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YASSER ARAFAT HAS BEEN AUTHORITATIVELY LINKED TO THE MURDER OF A UNITED STATES AMBASSADOR.

On March 2, 1973 Palestinian terrorists of the Black September organization murdered U.S. Ambassador Cleo Noel at the Saudi Embassy in Khartoum, Sudan. The terrorists had seized the embassy and held its occupants hostage while demanding the release of dozens of terrorists in Israel, Jordan and West Germany, including Fatah leader Abou Daoud. They also demanded the release of Robert Kennedy's murderer, Sirhan Sirhan. When authorities refused to give in, the terrorists assassinated Noel, retiring charge d'affaires George C. Moore and Belgian diplomat Guy Eid.

ARAFAT'S ROLE

- * While Black September took credit and the PLO denied involvement, Sudan security forces immediately stated that Fatah was behind the attack.
- * In a preliminary inquiry, one terrorist testified that "we carried out this operation on the orders of the Palestinian Liberation Organization."
- * State Department telegram of March 5 indicates that immediately following the murder of the diplomats, Arafat sent a PLO rep to Khartoum carrying an order for the terrorists to end their mission. Thus, the fact that Arafat was in control of the mission was quickly brought to light. The telegram also quotes Black September message indicating that the target for the attack may have been Mr. Moore, who they claimed helped Jordan in its 1970 crack down on the PLO.
- * State Department telegram of March 7 indicates that tapes exist showing direct communication to terrorists from Fatah office in Beirut (Arafat's headquarters), and that executions were actually ordered from Beirut.
- * An October, 1985 Israeli document on PLO terrorism reports that "the order to kill the diplomats had been phoned to the terrorists personally by Yasser Arafat."
- * U.S. Ambassador to the UN Vernon Walters has stated to confidants that a tape exists which records the actual voice of Arafat giving orders about the mission. A top official of the Carter Administration reports that he has heard the same tape.
- * FBIS documents a March 11, 1973 cable sent by Arafat to the USSR Supreme Soviet expressing gratitude for "your position with regard to the case of Brother Abu Dawud and his colleagues" (terrorists jailed in Jordan) and praising "Soviet-Palestinian friendship."

LONDON TIMES March 8, 1973

Al Fatah was behind Khartum embassy killings, Sudan security forces say

From Paul Martin
Khartum, March 7

Sudan security forces have collected evidence, including a detailed plan for the seizure of the Saudi Arabian embassy, showing that the local office of Al Fatah, the Palestinian organization, was behind the Black September terrorist attack on the embassy last week.

The plan was drawn up by the head of the Al Fatah office, the man believed to be the mastermind behind the terrorist attack, who left for Libya hours before it was launched.

President Nimeiry of Sudan has challenged Mr Yassin Arafat, the Palestine guerrilla leader, to answer his charge that the movement was ultimately responsible for the Khartum massacre. Until now Mr Arafat, who is the chairman of the Palestine Liberation Organization and leader of Al Fatah, has disavowed Black September's terrorist tactics.

The head of the Fatah office, here, Mr Fawaz Yassin Abdel Rahman, enjoyed diplomatic status and mixed with Khartum's diplomatic community. His deputy, Mr Abu Selim Rizk, who is believed to have been the leader of the attack on the embassy, also had diplo-

matic status and ran the half-hour *Voice of Palestine* programme on Omdurman radio.

Another Palestinian leader, Mr Abdul Latif Abu Hilga, who ran the PLO office in Khartum, frequently met Western diplomats at official functions and knew all of the diplomats on the Black September death list. About a month before the terrorist attack, in which the American Ambassador, his deputy and the Belgian Chargé d'Affaires were murdered, he dined with all those on the list during a visit to the Kassala province.

President Nimeiry, in a speech yesterday in which he expressed bitter criticism of the Palestinian movement's behaviour, said that Mr Yassin had left on a Libyan aircraft for Tripoli hours before the Black September attack. He has called on Mr Arafat to prove his sincerity by arranging for Mr Yassin's extradition.

The Sudanese authorities have made available the "battle plan" for the attack, which was allegedly written by Mr Yassin. It gives details of the precise objectives of seven code-named terrorists' assaults on the embassy building. The eighth member of the squad is believed to have been either a

Palestinian employee at the Embassy or someone already inside the grounds.

The guerrillas, named as Abu Tariq, Abu Ghassan, Khalid, Salih, Gamal, Mahir and Tariq, were given 10 minutes to secure the embassy and round up all the ambassadors and heads of missions. The map sets out the layout of the embassy and grounds, including the doors, exits, heights of walls and landmarks.

The two principal figures appear to be the men code-named Abu Tariq and Abu Ghassan. Abu Ghassan was to distribute a statement to the ambassadors and select those on the death list, tie them up and control telephone communications out of the embassy. Abu Ghassan was ordered to secure the building from any outside attack, take control of the assault squad which had stormed the embassy and release diplomats not on the list.

President Nimeiry has announced that the captured Black September terrorists will face trial and be subject to the full rigours of Sudan's penal code. Under this the maximum penalty for murder is death.

Six Sudanese have been arrested in the investigation.

Septembrist Says Khartoum Embassy Incident Directed Against Hostile Institution

KHARTOUM, Nov. 19, (Agencies).--A Palestinian Black September commando, one of eight accused of killing three Western diplomats, said here that although they had not been personally interested in them, the dead men "were symbols of an institution which conspired against us."

The commando, Abu Ghassan, was addressing a preliminary inquiry Sunday into charges that the group killed U.S. Ambassador to Khartoum Cleo Noel, his assistant Curtis Moore and Belgian envoy Guy Eid during a 60-hour occupation of the Saudi Arabian embassy last March.

Abu Ghassan, who at an earlier hearing said "we are proud of what we have done" told the

inquiry they had been looking for new methods to follow up the war against Zionism and international imperialism.

He said: "Motives for our trial were ended by the Oct. 6 war..."

"Our presence in Sudan after that war is unjustified because our natural place now is with the fighters for liberation."

Referring to the trial as political, he said "we carried out this operation on the orders of the Palestinian Liberation Organization... we should only be questioned by that organization."

Ghassan also said that Moore had been involved in the 1970 flareup between the Jordanian army and Palestinian commandos, and that Noel had been engaged in intelligence activities in the Middle East.

When the commandos demand for the release of commandos held in Jordan, Germany and Israel went unheeded, the gunmen killed the three diplomats, but allowed the two Arab diplomats to leave the Saudi Embassy building. The commandos then surrendered to the Sudanese authorities.

The hearing was adjourned until Saturday.



Department of State

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ARAB
TELEGRAM

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NEA
XR PER NOEL, CLEO A. JR.
PER MOORE, GEORGE C.

CONFIDENTIAL 013 POL 17 SAUD-SUDAN

PAGE 01 BEIRUT 02543 051923Z

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ACTION NEA-12

INFO OCT-01 AF-10 ADP-00 IO-13 M-03 A-01 SY-07 USSS-00
EB-11 SCA-01 EUP-25 CIAE-00 DODE-00 PM-09 H-02 INR-09
L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 U-1A-12
SSO-00 CCO-00 RSR-01 1149 W

BEIRUT 2543
3-5-73

R 051522Z MAR 73
FM AMEMBASSY BEIRUT
TO SECSTATE WASHDC 928
INFO USINT ALGIERS
AMEMBASSY AMMAN
AMEMBASSY JODDA
AMEMBASSY KUWAIT
AMEMBASSY TEL AVIV
AMEMBASSY TRIPOLI
AMEMBASSY TUNIS

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY *Spickard* DATE *7/3/73*
PORTIONS DENIED AS INDICATED

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CONFIDENTIAL L BEIRUT 2543
DEPT PASS USINT CAIRO: AMEMBASSY KHARTOUM

Pol 13-10
XR PER NOEL, CLEO A. JR.
PER MOORE, GEORGE C.
POL 17 SAUD-SUDAN

E.O. 11452: GDS
TAGS: PINS XF
SUBJECT: PLO ROLE IN SURRENDER OF KHARTOUM TERRORISTS
REF: BEIRUT 2488

1. SUMMARY: FROM VARIOUS REPORTS APPEARING IN LOCAL PRESS, ESPECIALLY PAPERS CLOSE TO FEDAYEEN, RE CONTACTS MAR 3 BETWEEN 'ARAFAT' AND SUDANESE GOVT, WE HAVE PIECED TOGETHER WHAT WE THINK IS FAIRLY ACCURATE SCENARIO OF EVENTS LEADING TO SURRENDER OF KHARTOUM TERRORISTS MAR 4. IN PROVIDING EVIDENCE OF CLOSE CONNECTION BETWEEN 'ARAFAT' AND PLO ESTABLISHMENT ON ONE HAND AND BLACK SEPTEMBERISTS ON OTHER, IT GIVES LIE TO 'ARAFAT'S' CLAIM THAT PLO IN NO WAY INVOLVED IN KHARTOUM TRAGEDY. END SUMMARY.

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2. ACCORDING TO ACCOUNTS IN SEVERAL PAPERS (INCLUDING THOSE WITH GOOD FEDAYEEN CONNECTIONS), PLO EXECUTIVE COMMITTEE MET HERE MORNING OF MAR 3 FOLLOWING RECEIPT OF NEWS FROM KHARTOUM RE "EXECUTION" OF THREE US AND BELGIAN DIPLOMATS. PLO/EC REPORTEDLY TOOK DECISION AUTHORIZE CHAIRMAN ARAFAT SEND SPECIAL PLO REP (UNNAMED) TO KHARTOUM FOR URGENT TALKS WITH SUDANESE GOVT AND CARRYING "ORDER" FOR EIGHT TERRORISTS HOLDING OUT IN SAUDI EMB THAT THEIR "MISSION" WAS COMPLETED AND INSTRUCTING THEM TO TURN THEMSELVES OVER TO SUDANESE AUTHORITIES. LATER IN DAY, ARAFAT REPORTEDLY CONTACTED SUDANESE GOVT DIRECTLY (IN PHONE CALL SAID TO HAVE BEEN ARRANGED BY LEBANESE PRIMIN SALAM VIA SUDANESE EMB HERE), ASKING HIM REFRAIN FROM ASSAULTING SAUDI EMB AND BE PATIENT "PENDING ARRIVAL IN KHARTOUM OF PLO REP WHOSE PRESENCE WOULD ASSIST IN FINDING SOLUTION TO THE CRISIS."

3. SUCCESS OF THESE EFFORTS APPEARED CONFIRMED DURING NIGHT OF MAR 3-4, SINCE LOCAL PRO-FEDAYEEN AL MUHARRIR REPORTED NEXT MORNING THAT "BSO HAS DECIDED END ITS KHARTOUM OPERATION BY HAVING FEDAYEEN SURRENDER TO SUDANESE AUTHORITIES" (FBIS 040723Z). PAPER SAID THIS DECISION HAD BEEN COMMUNICATED TO NUMAYRI SHORTLY BEFORE MIDNIGHT AND QUOTED BSO AS BEING CONFIDENT SUDANESE PRES "WOULD ACCORD OUR FEDAYEEN YOUTH STATUS OF REVOLUTIONARY STRUGGLERS." IT ALSO QUOTED PLO OFFICIAL IN DAMASCUS SAYING EIGHT TERRORISTS WOULD GIVE THEMSELVES UP "TRUSTING THAT VERDICT OF SUDANESE COURTS WILL TAKE INTO ACCOUNT FEELINGS OF SUDANESE PEOPLE AND SACRED CAUSE OF PALESTINE."

4. HAVING CORRECTLY FORECAST WHAT TOOK PLACE IN KHARTOUM LATER ON MAR 4, AL MUHARRIR ON MAR 5 CARRIED ALLEGED TEXT OF BLACK SEPTEMBER "ORDER" SENT TO TERRORISTS AT SAUDI EMB MAR 3. (PAPER CLAIMED IT RECEIVED BSO STATEMENT GIVING THIS TEXT FROM IRAQI NEWS AGENCY IN BEIRUT, BUT WE BELIEVE IT CAME STRAIGHT FROM FEDAYEEN. TEXT OF "ORDER" FOLLOWS:

QUOTE: YOUR MISSION HAS ENDED. RELEASE SAUDI AND JORDANIAN DIPLOMATS. SURVIVE IN COURAGE TO SUDANESE AUTHORITIES TO EXPLAIN YOUR JUST CAUSE TO GREAT SUDANESE PEOPLE, ARAB MASSES AND INTERNATIONAL OPINION. WE ARE WITH YOU

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ON SAME ROAD. GLORY AND IMMORTALITY TO MARTYRS OF BEDDAMI, NAHR AL BARID AND LIRYAN AIRCRAFT. END QUOTE. BSO STATEMENT ADDED: QUOTE: NOW THAT OUR YOUTHS HAVE GIVEN THEMSELVES UP AS INSTRUCTED, WE WISH MAKE FOLLOWING POINTS:

(A) THEIR OPERATION WAS AIMED AT LIBERATING ABU DAUD, HIS COMPANIONS AND SIRHAN BESHARA SIRHAN WHO ARE BEING TORTURED IN VIOLATION OF ALL HUMAN ETHICS. IT WAS NOT INTENDED TO SHED BLOOD, BUT TO SET THESE MEN FREE.

(B) OWING TO ARROGANCE AND OBSTINACY DISPLAYED BY NIXON AND JORDANIAN RULERS, OUR REVOLUTIONARIES EXECUTED THREE HOSTAGES WHO CONTRIBUTED TO PLANNING MASSACRE OF OUR NATION AND CONSPIRED AGAINST IT. MOST IMPORTANT OF THESE WAS CURTIS MOORE, WHO WAS CIA BRAINS IN AREA AND ONE THOSE DIRECTLY INVOLVED IN SEPT 1970 MASSACKES.

(C) OUR FIGHTERS WERE FEARLESS AND FOLLOWED INSTRUCTIONS TO THE LETTER. THEY WERE NOT DETERRED BY THREATS OR PITY AND DID NOT CRAWL BEFORE AMERICANS WHO CONTROL PATE OF NATIONS. THOSE WHO SHED CROCODILE TEARS FOR HOSTAGES MUST REMEMBER THOUSANDS OF OUR NATION MASSACRED IN UNPRECEDENTED BRUTALITY AND THOUSANDS MORE IN JORDANIAN PRISONS. END QUOTE.



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OPERATION UNDERWAY.

[REDACTED]

MOVEMENT ARAFAT'S LAST-MINUTE
MOVE TO HELP AVERT ASSASSINATION OF SAUDI AND JORDANIAN
AMBASSADORS MAY HAVE BEEN DESIGNED MAINTAIN SOME SLIGHT
CREDIT WITH ARAB MODERATES AND THOSE WITHIN FEDAYEEN MOVEMENT
WHO BELIEVE THAT EXTRMINSTS LIKE SALAH KHALAF ARE LEADING MOVE-
MENT TO DESTRUCTION.
BUFFUM

NOTE BY OCT: BEIRUT 2543 NOT PASSED ABOVE.

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Department of State

TELEGRAM
EXCISE

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PAGE 01 KHARTO 00471 071249Z

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ACTION INRD-07

INFO OCT-01 ES-05 CCN-00 (RSC-01, RSR-01, NSCE-00, CIAE-00,

DODE-00,) W

002329

R 071215Z MAR 73
FM AMEMBASSY KHARTOUM
TO SECSTATE WASHDC 8196
INFO AMEMBASSY BEIRUT

C O N F I D E N T I A L KHARTOUM 0471

E.O. 11652: N/A
TAGS: PINS, SU
SUB: KHARTOUM ASSASSINATIONS

REF: STATE 039764

1. EMBASSY [REDACTED] HAS OBTAINED NOTES AND DOCUMENTS [REDACTED]

[REDACTED] OF BSO INSTRUCTIONS, FLOOR PLAN OF ACTION, ALLOCATION
OF DUTIES TO EACH TERRORIST BY NAME AND RECITATION OF COMMUNICATIONS
(BASED ON TAPES) BETWEEN AL FATAH RADIO IN BEIRUT TO TERRORISTS
AT SAUDI EMBASSY IN KHARTOUM. DOCUMENTS REPORTEDLY OBTAINED
FROM DESK DRAWER AL FATAH KHARTOUM OFFICE. [REDACTED]

2. NOTABLE THAT TERRORISTS WERE APPARENTLY UNDER EXTERNAL
CONTROL FROM BEIRUT AND DID NOT MURDER AMBASSADOR NOEL AND
MOORE NOR SURRENDER TO GOS UNTIL RECEIVING SPECIFIC CODEWORD
INSTRUCTIONS. GOS ALSO REPORTED ATTEMPTING BUY ABU DOUD FOR
JORDAN (KING HUSSEIN REFUSED) AND CONTACTING BSO IN BEIRUT
(WHO ASSUMED FULL RESPONSIBILITY FOR ATTACK).

3. SOME OF THIS MATERIAL IS BEGINNING TO LEAK IN SUDAN PRESS
AND VIRTUALLY ALL OF IT WILL BE PUBLIC FOLLOWING SUNDAY
PUBLICATION IN LONDON.
FRITTS

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DECEPTION: In 1972, an organization calling itself "Black September" began carrying out kidnappings and other terrorist acts. Arafat at first disclaimed any connection with or knowledge of the group.

FACT: Later it was revealed that "Black September" was a code-name for Arafat's own Fatah.

DECEPTION: Arafat denied all connection with the seizure of the Saudi Arabian Embassy in Khartoum in March 1973 and the murder of the US Ambassador, the US Charge d'Affaires and the Belgian Charge d'Affaires.

FACT: It turned out that the deed had been done by a "Black September" gang, and that the order to kill the diplomats had been phoned to the terrorists personally by Yasser Arafat.

The statement stresses that while pledging to our people to continue the struggle, the Black September organization also pledges to every detainee, every prisoner and every tortured person that its war against Zionism, U.S. imperialism and its agents in the Arab area will continue. We shall never forget our colleagues in prisons--all prisons--and we shall never be afraid of imperialism. Imperialism is a paper tiger, as all struggling people have proven. Our rifles will continue to be directed against the picture and the shade and against the origin and the phantom [sentence as published].

'ARAFAT SENDS CABLE OF APPRECIATION TO SUPREME SOVIET

Voice of Palestine [Clandestine] in Arabic to the Arab World 1315 GMT 11 Mar 73 M

[Text] Brother Yasir 'Arafat, chairman of the PLO Executive Committee, has sent the following cable to the USSR Supreme Soviet: Our Palestinian people and their revolution have heard of your position, with regard to the case of Brother Abu Dawud and his colleagues, with much pride in our relations of friendship linking the Palestinian revolution with the Soviet Union and its great people. We constantly look forward to strengthening this friendship because this will reinforce our struggle and the just struggle peoples are waging against their enemies, foremost of which are Zionism and world imperialism.

In the name of the Palestinian revolution and in my own name, I convey profound appreciation to the comrade chairman and members of the USSR Supreme Soviet and to the Soviet people and government, stressing that the Palestinian people will continue to be the struggling vanguard of the Arab nation, will continue to fight for their own and the Arab nation's freedom and will continue to sacrifice the most beloved of their sons on the path of the revolution's march, as well as for man's freedom and his right to live. Long live Soviet-Palestinian friendship. Long live the people's struggle for their freedom and progress.

U.S., ISRAELI INTELLIGENCE PLAN NEW ATTACKS ON FEDAYEEN

Voice of Palestine [Clandestine] in Arabic to the Arab World 1315 GMT 11 Mar 73 M

[Text] Well-informed diplomatic sources have stressed that the American Central Intelligence Agency and the Zionist intelligence held a series of meetings in Washington in the past few days. The meetings dealt with escalating the war against the Palestinian fedayeen, the carrying out of new attacks against Palestinian refugee camps in Syria and Lebanon and the coordination of work in this respect with Jordan and Sudan.

The Arabs Must Decide

The Sudanese government has linked Black September with *El Fatah*, basing the charge on the confession of one of the murderers of Khartoum as well as on its own investigation. It will no longer offer hospitality to Palestinian terrorists and it is challenging other governments—Arab and non-Arab—to dissociate themselves from *El Fatah* and to deny it their financial, diplomatic or political support.

President Nixon recently declared: "The nation that compromises with the terrorist today could well be destroyed by the terrorist tomorrow."

Saudi Arabia is the current example. It has lavishly supported *El Fatah* with millions in subventions. But now its own embassy in Khartoum has been invaded and turned into a slaughterhouse, its ambassador taken hostage and his diplomatic guests murdered. The action was planned and directed from *El Fatah* headquarters in Beirut, the Sudanese maintain; but Saudi Arabia may unwittingly have paid the bill.

None of the Arab states, with the exception of Jordan, are free from guilt as long as they fail to disavow the killers. And there have been few disavowals. The Egyptian press, for example, blames the United States because our country supports Israel. The editor of *Al Gomhuria*, Ibrahim Nawar, tells his readers that the United States killed its own ambassador in Khartoum and that if the commandos are put to death America must bear the responsibility.

Even-Handed "Morality"

There are journalists and editors who affect an amoral neutrality between Israel and her Arab neighbors and who are quick to suggest that America must be even-handed. They will not apportion blame or responsibility. They prefer to equate the conduct of Israel and her Arab foes. They have juxtaposed the deliberate murder of the three diplomats in Khartoum with Israel's tragic blunder which contributed to the crash of the Libyan plane and the loss of 107 of its passengers.

Thus, we were astonished to hear Robert Pierpoint, White House correspondent for CBS News, criticize the United States on Mar. 7 for its strong language after the Khartoum murders and its failure to use equally strong language directed against Israel after the plane crash and Israel's raid on the terrorist base in Lebanon.

The first and final cause of this succession of tragedies is that the Arab states persist in their war against Israel and that the Black September terrorists are determined on Israel's destruction. In contrast, Israel would like nothing better than a peace settlement with her neighbors.

Pierpoint's criticism might be dismissed as superficial if he had not gone out of his way to attribute the difference in the Administration's attitude to the fact that there are six million Jews in the United States and slightly less than one million Arab "descendants."

To imply that the President and Secretary of State Rogers reacted so bitterly to the death of American diplomats because they were trying to please American Jews must surely be offensive to both Nixon and Rogers, as well as to the memory of the American diplomats, who, it so happens, were noted for their friendship toward the Arab people.

An End to Leniency

In a broadcast over *Face the Nation* last Sunday, Rogers declared: "We are going to be as tough as we possibly can in the whole field of terrorism. . . . They are savages . . . and we, the civilized community, can't put up with it. . . . Each time they are placed in custody, they kidnap another ambassador or hijack a plane, and insist that the people in custody be released. There is only one left in jail. Even all of the ones involved in Munich are out now."

It will be up to Sudan to decide how to punish the terrorists. But experience does show that leniency has been an untenable policy, for it has resulted in the premature release of terrorists and has encouraged them to strike again.

The Arab states must face up to this issue if they want peace for themselves and for their region. The terrorists are fighting peace with Israel but they are also fighting peace with any Arab who stands in their way.

NEAR EAST report

Washington letter on American policy in the Near East

Vol. XVII, No. 11, Mar. 14, 1973



Links To
El Fatah

El Fatah's role as chief planner of the Sudan murders executed by Black September now seems undeniable—even in the Arab world.

Last weekend, Sudanese Vice President Mohammed Bakir announced that one of the eight Black September terrorists arrested for the killing of three diplomats on Mar. 2 had made a full confession, describing *Fatah's* play-by-play direction of the operation from its Beirut headquarters.

At the outset, the terrorists had received instructions as to the method of storming the Saudi embassy in Khartoum and whom to seize as hostages. They relied on radio messages from Beirut *Fatah* headquarters, both for the order to kill the three diplomats Friday night and for their own surrender Sunday morning. A *Fatah*-owned Land Rover, used in the embassy attack, bore diplomatic license tags.

Sudan President Jaafar Numeiry on Mar. 7 accused Fawaz Yassin, head of *Fatah's* Khartoum office, of being "the brains behind this operation, as proved by the documents he wrote with his own hand and which he left behind in his office before fleeing aboard a Libyan plane to Tripoli [Libya] on the day of the incident."

Calling on Libya to extradite Yassin, Numeiry also said that before leaving Khartoum, Yassin had received a message from Tripoli inviting him to come. He linked Libya with the Khartoum attack.

Numeiry charged that *Fatah* agents had kept Sudanese government officials and Arab embassies in Khartoum under surveillance, had contacts with "subversive elements" and had even tipped off Eritrean rebels in neighboring Ethiopia of the approach of a Sudanese army patrol.

Continued on Page 44

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Talking Points on Yasir Arafat, Master Terrorist

1. Yasir Arafat ordered the murder of the American ambassador in the Sudan, Cleo Noel, and the charge d'affaires, George Moore, in March 1973. U.S. intelligence has recordings of Arafat ordering the murder, according to a former senior Carter Administration official as well as Vernon Walters, current American ambassador to the United Nations and former deputy director of the CIA. American federal courts have jurisdiction to prosecute the murder. Arafat has never been prosecuted. Now is the time to issue a warrant for his arrest.

2. In November 1974, Arafat was allowed into the United States to address the United Nations despite his involvement in the Noel murder. Despite Arafat's continued support of terrorism and involvement in terrorist activity, the U.N. General Assembly again invited Arafat to address the United Nations in October 1985. In accepting the United Nations Headquarters Agreement in 1947 Congress stipulated that "nothing in the Agreement shall be construed as...diminishing the right of the United States to safeguard its security and completely to control the entrance of aliens into any territory of the U.S. other than the Headquarters District...." Under this provision, the U.S. routinely excludes unwelcome East European diplomats. Arafat should be denied entry into the United States under this provision as well.

3. Arafat is also linked to the hijacking of the Achille Lauro passenger ship. Three weeks before the hijacking, Arafat addressed the Palestine Liberation Front convention. He hailed the hijacking of the ship by the pro-Arafat PLF headed by Arafat-appointee to the PLO Executive Committee Muhammad Abbas (Abu al-Abbas), in which American passenger Leon Klinghoffer was shot to death and thrown overboard. Proclaimed Arafat: "This act was important. Its objective was to make the world tremble before the PLO fighters. I predicted that if our aspirations were ignored, the volcano would erupt. And that has happened." (NPR, 10/17/85)

4. Arafat's personal bodyguard, Force 17, was responsible for the murder of three Israelis in Larnaca, Cyprus on September 25, 1985. Force 17 carried out the murder of two Israeli seamen in Barcelona, Spain in early October.

5. Arafat plays a central role in the international terrorist network. An arrest warrant was issued for Arafat in Italy based on his involvement in supplying weapons to the Red Brigades. The warrant was issued twice. It was first cancelled on political grounds; the second warrant was dismissed for insufficient evidence.

6. Arafat has made no attempt to disguise his role in promoting "armed struggle"--the PLO's codeword for terrorism:

-On October 15, 1985, following the hijacking of the

Achille Lauro, Arafat announced to a mob in Khartoum that "the Jihad [holy war] and the armed struggle will be escalated." (WP, 10/16/85)

-On October 17, he proclaimed, "Armed struggle will continue to be our main option for achieving all of our militant people's objectives and aspirations." (Baghdad, Voice of the PLO, 10/17/85)

7. In statement after statement, Arafat has condemned the United States, saying, for example, "[The United States] has become a principal adversary to us...The Arab national and its masses must deal with the United States on this basis; they should boycott the United States economically if they cannot boycott it politically." (Al-Sharq al-Awsat, 10/18/85) And, "The real enemy is pursuing the real enemy, that is, the United States and Israel are pursuing the PLO." (Radio Monte Carlo, 10/17/85) As for American attempts to stamp out terrorism, Arafat declared, "Armed struggle will continue despite the United States and its agents." (SUNA, 10/15/85)

8. In contrast, Arafat has expressed his support for the Soviet Union, saying, "The U.S.S.R. is our friend and ally." (Voice of the PLO, 5/16/85)

ARAFAT'S RESPONSIBILITY FOR THE MURDER OF CLEO NOEL

PUBLIC EVIDENCE

1. Washington Post story April 5, 1973
2. Statement of Ambassador Vernon Walters
3. Declassified State Deptment cables
4. Official Israeli statement (Ministry of Foreign Affairs, October 1985)

(additional support provided by various officials off the record)

The Washington Post

Arafat Implicated In Envoys' Deaths

By David B. Ottaway
Washington Post Staff Writer

April 5, 1973

Yasser Arafat, leader of the main Palestinian guerrilla organization, Fatah, was in the Black September radio command center in Beirut when the message to execute three Western diplomats being held hostage in Khartoum was sent out last month, according to Western intelligence sources.

The sources said it was not clear whether Arafat personally or Salah Khalef, an extremist Fatah theoretician better known as Abu Iyad, gave the order to carry out the executions, using the code word "Cold River."

But they have reports that Arafat was present in the operations center when the message was sent and that he personally congratulated the guerrillas after the execution of the three diplomats, two Americans and a Belgian, was carried out.

"This is the first time that he [Arafat] has been clearly implicated in something like this," said one source.

Previously, the Sudanese minister of information, Omar Haj Mussa, had revealed that Arafat played a role in getting the Black September group to surrender in Khartoum to Sudanese authorities. Mussa declined to provide details.

According to one source, the U.S. Central Intelligence Agency monitored at least some of the communications between the operation's Beirut command center and the Saudi Arabian embassy in Khartoum where the hostages were being held. Arafat's voice was reportedly monitored and recorded.

But it was not clear from this source whether Arafat's voice was identified as the sender of the Cold River message or was only heard later congratulating the guerrillas and later during the negotiations leading to the surrender of the eight Black September terrorists.

The close ties between Black September and Fatah, long regarded as the "moderate" among the half dozen major Palestinian guerrilla groups, were disclosed recently in a confession by a top Fatah leader made to Jordanian authorities.

Mohamed Daoud Oudeh, who uses the cover name of Abu Daoud, told the Jordanians that Black September did not exist as an organization and that "all its activities were carried out by the intelligence branch of the Fatah guerrilla organization."

Daoud and 16 of his men were arrested in Jordan in February. According to his confession, the team was on a mission to kidnap Jordanian Cabinet ministers and bargain for the release of 40 imprisoned Palestinian guerrillas.

Daoud's confession, which revealed in great detail the training of Palestinians for terrorist operations, is generally regarded as authentic and accurate in Western intelligence circles.

Among other things, Daoud disclosed the key role played by Abu Iyad in planning various terrorist exploits, including the raid on the Israeli quarters at the Olympic Games in Munich last September. It resulted in the killing of 11 Israelis.

Daoud also revealed that he had received his intelligence and arms training in Cairo, where he took a nine-week course with nine other Palestinians.

Daoud's confession and the complications created for Fatah in its relations with Arab governments because of the Khartoum operations have reportedly led within the organization to a total reassessment of strategy.

Fatah has been busy since the Khartoum raid in early March patching up its relations with various Arab governments, including the Sudan.

A delegation from the Palestinian Liberation Organization, which Arafat also heads, recently visited Khartoum. After the visit, the Sudanese government issued a statement saying it had no evidence that the central Fatah organization was involved in the operation and that it was only holding individual Fatah members, including the leader of the local office, responsible for the assassinations.

President Jaafar Nimeri has announced that the eight terrorists will go on trial and that they face the death penalty.

Sources here believe that the difficulties that have arisen for Fatah because of Khartoum and Daoud's confession may lead Arafat to separate more formally the organization's terrorist arm from its central body.

Because of the adverse reaction of many Arab governments to the Khartoum operation, the sources also express the belief that it is unlikely that Black September will soon strike again in another Arab country, except perhaps Jordan.

Israeli and U.S. intelligence sources have gathered evidence proving that Arafat ordered the killing in 1973 of American Ambassador Cleo Noel.

Justice Department Is Considering Indicting PLO Chief Yasir Arafat

By Edwin Black

Palm Beach Jewish World Nov. 27, 1985

Reached over the past weekend in New York, Ambassador Walters denied that he had personal knowledge of the tape. "I did not hear it and wouldn't have known what I was hearing if I did because I do not speak Arabic," he declared. But he added, "I heard people say they heard it (the tape)... this was common knowledge at the time among all sorts of people in the government." Walters indicated he meant government people not limited to the intelligence community.

Walters added his firm declaration that he had no personal knowledge that the US had possession of the tape, but conceded that "There was talk at the time (1973) that this tape existed."

The measure of America's assurance that Arafat was personally involved might be gauged by the fact that just after the massacre, Walters himself was personally dispatched by Secretary of State Henry Kissinger to meet with the PLO in Morocco. "I spoke to a very senior PLO guy, but not Arafat directly," says Walters. The message: "Stop killing Americans or there would be serious consequences." Sources indicate that the CIA was prepared to begin a campaign of attacks against PLO facilities.

WALL STREET JOURNAL

JUNE 21, 1985

New Envoy to U.N. Has Long Advocated Going Underground

By ROBERT S. GREENBERG
Staff Reporter of THE WALL STREET JOURNAL

In 1973, when the Palestinian Liberation Organization killed two American diplomats in the Sudan, then-Secretary of State Henry Kissinger dispatched Mr. Walters to tell the PLO such actions wouldn't be tolerated.

The secret meeting with the PLO eventually was held in a palace in Morocco, whose ruler, King Hassan, has been a Walters friend since World War II.



Department of State

TELEGRAM
EXCISE

CONFIDENTIAL 356

PAGE 01 KHARTO 00471 071249Z

46 C
ACTION INRD-07

INFO OCT-01 ES-05 CCH-00 (RSC-01, RSR-01, NSCE-00, CIAE-00,
DODE-00,) W

002329

R 071215Z MAR 73
FM AMEMBASSY KHARTOUM:
TO SECSTATE WASHDC 8196
INFO AMEMBASSY BEIRUT

C O N F I D E N T I A L KHARTOUM 0471

E.O. 11652: N/A
TAGS: PINS, SU
SUB: KHARTOUM ASSASSINATIONS

REF: STATE 039764

1. EMBASSY [REDACTED] HAS OBTAINED NOTES AND DOCUMENTS [REDACTED]

[REDACTED] OF BSO INSTRUCTIONS, FLOOR PLAN OF ACTION, ALLOCATION
OF DUTIES TO EACH TERRORIST BY NAME AND RECITATION OF COMMUNICATIONS
(BASED ON TAPES) BETWEEN AL FATAH RADIO IN BEIRUT TO TERRORISTS
AT SAUDI EMBASSY IN KHARTOUM. DOCUMENTS REPORTEDLY OBTAINED
FROM DESK DRAWER AL FATAH KHARTOUM OFFICE. [REDACTED]

2. NOTABLE THAT TERRORISTS WERE APPARENTLY UNDER EXTERNAL
CONTROL FROM BEIRUT AND DID NOT MURDER AMBASSADOR NOEL AND
MOORE NOR SURRENDER TO GOS UNTIL RECEIVING SPECIFIC CODEWORD
INSTRUCTIONS. GOS ALSO REPORTED ATTEMPTING BUY ABU DOUD FOR
JORDAN (KING HUSSEIN REFUSED) AND CONTACTING BSO IN BEIRUT
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3. SOME OF THIS MATERIAL IS BEGINNING TO LEAK IN SUDAN PRESS
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**ARAB
TELEGRAM**

XR PER NOEL, CLEO A. JR.

PER MOORE, GEORGE C.

CONFIDENTIAL 013 POL 17 SAUD-SUDAN

PAGE 01 BEIRUT 02543 051923Z

47

ACTION-NEA-12

INFO OCT-01 AF-10 ADP-00 IO-13 M-03 A-01 SY-07 USSS-00

EB-11 SCA-01 EUR-25 CIAE-00 DODE-00 PM-09 H-02 INR-09

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 UCIA-12

SSO-00 CCO-00 RSR-01 149 W

102230

R 051522Z MAR 73
FM AMEMBASSY BEIRUT
TO SECSTATE WASHDC 928
INFO USINT ALGIERS
AMEMBASSY AMMAN
AMEMBASSY JIDDA
AMEMBASSY KUWAIT
AMEMBASSY TEL AVIV
AMEMBASSY TRIPOLI
AMEMBASSY TUNIS

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY *SPROCKELL* DATE *7/3/82*
PORTIONS DENIED AS INDICATED

C O N F I D E N T I A L BEIRUT 2543

DEPT PASS USINT CAIRO: AMEMBASSY KHARTOUM

E.O. 11652: GDS

TAGS: PINS XF

SUBJECT: PLO RULE IN SURRENDER OF KHARTOUM TERRORISTS

REF: BEIRUT 2488

1. SUMMARY: FROM VARIOUS REPORTS APPEARING IN LOCAL PRESS, ESPECIALLY PAPERS CLOSE TO FEDAYEEN, RE CONTACTS MAR 3 BETWEEN 'ARAFAT AND SUDANESE GOVT, WE HAVE PIECED TOGETHER WHAT WE THINK IS FAIRLY ACCURATE SCENARIO OF EVENTS LEADING TO SURRENDER OF KHARTOUM TERRORISTS: MAR 4. IN PROVIDING EVIDENCE OF CLOSE CONNECTION BETWEEN 'ARAFAT AND PLO ESTABLISHMENT ON ONE HAND AND BLACK SEPTEMBRISTS ON OTHER, IT GIVES LIE TO 'ARAFAT'S CLAIM THAT PLO IN NO WAY INVOLVED IN KHARTOUM TRAGEDY. END SUMMARY.

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BEIRUT 2543
3-5-73

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XR PER NOEL, CLEO A. JR.
PER MOORE, GEORGE C.
POL 17 SAUD-SUDAN

(4)



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PAGE 02 BEIRUT 02543 051923Z

2. ACCORDING TO ACCOUNTS IN SEVERAL PAPERS (INCLUDING THOSE WITH GOOD FEDAYEEN CONNECTIONS), PLO EXECUTIVE COMMITTEE MET HERE MORNING OF MAR 3 FOLLOWING RECEIPT OF NEWS FROM KHARTOUM RE "EXECUTION" OF THREE US AND BELGIAN DIPLOMATS. PLO/EC REPORTEDLY TOOK DECISION AUTHORIZE CHAIRMAN ARAFAT SEND SPECIAL PLO REP (UNNAMED) TO KHARTOUM FOR URGENT TALKS WITH SUDANESE GOVT AND CARRYING "ORDER" FOR EIGHT TERRORISTS HOLDING OUT IN SAUDI EMB THAT THEIR "MISSION" WAS COMPLETED AND INSTRUCTING THEM TO TURN THEMSELVES OVER TO SUDANESE AUTHORITIES. LATER IN DAY, ARAFAT REPORTEDLY CONTACTED SUDANESE GOVT DIRECTLY (IN PHONE CALL SAID TO HAVE BEEN ARRANGED BY LEBANESE PRIMIN SALAM VIA SUDANESE EMB HERE), ASKING HIM REFRAIN FROM ASSAULTING SAUDI EMB AND BE PATIENT "PENDING ARRIVAL IN KHARTOUM OF PLO REP WHOSE PRESENCE WOULD ASSIST IN FINDING SOLUTION TO THE CRISIS."

3. SUCCESS OF THESE EFFORTS APPEARED CONFIRMED DURING NIGHT OF MAR 3-4, SINCE LOCAL PRO-FEDAYEEN AL MUHARRIR REPORTED NEXT MORNING THAT "BSO HAS DECIDED END ITS KHARTOUM OPERATION BY HAVING FEDAYEEN SURRENDER TO SUDANESE AUTHORITIES" (FBTS 040723Z). PAPER SAID THIS DECISION HAD BEEN COMMUNICATED TO NUMAYRI SHORTLY BEFORE MIDNIGHT AND QUOTED BSO AS BEING CONFIDENT SUDANESE PRES "WOULD ACCORD OUR FEDAYEEN YOUTH STATUS OF REVOLUTIONARY STRUGGLERS." IT ALSO QUOTED PLO OFFICIAL IN DAMASCUS SAYING EIGHT TERRORISTS WOULD GIVE THEMSELVES UP "TRUSTING THAT VERDICT OF SUDANESE COURTS WILL TAKE INTO ACCOUNT FEELINGS OF SUDANESE PEOPLE AND SACRED CAUSE OF PALESTINE."

4. HAVING CORRECTLY FORECAST WHAT TOOK PLACE IN KHARTOUM LATER ON MAR 4, AL MUHARRIR ON MAR 5 CARRIED ALLEGED TEXT OF BLACK SEPTEMBER "ORDER" SENT TO TERRORISTS AT SAUDI EMB MAR 3. (PAPER CLAIMED IT RECEIVED BSO STATEMENT GIVING THIS TEXT FROM IRAQI NEWS AGENCY IN BEIRUT, BUT WE BELIEVE IT CAME STRAIGHT FROM FEDAYEEN.) TEXT OF "ORDER" FOLLOWS:

QUOTE: YOUR MISSION HAS ENDED. RELEASE SAUDI AND JORDANIAN DIPLOMATS. SUBMIT IN COURAGE TO SUDANESE AUTHORITIES TO EXPLAIN YOUR JUST CAUSE TO GREAT SUDANESE PEOPLE, ARAB MASSES AND INTERNATIONAL OPINION. WE ARE WITH YOU

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ON SAME ROAD. GLORY AND IMMORTALITY TO MARTYRS OF BEDDAWI, NAHR AL BARID AND LIBYAN AIRCRAFT. END QUOTE. BSO STATEMENT ADDED: QUOTE: NOW THAT OUR YOUTHS HAVE GIVEN THEMSELVES UP AS INSTRUCTED, WE WISH MAKE FOLLOWING POINTS:

(A) THEIR OPERATION WAS AIMED AT LIBERATING ABU DA'UD, HIS COMPANIONS AND SIRHAN BESHARA SIRHAN WHO ARE BEING TORTURED IN VIOLATION OF ALL HUMAN ETHICS. IT WAS NOT INTENDED TO SHED BLOOD, BUT TO SET THESE MEN FREE.

(B) OWING TO ARROGANCE AND OBSTINACY DISPLAYED BY NIXON AND JORDANIAN RULERS, OUR REVOLUTIONARIES EXECUTED THREE HOSTAGES WHO CONTRIBUTED TO PLANNING MASSACRE OF OUR NATION AND CONSPIRED AGAINST IT. MOST IMPORTANT OF THESE WAS CURTIS MOORE, WHO WAS CIA BRAINS IN AREA AND ONE THOSE DIRECTLY INVOLVED IN SEPT 1970 MASSACRES.

(C) OUR FIGHTERS WERE FEARLESS AND FOLLOWED INSTRUCTIONS TO THE LETTER. THEY WERE NOT DETERRED BY THREATS OR PITY AND DID NOT CRAWL BEFORE AMERICANS WHO CONTROL FATE OF NATIONS. THOSE WHO SHED CROCODILE TEARS FOR HOSTAGES MUST REMEMBER THOUSANDS OF OUR NATION MASSACRED IN UNPRECEDENTED BRUTALITY AND THOUSANDS MORE IN JORDANIAN PRISONS. END QUOTE.



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PAGE 04 BEIRUT 02543 051923Z

OPERATION UNDERWAY.

[REDACTED]

MOVEMENT [REDACTED] ARAFAT'S LAST-MINUTE
MOVE TO HELP AVERT ASSASSINATION OF SAUDI AND JORDANIAN
AMBASSADORS MAY HAVE BEEN DESIGNED MAINTAIN SOME SLIGHT
CREDIT WITH ARAB MODERATES AND THOSE WITHIN FEDAYEEN MOVEMENT
WHO BELIEVE THAT EXTRMINSTS LIKE SALAH KHALAF ARE LEADING MOVE-
MENT TO DESTRUCTION.
BUFFUM

NOTE BY OCT: BEIRUT 2543 NOT PASSED ABOVE.

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Arafat Implicated In Envoys' Deaths

By David B. Ottaway
Washington Post Staff Writer

Yasser Arafat, leader of the main Palestinian guerrilla organization, Fatah, was in the Black September radio command center in Beirut when the message to execute three Western diplomats being held hostage in Khartoum was sent out last month, according to Western intelligence sources.

The sources said it was not clear whether Arafat personally or Salah Khalef, an extremist Fatah theoretician better known as Abu Iyad, gave the order to carry out the executions using the code word "Cold River."

But they have reports that Arafat was present in the operations center when the message was sent and that he personally congratulated the guerrillas after the execution of the three diplomats, two Americans and a Belgian, who were carried out.

"This is the first time that he [Arafat] has been clearly implicated in something like this," said one source.

Previously, the Sudanese minister of information, Omar Haj Mussa, had revealed that Arafat played a role in getting the Black September group to surrender in Khartoum to Sudanese authorities. Mussa declined to provide details.

According to one source, the U.S. Central Intelligence Agency monitored at least some of the communications between the operation's Beirut command center and the Saudi Arabian embassy in Khartoum, where the hostages were being held. Arafat's voice was reportedly monitored and recorded.

But it was not clear from this source whether Arafat's voice was identified as the sender of the Cold River message or was only heard later congratulating the guerrillas and later during the negotiations leading to the surrender of the eight Black September terrorists.

The close ties between Black September and Fatah, long regarded as the "moderate" among the half-dozen major Palestinian guerrilla groups, were disclosed recently in a confession by a top Fatah leader made to Jordanian authorities.

Mohamed Daoud Oudeh, who uses the cover name of Abu Daoud, told the Jordanians that Black September did not exist as an organization and that "all its activities were carried out by the intelligence branch of the Fatah guerrilla organization."

Daoud and 16 of his men

were arrested in Jordan in February. According to his confession, the team was on a mission to kidnap Jordanian Cabinet ministers and bargain for the release of 40 imprisoned Palestinian guerrillas.

Daoud's confession, which revealed in great detail the training of Palestinians for terrorist operations, is generally regarded as authentic and accurate in Western intelligence circles.

Among other things, Daoud disclosed the key role played by Abu Iyad in planning various terrorist exploits, including the raid on the Israeli quarters at the Olympic Games in Munich last September. It resulted in the killing of two Israeli athletes.

Daoud also revealed that he had received his intelligence and training in Cairo, where he took a nine-week course with nine other Palestinians.

Daoud's confession and the complications created for Fatah in its relations with Arab governments because of the Khartoum operations have reportedly led within the organization to a total reassessment of strategy.

Fatah has been busy since the Khartoum raid in early March patching up its relations with various Arab governments, including the Sudan.

A delegation from the Palestinian Liberation Organization, which Arafat also heads, recently visited Khartoum.

After the visit, the Sudanese government issued a statement saying it had no evidence that the central Fatah organization was involved in the operation and that it was only holding individual Fatah members, including the leader of the local office, responsible for the assassinations.

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Sources here believe that the difficulties that have arisen for Fatah because of Khartoum and Daoud's confession may lead Arafat to separate more formally the organization's terrorist arm from its central body.

Because of the adverse reaction of many Arab governments to the Khartoum operation, the sources also express the belief that Black September will soon strike again in another Arab country except perhaps

Held Uninvolved in Sudan Attack

Arafat Killing Role Denied

BEIRUT, April 7 (UPI) — A spokesman for the Palestinian guerrilla movement said today that Yasser Arafat, leader of Al Fatah, was not connected in any way with the killing of three Western diplomats in Khartoum, Sudan, last month.

The spokesman denounced reports that Arafat had been involved in the order to kill the three diplomats—as an attempt to "deform the struggle of the Palestinian people."

another member of Al Fatah had given the order to carry out the executions.

The spokesman was commenting on a Washington Post report that Arafat was in the Black September radio command center in Beirut when the message to execute the three diplomats was sent out.

Quoting Western intelligence sources, the Post said it was not clear whether Arafat or

The three diplomats — two Americans and a Belgian — were taken prisoner by eight guerrillas of the Black September movement who occupied the Saudi Arabian embassy on March 1. The guerrillas later killed the three Western diplomats but spared two Arabs who were also held hostage.



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EXHIBIT TELEGRAM

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PAGE 01 KHARTO 00491 071249Z

46 C

ACTION INRO-07

INFO OCT-01 03-05 CEN-00 (RSC-01,RSR-01,NSCE-00,CIAE-00)

000E-00,) W

DEPARTMENT OF STATE A/CDC/MB
REVIEWED BY *Stackwell* DATE *1/3/80*
PORTIONS DENIED AS INDICATED

R 071219Z MAR 73
FM AMEMBASSY KHARTOUM
TO SECSTATE WASHDC 0196
INFO AMEMBASSY BEIRUT

C O N F I D E N T I A L KHARTOUM 0471

E.O. 11652: N/A

TAGS: PINS, SU

SUB: KHARTOUM ASSASSINATIONS

REF: STATE 039764

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3/7/73

1. EMBASSY [REDACTED] HAS OBTAINED NOTES AND DOCUMENTS [REDACTED]

[REDACTED] OF 800 INSTRUCTIONS, FLOOR PLAN OF ACTION, ALLOCATION OF DUTIES TO EACH TERRORIST BY NAME AND RECITATION OF COMMUNICATIONS (BASED ON TAPES) BETWEEN AL FATAH RADIO IN BEIRUT TO TERRORISTS AT SAUDI EMBASSY IN KHARTOUM. DOCUMENTS REPORTEDLY OBTAINED FROM DESK [REDACTED] AT FATAH KHARTOUM OFFICE.

2. NOTABLE THAT TERRORISTS WERE APPARENTLY UNDER EXTERNAL CONTROL FROM BEIRUT AND TWO NOT MURDER: AMBASSADOR NOEL AND MOORE NOR SURRENDER TO GOS UNTIL RECEIVING SPECIFIC CODEWORD INSTRUCTIONS. GOS ALSO REPORTED ATTEMPTING BUY ABU DOUD FOR JORDAN (KING HUSSEIN REFUSED) AND CONTACTING 890 IN BEIRUT (WHO ASSUMED FULL RESPONSIBILITY FOR ATTACK).

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December 17, 1985

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Mr. Steven J. Rosen
Director of Research
and Information
American Israel Public
Affairs Committee
Suite 300
500 North Capitol Street, N.W.
Washington, D.C. 20001

Dear Steve:

I am writing this letter in response to your request for a summary of our work to date on the question whether the United States has the legal authority to arrest and prosecute Yassir Arafat for alleged complicity in the 1973 murders in Khartoum of United States Ambassador Noel and Chargé d'Affaires Moore. You have conveyed to me Ambassador Lichenstein's understanding that officials of the Justice Department are scheduled to meet tomorrow morning to address this matter, and you have requested this report so that he may make the results of our work to date available to those officials.

In our work we are assuming that the United States has or can obtain evidence sufficient to support an arrest warrant. In our research and analysis we have accordingly concentrated on the question whether authority to prosecute may be found in United States law.

The pertinent jurisdictional provision is 18 U.S.C. 1116(c). That statute explicitly confers on the courts of the United States jurisdiction to try persons charged with murder and other crimes committed abroad against United States diplomats and others who comprise "internationally protected person(s)". Section 1116(c) says in pertinent part:

Mr. Steven J. Rosen
December 17, 1985
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"If the victim . . . is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of where the offense was committed or the nationality of the victim or the alleged offender."

The crimes covered by this provision are defined in Section 1116(a) as follows:

Whoever kills or attempts to kill a[n] . . . internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life"

These provisions were added to the Criminal Code in 1976. The terms of Section 1116(a) explicitly apply to murder of United States diplomats, as Section 1116(b)(4)(B) defines the phrase "internationally protected person" to include "any . . . representative, officer, employee, or agent of the United States Government . . . who at the time and place is entitled pursuant to international law to special protection against attack upon his person" Diplomatic personnel are included in the class of persons who are entitled to the "special protection" that is the key to this definition and to the operation of Section 1116.

Because the statute explicitly establishes jurisdiction in the courts of the United States to try persons accused of murdering United States diplomats irrespective of where the murder takes place, the only legal issues that require exploration go to the application of Section 1116 to crimes committed before its enactment. This in turn requires analysis of two questions. The first is whether Section 1116 was intended to have retroactive force. The second is whether the ex post facto clauses of the Constitution preclude retroactive application of the statute.

The legislative history of Section 1116 shows that it was intended to apply retroactively. The statute was enacted for the purpose of enforcing the obligations of the United States under two treaties that are designed to combat

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international terrorism -- the "Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance", and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons". See House Report No. 94-1614, 94th Cong., 2d Sess.; Senate Report No. 94-1273, 94th Cong. 2d Sess.; see also United States v. Layton, 509 F. Supp. 212, 221-222 (N.D. Cal. 1981), appeal dismissed, 645 F.2d 681 (9th Cir. 1981). In presenting the legislation to the Congress and addressing its purposes, the then Legal Advisor to the State Department noted that the law was intended to provide jurisdiction to try persons responsible for murdering United States diplomats prior to the enactment of Section 1116. The particular example used was the 1975 murder of the United States Ambassador to Lebanon. The Legal Advisor testified that "if it happened that the perpetrators of that event were apprehended in the United States, this statute would provide a jurisdictional basis to try them for the offense of murder. We could not do that under present law." Internationally Protected Persons Bills, Unsworn Declarations Bills: Hearing before the Subcommittee on Criminal Justice of the Committee on the Judiciary, House of Representatives, 94th Cong., 2d Sess. 25 (1976) (statement of Monroe Leigh).

The question under the ex post facto clause requires more detailed analysis because it in part presents an issue of first impression. I say "in part" because of Cook v. United States, 138 U.S. 157 (1891). There the Supreme Court sustained the retroactive application of a statute that placed in a specified United States district court jurisdiction to try murders committed before enactment in a strip of land known as "No-Man's Land". See 138 U.S. at 183.

We note at the outset of our discussion of the ex post facto clause that the Department of Justice would need to modify a litigating position it has already taken if it were to decline to prosecute Arafat for the 1973 murders on ex post facto grounds. The issue here is analytically close to an issue that was raised but not decided in the Matter of the Extradition of John Demjanjuk, No. Misc. 83-349 (N.D. Ohio, April 15, 1985). In that case, the United States sought to extradite the respondent to Israel for the alleged murder of Jews at Nazi prison camps during World War II. The alleged offender argued that an Israeli prosecution of him for offenses allegedly committed before the formation of Israel would violate the ex post facto clause. The Justice

Mr. Steven J. Rosen
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Page 4

Department argued that Israel's charges against Demjanjuk did not constitute prosecution under an ex post facto law, quoting from United States v. Ohlendorf, Trials of War Criminals before the Nuernburg Military Tribunal, 411, 459 (I.M.T. 1948):

In the main, the defendants in this case are charged with murder. Certainly no one can claim with the slightest pretense at reasoning that there is any taint of ex post factism in the law of murder.

Government's Pre-Hearing Memorandum at 46-47.

Assaults on diplomats have long been considered to be criminal acts under international law, as U.S. courts have recognized. Respublica v. de Longchamps, 1 U.S. (1 Dall.) 114 (Pa. 1784). The criminality of attacks on diplomats, codified in the 1976 statute, accordingly was confirmed at the very beginning of the Republic. In de Longchamps, a French national assaulted a French minister in Pennsylvania. The Pennsylvania Supreme Court held that the law of all nations in its full extent was part of the law of Pennsylvania, and that the assault constituted a crime under that law. In that court's words:

The person of a public minister is sacred and inviolable. Whoever offers any violence to him, not only affronts the sovereign he represents, but also the safety and well-being of nations -- he is guilty of a crime against the whole world.

Id. at 119. In permitting the United States to exercise jurisdiction over extraterritorial offenses if the alleged offender is present within the United States, 18 U.S.C.A. § 1116(c) does not violate the ex post facto prohibition of the U.S. Constitution. This analysis is consistent with the Supreme Court's decision in Dobbert v. Florida, 432 U.S. 282 (1977), where petitioner committed murder at a time when an unconstitutional Florida death penalty statute was in effect. Petitioner was later sentenced under a newly enacted valid death penalty statute, which he challenged as ex post facto. Justice Rehnquist dismissed this contention:

. . . [T]his sophistic argument mocks the substance of the Ex Post Facto Clause. Whether or not the old statute

Mr. Steven J. Rosen
December 17, 1985
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would, in future, withstand constitutional attack, it clearly indicated Florida's view of the severity of murder and of the degree of punishment which the legislature wished to impose upon murderers. The statute was intended to provide maximum deterrence, and its existence on the statute books provided fair warning as to the degree of culpability which the State ascribed to the act of murder.

Id. at 297. Certainly, Yassir Arafat was on "fair warning" that the murder of a United States ambassador was a crime -- a crime of the most serious character and a crime that civilized nations condemn and seek to punish.

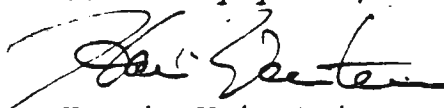
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We are continuing to work on this matter, and I hope we shall shortly have a somewhat more detailed memorandum for you. If, in the interim, representatives of the Department of Justice believe it would be useful for them to discuss this matter with us, I would be pleased to meet with them at an early, mutually convenient time.

Sincerely yours,



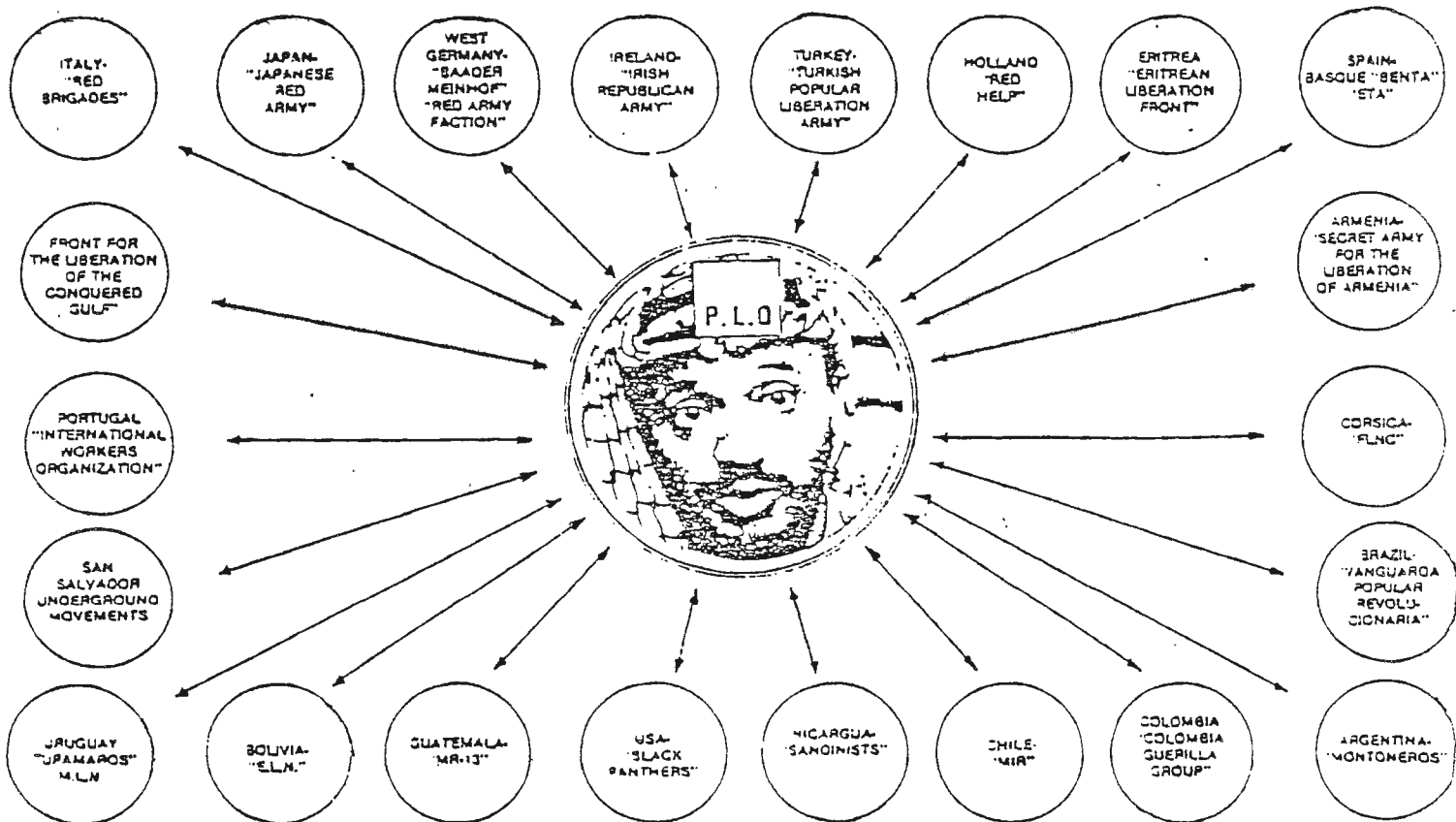
Harris Weinstein

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July 20, 1983



Intelligence information has linked the PLO with terrorist and guerrilla organizations around the world.

Excerpted from "The PLO in Central America"

December 2, 1985

ARAFAT'S PERSONAL ROLE IN TERRORISM

When Yasser Arafat announced from Cairo that the PLO would limit its terrorist attacks to "the occupied Arab lands," Egyptian President Mubarak hailed this as a renunciation of terror and a sign that he was extending a hand for peace. But it quickly became apparent that Arafat was trying to hide his terrorist program behind empty words.

- o Egyptian officials said that the "Cairo Declaration" meant PLO terrorism would be limited to the West Bank. But Arafat was quick to clarify, saying: "It is not responsible to announce that we will confine our operations to the West Bank...military operations are not excluded from Israeli territory." (Radio Monte Carlo, November 15, 1985) On the same day he reiterated "It is not logical to restrict our military activities to the West Bank and the Gaza Strip, when we do not recognize Israel." (al-Sharq al-Awsat, Saudi daily, November 15, 1985)
- o And in case his declaration was interpreted as a sign that he was ready for peace, Arafat insisted: "I don't simply want, I demand, more (commando) operations, and more resistance against this occupation until it leaves our land." (Arab News, November 11, 1985)

In fact, the "Cairo Declaration" was little more than a reaffirmation of PLO terrorism against Israel. But this should come as no surprise as Arafat has clearly spelled out the PLO strategy for the destruction of Israel.

- o Arafat has repeatedly stated that terrorism is the PLO's policy of *choice*: "I can say with pride that the decision of the Palestinian National Council to escalate military operations in the occupied territories has been carried out. This does not mean that we are content. It is not enough. We must have more acts of resistance against the occupation till they leave our land." (on Abu Dhabi TV, November 9, 1985)
- o He has made clear who he regards as legitimate targets of armed struggle: "What we face in our occupied land are settlers totalling 3,500,000 individuals." (Voice of Palestine, April 30, 1985) Recently he praised the "daring" Egyptian soldier who murdered seven Israeli tourists.
- o He has also made clear his rejection of negotiations: "Our war is going to be a long and hard one. Palestine will not be regained through peaceful solutions or through the Israeli Labor Party, as some believe, but through fighting and Palestinian blood." (QNA, December 19, 1984)

o And he has made it clear that this armed struggle is not only aimed at Israel, but at the United States also: The United States "has become the principal adversary to us."
(al-Sharq al-Awsat, October, 18, 1985)

The "Cairo Declaration" was just another attempt by Arafat to put a new face on the same policy. Yasser Arafat remains the kingpin of PLO terror.

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Research & Information Department
Subject: Yasser Arafat

Living Memo: YASSER ARAFAT

Last updated on October 23, 1985

The "living memo" series is intended to provide brief synopses of major statements and actions affecting United States interests on a continually updated basis.

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Anti-Americanism

"...this attitude by Washington is not partiality for Israel but rather a direct confrontation between us and the United States." (Yasser Arafat, Al-Sharq Al-Awsat, 10/18/85)

"The masses have realized how deceived they were by the words of the United States, which not only is after the head of Yasir Arafat or the PLO but also wants to subjugate and humiliate the Arab nation... It has become a principal adversary to us and therefore it has to shoulder the responsibility for this...The Arab nation and its masses must deal with the United States on this basis; they should boycott the United States economically if they cannot boycott it politically." (Yasser Arafat, Al-Sharq Al-Awsat, 10/18/85)

"...The real enemy is pursuing the the real enemy, that is, the United States and Israel are pursuing the PLO." (Yasser Arafat, Radio Monte Carlo, 10/17/85)

"There is no difference between a terrorist who hijacks a plane with a pistol and terrorist who hijacks a plane with warplanes." It was "an act of terrorism" and an exercise in "cowboy logic". (Yasser Arafat, New York Times, 10/13/85)

"We are facing a U.S.-Israeli plot to undermine the peace efforts and destroy the Palestinian revolution...We know that Israel is the major hand of U.S. terrorism in the Middle East, and that it is trying to impose capitulation on the Arab nation." (Yasser Arafat, MENA, 10/13/85)

"The United States has a two-faced policy, not only towards me but towards those who are its friends, King Hussein and President Mubarak." (Yasser Arafat, Los Angeles Times, 10/8/85)

"The United States does not want a solution. All the American statements or excuses we hear are just attempts to escape a solution." (Yasser Arafat, Al-Akhbar, 9/26/85)

"Thank God the U.S. Administration did not make me any promises. I have never for one moment believed its false promises. This is just an attempt to keep the region preoccupied and renege on promises." (Yasser Arafat, Al-Ahram, 8/24/85)

"This onslaught is in implementation of the Camp Murphy conspiracy... (Yasser Arafat, Voice of PLO, 7/4/85)

"...under the leadership of the PLO, the Palestinian people in Lebanon, have clung to their choice to struggle against the new plots of Camp Murphy.." (Yasser Arafat, Voice of Palestine, 5/21/85)

"We do not trust the U.S., which is the strategic ally

of Israel... We know very well that the U.S. Administration is biased toward our enemy...We are exerting all efforts to correct a situation that will not continue forever." (Yasser Arafat, Voice of PLO, 5/16/85)

"As you are aware, this dangerous front with which world Zionism is facing us is a natural and basic extension of the age of imperialism. I would not be exaggerating if I were to say that it is the imperialist center...a bridgehead for the old and new imperialism, a bridgehead for the United States." (Yasser Arafat, Voice of PLO, 5/15/85)

"Zionist information is spread internationally and backed by a devilish machine: the U.S. imperialist machine and that of some of the European imperialists." (Yasser Arafat, Voice of PLO, 5/15/85)

"From here we reject the U.S. concept of terrorism. Actually, the United States is conducting terrorism, as it has done in Guatemala, Vietnam, Latin America, Central America, El Salvador, Nicaragua and by implanting Israel in Palestine as a terrorist entity..." (Yasser Arafat, Voice of Palestine, 4/30/85)

"The U.S. is responsible for obstructing efforts to solve the Palestine question." (Arafat, Voice of PLO, 4/29/85)

"The adventurous US policy in the region, seeks to isolate the Arab forces and create controversial issues in order to divert attention from the great pan-Arab cause, the Palestine question." (Yasser Arafat, Voice of PLO, 1/1/85)

"As for me, my objective is to defy the Americans and resist their policies." (Yasser Arafat, AFP, Paris, 11/29/84)

Pro-Soviet Position

"...the PLO's relationship with the USSR is a special relationship and stronger now than any time before...I do not believe that this relationship needs to be strengthened more." (Yasser Arafat, MENA, 10/13/85)

"We will continue to adhere to the international conference so the USSR will not be excluded from the framework of a just solution to the Middle East crisis, because the USSR is our friend and ally." (Yasser Arafat, Voice of PLO, 5/16/85)

Rejectionism

"Camp David [accords] should not be only an Egyptian problem...but an Egyptian-Arab problem." (Yasser Arafat, KUNA, 10/21/85)

"Our stand is clear. The 12th PNC in Cairo said we will have nothing to do with Resolution 242 because it deals with our Palestinian people not as a people with a problem but as refugees." (Yasser Arafat, Al-Ahram, 7/25/85)

"No doubt Jordan is accepting 242 and 338...No. I'll not repeat it. I'm not a monkey. I give my own political statements." (Yasser Arafat, Wall Street Journal, 6/7/85)

"We reject a direct dialogue or direct negotiations, and we reject any solution that is not achieved through an international conference." (Yasser Arafat, AL-QABAS, 6/6/85)

"It is up to the U.S. and Israeli governments, they have to move, we have moved enough." (Yasser Arafat, Xinhua General Overseas News Service - Cairo, 6/5/85)

"We must not forget that those members [of the PNC] are from the PLO and are part of us." (Yasser Arafat, Voice of Palestine, 5/13/85)

Murphy "tried to tempt" Palestinian personalities "to participate in a delegation from which the PLO would be excluded, but again they were firm in their answers and emphasized their rejection of Resolution 242, as we have decided at the PNC, because it does not recognize the Palestinian people's right to self-determination." (Yasser Arafat, Al-Sharq Al-Awsat, 5/3/85)

"Richard Murphy, U.S. assistant secretary of state for Near Eastern Affairs, has asked Palestinian figures inside the occupied territory to present solutions to the problems under occupation, and to represent the Palestinians within a joint delegation from which the PLO would be omitted. However, through their two meetings with Richard Murphy, the Palestinian figures rejected any proposals on which the PLO does not agree." (Yasir Arafat, Voice of PLO, 5/1/85)

Terrorism

"I am with all resistance in all the Palestinian territories occupied by the Israeli military junta." (Yasser Arafat, Wall Street Journal, 10/21/85)

"...The Palestinian rifle will continue to held until it achieves its certain triumph...Armed struggle will continue to be our main option for achieving all of our militant people's objectives and aspiration." (Yasser Arafat, Baghdad Voice of PLO, 10/17/85)

"Reagan has decided to assassinate the PLO leadership in the belief that, by so doing, the revolution will come to an end," Arafat said. "This is not so. The jihad [holy war] and the armed struggle will be escalated." (Yasser Arafat, Washington Post, 10/16/85)

"...Armed struggle will continue despite the United States and its agents." (Yasser Arafat, SUNA, 10/15/85)

"...the PLO did not and will not relinquish military action as a method to regain Palestinian rights while it is discussing principles of peace." (Yasser Arafat, MENA, 10/13/85)

"I am confident that our people will continue the struggle. They will retaliate by escalating their resistance to the occupation and to U.S.-supported Zionist terrorism." (Yasser Arafat, MENA, 10/4/85)

"...the revolution resumed its militant march by escalating Palestinian military operations in the occupied land and behind enemy lines in southern Lebanon." (Yasser Arafat, Voice of PLO, 9/7/85)

"Brother leader Abu Ammar has stressed the need to continue and escalate Palestinian military operations against the Zionist occupation forces inside the occupied homeland." (Voice of PLO, 9/5/85)

"I do not fight for the sake of fighting. I fight for a political objective." (Yasser Arafat, Al-Ahram, 8/24/85)

"On the situation in the occupied territories, I can proudly say that the escalating Palestinian military work is what we promised our Arab nation during the convening of the PNC." (Yasser Arafat, Al-Yawm, 8/21/85)

"...the PLO's political movement is part of its struggle and is complementary to the armed struggle which is escalating and actively expanding in the occupied territories, giving us pride and confidence...We will not allow the imposition of any preconditions on our political movements and on our working steps in this regard by any side whatsoever." (Yasser Arafat, Voice of the PLO, 8/19/85)

"...We still have allies in Lebanon, including the Hezbollah Party which supports us in accordance with religious principles." (Yasser Arafat, Al-Musawwar, 7/19/85)

"Further struggle in all forms and methods. At the heart of this comes armed struggle...The weak do not have peace. This has been our conviction since the beginning and so it will remain until victory." (Yasser Arafat, SAWT AL-SHA'B, 6/28/85)

"This revolution will not stop until its banner is raised over the minarets of Jerusalem and its charges." (Yasser Arafat, Radio Monte Carlo, 6/7/85)

"As I have said, our agreement (the Jordanian-Palestinian Accord of Feb. 11, 1985) is a joint agreement on action, joint steps and joint efforts so that we can together liberate our land and liberate Jerusalem, God willing." (Yasser Arafat, AL-QABAS, 6/6/85)

"The Palestinian people will continue their struggle to attain their national rights, irrespective of the sacrifices they may have to offer...We will triumph." (Yasser Arafat, SAWT AL-SAWB, 6/4/85)

"...20 Palestinian fighters of those who participated in the naval operation which Israel recently announced it had

discovered, are currently working in occupied Palestine and are carrying out military operations against Zionist targets." (Yasser Arafat, SAWT AL-SAWB, 6/4/85)

In a speech upon the release of 1150 prisoners, Arafat congratulated every person "[who was] determined to proceed with the struggle with all means to liberate those who remain in captivity with the Zionist enemy." (Yasser Arafat, Voice of Palestine - Algiers, 5/21/85)

"...military operations are presently being stepped up inside occupied Palestine and in southern Lebanon where Palestinian and Lebanese combatants are waging a war of attrition against the Israeli enemy." (Yasser Arafat, Luanda Domestic Service - Portugal, 5/14/85)

"The armed option is the Palestinian revolution's option..." (Yasser Arafat, Voice of Palestine, 5/13/85)

"This is a very important point. Last year we carried out 351 operations within Palestinian occupied territories, as the Israeli enemy has admitted." (Yasser Arafat, Voice of Palestine, 4/30/85)

"On our part, our policy is based on continuation [of the struggle] so that victory will be achieved in this form in actual fact, since it is the infrastructure. With regard to the superstructure - the Arab situation, and the Arab-Israeli balance of power - we must not forget that what we are facing in southern Lebanon is merely an army of occupation in the form of a force. However, what we face in our occupied land are settlers, totaling 3,500,000 individuals." (Yasser Arafat, Voice of Palestine, 4/30/85)

"This strategy of which I spoke requires two basic trends for its completion: the escalation of military action inside our occupied land against the Israeli enemy; and second continuation of the Palestinian-Lebanese resistance in southern Lebanon. These are the features of a plan for a comprehensive strategy." (Yasser Arafat, Voice of Palestine, 4/30/85)

"...the Palestinian revolution endeavours to prove its existence in the battlefield on the basis of its strong conviction that the rifle is its real capital." (Yasser Arafat, Voice of PLO, 4/27/85)

"The recent fedayeen naval operation against the Zionist entity has asserted the Palestinian determination to wage armed struggle to regain their homeland." (Yasser Arafat, Voice of PLO, 4/24/85)

"...we do not carry out seasonal operations and our armed struggle continues inside and outside the occupied territory." (Yasser Arafat, Voice of PLO, 4/24/85)

"...all we have to do is to continue the struggle." (Yasser Arafat, UKTUBAR, 4/14/85)

"With our armed resistance we restored to our commitment the image of a struggle against an invader, of a struggle against the Israeli military junta." (Yasser Arafat Interview, Madrid - EL PAIS, 3/4/85)

"In accordance with the revolution command's policy and in compliance with its decision to escalated armed struggle inside the occupied homeland...our heroic revolution continues to inflict further losses against the Zionist occupation forces." (Yasser Arafat, Voice of the PLO, 2/25/85)

Arafat explained that "military pressure on the Zionist entity must be an escalation of armed struggle in the occupied Arab territories." (Yasser Arafat, Voice of PLO, 2/21/85)

"The PLO is committed to escalating fedayeen action against the Zionist occupation of occupied Palestine... The escalation of the armed fedayeen action has a special priority for the PLO leadership." (Yasser Arafat, Sanaa, VOP, 1/14/85)

"A pledge is a pledge and an oath is an oath. We all have a date to meet in Holy Jerusalem where one of my country's children and one of Palestine's cubs, will hoist the revolution's flag high on Jerusalem's walls, mosques, and churches." (Yasser Arafat, Voice of PLO, 1/1/85)

"The course of armed struggle, has been and will remain the main course and option which will not abandon or fail to carry out and protect the means of its continuation and escalation." (Yasser Arafat, Voice of PLO, 1/1/85)

"The march will not stop until Khalid, Umar, Mu'ammarr (Qawasimi's sons) and all the cubs of this nation raise the flag of this revolution over Jerusalem, Hebron and the entire Palestinian territory. It is a revolution until victory." (Yasser Arafat, Voice of PLO, 12/31/84)

"I am proud to say that the Palestinian revolution is still fighting together with its Lebanese allies in southern Lebanon side by side with full responsibility." (Yasser Arafat, Abu Dhabi, 12/21/84)

"Our war is going to be a long and hard one. Palestine will not be regained through peaceful solutions or through the Israeli Labour Party, as some believe, but through fighting and Palestinian blood." (Yasser Arafat, DOHA, Qatar, 12/19/84)

"The PLO stresses the need to escalate armed struggle against the Zionist occupation...inside the occupied homeland, because it is the only language the occupiers can understand." (Yasser Arafat, VOP, 12/15/84)

"A nation that gives up its military option does not deserve to live." (Yasser Arafat, Ash-Shark al-Aussat, 12/5/84)

"The road to Jerusalem is to be found in the adherence of the Arab nation to the military option." (Yasser Arafat, Kuwait News Agency, 12/4/84)

This [Gulf] war will end with the efforts of the Muslims and the nonaligned states so that we will move together with the Iraqi Army, God willing to Jerusalem." (Yasser Arafat, Amman Domestic Service, 11/29/84)

"The triumph of the Nicaraguans is the PLO's triumph." (Yasser Arafat, 7/23/80, FBIS).

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Bank with terrorism.

So, the question of how to struggle against terrorism, which we all share and which is fundamentally and qualitatively different from resistance to occupation, I think that remains the ultimate source, because in the final analysis we are accountable to the international community. But people who have been experiencing hopelessness tend to go and into reckless and desperate actions.

And to that extent, we have to address ourselves to the source of all the violence that is ensuing, whether legitimate resistance or whether these deplorable acts of terrorism, which we all share in denouncing,...

AMBASSADOR NETANYAHU: Ted, if I may respond to the Ambassador.

You know, this line that we hear about, "well, these people suffer from some deprivation, from some misery, from some denial of national rights or aspirations, and that's why they have to resort to terrorism." You know, in World War II the Nazis occupied Europe. This was the worst oppression in history. None of the resistance movements of Nazi-occupied Europe conducted, or even condoned, terrorism. And there were plenty of German wives and officers' children, and so on. They never bothered to do that, they never even thought of doing that, because they were real freedom fighters. Those who fight for real freedom do not butcher and massacre and bomb little children.

KOPPEL: Gentlemen, forgive me for interrupting, but we are talking, in a sense, now in generalities. We are dealing tonight with a specific: Libya has been attacked.

Let me ask you specifically, Ambassador Netanyahu -- I assume you've had a chance to communicate with your government this evening -- Israeli reaction.

AMBASSADOR NETANYAHU: I'll give you my reaction. Israel is now asleep. And I can tell you, on the basis of our ongoing policy and the recent statements of our Prime Minister, what I think is our reaction, and will probably be heard over there this morning.

We think that Libya and the other terrorist regimes are conducting war against all the democracies. We think that this war is indivisible; it must be fought indivisibly. We applaud the American courage and the resolve. We are sorry about any possible casualties. We hope there are none.

But we think that there is a need for the West as a

CONTINUED NEXT PAGE

whole, including other governments, to recognize that they cannot escape from this problem. They cannot hide their heads in the sand, hope that somehow Qaddafi or the other terrorist leaders will pass over them. They are making Europe a playing field for terrorists.

It's time now to apply those anti-terrorist sanctions that have been mentioned earlier in this program to forge an anti-terror alliance led by the United States. We very much support that.

KOPPEL: Professor Schuler, quickly please, if you would. Have we entered a new chapter now, or is it simply going to be a continuation of the old cycle?

SCHULER: I tend to believe it's a continuation of the old cycle, because Qaddafi's violence has been around for 15 years and it's simply more of the same.

KOPPEL: All right. Gentlemen, we are going to take a break.

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KOPPEL: Joining us now for a late update on tonight's story, my ABC colleague Barrie Dunsmore from London; and in Moscow, Walter Rodgers.

Barrie, let's go to you first. What are you hearing from the Libyans?

DUNSMORE: Well, once again, Libyan radio monitored here in London is appealing for assistance from the rest of the Arab world. The latest appeal goes to the soldiers, officers, and pilots in Morocco, in Syria and in Algeria. And they say that if you do not respond to our appeal, may you be cursed forever.

We also hear from the Italians that Italian airspace was definitely not used in the attack.

And finally, Denis Healey, the spokesman for the Labor Party, claims that there's going to be an enormous row in the House of Commons today because of Mrs. Thatcher's decision to allow the U.S. to use British bases. He says that it represents the end of Western influence in the Middle East, certainly British influence, and may bring about the possible downfall of the President of Egypt, and that terrorism will only increase as the result of this particular action.

KOPPEL: Standing by by telephone in Moscow is our Moscow correspondent Walt Rodgers.

CONTINUED NEXT PAGE

Ministry of Foreign Affairs,
Jerusalem, 1985

THE THREAT OF PLO TERRORISM

DECEPTION: Arafat denied all connection with the seizure of the Saudi Arabian Embassy in Khartoum in March 1973 and the murder of the US Ambassador, the US Chargé d'Affaires and the Belgian Chargé d'Affaires.

FACT: It turned out that the deed had been done by a "Black September" gang, and that the order to kill the diplomats had been phoned to the terrorists personally by Yasser Arafat.

Washington Post

A15 SATURDAY, OCTOBER 19, 1985

Israel Says PLO Behind Terror Surge

*Document Lays Out
Intelligence Reports*

By William Claiborne
Washington Post Foreign Service

JERUSALEM, Oct. 18—The Israeli government today launched a campaign intended to demonstrate through selective release of classified intelligence that a recent surge in terrorist activity was ordered by top Palestine Liberation Organization officials in Jordan after the start of the joint Jordanian-PLO peace initiative early this year.

The campaign, which Foreign Ministry officials say is intended to prove that PLO Chairman Yasser Arafat never accepted the premise of the peace initiative upon which he agreed with Jordan's King Hussein, is based on a long paper containing what is said to be previously undisclosed detail about PLO operations in Jordan's capital, Amman.

Although much of the intelligence is fragmented and would prove little more than that the PLO has not abandoned its armed struggle against Israel, the document illustrates Israel's formidable surveillance capability and its apparent ease in reaching into the heart of a hostile Arab capital to monitor an enemy's secret movements.

A senior Foreign Ministry official said the document was drafted to counter suggestions by Middle Eastern leaders such as Egyptian President Hosni Mubarak that Arafat had abandoned the armed struggle against Israel in pursuit of a comprehensive peace through a joint Jordanian-Palestinian initiative.

The document says that since the Feb. 11 signing of the Hussein-Arafat agreement, 380 terror attacks or attempted attacks have been launched against Israel, resulting in 19 deaths and over 100 persons wounded.

Under questioning, a Foreign Ministry official said the total number of attacks included those "planned" and discovered later by intelligence agencies, but never attempted.

The paper, in draft form in Hebrew, contains operational details about the PLO that the Foreign Ministry said it plans to translate and distribute worldwide in its effort to exclude Arafat and the PLO from the peace process. The final draft is to be released Sunday. Foreign Ministry sources said it was held up by Israel's military censor, who made extensive deletions.



AIPAC MEMORANDUM

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Los Angeles Times

Sunday, December 15, 1985

Indict Arafat

By NEIL C. LIVINGSTONE and TERRELL E. ARNOLD

U.S. Law Can Prosecute Terrorists and Squelch Terrorism

To the category of meaningless gestures, add the United Nations' condemnation this week of international terrorism.

After more than a decade of debate, the chief sponsors of world terrorism joined with its victims to declare all acts of terrorism as criminal. The resolution contained a definition of terrorism only slightly less ambiguous than the genealogy of a barn full of cats, and lacks any sanctions or enforcement mechanisms to dissuade nations from using terrorism to achieve their national objectives. It will not save one life or prevent one attack, and is a reminder of the frustrations associated with trying to use law to combat international terrorism.

Nations victimized by terrorism have increasingly resorted to the use of force, whatever the risk, to combat terrorism. However, while the judicious use of force may be the best answer in some situations, we cannot afford to give up on efforts to find appropriate legal mechanisms to secure the extradition and prosecution of terrorists who commit crimes abroad against the citizens and interests of our nation. What is needed are more imaginative applications of the law to the problem.

Now comes news of an effort under way in Washington to seek the indictment of Yasser Arafat in conjunction with the brutal murders of U.S. Ambassador Cleo Noel, Charge d'Affaires G. Curtis Moore and Belgian diplomat Guy Eid in Khartoum, Sudan, in 1973.

While the Palestine Liberation Organization's "Black September" was implicated at the time, Arafat's role was a source of controversy. Now, new information has surfaced suggesting that the whole operation was planned with his knowledge and direction, and that he personally gave the order to shoot the three hostages. In addition to various State Department cables that seem to confirm Arafat's role, the U.S. government is reported to have on tape an interception of the telephone conversation between the PLO chieftain and the killers. Armed with this and additional information, a coalition of groups led by former Deputy U.N. Ambassador Charles M. Lichenstein recently contacted Atty. Gen. Edwin Meese III to press for Arafat's indictment. Word from the Justice Department is that the matter is still under active consideration and that Meese has not yet made up his mind.



Any effort to reopen the case raises a number of sensitive legal and political issues. There are those at the State Department and elsewhere in the U.S. government, including friends of the slain Americans, who harbor no love for Arafat but nonetheless maintain that he is the least of many evils. They do not believe that any positive good could be achieved by further weakening him, thereby strengthening his more radical rivals for leadership of the PLO.

Moreover, there are serious questions relating both to jurisdiction and evidence that must be settled before any indictment could be handed down. For example, even if the existence of the tape of Arafat ordering the murders can be confirmed and the text of it made public, it must be established that the voice on the tape belongs, beyond any reasonable doubt, to Arafat. The question of jurisdiction may be easier to overcome. A federal court has held that crimes against the law of nations are "punishable under American law regardless of the nationality of the victims or the geographic location of the crimes." A federal statute was enacted in 1976 asserting U.S. government jurisdiction in crimes against internationally protected persons, and the legislative history of the act suggests that Congress intended that the statute could be applied retroactively.

Terrorism threatens not only U.S. foreign policy but also what the noted British historian and civil servant Harold Nicholson called "the diplomatic method"—the set of practices and procedures governing relations between nations that has evolved over the centuries. The ancient Greeks were the first to recognize that an orderly international system must be governed by universally established and recognized principles, the most important being diplomatic immunity—the inviolability of diplomatic persons. Lately, terrorist attacks on diplomats and embassies have reached epidemic proportions. Over the past 15 years, diplomats from 113 nations have

been targets of terrorism in 128 different countries. This makes international cooperation and understanding more difficult, not to mention the corrosive impact it has on the morale and effectiveness of the Foreign Service.

The United States has enjoyed little success in bringing to justice those responsible for the deaths of American diplomats and citizens abroad. It is time to reverse this trend. Recent legal action against terrorists involved in the hijackings of TWA flight 847 and the Achille Lauro, and Mrs. Leon Klinghoffer's civil suit against the PLO, represent the opening of a new front in the war against international terrorism. As President Reagan told the American Bar Assn. in July: "We will act to indict, apprehend and prosecute those who commit the kind of atrocities the world has witnessed in recent weeks."

Such a strategy not only reaffirms this nation's belief in the rule of law; it also is a clear signal to the world of our commitment to seeing that justice is done and that terrorists do not go unpunished. Arrest warrants will deny terrorists mobility and access to international support, unless they want to run the risk of capture and extradition by a friendly power. Most of all, outstanding criminal indictments represent a real obstacle when organizations like the PLO seek diplomatic recognition and media approval, because they strip away what is often a carefully cultivated facade of respectability and expose them as the criminal gangs that they really are.

If Arafat is guilty of masterminding the Khartoum murders, he must be made to answer for it. An indictment of Arafat would not represent an indictment of the whole Palestinian people, but it would be a recognition that law must prevail over violence in the modern world, and that Palestinian interests are best served by people who understand this.

*Neil C. Livingstone and Terrell E. Arnold
co-authored "Fighting Back: Winning the
War Against Terrorism" (Lexington).*



THE NEW REPUBLIC

DECEMBER 30, 1985

A warrant for the PLO chief?

ARRESTING ARAFAT

JUST WHEN the Reagan administration thought it had hit upon a relatively painless approach to the problem of international terrorism, it finds itself juggling a hot potato. The new approach consists of treating terrorism as simple criminality and pursuing terrorists with the instruments of law enforcement. The hot potato is the proposal now bouncing around somewhere between the State and Justice departments to seek the arrest of Yasir Arafat.

There is considerable circumstantial evidence that Arafat was complicit in the hijacking of the *Achille Lauro*: he supplies funds to Abul Abbas's Palestine Liberation Front, and he conferred with PLF leaders several times during the weeks that the hijacking was being prepared. But this is not the crime for which the U.S. government is considering trying to arrest him. Instead, the State Department is reexamining the case of the murder of two American diplomats in Khartoum in 1973.

The reexamination has been spurred both by the new interest in using legal instruments against terrorism and by revelations that U.S. intelligence possesses a taped intercept of Arafat personally ordering the Khartoum murders. U.S. ambassador to the United Nations Vernon Walters recently confirmed in an interview with journalist Edwin Black that when he was deputy director of the CIA in 1973 he had been told of the existence of such a tape. Although he had not heard the tape himself (Arabic being one of those languages that the multilingual Walters does not speak), he said that the existence of the tape "was common knowledge at the time among all sorts of people in the government."

A warrant for Arafat is not likely to lead to his arrest. It would serve, though, to keep him out of the United States, and thus away from the U.N. In theory, it could also keep him out of countries that have extradition treaties with the United States, although judging from Italy's refusal to hold Abbas—a much smaller fish—it is hard to imagine that many of our allies would arrest Arafat on our behalf.

The more important consequences would be symbolic. A warrant would signal the end of the notion that Arafat can be transformed into a genuine peacemaker. And because it would dismay some U.S. allies, it would show that the administration is willing to incur diplomatic costs in the interests of a serious counterterrorist policy.

THE KILLINGS in Khartoum occurred after eight terrorists seized hostages at a reception at the Saudi Arabian Embassy. The eight, who identified themselves as members of "Black September," demanded the release from prison of Sirhan Sirhan, the Baader-Meinhof gang, and a group of Fatah members being held in Jordan. When their demands were not met, the terrorists selected the three Westerners among the hostages—U.S. Ambassador Cleo Noel, Charge d'Affaires George C. Moore, and Belgian diplomat Guy Eid—and methodically machine-gunned them after first allowing them to write farewell notes to their families and then beating them.

A day later, the terrorists surrendered to Sudanese authorities after a lengthy round of transoceanic communications involving, among others, Arafat and the vice president of Sudan. Sudanese President Gaafar Mohammed Nimeiri, who took the operation as a galling affront to Sudanese dignity, went public at once with evidence showing that it had been run out of the Khartoum office of Fatah. The top Fatah official in Khartoum had fled for Libya the morning after the seizure, leaving behind in his desk drawer a written copy of the plans for the operation. His number two led the assault on the embassy.

It also soon emerged in numerous news reports that the command center for the operation was in Beirut, whence were transmitted both the order to kill the three diplomats and the subsequent order to surrender. Indeed, according to the Sudanese government, when the "executions" were not carried out promptly on deadline, a prodding message was transmitted: "What are you waiting for?"

A month later the *Washington Post* reported that Arafat "was in the Black September radio command center in Beirut when the message to execute three Western diplomats . . . was sent out last month, according to western intelligence sources." The *Post* reported that "Arafat's voice was reportedly monitored and recorded." The *Post* said that according to its sources it was unclear whether Arafat himself, or his deputy, Abu Iyad, "gave the order to carry out the executions. . . . But they have reports that Arafat was present in the operations center when the message was sent and that he personally congratulated the guerrillas after the execution. . . ."

The story, which was denied by a spokesman for Arafat, made less impact then than it might today because Arafat had yet to achieve the kind of respectability that he enjoyed after 1974, when the Arab League declared the PLO "the sole legitimate representative" of the Palestinian people and when Arafat made his triumphant appearance at the U.N. General Assembly.

And, in the avalanche of news on the Watergate scandals, the Arafat/Khartoum story was largely forgotten un-

til this year when the Reagan administration announced its new antiterrorism strategy, a strategy that at first seemed little more than a face-saving gesture. The administration hardly seemed serious when it announced after this summer's TWA hijacking that it had identified the individual perpetrators and was taking a warrant for their arrest. After all, any extradition request to Lebanon would have to be addressed to that nation's justice minister, Nabih Berri, the very man who had negotiated on behalf of the hijackers. But a few months later, when U.S. jets intercepted the four *Achille Lauro* hijackers over the Mediterranean and the U.S. government sought to secure custody from Italy of Abul Abbas, the policy began to look more substantial.

That, and rumors about the existence of the Arafat tape, about which Ambassador Walters subsequently confirmed his secondhand knowledge, inspired Charles Lichenstein, who served as a deputy U.S. representative to the U.N. under Jeane Kirkpatrick, to press the administration for legal action. Lichenstein, now a senior fellow at the Heritage Foundation, says, "Yasir Arafat is a criminal under both international law and U.S. law, and I believe he should be both identified and dealt with as a criminal."

The Justice Department says only that it has the matter "under review." Lichenstein, who has been pressing the matter for weeks, says that though he "remain[s] hopeful" about governmental action, "I'm not holding my breath." The Justice Department will not only evaluate the strength of the legal case against Arafat, it will also solicit the views of the State Department, whose Near East Bureau is sure to oppose action against Arafat. The bureau, which has day-to-day management of the American-sponsored Middle East peace process, has been working on the assumption that Arafat and the PLO must eventually play a part in it.

Lichenstein urges that if the case against Arafat is legally sound, the administration should pursue it "on principle." But he also denies that a conflict exists between the demands of principle and those of diplomacy. He acknowledges that the governments of Jordan and Egypt demand a role for the PLO in the peace process, but he says that those governments need "to come to grips with the fact that Arafat is a terrorist," and that even if Arafat wished to, "he cannot deliver the PLO" on behalf of peace. The PLO, he says, "is not the key to peace, but the greatest obstacle to it."

In a recent interview with *Insight* magazine, Arafat, with customary exaggeration, said about the Israeli raid on his Tunis headquarters, "I can't forget that the American administration, the American president himself declared his blessing to kill me." The question Lichenstein is raising is whether the president should forget that Arafat himself declared his blessing, and more, on the killing of two American diplomats.

JOSHUA MURAVCHIK

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Los Angeles Times

4 Part I/Friday, December 13, 1985

U.S. Urged to Seek Arafat's Indictment

By GAYLORD SHAW, *Times Staff Writer*

WASHINGTON—The Justice Department is being pressed by conservative and Jewish groups to seek the indictment of Palestine Liberation Organization leader Yasser Arafat for his alleged involvement in the murder of two U.S. diplomats 12 years ago, it was learned Thursday.

A spokesman for Atty. Gen. Edwin Meese III confirmed that the department has received "new allegations" about Arafat's role in the 1973 slayings of Ambassador Cleo Noel and Charge d'Affaires G. Curtis Moore in Khartoum, Sudan. The matter "is under review," spokesman Terry Eastland said.

The push for Arafat's prosecution raises sensitive political, diplomatic and legal questions for the Reagan Administration. But those calling for Arafat's prosecution see the case as a test of the Administration's seriousness in using all legal means to combat international terrorism.

After the hijacking of TWA Flight 847 last June and the Achille Lauro hijacking in October, the Justice Department obtained indictments or arrest warrants for the terrorists allegedly involved. In the Achille Lauro case, it unsuccessfully sought the extradition of Abul Abbas, a Palestinian guerrilla leader allowed to leave Italy over U.S. protests.

President Reagan told an American Bar Assn. convention in July

that "we will seek to indict, apprehend and prosecute" terrorists.

Arafat's "role in worldwide terrorism is well known," a spokesman for the American Israel Public Affairs Committee said. "You can't have a serious anti-terror policy without dealing with the top figures."

Charles Lichenstein, a former deputy ambassador to the United Nations who now is a senior fellow at the Heritage Foundation, a conservative Washington think tank, said he raised the issue with Meese last month.

"He expressed interest in seeing the information that I and some others had been able to compile," Lichenstein said, adding that "the material was later put in his hands."

The material includes an assertion that the U.S. government has a tape recording of an intercepted message in which Arafat allegedly ordered the assassination of the two U.S. diplomats, who were among the hostages taken when Palestinian terrorists seized the Saudi Arabian Embassy in Khartoum during a reception March 2, 1973.

Justice Department spokesmen refused to discuss the material now before Meese, and the existence of such a tape could not be independently confirmed.

Neil C. Livingstone, co-author of the recently published book

"Fighting Back: Winning the War Against Terrorism," said a confidential cable sent to the State Department from the U.S. Embassy in Khartoum on March 7, 1973, stated that the terrorists "did not murder Ambassador Noel and Moore nor surrender . . . until receiving specific code-word instructions" from Beirut, where the PLO had its headquarters at the time.

Portions of the cable were excised when it was declassified, and the source of the embassy's information was not disclosed.

Livingstone called the effort to indict Arafat "a creative use of the law . . . as an instrument against international terrorism." He said, "There is a symbolism factor—it would be an affirmation to the world that the United States does not take lightly the murder of its public servants and citizens."

And, he added, an outstanding arrest warrant "would make it very difficult" for Arafat to travel in Western Europe or other allied countries "without some risk of being arrested and extradited."

Lichenstein said he raised the issue with Meese because of his concern about the PLO's possible role in Mideast peace talks. "We should very carefully reconsider any strategy that looks to working with Arafat and the PLO in the peace process," he said. "This calls into question the credentials of these folks."

DECEMBER 18, 1985

Meese may consider indictment of Arafat

By Bill Kritzberg
THE WASHINGTON TIMES

Attorney General Edwin Meese will receive evidence this week on which to decide whether Yasser Arafat, the leader of the Palestine Liberation Organization, can be indicted for the 1973 slaying of the American ambassador in Sudan.

Such an indictment of the PLO chairman on murder charges would be unprecedented. Those close to the investigation say the issue is so fraught with political risks that there will be no indictment.

The evidence on which the investigation was based was supplied to the Justice Department by Charles Lichtenstein, the former U.S. ambassador to the United Nations.

The Justice Department's criminal division has been asked to prepare a report evaluating evidence that Mr. Arafat ordered the execution of the late Cleo Noel, U.S. ambassador to the Sudan.

Mr. Noel, U.S. Charge d'Affaires George C. Moore and Belgian diplomat Guy Eid, were shot down when a group of eight terrorists seized hostages at the Saudi Arabian Embassy in the Sudanese capital.

According to Mr. Lichtenstein, the current U.S. ambassador to the United Nations, Vernon Walters, has said that many people spoke to Mr.

Walters at the time of the assassination and told him that the U.S. government possessed a recording of Mr. Arafat ordering the executions.

At the time of the killings, Mr. Walters was deputy director of the Central Intelligence Agency. Mr. Walters was not available for comment yesterday and has been reported elsewhere to have made similar comments.

Mr. Lichtenstein expressed skepticism about the potential indictment of Mr. Arafat. "The probability is that the government will do nothing." But he said that he hoped that despite the political obstacles the government would indict.

At the time of the killings there were press reports that Mr. Arafat had spoken by radio phone from his headquarters in Beirut and was present when the order was given. These reports did not confirm outright whether Mr. Arafat had personally given the order.

As to the existence of the alleged tape recording of Mr. Arafat's conversation, Mr. Lichtenstein said that "all I have is evidence that such evidence exists." This is the evidence that is crucial to Mr. Meese's determination.

Robert Friedlander, an aide to Senator Orrin Hatch, Utah Republican, says there is enough circumstantial evidence in State Depart-

ment cables, "some released, some still secret," to establish the probable cause necessary to indict the Palestinian leader.

But Mr. Friedlander said that even if the Justice Department established that such a case exists, it would be "a political matter, a diplomatic matter" as much as one of criminal law.

Another important issue in the case is whether the United States has legal jurisdiction in the matter. Mr. Friedlander says the jurisdiction issue appears to be of secondary importance because Mr. Noel was an ambassador and the issue, therefore, appears to fall within the purview of U.S. authority.

Political pressure has been mounting in favor of the indictment in recent days. Sen. William L. Armstrong and Sen. Charles E. Grassley, Republicans from Colorado and Iowa, respectively, have recently written the Justice Department urging the attorney general to determine whether criminal charges can be brought against Mr. Arafat.

Moreover, two major Jewish organizations, the American-Israeli Public Affairs Committee and the National Jewish Coalition, have urged Mr. Meese to indict Mr. Arafat.

JANUARY 2, 1986

TERRORISM

DRAWING THE LINE

PAUL GREENBERG

One of these days the world is going to have enough — of 11-year-old girls slaughtered in airports, of 69-year-old stroke victims in wheelchairs shot full of holes and tossed overboard, and of all the other glorious victories of Palestinian heroes.

One of these days the world is going to have enough of the solemn idiocies mouthed at the United Nations in defense of such crimes, and of the excuses for not taking stronger action murmured within European chancelleries and the American State Department.

One of these days the world will cease to tolerate the oh-so-reasonable ways of disguising bloody madness as some kind of holy cause, and murder as a regrettable but understandable — meaning tolerable — incident.

One of these days the United States may issue a warrant not just for the arrest of an underling like Mohammed "Abu" Abbas, the hero of the *Achille Lauro* affair, but for his boss — Yasser Arafat. One of these days that well-known visage may be featured not at papal audiences and other international receptions but on wanted posters.

Specifically, Yasser Arafat should be arrested in connection with the murder of Ambassador Cleo Noel, Charge d'Affaires G. Curtis Moore, and Guy Eid, a Belgian envoy, at Khartoum in 1973, by Black September, one of the numerous subsections of the Palestine Liquidation Organization. The PLO's terrorist-in-chief should have been nabbed in connection with these murders the moment he stepped on the tarmac to attend a meeting of the United Nations shortly thereafter. Instead, he was lionized at the U.N.; that theater of the absurd where the terrorists are honored and the victims assailed.

One of these days the evidence implicating the Palestine Liquidation Organization and specifically its chairman in those murders may come out in a court of law. The State Department cables indicating that the seizure of the embassy at Khartoum was planned and carried out at Yasser Arafat's direction, a transcript of the telephone conversations between the killers and their leader . . . all the evidence indicates that Yasser Arafat himself gave the order to kill those three hostages at Khartoum. He certainly deserves his day in court. So does the world.

One of these days the world will mobilize the legal machinery already in place to defend innocents like Natasha Simpson, 11, and Leon Klinghoffer, 69, and all the others slain over the years. Leon Klinghoffer's widow now has filed a civil suit against the PLO, a welcome move in the absence of any action where there should have been a lot — in this country's criminal courts. Perhaps most useful of all, a criminal warrant against its leader would strip away the facade of respectability that the Palestine Liquidation Organization hides behind.

Why chase after the small fry but let the big fish go?

One of these days European nations may no longer recognize the PLO as some kind of legitimate political organization and grant it diplomatic privileges — even to the point of allowing someone like Mohammed "Abu" Abbas safe passage in the aftermath of the act of piracy he seems to have masterminded. Instead, countries like Italy will see the PLO for what it is and break relations.

The PLO and its apologists claim that its crimes are the doing of lone crazies with no tie to distinguished statesmen like Messrs. Arafat and Abbas. But one of these days the world may wake up.

One of these days nations that grant terrorists refuge and even training — Libya, Syria, and Iran, to start with — will be quarantined by the civilized world and the decent opinion of mankind: no trade, no aid, no excuses.

These latest massacres at Rome and Vienna are no isolated incidents; they're not one of a kind but part of an all-too-familiar pattern that goes back decades — to raids on Israeli settlements, buses, and, yes, schools and nurseries; to the hijackings of airliners and murders of Olympic athletes. This long, bloody record will continue until one of these days, when the world has had enough and takes action and treats murder as murder, not as just another regrettable-but-understandable incident. Otherwise, what happened at Rome and Vienna will fade with the screams of the dying, and be followed by still other horrors.

One of these days the world will have to make a choice between terrorism and its own safety and self-respect, for the list of victims goes far beyond their immediate families or their countries. It includes the law of nations. The modern world seems to have forgotten what was clear enough to the ancient Greeks. In the words of Euripides:

One of these days the world will have to make a choice between terrorism and its own safety and self-respect, for the list of victims goes far beyond their families or countries.

Know you are bound to help all who are wronged.

Bound to constrain all who destroy the law.

What else holds state to state save this alone,

That each one honors the great laws of right.

Surely it is not considerations of Realpolitik or narrow definitions of national interest that in the end hold the world together; too often, they have only divided and destroyed. There must be something else, and Euripides defined it as well as anyone: the great laws of right, without which civilization, too, is slaughtered. That's something the great nations, always jockeying for position and favor, seem to have forgotten. Instead of sending out orders and troops, they send cursory statements of regret ... and await the next outrage, which is sure to come, given an absence of meaningful action.

Do you think the State Department has a standard form for such murderous occasions, so its spokesmen need only fill in the blanks with the names of the latest victims? It was a great day when, in the wake of the *Achille Lauro*, the United States dispatched not a note of protest but the U.S. Navy. If only that were the rule and not the growing exception.

One of these days the civilized world will have enough and fight back — together.

Maybe.

Paul Greenberg is editorial page editor of the Pine Bluff (Ark.) Commercial and a nationally syndicated columnist.

BRINGING ARAFAT TO ACCOUNT FOR THE MURDER OF U.S. AMBASSADOR CLEO NOEL

On March 2, 1973, Palestinian terrorists murdered U.S. ambassador Cleo A. Noel, Jr. at the Saudi Embassy in Khartoum, Sudan. The terrorists had seized the embassy and held its occupants hostage while demanding the release of Robert Kennedy's murderer, Sirhan Sirhan, Fatah leader Abu Daoud, Baader-Meinhof killers being held in Germany, and other leading terrorists imprisoned in various countries for earlier crimes. When authorities refused to give in, the terrorists assassinated Ambassador Noel, U.S. Embassy Charge d'Affaires George C. Moore, and Belgian diplomat Guy Eid.

Intelligence leaks shortly after the incident implicated Yasser Arafat in the envoys' deaths (*Washington Post*, April 5, 1973, p. A-18). Declassified communiques released in a 1980 Freedom of Information Act inquiry also pointed to Arafat's direct involvement in the murder. But on November 23, 1985, Vernon Walters, currently U.S. Ambassador to the United Nations and at the time of the event Deputy Director of the CIA, revealed for the first time that a tape exists of Yasser Arafat personally giving the order to execute the three hostages. Walters said, it "was common knowledge at the time among all sorts of people in the government...that a tape existed." (Quoted in *Jewish Exponent*, November 29, 1985). Reportedly, this tape and other evidence are in the possession of the U.S. intelligence community today.

Arafat's role in the murders has now been confirmed by another top U.S. official involved in the events. In addition, an Israeli "White Paper" revealing a body of previously classified details on the PLO and terrorism, has asserted officially for the first time that "the order to kill the diplomats had been phoned to the terrorists personally by Yasser Arafat." (Ministry of Foreign Affairs, *The Threat of PLO Terrorism*, Jerusalem, October 1985, p. 24).

On the basis of these revelations, Ambassador Charles Lichenstein, currently a Senior Fellow at the Heritage Foundation, is urging the Justice Department to seek a warrant for Arafat's arrest for the crime of murder under U.S. and international law. In support of his proposal, a group of attorneys has prepared a preliminary legal memorandum to establish that U.S. courts would have jurisdiction. A further examination of the legal basis for jurisdiction is currently underway by Covington and Burling, which is providing *pro bono publico* legal advice on this matter to AIPAC.

The action being proposed follows the principles set forth by President Reagan in his address to the American Bar Association on July 8, 1985:

"We must act against the criminal menace of terrorism with the full weight of the law, both domestic and international. We will act to indict, apprehend and prosecute those who commit the kind of atrocities the world has witnessed in recent weeks."

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Arafat indictment sought in '73 Sudan murders



YASIR ARAFAT

...Did he give the deadly order?
AP/Wide World Photo

By EDWIN BLACK
Special to the Exponent

In the wake of the recent federal indictments against three terrorists who hijacked TWA Flight 847 in June, influential circles in Washington are asking the Justice Department to take this approach to its logical conclusion and indict the supposed head of international terrorism — Yasser Arafat himself.

The proposed indictment would not deal with recent terrorist operations, such as the Achille Lauro hijacking, but with a grisly terrorist episode from the past — the 1973 murder of American Ambassador to the Sudan Cleo Noel and two other diplomats.

A tape recording reportedly in the hands of U.S. and Israeli intelligence "unmistakably proves" that Yasser Arafat personally telephoned the order to Black September terrorists to begin the massacre.

At the time in 1973, Arafat was desperately trying to portray Black September terrorists as being a wholly uncontrollable splinter group unconnected to Arafat's faction, Fatah, and indeed to the larger PLO.

The murder spree began March 1, 1973, at the Saudi Arabian Embassy after a reception in honor of the outgoing American charge d'affaires G. Curtis Moore. As Moore, U.S. Ambassador Noel and Belgian diplomat Guy Tui were leaving, their vehicle was rammed by

a land rover. Members of Black September emerged shooting wildly in the air and dragged Noel, Moore, Eid and several others back inside the Saudi Arabian Embassy.

A tense hostage drama began. Arab dignitaries trapped in the embassy were treated with respect. But Noel and Moore were isolated because they were American diplomats. So was the Belgian Eid, whom the terrorists suspected of being Jewish. Over the next hours, the kidnappers demanded the release of Sirhan Sirhan, the assassin of Robert Kennedy; Black September leader Abu Doud, being held in a Jordanian prison; and numerous other terrorists. If not, they would kill Noel and the two other diplomats.

As Sudanese and other Arab intermediaries desperately negotiated, the terrorists maintained relative calm and treated their three captives with decorum. But at one point, President Richard Nixon issued a statement, "we will not pay blackmail" to terrorists. Shortly thereafter, at 8 p.m. Khartoum time, one of the kidnappers left the room where the hostages were being held to engage in a telephone conversation. When he returned, visibly shaken, he declared the men would have to die.

Within an hour, the three men, having been afforded an opportunity to write their wills and farewells to their families, were taken

away. As he was leaving, Noel paused in front of the Saudi Arabian ambassador and said, "Thank you, Mr. Ambassador, for the reception."

All eight terrorists participated in a massacre described as so brutal that the three mutilated and bloodied bodies could not be discerned "as white or black." One of the diplomats suffered five gunshots in his eye. After receiving a final instruction via radio, the terrorists announced their mission was over and surrendered to Sudanese authorities.

As world outrage and Arab embarrassment swelled, Yasser Arafat vigorously denied any connection by his group, Fatah, with the Black September operation. But Sudanese investigators and the intelligence community quickly established that the operation was organized and controlled by Fatah officers. Moreover, the instructions to begin the massacre and to surrender afterward were issued by radio from Fatah headquarters in Beirut.

In fact, according to reports, just after the first order to kill was broadcast, a second message was transmitted by Fatah radio asking, "What are you waiting for?"

At the time, informed press reports based on the terrorists' own confessions indicated the
(Continued on Page 77)

Arafat indictment sought in 1973 murders of diplomats in the Sudan

(Continued from Page 4)

code words used to trigger the bloody slaughter were "Nahar El Bard" — Cold River — the name of a refugee camp in northern Lebanon raided by Israeli commandos shortly before.

Separate press reports based on informed PLO and Sudanese sources indicated that at the climax of the hostage drama, Arafat was in telephone contact with the terrorists in the embassy. Arafat insisted that when he called, his only message was that the members of Black September should surrender, but Israeli intelligence has obtained a tape of the very conversation.

On it, Arafat can be heard unmistakably giving an order. That order was, "Remember the blood — Cold River."

Arafat's involvement was resurrected in the wake of recent terrorist acts, which launched an administration program of "using all legal tactics to combat international terrorism," as one Justice Department source explained it.

That was the reasoning behind the American interception of the Egyptian plane carrying reputed Achille Lauro mastermind, Mohammad Abbas; the establishment of cash bounties; and the recent federal indictment against the three TWA hijackers.

A coalition of influential Washington groups, reportedly including the conservative Heritage Foundation and the American Israel Public Affairs Committee, backed by high-ranking White House and Justice Department officials, have formally asked the Justice Department to indict Arafat for Noel's murder.

The decision is so sensitive, it must be made by Attorney General Edwin Meese and perhaps ultimately by President Reagan himself.

The campaign for Arafat's arrest began in earnest in early November when the administration made clear its determination to use legal tactics to retaliate against terrorists.

In a closed briefing for senior administration members, a high-ranking official asserted, "The use of a legal instrument against terrorism is a revolutionary idea. Revolutionary because of its simplicity. We are committed to going ahead down this path: The attorney general is committed. The head of the FBI is chasing down evidence all over the world. The president and National Security Council are committed to it."

At the same time, a National Security Decision Directive was either entered or was in the process of being entered by the National Security Council affirming that the use of all legal tactics against terrorism would be the official policy of the United States.

Personalities associated with AIPAC now began organizing the case against Arafat, sources say. It hinged on finding specific evidence.

That evidence was suggested during a recent discussion between U.N. Ambassador Vernon Walters, deputy director of the CIA during the period, and his colleagues at a Jewish organizational function.

During the meeting, Walters is said to have mentioned that the United States has a tape of Arafat personally ordering the murder of Ambassador Noel.

This information was put together with recently declassified diplomatic cables to establish grounds for indicting Arafat as a "co-conspirator." A three-page evidentiary memo with document attachments was assembled. Typed on plain bond and inscribed, the memo is entitled "The

Public Evidence That Yasir Arafat Ordered the Murder of U.S. Ambassador Cleo Noel."

Highly circumstantial, the memo offers only two items in support of the existence of the "Cold River" tape. The first is a recently released Israeli military intelligence briefing paper that declares, "The order to kill the diplomats had been phoned to the terrorists personally by Yasir Arafat." The second is the assertion that U.N. Ambassador Vernon Walters told associates "of the existence of the tapes in the possession of the United States government in which Yasir Arafat personally orders the assassination."

This second item was enhanced by distributors of the memo with the verbal explanation that "Walters has actually heard the tape."

Diplomatic sources reached in Jerusalem confirmed that the military briefing paper was based upon a tape in the hands of the Israeli government, but the source of the tape could not be disclosed for security reasons.

Sources in Washington confirm the same tape is held by U.S. intelligence, probably the National Security Administration, which monitors worldwide communication among terrorist groups.

Reached last weekend in New York, Walters rigorously and candidly denied he had personal knowledge of the tape. "I did not hear it and

wouldn't have known what I was hearing if I did because I do not speak Arabic," he said.

But he added, "I heard people say that they heard it [the tape] . . . This was common knowledge at the time among all sorts of people in the government." Walters indicated he meant government people not limited to the intelligence community.

Walters added his firm declaration that he had no personal knowledge that the U.S. had the tape, but he conceded that "there was talk at the time [1973] that this tape existed."

The measure of America's assurance that Arafat was personally involved might be gauged by the fact that just after the massacre, Walters

himself was personally dispatched by then Secretary of State Henry Kissinger to meet with the PLO in Morocco. "I spoke to a very senior PLO guy, but not Arafat directly," says Walters. The message: "Stop killing Americans or there would be serious consequences."

Sources indicate the CIA was prepared to begin a campaign of attacks against PLO facilities.

While Walters was willing to confirm what he knew about the Cold River tape, he was astonished at why anyone should be concerned about this matter 12 years after the fact. He claimed to know nothing of the evidence memo.

(Continued on next page)

Justice department urged to indict Arafat for acts of international terrorism

(Continued from preceding page)

Although proponents of the Arafat indictment were sure U.S. intelligence would eventually yield the tape, they were less sure about the question of jurisdiction. The relevant federal anti-terrorist law was enacted in 1976, but the crime was committed in 1973.

The question of *ex post facto* arises. So a small group of volunteer lawyers, including one recommended by a White House staff member and a second who works for a conservative Republican senator, produced a formal legal brief arguing the murders were a crime under international law when they were committed.

International law has always been incorporated into state and federal law, meaning that the murders were also U.S. crimes, the brief argues.

The memo concludes that the 1976 statute did not define a new class of crime; it merely provided federal jurisdiction. Hence, the federal court has jurisdiction.

Steven Lubet, professor of law at Northwestern University and the author of a just-completed paper, "Extradition of Nazis to Israel: A Survey of Issues in Trans-national Criminal Law," offered this comment: "There is no principle in international law that prevents the punishment of an act that was criminal where and when it occurred by another nation that

asserts its jurisdiction at some time thereafter."

Once assembled, the evidence memo and the legal brief were distributed to officials in the Justice Department and State Department, according to sources.

Attorney General Meese himself has seen the memos, was briefed on them by a lifelong friend, and sent them on to his staff for review, sources claim. Proponents and Justice Department sources doubt the proposal will be approved unless "the president gets behind it."

The whole idea, however, has created a divisive conflict within administration circles. Middle-level State Department officials respon-

sible for Near East affairs reportedly oppose the indictment because, as one proponent phrased it, "We are going after the very symbol of everything they've dreamed of—a Palestinian entity somehow with Yasir Arafat either at its head or giving it some legitimacy."

At the same time, the administration is engulfed in an all-out war against terrorists, and the president is committed to using the weapons of international law in the struggle.

Proponents assert that the first sign of progress came at a lunch meeting Nov. 22 between a high-ranking Justice Department official and an individual in favor of the indictment. The Justice Department official remarked, "Your proposal looks like it may go ahead."

The matter is so sensitive that key government officials are trying to either deny or downplay the entire affair. A State Department spokesman would say only that the drive to indict Arafat was "something

floated a few weeks ago by people at AIPAC and Heritage. But I think it's dead in the water and isn't going anywhere."

Justice Department officials declined to confirm any details for the record, but a spokesman who admitted he was unaware of the memo said, "In my opinion, we are not considering indicting Yasir Arafat."

Officials at the Heritage Foundation denied all knowledge of the memo, and officials at AIPAC refused to confirm or deny any details whatsoever.

But this much is clear. The Arafat indictment move has placed the administration between a rock and a hard place vis a vis the Mideast peace process, which inevitably involves Arafat, and the war against terrorism, which inevitably also involves Arafat.

The decision is up to Attorney General Meese and probably the president himself. Which project needs Arafat the most?

Meese Ponders Warrant for Arafat

BY DAVID SILVERBERG

U.S. administration officials are debating whether to issue a warrant for the arrest of Palestine Liberation Organization chief Yasir Arafat for the 1973 murder of U.S. Ambassador to Sudan Cleo Noel and U.S. Charge d'Affaires George Moore, according to reliable sources.

The renewed interest in the murder is sparked by recently uncovered additional evidence indicating that the order for the murder came directly from Arafat. Also murdered was Belgian diplomat Guy Eid.

One piece of evidence was contained in an Israeli "white paper" revealing previously concealed intelligence information and which charged that "the order to kill the diplomats had been phoned to the terrorists personally by Yasir Arafat." No source for the information was given, though the document referred to information obtained from "captured terrorists."

Another new piece of evidence was ventured by U.S. Ambassador to the United Nations Vernon Walters, who told some close associates

last month that he had heard tapes in the possession of the United States in which Arafat spoke the code words ordering the assassination.

The murders were carried out by Black September, a PLO terrorist unit which Arafat denied was under his control. However, evidence of an Arafat connection began mounting immediately after the incident and investigations by both *The New York Times* and London's *Sunday Times* indicated that the operation was controlled from Beirut.

According to a reliable source, the public evidence indicating Arafat's connection was passed from the Heritage Foundation to Meese by former U.S. Ambassador to the UN Security Council Charles Lichtenstein.

Lichtenstein refuses to comment on the case and says that all conversations he has with Meese are "privileged."

The current arguments within the administration over whether to prosecute Arafat deal with jurisdiction—not with the evidence itself. Proponents are arguing that the "Law of Nations" holds that any

assaults on diplomats constitute a crime and the United States has the jurisdiction to prosecute regardless of where the crime occurs. The proper jurisdiction, according to this argument, is Washington, D.C., district court.

In a separate but related development, the American Jewish Congress has put together a background paper on Arafat's complicity in the Achille Lauro hijacking. Written by

Phil Baum, AJC associate executive director, and Rafi Danziger and distributed by the National Jewish Community Relations Advisory Council, the paper discounts PLO arguments of non-complicity and agrees with the contention of *The Wall Street Journal* that there is a "direct line from the PLO to Mr. Arafat to Mr. Abbas to the hijackers of the Achille Lauro to the murder of Leon Klinghoffer." ▲

LEVEL 1 - 9 OF 238 STORIES

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November 24, 1985, Sunday, AM cycle

SECTION: International News

LENGTH: 180 words

DATELINE: KHARTOUM, Nov 24

* KEYWORD: SUDAN -AMERICANS

BODY:

A Palestinian convicted of assassinating U.S. Ambassador Cleo Noel in Khartoum in 1973 visited the capital earlier this month, adding to U.S. concern for the safety of American citizens here, Western diplomats said today.

The visit of the assassin, who was deported to Egypt immediately after his arrival in Khartoum, was one of the factors behind a State Department statement last Wednesday advising Americans to avoid Khartoum, they added.



Department of State

SECRET
TELEGRAM

REPER NOEL, CLEO A. JR

PER MOORE, GEORGE C.

CONFIDENTIAL R13 P.O. 17 SAUD-SUDAN

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ACTION MEA-12

INFO OCT-01 AF-10 AOP-00 IO-13 M-03 A-01 SY-07 USSS-00
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DEPT PASS USINT CAIRO: AMEMBASSY KHARTOUM

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TAGS: PINE XF

SUBJECT: PLO ROLE IN SURRENDER OF KHARTOUM TERRORISTS

REF: BEIRUT 2488

1. SUMMARY: FROM VARIOUS REPORTS APPEARING IN LOCAL PRESS, ESPECIALLY PAPERS CLOSE TO FEDAYEN, RE CONTACTS MAN 3 BETWEEN 'ARAFAT AND SUDANESE GOVT, WE HAVE PIECED TOGETHER WHAT WE THINK IS FAIRLY ACCURATE SCENARIO OF EVENTS LEADING TO SURRENDER OF KHARTOUM TERRORISTS. NEW IS IN PROVIDING EVIDENCE OF CLOSE CONNECTION BETWEEN 'ARAFAT AND PLO ESTABLISHMENT ON ONE HAND AND BLACK SEPTEMBERISTS ON OTHER, IT GIVES LIE TO 'ARAFAT'S CLAIM THAT PLO IN NO WAY INVOLVED IN KHARTOUM TRAGEDY. END SUMMARY.

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2. ACCORDING TO ACCOUNTS IN SEVERAL PAPERS (INCLUDING THOSE WITH GOOD FEDAYEEN CONNECTIONS), PLO EXECUTIVE COMMITTEE MET HERE MORNING OF MAR 3 FOLLOWING RECEIPT OF NEWS FROM KHARTOUM RE "EXECUTION" OF THREE US AND BELGIAN DIPLOMATS. PLO/EC REPORTEDLY TOOK DECISION AUTHORIZE CHAIRMAN YARAFAT SEND SPECIAL PLO REP (UNNAMED) TO KHARTOUM FOR URGENT TALKS WITH SUDANESE GOVT AND CARRYING "ORDER" FOR EIGHT TERRORISTS HOLDING OUT IN SAUDI EMB THAT THEIR "MISSION" WAS COMPLETED AND INSTRUCTING THEM TO TURN THEMSELVES OVER TO SUDANESE AUTHORITIES. LATER IN DAY, YARAFAT REPORTEDLY CONTACTED SUDANESE GOVT DIRECTLY (IN PHONE CALL SAID TO HAVE BEEN ARRANGED BY LEBANESE PRININ SALAM VIA SUDANESE EMB HERET), ASKING HIM REFRAIN FROM ASSAULTING SAUDI EMB AND BE PATIENT "PENDING ARRIVAL IN KHARTOUM OF PLO REP WHOSE PRESENCE WOULD ASSIST IN FINDING SOLUTION TO THE CRISIS."

3. SUCCESS OF THESE EFFORTS APPEARED CONFIRMED DURING NIGHT OF MAR 3-4, SINCE LOCAL PRO-FEDAYEEN AL MUHAMMIR REPORTED NEXT MORNING THAT "SSO HAS DECIDED END ITS KHARTOUM OPERATION BY HAVING FEDAYEEN SURRENDER TO SUDANESE AUTHORITIES" (FSTS 040723Z). PAPER SAID THIS DECISION HAD BEEN COMMUNICATED TO MUHAMMIR SHORTLY BEFORE MIDNIGHT AND QUOTED SSO AS BEING CONFIDENT SUDANESE PRES "WOULD ACCORD OUR FEDAYEEN YOUTH STATUS OF REVOLUTIONARY STRUGGLERS." IT ALSO QUOTED PLO OFFICIAL IN DAMASCUS SAYING EIGHT TERRORISTS WOULD GIVE THEMSELVES UP "TRUSTING THAT VERDICT OF SUDANESE COURTS WILL TAKE INTO ACCOUNT FEELINGS OF SUDANESE PEOPLE AND SACRED CAUSE OF PALESTINE."

4. HAVING CORRECTLY FORECAST WHAT TOOK PLACE IN KHARTOUM LATER ON MAR 4, AL MUHAMMIR ON MAR 5 CARRIED ALLEGED TEXT OF BLACK SEPTEMBER "ORDER" SENT TO TERRORISTS AT SAUDI EMB MAR 3. (PAPER CLAIMED IT RECEIVED SSO STATEMENT GIVING THIS TEXT FROM IRAQI NEWS AGENCY IN BEIRUT, BUT WE BELIEVE IT CAME STRAIGHT FROM FEDAYEEN.) TEXT OF "ORDER" FOLLOWS:

QUOTED: YOUR MISSION HAS ENDED. RELEASE SAUDI AND JORDANIAN DIPLOMATS. SUMMIT IN COURAGE TO SUDANESE AUTHORITIES TO EXPLAIN YOUR JUST CAUSE TO GREAT SUDANESE PEOPLE, ARAB MASSES AND INTERNATIONAL OPINION. WE ARE WITH YOU

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Department of State

TELEGRAM

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ON SAME ROAD. GLORY AND IMMORTALITY TO MARTYRS OF BEDDANI, NAME AL BARIO AND LIRYAN AIRCRAFT. END QUOTE. ASD STATE-
MENT ADDED: QUOTE: NOW THAT OUR YOUTHS HAVE GIVEN THEM-
SELVES UP AS INSTRUCTED, WE WISH MAKE FOLLOWING POINTS:

(A) THEIR OPERATION WAS AIMED AT LIBERATING ABU DAUD, HIS COMPANIONS AND SIRHAN BESHAMA SIRHAN WHO ARE BEING TORTURED IN VIOLATION OF ALL HUMAN ETHICS. IT WAS NOT INTENDED TO SHED BLOOD, BUT TO SET THESE MEN FREE.

(B) DUE TO ARROGANCE AND OBSTINACY DISPLAYED BY NIXON AND JORDANIAN RULERS, OUR REVOLUTIONARIES EXECUTED THREE HOSTAGES WHO CONTRIBUTED TO PLANNING MASSACRE OF OUR NATION AND CONSPIRED AGAINST IT. MOST IMPORTANT OF THESE WAS CURTIS MOORE, WHO WAS CIA BRAIN IN AREA AND ONE THOSE DIRECTLY INVOLVED IN SEPT 1970 MASSACHES.

(C) OUR FIGHTERS WERE FEARLESS AND FOLLOWED INSTRUCTIONS TO THE LETTER. THEY WERE NOT DETERRED BY THREATS OF PITY AND DID NOT CRAWL BEFORE AMERICANS WHO CONTROL PATE OF NATIONS. THOSE WHO SHED CROCODILE TEARS FOR HOSTAGES MUST REMEMBER THOUSANDS OF OUR NATION MASSACRED IN UNPRECEDENTED BRUTALITY AND THOUSANDS MORE IN JORDANIAN POISONS. END QUOTE.



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OPERATION UNDERWAY.

[REDACTED]

MOVEMENT [REDACTED] PARABATIS LAST-MINUTE
MOVE TO HELP AVERT ASSASSINATION OF SAUDI AND JORDANIAN
AMBASSADORS MAY HAVE BEEN DESIGNED MAINTAIN SOME SLIGHT
CREDIT WITH ARAB MODERATES AND THOSE WITHIN FETAYEENI MOVEMENT
WHO BELIEVE THAT EXTREMISTS LIKE SALAH KHALAF ARE LEADING MOVE-
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Draft Copy
Article to appear January 17, 1986

Arafat indictment follow-up

Congressional Pressure Builds

By Edwin Black

Cold River

Despite increasing pressures from congress and influential Washington circles, the Justice Department does not now intend to indict PLO chairman Yasir Arafat for personally authorizing the 1973 murder of U.S. Ambassador to the Sudan Cleo Noel, and two other diplomats. According to an informed source with direct knowledge of the Justice Department investigation, "the indictment is not going anywhere. There will be no indictment."

The Justice Department decision, the source reported, will be announced in the coming weeks, unless it reverses the decision in the face of increasing demands from congressional leaders to take President Reagan's anti-terrorist policy to its logical conclusion and indict Arafat himself.

But, the sources added, the situation is as fluid as the peace process itself, and if Arafat demonstrates he will not fulfill State Department expectations to recognize Israel, the Justice Department might reconsider.

The controversy began on November 14 when Attorney General Edwin Meese was personally presented with two memos advocating the indictment of Arafat. Presenting the memos was was Meese's lifelong friend Charles Lichenstein, former U.N. deputy ambassador and now of the conservative Heritage Foundation. Lichenstein was leading a bi-partisan group of influential Washington personalities in favor of the move.

Personalities associated with Heritage Foundation and the American-Israeli Public Affairs Committee, using Israeli intelligence materials, pieced together Arafat's role in the bloody 1973 massacre of U.S. Ambassador to the Sudan Cleo Noel.

These are the salient details: Noel and two other diplomats were taken hostage by Black Septemberists at the Saudi Arabian Embassy reception in Khartoum. Black September offered to trade Noel for Sirhan Sirhan and other imprisoned terrorists. Throughout the tense daylong drama Noel was treated courteously until the terrorists received a telephone call with the code words *Nahar El Bard*, Arabic for "Cold River." Cold River was the name of a Lebanese refugee camp that Israeli commandos had raided a few weeks before. Shortly after the call, the terrorists brutally massacred the diplomats, so badly they were unrecognizable.

During their trial in Khartoum, the terrorists admitted "Cold River" was the pre-arranged signal to commence Noel's murder. At the time, it was also known that Yasir Arafat was in direct telephone communication with the terrorists holed up in the Embassy, but Arafat insisted he only implored them to surrender. However, both United States and Israeli intelligence sources obtained tapes of Arafat's telephone call, which was openly relayed via radio transmitter from Beirut. Israeli government sources reached in Jerusalem confirm that on the tape Yasir Arafat can be heard speaking clearly in Arabic: "Remember the blood—Cold River."

Vernon Walters, deputy director of the CIA at the time and currently America's U.N. Ambassador, in an interview, denied he had personal knowledge of the tape, but added, "I heard people say that they heard it (the tape). . . this was common knowledge at the time among all sorts of people in the government." Walters indicated he meant government people not limited to the intelligence community.

The measure of America's assurance that Arafat was personally involved might be gauged by the fact that just after the massacre, Walters himself was personally dispatched by Secretary of State Henry Kissinger to meet with the PLO in Morocco. "I spoke to a very senior PLO guy, but not Arafat directly," says Walters. The message: "stop killing Americans are there would be serious consequences."

Israeli Intelligence Leak

Twelve years later, in the wake of Reagan's anti-terrorist policy decision, Israeli intelligence leaked their information. That information along with other material was compiled in an "evidentiary memo" saying the tape was sufficient evidence to indict Arafat personally. A legal brief, produced by leading Washington attorneys, asserted that the United States possessed jurisdiction even though the crime was committed prior to anti-terrorist legislation adopted in 1976. Long standing principles of international and domestic criminal law were cited. These two memos were then sent on November 14 to Meese by Lichenstein. And Washington personalities in and out of government began quietly pressuring for an indictment.

High Administration officials including some in the White House were originally enthusiastic about the indictment. But a rift quickly broke out among government circles as middle level officials at the State Department hoping to include Arafat in the peace process saw any indictment and international arrest warrant as sabotaging their Arafat-based peace efforts.

After a number of articles strongly advocating the indictment, key Republican legislators stepped up their pressure. These included Colorado Senator William Armstrong and Iowa's Senator Charles Grassley, who sits on the Judiciary Committee. Armstrong sent a letter directly to Meese declaring that if news reports "can be substantiated... then certainly the policy outlined by the President should be applied in this instance." Grassley's letter was equally emphatic.

Attorney General Meese finally moved the matter off his desk and assigned the investigation to the Criminal Division, according to Justice Department sources. A December 19 meeting between Meese and the Justice Department to review the matter was scheduled, according to a report in the *Washington Times*. Justice department sources discounted that the meeting actually took place, but other informed sources assert the first review has indeed taken place, and a second and final review will take place in the weeks to come.

The mood in the administration at the time—late December—was mainly irritation with senators who were pushing the indictment just days before the crucial December 31 deadline set by King Hussein for Yasir Arafat to formally renounce terrorism and accept U.N. resolutions 242 and 248, thus facilitating his induction into the peace process. Indeed, reports in Saudi Arabian and East Jerusalem newspapers cited "moves to connect Yasir Arafat to the killing of the U.S. Ambassador to the Sudan..." as a "dirty attempt... at isolating the PLO which stands as an obstacle in the face of implementing American schemes in the area."

However, Arafat did not issue the expected reconciliation statement. He merely disavowed terrorist operations outside Israeli soil. King Hussein and President Hosni Mubarak in joint consultation then gave Arafat a final 30 days to comply. But these efforts were soon obsoleted by the Abu Nidal group which staged airport massacres at Rome and Vienna on December 27. The timing was obvious, and Abu Nidal statements declared the massacres constituted the warning to "those who would make peace with Israel."

Dan Mica

Quickly, the move to indict Arafat widened. "Assuming the tape is correct... he should of course be indicted," insists Florida Congressman Dan Mica. "This goes for any PLO leader and any terrorist anywhere."

Mica, who chairs the House Foreign Affairs sub-committee which oversees embassy operations, has appealed to the Justice Department. "In the meantime," says Mica, "I'm trying to arrange to hear the tape myself."

Mica's office indicates the project "is a high priority with the congressman," adding that if the tape can be located and verified, Mica will "try to influence the executive branch to indict, whether it's through back-channel communications, passing congressional resolutions, or whatever options are appropriate."

Israel cannot yield its copy of the Arafat tape without compromising intelligence sources, according to Jerusalem officials. American intelligence sources suggest America's copy of the tape would be in the possession of the super-secret National Security Agency (NSA) whose mission is the monitoring and taping of coded diplomatic messages around the world. Indeed, a Justice Department source indicated there could be no public comment "because it's not our game alone. It involves Justice, the State Department and the NSA." But a spokesman for NSA declared, "Even if we had the tape, we wouldn't admit it."

Momentum for indictment continued to build in the aftermath of Libyan strongman Col. Moammar Qaddafi's public praises for the airport terrorists. As the administration suggested military retaliation and considered further legal moves, Illinois Senator Alan Dixon, who co-chairs the Congressional Anti-Terrorist Caucus announced he too would favor Arafat's indictment.

But just as the administration suddenly refused to target Syria for immediate retaliation for fear of upsetting crucial peace developments, Justice Department sources also began cautioning that the Arafat review would not be completed "for say—a month." That timing would coincide with the new deadline given Yasir Arafat to join Jordan and Egypt in the peace process.

However, as the prospect for military intervention against Libya diminished, and legal retaliation became more viable, Washington sources saw the State Department's reservations as becoming less important. "We'll make our decision totally independent of the State Department," insisted a Justice Department source specializing in terrorist counter-efforts. "It's a matter of law—only law." But at press time, the mood suddenly shifted again. An informed source with direct knowledge of the investigation declared, "the indictment is not going anywhere. There will be no indictment." Apparently, jurisdiction is being used as the basis for not acting.

Congressional and some administration sources say they will not accept backing down. New Jersey Senator Frank Lautenberg has prepared a "Dear Colleague" letter for distribution to the entire congress. "These allegations, if substantiated, leave little doubt that a warrant for Yassir Arafat's arrest should be issued and a criminal indictment filed against him," the letter states.

Anticipating the continuing objections of the State Department, Lautenberg's letter declares, "To allow other factors to enter into this decision is to make a mockery of our laws and our stated commitment to eradicate terrorism. As President Reagan told an American Bar Association convention this July: 'We will seek to indict, apprehend and prosecute terrorists...' We urge the Justice Department to assign the highest priority to completing this review and to issue an indictment of Yassir Arafat if the evidence so warrants."

Despite the lobbying, however, as of this writing, the administration seems to believe Yasir Arafat is more important to the peace process than the war against terrorism. For that reason, the administration will not pursue the indictment and wishes the entire matter would go away. But, if Congressional pressure becomes too great, or if Arafat conclusively proves in the coming weeks he will not renounce terror and recognize Israel, the administration may make a new determination—this one strictly on the evidence. □

**THE PLO OBSERVER MISSION
AT UNITED NATIONS HEADQUARTERS IN NEW YORK
DOES NOT HAVE DIPLOMATIC IMMUNITY
FROM CRIMINAL PROSECUTION**

Permanent observer missions at the United Nations Headquarters in New York are not granted diplomatic immunity by any of the major agreements the United States has signed. This was conceded by an authoritative and explicit legal opinion on the status of permanent observer missions issued by the United Nations Office of Legal Affairs in 1962: "Permanent observers are not entitled to diplomatic privileges or immunities under the Headquarters Agreement or under other statutory provisions of the host state...If they are not listed in the United States diplomatic list, whatever facilities they may be given in the United States are merely gestures of courtesy by the United States authorities."¹ In an October 1982 statement, the United Nations Legal Counsel, Erik Suy, noted that "there are no specific provisions relating to permanent observer missions in the Charter, the Headquarters Agreement or the Convention on the Privileges and Immunities of the United Nations..."² Thus, the PLO observer mission does not have diplomatic immunity from criminal prosecution in U.S. courts.

...NOR WOULD YASSER ARAFAT IF HE CAME TO NEW YORK

Invitees to the United Nations are also not among those granted diplomatic immunity by the host nation. In a 1963 opinion paper of the Secretariat, the United Nations Office of Legal Affairs described the intent of the Headquarters Agreement: "The Headquarters Agreement does not confer diplomatic status upon an individual invitee because of his status as such. He therefore cannot be said to be immune from suit or legal process during his sojourn in the United States and outside the Headquarter's District."³

CASES

There are several cases which provide precedent on the issue of United Nations non-member missions and diplomatic immunity. In *Pappas v. Francisci* (1953), the Supreme Court of New York ruled that permanent observer missions did not have diplomatic immunity. The decision quoted from a 1952 opinion of the Acting Chief of Protocol of the United Nations: "The Headquarters Agreement does not mention the observers category and up until now the agreement has not been interpreted to confer diplomatic immunity on such persons and/or members of their staff."⁴

The question of immunity of an invitee to the United Nations arose in the 1963 case of Enrique Galvao, a Portuguese national living in Brazil who sought to come to New York to testify before a United Nations committee. Portugal was seeking extradition of Galvao on charges of piracy and hijacking under a U.S.-Portugal extradition agreement. The United States Representative to the United Nations, Sidney Yates, clarified the U.S. position on immunity of invitees: "Section 11 [of the Headquarters Agreement]... does not grant them [invited persons] immunity from legal process" and noted that "the General Convention [on Privileges and Immunities of the United Nations] does not confer any immunities on invitees."⁵ The United Nations Office of Legal Affairs supported Yates' conclusion in an opinion paper on the case: "It is thus clear that the United Nations would be in no position to offer general assurances to Mr. Galvao concerning immunity from legal process."⁶

"FUNCTIONAL IMMUNITY"

While the PLO mission and PLO invitees in New York do not enjoy diplomatic immunity, they are conferred certain functional immunities. Functional immunity was explained by the Deputy U.S. Representative to the United Nations and summarized in the 1983 Report of the Committee on Relations with the Host Country: "...Permanent observer missions enjoy only functional immunity, namely, immunity from arrest resulting directly from the discharging of those specific functions for which the mission had been permitted into the United States."⁷ The 1983 Report also summarized the opinion of the Office of Legal Affairs: "Such functional privileges and immunities were to be extended to permanent observer missions, which had developed de facto, including the immunity from legal process in respect of words spoken or written and all acts performed by members of the mission in their official capacity before United Nations organs, as well as inviolability for official papers and documents relating to an observer's relation with the United Nations and inviolability of the premises of the mission and of the residences of its diplomatic staff."⁸ These immunities, which do not include immunity from criminal prosecution for acts committed outside the performance of United Nations functions, are the maximum claim of members of the PLO mission or Yasser Arafat if he were to come to the United Nations.

LEGAL EXPOSURE

Because they lack diplomatic immunity, the PLO mission and Yasser Arafat, if he were to come to the United Nations, could be subject to various legal actions:

- * Criminal justice procedures in Federal or New York State courts
- * Extradition proceedings on actions involving other nations
- * Civil suits by victims of the PLO

Insofar as jurisdiction exists in state or federal courts, civil actions could be brought by victims of PLO terror and crime seeking indemnification for damages. In such cases, the plaintiffs have the right of discovery into facts relevant to allegations in the complaint. Further, if the plaintiff wins a money judgment and the judgment is not paid by the PLO voluntarily, the plaintiff may have the right of discovery into the PLO's assets in the United States. If these assets are insufficient to satisfy the judgment, it may be possible to discover and make claims against assets in other countries.

Even if the U.S. government did not bring legal action against the PLO mission or Arafat in New York, such actions could be brought by others. A U.S. representative to the United Nations, Sidney Yates, noted during the 1963 Galvao case that "the United States Secretary of State had no power to prevent the arrest of a person whose extradition was sought by a Government with which the United States had an extradition convention, unless such a person was covered by immunities or other facts not present in the instant case..."⁹ In its opinion on the Galvao case, the United Nations Office of Legal Affairs noted that "Even if it should prove possible that the executive branch could, in the exercise of its authority over foreign affairs, certify and allow to the judicial branch that the freedom of Mr. Galvao to depart without impediment should override the authority of the courts to detain him, it is not clear on what basis an advance assurance could be given him."¹⁰

NOTES

1. United Nations Juridical Yearbook, 1962, ST/LEG/8 (Provisional mimeo), p. 237.
2. Statement by Erik Suy, United Nations Legal Counsel, October 1982.
3. Marjorie M. Whiteman, Digest of International Law, vol. 13 (Washington: U.S. Department of State, 1969) p. 94.
4. Pappas v. Francisci, 119 N.Y.S. 2d, 69 (Sup. Ct. Kings County 1953).
5. Whiteman, pp. 92-93.
6. Whiteman, p. 94.
7. Report of the Committee on Relations with the Host Country, General Assembly Official Records: 37th Session, Supplement no. 26 (A/37/26) p. 12.
8. Ibid, p. 13.
9. Whiteman, p. 96.
10. Whiteman, p. 95.

THE POWER OF THE UNITED STATES TO EXCLUDE YASSER ARAFAT FROM UNITED NATIONS HEADQUARTERS IN NEW YORK

Since the establishment of the United Nations Headquarters in New York, and the signing of the Headquarters Agreement between the United States Government and the United Nations Organization in 1947, the United States has reserved and exercised the right to safeguard its security by denying visas to delegates, representatives, and invitees whose entrance to the Headquarters District might imperil its security. This right was explicitly reserved by Congress and signed into law by President Harry Truman on August 4, 1947, in Section 6 of Public Law 357 (80th Congress), conditioning the terms under which the United States accepted the Headquarters Agreement: "Nothing in the [Headquarters] Agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens...." U.S. Representative Warren R. Austin conveyed this reservation to U.N. Secretary-General Trygve Lie in his formal notification on November 21, 1947: "I have the honor to inform you that the Government of the United States of America is prepared to apply the above-mentioned Headquarters Agreement subject to the provisions of Public Law 357." The Secretary-General recognized the significance of PL 357, in his own report on the Headquarters Agreement dated September 3, 1947: "Public Law 357 refer[s] to the interpretation placed on the Agreement by Congress, in particular to the right of the United States to control the entry of aliens into the territory of the United States. In this connection it would appear desirable to draw the General Assembly's attention to Section 6 of Public Law 357."

The legislative history of Section 6, according to an authoritative 1953 State Department interpretation by the Assistant Legal Adviser for United Nations Affairs, was as follows: "The President was empowered to sign the Agreement on behalf of the United States only subject to the reservations specified in Public Law 357.... When the House of Representatives considered the Joint Resolution as approved by the Senate, it felt that a definitive reservation was needed regarding the safeguarding of the national security of the United States. It was the opinion of the House that the United States must have at least some control over the entrance of aliens into the Headquarters District and its immediate vicinity, this control to be limited by the strict requirements of national security." These requirements were described in a joint Position

Paper of the Department of State and the Department of Justice, dated May 4, 1953: "The pertinent provisions of the domestic law of the United States relating to the exclusion of aliens on grounds affecting the national security may be found in Section 212(a) (27), (28), and (29) of the Immigration and Nationality Act." Paragraph 27 of the Immigration and Nationality Act permits the exclusion of aliens who "seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest or endanger the welfare, safety, or security of the United States." Paragraph 29 permits the exclusion of aliens who, the U.S. has reason to believe, would (inter alia) "engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security...." The joint Position Paper also states that "The Government of the United States does not consider that it is under any legal obligation to submit to the United Nations . . . the nature or source of information of a classified nature which forms the basis of its conclusions in an individual alien's case...." (See attachment on Procedures).

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I am certain that no Government around this table, and I would particularly include the Soviet Union and Czechoslovakia, would expect the United States to permit him to come to New York, no matter what his purported business or his alleged purposes. Clearly the headquarters agreement . . . did not contemplate the admission of desperadoes and trigger-men.

On October 6, 1972, U.S. Ambassador George Bush explained to U.N. Secretary General Kurt Waldheim a decision to bar Dia-Allah El-Fattal, head of the International Organizations Department in the Syrian Foreign Ministry, from joining his country's delegation in the General Assembly, in the face of strenuous objections by Syria. This controversy led to a number of newspaper stories, which gave as the reason for exclusion his purported involvement in recruiting individuals for terrorist operations by the PLO. The Washington Post (October 7, 1972) quoted a State Department spokesman as saying that the United States believes its security laws take

precedence over the U.N. Headquarters Agreement. The New York Times (same date) observed that the practice of barring persons from coming into the country to go to the United Nations "is not normal, but it is not unique either... and it is believed that the practice has not been challenged."

According to reliable authorities, these few examples that have become known in the public record typify a far larger number of cases that are kept confidential. Reportedly, the practice is to rely, insofar as possible, on oral communication in highly confidential exchanges between the United States mission and the authorities of the Secretariat of the United Nations organization, and the countries affected. In addition, the United States and the United Nations secretariat have sought to avoid a confrontation over differences of legal interpretation of the Headquarters Agreement. (See attachment on procedure).

This practice of confidential communication in cases of visa denial has been continued under the Reagan Administration, during which, according to Ambassador Charles Lichenstein, the United States has exercised its rights to deny visa applications reserved by PL 357 Section 6, several dozen times. In fact, he notes, "the matter is after forty years of experience such common practice that only rarely do these cases become controversial at all."

Other officials familiar with these cases report that, at times, the U.S. has considered it necessary to its security to deny visas and exclude from the U.N. Headquarters even senior officials of delegations from major member nations, who enjoy much greater protection under the Headquarters Agreement than do representatives and visitors associated with Observer Missions.

Arafat himself seems to be aware that the U.S. has the power to deny him a visa. He told the Bahrain-based Gulf news agency WAKH on October 25, 1985 that, "Even if a resolution had been issued inviting me to the [40th Anniversary events of the] United Nations, Reagan would never have granted me a visa to enter the United States." (Four days later he told the Baghdad Voice of PLO that Reagan had actually denied him a visa.)

Sources

For a detailed history of PL 357 Section 6, see especially Marjorie M. Whiteman, Digest of International Law, Volume 13 (Washington: U.S. Department of State, 1969) pp.75-91; a legal memorandum on the subject introduced into the Congressional Record by Senator Patrick Leahy on October 18, 1985, pp. S13569-S13585; and a collection of materials on the development of U.S. policy toward controlling access to the U.N. Headquarters, in Foreign Relations of the United States, 1952-54, Volume III (Washington: U.S. Department of State, 1979) pp. 195-312.

PROCEDURE

Memorandum by the Under Secretary of State for Administration (Lourie) to the United States Representative at the United Nations (Lodge)

WASHINGTON, May 29, 1953

Subject: Implementation of the Headquarters Agreement and Section 6 Reservation

The following brief statement, based on the very helpful analysis and suggestions contained in your memorandum of May 19, 1953, sets forth our understanding of procedures which can usefully be followed in dealing with the access provisions of the Headquarters Agreement where a security problem exists.

1. It is highly desirable for you to agree with Mr. Hammarskjold on a practical working solution of the question of access by aliens to the United Nations headquarters, rather than to dispute with the Secretary-General, and the Organization at large, legal questions concerning the effect and scope of the Section 6 reservation.

2. In cases where an alien covered by Section 11 of the Headquarters Agreement applies for a visa and the consular officer considers that the alien is or may be excludable under subsections 212(a) (27), (28) or (29) of the Immigration and Nationality Act, the consular officer will refer the matter to the Department of State. No visa will be denied by a consular officer prior to such reference.

4. When it is determined that a visa will be denied on security grounds (for example, because the Department of State or the Department of Justice considers that the applicant alien is covered by subsection 212(a) (27) or (29) of the Immigration and Nationality Act), the Department will communicate to you the reasons for this action. You would then be authorized in your discretion to discuss the alien's case with the Secretary-General, making known to him the substance of the information on which this Government based its decision to deny a visa. The information so given to the Secretary-General would need to be limited in such a way as not to disclose the source of the information. The Department would send its communication to you as soon as possible after the decision to deny a visa, and in any event before the visa is denied by the consular officer. As stated in your memorandum of May 19, you would not discuss with the Secretary-General the cases of governmental representatives, but of other aliens covered by Section 11 of the Headquarters Agreement.

State Department Policy on Visa Denial

**(Spokesman Charles Redman
Noon Briefing, January 15, 1986)**

Overriding national security concerns sometimes demand that we exclude a particular alien or class of aliens from the United States. Thus the United States occasionally finds it necessary, under extremely tight control and in extremely small numbers, to exclude aliens for reasons relating to internal security or because we conclude that their presence for a particular visit would have a potentially serious adverse effect upon the conduct of our foreign policy, or because of their personal advocacy of terrorism or membership in or affiliation with certain terrorist organizations.

For example, it has been United States policy, sanctioned by the Congress as recently as 1979, to deny visas to members of the PLO. Similarly, we will as a matter of principle exclude individuals who personally advocate terrorism or who we believe have participated in or supported terrorist activities.

vertime summit

Top marks to Soviet First Lady

Mercury Correspondent

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about three hours yesterday afternoon but the news blackout imposed when the talks began on Tuesday morning remained in effect.

'Good progress was made but some work remains to be done,' Mr Speakes told reporters.

Mr Speakes said: 'There are broad areas of agreement and other areas where discussion must take place on the manner and content of their report on the summit.'

We are looking for a way to report on the range of topics that have been discussed here,' he added.

Mr Gorbachev will hold a news conference at 11 a m S A time today, but Mr Speakes did not make clear how Mr Reagan

would report the outcome of the summit.

Mr Speakes held out the possibility that 'we could put out a joint statement by the leaders', but added this was only one option under consideration.

Mr Speakes refused to specify the areas in which agreement had been reached and declined to discuss substantive issues.

U S officials have said minor accords in such areas as cultural and consular exchanges, maritime boundaries and an airline pact might be ready for signing at the end of the summit.

The first superpower talks in six years were marked by a surprisingly good rapport between Mr Reagan and Mr Gorbachev. — (Sapa-Reuter)

GENEVA—Mrs Raisa Gorbachev outshone Mrs Nancy Reagan when she gave her first speech as Soviet First Lady here yesterday.

The wife of the Kremlin leader appeared to have memorised her three-minute text for laying a foundation stone with Mrs Reagan at a Red Cross museum. She spoke with perfect poise and phrasing.

Mrs Reagan, who spoke first, read through her text and while always charming did not have the same presence.

The Russian speech — no doubt provided by Soviet officials — was obliquely political, while Mrs Reagan stuck to generalities.

Mrs Gorbachev, who lectures in political philosophy at Moscow University, seemed completely at home behind the microphone.

'The activities of the International Red Cross convince us of the fruit that combined efforts can bear when states work together for peace, goodwill and co-operation,' she said.

Like her husband, she moved her gaze across her audience as she spoke, as if demanding their attention.

'People may affiliate themselves with various world views,' she said. 'However, we are forced to come up with some common language when we are speaking in terms of life, health and the future of the human race.'

Mrs Gorbachev hoped 'that there may be less grief, less suffering and more radiant happiness in the world'.

She and Mrs Reagan, who met again for tea yesterday, looked happy and relaxed together. They exchanged commemorative scrolls in a symbolic gesture before placing them in a time capsule under the foundation stone.

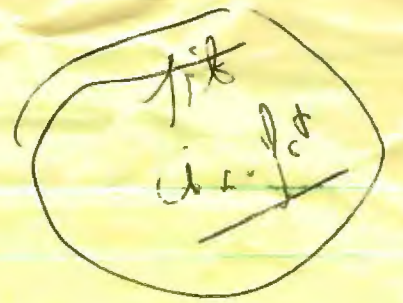
Without waiting for the ceremonial music to finish, Mrs Gorbachev then mustered her aides and left quickly, apparently to avoid photographers, with whom she has shown signs of impatience.

Arriving for tea with Mrs Reagan in freezing temperatures on Tuesday, Mrs Gorbachev told cameramen 'that's enough'.

Look who's with the PLO chief



New Delhi—Zenani Dlamini, daughter of jailed African National Congress leader Nelson Mandela, is flanked by Palestine Liberation Organisation leader Yasser Arafat (right) and Indian Prime Minister Rajiv Gandhi. They were at a Non-Aligned Youth Conference in New Delhi at which Mr Gandhi said the armed struggle by the ANC and PLO movements could not be described as terrorism. — (Reuter)



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"our time not as clear as US's"

Dosh - source said others told him that Anafat
directly responsible.

Rosen - not the same human intelligence.

(2) The responsibility lies with those who make a distinction between terrorists, saying that Abu Nidal is a "bad" terrorist but Arafat is a "good" terrorist.

My friends, there is no such thing as a good terrorist, and anyone who makes such a distinction in effect condones and encourages terrorism. Indeed, such distinctions inevitably paralyze action whenever terrorism rears its ugly head.

(3) The responsibility lies with the West European states of the European Economic Community that, because of oil, adopted a resolution in November 1973, following the invasion of Israel by Syria and Egypt, condemning the victim rather than the aggressors.

(4) The responsibility lies with those who for years refused the extradition of terrorists, but instead let them go free.

I shall never forget that, when I served as Legal Advisor to Israel's Foreign Ministry, Israel requested, jointly with West Germany and in conformity with our extradition treaty, the extradition of Abu Daoud, the terrorist conspirator who organized the Munich killings; he was set free because there was fear of retaliation by the PLO and Arafat.

(5) The responsibility lies with all those Western states that have accorded virtual diplomatic status to the PLO and have permitted PLO offices to function; with respectability and legitimacy, as bases from which to launch their terrorist murder.

THE POWER OF THE UNITED STATES TO EXCLUDE YASSER ARAFAT FROM UNITED NATIONS HEADQUARTERS IN NEW YORK

Since the establishment of the United Nations Headquarters in New York, and the signing of the Headquarters Agreement between the United States Government and the United Nations Organization in 1947, the United States has reserved and exercised the right to safeguard its security by denying visas to delegates, representatives, and invitees whose entrance to the Headquarters District might imperil its security. This right was explicitly reserved by Congress and signed into law by President Harry Truman on August 4, 1947, in Section 6 of Public Law 357 (80th Congress), conditioning the terms under which the United States accepted the Headquarters Agreement: "Nothing in the [Headquarters] Agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens...." U.S. Representative Warren R. Austin conveyed this reservation to U.N. Secretary-General Trygve Lie in his formal notification on November 21, 1947: "I have the honor to inform you that the Government of the United States of America is prepared to apply the above-mentioned Headquarters Agreement subject to the provisions of Public Law 357." The Secretary-General recognized the significance of PL 357, in his own report on the Headquarters Agreement dated September 3, 1947: "Public Law 357 refer[s] to the interpretation placed on the Agreement by Congress, in particular to the right of the United States to control the entry of aliens into the territory of the United States. In this connection it would appear desirable to draw the General Assembly's attention to Section 6 of Public Law 357."

The legislative history of Section 6, according to an authoritative 1953 State Department interpretation by the Assistant Legal Adviser for United Nations Affairs, was as follows: "The President was empowered to sign the Agreement on behalf of the United States only subject to the reservations specified in Public Law 357.... When the House of Representatives considered the Joint Resolution as approved by the Senate, it felt that a definitive reservation was needed regarding the safeguarding of the national security of the United States. It was the opinion of the House that the United States must have at least some control over the entrance of aliens into the Headquarters District and its immediate vicinity, this control to be limited by the strict requirements of national security." These requirements were described in a joint Position

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**President Reagan
on the Use of the
Legal Instrument Against Terrorism**

"We must act against the criminal menace of terrorism with the full weight of the law, both domestic and international. We will act to indict, apprehend and prosecute those who commit the kind of atrocities the world has witnessed in recent weeks."

Address to the American Bar Association, July 8, 1985 (as reported in the New York Times, 7/9/85, p. 1)

The Washington Post

January 3, 1986

Charles Krauthammer

Arafat's Children

Fifteen innocents died in Palestinian terror attacks on Rome and Vienna airports last week. Who killed them?

Yasser Arafat undoubtedly did not order these attacks. Abu Nidal, leader of a breakaway faction of the PLO, almost certainly did. Arafat has deplored the whole affair, and some, like the Austrian government, made absolving him their first post-massacre order of business.

It won't wash. It is time, after two decades of Palestinian terror, for Palestinian leaders to take responsibility—"credit" they used to call it in the days when they openly embraced terror—for the monsters they have created.

In its 20 years, the PLO fashioned a cult of righteous violence, an ideology of terror. Terror was not only justified as a military necessity but glorified as a reclamation of Arab dignity. Attacks on civilians were accorded the language of war. Victims were called "targets," killers "commandos," murder "an operation." All was reported in a "communiqué." Indeed, Arafat's greatest achievement—to the sorrow of his suffering people, his only achievement—is to have made terror respectable. He brought it to Western capitals, where it earned acquiescence, to the podium of the U.N., where it drew applause, and to young Palestinians, where it shaped the imagination of a generation.

Now, it seems, Arafat has had enough. He now declares, before the right audience, that he wants to turn the terror off. But he can't. Barbarism springs up again in Rome and Vienna, and Arafat now piously deplores it.

But after all, who are these new young killers if not his disciples, determined to follow his original gospel, not his late revisionism? From whom, after all, did the PLO "splinter groups" learn to hijack and murder? Where does Abu Nidal, once the PLO's man in Baghdad, now carrier of the tradition that Arafat has wearied of, come from—if not from the cult of terror that Arafat developed over two decades?

At every level, Arafat's new found renunciation of terror rings hollow. First of all, in large part, the renunciation is a lie. The PLO denied involvement in the Achille Lauro affair and the murder of three middle-aged Israelis on a yacht in Larnaca, Cyprus. Like the "Black September" Munich Olympics massacre (also reputedly and conveniently carried out by a PLO "offshoot"), these attacks were, in fact, directed by Arafat's PLO.

Moreover, Arafat makes clear that his non-terrorism stance, such as it is, is just a tactic. Terror has now become a diplomatic inconvenience. But there is no repudiation of terror in principle. No condemnation of past terrorist acts. No theory to explain why the murder of innocents is wrong, rather than just bad public relations.

How can there be? Arafat's post-Achille Lauro "Cairo declaration" opposes terrorist attacks—except if they take place in Israel. The wrongness of terror is purely a matter of geography, not morality. If so, if forswearing terror is a matter of tactics, not principle, then it is inevitable that other Palestinians will come to different tactical conclusions. They evidently did in Rome and Vienna.

The sanctity of life is not a major PLO theme. Farouk Kaddoumi, Arafat's "foreign minister," spoke last month at a U.N. lunch attended by the U.N. secretary general. He said this of Leon Klinghoffer: "Perhaps it might be his wife [who] pushed him over into the sea to have the insurance. Nobody even had the evidence that he was killed." What are the murderers of Vienna and Rome responding to if not a lifetime of such lessons in cynicism?

Lessons thoroughly learned all over the Arab world. Last October an Egyptian policeman opened fire on Israelis vacationing in the Sinai. He murdered seven, including four children. An Egyptian court sentenced him to life imprisonment. The Egyptian opposition held large demonstrations calling for the release of the "hero of Suez." The National Assembly of Kuwait—"moderate" Kuwait—demanded that he be not just freed but honored for having "restored to the Arab people some of its dignity."

To call the murders at Rome and Vienna senseless is mere intellectual laziness. They were not. In a political culture where the existence of Israel is in itself an act of aggression, and the murder of Israeli children is a restoration of national dignity, what happened at Rome and Vienna is perfectly logical. When one of the surviving Vienna terrorists was asked why he attacked so many innocent people, he had his answer: "Because it is Israel. We kill Israel." QED.

Only a few years ago Arafat took "credit" for such acts. Even now, so long as they take place in Israel, he still takes credit. Today, however, regarding murder in Rome and Vienna, he plays the innocent. He is too modest. He deserves the credit here, too. That the godfather of modern terrorism may now equivocate on the subject is a diplomatic nicety. It is also a historical irrelevancy. His work is done. His children carry on.

Arafat on the U.S.

The U.S. is "a principal adversary,"¹ while the U.S.S.R. is "our friend and ally."² "The United States is conducting terrorism, as it has done in Guatemala, Vietnam, Latin America, Central America, El Salvador, Nicaragua, and by implanting Israel in Palestine as a terrorist entity."³ "The U.S. is the center of this aggression" against the Palestinians.⁴ Zionism is "the imperialist center . . . a bridgehead for the United States."⁵ Israel is the major hand of U.S. terrorism in the Middle East."⁶ Washington's attitude "is not partiality for Israel, but rather a direct confrontation between us and the United States."⁷ "The Arab nation and its masses must deal with the U.S." by boycotting it politically."⁸ "I personally believe that Reagan is a simple robot and a parrot" who "lacks reason."⁹ "As for me, my objective is to defy the Americans and resist their policies."¹⁰ "We are on the threshold of a fierce battle--not an Israeli-Palestinian battle but a Palestinian-U.S. battle."¹¹

Notes

1. Al-Sharq Al-Awsat, October 18, 1985
2. Voice of Palestine, May 16, 1985
3. Voice of Palestine, April 30, 1985
4. Baghdad, Voice of PLO, December 31, 1985
5. Voice of Palestine, May 15, 1985
6. MENA, October 13, 1985
7. Al-Sharq Al-Awsat, October 18, 1985
8. Ibid.
9. KUNA, January 1, 1986
10. Agence France Press, Paris, November 19, 1984
11. Al Ahali, November 13, 1985



AIPAC MEMORANDUM

500 NORTH CAPITOL STREET, N.W. • SUITE 300 • WASHINGTON, D.C. 20001 • (202) 638-2256

December 4, 1985

ARAFAT AND TERRORISM

Terrorist Acts Claimed by Arafat's Wing of the PLO Since February 11, 1985

Date	Incident	Responsibility claimed by	Date	Incident	Responsibility claimed by
2/11	Incendiary bomb attack on an Israeli bus on the West Bank	PLO General Command(1)	5/8	Israeli navy sinks a rubber dinghy off the coast of Tyre carrying Palestinian guerrillas heading for the Israeli coast	PLO General Command
2/14	Molotov cocktail thrown at an Israeli bus on road to Jerusalem	PLO General Command	5/12	Explosions at: • Bus stop near Shaara Tzedek hospital in Jerusalem • Shimon road near Bat Shemesh • Givat Sharat near Bat Shemesh • Liberty Bell Park in Jerusalem	PLO General Command
2/14	Molotov cocktails thrown at a bus carrying Israeli settlers on the West Bank	PLO General Command	5/13	Machine gun and grenade attack against an Israeli vehicle on West Bank	PLO General Command
2/14	Derailment of a train between Haifa and Tel Aviv	PLO General Command	5/14	Hand grenade attack on an Israeli vehicle in West Bank	PLO General Command
2/19	Israeli bus hijacked near Hebron	PLO General Command	5/16	Machine gun attack against an Israeli bus on West Bank	PLO General Command
2/22	Israeli bus hijacked on West Bank	PLO General Command	5/26	Detonation of a remote - controlled explosive charge in Haifa	PLO General Command
2/24	Molotov cocktails thrown at an Israeli bus near Bethlehem	PLO General Command	5/29 & 5/31	Detonation of a remote - controlled explosive charge in Afula	PLO General Command
2/26	Bomb attack on a shop in Ashdod	PLO General Command	6/6	Detonation of a remote - controlled device in Tammun	PLO General Command
2/26	Hand grenades thrown at a Tel Aviv restaurant	PLO General Command	6/8	Incendiary bomb attack on a gas station in Hebron	PLO General Command
3/12	Explosive charge near Israeli settlement in West Bank	PLO General Command	6/9	Machine gun attack against an Israeli truck in Gaza	PLO General Command
3/13	Molotov cocktail thrown at branch of Bank Leumi in Jerusalem	PLO General Command	6/10	Incendiary bombs hurled at an Israeli bus near Nabulus	PLO General Command
4/8	Incendiary bomb thrown at an Israeli bus on West Bank	PLO General Command	6/10	Hand grenade attack on an Israeli vehicle in Nabulus	PLO General Command
4/9	Incendiary bomb thrown at an Israeli vehicle near Bethlehem	PLO General Command	6/10	Attack on an Israeli bus with incendiary bombs on West Bank	PLO General Command
4/14	Hand grenade attack on an Israeli bus near Hebron	PLO General Command	6/12	Explosive charge detonated in Ashqelon	PLO General Command
4/14	Attack on an Israeli vehicle near Hebron	PLO General Command	6/17	Attack on an Israeli vehicle near Bethlehem	PLO General Command
4/22	Pedayeen naval operation - attempt to launch an attack from the sea against the center of Israel	PLO General Command	6/17	Incendiary bomb thrown at an Israeli vehicle near Hebron	PLO General Command
4/26	Explosion at Qiryat Milakhi	PLO General Command	6/17	Explosive charge detonated at a bus stop in Ramot (Jerusalem)	PLO General Command
4/28	Hand grenade attack on an Israeli vehicle in Nabulus	PLO General Command	6/17	Explosive charge detonated at a bus stop on French Hill (Jerusalem)	PLO General Command
4/28	Incendiary bomb attack on an Israeli vehicle on the Beersheva - Jerusalem road	PLO General Command	6/17	Explosive charges planted near a warehouse in Tel Aviv factory in Ashqelon	PLO General Command
5/1	Grenade attack on an Israeli bus	PLO General Command	6/19	Several mines planted on roads in the Golan Heights	PLO General Command
5/2	Missile attack in Bat Yam	PLO General Command			
5/6	High explosive charge planted on the road to Betah	PLO General Command			

(1) Palestine Revolutionary Forces General Command is the military spokesman for Yasser Arafat.

Date	Incident	Responsibility claimed by
6/20	Explosion near an industrial plant in Kiryat Gat	PLO General Command
6/20	Civilian guard stabbed in Jerusalem	PLO General Command
6/23	Hand grenade attack in Nablus	PLO General Command
6/23	Incendiary bomb thrown at Israeli bus on West Bank	PLO General Command
6/24	Explosion at a bus stop in Neve Yaacov section of Jerusalem	PLO General Command
6/26	Deputy director of Ramleh prison attacked	PLO General Command
6/27	High explosive charge detonated on the Tel Aviv beach near the U.S. Embassy	PLO General Command
7/7	Bomb explosion at a bus stop near Holon, injuring 5 Israelis	PLO General Command
7/9	Hand grenade attack on an Israeli vehicle in Hebron	PLO General Command
7/9	Explosion in Haifa	PLO General Command
7/11	Explosion in main square of Nazareth	PLO General Command
7/11	Explosion in King Saul Hotel in Ashqelon	PLO General Command
7/15	Machine gun attack on Israeli vehicle	PLO General Command
7/16	Explosion at Israeli police station at Hebrew University	PLO General Command
7/17	Machine gun attack in Gaza	PLO General Command
7/17	Incendiary bomb attack in Gaza	PLO General Command
7/17	Explosion at a shipping company in Haifa	PLO General Command
7/17	Explosion at kibbutz factory in Haifa	PLO General Command
7/18	Ambush and machine gun attack of Israeli vehicle	PLO General Command
7/20	Bomb defused near Jericho	PLO General Command
7/26	Israeli public buses bombed outside of Jerusalem	PLO General Command
7/31	Explosion in Haifa factory	PLO General Command
8/4	Explosive charge planted at Israeli transport station	PLO General Command
8/8	Israeli man shot in Bani-Suhaylah	PLO General Command
8/16	Explosive charge detonated in Hebron	PLO General Command
8/20	Car exploded in Netanya bus station	PLO General Command
8/22	Bomb thrown at bus near Nablus	PLO General Command
8/22	Explosives detonated in main square in Nablus	PLO General Command
8/22	Explosives planted in factory in Ashqelon	PLO General Command
8/22	Explosion in Herziliya industrial center	PLO General Command
9/2	Incendiary bombs thrown at vehicle near Jabliyah camp	PLO General Command
9/9	Attack on Tel Aviv police station	PLO General Command
9/10	Incendiary bomb thrown at Jerusalem bus station	PLO General Command
9/14	Bomb attack on Israeli vehicle	PLO General Command

Date	Incident	Responsibility claimed by
9/25	Three Israelis killed on yacht off Cyprus	Force 17 (Arafat's personal guard)
9/30	El Al office bombed in Amsterdam	Fatah
10/1	Bomb exploded at Turks Market in Haifa	PLO General Command
10/1	Incendiary bombs thrown at vehicle near Al-Nusayrat camp	PLO General Command
10/1	Incendiary bomb thrown at restaurant in Jerusalem	PLO General Command
10/1	Remote-controlled explosives detonated near Tiban	PLO General Command
10/5	Three Israelis killed in Mt. Refa'im area	PLO General Command
10/10	Two Israeli seamen murdered in Barcelona, Spain	Force 17
10/12	Explosive charges detonated at restaurant in Tel Aviv	PLO General Command
10/13	Bomb exploded at Barbis Shak settlement	PLO General Command
10/14	Bomb exploded at Israel Aircraft Industries plant in Dimona	PLO General Command
10/16	Incendiary bomb thrown at bus near the Hebron Gate (Jerusalem)	PLO General Command
10/19	Israeli settler stabbed in Sabastiyah of the West Bank	PLO General Command
10/23	Incendiary bombs burn Israeli vehicle	PLO General Command
11/4	Two bombs exploded on French Hill, Jerusalem	PLO General Command
11/5	Two bombs exploded; one in Haifa, one in Ashqelon	PLO General Command
11/6	Remote-controlled explosives detonated at settlement	PLO General Command
11/8	Central bus station in Kfar Saba bombed	PLO General Command
11/9	Explosive charges detonated at cotton storage area in Nazareth	PLO General Command

The Reagan Administration and the P.L.O

"President Carter refuses to brand the PLO as a terrorist organization. I have no hesitation in doing so."

--Ronald Reagan
September 3, 1980

"Terrorists are not guerrillas, or commandos, or freedom fighters or anything else. They are terrorists and they should be identified as such. If others wish to deal with them, establish diplomatic relations with them, let it be on their heads. And let them be willing to pay the price of appeasement."

--Ronald Reagan
September 3, 1980

"The PLO is said to represent the Palestinian refugees. It represents no one but the leaders who established it as a means of organizing aggression against Israel."

--Ronald Reagan
September 3, 1980

"Permit me to reaffirm a long-standing American commitment: So long as the PLO refuses to recognize Israel's right to exist and to accept Security Council resolutions 242 and 338, the United States will neither recognize nor negotiate with the PLO."

--Ronald Reagan
March 13, 1984

"The PLO--and let there be no doubt about this--is nothing more or less than an international Ku Klux Klan, pledged to hatred, violence and the destruction of the values and free institutions we hold dear."

--George Bush
October 19, 1980

"The PLO sponsors terrorism, and its charter still calls for the destruction of the 'Zionist entity.' So long as the PLO refuses to recognize Israel's rights to exist and to accept Security Council Resolutions 242 and 338, the United States will neither recognize nor negotiate with the PLO."

--George Bush
April 9, 1984

"The terrorists who assault Israel are also enemies of the United States. When Libya and the PLO provide arms and training to the Communists in Central America, they are aiding Soviet efforts to undermine our security in that vital region."

--George Shultz
June 24, 1984

"Anyone who thinks that we can stop these suicide bombings by cozying up to the PLO, or by walking away from Israel, is dead wrong."

--Kenneth Dam
October 1, 1984

"There has been no change in the U.S. commitment not to negotiate with the PLO, unless that organization formally recognizes Israel's right to exist and disavows terrorism. It is indeed tragic that the PLO bureaucracy remains more interested in its own survival, as opposed to improving the quality of life of the people whom the PLO purports to represent."

--Robert McFarlane
March 8, 1984

Americans Support Strong Action Against PLO Terrorism

The American public overwhelmingly approves President Reagan's decisive action against PLO terrorism.

80% approved of the way President Reagan handled the hijacking of the Achille Lauro incident and the events that followed, when the U.S. intercepted the plane carrying the PLO mastermind of the hijacking and his collaborators. (Harris Survey, Oct. 1985)

Americans favor strong action against terrorism even when it runs the risk of straining relations with its allies.

By a margin of almost 3:1, Americans think that it is more important to take action against terrorists, such as those who hijacked the Achille Lauro, than to maintain good relations with countries like Italy. (Washington Post-ABC News Poll, Oct. 24-28, 1985)

Americans oppose appeasement of terrorists.

By more than 2:1, respondents in a poll on the TWA hijacking opposed negotiating with the Shiite terrorists who hijacked the plane. A majority felt that the U.S. should refuse to give in to terrorist demands. (NBC News Poll, July 8, 1985)

Opposition to the PLO is at an all time high. (Harris Survey, Oct. 1985).

82% of Americans feel the PLO is "unreasonable and probably will make it impossible to work out a peace settlement." (Harris Survey, Oct. 1985).

86% feel the PLO is not friendly and an enemy of the United States. (Harris Survey, Oct. 1985)

The last authoritative poll showed that by a margin of 2:1 Americans believe the U.S. should neither officially recognize the PLO nor agree to have Israel sit down to negotiate with the PLO. (Harris Survey, 1981).

The Harris Survey

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HOSTILITY TOWARD PLO UP SHARPLY

By Louis Harris

As a result of the recent hijacking of the Italian cruise ship in the Mediterranean, hostility toward the Palestinian Liberation Organization has risen sharply. By 86-7 percent, a big majority of the American public feels negative toward the PLO.

Even more significant, fully 52 percent of the people now believe the PLO is an enemy of the U.S., up sharply from 38 percent who felt that way in 1983. The only other countries which have been viewed with the same hostility in the recent past by the American people are Iran during the time when they held American hostages in 1979 and 1980 and the Soviet Union.

The cause of this hostility toward the PLO is not hard to find, according to the latest Harris Survey conducted by telephone among a national cross section of 1,252 adults between October 23rd and 27th:

-- By 73-24 percent, a majority of the American people goes along with the claim that "the takeover of the ship and the murder of a crippled American passenger proved that the PLO is no better than a band of terrorists, unfit for the U.S. to have anything to do with."

As a consequence, a substantial 82-18 percent majority is now convinced that instead of the PLO being reasonable and willing to work for a just peace settlement in the Middle East, it has "unreasonable leadership that probably will make it impossible to work out a peace settlement."

Finally, by 54-41 percent, a majority opposes having the PLO included in peace negotiations over the West Bank between Israel and the Arabs. Instead, a substantial 64-29 percent majority favors having "Palestinian leaders not affiliated with the PLO" at the negotiating table.

The price to the Arab side as a result of the hijacking episode has been appreciable. A 64-14 percent majority of the public now says they sympathize more with the Israelis than with the Arabs; 10 percent sympathize with neither side and 1 percent sympathize with both. However, in 1980, the results of an identical inquiry showed that a lower 52 percent were sympathetic with Israel, 12 percent with the Arabs, 17 percent with neither side and 9 percent with both sides. Clearly, antipathy toward the PLO has swung American public opinion more over to the Israeli side than at any time in recent history.

The irony is that Jordan and Egypt, Israel's Arab neighbors are relatively well regarded by the American people:

-- By 48-33 percent, a plurality feels positive about Jordan, down slightly from a previous 52-28 percent. In the case of Egypt, which is in a special category ever since Anwar Sadat made his dramatic peace visit to Jerusalem in 1979, a higher 63-27 percent majority feels friendly toward that country, down from 77-13 percent who felt that way in 1983.

-- By 55-28 percent, a 2 to 1 majority is convinced that Jordan has reasonable leadership that wants to work for a just peace settlement, a sentiment that is shared by a higher 69-22 percent in the case of Egypt.

(Over)

These results clearly point to the fact that if Jordan and Egypt insist that the PLO accompany them to any negotiations over the West Bank settlement issue then they will meet with little sympathy from the American people. By the same token, if a Palestinian alternative to the PLO were found, then this would engender much backing in this country.

But, as a consequence of the four PLO members being caught in the Egyptian plane and also being indicted for the murder of an American, the PLO is in effect viewed as an outlaw force of whom the American people want no part.

The PLO is not the only force whom the American people would ban from the negotiating table. In the case of the Soviet Union serving as a kind of "co-sponsor" of peace talks, a position the Russians have wanted to fill in the past and which the Israelis have talked about as a possibility recently, a big 69-27 percent say they would be opposed to this happening.

T A B L E S

Between October 23rd and 27th the Harris Survey asked a nationwide cross section of 1,252 adults by telephone:

"Now, I'm going to read you the names of some countries or groups. For each, tell me if you feel that country is a close ally of the U.S., is friendly but not a close ally, is not friendly but not an enemy, or is unfriendly and an enemy of the U.S.?"

EGYPT, JORDAN, PLO FRIENDLY NATIONS?

	Close Ally	Friendly	Not Friendly	Enemy	Not Sure
Egypt					
October 1983	13	50	24	3	10
May 1983	21	56	11	2	10
Jordan					
October 1983	7	41	25	5	19
May 1983	9	43	24	4	20
PLO					
October 1983	1	6	34	52	7
May 1983	2	9	17	18	14

"In the dispute between Israel and the Arabs, which side do you sympathize with more -- Israel or the Arabs?"

SYMPATHY WITH ISRAEL OR THE ARABS

	October 1983	July 1980
Israel	64	52
Arabs	14	12
Neither (vol.)	10	17
Both (vol.)	3	9
Not sure	9	10

(Continued)

-3-

"I'm going to read off some countries and groups, and for each one, I'd like you to tell me if you feel it has leadership which is reasonable and which will really work for a just peace settlement in the Middle East, or if it has unreasonable leadership that probably will make it impossible to work out a peace settlement."

	<u>Reasonable</u>	<u>Unreasonable</u>	<u>Not Sure</u>
Israel	72	22	6
Egypt	69	22	9
Jordan	55	28	17
Saudi Arabia	51	37	12
Syria	30	52	18
PLO	10	82	8

"If peace negotiations between Israel and the Arabs take place, would you favor or oppose (READ EACH ITEM) being included in the negotiations?"

PARTICIPANTS IN MIDDLE EAST PEACE NEGOTIATIONS

	<u>Favor</u>	<u>Oppose</u>	<u>Not Sure</u>
Egypt	77	18	5
Jordan	72	20	8
Palestinian leaders not affiliated with the PLO	64	29	7
PLO	41	54	5
Russia as a sponsor of the negotiations	27	69	4

M E T H O D O L O G Y

This Harris Survey was conducted by telephone within the United States between October 13rd and 17th, among a cross section of 1,252 adults nationwide. Figures for age, sex, race and education were weighted where necessary to bring into line with their actual proportions in the population.

In a sample of this size, one can say with 95 percent certainty that the results have a statistical precision of plus or minus three percentage points of what they would be if the entire adult population had been polled.

This statement conforms to the principles of disclosure of the National Council on Public Polls.

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Arafat indictment follow-up

Congressional Pressure Builds

By Edwin Black

Cold River

Despite increasing pressures from congress and influential Washington circles, the Justice Department does not now intend to indict PLO chairman Yasir Arafat for personally authorizing the 1973 murder of U.S. Ambassador to the Sudan Cleo Noel, and two other diplomats. According to an informed source with direct knowledge of the Justice Department investigation, "the indictment is not going anywhere. There will be no indictment."

The Justice Department decision, the source reported, will be announced in the coming weeks, unless it reverses the decision in the face of increasing demands from congressional leaders to take President Reagan's anti-terrorist policy to its logical conclusion and indict Arafat himself.

But, the sources added, the situation is as fluid as the peace process itself, and if Arafat demonstrates he will not fulfill State Department expectations to recognize Israel, the Justice Department might reconsider.

The controversy began on November 14 when Attorney General Edwin Meese was personally presented with two memos advocating the indictment of Arafat. Presenting the memos was was Meese's lifelong friend Charles Lichenstein, former U.N. deputy ambassador and now of the conservative Heritage Foundation. Lichenstein was leading a bi-partisan group of influential Washington personalities in favor of the move.

Personalities associated with Heritage Foundation and the American-Israeli Public Affairs Committee, using Israeli intelligence materials, pieced together Arafat's role in the bloody 1973 massacre of U.S. Ambassador to the Sudan Cleo Noel.

These are the salient details: Noel and two other diplomats were taken hostage by Black Septemberists at the Saudi Arabian Embassy reception in Khartoum. Black September offered to trade Noel for Sirhan Sirhan and other imprisoned terrorists. Throughout the tense daylong drama Noel was treated courteously until the terrorists received a telephone call with the code words *Nahar El Bard*, Arabic for "Cold River." Cold River was the name of a Lebanese refugee camp that Israeli commandos had raided a few weeks before. Shortly after the call, the terrorists brutally massacred the diplomats, so badly they were unrecognizable.

During their trial in Khartoum, the terrorists admitted "Cold River" was the pre-arranged signal to commence Noel's murder. At the time, it was also known that Yasir Arafat was in direct telephone communication with the terrorists holed up in the Embassy, but Arafat insisted he only implored them to surrender. However, both United States and Israeli intelligence sources obtained tapes of Arafat's telephone call, which was openly relayed via radio transmitter from Beirut. Israeli government sources reached in Jerusalem confirm that on the tape Yasir Arafat can be heard speaking clearly in Arabic: "Remember the blood—Cold River."

Vernon Walters, deputy director of the CIA at the time and currently America's U.N. Ambassador, in an interview, denied he had personal knowledge of the tape, but added, "I heard people say that they heard it (the tape). . . this was common knowledge at the time among all sorts of people in the government." Walters indicated he meant government people not limited to the intelligence community.

The measure of America's assurance that Arafat was personally involved might be gauged by the fact that just after the massacre, Walters himself was personally dispatched by Secretary of State Henry Kissinger to meet with the PLO in Morocco. "I spoke to a very senior PLO guy, but not Arafat directly," says Walters. The message: "stop killing Americans are there would be serious consequences."

Israeli Intelligence Leak

Twelve years later, in the wake of Reagan's anti-terrorist policy decision, Israeli intelligence leaked their information. That information along with other material was compiled in an "evidentiary memo" saying the tape was sufficient evidence to indict Arafat personally. A legal brief, produced by leading Washington attorneys, asserted that the United States possessed jurisdiction even though the crime was committed prior to anti-terrorist legislation adopted in 1976. Long standing principles of international and domestic criminal law were cited. These two memos were then sent on November 14 to Meese by Lichenstein. And Washington personalities in and out of government began quietly pressuring for an indictment.

High Administration officials including some in the White House were originally enthusiastic about the indictment. But a rift quickly broke out among government circles as middle level officials at the State Department hoping to include Arafat in the peace process saw any indictment and international arrest warrant as sabotaging their Arafat-based peace efforts.

After a number of articles strongly advocating the indictment, key Republican legislators stepped up their pressure. These included Colorado Senator George Armstrong and Iowa's Senator Charles Grassley, who sits on the Judiciary Committee. Armstrong sent a letter directly to Meese declaring that if news reports "can be substantiated... then certainly the policy outlined by the President should be applied in this instance." Grassley's letter was equally emphatic.

Attorney General Meese finally moved the matter off his desk and assigned the investigation to the Criminal Division, according to Justice Department sources. A December 19 meeting between Meese and the Justice Department to review the matter was scheduled, according to a report in the *Washington Times*. Justice department sources discounted that the meeting actually took place, but other informed sources assert the first review has indeed taken place, and a second and final review will take place in the weeks to come.

The mood in the administration at the time—late December—was mainly irritation with senators who were pushing the indictment just days before the crucial December 31 deadline set by King Hussein for Yasir Arafat to formally renounce terrorism and accept U.N. resolutions 242 and 248, thus facilitating his induction into the peace process. Indeed, reports in Saudi Arabian and East Jerusalem newspapers cited "moves to connect Yasir Arafat to the killing of the U.S. Ambassador to the Sudan..." as a "dirty attempt... at isolating the PLO which stands as an obstacle in the face of implementing American schemes in the area."

However, Arafat did not issue the expected reconciliation statement. He merely disavowed terrorist operations outside Israeli soil. King Hussein and President Hosni Mubarak in joint consultation then gave Arafat a final 30 days to comply. But these efforts were soon obsoleted by the Abu Nidal group which staged airport massacres at Rome and Vienna on December 27. The timing was obvious, and Abu Nidal statements declared the massacres constituted the warning to "those who would make peace with Israel."

Dan Mica

Quickly, the move to indict Arafat widened. "Assuming the tape is correct... he should of course be indicted," insists Florida Congressman Dan Mica. "This goes for any PLO leader and any terrorist anywhere."

Mica, who chairs the House Foreign Affairs sub-committee which oversees embassy operations, has appealed to the Justice Department. "In the meantime," says Mica, "I'm trying to arrange to hear the tape myself."

Mica's office indicates the project "is a high priority with the congressman," adding that if the tape can be located and verified, Mica will "try to influence the executive branch to indict, whether it's through back-channel communications, passing congressional resolutions, or whatever options are appropriate."

Israel cannot yield its copy of the Arafat tape without compromising intelligence sources, according to Jerusalem officials. American intelligence sources suggest America's copy of the tape would be in the possession of the super-secret National Security Agency (NSA) whose mission is the monitoring and taping of coded diplomatic messages around the world. Indeed, a Justice Department source indicated there could be no public comment "because it's not our game alone. It involves Justice, the State Department and the NSA." But a spokesman for NSA declared, "Even if we had the tape, we wouldn't admit it."

Momentum for indictment continued to build in the aftermath of Libyan strongman Col. Moammar Qaddafi's public praises for the airport terrorists. As the administration suggested military retaliation and considered further legal moves, Illinois Senator Alan Dixon, who co-chairs the Congressional Anti-Terrorist Caucus announced he too would favor Arafat's indictment.

But just as the administration suddenly refused to target Syria for immediate retaliation for fear of upsetting crucial peace developments, Justice Department sources also began cautioning that the Arafat review would not be completed "for say—a month." That timing would coincide with the new deadline given Yasir Arafat to join Jordan and Egypt in the peace process.

However, as the prospect for military intervention against Libya diminished, and legal retaliation became more viable, Washington sources saw the State Department's reservations as becoming less important. "We'll make our decision totally independent of the State Department," insisted a Justice Department source specializing in terrorist counter-efforts. "It's a matter of law—only law." But at press time, the mood suddenly shifted again. An informed source with direct knowledge of the investigation declared, "the indictment is not going anywhere. There will be no indictment." Apparently, jurisdiction is being used as the basis for not acting.

Congressional and some administration sources say they will not accept backing down. New Jersey Senator Frank Lautenberg has prepared a "Dear Colleague" letter for distribution to the entire congress. "These allegations, if substantiated, leave little doubt that a warrant for Yasir Arafat's arrest should be issued and a criminal indictment filed against him," the letter states.

Anticipating the continuing objections of the State Department, Lautenberg's letter declares, "To allow other factors to enter into this decision is to make a mockery of our laws and our stated commitment to eradicate terrorism. As President Reagan told an American Bar Association convention this July: 'We will seek to indict, apprehend and prosecute terrorists...' We urge the Justice Department to assign the highest priority to completing this review and to issue an indictment of Yasir Arafat if the evidence so warrants."

Despite the lobbying, however, as of this writing, the administration seems to believe Yasir Arafat is more important to the peace process than the war against terrorism. For that reason, the administration will not pursue the indictment and wishes the entire matter would go away. But, if Congressional pressure becomes too great, or if Arafat conclusively proves in the coming weeks he will not renounce terror and recognize Israel, the administration may make a new determination—this one strictly on the evidence.

The Washington Post

WEDNESDAY, JANUARY 15, 1986

Yossi Gal

The PLO Can't Have It Both Ways

Yasser Arafat's denial of involvement in the Rome and Vienna airport massacres should be taken with a grain of salt. When Israel points an accusatory finger at Arafat, it does so with good reason. He has, after all, a proven track record of denial and deceit.

Well-remembered are the infamous "Black September" terror outrages of the early 1970s, such as the massacre of Israeli athletes at the 1972 Munich Olympic Games. Arafat denied any knowledge of or responsibility for it—until it was revealed that the supposed "splinter" called "Black September" was really a covert arm of Arafat's own Fatah terrorist organization.

Fraud and mendacity characterized Arafat's most recent terrorist operations as well. Predictably, Arafat was quick to deny responsibility for the terrorist attack on Sept. 25 against Israeli vacationers at Larnaca, Cyprus. When shown photographs of the three men arrested by Cypriot authorities, however, convicted PLO terrorists imprisoned in Israel identified the Larnaca trio as members of the PLO's "Force 17."

Then there was the pirating of the Achille Lauro, at first "condemned" by Arafat. The mastermind of the Achille Lauro affair, however, was Abul Abbas,

Arafat's alter ego. Once this became common knowledge, cynicism continued to characterize the way in which the PLO handled the Achille Lauro fallout. Instead of punishing Abbas, as Arafat dutifully promised to do with any PLO operative involved with Achille Lauro, Arafat conspired to let his apprentice in terror go, and, to add insult to injury, condemned the mid-air American interception of the Achille Lauro terrorists as an act of terror and "cowboy logic."

After Rome and Vienna, Arafat again pleaded innocence while ignoring his responsibility for rationalizing, inspiring and sanctioning these attacks. Only four days after the Rome and Vienna massacres, for example, Arafat vowed to continue the "armed struggle" (the PLO's euphemism for terror) "in all its forms." In so doing, Arafat gives his imprimatur to any act of terror perpetrated in the name of the Palestinians and encourages a climate of competition between the PLO's rival factions as to which one of them can compile the bloodiest resumé.

He has likewise institutionalized terror by ordering and reveling in the assassination of moderate Palestinians whose only crime was having called for peace.

The claim that resisting and responding to terrorism—rather than terrorism itself—undermine efforts for peace, is more than absurd. To so suggest is to condone terrorism and to yield veto power to extremists. No Western democracy should allow terrorists, whatever their cause might be, to determine its agenda.

Nor can the terrorist murders deter those nations truly committed to the cause of peace and reconciliation from pursuing a just and lasting solution to the Palestinian problem. The resolution of the Palestinian question has to be sought. It is dangerously naive, however, to suggest that this will eliminate terrorism in the Middle East. Political violence and indiscriminate terrorism against innocents have been a way of life in the Middle East for centuries. In the 19 years between 1948 and 1967, while Judea, Samaria and Gaza were under Arab control, Arab terrorism against Israelis ran rampant. And in 1929, 19 years before Israel was even created, the Jewish community of Hebron was wiped out in an Arab massacre.

It is just as naive to suggest that the Palestinian problem is the root of all instability in the Middle East. A quick glance at the map of the re-

gion reveals many conflicts that have nothing at all to do with the Palestinian problem or with Israel: the Iran-Iraq war, Syria's decades-old ambition to exert hegemony over Lebanon, the strife between North and South Yemen and Libya's many nefarious adventures abroad, not to mention inter-PLO terrorism and bloodshed.

Most bizarre of all, however, is the naiveté inherent in the distinction of convenience reflected in recent days in some op-ed articles in *The Post*: when it comes to terror, Arafat is immune from blame, since he supposedly is not in control of Abu Nidal, Abu Musa, Ahmed Jibril, Naif Hawatmeh, George Habash and their like. One cannot escape the conclusion that Arafat represents no one but himself. But when it comes to the peace process, the conventional wisdom is that Arafat cannot be ignored since he advertises himself as the sole representative of the Palestinians. These positions contradict one another. If Arafat is not in control, why should anybody pay attention to him? And if he really is in control, why should he be sanitized? Yasser Arafat and the PLO can't have it both ways.

Yossi Gal is the spokesman for the Israeli Embassy.