



Department of Justice

REMARKS .

OF

THE HONORABLE EDWIN MEESE III
ATTORNEY GENERAL OF THE UNITED STATES

TO

THE AMERICAN CHAMBER

TUESDAY, DECEMBER 10, 1985
VIENNA, AUSTRIA

NOTE: Because Mr. Meese often speaks from notes, the speech as delivered may vary from this text. However, he stands behind this text as printed.

It is truly a pleasure to be here today. Just as Vienna itself is a truly international city, so is this Chamber a convocation of diverse interests, nationalities, and professions. Indeed it is impossible to be here and not be impressed by the history and beauty of this remarkable city. Vienna stands out in the minds of most Americans, myself included, as a place of music, culture, and artistic beauty. It is a city of the waltz, of Mozart, of opera, of great and diverse architecture, sculpture, and painting. But to anyone with an interest in history, diplomacy, and the law it is a special place too. In recent years Vienna has been a meeting place for powerful nations. It has been the host for treaty makers and international organizations. This is a city remembered too as a place caught in the tensions following the Second World War, a war which gave way, thankfully, to the eventual freedom and independence of Austria.

Vienna is remembered too as a place where diplomats and autocrats of another age -- the age of Metternich and Talleyrand -- came to decide the fates of nations and peoples. When those men and their contemporaries gathered here in 1815 to redraw the map of Europe in the wake of the Napoleonic wars, I'm sure they believed they were facing a supreme test. And yet to the

governments of today their task seems in some respects to have been relatively simple. The leaders of 1815 lived in a world of nation-states. It was a world in which identifiable leaders could broker agreements and control armies, and thereby make a peace. The challenges of that age continue to the present. The problems of statecraft remain difficult, but they have become immensely complicated.

In 1985, governments, public officials -- and indeed businessmen and private citizens of every walk of life -- confront threats to their safety and liberty from both nations and other more sinister forces. In this age the masked gunman, the suicide bomber, the airline hijacker, operate outside the confines of governments and states, and present new challenges to those who seek to keep the peace.

Loyal only to the perversion of a twisted cause or ideology, dedicated to the destruction of civilized exchange, the terrorist looms today as a pernicious danger to the safety of innocent and unsuspecting people everywhere.

Thus it is appropriate today for me to speak about a topic of great urgency: the need for international cooperation to uphold the rule of law and principles of justice.

1985 has been a year of tragic reminders that the rule of law is often observed in the breach. It has been a year in which the

forces of senseless death have warred against innocents the world over.

Just two weeks ago, we watched in horror as terrorists seized an Egyptian airliner, forced it to land in Malta, and methodically shot helpless men and women in the back of the head until the Egyptian government was compelled to storm the plane. Simultaneously, terrorists in Germany used explosives to wound American Servicemen. In October, terrorists hijacked the Italian cruise ship, the Achille Lauro, murdering a crippled old man and throwing his body into the sea. Earlier in the year came the skyjacking of TWA Flight 847 and murder of one of its passengers, and the slayings of American servicemen and civilians in a San Salvador cafe.

But as we well know, terrorism is not just an American problem. There was the recent brutal takeover of the Colombian Ministry of Justice, in which a number of justices were assassinated. The kidnapping of the daughter of the President of El Salvador. The murder of a Soviet diplomat by terrorists in Beirut. The possible terrorist bombing of an India Air Lines 747 over the North Atlantic. The explosion in the baggage of another 747 in Tokyo. The brutal slaying of Israeli tourists in Cyprus. And from recent years we might add the suicide bombings in Lebanon, the attack against the Bristol hotel housing the British Prime Minister and members of her party, the murder of Prime Minister Indira Gandhi, and the attack on Pope John Paul in the

Vatican. The list of senseless terrorist violence is sadly too long to describe in full.

In September of this year it was my privilege to address a gathering of Italian and Swiss jurists and lawyers in Washington, D.C. At that time I endeavored to set forth what I believe are the essential components of our response to terrorism of the kind I have just described. The roll of the innocent dead from terrorist violence has sadly grown longer in the time since those remarks. And thus it is with an added sense of urgency that I return to this topic today.

Let us begin by noting what terrorism is, and what it is not. Obviously, the first thing that confronts us about terrorism is its savagery and brutality. The sheer randomness of the violence, and the innocence of its victims, scrambles our ability to define and understand it.

But let us be clear: a terrorist attack is not merely an attack on an individual, against a political party, a business, or a particular government. It is an attack on the rule of law and the values of civilization itself. The bombing of a church or an embassy, or the shooting of a diplomat may cause immediate damage to a particular country. But in a full sense it attacks and injures all nations and all people that adhere to the rule of law. Make no mistake. There is at work in the world today a coordinated effort on the part of those who would tear asunder

the tapestry of law, reason, and justice that has been painfully knit by western man over the past two thousand years.

We must therefore ask what is to be done. How can we combat such forces of darkness in our world?

Well, to borrow from Machiavelli, we "must know how to be the lion, but we must also know how to play the fox."

We must be lions in our steadfast and stouthearted defense of our values and traditions. But we must also have fox-like shrewdness in our ability to identify and eliminate terrorist threats. We must protect our legal institutions and methods against the tide of lawlessness, and must bring to bear the full weight of the law against those who work against it.

In practical terms, this means several things.

First, it means we must cooperate with our friends to share information and techniques for combatting terrorism. Terror is no respecter of international boundaries, and we cannot stop our efforts against it at our national borders. Just a few years ago we saw the dramatic evidence that cooperation works, when Italian antiterrorist forces freed American General James Dozier from the Red Brigade. Again last year Italian authorities proved their effectiveness when they foiled an apparent plot to blow-up the U.S. Embassy in Rome. But cooperation is not just a task for

governments. It is also a job for private and international organizations. I'll be discussing some proposals for these spheres in just a few minutes.

Second, we must improve our domestic anti-terrorist capabilities. In this regard the U.S. Department of Justice, and other federal agencies have taken several important steps. In 1982 the FBI established a Terrorist Research and Analytical Center to analyze and computerize data on terrorists and terrorist groups in the United States. In 1983 the Department issued improved guidelines for FBI efforts against domestic terrorists groups. The product of long and careful review, these guidelines reemphasize the importance of the Bureau's domestic intelligence role and undo some of the unreasonable restraints placed upon the Bureau in the aftermath of Watergate. Additionally, under the authority of the Foreign Intelligence Surveillance Act and Title III of the Omnibus Crime Act, we have substantially increased the use of electronic surveillance against international terrorist groups.

These new measures are already showing results. In 1983 the FBI foiled six imminent terrorists acts, including subversive plans to commit murder, arrange the escape of terrorists from federal prison, and bomb military reserve training centers. In 1984 the FBI intercepted two Libyans in Philadelphia before they could carry out terrorist acts. Most recently, and dramatically, the Bureau broke up a plot by Sikh

extremists to assassinate Prime Minister Gandhi on his state visit to the United States.

These are just some examples of the fine work of the FBI. But no one law enforcement agency can do the job alone.

In response to the series of aircraft-related acts of violence earlier in the year, Transportation Secretary Dole recommended a series of steps to improve airline and airport security. Specifically, new measures have included an expansion of the Federal Air Marshal Program that has proven so successful in reducing the number of hijackings on flights originating within the United States. The Federal Aviation Administration has published a rule requiring initial and continuing security training for ground and flight personnel. Federally sponsored research on explosives and weapons detection has been expanded. Additionally, the FAA ordered stronger security measures at all U.S. airports.

These direct actions affecting domestic American aspects of security were important. But we also realize that because terrorism is an international problem we must take international action too, and work through international forums to counter this threat. Accordingly, in the wake of the hijacking of TWA Flight 847, President Reagan used his authority to suspend air service between the United States and Lebanon, and urged that Beirut International Airport be isolated from the world aviation

community. Secretary Dole appeared before the International Civil Aviation Organization, the ICAO, and urged a number of reforms to improve security.

I am pleased to say that her suggestions for new airport security standards have been well received by the ICAO Council. The Council has recommended a series of measures to the full membership, including the following:

- * A recommendation that each nation include a clause on civil aviation in its bilateral air service agreements with other nations.
- * Expanded pre-flight checks to include measures to discover weapons or other dangerous devices.
- * Special security procedures for checked baggage that does not belong to any boarded passenger.
- * Security procedures for cargo consigned to passenger flights.
- * Enhanced safeguards at airports and ground facilities used in international aviation.

We believe, as the recent Egyptian Airlines tragedy has confirmed, that it remains too easy to bring weapons aboard a

plane. That is why it is urgent that the international community take tough new steps to enforce these recommendations.

We are taking other approaches too. President Reagan recently appointed a Task Force on Terrorism, chaired by Vice President Bush, to examine ways to better coordinate efforts among executive branch agencies against terrorism. The Vice President has also conducted discussions personally with the leaders of several European allies on how we might work together against this threat.

Third, lawyers have a special interest in seeing to it that we have adequate statutory and legal authority to deal effectively with terrorists. Terrorists are not political leaders. They are not soldiers. They are criminals, and must be dealt with as criminals. Therefore we need tough laws and legal measures to make our system of justice effective against their criminality. These measures must include providing for jurisdiction over individuals who commit terrorist acts against American citizens and property overseas. In this regard, the Department is pleased that recent changes in American law provide, among other things, for jurisdiction over, and tougher penalties against, those who sabotage aircraft and take hostages.

Finally, we as public officials and members of the legal community can use the prominence and visibility of our positions to focus attention on terrorism, and to suggest

responsible private efforts to blunt the sharp edge of terrorist threats. This summer, at the American Bar Association meeting in London, Prime Minister Margaret Thatcher called for the news media to develop a voluntary code of conduct that would help starve terrorists of, as she termed it, "the oxygen of publicity" on which they thrive. It is an idea I second. But make no mistake about my meaning. Neither I nor any American government official wishes to dictate to the press how it is to cover the news. An inquiring press is a vital component of democracy. But it is important that everyone concerned with a terrorist incident act with a sense of responsibility.

Nevertheless, as responsible officials we have an obligation to speak out, to use what President Theodore Roosevelt called the "bully pulpit" to call attention to problems of public concern.

These then are just several of the approaches, in addition to the paramount need for cooperation among nations, that must be used in this ongoing struggle.

But while it is important to enumerate things we must do in the battle against terrorism, it is equally important to remember certain things we should avoid.

One thing to avoid is the temptation to consider terrorist acts in isolation. They are not necessarily the work

of independent anarchists or small cells of disgruntled extremists. Instead, the sad reality is that terrorist groups in Africa, in the Middle East, in Europe and in Central America are in common cause against Western Society. Many of these groups share weapons and tactics, train together, and cooperate to bring down democratic governments and institutions. Additionally, many of these groups are part of a broader network of state-sponsored and supported terrorism.

Let's not deceive ourselves. A number of nations, some overtly, others quietly, are working to undermine democratic nations and societies, and have an even greater interest in causing chaos in the West than do the groups we usually associate with the term "terrorist."

Several of these nations make no pretense of hiding their sponsorship of terrorism. Libya's Colonel Qadhafi has said openly that his country is - quote "capable of exporting terrorism to the heart of America." Unfortunately, his deeds match his bombast. Not long ago the Egyptian government broke-up a Libyan sponsored plot to blow up our embassy in Cairo.

Members of the Italian Government have been unafraid to charge Nicaragua with harboring some of the worst of the Red Brigade terrorists. The evidence further indicates that Nicaragua is fast becoming a terrorist country club, offering

refuge to members of the PLO, the Basque ETA, the IRA, the PLO and West Germany's Baader-Meinhoff gang.

As President Reagan noted in his July speech to the American Bar Association, these nations, as well as North Korea, Cuba, and Iran are behind a number of terrorist incidents. We must look beyond terrorist puppets and confront the puppeteers. And we must look behind the immediate state sponsors of terror to find their ultimate backers.

The terrorist combine of organizations and states must be countered by an effective alliance of both governments and private organizations.

But while we must have the courage to understand terrorism for what it is, we must also have the courage to avoid what is possibly its greatest threat and temptation. We must avoid a seduction so natural and instinctive that it may avoid detection. Governments and individuals must avoid the impulse to combat terrorism by engaging in similar conduct themselves.

We hear frequently that in the war against terrorism we cannot be bound by rules, that we cannot subject ourselves to the moral and ethical constraints that guide our responses to other problems. To these voices I respond: is that not exactly what the terrorists want?

In destroying a building, murdering a government official, or taking innocent people hostage, terrorists know that these acts do not significantly weaken our military forces, disrupt our commerce, or jeopardize the bulk of our citizenry. What terrorists really want is a change in how we behave. They would have us throw out the rule of law that is central to the survival of free, democratic societies and fight them on their own terms. They would have us transform our open societies into closed, militarized facsimilies of themselves. The terrorists hope for repressive responses that will alienate the citizenry from their governments and so create unrest, dissidence, and ultimately disloyalty.

We must not make this surrender. As President Reagan has reiterated, we will visit effective reprisals against terrorists, but we will also first take care to identify and find those who are actually at fault. We must pursue, within the framework of the rule of law, the kind of effective measures I have discussed today. These measure have worked, and they can be made to work better.

Ultimately, the vitality of our democratic institutions depends on the viability and success of our legal institutions. It is by adhering to the best in our democratic traditions that we maintain a bulwark against terror.

Thank you.