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THE WHITE HOUSE
WASHINGTON

October 28, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
President's Foreign Intelligence
Advisory Board

This will confirm my oral advice of this morning to your office, that Counsel's Office has reviewed the above-referenced proposed Executive Order, and finds no objection to it from a legal perspective. (This assumes our previously suggested change of the date in the last sentence has been made.)

ID #

CU

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1Name of Correspondent: D. Chew☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed Executive Order Entitled President's
Foreign Intelligence Advisory Board.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>85/10/28</u>		<u>1/1</u>
	Referral Note:			
<u>CUAT18</u>	<u>R</u>	<u>85/10/28</u>		<u>S 85/10/28</u> <u>8:30 am.</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered C - Completed
E - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/26/85 ACTION/CONCURRENCE/COMMENT DUE BY: 8:30 AM MONDAY

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	LACY	☐	☐
REGAN	☐	☐	McFARLANE	☒	☐
MILLER	☐	☐	OGLESBY	☐	☐
BUCHANAN	☐	☐	RYAN	☐	☐
CHAVEZ	☐	☐	SPEAKES	☐	☐
CHEW	☐	☒	SPRINKEL	☐	☐
DANIELS	☐	☐	SVAHN	☐	☐
FIELDING	☒	☐	THOMAS	☐	☐
FRIEDERSDORF	☐	☐	TUTTLE	☐	☐
HENKEL	☐	☐	CLERK	☒	☐
HICKEY	☐	☐		☐	☐
HICKS	☐	☐		☐	☐
KINGON	☐	☐		☐	☐

REMARKS:

Attached is the proposed Executive Order in final form from the Justice Department. If you have any objections please telephone my office by 8:30 a.m., MONDAY. Thank you.

RESPONSE:



Office of the
Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

Re: Proposed Executive order entitled "President's
Foreign Intelligence Advisory Board"

The attached proposed Executive order was submitted by the National Security Council and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The President's Foreign Intelligence Advisory Board (Board) was established in 1981. Exec. Order. No. 12331, 3 C.F.R. 197 (1982 Comp.). The proposed Executive order replaces that order with one identical in all but two respects. First, the proposed order will limit the number of members of the Board to fourteen. The Board does not presently have a limit on the number of members and it has apparently grown too unwieldy in size. Second, the proposed order will state that the President will establish terms for members of the Board, and that at any one time one-third of the membership shall not have served for more than two years.

The proposed Executive order is acceptable as to form and legality.

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel



U S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D C 20530

The President,

OCT 25 1985

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "President's Foreign Intelligence Advisory Board." This proposed Executive order was submitted by the National Security Council and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

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OCT 25 1985

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Respectfully,

Ralph W. Tarr
Acting Assistant Attorney General
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Washington, D.C. 20530

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The proposed Executive order is acceptable as to form and legality.

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 24, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: JAMES C. MILLER III

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "PRESIDENT'S
FOREIGN INTELLIGENCE ADVISORY BOARD"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order, submitted by the National Security Council, that would reconstitute the President's Foreign Intelligence Advisory Board and reduce its membership from the current level to a maximum of 14 persons.

BACKGROUND. Executive Order No. 12331 of October 20, 1981 established the President's Foreign Intelligence Advisory Board within the Executive Office of the President. The Board was authorized to assess the quality, quantity, and adequacy of the United States intelligence and counterintelligence activities and advise the President about the objectives, conduct, management, and coordination of various activities of the agencies of the intelligence community. The Order did not specify a maximum number of members for the Board, nor did it establish terms for which the members would serve.

The National Security Council has concluded that the current extensive membership of the Board has proved unwieldy and therefore has determined that the number of members should be reduced. The proposed Executive order would reconstitute the Board and provide for a membership of fourteen persons. In all other significant respects, the proposed Executive order is identical to Executive Order No. 12331, which is hereby revoked.

None of the affected agencies has objected to the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 24, 1985

Honorable Edwin Meese, III
United States Attorney General
Washington, D.C. 20530

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "President's Foreign Intelligence Advisory Board", that would reconstitute the President's Foreign Intelligence Advisory Board and reduce its membership from the current level to a maximum of 14 persons.

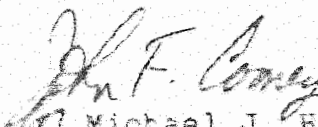
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Your staff may direct any questions concerning this proposed Executive order to Mr. John F. Cooney of this office (395-5600).

This proposed Executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,


Michael J. Horowitz
General Counsel



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 24, 1985

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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None of the affected agencies has objected to the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

THE WHITE HOUSE

WASHINGTON

November 14, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Executive Order Entitled "Imports of
Refined Petroleum Products From Libya"

Counsel's Office has reviewed the above-referenced Executive Order, and finds no objection to it from a legal perspective.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: David Chew☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Executive Order Entitled "Imports of Refined
Petroleum Products From Libya"

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOLL</u>		ORIGINATOR	<u>85/11/13</u>			<u>1 1</u>
		Referral Note:				
<u>CUAT18</u>		<u>R</u>	<u>85/11/13</u>		<u>S</u>	<u>85/11/14</u>
		Referral Note:				<u>2:00 pm</u>
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/13/85 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 P.M. TOMORROW 11/14

SUBJECT: EXECUTIVE ORDER ENTITLED "IMPORTS OF REFINED PETROLEUM
PRODUCTS FROM LIBYA"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☒	OGLESBY	☒	☐
REGAN	☐	☒			
MILLER	☐	☐	RYAN	☐	☐
BUCHANAN	☒	☐	SPEAKES	☐	☒
CHAVEZ	☐	☐	SPRINKEL	☐	☐
CHEW	☐	☒	SVAHN	☒	☐
DANIELS	☒	☐	THOMAS	☒	☐
FIELDING	☒	☐	TUTTLE	☐	☐
HENKEL	☐	☐	<u>Clerk</u>	☐	☒
HICKS	☐	☐		☐	☐
KINGON	☒	☐		☐	☐
LACY	☐	☐		☐	☐
McFARLANE	☒	☐		☐	☐

REMARKS:

Please provide any comments/recommendations by 2:00 p.m. tomorrow, November 14th. Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 8, 1985

MEMORANDUM FOR THE PRESIDENT

FROM:

JAMES C. MILLER III
DIRECTOR

SUBJECT:

Proposed Executive Order Entitled "Imports Of
Refined Petroleum Products From Libya"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order, submitted by the Department of State through the National Security Council, that would ban the import of refined petroleum products from Libya.

BACKGROUND. Proclamation No. 4097 of March 10, 1982, prohibited the import of crude oil from Libya because of the threat those imports posed to our national security. The proclamation noted that Libya was no longer considered to be a reliable supplier of energy and that Libyan policy and action supported by revenues from the sale of crude oil imported into the United States were inimical to United States national security. This finding was specifically reaffirmed in Proclamation No. 5141 of December 23, 1983, which retained the prohibition on import of Libyan crude oil.

The Department of State and the National Security Council advise that the government of Libya recently began exporting refined petroleum products from a new refinery that has been brought on line. Accordingly, in order to maintain the integrity of the prohibition on imports of Libyan oil, the proposed Executive order would ban the import of petroleum products refined in Libya. The proposal is based on Section 504 of the International Security, Development and Cooperation Act of 1985 (Public Law 99-83), which authorizes the President to ban the import of any article grown, produced, extracted or manufactured in Libya.

The proposed Executive order will be implemented, initially, without imposing any new reporting requirements or regulatory burdens on oil importers. The Customs Service will apply the same enforcement practices it applies to Libyan crude oil to petroleum products refined in Libya. Due to the complexity of international oil market distribution practices and the fungible nature of petroleum products after refining, the proposed enforcement arrangements may not provide comprehensive protection against evasion of the import prohibition. If the initial implementation procedure is not effective, the affected agencies will consider other enforcement actions that may be taken without unduly interfering with the oil import market.

None of the affected agencies has objected to the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Attachment



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

NOV 13 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Imports of Refined Petroleum Products From Libya." This proposed Executive order was submitted by the Department of State through the National Security Council and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

07 13 1985

MEMORANDUM

Re: Proposed Executive order entitled "Imports
of Refined Petroleum Products from Libya"

The attached proposed Executive order was submitted by the Department of State through the National Security Council and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order will ban the importation of petroleum products refined in Libya and authorizes the Secretary of the Treasury to issue appropriate implementing regulations. This ban is explicitly authorized by § 504 of the International Security and Development Cooperation Act of 1985, Pub. L. No. 99-83, 99 Stat. 190, 221 (1985).

The proposed Executive order is acceptable as to form and legality.

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

- - - - -

IMPORTS OF REFINED PETROLEUM-PRODUCTS FROM LIBYA

By the authority vested in me as President by the Constitution and laws of the United States, including Section 504 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), and considering that the Libyan government actively pursues terrorism as an instrument of state policy and that Libya has developed significant capability to export petroleum products and thereby circumvent the prohibition imposed by Proclamation No. 4907 of March 10, 1982 and retained in Proclamation No. 5141 of December 22, 1983 on the importation of Libyan crude oil, it is ordered as follows: ✓

Section 1. (a) No petroleum product refined in Libya (except petroleum product loaded aboard maritime vessels at any time prior to 2 days after the effective date of this Executive Order may be imported into the United States, its territories or possessions.

(b) For the purposes of this Executive Order, the prohibition on importation of petroleum products refined in Libya shall apply to petroleum products which are currently classifiable under Item Numbers: 475.05; 475.10; 475.15; 475.25; 475.30; 475.35; 475.45; 475.65; 475.70 of the Tariff Schedules of the United States (19 U.S.C. 1202). ?

Sec. 2. The Secretary of Treasury may issue such rulings and instructions, or, following consultation with the Secretaries of State and Energy, such regulations as he deems necessary to implement this Order.

Sec. 3. This Order shall be effective immediately.

THE WHITE HOUSE,

PUBLIC LAW 99-83 [S. 960]; August 8, 1985

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

For Legislative History of Act, see p. 158

An Act to authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.

*Be it enacted by the Senate and House, of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "International Security and Development Cooperation Act of 1985".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

- Sec. 101. Foreign military sales credits.
- Sec. 102. Terms of foreign military sales credits.
- Sec. 103. Military assistance.
- Sec. 104. International military education and training.
- Sec. 105. Peacekeeping operations.
- Sec. 106. Guaranty Reserve Fund.
- Sec. 107. Valuation of certain defense articles.
- Sec. 108. Full costing of FMS sales of training.
- Sec. 109. Administrative surcharge.
- Sec. 110. Contract administration services.
- Sec. 111. Catalog data and services.
- Sec. 112. Reports on cash flow financing.
- Sec. 113. Report on international volume of arms traffic.
- Sec. 114. Security assistance surveys.
- Sec. 115. North Atlantic Treaty Organization cooperative projects.
- Sec. 116. Exchange of training and related support.
- Sec. 117. Quarterly reports on United States military advisors abroad.
- Sec. 118. Sensitive technology.
- Sec. 119. Increase in criminal penalties for certain violations of the Arms Export Control Act.
- Sec. 120. Official reception and representation expenses.
- Sec. 121. Special Defense Acquisition Fund.
- Sec. 122. Leasing authority.
- Sec. 123. Military assistance costs; waiver of net proceeds for sale of MAP items.
- Sec. 124. Stockpiling of defense articles for foreign countries.
- Sec. 125. Security assistance organizations.
- Sec. 126. Exchange training.
- Sec. 127. Training in maritime skills.
- Sec. 128. Special waiver authority.
- Sec. 129. Conventional arms transfers.
- Sec. 130. Foreign military sales for Jordan.
- Sec. 131. Certification concerning AWACS sold to Saudi Arabia.
- Sec. 132. Cooperative agreements on air defense in Central Europe.

TITLE II—ECONOMIC SUPPORT FUND

- Sec. 201. Purposes and uses of ESF; authorizations of appropriations.
- Sec. 202. Assistance for the Middle East.
- Sec. 203. Assistance for Cyprus.
- Sec. 204. Assistance for Portugal.
- Sec. 205. Acquisition of agricultural commodities under commodity import programs.
- Sec. 206. Tied aid credit program.
- Sec. 207. Restriction on use of funds for nuclear facilities.

International
Security and
Development
Cooperation Act
of 1985.
22 USC 2151
note.

Aug. 8

SEC

Sec. 208. Fiscal year 1985 supply

TITLE III—

- Sec. 301. Development assistance.
- Sec. 302. Agriculture, rural development.
- Sec. 303. Population and health.
- Sec. 304. Child Survival Fund.
- Sec. 305. Promotion of immunization.
- Sec. 306. Education and human resources.
- Sec. 307. Energy, private voluntary activities.
- Sec. 308. Private Sector Revolving Fund.
- Sec. 309. Private and voluntary development.
- Sec. 310. Promotion of democratic institutions.
- Sec. 311. Use of private and voluntary sector.
- Sec. 312. Targeted assistance.
- Sec. 313. Housing and other goods.
- Sec. 314. Trade credit insurance.
- Sec. 315. Minority set-aside.

TITLE IV—OTHER

- Sec. 401. American schools and centers.
- Sec. 402. Voluntary contribution.
- Sec. 403. Withholding of United States funds from international organizations.
- Sec. 404. International disaster relief.
- Sec. 405. Trade and development.
- Sec. 406. Operating expenses.

TITLE V—INTERNATIONAL

Part A—In

- Sec. 501. Anti-terrorism assistance.
- Sec. 502. Coordination of all United States activities in countries.
- Sec. 503. Prohibition on assistance to countries.
- Sec. 504. Prohibition on importation of goods.
- Sec. 505. Ban on importing goods.
- Sec. 506. International anti-terrorism.
- Sec. 507. International terrorism.
- Sec. 508. State terrorism.

Part B

- Sec. 551. Security standards for aircraft.
- Sec. 552. Travel advisory and security.
- Sec. 553. United States airmen.
- Sec. 554. Enforcement of international law.
- Sec. 555. International civil aviation.
- Sec. 556. Multilateral and bilateral aircraft hijacking, and aircraft hijacking, and aircraft hijacking.
- Sec. 557. Research on airport security.
- Sec. 558. Hijacking of TWA flight.
- Sec. 559. Effective date.

TITLE VI—INTE

- Sec. 601. Short title.
- Sec. 602. Authorizations for international development and illi
- Sec. 603. Development and illi
- Sec. 604. Reports on international development and illi
- Sec. 605. Exemption from ban on actions in narcotics.
- Sec. 606. Annual reports on international development and illi
- Sec. 607. Procurement of weapons and equipment.
- Sec. 608. Requirement for cost-effective programs.

Arms Export Control Act, to any country which the President determines—

22 USC 2751
note.

“(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

“(2) otherwise supports international terrorism.

“(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

Federal
Register,
publication.

Post, p. 278.

“(c) If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country.”

(b) CONFORMING AMENDMENT.—Section 3(f) of the Arms Export Control Act is amended by striking out “, credits, and guaranties” and “, credits, or guaranties” each place they appear.

22 USC 2753.

SEC. 504. PROHIBITION ON IMPORTS FROM AND EXPORTS TO LIBYA.

22 USC
2349aa-8.

(a) PROHIBITION ON IMPORTS.—Notwithstanding any other provision of law, the President may prohibit any article grown, produced, extracted, or manufactured in Libya from being imported into the United States.

(b) PROHIBITION ON EXPORTS.—Notwithstanding any other provision of law, the President may prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya.

(c) DEFINITION.—For purposes of this section, the term “United States”, when used in a geographical sense, includes territories and possessions of the United States.

SEC. 505. BAN ON IMPORTING GOODS AND SERVICES FROM COUNTRIES SUPPORTING TERRORISM.

22 USC
2349aa-9.

(a) AUTHORITY.—The President may ban the importation into the United States of any good or service from any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations.

(b) CONSULTATION.—The President, in every possible instance, shall consult with the Congress before exercising the authority granted by this section and shall consult regularly with the Congress so long as that authority is being exercised.

President of U.S.

(c) REPORTS.—Whenever the President exercises the authority granted by this section, he shall immediately transmit to the Congress a report specifying—

President of U.S.

(1) the country with respect to which the authority is to be exercised and the imports to be prohibited;

(2) the circumstances which necessitate the exercise of such authority;

(3) why the President believes those circumstances justify the exercise of such authority; and