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9 October, 1997

To: A-1 Division From: Washington

For: Colm O Floinn From: Adrian O'Neill

Re: Terrorist Organisations designated by State Department

As you may be aware, the State Department yesterday designated 30 terrorist organisations whose members and resources will now be subject to financial, legal and consular sanctions in the United States. The IRA was not included on the list nor was any other NI paramilitary organisation.

However, the Administration has made it clear that the current list is not definitive and may be added to at any time. While its current cease-fire (and the British Government's acceptance of it as genuine) has kept the IRA off the list, US spokesmen have indicated that the matter is being kept under constant review. Any resumption of violence by the IRA would "have a direct impact on the review".

Attached for your information are the comments made yesterday by State Department spokesman Jamie Rubin on the publication of the list. I have marked the salient comments relating to the IRA.

END

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,S/Sec.Gallagher,Cllrs.A-I.

Ambassadors London
Joint Secretary,. .Box.
Mr. Biggar / Mr. McKee

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U.S. DEPARTMENT OF STATE
DAILY PRESS BRIEFING
DPB # 145
WEDNESDAY, OCTOBER 8, 1997, 12:30 P.M.
(ON THE RECORD UNLESS OTHERWISE NOTED)

MR. RUBIN: You should have one fact sheet and one list of organizations, and we will be providing you with copies of our anti-terrorism report at the end of the briefing. They are available in the Press Office. We have many copies of that.

Before we go to other subjects, if there are any questions about this, I should start with that.

Barry.

QUESTION: Indeed there are. The denial of visas includes US citizens, whose right to travel was constitutionally recognized in Liuzzo vs. United States, as I recall, because I was covering the Court then. Will you make your case before you deny the visa, or will you make your case if the visa denial is challenged? And how do you rationalize interfering or blocking Americans' right to travel, unless you have a case against them?

MR. RUBIN: I don't believe there is a prohibition on the right to travel.

QUESTION: But there is a right to travel.

MR. RUBIN: I don't --

QUESTION: tried by the Constitution and the Supreme Court.

MR. RUBIN: The question at issue, and this is going to be -- one of your colleagues who is still covering the Court will probably have to get a definitive legal answer to this. The Justice Department will make the decisions about how to go about implementing the law when it comes to American citizens. But

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make the decisions about how to go about implementing the law when it comes to American citizens. But remember what the purpose is of this law. The purpose of this law is to make illegal and have penalties associated with providing funds to terrorist organizations, or using - this law will permit us to use our visa capabilities to prevent supporters of these organizations from coming to the United States and fund-raising.

I don't believe there is a specific prohibition on Americans traveling. I don't understand the question.

QUESTION: I probably either said it wrong or you got the totally opposite view. She spoke of denying visas to people. I asked you if those were US citizens -

MR. RUBIN: No.

Q -- whose visas would be denied.

MR. RUBIN: No.

QUESTION: And if they were, how could you square that with the constitutional right --

MR. RUBIN: The answer is no.

QUESTION: Only foreigners trying to enter the country will be denied visas?

MR. RUBIN: It gives the --

QUESTION: Citizens don't have visas.

MR. RUBIN: Yes. That's the first answer. The answer is that this is designed to give us new tools for permanent residents who may need visas -- these are not citizens - permanent resident aliens, as well as people from other countries who want to come here, who are affiliated with these organizations as part of a fund-raising effort with these organizations. It's not aimed at American citizens.

QUESTION: The permanent resident aliens have equal rights with native-born Americans.

MR. RUBIN: I urge --

QUESTION: If you're going to deny them entry into the United States, I wondered if you would first refuse the visa, and then be ready, if challenged, to support your case, or will you try to provide --

MR. RUBIN: At 2:00 p.m. this afternoon, there will be a representative from the Justice Department here, who be in a position to answer that question.

QUESTION: Oh, all right; I didn't know that.

QUESTION: Jamie, some of the names that are not on the list are sort of curious. Why was the IRA not on the list? And what about Mossad, given the events of the last week?

MR. RUBIN: There is a strong body of evidence documenting historic IRA involvement in terrorist activity. As the Act calls for, the designation of organizations that engage in terrorist activity, the Secretary of State has taken note of the July 19 announcement by the IRA of an unequivocal cease-fire, as well as the subsequent decision by the British Government that the cease-fire was genuine in word and

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as well as the subsequent decision by the British Government that the cease-fire was genuine in word and deed, permitting Sin Feinn to join inclusive all-party talks in Belfast. Under these circumstances, the Secretary of State continues to review the question of the IRA's designation.

Obviously, any resumption of violence by the IRA is totally unacceptable to the United States, and would have a direct impact on the ongoing review. The Department of State will actively monitor the IRA's activities. We are hoping and expecting that the 10-week-old cease-fire will hold. But again, if it doesn't hold and there is a resumption of violence by the IRA, that would have a direct impact on the review.

One thing about this law that ought to be explained is that it's a rolling law. At any time, one can add a designation to the list. This is not the be-all and end-all list for terrorist organizations.

QUESTION: But I don't understand why the presumption in this case is that after a very short 10-week period, that you should take the IRA off. I mean, why didn't you go the other way and say, well, glad that they agreed to the cease-fire; but if this behavior holds, then we'll take them off at a later date?

MR. RUBIN: This matter was extensively discussed in the Administration. What I think the question misunderstands is that there wasn't a taking off of the IRA. These are now 30 groups that are put on the list.

As a result of the recent activity and the recent actions of the IRA that I went through, and the recent decisions of the British Government about the affect of that and the possibility of peace talks, the Secretary decided to keep the IRA under active review. And any resumption of violence by the IRA would then have a direct impact on that review and would be deemed unacceptable by the United States.

QUESTION: All right, what about the second half of the question - the Mossad?

MR. RUBIN: Mossad is not a terrorist organization.

Andrea.

QUESTION: Define terrorist organization, to follow up on Carol.

MR. RUBIN: Well, certainly in the case of - let me make this generic. In our view, a terrorist organization targets innocent civilians to make their political point. That's a very different situation than what we've been talking about.

QUESTION: Just to follow up on Mossad, how would you characterize the attempted assassination?

MR. RUBIN: I would say this - the United States has long made it a practice of not second-guessing the Israeli Government when it comes to the decisions in the fight against terror. However, we believe that Israel must take into account the repercussions and consequences of any actions it takes in its fight against terror.

We consider the Israeli-Jordanian relationship to be one of the most important cornerstones of the peace process. Protecting this relationship should be of the highest priority, especially for Israel.

So our view is that the consequences of actions that are taken in the fight against terror have to be examined, whether they succeed or they fail - those actions. And in this case, we think the Israeli Government could have better taken into account the repercussions and consequences of its actions.

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QUESTION: Two quick questions. One, the Secretary mentioned that any funds in the US would be blocked. Are any funds belonging to any of these 30 organizations being blocked today? And if so, which funds and who do they belong to? And secondly, she said there may be court challenges. Have there not already been court challenges? I have a story in front of me here about the 9th US Circuit Court of Appeals in San Francisco rejecting the Clinton Administration's argument that they should be able to take these steps, and saying that First Amendment rights to raise money and promote legal activities of an organization have to be upheld. So is this in fact not already a move that is going to have no practical effect?

MR. RUBIN: Well, let me say that the goal of this law was more deterrence than confiscation. We believe - although it is hard to measure - that the prospect of severe penalties will have an important deterrent effect on anyone contributing to terrorist organizations. The prospect of visa denials and other restrictions will have an important deterrent effect on the fundraising capabilities of these organizations.

As far as your question about the practical effect on existing funds, the Justice and other Treasury officials will be here later to discuss this with you. But it's my understanding that there are no accounts yet identified in the lead-up to this law that will be frozen. If there are, it's very small. But again, the real effect of this law will probably be in the area of deterrence.

QUESTION: Jamie, it says here that this applies to anyone --

MR. RUBIN: Sorry, I didn't answer your first question. As far as the court challenge is concerned, this is a very complex law. The administrative record needed to be created pursuant to this law was an extensive process involving thousands of hours of work by lawyers in the United States Government from many agencies. The documentation is hundreds and hundreds of pages long - precisely so that this law, which is now being implemented - and I suspect that the case you're referring to goes back to an Executive Order where there were similar restrictions placed. If it's about this case, I would only ask that when the Justice Department officials are here later that you discuss it with them.

The objective is -- we will pursue this law and we will make our case. We believe that the designations have justifications - extensive justifications. Those justifications have been provided to Congress in summary form, and we believe the process was designed to ensure that they would withstand a court challenge.

QUESTION: Jamie, it says that this applies to anyone in the United States or subject to the jurisdiction of the United States. So Americans --

MR. RUBIN: I believe, again, when the Justice Department official is here, I believe that that would apply to the fundraising penalties and not the travel restriction.

QUESTION: Okay, so American citizens cannot be deported under this law?

MR. RUBIN: I don't know where an American citizen could be deported to.

QUESTION: Out of the country, out of the country.

MR. RUBIN: I mean --

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QUESTION: Where would you go?

MR. RUBIN: This, again, I think I'm right about this. There's nobody here from S/CT, but there will be a briefing at 2:00 p.m. The law's effect on American citizens is designed to be a powerful deterrent. By publicizing who these organizations are, putting it out on the Internet, publicizing it as much as we can is to deter any Americans citizen from knowingly -- or after this law, we hope they will all know -- contributing to organizations that sponsor terror.

QUESTION: Jamie, when you designate terrorism - engage in violence - you're not going to try to reach an advocacy of violence, are you?

MR. RUBIN: There is a statute description of terror that's in your fact sheet. And when the Justice -- we believe that supporting terrorist organizations financially, even if you're not engaged in terror, is what this law is after.

QUESTION: I meant organization. Must the organization be engaged in terror --

MR. RUBIN: Right. There's a statutory definition.

QUESTION: -- or am I to just say, overthrow the government.

MR. RUBIN: At the risk of screwing up our court challenge, I would like to wait until 2:00 p.m., when the Justice Department officials can go through the specific code, Barry.

QUESTION: Okay.

MR. RUBIN: Yes, Norm.

QUESTION: Jamie, a couple more nits to pick on the list. One is, why was the Armenian Secret Army for the Liberation of Armenia left off? And the second one is, the definition you just gave us of terrorist groups that attack innocent civilians, I never had any problem with Hezbollah until you said that, but they seem to target primarily Israeli soldiers. So why are they on?

MR. RUBIN: I will read to you the language from the Counter-Terrorism Report that explains what Hezbollah does. It's a radical Shiite group formed in Lebanon, dedicated to creation of an Iranian-style Islamic republic in Lebanon, known or suspected to have been involved in numerous anti-US terrorist attacks, including the suicide truck bombing of the US Embassy and US Marine barracks in Beirut, and the US Embassy Annex. Elements of the group were responsible for the kidnapping and detention of US and other Western hostages in Lebanon.

QUESTION: Okay. How about ASALA?

MR. RUBIN: Why were they not on the list?

QUESTION: Why were they not on the list?

MR. RUBIN: Because they didn't meet the criteria. And we will obviously be reviewing the activities of all organizations, and if we believe that any organization does meet the criteria, we will put them on the list.

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QUESTION: Jamie.

MR. RUBIN: Yes.

QUESTION: A couple of questions back you said the idea is to deter people from knowingly supporting these groups, but a lot of these have front organizations, the friends of the builders of the social service centers in such and such a place. How would people know - be able to distinguish between a front organization and the actual terror group?

MR. RUBIN: Well, we will obviously try to help them do that, and the more information we're in a position to provide, the better. I guess the message is simple. There are plenty of well-known humanitarian organizations, like the Red Crescent Society, in the case of particular interests, or the Red Cross. And if somebody wants to make a humanitarian contribution in an area where they think it might skirt and be used for other purposes, there are well-known institutions that are for humanitarian purposes. We would obviously, therefore, advise American citizens to avoid the risk that they are unintentionally providing assistance indirectly to terrorist organizations.

QUESTION: Some of these groups have various factions or various offices. Remember the PLO used to have part of it - the State Department used to accuse of sponsoring terrorism, but stopped doing that when Arafat renounced terrorism? I mean, like, Hamas. Hamas has functions - charitable functions, school functions, cultural functions. This strikes at any contribution to any group so listed, even if the contribution - this is the question - even if the contribution is in an area that that group does business that has nothing to do with terrorism; correct?

MR. RUBIN: We want to be sure that no contributions to Hamas, under whatever rubric, end up building up that organization's ability to support terrorists. As this question has come up with regard to infrastructure in the region, we have said - and I will repeat today - that when it comes to taking down the infrastructure, our rule of reason is if that infrastructure provides assistance to the military wing of Hamas.

This law is designed to ensure that fungible money does not end up in the hands of those organizations who are dedicated, as a matter of their cause, to killing innocents in the support of whatever they think is the right position on some issue.

QUESTION: In a specific case, does this mean that the Mujahedin are going to have to close their office in Washington?

MR. RUBIN: The Mujahedin - the Iranian --

QUESTION: Yes.

MR. RUBIN: I would assume that if they have an office, that as result of this, they wouldn't be able to use their fax machine.

QUESTION: This designates "groups." The Secretary mentioned, of course, what would happen to various individuals should they be here, should they be found to be doing this.

MR. RUBIN: Right.

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QUESTION: Is there a watch list of individuals? If so, how many names are on it? How many are believed to be in this country? And how many are US citizens?

MR. RUBIN: We have an existing watch list that is designed to ensure that officials from many of these organizations have not been able to get into the United States in the past.

What this law will do - the only new element for this law is that it will give additional tools in the fight. Rather than using an Executive Order authority, one can now use this full legal authority to restrict the travel of officials of these organizations, or anyone who would like to come to this country to fund-raise on their behalf.

As far as how many people are on this list - again, we will be in a position in about an hour and 15 minutes to get you that kind of specific detail.

QUESTION: Going back to what is the definition of a terrorist organization. The Kurdistan Workers' Party is mentioned as a separatist group, I believe. Why isn't, then, ETA - the Basque separatist movement - on the list?

QUESTION: It is.

QUESTION: Oh, excuse me.

MR. RUBIN: That was easy.

QUESTION: Following up on the IRA, with the IRA not being on this list, does that mean that Gerry Adams will no longer have to apply for a visa to gain entry into the United States? And additionally, David Trimble, meeting at the White House yesterday, said that he believed the IRA was sharing their explosive capabilities with such groups as the INLA and the Continuity Army Council. Do you have any concerns, and did you consider putting those two groups on this list?

MR. RUBIN: We are in a position, pursuant to this law, to review any organization that we believe ought to be designated. This is an ongoing process.

As you know, there were concerns expressed that we were being slow in making these designations. We have now made 30 designations. We have the administrative record available to us that we believe will help us withstand a court challenge.

This is a law that doesn't end tomorrow. And because one is not on this list doesn't mean they accrue new benefits. This is a law about consequences for people on this list - not benefits for people who are off the list, in response to your first question on Gerry Adams. It's not like a failure to now designate the IRA has a new benefit for Gerry Adams. It merely means that we are undertaking an ongoing review of the IRA; and any move towards violence by the IRA would have an impact on that review.

As far as the other organizations you mentioned are concerned, I'm not going to get into a position where I have to give you grades on okay, not okay for every organization you mention. Just because you're not on the list doesn't mean we're not looking into the process. This is an excruciatingly difficult legal process that involves hundreds and thousands of pages of material and hundreds and hundreds of lawyers spending thousands of hours just to get to the point where these 30 were designated. It will now

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continue, pursuant to this law, and we will be in a position to add names as appropriate.

QUESTION: Just to clarify - will the various court challenges prevent this from actually going into effect today? Are you going to let that --

MR. RUBIN: No, the Treasury Department has already sent out the necessary information to financial institutions. It's being published in the Federal Register today, the designations, and that will impact on any of these organizations' ability to use American banks.

I am not a lawyer, and so I will await the Justice Department official's presence here. I welcome you asking him that question. But the bottom line is we're going to implement this law. We believe that we have the legal goods on these organizations, and we are in a position - and the reason it took so long is because we wanted to be in a position to withstand court challenges.

QUESTION: Just, for example, the two Jewish groups listed here - the domestic Jewish groups, Kach and Kahane Chai - as of today, they are illegal groups in the United States?

MR. RUBIN: They cannot use funds. American citizens cannot fund-raise on their behalf or provide money. These penalties apply, pursuant to this law's designation.

Now, if in a particular legal case, a local judge or a district judge or a regional judge has made a finding, then we would obviously go through the American legal system. But as far as the United States Government is concerned, the Secretary of State's designation has now been made, and that is they.

QUESTION: As far as their - can any of these groups stand up in Central Park and advocate their goals, if they're not raising money? Or can they - do they no longer have the right to free speech, either?

MR. RUBIN: I'll get the Justice Department to answer that question.

QUESTION: On what basis was this list prepared? Did you have any consultations with any country?

MR. RUBIN: Sorry?

QUESTION: Did you have any consultations with any foreign government? On what basis the list was prepared - especially this Liberation Tigers of Tamil, LTTE?

MR. RUBIN: I would be happy to read the rationale for that by referring you to the terrorism book that you'll be able to look at right there. So rather than me reading it, why don't you read it.

QUESTION: Okay.

MR. RUBIN: And that's the reason. And as far as consultation with other governments is concerned, we took several steps prior to the publication of this list in the Federal Register and the Secretary's announcement today. But I'm not in a position to get into all the details of our diplomatic exchanges.

I will say part of our work was designed to contact our embassies around the world to ensure that the maximum protection was sought in preventing any possible retaliation.

QUESTION: Jamie, this is liable to run into the Justice Department briefing. Can we go on to other

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subjects?

MR. RUBIN: All right, I have a suggestion. Let's go to - excuse me, the Justice Department officials, Treasury officials and State Department officials will be here in one hour and ten minutes to go into further detail. Do you have another question?

QUESTION: I see one contradiction here with this report, as far as Kashmir is concerned. You are saying here that there is a group - Jammu and Kashmir Islamic Front, JKIF - which has killed and bombings in Delhi and in Kashmir. And also, one group is based in Pakistan, and that is Harakat ul-Ansar also was named in this book. But you don't have these groups on this list.

MR. RUBIN: Right. We --

QUESTION: But you are saying here they are the killers and the bombings --

MR. RUBIN: Because you are not on the list doesn't mean you have been given a clean bill of health. You are on the list if we have put together the administrative record necessary to withstand a court challenge. There are, as I said, the IRA is under review, an ongoing review.

QUESTION: New subject?

MR. RUBIN: Great, yes.

QUESTION: On China, Deputy Assistant Secretary Einhorn and other officials were in China this week for two days of talks. Can you say anything about whether they got anywhere with China on the nuclear issues, particularly the wrapping up of PNC?

MR. RUBIN: I don't believe they've wrapped up the Peaceful Nuclear agreement. They continued to work on following up the developments that occurred in the meeting between Foreign Minister Qian Qichen and Secretary Albright in New York. There were some new issues that were raised that needed further clarification in the area of arms cooperation.

They are trying to nail down as many commitments as possible from the Chinese Government as a way of ensuring that we are doing all we can to meet the required certification test. Again, that is unequivocal assurances from the Chinese Government. That is what they're working on. I do not believe anything was wrapped up. On the contrary, I think although we have made substantial progress in meeting that goal, there is still a significant way to go. There will be further meetings between US and Chinese officials in the coming days and weeks, where that subject will be discussed at length.

QUESTION: When you talk about new issues were raised, what new issues were those?

MR. RUBIN: I prefer not to get into the nature of a closed meeting, other than to say that there are many aspects to our concerns about Chinese proliferation. It's something that Secretary Albright made a point of focusing on and bringing up very specific cases, very specific concerns. The experts were then following up on those issues.

We did hear some encouraging words from the Chinese side, and they are trying to nail down as much as they can at the working level. But I'm advised that they have not received sufficient information to justify the certification. That will be something that will be discussed at additional meetings. I think Mr. Berger

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