

DOCUMENTATION of the DEMISE of 1185

The History of 1185's Demise!

In 1993, a group of families, the impetus 'core' of the Until We Have Answers group, went to Washington DC seeking Congressional HELP in dealing with the 'issue' of non-combat deaths in the military...specifically for those cases where the 'Manner of Death' ruling was questionable. Forty (40) members of Congress responded and Section 1185 of PL 103-160 (1994 DoD Authorization Bill) was passed in two sections...

1) Section (a) called for the Department of Defense (DoD) to review the Policies & Procedures for non-combat Death Investigations and

2) Section (b) called for the DoD to review the military's concluded 'manner of death' ruling in non-combat death 'cases' where 'material deficiencies' had been proven to exist, by the decedent's families, who where requesting an "Independent Investigation" of their case.

On Jan. 19, 1994, William J. Perry circumvented Congress and the 'good intentions' contained in Section 1185 when, with a stroke of his pen, he 'killed' it!

APPENDIX B

THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301



19 JAN 1994

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
 ASSISTANT SECRETARY OF DEFENSE (HEALTH AFFAIRS)
 ASSISTANT SECRETARY OF DEFENSE (PERSONNEL AND
 READINESS)
 COMPTROLLER
 GENERAL COUNSEL
 INSPECTOR GENERAL
 ASSISTANT TO THE SECRETARY OF DEFENSE FOR
 LEGISLATIVE AFFAIRS
 DIRECTOR OF ADMINISTRATION AND MANAGEMENT

SUBJECT: Department of Defense Compliance with Section 1185 of
 the National Defense Authorization Act for Fiscal Year
 1994 (Public Law 103-160)

Prior to the enactment of the subject law, 40 Members of Congress requested that a Board of Special Inquiry be established for the purpose of reviewing the evidence in cases of disputed suicides of Service members. However, in light of the direction given to the DoD in Section 1185 of P.L. 103-160 (copy enclosed), I have decided not to establish a Board of Special Inquiry, but to direct the following actions:

- The Inspector General, Department of Defense, will conduct the review and draft the report required by Section 1185(a). The Secretaries of the Military Departments will provide comments on the report prior to its submission to the Secretary of Defense for release to the House and Senate Committees on Armed Services.

The Inspector General, DoD, will be the proponent for the Secretary of Defense for development of the regulations required by Section 1185(a). The Secretaries of the Military Departments will review and provide comments, as applicable, on the proposed regulations. Disagreements will be resolved by the General Counsel, DoD.

The Secretaries of the Military Departments will refer to the Inspector General, DoD, within 10 days of receipt, all written requests complying with Section 1185(b)(3) that identify investigations previously conducted by Defense criminal investigative organizations. Requests for reviews in cases where a

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Defense criminal investigative organization did not conduct the death investigation should be identified as such and referred to the Inspector General, DoD, for review in connection with implementation of Section 1185(a). Additionally, the Secretaries of the Military Departments will expedite the delivery of all investigative and other documentation related to the cases for review by the Inspector General, DoD.

- The Inspector General, DoD, will provide a report on his review of a particular case to the Secretary of the Military Department concerned. The Inspector General, DoD, after consultation with the Secretary of the Military Department concerned, shall provide a copy of the report to the family members who requested the review.
- The Secretary of the Military Department concerned will take corrective actions, as appropriate.

Your cooperation in assisting the DoD in the effective implementation of Section 1185 of P.L. 103-160 is appreciated.

William J. Perry

Enclosure

Mr. Perry's Memorandum, that signaled the 'dimise' of 1185, is APPENDIX B in a publication put out by the Inspector General of the DoD that was two (2) years in the making.

**INSPECTOR GENERAL
DEPARTMENT of DEFENSE**



**REVIEW OF
DEPARTMENT OF DEFENSE
POLICIES AND PROCEDURES FOR
DEATH INVESTIGATIONS**

The entire publication of the DoD's Review could be dramatically reduced in length. Simply put, the Summary of this report boils down to a DoD directive to: Tighten ranks with uniformity, control the media, make sure that everybody sticks to the story (no matter how absurd) and nobody will be able to prove anything!

Deadline after deadline came and went without any of the Directives of Section 1185 having been met. Congressional inquiries, invariably received 'form letters' of assurance that everything that could be done was being done, for these 'poor' distraught families. Thus, the groundwork was laid to sidestep any responsibility, accountability or consequences stemming from Military or DoD involvement in what had already become a systemic problem of aiding and abetting in murder cover-ups. The petitioning families and all future affected families were to be written off as 'Distraught and in denial, unable and/or unwilling to accept the 'official' ruling of manner of death for their family member.

By the Fall of 1995, it was becoming quite 'clear', to the families dealing with the 'issue' of questionable non-combat deaths in the military, that NONE of the Policies & Procedures, they kept hearing about, were being followed. On Sept. 8, 1995, this FACT was protested in a To Whom It May Concern letter. Strangely, or not, the letter came from a family whose involvement with the 'issue' of non-combat deaths wasn't centered on an unacceptable 'manner' of death ruling.

Though 'initial' reports had raised a few 'Red Flags' for the 'manner' of death ruling that was issued in the non-combat death 'case' of HM3 Scott Michael Beimdiek, continual assurances of ongoing thorough 'investigations' kept his family at bay. However, when it was learned that Scott hadn't reported for 'Duty', twice, and had been unaccounted for, for four (4) days...well, the thought that ANY service member was at 'risk' of laying hurt or injured for that long was totally UNACCEPTABLE! The 'issue' that concerned Scott's family was centered on the realization that the military was not addressing, possibly even nurturing, systemic problems that left ALL military members vulnerable to abuses, up to and including the 'ultimate' abuse of being murdered! It was the perceived situation of 'Reckless Endangerment' that caused Mrs. Beimdiek to write:

Sept. 8, 1995

TO WHOM IT MAY CONCERN,

It has come to my attention that it is becoming a widely held contention that the families involved in questionable military death cases are of the belief that there is a MAJOR CONSPIRACY in our government. This contention is being held and purported by the members and employees of the departments designed to help these families in their time of need. I am writing this to state flatly that this is NOT the case and that the truth is quite the contrary. I offer this summary of by beliefs in an attempt to dispel this contentions I believe it is safe to state that this contention frustrates, even angers these people, who are doing their best to do a good job!

Before I continue, I would like to insert a plea for understanding. I would ask you to think of a time in your life when you KNEW that the facts of some event that had happened were NOT what had been presented and that somebody had lied, but you didn't have the proof you needed to set things straight - didn't you find yourself frustrated and angry? Most of the time when such an event takes place, it's really NO BIG DEAL! (a claim for work done vs credit given jumps into mind as an example). One usually figures out really soon that there isn't much we can do about it so we shrug our shoulders, take a deep breath, try to forget about it and get on with our lives. I believe that the loss of a life is a BIG DEAL!! One can not simply shrug their shoulders and take a deep breath (when their loved one will never take another breath), much less try to forget about it and get on with their life. Please try to fathom the depth of anger and frustration a parent feels when they KNOW their child was murdered and they don't have the proof they need to set the record straight!

Now, based on my beliefs and observations, I will attempt to dispel the contended belief of a major government conspiracy. The families I have met, or otherwise have dealt with, were raised to believe in God and Country and have always been proud to be an American! Their loved ones showed these beliefs by serving proudly in the military until their untimely deaths. I believe that at the time of death each family experienced a little shake up in their belief in God, BUT they held firmly to their belief in their country and it's government. However, as time went by and the family was sent to one compartment after another in one department after another and met honest hard working people who seemed to care, but who didn't want to be involved as their department couldn't be of help, made the families frustrated and angry! Belief in a Conspiracy? NO!!! Belief in what is fast becoming a MAJOR Cover-up? NOW! that is another story! I believe that there is a cover-up and I believe that the SAD fact of the matter is that it NEVER started out as an intentional cover-up, but it's rippling effect has sucked people into it!

This mess has been building for a LONG time! I believe that the first murders were painstakingly covered up and by the time people started fearing that they may have inadvertently covered up a murder, they were afraid of the mess that would be made if they tried to straighten it out so they took the easy route and closed their eyes and let it go. I believe a mixed signal had just been sent to a murderer, but that message soon cleared and said flatly that one could get by with murder in the military as nobody wanted to rock the boat! In time, the murders, usually staged to be a suicide, were so poorly covered up by the perpetrators that the family started suspecting that something was wrong BUT who or where were they to go to, in a system that is set up in such a way that the military is an entity unto itself, to find out? They naturally went to the people in the departments designed to aid them (in their HOUR of need) to ask for help. This whole system has resulted in a LOT of good, honest, hard working people being angry and frustrated and siding off into "We & They" and "Them & Us" camps with a mind set of "If you aren't with us, you're against us!"

I firmly believe that both sides want to change the system, but the main rub now comes in the timing factor. The families know full well that change in any major system normally takes time, BUT the suffering from our loss, compounded with having been thrown into a maze of bureaucracy, has us convinced that other families won't have that time if something isn't done SOON! Unfortunately that demand for quick change comes from people who are emotional tinder boxes, easily patronized and passed off as distraught families unable or unwilling to accept what they didn't want to hear, and who don't have what they need to prove what they know to be the truth. My son, Scott, unhindered by an emotional tie, would have been able to make a much better case for this need of change and this need of dispelling a contention of a belief in a conspiracy, than I ever will be able to. He would have spoken in particular for the Presnell family and in general for all the other families. Unfortunately, his own, untimely murder, makes that task fall to me and I believe that the concrete evidence involved in his death lends credence to those families who KNOW, but can't prove, that their loved one was murdered!

Personally, I am sick of the WE vs THEM mind set! I believe that the "WE" should be ALL of the people who want to send out a 'NEW' message that says that one CAN NOT!! get away with murder in the military! "WE" can do this if "WE" work together and DO IT! I believe in "IN GOD ("WE") TRUST and I believe that in our great country that HE and "WE" can do all things!

**Most Sincerely,
Jan Beimdiek**

That letter became an attachment to the following Dec. 21, 1995 letter from then Senator Rod Grams of MN. Sent on Jan. 5, 1996, (SLOW???) to EVERY (all 100) Senator, the letter 'clearly' shows that Senator Grams' staff believed 1185 was alive and well!

ROD GRAMS
MINNESOTA

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BANKING, HOUSING, AND URBAN AFFAIRS

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December 21, 1995

Senator Spencer Abraham
241 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Abraham:

I place before you a matter for your consideration.

The late Petty Officer Third Class Scott Michael Beimdiek, a Minnesota constituent of mine was stationed on Okinawa as a medical corpsman. He became aware of inconsistencies in the deaths of at least two fellow military personnel within a three month time period. It seems that he was in the process of raising questions when he was mysteriously absent from a Friday final medic course exam and found dead in his room after the weekend had passed.

The cause of his death was laid to a very distasteful sexual act (autoerotic asphyxiation). As you would expect, the family was totally stunned by this information. As more and more of the investigation was shared with the family, more and more questions surfaced. The irregularities did not add up for the family and the case is now being re-investigated by the Department of Defense Inspector General executing her oversight over the Department of the Navy's initial investigation.

This case has become one of about 49 cases the DoD IG now has in hand as "accidental deaths", as "suicides", as mysterious and questionable deaths where family questions are not being answered satisfactorily. By order of the Congress, as included in the 1994 DoD Authorization Bill (Section 1185), DoD has been tasked with reviewing and or reinvestigating these types of cases brought to them by the families of the deceased military member.

The main reason for this movement is the search for justice and truth by these families. The Federal government cannot do enough until the families questions have been answered, and the current inconsistencies have been addressed. We have made a start in this one case and have respectfully requested that the military's attention remain focused on sorting out and satisfying those lingering doubts and questions.

I appreciate your keeping this issue in mind as the search goes on. Perhaps, you have one of these cases in your constituent file and are, also, looking for answers from the military.

Sincerely,



Rod Grams
United States Senator

PRINTED ON RECYCLED PAPER

The following reply from Senator Robert Byrd, who sits prominently on the Armed Services Committee, similarly shows his belief that 1185 was working FOR the families of deceased military members.

MARK G. HATFIELD, OREGON, CHAIRMAN

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JAMES H. ENGLISH, MINORITY STAFF DIRECTOR

United States Senate
97 JAN 28 10 52
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-8029

January 25, 1996

The Honorable Rod Grams
United States Senate
Washington, D.C. 20510

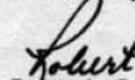
Dear Rod:

Thank you for bringing to my attention your ongoing concern for the inspector general review of accidental death/suicide decisions, required by Section 1185 of the 1994 Department of Defense Authorization bill. You may be sure that I am glad to have the benefit of your views on this issue.

The anguish and frustration so evident in the letter you enclosed for my review supports the need for the kind of review outlined in Section 1185. As you requested, I will keep this issue in mind as the search continues.

With kind regards, I am

Sincerely yours,


Robert C. Byrd

RCB:lwt

This was TWO full YEARS AFTER 1185 DIED...was KILLED! But, wait! It gets worse! There are numerous indications that Senator Byrd, most likely everyone else in Congress, still doesn't know that 1185 is DEAD!

If you have been to the [MN Connection page](#) of this site, you know that non-combat military deaths has recently become an 'issue' in the UK. Fortunately for the families 'on the other side of the pond', the UK carries the Human Rights Act *Right to Life* into a right to life after death, by making sure a death is investigated correctly. Rulings from the European Human Rights Court mandates that: "*the investigation must ensure that the next of kin be involved, the procedure and investigation must be independent, public, effective, prompt and reasonably expeditious*". In other words...they put the 'Victim' back into his/her own death and make every effort possible to give the 'deceased' Service Member the basic respect, due him/her, to have the TRUTH told about how they DIED WHILE SERVING THEIR COUNTRY! Do our 'Patriots' deserve anything less???

On Feb. 26, 2003, the following E-mail message was sent to Senator Byrd to 'Challenge' him to become Mr. McNamara's counterpart for U.S. families dealing with the 'issue' of non-combat deaths in the military...to date there's been NO reply!

Dear Senator Byrd,

I am the Directing CEO of MAMMA (M+others Aligned for Military & Murder Accountability).

Your Feb. 12, 2003, "[We Stand Passively Mute](#)" speech has been posted on our site in conjunction with materials generated by Kevin McNamara, a Member of Parliament in the UK, as BOTH countries have an 'issue' with questionable deaths in the military.

Under Mr. McNamara's tutelage, there have been quite a few advancements made for military families in the UK, who are dealing with this unconscionable 'issue'. The 'overview' of his efforts, efforts that need to be mirrored in the United States, can be found at: http://www.oocities.com/gold_star_mother/mammaredhen.html#Calculus. The text of your speech, dubbed the [Sound of Silence](#), is listed on the Navigational bar.

We applaud and Thank You for having the courage and integrity to TALK about the skirting of military issues that have the world at the brink of a WAR that most likely would be the War to end all Wars...and the world, as we know it! We are asking if you have the courage and integrity to WALK in the footsteps of Mr. McNamara and DO something about some of the overlapping 'issues' that have enabled the military to usurp much of the POWER that it has today? In other words can/will you take on the challenging position of being the counterpart of Mr. McNamara, here...in the United States?

Thank you for any time and/or attention you afford this matter. I look forward to hearing from you.

God Bless America and her Defenders!
Jan Beimdiek, Directing CEO of MAMMA
www.oocities.com/gold_star_mother

Many families, citing conflict of interest or blatant malfeasance, have asked the FBI for intervention. The FBI has consistently refused these request by claiming they have no authority to be involved in a death investigation of a military member. That claim seems to be less than truthful considering...

May 16, 2000

Statement for the Record of
Andreas Stephens, Section Chief
Violent Crimes and Major Offenders Section
Federal Bureau of Investigation
on
Threats to Federal Law Enforcement Officers
Before the
Senate Committee on the Judiciary
Subcommittee on Criminal Justice Oversight
Washington, D.C.

Good Afternoon, Mr. Chairman and members of the subcommittee. I am very pleased to appear before you today to discuss the Federal Bureau of Investigation's (FBI's) role in investigating assaults, threats and the killing of federal employees. Through the delegation of investigative responsibilities by the Department of Justice (DOJ), **the FBI has primary jurisdiction in all** assaults, threats and **killings of federal employees**, unless the victim is a member of the Department of the Treasury (DOT). Pursuant to an October 2, 1956, agreement, the DOT has investigative jurisdiction over assaults, threats and killings of its personnel. Additionally, pursuant to a Department of Justice (DOJ) policy directive dated 3/5/74, the United States Postal Service (USPS) has primary jurisdiction for assaults, threats, and killings of its employees if the offender is also employed by the USPS.

The FBI investigates assaults, threats and killings of federal employees pursuant to Title 18 U.S.C. Sections 111 (Assaulting, Resisting or Impeding Certain Officers or Employees); 115 (Influencing, impeding, or retaliating against a Federal Official by threatening or injuring a family member); 1111 (Murder); 1112 (Manslaughter); 1114 (Protection of officers and employees of the United States); 1116 (Murder or manslaughter of foreign officials, official guests, or internationally protected persons); 1117 (Conspiracy to murder in violation of Section 1114); 2231 (Assault or resistance); and 1201 (a)(5) (Kidnapping in violation of 1114). Additionally, U.S Supreme Court Justices, members of Congress, and the heads of executive branch departments are afforded protection under Title 18 U.S.C. Section 351 (Congressional, Cabinet, and Supreme Court Assassination, Kidnapping, and Assault).

The safety of all federal employees and their family members is a top priority of the FBI. For the purposes of this hearing, the term "federal employee" includes the class of employees defined by Title 18 U.S.C. Section 1114,

"any officer or employee of the United States or of any agency branch of the United States Government (including any member of the uniformed services)

while such officer or employee is engaged in or on account of the performance of official duties."

Each reported incident is aggressively pursued and referred to the Department of Justice for prosecutive consideration. In those incidents where the FBI acts as the primary investigative agency, coordination is closely established with the victim employee's agency. Nevertheless, each threat creates tremendous strain on the victims and their families, and therefore requires and receives appropriate attention.

NUMBER OF ASSAULTS ON FEDERAL OFFICERS INVESTIGATED BY THE FBI

The Uniform Crime Reports (UCR) 1994 through 1998 reflect that federal agencies reported assaults against 3610 employees, resulting in 1033 injuries. During this same period, 24 federal law enforcement officers were slain in the line of duty, as follows:

INS Agents 5

FBI Agents 4

Secret Service Agents 4

Bureau of Indian Affairs Officers 4

DEA Agents 2

U.S. Customs Agents 2

Capitol Police Officers 2

National Park Service Ranger 1

Housing and Urban Development 1

In 1999, the FBI initiated 585 investigations regarding assaults against federal employees. During that year, two officers were slain in the line of duty. These cases involved the 12/9/1999 murder of a Bureau of Indian Affairs Officer, in Whiteriver, Arizona and the 12/12/1999 murder of a Department of the Interior, National Park Service Officer, in Kailua-Kona, Hawaii.

During the first half of fiscal year 2000, the FBI has initiated 286 Assault on a Federal Officer (AFO) investigations. Since 1994, the FBI has initiated 4,234 investigations that involved a federal officer being assaulted, threatened or killed. Federal officers were killed in 26 of these cases. To date, 675 individuals have been convicted as a result of these investigations.

Since 1994, the FBI has investigated 916 cases in which a member of Congress was threatened or assaulted. These investigations have resulted in 25 convictions.

The FBI currently employs 11,583 Special Agents. Since 1997, FBI Agents have occasionally been confronted with circumstances requiring the use of deadly force. Since 1997, FBI Agents discharged their firearms during 52 incidents involving an adversarial contact with a subject. The numbers are set forth below:

YEAR	NUMBER SA INJURED/KILLED	NUMBER SUBJECT INJURED/KILLED
1997	16	12
1998	10	6
1999	11	5
2000	5	5

Following a shooting, the FBI requires the involved Special Agent to attend a critical incident stress debriefing with a trained Special Agent counselor who has been involved in a similar incident.

ACTIVITY RESULTING IN ASSAULTS AGAINST FEDERAL OFFICERS

According to the Uniform Crime Reports, federal officers are most likely to be assaulted while encountering crimes in progress, conducting investigations, or making arrests. In the majority of incidents, federal officers are assaulted with personal weapons such as hands, fist or feet. In fourteen percent of all cases, a firearm was used. Since 1989, 682 state, local and federal law enforcement officers have been killed in the line of duty. Of these officers, 239 were slain during arrest situations, a total of 35 percent. Ninety-two percent were killed with firearms.

FBI RESPONSE TO ASSAULTS AGAINST FEDERAL EMPLOYEES

When a federal employee is assaulted or killed, it is imperative that the case be aggressively and expeditiously investigated. Coordination is immediately established with appropriate state, local and federal law enforcement agencies, in addition to the United States Attorney's Office. The victim and any witnesses are immediately interviewed for relevant information. Where appropriate, crime scene investigators are dispatched to collect evidence.

The FBI employs its full arsenal of sophisticated investigative techniques, including electronic and physical surveillance, search warrants and Federal Grand Jury Subpoenas. The case is ultimately presented to the Department of Justice for prosecutive opinion. The Department of Justice's general policy, as stated in the United States Attorney's Manual, is to federally prosecute cases in which the victim is an officer or employee with law enforcement duties which regularly exposes him/her to the public. This policy, with respect to assaults and other forms of forcible resistance, provides these employees with a measure of security which helps them in the performance of their duties. By contrast, unless the circumstances are aggravated, offenses against other federal employees are generally referred to a local prosecutor.

When the FBI receives information that a federal employee has been threatened, the victim is immediately notified of the threat. The victim employee's agency is notified as is any agency having protective responsibility. For example, the United States Marshals Service has protective responsibilities with respect to federal judicial officials, while the FBI is responsible for the criminal investigation. Similarly, any investigation regarding threats against a member of Congress is closely coordinated with the U.S. Capitol Police. In order to assist the U.S. Secret Service (USSS) in its statutory protective functions, the FBI notifies the USSS in cases in which federal employees are assaulted or killed.

The FBI does not have protective responsibility, except for the Attorney General and cases in which the victim is an FBI employee. A threat assessment is immediately conducted. The threat assessment includes a comprehensive background investigation regarding the subject or organization that issued the threat. When the identity of the offender is unknown, a review is conducted of cases in which the victim has participated. Additionally, coordination is established with the FBI's National Center for the Analysis of Violent Crime (NCAVC). The FBI closely coordinates these investigations with local, state and federal law enforcement agencies.

In cases in which the victim is an FBI employee, a threat assessment is conducted and a decision is made whether an immediate relocation of the victim is necessary. When necessary, the victim employee is relocated to a temporary covert location, while further investigation is conducted. Other security measures may include installation of security equipment, surveillance, and coordination with local law enforcement. Additionally, the victim and his family are afforded a security awareness briefing and referred to the Employee Assistance Program for necessary support. The FBI submits an Annual Expenditure Report to the Office of the Comptroller, Justice Management Division, regarding expenses paid for threatened employees.

FBI'S ASSISTANCE IN POLICE KILLINGS

At the request of fellow law enforcement agencies, the FBI investigates felonious or accidental deaths of local, state, and federal law enforcement officers having full arrest powers, who are killed during the performance of their official duties. The FBI initiates an investigation to obtain additional details concerning the circumstances surrounding the incident. Additionally, the FBI furnishes the agency with information concerning two federal programs which provide benefits to survivors of law enforcement officers killed in the line of duty. The two federal programs include the U.S. Department of Labor and the Public Safety Officers' Benefits Program administered by the Department of Justice. The FBI Uniform Crime Reporting Sections publishes statistics regarding police killings.

In 1999, 42 federal, state and local law enforcement officers were feloniously slain in the line of duty. This is a significant decrease from 1998, in which 61 officers were slain, and 1997, in which 70 officers were slain. In 1999, twelve officers lost their lives during arrest situations. Six were serving arrest warrants; three were investigating robberies; two were investigating drug-related incidents; and one involved a burglary suspect. Additionally, eight officers were murdered while enforcing traffic laws, seven were investigating suspicious circumstances, seven were answering disturbance calls, six officers were ambushed, and two were handling prisoners. Forty-one of the 42 officers murdered were slain with firearms.

TRAINING

In order to increase safety awareness, and train agents in techniques designed to avoid assaults, the FBI Practical Applications Unit, located at the FBI Academy in Quantico, Virginia, has developed the Law Enforcement Training for Safety and Survival (LETSS) program. It is noted that this training is provided for field investigators, as opposed to the highly specialized training provided to tactical elements such as SWAT and the Hostage Rescue Team (HRT). This program is structured on three essential elements:

- 1) Concepts in Survival:** This element introduces and reinforces the fact that survivability requires a will to survive. In April, 1986, two FBI agents were killed in a shootout with subjects who continued to fight long after receiving fatal injuries. The concept in survival element establishes that law enforcement officers have the same capacity to survive, despite being injured.
- 2) Basic Tactics:** Agents are trained in techniques to limit the risk of violent encounters. These techniques include methods to recognize and approach high risk areas, as well as approach subjects.
- 3) Advanced Techniques:** Agents are trained in high risk tactics including felony vehicle stops and diffusing violent encounters.

In addition to presenting schools at the FBI Academy, the Practical Applications Unit has trained 300 tactical instructors from the 56 field offices. These instructors are a crucial resource to the field investigators in preparing for high risk encounters. The LETSS program provides an excellent opportunity to introduce new safety techniques, as well as reinforce traditional concepts to experienced investigators. Although this training is essential to the safety of agents, funding remains a critical issue. Unlike basic training for new agents, and advanced tactical training for SWAT elements, training for street agents is not independently funded. In fact, the only funding for tactical training of street agents is through the Safe Streets and Safe Trails Task Force budgets. The FBI sponsors 174 Safe Streets and Safe Trails Task Forces, in 54 of its 56 field offices. The Task Forces include 1096 state and local law enforcement officers, 805 FBI Special Agents and 251 officers from other federal agencies. All state and local Task Force officers are deputized federal officers under Title 18 and Title 21 of the United States Code. The training is limited to violent crime task force investigators.

PROSECUTION OF SUBJECTS WHO ASSAULT FEDERAL OFFICERS

The FBI encourages aggressive Federal prosecution of those who threaten federal employees. Generally speaking, Federal prosecutors require actual injury, or substantial overt acts before prosecuting a case in which a law enforcement officer is the victim. Agents and officers who carry firearms and possess arrest powers are viewed as somewhat less vulnerable than prosecutors, judges and elected officials.

Unfortunately there have been instances in which FBI agents were assaulted and prosecution was not authorized. For example, on April 5, 1999, Special Agents of the FBI and other law enforcement officers sought to effect the arrest of a convicted felon. Two marked Indianapolis Police Department cruisers activated their emergency flashers as an FBI SWAT team approached the house. As agents, armed with a warrant, attempted to enter the house, the subject fired two rounds, nearly striking one of the agents in the head. The United States Attorney's office declined prosecution contending that the government could not disprove the defendant's claim of self-defense because the defendant allegedly did not realize that law enforcement officers were attempting to enter the house. In a letter to the United States Attorney for the Southern District of Indiana, FBI Deputy Director Thomas Pickard described the decision as "a failure to vindicate the principle that criminals may not use deadly force to avoid arrest without facing the severest of consequences."

Although the number of investigations has remained relatively constant, the nature of these incidents has changed in recent years. Some of the apparent factors include the FBI's expanded role in international investigations, the proliferation of anti-government groups, and the increasing use of the Internet in furtherance of criminal activity.

FBI'S EXPANDED ROLE IN INTERNATIONAL INVESTIGATIONS

The FBI's involvement in international investigations has brought credibility to complicated multi-national investigations, with many successes. Unfortunately, these investigative successes, along with world events, have increased the risk of harm to FBI Agents by criminal elements. In order to address these increased risks, the FBI's International Operations Section has designed a briefing program to inform employees about security risks related to international assignments. The training includes an intensive one week school at the FBI Academy regarding surveillance detection, cultural awareness, vehicle control, attack recognition, and escape maneuvers. Additionally, employees attend a security awareness school sponsored by the Department of State regarding environmental hazards, evacuation procedures, crisis management, and hostage survival.

The FBI's Critical Incident Response Group (CIRG) has initiated security surveys of the residences and work environment of FBI employees assigned to legal attache posts. These surveys include analysis of the location, construction, and relative security of structures utilized by FBI employees. The CIRG consolidates the FBI's crisis management expertise by combining both the tactical and negotiations components of an FBI rapid response to a critical incident. One of the responsibilities of the CIRG is to respond to terrorist incidents. Evidence Response Teams and Rapid Deployment Teams are dispatched to critical events when directed by the Attorney General, in furtherance of extraterritorial jurisdiction. For example, in 1998, the CIRG responded to the U.S. Embassy bombings in Tanzania and Kenya. In 1999, the CIRG responded to Kosovo to assist with the war crimes investigation by processing alleged mass grave sites for items of evidentiary value. As these deployments continue, the likelihood of assaults on FBI employees overseas increases.

On 11/9/1999, an FBI Supervisory Special Agent and a DEA Special Agent were assaulted in Matamoros, Tamaulipas, Mexico. The Agents were confronted by a group of armed men who pointed weapons at the agents, attempted to remove the agents from their vehicle and threatened to kill them. During this confrontation, both agents displayed their diplomatic passports, and the FBI Agent displayed his FBI credentials. After several minutes, the Agents convinced the subjects to let them leave. The FBI initiated an Assault Against a Federal Officer investigation. The case is being closely coordinated with the DEA, the United States Attorney's Office and Mexican authorities. The FBI is confident that the investigation will be brought to a successful conclusion.

INCREASED ACTIVITY OF ANTI -GOVERNMENT GROUPS

On January 30, 1998, Eric Robert Rudolph fled into the wilderness area of Western North Carolina. Rudolph has been charged with four bombings, including the July 27, 1996 Centennial Olympic Park Bombing in Atlanta. The four bombings resulted in three deaths and over 125 injuries. The Southeast Bomb Task Force (SBTF) established a command post to investigate the bombings, and search for Rudolph. On November 11, 1998, Veteran's Day, eight shots were fired at the SBTF Command Post in Andrews, North Carolina. One round went through and interior door and passed over the head of an FBI Agent as he was leaning forward in a chair.

This incident reflects the type of threat confronted by Agents involved in Domestic Terrorism investigations. The subjects in this case were clearly motivated by a desire to discourage law enforcement from continuing its investigation regarding the bombings. In addition to acts of violence, several Domestic terrorist groups have purported to create their own "judicial system" which they use to oppose and circumvent lawfully constituted institutions and authorized processes in the United States. These "Common Law Courts" or "People's courts", are often used mechanism to impede legitimate law enforcement activity by attaching liens against the property of law enforcement officers.

INCREASED USE OF INTERNET IN AFO'S

The FBI's Violent Crime Major Offenders (VCMO) Program investigators have been coordinating closely with the Computer Investigations Unit and National Infrastructure Protection and Computer Intrusion (NIPCI) Squads, regarding threats conveyed via the Internet. Although this is a recent initiative, and statistical data has not been compiled, a preliminary review of FBI Field Office statistics revealed a total of 22 investigations initiated in fiscal year 2000, in which NIPCI Squads are assisting violent crime investigations. The increase in the level of assistance to the (VCMO) Program appears to relate specifically to the transmission of threatening communications over the Internet, which include threats directed toward government officials. This trend has resulted in a

barrage of requests from the field offices for additional training in responding to threats communicated over the Internet. The Violent Crimes/Fugitive Unit is coordinating with the FBI Academy to design a training program to train investigators involved not only in AFO investigations, but kidnapping, extortions, and murder for hire investigations in which the Internet is used.

CONCLUSION

I want to thank the subcommittee for giving me the opportunity to testify here today. The increased risk of assaults on federal officers is real and growing. The FBI is moving to aggressively meet this challenge by training FBI agents and investigators from other agencies not only on how to investigate these offenses, but also how to avoid becoming a victim. We have already had significant successes in the fight. I look forward to working with Congress to ensure that we continue to be able to meet the threat as it evolves and grows.

Thank you.