



Department of Justice

ADDRESS

OF

THE HONORABLE EDWIN MEESE III
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE INTERNATIONAL ASSOCIATION OF JURISTS

1:30 P.M. EDT
SATURDAY, SEPTEMBER 14, 1984⁵
FEDERAL CIRCUIT COURT OF APPEALS
717 MADISON AVENUE, N.W.
WASHINGTON, D.C.

NOTE: In giving this speech, Mr. Meese may vary slightly from the text.

It is an honor to have the opportunity to be with you today. The Italy-USA-Switzerland Conference of the International Association of Jurists has become a forum for the discussion of important legal issues, and I am therefore very pleased to have been asked to address your closing session. In looking at the busy agenda of this year's meeting, and going back over the topics of your previous conferences, I found myself reminded of something Cicero said: "To succeed in law, a man must renounce all pleasures, avoid all amusements, say farewell to recreation, games, entertainments, almost to intercourse with his friends."

Well, I know a number of hard-working lawyers and jurists -- Americans and Italians alike -- who would agree those words are as true today as they were some two thousands years ago. Nevertheless, I hope that you have had an opportunity to enjoy our capital city. And I would respectfully disagree with Cicero that "intercourse with friends" is somehow a hindrance to the achievement of the legal goals to which this conference is dedicated. We are all lawyers, we share a common interest in combatting crime and seeking more effective means of serving the interests of justice. But we are also friends, and through the efforts of this and other bodies promoting Italian-American

cooperation we reaffirm our friendship while working for common ends.

At the Department of Justice we look upon the cooperation and friendship of American and Italian lawyers, jurists, and law enforcement officials as a tremendous resource. We are particularly proud that during this Administration, due in large measure to the dedication and hard work of my predecessor, Attorney General William French Smith, we have built upon our historic relationship of trust and cooperation in several significant areas.

- o At the suggestion of Prime Minister Craxi and through the dedicated work of Minister Oscar Luigi Scalfaro, the United States Department of Justice and the Italian Ministry of the Interior have established an Italian-American working group to further cooperation on law enforcement problems. This group has now met several times both in Italy and the United States, and has discussed ways in which our countries can work together more effectively in areas such as combatting organized crime and narcotics.

- o In 1984 we concluded a new and modernized extradition treaty between Italy and the United States. Immediately after this treaty took effect, the United States extradited Michael Sindona to Italy. Through

the efforts of the Italian-American working group, a special conference was held last June in Italy to train officials of both countries in the workings of this treaty.

- o Currently, we await the exchange of instruments of ratification of the new mutual assistance treaty that will provide a new basis for exchanging documentary and testimonial evidence, locating witnesses, and otherwise assisting both nations in their ability to prosecute criminals effectively.

We think these steps are important. This legacy of cooperation is something that the Department of Justice counts among its proudest achievements. It is another reason why I am pleased to see so many prominent jurists in attendance at this Conference, including members of the Constitutional Court of Italy. Only through the cooperation of officials at all levels are such successes made possible.

These successes are important. They help our countries combat common problems, evils that threaten not only Italy and the United States, but the very fabric of Western Civilization.

One of these evils is the international traffic in drugs. We must redouble our efforts against organized crime, and against the deadly traffic in illegal narcotics upon which it

relies. We salute the efforts of the Italian government in cracking down on the nefarious criminal networks that control a significant share of drug trafficking. And we express our special admiration for those brave individuals who have risked, and in too many cases lost, their lives in this battle. Crime and drugs are not just American problems, they are not just Italian problems, they are world problems that can be met only through international cooperation.

The problems of organized crime and drugs are critical. They are problems which must be attacked through bilateral and international cooperation. But I would like to emphasize today another insidious, and not unrelated, problem. This is a problem of special concern to our countries, another challenge demanding close cooperation between nations. I am speaking of the problem of international terrorism.

1985 has demonstrated that terrorism is a problem for the whole world. In recent weeks alone we have seen the kidnapping of the daughter of the President of El Salvador, assassination of a prominent Sikh leader in India, the murder of an Israeli diplomat in Cairo, and a new round of terror bombings in Lebanon. But while terrorism is a problem confronting the entire world, it is a barbarism that has been especially painful for our countries. In the United States the memory of the skyjacking of TWA flight 847, and the cold-blooded murder of an unarmed passenger, remain vivid. Still before us everyday is the

continued suffering of the seven Americans and those from other nations held hostage in Lebanon by terrorist cowards. We mourn the brutal slayings of four American Marines and two civilians in El Salvador, and the suicide bombings that took such terrible tolls at the Marine peacekeeping force compound and the American Embassy in Beirut.

In Italy, you have endured the senseless murder of Prime Minister Aldo Moro, and the shocking assassination attempt on the Holy Father in the Vatican. And terrorism has, sadly, reached the members of this Conference in a personal way. We honor the memory of Justice Bachelet, your first International President, a victim of Red Brigade violence.

These attacks are despicable for the cost they impose on the innocent men, women, and children who are their immediate victims. But they are vile for another reason. A terrorist attack is not merely an attack on one individual, one political party, business or government. It is an attack on the rule of law and values of civilization itself.

Some see in the shooting of a diplomat or the bombing of a church the isolated acts of deranged madmen. But 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 over two thousand years.

The masterpieces of Raphael, Titian, Michaelangelo and Caravaggio are not merely the treasures of Italy, they are the art of the world. The music of Verdi, Puccini, and Vivaldi touches every ear. Dante's poetry is poetry for mankind. Yet among Rome's innumerable gifts to Western Civilization, perhaps none is so important as the legacy of Roman law. Terrorism that attacks Italian society and Italian culture attacks the common heritage of the Western world.

Similarly, terrorist attacks on American lives or property are not attacks on America or Americans alone, they are part of an effort to destroy a heritage of law and democracy forged in this country by Washington, Jefferson and Lincoln, and shared by freedom loving peoples everywhere.

The western democracies are the inheritors of a common culture, the sharers of common values, the trustees of the rule of law. Terrorism attacks these values, attacks the rule of law, and by attacking one of us threatens all of us. As lawyers and jurists we have a special responsibility as guardians of this tradition, as custodians of the heritage of justice under the rule of law.

We must ask ourselves what is to be done. What can we as lawyers and jurists do against these "forces of darkness?"

Well, to borrow from Machievelli, 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. Some of the best ideas come from private groups such as this association. That is why I compliment you on having devoted your 1983 conference to the issue of international terrorism.

Second, we must improve our domestic anti-terrorist capabilities. In this regard the U.S. Department of Justice has 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 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 our country.

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

That is why 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, including Prime Minister Craxi, on how we might work together against this threat.

Third, we, as jurists and law enforcement officials, 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 our laws 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 government official wish to dictate to the press how it is to cover the news. The First Amendment is at the core of our American liberties, as is our tradition of a free, independent and responsible press.

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. Maybe what has concerned some members of the press is that in the past government statements sometimes have been a prelude to legislation. But as a staunch defender of the Constitution I would be the last to advocate more federal regulation. But it is my hope that by stimulating public discussion we can encourage innovative and responsible approaches by the news media to this and other problems, while at the same time carefully protecting the freedom of expression guaranteed by our Constitution.

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, 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. In this regard, I want to compliment the courageous Italian prosecutors and jurists who have pursued the investigation into the attempt on the life of Pope John Paul, and who have demonstrated their willingness to find the whole truth no matter where the trail of evidence may lead.

The terrorist combine of organizations and states must be countered by an effective alliance of both governments and private organizations. This conference is an important member of that alliance.

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 even in our military responses we will first take care to identify and find those who are actually at fault. As

lawyers and jurists 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.

The cooperation taking place between the legal and law enforcement communities of the United States and Italy is proof that democracies can deal effectively with terrorists and maintain the security of their democratic societies. It is a common effort we must foster and support.

It was President John Kennedy, who once quoted the poet Dante to describe the great challenge of our age. President Kennedy recalled that in the Inferno the lowest rungs of hell were saved for those who would preserve their neutrality in time of crisis. As distinguished jurists you have not been afraid to choose sides in the ongoing battle between the forces of chaos, death, and disorder, and the justice that is possible through a rule of law. I commend you, and look forward to working with you in the future to achieve our common aims.