone activities, and video recording.<sup>104</sup> When the agents entered the apartment to install the equipment, they noticed unusual details suggesting that no one was living there (e.g., it was barely furnished and there was no food in the refrigerator). The first search, however, did not reveal much about the activities carried out in the house. Under pressure to maintain the probable-cause requirement, the Chicago team stepped up monitoring duties with the assistance of translators and bi-lingual agents. The monitoring agents adopted the practice of noting down everything that was observed or heard, composing daily summaries that were distributed among the entire crew. This practice became immediately valuable as it allowed information to flow promptly among everyone involved and provided a frame of reference to keep track of any progress.<sup>105</sup>

Phone intercepts immediately provided useful information. The agents learned that the suspects were talking in code using words that Freddie Mendez had taught them (e.g., *fiestas* stood for attacks, while *plantains* meant explosives).<sup>106</sup> References were made to a series of bombings recently conducted in New York, confirming that the Chicago and New York cells were linked. By late February 1983, activities started to intensify. Cortes and Torres were seen reading documents, making notations using gloves, and heard talking about a future operation. Since Torres was known to be an FALN messenger for prison escape plots, the agents suspected that this was what they were planning. After a few days, the cameras

<sup>100</sup> Ibid., 125.

<sup>101</sup> See the Federal Wiretap Act under U.S.C. Title 18, Chapter 119, Paragraph 2510, *et seq.*

<sup>102</sup> Hahn Vol. 2 (see note 4 above), 140.

<sup>103</sup> Author interview with Jeremy Margolis (31 August 2011).

<sup>104</sup> Author interview with former police officer (30 August 2011).

<sup>105</sup> Hahn Vol. 2 (see note 4 above).

<sup>106</sup> Ibid., 147.

showed the two suspects handling weapons and building explosive devices. Instead of arresting them red-handed, however, the FBI decided to try a different strategy to neutralize the FALN threat without “burning” the investigation.<sup>107</sup>

FBI agents from the Chicago team and the Laboratory Explosives Unit entered the house in early March 1983 to conduct an in-depth search of the premises.<sup>108</sup> This time, the agents found materials that were hidden, including clandestine training manuals, documents and maps for a prison escape plan, false identification documents, and wigs. Additionally, they retrieved handguns, ammunition, and over twenty pounds of raw dynamite wrapped in plastic bags. As part of their plan to neutralize the FALN threat, they rendered the weapons and dynamite inoperable and placed them back, so that when the suspects attempted to use them, they would not function. Following these new developments, the strategy had shifted again. Now the goal was not only to identify and arrest other FALN members; it also involved preventing a possible terrorist attack.

### ***An attempted prison break plot is foiled (mid-March 1983)***

The FBI uncovered the details of the prison escape plot around mid-March 1983 by analyzing the pieces of information gathered by the surveillance crew.<sup>109</sup> The plan was to break out FALN leader Oscar Lopez from the federal prison at Leavenworth, Kansas, while *en route* to a nearby hospital in Kansas City. Applying the same proactive approach, the Chicago team decided not to arrest the suspects immediately but to push the investigation as far as possible while making sure they first neutralized the threat. The strategy was to foil the prison escape by changing the scheduled transportation of Oscar Lopez to the hospital and to identify the FALN members who were to take part in this operation.

The team contacted the JTTF in New York and the FBI office in Kansas City to set up their new plan of action.<sup>110</sup> Surveillance agents were set to follow the suspects who drove from Illinois to Kansas, while another team took photographs as the various suspects positioned themselves around the hospital. When the suspects realized that the ambulance had not arrived at the scheduled time, they briefly talked among each other and finally left looking perplexed. The surveillance team followed one of the suspects to an apartment building in Kansas City. The other suspects returned to the Chicago safe house and were seen on camera sniffing and licking the dynamite to make sure that it was still operable. The Chicago police interpreted this as evidence that they had probably placed a diversionary device near the hospital (e.g., in a trashcan) using the neutralized explosive to create confusion before they entered into action.<sup>111</sup>

### ***A second prison break plan is prevented (late March 1983)***

Upon their return to Chicago, Cortes and Torres were seen traveling to Bloomington, Illinois, where they checked the real estate section of the papers and arranged appointments to rent an apartment. Given that the surveillance team had seen them checking maps of prison facilities in the safe house, the FBI decided to inform the Illinois Department of Corrections. After discovering that indeed other FALN associates

<sup>107</sup> Author interview with former police officer (30 August 2011), transcript, 8-9.

<sup>108</sup> Hahn Vol. 2 (see note 4 above), 226.

<sup>109</sup> Author interview with former police officer (30 August 2011).

<sup>110</sup> Hahn Vol. 2 (see note 4 above).

<sup>111</sup> Author interview with former police officer (30 August 2011).



were imprisoned near the area, they decided that the plan had probably shifted from Oscar Lopez to other prisoners. The prisoners were promptly moved to other facilities hoping that this intervention would disrupt the FALN plan. Wire transcripts later confirmed that the suspects had talked about these changes and eventually decided to abandon the plot. This confirmed that the FBI had interpreted correctly their intentions and successfully prevented a new prison break without “burning” the investigation.<sup>112</sup>

### ***A second FALN safe house and two additional suspects are identified (mid-April 1983)***

The physical surveillance crew continued following Alejandrina Torres’ movements in Chicago. Unlike the other FALN members, she was less careful and often drove directly to the safe house. This played to the advantage of the investigators, who eventually followed her to a new secret location.<sup>113</sup> Background checks of the building’s residents led to one apartment whose renter’s name did not match public records. Phone intercepts confirmed the existence of a second active safe house where the suspects had arranged to meet.<sup>114</sup> Using this evidence to show probable cause, Margolis again applied for a Title III authorization. Microphones and video cameras were installed in the apartment as well as in the common hallway. A safety search uncovered another load of documents (i.e., maps, blank birth certificates, and a map of Illinois prisons) and weapons, which were neutralized and replaced where they were found.

The discovery of a second safe house required a new surveillance plan and more manpower. More than one hundred people were now involved in the investigation, including both administrative personnel and agents to monitor the microphones.<sup>115</sup> By April 1983, the surveillance plan started to pay off. In addition to Cortes, two other men were observed entering the house and discussing future operations, including more prison escapes, an armed robbery of the Chicago Transit Authority (CTA), and a plan to bring someone back to Chicago. Surveillance plans of these two new suspects were mounted soon thereafter. The two suspects were seen meeting clandestinely, which for the Chicago crew meant that they were clearly two FALN conspirators.

### ***An armed robbery plot is foiled (June 1983)***

The new strategy had produced several positive outcomes. By April 1983, four FALN members had been identified and four safe houses in Chicago, Kansas City, and Bloomington had been located. More importantly, the Chicago team was now aware of three ongoing conspiracies concerning: (1) one or more prison breaks; (2) an armed robbery; and (3) a plan to bring a FALN member back to Chicago. The goal at this point was to foil these plots and identify the FALN leadership.<sup>116</sup>

Around the end of April 1983, intelligence gathered from wire transcripts, video monitoring, and surveillance logs confirmed that the FALN was preparing for an armed robbery of the CTA receipt collectors. By mid-May, the two new suspects were seen conducting a reconnaissance of two CTA stations. The Chicago team set up a plan to disrupt the FALN activities and prevent the armed robbery

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<sup>112</sup> Hahn Vol. 2 (see note 4 above).

<sup>113</sup> Author interview with former police officer (30 August 2011).

<sup>114</sup> Hahn Vol. 2 (see note 4 above), 226.

<sup>115</sup> Author interview with Rick Hahn, September 10, 2011.

<sup>116</sup> Hahn Vol. 2 (see note 4 above).

with the assistance of the Chicago police tactical unit. Patrol agents were told to intervene and carry out a “suspicious person” stop the next time the surveillance team observed one of the suspects around the subway stations. A few days later, one of the two new suspects was seen standing outside the station and walking around for a long time. The surveillance team informed a nearby patrol car, which proceeded to stop the suspect and ask for his identification. The man, whose name was Alberto Rodriguez, was released soon thereafter and disappeared. In June 1983, suspects at the second safe house were heard saying that the plan to commit the CTA robbery “had to be cancelled for the time being because the comrade was stopped and questioned by police”.<sup>117</sup>

### ***Phone intercepts reveal the whereabouts of a fugitive and lead to his arrest (May 1983)***

The second plot captured by wiretap concerned an attempt to bring a FALN member back to Chicago, and was foiled around mid-May 1983. The success of this operation was due to a combination of surveillance tactics and a mistake by a FALN conspirator. As previously mentioned, Alejandrina Torres was less diligent than her companions in following the rules of clandestine life. She made a number of phone calls from the safe house using a long distance operator. The FBI tracked down the phone number, which belonged to someone in Mexico. An examination of phone intercepts revealed that the person in question was none other than William Morales, the fugitive who had fled from Bellevue hospital in July 1978. Based on the intelligence gathered from wire transcripts, the FBI informed the Mexican federal police that William Morales was to be at a certain location awaiting a phone call on a specific date. As the Mexican federal police attempted to arrest him, a shootout ensued between the officers and Morales’ bodyguards, which ended with the death of an officer and three civilians. While in detention, Morales told the officers who interviewed him the details of his escape and revealed that he had been assisted by “white radicals aligned with the FALN”.<sup>118</sup>

### ***A bombing is prevented and four suspects are arrested (June 1983)***

In early June 1983, the surveillance team in charge of the second Chicago safe house saw Edwin Cortes train Alberto Rodriguez on how to build a bomb.<sup>119</sup> Later that night, the two were seen driving to military facilities outside the city and circling the periphery, stopping occasionally to check for surveillance. A few days later, they were seen at the second safe house handling bomb components and disguise materials. These developments were interpreted as an indication that plans to carry out bombings were taking shape. Surveillance was tightened around the suspects to ensure that none of them slipped away unnoticed.

At the end of June, Cortes and Rodriguez were heard talking about the final details of the bombing plot, including a discussion of what to include in the communiqué and where to send it. Intelligence gathered in the previous weeks suggested that the plot was to be executed during the July 4<sup>th</sup> weekend. Concerned that the preparation of an actual terrorist attack was in its final stages, a decision was made to stop the investigation and intervene before the suspects were able to carry out their plan.

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<sup>117</sup> Ibid., 267.

<sup>118</sup> Ibid., 257.

<sup>119</sup> Author interview with former police officer (30 August 2011).



Edwin Cortes, Alberto Rodriguez, Alejandrina Torres, and José Rodriguez were arrested on June 29, 1983. A search of the second safe house revealed bomb-making materials, explosives, incendiary mixtures, weapons, ammunition, radios, scanners, maps, make-up, etc. The four members were charged with seditious conspiracy and weapons violations.<sup>120</sup> When brought before a judge, like their associates, they claimed the status of prisoners of war and refused to cooperate with U.S. authorities.<sup>121</sup> Torres, Cortes, and Alberto Rodriguez were sentenced to 35 years in prison, while José Rodriguez pled guilty and was placed on five-year probation.

### ***A sting operation foils a prison break plot and reveals connections with leftist radicals (Summer 1985)***

In the summer of 1984, Oscar Lopez began planning his own prison escape with the assistance of his fellow inmates.<sup>122</sup> The FALN leader trusted a prisoner who said he had “outside contacts” with people who could provide weapons and explosives.<sup>123</sup> The prisoner instead informed prison officials, who in turn told the FBI of the plot in February 1985. The Chicago team set up a sting operation and arranged a meeting in the Dallas airport between an undercover agent, who acted as the “weapons contact,” and an FALN affiliate sent by Lopez. At the meeting, the undercover agent showed the FALN associate pictures of explosives and weapons. A few weeks later, the agent was contacted again to follow up on the sale of explosives. Arrangements were made to complete the transaction in Baton Rouge, Louisiana.

In May 1985, a non-Hispanic white man named Claude Marks showed up to make the purchase. During the transaction, the undercover agents placed a microphone in the man’s vehicle. Upon his departure, the man drove around Baton Rouge checking for surveillance before he stopped to pick up a non-Hispanic white woman, Donna Jean Willmott. The surveillance team heard them talk about the purchase and the fact that it was done on behalf of the “Puerto Ricans.”<sup>124</sup> The two drove to California and stored the explosives in a locker. The Chicago team handed off the surveillance to the Los Angeles Terrorist Task Force, who eventually linked the two suspects to other leftist groups and individuals who had also been involved in Morales’ escape from Bellevue hospital. The two suspects realized that they were under surveillance and went underground, abandoning the explosives where they had stored it.

Marks and Willmott became fugitives and were on the FBI’s Most Wanted list for nine years before they surrendered in 1994.<sup>125</sup> In the plea agreement they acknowledged that they knew the explosives were purchased on behalf of the FALN.<sup>126</sup> Oscar Lopez and four accomplices, none of whom were associated with the FALN (Grailing Brown, Jaime Delgado, Richard Cobb, and Dora Garcia-Lopez), were arrested and

<sup>120</sup> United States of America vs. Alejandrina Torres, Edwin Cortes, Alberto Rodriguez, and José Rodriguez, No. 83-CR-494, *Grand Jury Indictment*.

<sup>121</sup> Andres Torres and José Emiliano Velazquez (see note 80 above).

<sup>122</sup> United States of America vs. Oscar Lopez et al., No. 86-CR-513, *Grand Jury Indictment*.

<sup>123</sup> Hahn Vol. 2 (see note 4 above), 287.

<sup>124</sup> Ibid., 288-289.

<sup>125</sup> Albany Times Union, *FBI fugitives give up after nine years of hiding*, December 7, 1994.

<sup>126</sup> United States of America vs. Donna Jean Willmott, No. 86-CR-513, February 6, 1995; United States of America vs. Claude Daniel Marks, No. 86 CR-513-WTH, February 6, 1995.

tried in relation to the attempted prison break plot in 1986. Lopez was sentenced to fifteen years to be served consecutive to the fifty-five year sentence for the 1981 seditious conspiracy.<sup>127</sup>

## Long-term impacts of law enforcement interventions against the FALN

In the previous sections, we described the chain of events that characterized the FBI-led investigation starting from the first bombing claimed by the FALN in 1974 to the last known activity by a FALN leader, the foiled prison escape attempt by Oscar Lopez in 1985. As noted, the first phase of the investigation aimed at solving the bombings by identifying the individuals who were behind the FALN. Typical criminal investigation tactics, however, did not produce the expected outcomes. During this phase, three major events occurred that changed the course of the investigation completely: the discovery of two bomb factories, one in Chicago in 1976 and the other one in New York in 1978, and the arrest of eleven FALN members by local police in 1980. It must be noted that these incidents were due to mistakes by the FALN rather than law enforcement planning. Nevertheless, the FBI was able to capitalize on these developments and came up with a new proactive, long-term, intelligence-driven strategy that was implemented in Chicago between 1981 and 1984 and which led to a number of successful outcomes: (1) it unraveled the FALN conspiracy, whose organization and functioning had been unknown; (2) it foiled a number of violent plots, including prison escapes, an armed robbery, and a terrorist attack; and (3) it led to the arrest and conviction of four key members. Based on these findings, we can infer that the FBI intelligence-led strategy led to the disruption of the Chicago cell and successfully prevented their terrorist plans. In this section, we discuss the potential long-term impacts of this strategy and examine whether we can also infer that it contributed to the end of the FALN as a terrorist organization or had an impact on the larger Puerto Rican violent separatist movement.

### The end of the FALN as a terrorist organization

As noted, the last bombing claimed by the FALN was in New York in December 1982. By 1984, fifteen members of the group had been arrested in Chicago and convicted of seditious conspiracy. The last known suspect, fugitive William Morales, was apprehended in Mexico in 1983 and subsequently convicted of murdering a police agent while attempting to escape.<sup>128</sup> With the exception of the attempted prison escape by Oscar Lopez in 1985, the FALN did not initiate any new action. Both the government and the media declared the FALN destroyed in Chicago and possibly across the country.<sup>129</sup> Despite these claims, intelligence gathered from phone intercepts revealed the existence of other members who held great sway in the organization but remained unidentified.<sup>130</sup> Moreover, there were suspects in New York

<sup>127</sup> United States of America vs. Oscar Lopez, No. 86-CR-513, *Government's Memorandum in opposition to defendant's alternative sentencing report*, May 3, 1995.

<sup>128</sup> After completing a five-year term, Morales was extradited by Mexican authorities to Cuba<sup>128</sup>. He had been recognized as a political prisoner as a result of an international campaign from Puerto Rican and Mexican communities in Puerto Rico and the United States; see Mary Jordan, "Fugitives sought by U.S. find a protector in Cuba", *The Washington Post*, September 2, 2002.

<sup>129</sup> James Jennings and Monte Rivera (eds.), *Puerto Rican politics in urban America* (Westport, CT: Greenwood Press, 1984): 107.

<sup>130</sup> Author interview with Rick Hahn (10 September 2011).

whose activities had been monitored, but who were never charged because of insufficient evidence for the probable cause requirement. The question, therefore, is: Why did the FALN never return to action?

According to Hutchinson and O'Malley, the FALN case is a good example of how coercive interventions and law enforcement pressures can effectively lead to the downfall of a terrorist organization.<sup>131</sup> This seems to be the opinion of the experts interviewed for this research, who agree that the foiled plots, in addition to the arrest and prosecution of key FALN members, had a powerful impact on the organization as a whole. Counterterrorism strategies employing criminal justice measures may serve two goals – (a) to incapacitate the most dangerous radicals; and (b) to deter convicted offenders and others from engaging in terrorism.<sup>132</sup> In the case of the FALN, it is likely that the incapacitation of fifteen members effectively prevented potential terrorist incidents by the members themselves. The fact that a few leaders had also been apprehended may have further destabilized the organization, which was structured on rigid hierarchical lines similar to other left-wing terrorist groups. It is also possible that the neutralization of the Chicago cell and disruption of their plans sent a message to FALN associates in other areas, including those in New York, who may have decided to abandon their violent goals.<sup>133</sup> However, it is difficult to establish whether this was the only factor that prevented other associates from resuming terrorist activities or recruiting new members.

Although it is safe to assume that there is a link between law enforcement interventions and the decline of the FALN, it is also important to consider possible rival explanations. In fact, as the literature on terrorism desistance suggests, it is likely that the end of the FALN was the result of a combination of factors, including government counterstrategies, changes in perceived legitimacy and popular support, internal transformations, and external changes.<sup>134</sup>

In this regard, some have argued that the lack of support from the Puerto Rican populace has been a key factor.<sup>135</sup> Perceived legitimacy is an important component of terrorist engagement. As Crenshaw pointed out, “the power of terrorism is through political legitimacy, winning acceptance in the eyes of a significant population and discrediting the government’s legitimacy.”<sup>136</sup> Like other terrorist organizations, the FALN craved public support and used targeted violence to raise attention to the Puerto Rican cause. This is evidenced by their use of communiqués, which allowed them to express their political motives, disdain of U.S. policies concerning Puerto Rico, as well as personal concerns. It seems, however, that the independence cause never garnered much public support, and in fact many Puerto Ricans in Chicago condemned the violent actions by the FALN.<sup>137</sup> At the time when the FALN was most active, pro-

<sup>131</sup> Steven Hutchinson and Pat O'Malley, *How terrorist groups decline* (Canadian Centre for Intelligence and Security Studies, The Norman Paterson School of International Affairs, Carleton University, 2007). Retrieved from [http://www.itac-ciem.gc.ca/pblctns/tc\\_prsnts/2007-1-eng.asp](http://www.itac-ciem.gc.ca/pblctns/tc_prsnts/2007-1-eng.asp).

<sup>132</sup> Gary LaFree and Erin Miller, “Desistance from terrorism: What can we learn from criminology?” *Dynamics of Asymmetric Conflict*, no. 1:3 (2008): 203-230.

<sup>133</sup> Author interview with Rick Hahn (10 September 2011).

<sup>134</sup> Martha Crenshaw, “How terrorism declines”, *Terrorism and Political Violence*, no. 3 (1991): 69-87.

<sup>135</sup> William Sater, *Puerto Rican terrorists: a possible threat to U.S. energy installations?* (Santa Monica, CA: Rand Publications, 1981).

<sup>136</sup> Martha Crenshaw, *Terrorism, legitimacy, and power*. (Middleton, CT: Wesleyan University Press, 1983): 25.

<sup>137</sup> James Jennings and Monte Rivera (see note 128 above).

independence parties received only 5.7 percent of votes during local elections.<sup>138</sup> In nonbinding referendums held in 1967, 1993 and 1998, Puerto Ricans supported the position of the commonwealth party and rejected a push to become the 51st state.<sup>139</sup> In the last referendum, fifty percent of Puerto Ricans voted to maintain the island's status as a U.S. commonwealth, 46 percent voted for statehood, and less than 3 percent voted for independence from the United States.<sup>140</sup>

It is also important to take into consideration the historical circumstances and societal changes surrounding the emergence and fall of the FALN. Experts say that the end of the Cold War and the fall of communism in Eastern Europe have contributed to the decline of left-wing terrorism in general and the FALN in particular, as the movement lost its purpose and patronage. As noted by FBI Executive Assistant Director Dale Watson in 2002, "just as the leftist threat in general declined dramatically throughout the 1990s, the threat posed by Puerto Rican extremist groups to mainland U.S. communities decreased during the past decade."<sup>141</sup>

Another factor that could have hindered the resurgence of the FALN is related to the offer of clemency extended by President Bill Clinton to fourteen Puerto Rican prisoners in August 1999. As part of the clemency agreement, which received large support from Puerto Rican communities and ten Nobel Peace Prize laureates, including Jimmy Carter, the Cardinal of New York, and the Archbishop of Puerto Rico, the separatists had to renounce violence. Twelve accepted the offers and were subsequently released.<sup>142</sup> This political concession and the existence of legitimate alternatives may have influenced public opinion and increased the perceived legitimacy of the government.<sup>143</sup> Moreover, it may have accelerated the process of disengagement for some of the convicted terrorists.<sup>144</sup> For example, Ricardo Jimenez, who accepted the offer of clemency, stated: "We personally have said that we are no longer part of the armed struggle [...] We are going to use democratic means that are established to struggle for our goals [...] I will never abandon it. I will be an *independentista* until the day I die".<sup>145</sup> Similarly, their legal counsel, Jan Susler, maintains that the pardoned prisoners would not abandon their beliefs but would pursue non-violent means: "They are political people who intend to become involved in the political, nonviolent process to shape the future of their country."<sup>146</sup>

<sup>138</sup> Ralph Blumenthal (see note 28 above).

<sup>139</sup> Danita Coto, "Carlos Alberto Torres, Puerto Rican Nationalist imprisoned in Illinois for 30 years, returns home to Puerto Rico". *Huffington Post*, July 28, 2010.

<sup>140</sup> The Miami Herald, *Boost for Puerto Rico independence unlikely*. September 9, 1999.

<sup>141</sup> Dale L. Watson, FBI Executive Assistant Director, Counterterrorism/Counterintelligence Division, "The Terrorist Threat Confronting the United States", *Congressional Testimony Before the Senate Select Committee on Intelligence*, February 6, 2002. Retrieved from: <http://www2.fbi.gov/congress/congress02/watson020602.htm>.

<sup>142</sup> The twelve were: Edwin Cortes, Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Dylcia Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, Carmen Valentin, Alberto Rodriguez, Alejandrina Torres, and Juan Enrique Segarra-Palmer.

<sup>143</sup> Gary LaFree and Erin Miller (see note 133).

<sup>144</sup> John Horgan, "Deradicalization or disengagement?", *Perspectives on Terrorism*, no. 2: 3-8.

<sup>145</sup> Ricardo Jimenez, as quoted in Julie Deardorff and Teresa Puente, "Celebration, bitterness greet 11 freed FALN members", *Chicago Tribune*, September 11, 1999.

<sup>146</sup> The Miami Herald (see note 140 above).

## Impact on the Puerto Rican violent separatist movement

It is difficult to ascertain whether the strategy to mitigate the threat posed by the FALN has had any impact on the larger Puerto Rican violent separatist movement, which consists of a variety of groups that have emerged at different times and sometimes collaborated with each other. The experts interviewed for this research seem to believe that the impact was almost non-existent. In fact, after the end of the FALN, other groups continued to promote the cause for independence through violent actions until the early 2000s.<sup>147</sup> For example, after many years of silence, *Los Macheteros* staged a series of bombings in Puerto Rico in 1998 to protest against political campaigns to win U.S. statehood and sell the local telephone company as well as to push U.S. military units out of the island.<sup>148</sup> Although some claim that the *Macheteros* are still alive, the group has been inactive since the FBI killed its leader Filiberto Ojeda Rios in San Juan, Puerto Rico, in September 2005.<sup>149</sup>

It must be noted, however, that since the FALN's end there have been no terrorist incidents by Puerto Rican separatists on U.S. mainland. This could be the result of a displacement effect, whereby violent Puerto Rican separatists may have changed their targets in response of increased law enforcement pressures.<sup>150</sup> This goes beyond the scope of this paper, but it highlights the need to further investigate these issues by examining how other Puerto Rican violent separatist groups have evolved over time and what type of strategies have been used to counteract them.

As previously mentioned, some Puerto Rican terrorists may have abandoned their violent tactics to embrace non-violent political activism. According to Gonzalez-Cruz, "although arrests between 1980 and 1985 caused the partial demobilization of some of its militants, they also made public their human dimension, thus facilitating their preservation as political leaders."<sup>151</sup>

## Conclusions and lessons learned

This case study shows that the use of law enforcement intelligence-gathering measures was successful in countering the FALN threat and produced a number of positive outcomes *when the investigative approach shifted from tactical and reactive to strategic and proactive and when investigators were successful in accessing key intelligence and information through informants and surveillance*. It is important to note that law enforcement intelligence functions are different from those typically associated with criminal investigations. While the latter are reactive responses to specific incidents, the former (commonly defined today as *intelligence-led policing*, or ILP) have a broader focus and involve the use of proactive measures to identify patterns and implement preventive strategies.<sup>152</sup> Tactical approaches address

<sup>147</sup> Watson (see note 141 above).

<sup>148</sup> Juan O. Tamayo, "Attacks put Puerto Rican separatist rebels back in limelight". *The Miami Herald*, August 28, 1998.

<sup>149</sup> U.S. Department of Justice, *Execution of federal arrest warrant. Immediate release*. Federal Bureau of Investigation, San Juan, Puerto Rico. September 24, 2005. Retrieved from <http://web.archive.org/web/20071222011615/http://sanjuan.fbi.gov/pressrel/2005/sj092405.htm>.

<sup>150</sup> Derek Cornish and Ronald V. Clarke, "Situational prevention, displacement of crime and rational choice theory". In Ken Heal and Gloria Laycock (Eds.), *Situational crime prevention: From theory into practice* (London: Her Majesty's Stationery Office, 1986), 1-16.

<sup>151</sup> Ibid., 175.

<sup>152</sup> David L. Carter (see note 8 above).



imminent threats and aim at apprehending offenders and/or hardening targets, whereas strategic approaches focus on long-term threats and complex crime phenomena to develop more effective counterstrategies. The first ones may work when dealing with simpler crime forms; however, when more complex criminal or terrorist phenomena are involved, long-term strategic approaches may be needed to achieve better results (e.g., disruption of the criminal or terrorist organization).<sup>153</sup>

Next, we outline lessons learned from this investigation, which can provide useful insight for future intelligence-based counterterrorism strategies:

1. *Be creative.* The more complex and challenging the threat, the more sophisticated and creative should the counterstrategy be. There is consensus among our key informants that they initially underestimated the level of sophistication of FALN members, who were skilled individuals and had been trained in counter-surveillance techniques. Only when the FBI stepped up and modified its approach using an innovative, highly discreet surveillance plan, they were able to finally penetrate the conspiracy.
2. *Be patient.* A successful intelligence-led strategy requires extensive time, manpower, resources, and commitment. Without a long-term surveillance plan involving investigators constantly rotating to cover the suspects 24-hours a day and administrative personnel to monitor microphone coverage, they would have never been able to discover the safe houses and unravel the FALN terrorist plans. It is crucial that law enforcement agents be patient and never lose focus, as one single mistake during the surveillance could have jeopardized the entire investigation.
3. *Multi-agency and multi-unit cooperation.* Cooperation among government agencies is key to the success of this strategy. The creation of an *ad-hoc* task force combining the different skill-sets and expertise of FBI agents, local police, and state investigators enhanced the effectiveness of the intelligence-led strategy. Prosecutors should also have a proactive role. The contribution of the federal prosecutor was essential for the purposes of the investigation, as it provided the legal tools necessary to overcome procedural obstacles. For example, the use of circumstantial evidence to show probable cause in the absence of an informant or undercover agent allowed for shifting the intelligence-gathering strategy from physical to electronic surveillance, which in return provided information that was crucial to foil a number of violent plots.
4. *Support from above.* Support from top-level managers is also important, although ultimately a successful strategy should be bottom-up rather than top-down. The experience of the Chicago team shows that the informal cooperation among representatives of various agencies is what allowed the plan to succeed.

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<sup>153</sup> Jerry H. Ratcliffe (see note 8 above).

5. *Think like a terrorist.* When designing the investigative plan, one should try to “think like a terrorist”. To do so, it is important to become a “student of history.”<sup>154</sup> An effective counterstrategy requires acquiring background knowledge to understand the characteristics and objectives of the terrorist organization that must be counteracted. This should start with an in-depth analysis of existing information, which could come from past investigations but also open sources. For example, in the case of the FALN both previous FBI files and FALN communiqués and training manuals provided valuable insight for what to do next.
6. *Focus on the crime.* Although it is important to think like a terrorist, any investigation into a possible terrorist threat should start with a thorough criminal investigation, following criminal leads and collecting evidence to identify the suspects. These tasks should precede and continue during the intelligence-led strategy, as they allow investigators to narrow down their focus onto specific individuals. This is not only more time and cost effective; it also ensures that law enforcement abides by the law and avoids the pitfalls of past domestic counterterrorism intelligence practices.
7. *Share information.* Information sharing is a key component of intelligence-led strategies. When collecting raw information, it is of paramount importance that agents take care to carry out a variety of tasks, such as debriefing investigators on a regular basis, reviewing wire transcripts, maintaining surveillance logs, and drafting daily activities reports. Once this information is transformed into intelligence through an in-depth analysis process, it should be promptly disseminated among all people involved in the investigation.
8. *Assess and adapt.* It must be noted that the logic of the investigation flowed naturally from the information collected over time. It was a process of learning and adapting to constantly evolving circumstances that required repeated assessments of costs and benefits involved in any decision to maximize the results while minimizing the risks. For example, the Chicago team pushed the surveillance forward neutralizing the threat without intervening until the risk of an imminent terrorist attack surpassed the benefits of the ongoing investigation.
9. *Take advantage of opportunities.* Finally, one must keep in mind that even the most sophisticated terrorist (or criminal) organization makes mistakes. The same can be said of law enforcement agencies. What is important is the ability to capitalize on these mistakes and take advantage of any new opportunity.

In conclusion, this research provides evidence that intelligence-led policing can be a powerful tool to counter the threat of homegrown terrorism. Although the types of threat today have changed and technological advancements have enhanced existing countermeasures, the experiences and lessons learned through the FALN investigation can be of great value to policymakers and law enforcement

<sup>154</sup> Author interview with Don Wofford (29 August 2011).



officials involved in counterterrorism strategies. As former FBI Agent Lou Vizi pointed out, when dealing with terrorism “you can’t ever get complacent. You can’t ever forget the lessons. Don’t chase ghosts, but you can’t get complacent. [...] Because the one mistake you make is the one people wind up getting killed on.”<sup>155</sup>

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<sup>155</sup> Author interview with Lou Vizi (14 September 2011), transcript, 35-36.