

State Anti-Terrorism Legislation in the United States: A Review of Statutory Utilization

by
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INTRODUCTION

The threat of terrorism in America has led many states to strengthen their deterrent efforts. Several of these states have chosen to enact legislation aimed specifically at terroristic acts not covered under traditional criminal law. Although it is difficult to imagine an act of terrorism which would not also be criminal under existing statutes, the fear that inchoate acts of terrorism might not qualify for criminal liability has caused considerable anxiety for law enforcement and judicial officials. Consequently, several jurisdictions in the United States have enacted special legislation to make criminal, or increase the sanction for, incomplete acts of terrorism. Typically, these laws have been referred to as "terroristic threat" statutes. This paper examines the ways in which these statutes have been construed and the impact they may have on domestic terrorism.

First, the ways in which levels of terrorism have affected legislative efforts to combat the problem will be described, followed by a discussion of state-specific terrorism laws and how these laws have defined and construed the concept of terrorism. In the third part of the paper an analysis of the use of these statutes will reveal that few of these laws have been used in response to "real" acts of terrorism. If these statutes are not being utilized to combat terrorism, what laws *are* prosecutors using to deal with "genuine" terrorist acts? The fourth section of the paper addresses this issue.

LEVELS OF TERRORISM AND IMPACT ON LEGISLATIVE INITIATIVES

Although few statistics are available from the 1960s and early 1970s on domestic terrorism, acts of international terrorism, against American targets, became a major media event in the late 1960s and early 1970s.¹ As Americans increasingly became the preferred target of established organizations using terrorism as a strategy,² more and more groups arose in the 1970s which followed their example.³ Confronted by international terrorists abroad and the growth of left-wing Marxist revolutionaries at home, concern with this issue, reinforced by sensationalist media practices, kept terrorism in the forefront of American consciousness. Consequently, the nearly universal disdain for terrorism among the general public provided an excellent forum for political officials seeking a subject apt to elicit strong voter support. Many politicians and legislators apparently believe terrorism provides a constructive and fruitful platform as judged by the size of the antiterrorism "bandwagon." The decade of the 1970s saw a number of states enact statutes to define and

criminalize terrorism. Most of these states have international boundaries or border international waters. Table One provides a list of states which have such legislation. Most of these statutes have been designated as "terroristic threats," although some states have enacted similar legislation simply designated as "terrorism" or "terrorizing." This trend continued into the early 1980s.

Although Americans and American property outside the continental United States remain the most popular target of international and transnational terrorists, domestic terrorism in the United States is remarkably lower than the levels experienced by other western nations.⁴ Generally, terrorism in the United States has been declining in the 1980s. In 1981 and 1982, the Federal Bureau of Investigation recorded forty-two and fifty-one incidents respectively. Since 1982 the number of recorded incidents has declined each year reaching a low of seven incidents in 1985.⁵ Although using different measurement strategies, independent organizations monitoring terrorism also recorded this decline.⁶ A slight increase was recorded in 1986, with nine confirmed terrorist incidents and seven suspected, but unconfirmed, terrorist actions as of December 19, 1986.⁷ Despite the relatively low levels of terrorism affecting United States citizens at home, terrorism remains a salient social issue for most Americans. The popularity among the American public of President Reagan's bombing of Libya in April 1986 is indicative of the importance Americans attach to the problem and the desire to find quick and effective solutions.⁸

The trend toward passage of terrorism-specific legislation appears to have abated with the decline of domestic terrorism in the United States in the first half of the 1980s. However, the recent activities of right-wing neo-Nazi organizations in the northwest and southern United States should spark renewed interest in state legislation against terrorism.⁹ Unlike previous years in which most terrorist activities were committed by left-wing communist groups, Puerto Rican nationalist organizations, or responses to anti-semitism, over one-half of the confirmed incidents occurring in 1986 were committed by members of right-wing, white supremacy groups.¹⁰ With the development of a new "breed" of terrorists in areas previously untouched by domestic terrorism, state legislatures no doubt will give rejuvenated attention to efforts at criminalizing terrorism.

CONCEPTUAL DIFFICULTIES IN LEGAL DEFINITIONS OF TERRORISM

A major difficulty in passing legislation aimed specifically at terrorism involves defining the concept. Despite the increasing attention paid to the topic, there has been little success in reaching a definition acceptable to either theorists or members of the international political community.¹¹ Terrorism has been considered synonymous with the urban guerrilla movement, the "freedom fighters," and, as Michael Stohl¹² suggests, should include governmental practices against internal dissent. Many students of the subject conclude that any definition of terrorism must consider the outcome, violence utilized, motivation, and goals of the "terrorist" to define adequately the concept.¹³

In a major attempt to rectify these conceptual problems, Grant Wardlaw¹⁴ maintains that appropriate definitions of terrorism must leave room for the study of terrorism committed against organized government and terrorism committed by organized government. He further argues that terrorism and the use of terror should remain conceptually distinct. Criminals may use terror to achieve their goals and still not be terrorists because their goals are private rather than political. For students of terrorism whose primary interest is the legal application of sanctions against those committing acts of terrorism, Wardlaw's ultimate definition does not differ significantly from that of other scholars. In maintaining that terrorism involves the threat or use of violence "with the purpose of coercing [a] group into acceding to the political demands of the perpetrators,"¹⁵ Wardlaw succumbs to a definition that inherently includes motivation for the act as an indispensable variable to be used in defining the act.

While Wardlaw's definition of terrorism may not help the student of terrorism legislation, some of his other comments prove to be particularly enlightening. He states that for a definition of terrorism "to be universally accepted it must transcend behavioral description to include individual motivation, social milieu, and political purpose."¹⁶ He concludes by noting that "the proper study of terrorism should seek to explain a phenomenon, not justify it."¹⁷ It is in this realm, however, that legislators and those academics involved in making recommendations to government regarding an appropriate response to terrorism do have to make certain judgements about the moral justifications of an act. Laws must go beyond study, and decisions must be made regarding the social acceptability of an act, subsequently rendering empirical definitions unworkable. Consequently, motive or political purpose no longer become useful variables in legislating statutes in a system of justice where motive is not normally an essential element of an offense. The use of a "universally accepted" definition has not met with much success in United States courts.

These conceptual difficulties are magnified when one attempts to pass legislation that makes an act criminal because it was intended to invoke political change or influence an audience beyond the immediate victims. The issue becomes one of requiring proof of motive as an element required in criminal liability. Typically, proof that the act occurred (*actus reus*) and that the particular act was accompanied by the required intent (*mens rea*) is sufficient for criminal liability. Normally, motive relates only to why a person might commit a given act to achieve a desired result. For example, A murders B to obtain money from B's wallet. A's intent was to kill and it must be established in court to convict on the murder charge. A's motive was to steal and is not an essential element of the crime except for use as circumstantial evidence in establishing intent. Most academic definitions of terrorism, however, include as an element of the crime the motive of the perpetrator, that is, to invoke political or social change. California, for example, specifies that "terrorize" in its terrorist threat statute means:

to create a climate of fear and intimidation by means of threats or violent action causing sustained fear for personal safety *in order to achieve social or political goals*.¹⁸

California's statute was subsequently challenged on the issue discussed above. In *People v. Mirmirani*¹⁹ the California Supreme Court held that the phrase "to achieve social or political goals" was unconstitutionally vague. In particular, the court raised the issue that whereas the "legislature did not intend to criminalize threats that were not made to achieve these goals," the entire statute must be declared void, since the phrase was vital to the statute.

California's attempt to make terrorism criminal represents the only effort to retain a definition of terrorism similar to that used in academe and generally believed by the American public to constitute terrorism. Although doomed by its "purist" approach, the statute reflects the enormous conceptual difficulty faced in specifically criminalizing acts of terrorism. How have other states handled this problem? In the section which follows, an examination of the predominant tactics utilized by other states will be examined.

CONSTRUCTION AND USE OF "TERRORISM" STATUTES

A Westlaw²⁰ search of cases from 1970 to March, 1985 involving "terrorism," "terrorizing," "terroristic threatening," and similar phrases revealed that thirty-seven cases appeared before state appellate courts during this period. Fourteen of these cases were only peripherally related or resulted in an initial arrest on one of the anti-terrorism statutes, but charges were later dropped through plea bargaining. The remaining twenty-three cases provide an excellent perspective regarding the manner in which various states are interpreting and utilizing these statutes. A summary of those cases is presented in Table Two. Most of the cases come from states which have patterned their statutes after the Model Penal Code's description of "terroristic threat" which specifies that a person is guilty of terroristic threat if:

he threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility or public transportation . . . or in reckless disregard of the risk of causing such terror or inconvenience.²¹

Of the cases appealed before state courts in Arkansas, California, Georgia, Hawaii, Iowa, Kansas, Maine, Minnesota, Pennsylvania, and Texas, only two cases involved the commission of a crime to achieve a stated political goal or an act or threat traditionally understood or defined as terroristic in nature. One of these, the California case, which has already been discussed, was dismissed on grounds that the phrase which qualified the act as terroristic was unconstitutionally vague. Most state terrorism statutes are void of any mention of the major identifying qualities of terrorism—the use of terror against an instrumental target to achieve political change from a primary target. Twenty-one of the remaining twenty-two cases all had purely personal or private purposes.

The brief review of some of these cases which follows will demonstrate the utilization and interpretation of these statutes. Arkansas' statute punishes terroristic threats and provides that a person commits an offense if "with the purpose of terrorizing another person he threatens to cause death or serious physical injury or substantial property damage to another." Interpreting this statute the Supreme Court of Arkansas affirmed the lower court's decision. In *Warren v. State*, 613 SW2d 97 (Arkansas 1981) the court held that "where defendant pointed a rifle at two men grading a road on what defendant believed to be his land, then threatened to shoot them when they started to grade again, defendant was properly convicted of terroristic threat rather than a misdemeanor assault, since there is no language to indicate the terrorizing must occur over a prolonged period of time, that the mere overlapping of the terroristic threat statutory provisions and the assault statutes does not render the terroristic threat statute unconstitutional." Further, in *Richards v. State*, 585 SW2d 375 (Arkansas 1979) the Court of Appeals held that "a threat to shoot another is a threat to cause such physical injury to another person as to constitute terroristic threat and that the statute does not require that the threat be communicated by the accused directly to the person threatened in order to constitute a violation of the statute."

The Georgia Court of Appeals in *Wilson v. State*, 260 SE2d 527 (Georgia 1979) found that the trial court's charge "when the communication of a threat is done to terrorize another, the crime of terroristic threat is complete" stated the correct principle of law. In *Moss v. State*, 228 SE2d 30 (Georgia 1976) the court held that where evidence of a subsequent threat to kill the arresting officer was made after the committal hearing, it was proper to admit the evidence to show the bend of mind and the intent of the defendant. *Echols v. State*, 213 SE2d 907 (Georgia 1975) concerned a conviction for aggravated assault with intent to murder and for terroristic threat. The court held that the conviction did not amount to multiple convictions for the same conduct. Terroristic threat is not included within the crime of aggravated assault with intent to murder, because each crime involves proof of separate and distinct essential elements. The crimes are each aimed at prohibiting specific conduct. The constitutionality of the terroristic threat statute was challenged in the case of *Lanthrip v. State*, 218 SE2d 771 (Georgia 1975). The court held that the statute providing that a person commits a terroristic threat when he threatens to commit any crime of violence with the purpose of terrorizing another person is sufficiently definite to give notice of the conduct it penalizes. Thus, the statute is not unconstitutionally vague and does not deny due process. It is not void because of overbreadth, since the proscribed threats clearly fall outside of those communications and expressions protected by the First Amendment. In *Boone v. State*, 274 SE2d 49 (Georgia 1980) the court held that the crime of terroristic threat focuses solely on the conduct of the accused and is completed when the threat is communicated to the victim with the intent to terrorize. Further, the court held that the convictions would be upheld where statutory requirement of corroboration of testimony of the party

to whom the threat is communicated could be met by corroboration by the co-victim.

The terrorism of greatest concern to Americans today typically involves threats communicated against innocent victims, in order to invoke change from a third party—the use of an instrumental target to affect a primary target. The manner in which states interpret indirect threats is of obvious significance to students of terrorism. Five of the twenty-three appellate cases annotated in this paper involved some sort of indirect threat. In *State v. Schweppe*, 237 NW2d 609 (Minnesota 1975) the defendant, a thirty-one year old male, communicated threats to the friends of a sixteen year old boy with intent to frighten him. The defendant's conviction was upheld on the grounds that he intended his threats to be eventually communicated by the third party to his victim, thereby terrorizing him.

What if the threats never become known to the victim, that is, the third party never communicates the threats to the intended victim? Is the defendant still guilty of terroristic threatening? This situation has been handled differently by several states. Iowa provides the best example with its felony statute on "terrorism" (Iowa Code Ann. 54-708.6 [West 1981]). The statute is composed of two sections. A person is guilty of a Class D Felony when he does any of the following with the intent to injure or provoke fear or anger in another:

1. Shoots, throws, launches, or discharges a dangerous weapon at or into any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person, and thereby places the occupants thereof in reasonable apprehension of serious injury.
2. Threatens to commit a forcible felony under circumstances raising a reasonable expectation that the threat will be carried out.

In *State v. Jackson*, 205 NW2d 420 (Iowa 1981) the defendant was found guilty under Section Two of this statute. The defendant had written a letter threatening the governor and his family, which was read by a staff member who routinely opened the governor's mail. The governor never learned of the threat, nor did he experience any reasonable fear of serious injury. The defendant, however, was convicted, and his appeal overturned on the grounds that Section Two of that statute did not require the effects of the threat as an essential element of the offense. However, in *State v. White*, 319 NW2d 213 (Iowa 1982) a defendant was charged and convicted under Section One of the same statute, even though evidence was not presented which demonstrated that the alleged victim experienced apprehension of serious injury. That conviction was subsequently overturned on the grounds that, in the absence of evidence of fear of serious injury, conviction for "idle" threat was inappropriate under this section of the statute. Most states' statutes, however, are similar to Section Two of Iowa's law, in that the primary victim need not experience fear or even know of the threat to provide the essential elements of the crime.

The essence of the previous discussion is that efforts to criminalize terrorism which include the motive of the terrorist in the statute have not been held constitutional. Consequently in their zeal to do something about the problem, the various states have resorted to enacting statutes which open the door for governmental overreaction. The "terrorists" prosecuted under these statutes bear little resemblance to the perceptions of most Americans regarding what terrorists are like and what the fight against terrorism is all about. If the above-mentioned statutes are not being used to prosecute terrorists, what types of charges are being levied against offenders whose acts meet more acceptable definitions of terrorism? This issue is briefly explored in the next section.

PROSECUTION OF FBI LABELED ACTS OF TERRORISM

Table Three provides a summary of the prosecution of domestic terrorist incidents in 1985²². While the prosecutions listed do not include convictions for all the suspected terrorist activities, the list is complete for incidents recorded by the FBI as domestic terrorism and prosecuted in 1985. Three important points are noticeable. First, in all of the cases prosecuted, convictions were obtained under longstanding criminal statutes. None of the cases identified utilized terrorism-specific statutes. Second, since the FBI claims authority to respond to ongoing acts of terrorism, most prosecutions in recent years for domestic terrorism have been pursued in federal courts.²³ Statistics for 1986 reveal this continuing trend. In 1986 seven of the known domestic terrorist incidents involved bombings or attempted bombings, one was an assassination, and the final one involved the tear-gassing of the New York Metropolitan Opera House. All of these incidents can be prosecuted under existing criminal statutes. Finally, the sentences received in 1985 by offenders for acts of domestic terrorism are substantially higher, with one exception, than the sanctions possible under terrorism-specific statutes. In most instances, the deterrent value of terrorism-specific statutes is questionable compared to available alternatives.

PROBLEMS AND IMPLICATIONS

Legislative bodies in the United States have been very reluctant to enact laws which might be construed as limiting the First Amendment's guarantee of free speech. With the exception of "harassment" statutes in some states, few jurisdictions had been willing, prior to the advent of "terroristic threatening," to criminalize speech which had no effect upon an intended victim. Most states included threatening behavior under their respective assault statutes. A majority of jurisdictions have extended the scope of the crime of assault to include the tort concept of civil assault.²⁴ Under this concept one could be convicted of assault, if the offender committed some act which causes the victim to experience a reasonable apprehension of bodily harm. An essential element of "assault as intentional scaring" is that the victim must experience apprehension. As LaFave and Scott²⁵ note, "If the *victim* fails to notice the threatened battery, the threatener, not having succeeded in his plan,

cannot be held guilty of assault." The minority view is, apparently, to leave it to civil law to discourage such bad conduct.

Terroristic threat statutes have altered this rather delicate relationship between an alleged offender's rights of free speech and a victim's right to be free of fear and intimidation. Fear of terrorism in the American public has seemingly justified this rather mild intrusion on American civil liberties. It does, however, represent a trend that, if left unchecked, could lead to serious encroachments that might signal a deterioration of American democratic freedoms. Under these statutes the forbidden conduct, the threat, no longer requires a particular result of that conduct, namely, apprehension of bodily injury by the victim, to qualify for criminal liability. Consequently, issues regarding proximate cause are avoided, since it would no longer need to be established that the threat was the legal cause of the fear experienced by the victim. This simplification of the essential elements of the crime serves to increase the prosecution's ability to convict.

The desire to "get the terrorist" at all costs may evoke a greater price than one should be willing to pay. These initial overreactions by jurisdictions within the United States are indicative of a natural desire to eliminate the problem before it gains a strong foothold in America. As Wilkinson²⁶ notes, however, "the government must show that its measures against terrorism are *solely* directed at quelling the terrorists and their active collaborators." Current terroristic threat statutes clearly do not meet Wilkinson's criterion.

The cases reviewed earlier strongly suggest that the government has, under the guise of combating terrorism, found a socially acceptable method of criminalizing "threats." The validity of these statutes has generally been upheld in appellate courts, although these rulings have usually addressed behaviors not normally regarded as terroristic. The necessity of eliminating motive as an essential element of the crime, while legally correct, left most current legislative efforts with a tendency to apply overly broad definitions that provide proscriptions for behavior that should not be viewed as terroristic.

The deterrent effect of these statutes also appears highly questionable. Limited to either misdemeanor or minor felony status, the sanctions provided for violation of terroristic threat statutes will have little effect on highly committed, ideologically-bound terrorist groups. Instead, these legislative efforts appear to be little more than an irritant to democratic freedom. Most states have construed these statutes in a manner that provides opportunity for governmental abuse and, when used to obtain conviction for essentially non-terroristic activity, may be counterproductive to efforts to reduce terrorism. The statutes in many cases merely provide an additional offense with which the offender may be charged. While charging the offender with an additional offense may assist the prosecutor in plea bargaining, it remains questionable whether such a practice effectively serves the ends of justice.

If some method cannot be devised to limit prosecutorial efforts for "terroristic threat" to threats intending to effect political change, the

Table One
States With Terrorism-Specific Statutes

State	Felony or Misdemeanor	When Enacted or Effective	Statutory Citations
Alaska	Felony	1980	Terroristic Threatening Alaska Stat. § 11.56.810 (1980)
Arkansas	Felony	1975	Terroristic Threatening Ark. Stat. Ann. § 41-1608 (1977 Replacement)
California	Felony	1977	Terrorist Threats Cal. Pen. Code § 11.5.422/422.5 (Deering 1977)
Georgia	Felony	1974	Terroristic Threats or Acts Ga. Code §§ 26-1307 and 1307.1 (1974)
Hawaii	Misdemeanor/ Felony ^a	1972 (Amended 1979)	Terroristic Threatening Hawaii Rev. Stat. §§ 707-715 (1979)
Iowa	Felony	1978 (Amended 1981)	Terrorism Iowa Code Ann. § 54-708.6 (West 1981)
Kansas	Felony	1970	Terroristic Threat Kan. Crim. Code Ann. § 21-3419 (Vernon 1970)
Kentucky	Misdemeanor	1975	Terroristic Threatening Ky. Rev. Stat. § 508.080 (1975)
Louisiana	Misdemeanor	1978	Terrorizing La. Rev. Stat. Ann. § 14:40.1 (West 1978)
Maine	Misdemeanor/ Felony ^b	1977	Terrorizing Me. Rev. Stat. Ann. tit. 17 § 210 (1977)

Table One (continued)
States With Terrorism-Specific Statutes

State	Felony or Misdemeanor	When Enacted or Effective	Statutory Citations
Minnesota	Felony	1971	Terroristic Threat Minn. Stat. § 609.713 (1971)
Pennsylvania	Misdemeanor	1973	Terroristic Threats 18 Pa. Cons. Stat. Ann. 2706 (Purdon 1973)
Rhode Island	Felony	1981	Threat by Terror R.I. Gen. Laws 11-53-2 (1981)
Texas	Misdemeanor	1974	Terroristic Threat Tex. Penal Code Ann. 5-22.07 (Vernon 1974)
Utah	Misdemeanor/ Felony ^c	1973	Terroristic Threat Utah Code Ann. 76-5-107 (1973)

- a. Primarily if threat involves public official or if dangerous instrument used to communicate threat
- b. If evacuation of public facility occurs
- c. If evacuation of public facility is intended

Table Two
Appellate Cases of Terroristic Threatening, 1970-1985

Citation	Appellate Court Holding	Nature and Characteristics of Terroristic Threat (General)	Terroristic Threat (Specific)
1. Warren v. State 613 SW2d 97 Arkansas, 1981	Affirmed terroristic threat conviction	Non-political Direct threat No force used	Defendant threatened to shoot two men who were grading a road. He threatened to shoot at the grader if they did not raise the blade. He evidently thought they were on his property.
2. Richards v. State 585 SW2d 375 Arkansas, 1979	Affirmed terroristic threat conviction	Non-political Indirect threat No force used	Defendant took a rifle from his car, cocked it, inserted a shell into the chamber and told a railroad employee, "You'd better get that s.o.b. out of here or I'm going to shoot him." The threat was promptly communicated to the victim.
3. People v. Mirmirani 636 P2d 1130 California, (1982)	Affirmed. Granted defendant's motion to set aside information charging him with making threats in order to achieve social or political goals. (Unconstitutionally vague)	Non-political Indirect threat No forced used	Officer Meter testified, "At the time the defendant told me that according to the Islamic—he didn't use the word 'faith,' but a word similar to it—that by the Islamic code, he was going to take the life of the child of each officer."

Table Two (continued)
Appellate Cases of Terroristic Threatening, 1970-1985

Citation	Appellate Court Holding	Nature and Characteristics of Terroristic Threat (General)	Terroristic Threat (Specific)
4. Boone et al v. State 274 SE2d 49 Georgia, 1980	Affirmed terroristic threat conviction	Non-political Direct threat Force used	Statements and actions of defendants, including threats that they would kill two undercover narcotics agents if they were police officers.
5. Moss v. State 228 SE2d 30 Georgia, 1976	Affirmed terroristic threat conviction	Non-political Direct threat No force used	Defendant was arrested, with others, as the result of a disturbance at a race track and taken to jail. After being lodged in the jail alleged threats were made by him to kill some of the police officers present at the time.
6. Echols v. State 213 SE2d 907 Georgia, 1975	Affirmed terroristic threat conviction	Non-political Direct threat Force used	Victim shared prison cell with Defendant. Defendant and cohort beat him and during a four minute hiatus defendant said, "Let's go ahead and kill him—that way he won't be able to talk. Just let me do it, I won't get any more out of it."
7. Lanthrip v. State 218 SE2d 771 Georgia, 1975	Affirmed terroristic threat conviction	Non-political Direct threat Force used	Defendant communicated terroristic threat to his wife and sister-in-law to kill each of them with a gun. The defendant had also choked his wife in a fit of temper.

Table Two (continued)
Appellate Cases of Terroristic Threatening, 1970-1985

Citation	Appellate Court Holding	Nature and Characteristics of Terroristic Threat (General)	Terroristic Threat (Specific)
8. Wilson v. State 260 SE2d 527 Georgia, 1979	Affirmed terroristic threat conviction	Non-political Direct threat No force used	By telephone defendant made a threat to kill the prosecutrix' child.
9. State v. Realina 616 P2d 229 Hawaii, 1980	Reversed terroristic threat conviction	Non-political Direct threat Force used	"You fucker. You fool around with my wife, I'm going to kill you." "You come out you fucking Filipino. I'll kill you."
10. Iowa v. Oldfather 306 NW2d 760 Iowa, 1981	Affirmed motion in arrest of judgment	Non-political Direct threat No force used	Defendant's act in suddenly changing course of his automobile into path of victim, did not amount to a "launching" under terrorism statute.
11. State v. Jackson 305 NW2d 420 Iowa, 1981	Affirmed extortion and terrorism conviction	Political Indirect threat No force used	Letter to Governor. Threats against the lives of the Governor and members of his family.
12. State v. Young 293 NW2d 5 Iowa, 1980	Affirmed terrorism conviction	Non-political Mis-directed threat Force used	Defendant had an argument with his sister and brother-in-law while visiting their apartment in a multi-unit Waterloo apartment building. He left the building and went to his automobile from

Table Two (continued)
Appellate Cases of Terroristic Threatening, 1970-1985

Citation	Appellate Court Holding	Nature and Characteristics of Terroristic Threat (General)	Terroristic Threat (Specific)
13. State v. Smith 309 NW2d 454 Iowa, 1981	Affirmed in part the terrorism and burglary conviction	Non-political Direct threat Force used	which he took a loaded shotgun. He re-entered the building and went to what he thought was the same apartment, where he fired the shotgun through the closed door. It turned out that he was on the wrong floor. The blast struck and injured a little girl who resided in the apartment into which the gun was fired.
14. State v. White 319 NW2d 213 Iowa, 1982	Affirmed in part the terrorism conviction	Non-political Direct threat Force used	Defendant shot a dangerous weapon at or into a vehicle with the intent to injure the occupants of said vehicle.

Table Two (continued)
Appellate Cases of Terroristic Threatening, 1970-1985

Citation	Appellate Court Holding	Nature and Characteristics of Terroristic Threat (General)	Terroristic Threat (Specific)
20. State v. Schweppe 237 NW2d 609 Minnesota, 1975	Affirmed terroristic threat conviction	Non-political Indirect threat No force used	Evidence was sufficient to support finding that defendant knew, or had reason to know, and thus intended that his threats to kill the victim would be communicated to the victim or that the defendant at the very least recklessly risked the danger that his threats would be communicated and thereby would terrorize the victim.
21. Commonwealth v. Ashford 407 A2d 1328 Pennsylvania, 1980	Affirmed terroristic threat conviction	Non-political Direct threat No force used	Defendant, who was not intoxicated, made repeated threats on lives of officers during trips to the police station. He threatened to hunt them down and they would never know when he would strike and that he threatened to kill members of their families and that they would not be safe while the officers were at work.
22. Commonwealth v. Ferrer 423 A2d 423 Pennsylvania, 1980	Affirmed terroristic threat conviction	Non-political Direct threat No force used	Defendant's shouting at police detective who testified against defendant that detective's testimony would cost him one of his kids, supported the inference beyond a reasonable doubt that defendant threatened to murder one

Table Two (continued)
Appellate Cases of Terroristic Threatening, 1970-1985

Citation	Appellate Court Holding	Nature and Characteristics of Terroristic Threat (General)	Terroristic Threat (Specific) of the defendant's children, thus threatening to commit a crime of violence.
23. Jarrell v. State 537 SW2d 255 Texas, 1976	Affirmed retaliation conviction (Motion to revoke probation sustained)	Non-political Direct threat No force used	Defendant knowingly and intentionally threatened the complainant with bodily harm or injury by threatening to kill said complainant.

Table Three
Convictions in 1985 Involving Domestic Terrorist Incidents

	Person or Group	Charge	Jurisdiction	Sentence
	1. New Afrikan Freedom Fighters (9 persons)	Firearms violations	Federal	varied
	2. Jaan Karl Laaman (United Freedom Front)	Attempted murder, weapons violations	Massachusetts	39-45 years
	3. Susan Rosenberg Timothy Blunk (May 19 Communist Org.)	Firearms violations, transportation of explosives	Federal	58 years 58 years
46	4. James Ellison (Covenant, Sword, and arm of the Lord)	Racketeering Influenced and Corrupt Organization (RICO) charges weapons violations	Federal	20 years
	5. Marilyn Buck (May 19 C.O.)	Escape	Federal	5 years
	6. Linda Sue Evans (May 19 C.O.)	Weapons violations	Federal	2 years
	7. Macheteros (17 persons)	Bank robbery	Federal	2 years
	8. "Aryan Nations" and "The Order" (23 persons)	Racketeering Influenced and Corrupt Organization (RICO) charges	Federal	varied

Endnotes

1. Walter Miller, "Terrorism, the Media, and the Law: A Discussion of the Issues," in Abraham Miller, ed., *Terrorism: The Media and the Law* (Dobbs Ferry, New York: Transactional Books, 1982), pp. 13-50.
2. Central Intelligence Agency, *International and Transnational Terrorism: Diagnosis and Prognosis* (Washington, D.C.: U.S. Government Printing Office, 1976).
3. Bonnie Cordes, Brian Jenkins and Konrad Kellen, *A Conceptual Framework for Analyzing Terrorist Groups* (Santa Monica, California: Rand Corporation, 1985).
4. Vice President's Task Force on Terrorism, *Public Report of the Vice-President's Task Force on Combating Terrorism* (Washington, D.C.: U.S. Government Printing Office, 1986).
5. Terrorist Research and Analytic Center, *FBI Analysis of Terrorist Incidents and Terrorist Related Activities in the United States: 1985* (Washington, D.C.: FBI, Department of Justice, 1986.)
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7. Terrorist Research and Analytical Center, *Terrorist Incidents Calendar Year to Date (As of 12/19/86)* (Washington, D.C.: FBI, Department of Justice, 1987).
8. "Difference of Opinion" in "Hitting the Source," *Time*, April 28, 1986, pp. 16-27.
9. Richard N. Ostling, "A Sinister Search for 'Identity'," *Time*, October 20, 1986, p. 74.
10. *Terrorist Incidents* (1987).
11. Nicholas Kittrie, "A New Look at Political Offenses and Terrorism," in Marius H. Livingston, et al., eds., *International Terrorism in the Contemporary World* (Westport, Connecticut: Greenwood Press, 1978), pp. 354-375.
12. Michael Stohl, *The Politics of Terrorism* (New York: Marcel Dekker, 1979).
13. Jordan Paust, "Terrorism: A Definitional Focus," in Yonah Alexander and Seymour M. Finger, eds., *Terrorism: Interdisciplinary Perspectives* (New York: John Jay Press, 1977), pp. 18-29.
14. Grant Wardlaw, *Political Terrorism: Theory/Tactics and Counter-Measures* (New York: Cambridge University Press 1982.
15. *Ibid.*, p. 16.
16. *Ibid.*, p. 4.
17. *Ibid.*, p. 5.
18. California Penal Code 11.5.422/422.5 (1977).
19. *People v. Mirmirani*, 636 PZ d (California, 1982).
20. Westlaw is a computer-assisted legal research system utilizing a national, full-text case law library which allows users to locate and research legal precedents.
21. Model Penal Code 211.3 (Proposed Official Draft, 1962).
22. See *FBI Analysis* (1986).
23. An interview with Terrorism Supervisor, FBI, Birmingham, Alabama.
24. Wayne R. LaFave and Austin W. Scott, Jr., *Criminal Law* (St. Paul, Minnesota: West Publishing Company, 1977).
25. *Ibid.*, p. 611.
26. Paul Wilkinson, "Proposals for Government and International Responses to Terrorism," *Terrorism: An International Journal*, vol. 5, nos. 1 and 2 (1981), p. 165.
27. *Ibid.*, p. 163.