



# Department of Justice

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ADDRESS

OF

THE HONORABLE EDWIN MEESE III  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE SIXTH ANNUAL JUDICIAL CONFERENCE  
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

12:00 NOON  
FRIDAY, MAY 13, 1988  
WASHINGTON HILTON HOTEL  
WASHINGTON, D.C.

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

Thank you. It is a great pleasure to be here with the Federal Circuit. Since its inception, this circuit has shown a consistent dedication to interpreting the law rather than making it. As an advocate of judicial restraint, I am unrestrained in my admiration for the Federal Circuit.

It's good to give a speech right here in Washington. Recently I've been on the go a good deal, including a trip to five nations in South America. That trip has significantly raised the level of cooperation and mutual understanding between us and those nations on the problem of drugs.

As Attorney General, a daunting array of law-enforcement issues are within my responsibility, and I am proud of the progress our Department has made on a number of these fronts.

For instance, I've already mentioned the drug problem, and the work we've been doing on increasing cooperation with the so-called producing nations, whose governments are committed to abolishing the drug traffic to the best of their abilities -- abilities that are often limited by sheer lack of funds or equipment.

Much can be done in fighting drugs on the supply side. But it is nonetheless the case that as long as there is some demand for drugs, some supply will get through. Reducing demand is the key to reducing supply -- and ultimately ridding our society of illicit drugs.

For that reason, there is no substitute for vigorous demand-side enforcement. That is why I have instructed the United States Attorneys to adopt a "zero-tolerance" policy with regard to prosecution of so-called casual users.

For the balance of my remarks, however, I would like to focus on another problem that has been central to my tenure as Attorney General, and that is the prevention, detection, and punishment of terrorism.

First of all, there are grounds for guarded optimism. In spite of the recent atrocity committed against the passengers of a Kuwaiti jetliner, with the law-abiding government of Kuwait as its target, there has actually been somewhat of a drop in incidents of international terrorism over the past two years.

From 1981 to 1985, the yearly number of incidents of international terrorism grew from around 500 to around 800. But in 1986 there was a 6 percent drop, and another drop of about 10 percent in 1987.

We in the United States are doing our best to secure the continuation and acceleration of this trend.

As for what we are doing -- the question is, where to begin? For one thing, we have clarified the line of responsibility by specifying the "lead agencies" in terrorism cases. The Department of State is the lead agency for international terrorism, and the FBI, which is part of the Department of Justice, is the lead agency for domestic terrorism. In addition,

recent expansions of our extra-territorial jurisdiction have given the FBI an investigative role in terrorist incidents outside the United States involving U.S. citizens.

Furthermore, as the terrorist menace has grown, the extent of American extraterritorial jurisdiction has grown with it.

Political violence was the cause of one of the United States' first laws that apply beyond our own shores. In the aftermath of the Kennedy and King assassinations, Congress passed a special law making it a federal crime to kill the President, a Supreme Court Justice, a cabinet official, or even a member of Congress. This law applies regardless of where in the world the crime takes place.

Another extraterritorial law was occasioned by attacks on our embassies, and particularly by the killing of our ambassador in Khartoum in 1974, following a siege by the Black September Organization -- an outfit that Yasser Arafat claimed to control, by the way. Congress passed a law designating certain officials as Internationally Protected Persons, and establishing American criminal jurisdiction over the case if any of them was harmed.

Time and time again, we find that American law has to be adjusted to meet the horrible ingenuity of terrorists. They shifted their attacks from embassy personnel to ordinary vacationers: so in 1984 Congress passed a law making it a U.S. federal crime to take an American hostage.

As it happened, this was the only law that gave the U.S. jurisdiction over the Achille Lauro attack and the murder of Leon Klinghoffer. You see, the Achille Lauro was a ship, not a plane. Terrorism is so modern a problem that Congress had never gotten around to making it a federal crime to hijack a ship.

Then, during the Christmas season in 1985, there came the airport attacks in Rome and Vienna. These acts involved neither the hijacking of a plane nor the taking of a hostage, so there was no way for the U.S. to acquire jurisdiction, even though Americans were among the victims. The Administration went to Congress to get this loophole in our terrorism laws closed. So we now have a law making it a U.S. federal crime to kill an American abroad in a terrorist attack.

The United States faces domestic terrorism threats from a number of sources. There are left-wing terrorist groups, such as the Weather Underground and related outfits. There are neo-Nazi groups, such as the Order, and other violent paramilitary groups associated with the so-called Aryan Nations movement. There is the FALN, a group claiming to fight for Puerto Rican independence.

One set of groups that work their main mischief in Europe but also have a significant fund-raising mechanism in this country is the Provisional IRA and other groups that take Irish re-unification as their pretext for mayhem. It would perhaps be

useful to illustrate our recent successes with a case in this area.

As you know, a lot of the PIRA's support in the United States is financial, and comes from well-meaning but ill-informed Irish-Americans who think they are contributing exclusively to the welfare of the families of prisoners. More seriously, however, are certain actual cases of gun-running from the U.S. to Irish terrorist groups.

In March of 1985, the FBI began to check out a suspected channel of arms of this sort. An undercover agent was placed in contact with a person named Jackie McDonald, and McDonald in turn introduced the agent to one Noel B. Murphy, an Irish citizen living in Boston. Murphy expressed interest in purchasing automatic rifles for shipment to the PIRA. Soon Murphy had reached an agreement with our agent to buy 100 M-16 rifles at 500 dollars each, 1 Redeye surface-to-air missile at \$10,000, 5,000 rounds of .223 caliber ammunition, and two ammunition clips for each weapon.

The undercover agent proceeded to make contact with several people involved in shipping the weapons over to Ireland. All of them, and Murphy, were arrested at the point where the weapons were about to be flown out. On June 6, 1986, indictments were handed down charging the defendants with Conspiracy to Violate the Arms Export Control Act and Conspiracy to Violate Federal Firearms Laws. In October of 1986, several of the defendants

pled guilty to slightly reduced charges. On October 23, Murphy and one other were convicted of all charges except that of being an alien in possession of a firearm.

This case shows how FBI counter-terrorism work helps prevent terrorism, and not only in the United States.

One thing that all governments and all law-enforcement agencies must keep in mind -- and keep in the public's mind -- is that terrorism is a crime. It is not "urban warfare," or "national liberation," or any of the other things it has been called by its practitioners and those who do their public relations work for them.

Terrorism involves criminal acts, pure and simple. Terrorist incidents must be treated as the violent crimes they are, and must be punished as such. Kidnapping, murder, assault: all of these are criminal acts in every civilized nation. They cannot be made more palatable, or indeed less criminal, by the spurious claim of political motivation.

With that in mind, let's have a look briefly at some of the ways in which the United States handles the crime of terrorism.

The case I have already described illustrates very well one of our most reliable techniques: the use of undercover agents. Of course, this is difficult with terrorist cells, because they tend not to share information with anyone they have not known for years, or who has not proven himself with terrorist acts of his own. But sometimes they pay off. The Murphy case is one

example. Also, in 1984, FBI undercover operations prevented two separate assassination attempts against Indian Prime Minister Rajiv Gandhi, and the President of Honduras, Roberto Suazo. Many other examples could be found.

Another technique is court-authorized electronic surveillance. This technique has proved crucial in obtaining convictions of members of the FALN, a group active in the U.S., claiming to support independence for Puerto Rico.

The FBI also has a Terrorist Research and Analytical Center, which collects and analyzes data on terrorist groups operating in the United States. In this computer age of ours, data like this can be pieced together so as to discern patterns. That way, an isolated and apparently useless piece of new information may fit into a previously incomplete pattern, and clinch a case.

Let me also mention two more FBI units: the Special Operations Research Unit, or SOARS, which trains our special agents, hostage negotiators, SWAT leaders, and other specialists; and the Hostage Rescue Team, a special squad of about fifty agents, founded in 1982 with the motto, "To save lives."

So far I have been looking at the FBI's work against domestic terrorism. But as we all know, terrorism is an international problem. Consequently, the U.S. has expanded its extraterritorial jurisdiction in recent years. This enables the FBI and other agencies to expand considerably the range of their overseas protection of our citizens -- though it should also be

borne in mind that in all matters of extraterritorial jurisdiction, our law-enforcement agencies require the authorization and support of the host government before conducting any criminal investigation in a foreign country.

The FBI also exchanges intelligence and expertise with its counterparts abroad. Interpol has updated its definition of terrorism and has issued international arrest warrants for suspected terrorists. The Trevi Group brings high European and American officials together on a regular basis to discuss terrorism and share strategies for fighting it. I myself have represented the U.S. at Trevi meetings. So did CIA Director William Webster when he was director of the FBI, and so will his successor, Bill Sessions. There is also an Italian-American Working Group on Terrorism.

Before closing I must mention a crucial aspect of the handling of terrorist incidents, and that is the news media. During an incident, the relevant authorities must make accurate information available, without giving undue publicity to the terrorists' so-called cause, which is what they want. The public must be reminded that terrorism is crime, plain and simple. Any bid by the terrorists to portray themselves as oppressed visionaries or as brave revolutionaries must be crushed with timely reminders that they are criminals.

Some of you may be familiar with Benjamin Netanyahu, Israel's representative to the United Nations, and brother of

Jonathan Netanyahu, who was killed while playing a heroic role in the 1976 Entebbe Airport rescue mission. Ambassador Netanyahu later helped organize the Jonathan Institute, named for his brother. In a speech to that Institute, later published in book form together with other speeches from that conference, Ambassador Netanyahu observed this:

Having defined all of society as a field of combat, the terrorist demands that his activity, which would ordinarily be viewed as gangsterism, be treated with the respect given to legitimate warfare. That is why he often takes on all the trappings of a soldier; that is why he issues "communiques" instead of simple statements; that is why he insists that his jailed accomplices, who are in fact dangerous criminals, be accorded the status of prisoners of war.

According to Ambassador Netanyahu's admirably precise definition, terrorism is "the deliberate and systematic murder, maiming, and menacing of the innocent to inspire fear for political ends." I endorse this fully as a diagnostic definition. I would add only one point, and that is that terrorism, while pretending adherence to some vague ethic of liberation, is in fact an assault on the rule of law.

In defining all of society as a field of combat, the terrorist erases all distinctions between individuals and government, and he rejects all notions of inalienable individual

rights -- rights that are basic to the democracies that terrorists are somehow always fighting against.

Terrorists do not threaten just a nation or a people or an individual. They are at war with the rule of law itself, with the most basic norms and ideals of civilization.

Throughout history, the lawless few have threatened the peace, freedom, and security of the law-abiding many. The rule of law exists to keep such menaces down to an absolute minimum, perhaps even to eliminate them entirely. That is what the people we protect expect from us, and that is what we intend to give them.

Thank you very much.