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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** NORTH, OLIVER: FILES

**Withdrawer**

DLB 6/8/2005

**File Folder** RESPONSES TO ISSUE PAPERS (2 OF 9)

**FOIA**

F99-008/2

**Box Number** 38

WILLS

58

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
13860	PAPER	ISSUE PAPER NO. 40 <b>D 5/16/2006 F99-008/2</b>	1	ND	B1
17276	PAPER	ISSUE NO. 39 <b>R 10/1/2008 NLRRF99-008/2</b>	1	ND	B1
13861	PAPER	ISSUE PAPER NO. 42 <b>R 10/1/2008 NLRRF99-008/2</b>	1	ND	B1
17277	PAPER	ISSUE PAPER NO. 45	1	ND	B1
13862	PAPER	ISSUE PAPER NO. 42 <b>R 10/1/2008 NLRRF99-008/2</b>	1	ND	B1
13863	PAPER	ISSUE PAPER NO. 3 (POST TF PRINCIPALS MEETING VERSION) ANNOTATED <b>R 10/1/2008 NLRRF99-008/2</b>	1	ND	B1
13864	PAPER	ISSUE PAPER NO. 6 <b>R 10/1/2008 NLRRF99-008/2</b>	1	ND	B1
17278	PAPER	ISSUE PAPER NO. 9 <b>R 2/2/2012 F1999-008/2</b>	1	ND	B1
13865	PAPER	ISSUE PAPER NO. 11 <b>R 10/1/2008 NLRRF99-008/2</b>	1	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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ISSUE PAPER NO. 33

COGNIZANT ACTIVITY: STATE

SUBJECT: Review of Provisions of Vienna Convention

DRAFT RECOMMENDATION: The State Department should continue efforts with selected other governments to tighten the interpretation and application of the Convention. A resolution for presentation to the U.N. General Assembly condemning use of the facilities, privileges and immunities provided to diplomats pursuant to the Vienna Convention or customary international law to support or protect terrorist action could help to provide political and moral impetus to our efforts to counter this abuse.

DISSENTING VIEWS: None

ISSUE PAPER NO. 34

COGNIZANT ACTIVITY: TRANSPORTATION

SUBJECT: Preventing Flyaway of Hijacked Aircraft

DRAFT RECOMMENDATION: Issue withdrawn based on consensus of inputs received.

DISSENTING VIEWS: N/A

ISSUE PAPER NO. 35

COGNIZANT ACTIVITY: STATE, DEFENSE, CIA, JCS

SUBJECT: Country Team Briefings

DRAFT RECOMMENDATION: The Department of State should arrange for and require all Ambassadors, DCMs, Chiefs of Station, and Military Attaches to be briefed on USG policies, resources and capabilities committed to combatting terrorism. This briefing should be provided in conjunction with a risk assessment of the particular country and region.

COMMENTS:

State agrees, but would expand the proposal, increase FSI courses, and make the course/s mandatory for all USG employees whose parent agencies do not have equivalent courses.

ISSUE PAPER NO. 36

COGNIZANT ACTIVITY: NSC, FBI, TREASURY, STATE

SUBJECT: U.S. Infrastructure Vulnerabilities

DRAFT RECOMMENDATION: The National Coordinator for Combatting Terrorism (proposed in Issue Paper No. 3) in his capacity as Chairman, IG/T, should prepare an action plan to identify the extent to which these infrastructure assets are vulnerable and propose near- and long-term programs to rectify what appears to be a potentially serious national security problem.

DISSENTING VIEWS:

NSC - The IG/T was directed by the NSC in 1983 to review this problem; the Congress requested similar action in 1984. The IG/T should prepare an action plan addressing these issues. (Comment incorporated.)

JUSTICE - Agreed that FEMA should have a role, but non-concurred that FEMA take the lead in the effort. (Comment incorporated.)

ISSUE PAPER NO. 37

COGNIZANT ACTIVITY: JUSTICE

SUBJECT: Interference with the Movement of Nuclear Material

DROP AS AN ISSUE

ISSUE PAPER NO. 38

COGNIZANT ACTIVITY: JUSTICE

SUBJECT: Improved Security for Nuclear Reactor Facilities

DRAFT RECOMMENDATION: The Justice Department should pursue legislation to permit nuclear reactor licensees access to FBI criminal history files.

DISSENTING VIEWS: None



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17276	PAPER  ISSUE NO. 39	1	ND	B1

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13860 PAPER		1	ND	B1
	ISSUE PAPER NO. 40			

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ISSUE PAPER NO. 41

COGNIZANT ACTIVITY: STATE, JUSTICE

SUBJECT: Adequacy of the International Legal System to Deal with  
Terrorism

DRAFT RECOMMENDATION: The Departments of State and Justice should continue government-to-government contacts and stimulate appropriate private and academic initiatives that address the relationship between terrorism and the domestic and international legal system. State and Justice should seek every opportunity to improve the international consensus for governments to act in counter-terrorist events to the full extent of the authority available to them.

DISSENTING VIEWS:

JUSTICE - Questions the appropriateness as well as the need for governmental support to private sector initiative.

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13861	PAPER  ISSUE PAPER NO. 42	1	ND	B1

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ISSUE PAPER NO. 43

COGNIZANT ACTIVITY: All Departments and Agencies

SUBJECT: U.S. Presence Abroad

DRAFT RECOMMENDATION: The Department of State should direct Ambassadors in all designated high-threat areas to institute a thorough review of the personnel requirements of all Agencies represented in-country, in order to reduce the exposure of personnel and facilities to terrorist attacks to the minimum consistent with effectiveness. The review should carefully examine the question of hardening all Embassy-related facilities, or including them within a security perimeter, regardless of practices prevailing elsewhere. The Department of Defense should direct the appropriate CINCS to undertake similar reviews for their commands.

DISSENTING VIEWS:

State - NSC should create an interagency committee of all agencies with representation abroad to report to the NSC the results of each agency review, so that appropriate reductions or personnel abroad can be ordered.

ISSUE PAPER NO. 44

COGNIZANT ACTIVITY: STATE, CIA, DEFENSE

SUBJECT: International Research, Development and Acquisition (RD&A) Initiatives

DRAFT RECOMMENDATION: The State Department, through the Interdepartmental Group on Terrorism (IG/T), should continue to pursue bilateral arrangements for RD&A exchanges with selected foreign counterparts such as are now ongoing with the British and Israelis. Each arrangement should ultimately be based on a formalized statement of goals and objectives, funding agreements where appropriate and a general understanding of what's expected of each party. Above all, these combatting terrorism programs should be highly compartmented and structured on a quid pro quo basis in order to protect and enhance US political, military, and technological interests.

DISSENTING VIEWS:

STATE - Generally agrees with the draft proposal but prefers a less formalized approach, i.e., "We recognize how difficult it is to structure formally bilateral relationships on a matter as sensitive as counterterrorism defensive capabilities and technologies. We need to keep pressing for greater cooperation, while understanding that progress, which will be based on mutual trust, will develop slowly."

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17277	PAPER  ISSUE PAPER NO. 45	1	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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8 November 1985

LIST OF ISSUES RESOLVED AT 7 November SRG Meeting (Revised List)

1. Issues in Contention: #3 (one issue)
2. Issues Agreed in Principle but Requiring Some Refinement:  
1, 2, 7, 11, 14, 16, 17, 21, 22, 24, 25, 30, 45 (13 issues)
3. Issues Agreed Upon:  
5, 6, 8, 9, 10, 12, 13, 15, 18, 20, 26, 28, 29, 31, 32,  
33, 35, 36, 38, 39, 41, 43, 44.....(23 issues)
4. Issues Being Dropped:  
4, 19, 27, 34, 37, 42, (6 issues)



ISSUE PAPER NO. 4

COGNIZANT ACTIVITY: All Departments and Agencies

SUBJECT: Definition of Terrorism

DRAFT RECOMMENDATION: The following working definition of terrorism should be adopted by the US Government and promulgated in the NSDD establishing the national program for combatting terrorism proposed in Recommendation No. 2.

Terrorism is the unlawful use or threatened use of force or violence against individuals or property to coerce or intimidate governments or societies, often to achieve political, religious, or ideological objectives.

ISSUE PAPER NO. 19

COGNIZANT ACTIVITY: STATE, DEFENSE, JUSTICE, NSC, CIA

SUBJECT: Congressional Oversight of Counterterrorism Operations

DROP AS AN ISSUE

ISSUE PAPER NO. 27

COGNIZANT ACTIVITY: STATE, JUSTICE, FBI

SUBJECT: Terrorism as a Crime

DRAFT RECOMMENDATION: The USG should not refer to terrorism as war  
but rather as crime.

ISSUE PAPER NO. 34

COGNIZANT ACTIVITY: TRANSPORTATION

SUBJECT: Preventing Flyaway of Hijacked Aircraft

DRAFT RECOMMENDATION: Issue withdrawn based on consensus of inputs received.

ISSUE PAPER NO. 37

COGNIZANT ACTIVITY: JUSTICE

SUBJECT: Interference with the Movement of Nuclear Material

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13862	PAPER  ISSUE PAPER NO. 42		ND	B1

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13863	PAPER  ISSUE PAPER NO. 3 (POST TF PRINCIPALS MEETING VERSION) ANNOTATED	1	ND	B1

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File

SUMMARY STATE DEPARTMENT COMMENTS

Issue 1: National Program for Combatting Terrorism

Comment: Concur with proposed programming document, however, it should be maintained by Ambassador-at-Large

Issue 2: National Policy for Combatting Terrorism

Comment: Support with no changes.

Issue 3: National Organization for Combatting Terrorism

Comment: Complete disagreement. They responded with a distorted strawman and then proceed to expose flaws. Major issue to be resolved. But grounds for major compromise exist. They will probably accept a National Coordinator, if lead agency concept remains and they chair IG/T.

Issue 4: Definition of Terrorism

Comment: Disagree fundamentally with the need for a "universal definition" -- "it is difficult to envision any resulting benefits". The USG could be accused of terrorism if definition is too specific.

Issue 5: Public Statements during Terrorist Incidents

Comment: Word and format changes that we will incorporate.

Issue 6: Policy for Active Response to Terrorist Threats and Incidents

Comment: Disagree. Paper should be eliminated and subsumed by Issue 9.

Issue 7: International Agreements for Combatting Terrorism

Comment: Disagree. Do not favor major initiatives in either bilaterals or multilaterals, but recommend we remain "flexible" with informal cooperation (status quo).

Issue 8: Extradition Treaties

Comment: Concur, no problem.

Issue 9: Response Options to Terrorism

Comment: They oppose the Coordinator but suggest the Director of the TWIG maintain the option list. The interpretation is that they want to keep the chairmanship of the IG/T and accept a Coordinator as the Director of the TWIG to coordinate with their chairman.

Issue 10: Counterterrorism Exercises and Simulations

Comment: Accepts and calls upon the Director of the TWIG to support the Chairman of the IG/T to insure high-level participation in exercises.

Issue 11: Intelligence Fusion Center for Terrorism

Comment: Disagree due to the desire to insure "competing analysis" to give policy makers best range of options. They remind us of "Flashboard". DOD's response is similar, however, the new CIA center may in time overtake these objections.

Issue 12: Hostage Family Liaison

Comment: Disagree with any proposed changes. Consular Affairs should remain the point of contact. Recent internal changes should be evaluated in the future.

Issue 13: Domestic Public Awareness

Comment: Basic agreement in which they soften or weaken the wording. We will incorporate their suggestions.

Issue 14: Voluntary Restraint on Publicity During a Terrorist Incident

Comment: Agree with minor rewording.

Issue 15: Murder of U. S. Citizens Outside of U. S.

Comment: Concur.

Issue 16: Deployment of Counterterrorist Forces

Comment: They have expanded paper to decouple EST from the CTJTF. State also recommends we consider the political and legal ramifications to base, access and transit rights.. Their paper is an improvement on ours.

Issue 17: Current Policy Regarding the Operational Security of JSOC/Delta

Comment: Concur.

Issue 18: Prohibition of Training and Support/Counterterrorism/Mercenary Training Camps

Comment: Concur.

Issue 19: Congressional Oversight of Counterterrorist Operations

Comment: Rewritten to focus on the War Powers Act and the coordinating effort of White House Counsel Fred Fielding. The Fielding Group is proposed as the group to work with Congress on this subject. COL COLE recommends dropping this issue and allow the system to continue to work off-line.

Issue 20: Expanded HUMINT Capability Against Terrorism

Comment: Concur.

Issue 21: Paramilitary Terrorist Response Capability

Comment: Concur. However Burt does not feel the budgetary and programatic data should go through the IG/T.

Issue 22: Multilateral Counterterrorist Strike Force

Comment: Concur and made more specific, an improvement on our original paper.

Issue 23: ISA

Comment: Wait and see.

Issue 24: Increased Coordination with Law Enforcement Elements Domestically and Overseas

Comment: Disagree, rewritten because they do not see any problem as long as they are in charge with the RSO's responsible for this function. But again, at the end of their complaints, they agree that RSO's should get much more training and "exchange" with USG intelligence and military communities.

Issue 25: Rewards

Comment: Disagree. They recommend the issue be eliminated because they have offered rewards since our issue paper.

Issue 26: International Informant Incentives

Comment: Concur.

Issue 27: Terrorism as a Crime

Comment: Disagree. Everyone agrees this should be eliminated.

Issue 28: Death Penalty of Hostage Taking

Comment: Strongly support.

Issue 29: Freedom of Information Act (FOIA)

Comment: Disagree. They will reserve judgement pending other responses. All agencies agree this should not be an issue.

Issue 30: Terrorism Intelligence Analysts

Comment: Concur.

Issue 31: Psychological Operations to Combat Terrorism

Comment: Rewritten to take away DOD tasking and place under the Public Diplomacy Committee.

Issue 32: Controlling Cross-Border Travel of Known or Suspected Terrorists

Comment: Rewritten and improved upon our original.

Issue 33: Review of Provisions of Vienna Convention

Comment: Agree.

Issue 34: Preventing Flyaway of Hijacked Aircraft

Comment: Disagree, maintain status quo.

Issue 35: Country Team Briefings

Comment: Expanded the issue paper to have State continue with their present program.

Issue 36: U. S. Infrastructure Vulnerabilities

Comment: Concur.

Issue 37: Interference with the Movement of Nuclear Material

Comment: Rewritten to suggest a review of existing legislation and to emphasize all-source intelligence collection on anti-nuclear groups. However, we will drop this issue based on OMB and Energy inputs.

Issue 38: Improved Security for Nuclear Reactor Facilities

Comment: Rewritten, but it contains inaccuracies. We propose to keep issue as is.

Issue 39: Research and Development for Combatting Terrorism

Comment: State responds that the real problem is lack of formal funding and cites the fact that State submitted a 5 year R&D budget of \$23M/year in Dec 1984. They go on to urge NSC to weigh with support to OMB.

Issue 40: Use of Journalists

Comment: Not yet received by State

Issue 41: Legal System for Terrorism

Comment:

Issue 42: Deployment Policy for JSOC

Comment: Disagree with automatic deployment policy and counter proposes a dispersment to secret locations at US bases or at sea.

Issue 43: U. S. Presence Abroad

Comment: Concurs with proposal and goes on to propose that "NSC should create an interagency committee....to report to the NSC."

Issue 44: International Research, Development, and Acquisition (RD&A) Initiatives

Comment:

Issue 45: Protection of Foreign Dignitaries in the United States

Comment: Rewritten with minor word changes but concurs with basic thrust of proposal.

# TASK FORCE ROUTING SHEET

Date of Receipt 11/5/85 Router's Initials ELP

Remarks: THIS DOES NOT NEED TO BE LOOKED AT, AND DID NOT NEED TO BE PREPARED, BUT IT DOES UNDERLINE THAT SOMEONE IN STATE, NEW TO THE JOB AND THE COMMUNITY, THINKS WE NEED LEGAL REASSURANCES ON STATE'S ROLE. SHAMEFUL.

Holloway	A	<u>I</u>	<u>WOW!</u>
Peck	<u>A</u>	I	<u>RETURN TO ME, PLS</u>
Coy	A	I	
Boink	A	<u>I</u>	<u>hark</u>
Cole	A	<u>I</u>	<u>Col</u>
Daly	A	<u>I</u>	<u>Do</u>
Earl	A	<u>I</u>	<u>RE</u> <u>YUCK....</u>
H. lings	A	<u>I</u>	<u>POH</u>
McMunn	A	<u>I</u>	<u>M</u>
Jamiese	A	I	
	A	I	
	A	I	
	A	I	

Deadline Date	<u>What self-serving bullshit. Do they accept the possibility that this could change?</u>	
Incoming Chrono File		
Data Base Keyword(s)		
Filer		Out
S ct W. ng File		




United States Department of State

Washington, D.C. 20520

November 5, 1985

MEMORANDUM

TO: Ambassador Edward Peck  
Vice President's Task Force  
on Terrorism

FROM: S/CT - Parker W. Borg 

SUBJECT: Issue Paper No. 3

In our haste to forward the State Department responses to the Issues Papers last Friday evening, the attachment to our response to Issue Paper No. 3 was inadvertently omitted. Please find a copy enclosed.

Enclosure:

As stated

STATE DEPARTMENT AUTHORITIES:  
GENERAL, TERRORIST-RELATED AND INCIDENT MANAGEMENT  
RELEVANT STATUTES, EXECUTIVE ORDERS AND NSDDs

The State Department's lead role in the development and implementation of foreign policy, and the conduct of relations with foreign governments and international organizations, is clearly reflected in U.S. law. For example, 22 USC S2656 confirms the primary responsibility of the Secretary of State with respect to negotiations and other contacts with foreign officials, and "other matters respecting foreign affairs;" 22 USC S3927 confirms that the U.S. diplomatic chief of mission in each foreign country has "full responsibility for the direction, coordination, and supervision of all Government employees in that country (except for employees under the command of a United States area military commander);" and 22 USC 3921 confirms that the Secretary of State is responsible for the direction of the foreign service and the coordination of its activities with the needs of all other U.S. agencies.

The primacy of the State Department in foreign affairs is also specifically confirmed in statutes, executive orders and NSDDs dealing with terrorism. Section 502 of the International Security and Development Cooperation Act of 1985 provides that "the Secretary of State shall be responsible for coordinating all anti-terrorism assistance to foreign countries provided by the United States Government;" and Executive Order 12163 (as amended) delegates the direction of the anti-terrorism program under the Foreign Assistance Act to the Secretary of State. 22 USC S27087 gives the Secretary of State the authority to pay rewards for information in connection with international terrorist incidents. In recognition of the principal role of the State Department in foreign affairs, NSDD 30 designates the State Department as the Lead Agency for the "coordination of federal response" to "international terrorist incidents that take place outside of U.S. territory"; and as the chair agency responsible for the "development of overall U.S. policy on terrorism, including,



inter alia, policy directives, organizational issues, legislative initiatives, and interagency training programs".

Presidential Directive/NSC - 27 of January 19, 1978 established procedures for dealing with non-military incidents which could have an impact on U.S. foreign relations. This directive noted that to assist "in ensuring that the governments's decisions are reached expeditiously and that the views of all concerned Departments and Agencies as well as considerations of both domestic law and foreign policy, are brought together in reaching a decision, the Department of State will have primary responsibility to coordinate government planning and public statements for dealing with such incidents and will keep the White House fully informed throughout."



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED  
~~WITH SECRET ATTACHMENTS~~

October 31, 1985

MEMORANDUM

TO: Admiral James L. Holloway, III  
Executive Director, Vice President's  
Task Force on Combatting Terrorism

FROM: M/CTP - Robert B. Oakley *RB*

SUBJECT: State Department Comments on Issues Papers

Transmitted herewith are unofficial State Department comments on all 45 issues papers provided us for review,\* plus two additional papers on topics which were melded comments from several other bureaus into a more-or-less cohesive single paper, working rapidly in order to respond to all 45 issues by the deadline. There was not enough time for clearing the final versions, which are presently out for clearance. If there are changes, we will let you know by November 4 which is our deadline for official State replies to all issues papers. We are also working on specific suggestions for informal discussion with you next week on the main issue upon which there is basic disagreement, i.e. lead agency responsibility and organization for interagency action in countering terrorism.

Attachments:

As stated

\* Papers # 3, 39-45 and the two additional papers will follow later this afternoon.

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ISSUE PAPER NO. 1

COGNIZANT ACTIVITY: All Agencies

SUBJECT: National Program for Combatting Terrorism

ISSUE: The Vice President's Task Force on Combatting Terrorism was directed by NSDD 179 to review and evaluate the effectiveness of current U.S. policy and programs on combatting terrorism. In the process of this review it was found that elements of the overall national capability for combatting terrorism were distributed throughout a number of departments and agencies within the Executive Branch. This in itself is not inappropriate, as each office has assumed responsibilities for combatting terrorism appropriate to the mission or objectives of their department or agency. However, it is not currently possible to go to any one single source to determine where all components of the national effort repose.

In order that national priorities can be set; to eliminate overlap, redundancy, and duplication; to provide the necessary resources for combatting terrorism; and to be certain that no necessary elements of such a program are neglected; all of the component parts of the national program for combatting terrorism should be collected into a single set of documents, where the various components can be identified as to purpose, responsible agency, resources available and assets required. Such a formal statement of a national program for combatting terrorism is required if the total effort is to be properly coordinated and managed at the national level. Today the national program is not properly expressed in such a way that it can be efficiently managed in order to identify shortfalls, eliminate redundancies, generate requirements for resources, and justify legislative and fiscal requests.

PROPOSAL: A programming document should be established that incorporates all of the diverse elements and components of the national program for combatting terrorism. This document should be so constructed as to facilitate the management and coordination of the total interagency program at the national level, identifying shortfalls, eliminating redundancies, generating requirements for resources, and justifying legislative and fiscal requests.

The programming document prepared by the Task Force to establish the baseline of the existing national program for combatting terrorism should serve as the interim programming document. The Task Force should refine and complete the program document so that it can serve as a ready reference document to decisionmakers in counter-terrorism.

The programming document for combatting terrorism will be maintained by the Ambassador-at-Large for Counterterrorism at the Department of State.

ISSUE PAPER NO. 2

COGNIZANT ACTIVITY: All Department and Agencies

SUBJECT: National Policy for Combatting Terrorism

ISSUE: There should be a national policy on terrorism clearly expressed to serve as guidance for the program for combatting terrorism, the counterterrorism strategy, and the tactics for dealing with terrorists incidents. There could be both public and classified versions of this policy statement. Currently statements of U.S. Government policy toward terrorism are included in several national security documents. These existing policy statements may be sufficient and suitable for the purpose, but they should be reviewed to ensure that they provide the necessary guidance for both the development of the national program for combatting terrorism and a strategy to implement the national program.

PROPOSAL: A policy statement along the following lines should be expressed by the appropriate national security directive to serve as guidance in all national matters concerning terrorism.

"The U.S. Government is opposed to domestic and international terrorism and is prepared to act in concert with other nations or unilaterally when necessary to prevent and/or respond to terrorist acts." (NSDD 179 and NSDD 180).

"The USG considers the practice of terrorism by any person or group in any cause a threat to our national security and will resist the use of terrorism by all legal means available." (NSD 138)

"Terrorism is a problem shared by all nations. We will work intensively with others to eliminate the threat of terrorism to our way of life. States that practice terrorism or actively support it, will not be allowed to do so without consequence. (NSD 138)  
State-sponsored terrorist activity or directed threats of such action are considered to be hostile acts and the U.S. will hold sponsors accountable. Whenever we have evidence that a state is mounting or intends to conduct an act of terrorism against us, we have a responsibility to take measures to protect our citizens, property, and interests." (NSD 138)

"The U.S. Government will make no concessions to terrorists. It will pay no ransoms, nor permit releases of prisoners or agree to other acts which might encourage additional terrorism. It will make no changes in its policy because of terrorists, threats, or acts. The U.S. is determined to act in a strong manner against terrorists without surrendering basic freedoms or endangering democratic principles. The USG encourages other governments to take similar strong stands against terrorism." (Ambassaur Oakley's speech)

STAFF CONTACT: LTCOL R. L. Earl, 395-4950

#### Issue Paper 4: Definition of Terrorism

Experience has shown that the attempt to arrive at a universal definition of the sort proposed here inevitably creates intellectual, legal, political, and possibly even operational problems without producing any corresponding benefit. In the international context, efforts in the early 1970s to arrive at a common definition of terrorism as a basis for a multilateral convention foundered on deep political differences between states involved. Therefore (contrary to the statement in the issue paper) existing international agreements on terrorism do not require or contain any definitions of "terrorism" as such. Rather, they focus on specific types of terrorist acts, an approach that (despite evident weaknesses in implementation) has been found more workable. In the U.S. context, several individual statutes contain definitions of "terrorism" or "international terrorism". Each such definition, however, is specific to the statute containing it. There is no overall definition of "terrorism" in U.S. law, nor would such a definition necessarily be useful, as what would work well in one context -- for instance, as a basis to authorize electronic surveillance of terrorist suspects -- might be irrelevant in another context, such as provision of benefits to victims of terrorist acts.

The definition proposed in this Issue Paper reflects these difficulties. For example, "the use or threat of violence for political purposes to create a state of fear which will cause individuals, groups, or governments to alter their behavior or policies" could be argued to apply to past or present uses of force or deterrence policies of the U.S. or friendly governments. The proposed definition suffers from several other specific weaknesses of which lack of space does not permit detailed treatment. Nor does there appear to be any reason to attempt to define "insurgency" in this context; in any event, the definition of that term proposed here has no recognizable basis in international law or common usage, and the statements in the definition about insurgents are not at all necessarily accurate.

Even if the entire government were to agree on an official definition of "terrorism", it is difficult to envision any resulting benefits. Has there ever been a case in which the lack of an official definition hindered counter-terrorism efforts? Would the handling of an incident by the USG, such as the setting up of special task forces, depend on whether the incident fit the definition? Who would make such a determination? Would it be possible to fashion a definition

that would not in some cases at least plausibly apply to acts of the U.S. or friendly governments and thus foster embarrassing, diversionary debates? (For example, just such a debate occurred during Congressional consideration of assistance to the contras in Nicaragua, over the question of whether U.S. support of the contras was "terrorism" under a similar general definition that had appeared in an Administrative report.)

In situations where the use of a definition appears necessary, we would suggest that the shorter definition at the end of the paper be employed, always with the caveat that it is a working definition only and has no official or legal status.



Issue Paper No. 5

COGNIZANCE: STATE, DEFENSE, USIA, TRANSPORTATION, NSC, CIA, CHIEF OF STAFF TO THE PRESIDENT, CHIEF OF STAFF TO THE VICE PRESIDENT

SUBJECT: Coordination of Public Diplomacy During Terrorist Incidents.

ISSUE: Public statements by U.S. Government officials during a terrorist incident are an integral tool in our management of the incident, as important as other policy tools, such as the deployment of military force. Indeed, communication between the government and the terrorists through the media, or among governments during an incident, usually has a direct bearing on its outcome.

Our handling of past incidents has been hampered by not giving enough thought and attention to the central role of public diplomacy during incidents. U.S. officials have spoken all too often without enough guidance, or gone beyond cleared guidance, sometimes unintentionally sending false signals to the terrorists, or leading astray other governments attempting to deal with the incident. Different statements by different departmental spokesmen have given an impression at home and abroad of disarray in the government, which ironically meets one of terrorism's objectives. The U.S. Government has been slow to respond to damaging media stories, or to false statements by other governments, again with negative results domestically and internationally.

PROPOSAL: The basic elements of U.S. policy during a terrorist incident should be made clear throughout a crisis situation to all U.S. Government policymakers and spokesmen. The process for issuing specific guidance during an incident needs to be strengthened. The coordination and speed with which we adjust our public diplomacy during an incident need to be dramatically improved. Specifically:

1. The Public Diplomacy Working Group of the IG/T should update for NSC approval and circulation to all concerned agencies and their press offices general U.S. Government policy guidelines for public diplomacy aspects of dealing with terrorism. (See existing guidelines of June 24, 1982.)

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2. The TIWG, at its initial meeting in reaction to a terrorist incident, should issue specific guidance to be followed by all U.S. Government spokesmen during the incident.

- the guidance should be communicated to the President through the White House Press Office.

- the Deputy White House Press Secretary should be responsible for detailed and timely implementation of the guidance, including any restrictions on state ments by other agency spokesmen, circulating throughout the government updated TIWG guidance as the incident develops, and statements setting the U.S. Government line in the absence of TIWG guidance.

3. The Public Diplomacy Working Group should propose through the IG/T to the NSC a system for rapid coordination of information among concerned U.S. Government press offices, a system for real time monitoring of media during an incident and integration of our public diplomacy activities during a crisis with our diplomatic posts abroad and communications to foreign governments.

Issue Paper No. 7

COGNIZANT ACTIVITY: STATE, JUSTICE, DEFENSE, NSC, CIA

SUBJECT: International Agreements for Combatting Terrorism

ISSUE: A general principal seems to hold in approaching international agreements for combatting terrorism: The more comprehensive the approach, the more general the final document. Various sorts of general resolutions, agreements and treaties, however, have their utility, as well as more specific ones. The watchword, as in so many aspects of gaining international cooperation, is flexibility.

There are a number of broad international conventions on terrorism, concentrated on, but not limited to, civil aviation. There are also a number of resolutions in the UN and other international bodies, as well as declarations, etc. in smaller groups (e.g. the EC, Economic Summit Seven, Council of Europe, etc.). These declarations and agreements are either not specific enough, or not binding upon those governments who signed them, or they have no enforcement provisions. Such agreements, resolutions, etc. are useful if only for symbolism and consciousness-raising, they can lead to meaningful action over time, often on a bilateral basis. The debates at the UN and in other international organizations over the past 2-3 years have shown what can and cannot be achieved in terms of specific and binding agreements. Broad educational efforts are useful; efforts to achieve specific agreements need to be very carefully selected and focussed--e.g., the successful move to reinforce ICAO. The two should not be confused. State is pursuing such efforts in many different international and multilateral agencies; State should continue to do so.

We do not favor a major initiative for a broad multilateral treaty against terrorism. It would be so broad and so fraught with differences of opinion and interpretation (who is a terrorist, who is a guerrilla, who is a freedom fighter?), so hard to achieve (what is the definition of terrorism?), and eventually so general as to divert attention of other governments and the American people from the importance the U.S. Government attaches to serious action against terrorism.

Specific bilateral treaties on cooperation for combatting terrorism also appear unwise in the present political climate. But there should be more systematic, regularized cooperation on a bilateral or carefully-focussed multilateral basis. Informal agreements, or status reports on cooperation to date and agreement on next steps, can serve the useful purpose of enhancing and systematizing cooperation in specific areas, cooperation which already takes place without treaties or formal agreements of any

kind. This alternative avoids both the need for formal ratifications by Congress and foreign parliaments and avoids attempting to negotiate such tricky questions as intelligence sharing.

Bilateral treaties are useful in the extradition and mutual legal assistance areas, and the Departments of State and Justice have had underway for some time active programs aimed at strengthening and expanding our network of such agreements. Our efforts at this time should be spent on attempting to strengthen observance and enforcement of existing obligations, and possibly to broaden them incrementally.

PROPOSAL: The Department of State, in coordination with the Department of Justice, should continue to pursue a flexible policy of international resolutions, agreements and treaties, bilaterally and multilaterally, as necessary to gain international cooperation in combatting terrorism.

~~SECRET~~ISSUE PAPER NO. 9

COGNIZANT ACTIVITY: STATE, DEFENSE, NSC.

SUBJECT: Response Options to Terrorism

Issue: There has been a publicly expressed concern that at the time of a terrorist incident, the National Command Authority (NCA) does not have available an extensive list of pre-planned options for response alternatives. The popular perception is that given the unique and individual nature of terrorist incidents, the planners commence their development of alternative actions without the benefit of extensive pre-planned research.

The unique nature of terrorism, and the often one-of-a-kind character of a terrorist act, drastically limits the opportunity for set solutions or pre-planned options. Nevertheless, it would appear to be useful to establish an encyclopedia of options that could be reviewed in the development of the USG's plan of action. Clearly such a list of options would serve as an aide memoire rather than as a specific course of action in most cases. It would provide an additional tool which would expedite the development of a plan of action.

Proposal: The Director of the TIWG will maintain a list of current options for response to terrorist threats or incidents. There should also be a checklist of criteria to be examined in each case during the TIWG deliberations about which actions to take. This checklist and collection of options will be developed by the Vice President's Task Force Coordinator both through his capacity and submitted to the Chairman of the Interdepartmental Group on Terrorism and as Executive Director of the TIWG, through the consultation with the other representatives on both the IG/T and the TIWG. These options should represent the widest range of actions imaginable, covert as well as overt, in order to give our nation the ability to act with a reasonable chance of success when and if required, in an infinite variety of possible scenarios. No options should be excluded because of a low likelihood of employment. This range of capabilities should better prepare the USG to respond appropriately to terrorist incidents more promptly and hopefully with better preparation.

Staff Contact: Mr. B. Hutchings, 395-4950, (Secure via WH switch)

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ISSUE PAPER NO. 8

COGNIZANT ACTIVITY: STATE

SUBJECT: Extradition Treaties

ISSUE: The spread of international terrorism, involving frequent travel across borders on the part of terrorists to commit violent acts abroad or to escape prosecution at home requires us to reexamine the intent of the "political offense" exception in our extradition treaties. As it presently stands, the language of our law can be used, and is on occasion being used, as a safehaven for terrorists. The United States may extradite fugitives to foreign countries only pursuant to a treaty. Our extradition treaties preclude extradition if the fugitive is wanted for a "political offense." Current interpretations of the political offense exception by the courts and by defense attorneys is that anything goes as long as the crime was political in nature. These interpretations are frustrating U.S. efforts to gain the cooperation of other governments in closing legal loopholes that help terrorists. When terrorists are apprehended, there must be an effective means of extraditing them to the nation with jurisdiction to bring them to trial. This is particularly justifiable when that nation is a democratic regime which offers a fair judicial system. Extradition treaties should exclude specified crimes of violence from the scope of the political offense exception to extradition. These include such serious offenses as aircraft hijacking and sabotage, hostage taking, murder and manslaughter. Truly "political" offenses such as treason and espionage would continue to be excepted. The 1971 European Convention of the Suppression of Terrorism contains such a provision.

PROPOSAL: The State Department should continue its program of opening negotiations on extradition treaties with countries with democratic regimes and fair judicial systems with a view to limiting the scope of the political offense exception. To achieve this goal, Senate approval of the first such revision that we have concluded is a must. The State Department appropriately has the lead in the effort to secure Senate approval. However, assistance from the Vice President and other U.S. Government agencies may be essential to making the Administration's anti-terrorism case.

STAFF CONTACT: COL D. L. Cole, 395-4950

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ISSUE PAPER NO. 10

COGNIZANT ACTIVITY: STATE, DEFENSE, CIA, JCS, FBI

SUBJECT: Counterterrorism Exercises and Simulations

ISSUE: Those who participate in the decision making process during terrorist incidents often may not be completely familiar with the capabilities and limitations of CT military forces and the time constraints under which these forces operate. On the other hand, action officers do not always appreciate the political and diplomatic constraints that affect the decisions of officials at the national command level. The result is (increasing) frustration on both sides which is counter productive to the national effort to combat terrorism.

PROPOSAL: The Director of the IG/T should prepare for NSC considering a program of interagency exercises simulating various realistic terrorist problems that will afford a basis for improved contingency planning. The program should include regular exercises for the top levels of the USG. The Exercise committee of the IG/T should be strengthened to expand its role from that of interagency coordinator of exercises per NSDD 30 to that of prime mover of a more extensive interagency CT exercise effort by each agency which will test more regularly both Washington and field capabilities. Some exercise should include selected foreign governments. The Director of the TIWG should support the Director of the IG/T to ensure that there is direct high-level participation in the exercises. Post exercise debriefs and lessons learned should be widely circulated, but without attributing fault to specific individuals for failures during the exercise.

STAFF CONTACT: Mr. B. Hutchings (395-4950)



ISSUE PAPER NO. 12

COGNIZANT ACTIVITY: STATE, DEFENSE

SUBJECT: Hostage Family Liaison

ISSUE: Different Government agencies have dealt with the sensitive question of liaison with the families of their employees who are taken hostage in different ways with somewhat uneven results. Responsibilities for the necessary contacts, information flow and guidance have generally gravitated to the relevant geographic bureau in the State Department, or to the affected service in Defense, for example. This process is effective and should continue.

At the same time, however, there should be a clear-cut delineation of who is responsible, staffed and equipped to perform the function on a permanent agency-wide basis to handle liaison with the families of persons who are not civilian or military employees of the Government, but for whom the Government assumes some responsibility when they become hostages. At the present time, this is done in State's Bureau of Consular Affairs which has the manpower and general responsibility for the protection of Americans overseas. At present there are American citizens being held hostage in Lebanon, Colombia and the Philippines. Each hostage situation in its circumstances and the amount of family liaison necessary. Because of the heightened concern about US hostages in Lebanon, the State Department recently created a special working group to follow Lebanese developments and ensure that families are better informed. Participants in this Working Group represent the Office of Combatting Terrorism, the Bureau of Middle Eastern Affairs, Consular Services and Medical Services. The point of contact remains the Office of Consular Affairs.

PROPOSAL: State should evaluate the effectiveness of this working group after an appropriate period of time to determine whether further modifications in its approach are necessary. Similar, but separate working groups should be considered for any future long-term hostage situation.

STAFF CONTACT: LTCOL R. L. Earl, 395-4950.



COGNIZANT ACTIVITY: STATE, ~~USIA~~, NSC, CHIEF OF STAFF TO THE .  
PRESIDENT, CHIEF OF STAFF TO THE VICE PRESIDENT

SUBJECT: Monitoring and Influencing Foreign and Domestic Attitudes  
Toward Terrorism and U.S. Counter-Terrorism Policy

ISSUE: An important facet of America's ability to deal effectively with terrorism is the extent to which the closely inter-related domestic and foreign publics understand the nature of the threat and support the policies necessary to counter it.

In the long struggle against terrorism, one of the government's most important responsibilities is to maintain public confidence in its abilities to cope with contingencies. If the U.S. is to be successful in combatting terrorism while concurrently pursuing goals to maintain international peace and security, it must persuasively communicate with world audiences to gain public support for its policies.

The methods and the agencies required to address domestic and foreign public opinion overlap, but they also have important differences. The requirement for policymakers is to balance between the two publics if difficult choices are required during a terrorist incident. Concurrently, there is a national requirement to create a more sophisticated public understanding of the nature of the threats to the nation posed by protracted terrorism.

PROPOSAL: The Interdepartmental Working Group on Public Diplomacy should propose a long-range strategy for approval by the IG/T on improving public understanding of international terrorism and policies required to combat it. Ideas to be considered by the Working Group should include:

- the formation of a high level panel, to include representatives from media organizations, religious and ethnic groups, civic groups, national, state and local legislatures, bar associations law enforcement agencies and other appropriate interested groups to sensitize the American public to the dangers of terrorism ..and reinforce public preparedness and will to deal with the risks necessary to combat this threat.
- the State Department should monitor U.S. media and public opinion polls to provide insights on how the U.S. public perceives and reacts to various aspects of terrorism and the counter-measures taken against it. USIA should conduct a similar monitoring operation abroad.

--USIA, as the lead agency in the international information effort, and working in coordination with the Public Diplomacy Working Group of the IG/T, should continue its efforts to monitor and influence foreign opinion on terrorism. (NOTE: USIA will present new more comprehensive proposals in this area in November.)

Additionally, the State Department should consider creating a Public Diplomacy office for terrorism, similar to the Office of the Coordinator for Public Diplomacy for Latin America and the Caribbean, which would be charged specifically with explaining our counter-terrorism policies at home and abroad.

STAFF CONTACT: LTCOL P. F. Daly (395-4950)