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WITHDRAWAL SHEET

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Collection Name NORTH, OLIVER: FILES

Withdrawer

DLB 6/8/2005

File Folder RESPONSES TO ISSUE PAPERS (5 OF 9)

FOIA

F99-008/2

Box Number 38

WILLS

61

ID Doc Type	Document Description	No of Pages	Doc Date	Restrictions
13900 PAPER	ISSUE 22.	1	ND	B1
13901 PAPER	ISSUE 23.	1	ND	B1
13902 PAPER	ISSUE 31.	1	ND	B1
13903 PAPER	ISSUE 34.	1	ND	B1
13904 PAPER	ISSUE 39.	1	ND	B1
13905 PAPER	ISSUE 40.	1	ND	B1
13906 PAPER	ISSUE 42.	1	ND	B1
13907 PAPER	ISSUE 45.	1	ND	B1
13908 PAPER	ISSUE 49	1	ND	B1
13909 PAPER	ISSUE 52.	1	ND	B1

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

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Issue 24.

Subject: Increased Coordination with Law Enforcement Elements Domestically and Overseas.

Comments: While we require increased coordination, it is uncertain whether this effort should be under CIA, or whether it could not more effectively be carried out by FBI.

Issue 25.

Subject: Rewards.

Comments: Concur. Rewards program has already been implemented by Justice and State. A working group of the IG/T should monitor the rewards program and provide guidance for the offering and payment of rewards.

However, it should be noted that the proposal for rewards legislation envisaged a creative use of rewards for psy-op efforts, and this remains unaddressed. Propose that further study be given to the full range of aggressive options offered by the availability of attractive sums of money.

Issue 26.

Subject: International Informant Incentives.

Comments: Concur (See issue 25).



Issue 27.

Subject: Terrorism as a Crime.

Comments: Concur. Currently terrorist acts such as kidnapping, bombing, arson, etc, are criminal acts but terrorism itself has not been defined as a crime. Distinction between State sponsored terrorism and other forms of terrorism may be required, in that State-sponsored terrorism may more usefully be described as an act of war for purposes of response.

Issue 28.

Subject: Death Penalty for Hostage Taking.

Comments: Concur. It should be noted, however, that this can vastly complicate extradition.

Issue 29.

Subject: Freedom of Information Act (FOIA).

Comments: Concur.

Issue 30.

Subject: Terrorism Intelligence Analysts.

Comments: Concur.

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Issue 32.

Subject: Controlling Cross-Border Travel of Known or Suspected Terrorists.

Comments: Concur. Propose this initiative be included in the ATA Program, that an R&D effort be directed to developing a uniform system that could inter-link friendly countries, and that resources be provided to assist friendly countries in acquiring hardware presently unavailable to them.

Issue 33.

Subject: Review of Provisions of Vienna Convention.

Comments: Concur with the international review and reaffirmation of the spirit and intent of the Vienna Convention.

- Problem rests with terrorist supporting governments who care little about the provisions of this convention.
- Convention could be strengthened through bilateral agreements.

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Issue 35.

Subject: Country Team Briefings.

Comments: Elements of such an effort are already in place and need to be enhanced.

Issue 38.

Subject: Improved Security for Nuclear Reactor Facilities.

Comments: Concur. This should be expanded to include major utilities where sabotage of these systems could paralyze major population centers.

Issue 37.

Subject: Interference with the Movement of Nuclear Material.

Comments: Concur.

Issue 36.

Subject: U.S. Infrastructure Vulnerabilities.

Comments: Concur. Additionally FEMA should become an active member of the IG/T.

1985

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Issue 41.

Subject: Legal System for Terrorism.

Comments: Concur.

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Issue 43.

Subject: U.S. Presence Abroad.

Comments: Concur. This would enhance the ongoing State and CINC programs.

Issue 44.

Subject: International Research, Development, and Acquisition Initiatives.

Comments: Concur. R&D exchanges are already occurring with some friendly governments and this program should be carefully expanded and information closely controlled.

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THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2400

INTERNATIONAL
SECURITY AFFAIRS

3 DEC 1985

MEMORANDUM FOR ADMIRAL J. L. HOLLOWAY, III
EXECUTIVE DIRECTOR, VICE PRESIDENT'S TASK FORCE
ON COMBATTING TERRORISM

SUBJECT: Issue Papers

Concur with issue papers 46 through 49 and issue papers 51
through 54 with minor comments on issue papers 49 and 52.

A handwritten signature in dark ink, appearing to read "Noel C. Koch", is positioned above the typed name.

Noel C. Koch
Principal Deputy Assistant Secretary
International Security Affairs

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Issue 46

Subject: Use of Intelligence Exchanges for Policy Purposes.

Comments: Concur.

Issue 47

Subject: Joint Committee on Intelligence.

Comments: Concur.

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Issue 48

Subject: Airport and Port Security.

Comments: Concur.

Issue 51

Subject: Foreign Terrorist Activities Within the United States.

Comments: Concur.

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Issue 53

Subject: Policy on Passports/Documentation for Government
Employees.

Comments: Concur.

Issue 54

Subject: Private Sector Activities Tat Aid/Abet Terrorism.

Comments: Concur.

/ JUSTICE

Memorandum



Subject

Issue Papers

Date

Nov. 5, 1985

To

Admiral J. L. Holloway III
Executive Director
Vice President's Task Force
on Combatting Terrorism

From

Lawrence Lippe, Chief
General Litigation and
Legal Advice Section
Criminal Division

724 6948

Enclosed are joint Department of Justice/Federal Bureau of Investigation responses to the initial Issue Papers developed by the Staff Working Group.

Enclosures

Issue Paper No. 1

National Program for Combatting Terrorism

Justice Comment: The Department of Justice supports the proposal for development of a programming document. This national programming document should clearly reflect the greatly expanding federal criminal jurisdiction over international terrorist incidents and the Administration's dedication to the preservation and utilization of investigative and prosecutive options.

National Policy for Combatting Terrorism

Justice Comment: While the Department of Justice supports this proposal and agrees with the necessity for a national policy statement as guidance for the program to combat terrorism, etc., we would suggest that the proposal include explicit language that United States responses should be in compliance with the existing United States law.

The language used in Ambassador Oakley's speech concerning no concessions to terrorists is perhaps too strong, as any successful negotiations with terrorists will necessitate some flexibility to bargain for tactical advantage without acceding to the terrorists' demands.

National Organization for Combatting Terrorism

Justice Comment: The Department of Justice recognizes the need for and supports the concept of central coordination of the Government's response to terrorist incidents in general and international terrorist acts in particular. The proposed establishment of the position of National Coordinator for Combatting Terrorism in the National Security Council may be appropriate provided that there is no usurpation of appropriate line authority and responsibilities which are legally vested in individual departments and agencies. While it may be advisable to keep the National Coordinator advised during purely domestic terrorist incidents we fail to see the need for any operational role for the National Coordinator during such incidents. Further, national coordination procedures with regard to international incidents should clearly reflect a recognition of investigative and prosecutive concerns. In this regard, we would add additional clarification under the National Coordinator duties as noted in items number five and six of the issue.

In item number five "management coordination" would require careful definition. The management coordination should not involve line authority for operations or act in those areas

assigned by law to others, i.e., the Attorney General, the Directors of the CIA, FBI, etc.

In item number six, the duty of the National Coordinator to provide a focal point for all matters concerning terrorism is too expansive. The powers and authorities of the National Coordinator should be agreed to by involved agencies or specifically assigned to the National Coordinator by the President. A protocol should be established to determine which agency will take the lead based on the major responsibilities that arise out of any terrorist incident. It should be stressed that while the National Coordinator would have a proper role in management coordination, this coordination cannot replace line authority.

In short, the National Coordinator could, at the very least, ensure that all necessary officials are "on board" during any particular terrorist incident.

Definition of Terrorism

Justice Comment: For purposes of formulating a national coordinated policy against terrorism, the proposed definitions appear adequate and are acceptable to the Department of Justice. However, we consider the shorter definition as worded in the option to be more appropriate and less restrictive or cumbersome. A definition which is useful to all agencies must be flexible enough to fit those unique circumstances that arise out of each agency's separate mission.

Public Statements During Terrorist Incidents

Justice Comment: The Department of Justice supports the proposed development of guidelines for public statements by federal officials during terrorist incidents. These guidelines, however, should apply only to terrorist incidents overseas and not to domestic terrorist incidents. It is also important that these guidelines recognize the need for Department of Justice input. In addition, in any overseas incidents which the FBI investigates or in which the Department of Justice must consider a legal issue, press responses should be addressed by Department of Justice/FBI. Domestic terrorist incidents should also be addressed by Department of Justice/FBI. This approach would ensure that press statements are not made which would jeopardize a criminal investigation or eventual prosecution.

Policy for Active Response to
Terrorist Threats and Incidents

Justice Comment: The Department of Justice supports this proposal provided that the policies which are developed recognize and include investigative and prosecutive options and concerns. Procedures should be established by which evidence needed for federal prosecution is obtained and preserved. Moreover, any policy drafted by the National Coordinator for Combatting Terrorism for submission to NSC for approval should be reviewed and approved by all cognizant agencies and the President. In addition, under the sample criteria proposed in this issue, we would suggest an addition to the "status of forces for preemptions, reaction, or retaliation"; under this criterion, it would be important to add the possible use of assistance from indigenous forces to support preemptions, reactions, or retaliation. It is also in the United States' interest to make available to foreign governments any technical assistance by the United States Government such as the use of the FBI Laboratory in the investigation of the killing of the four Marines in El Salvador and the General Dozier kidnaping case.

International Agreements for Combatting Terrorism

Justice Comment: We agree that the United States should initiate a two-track effort to secure international agreements requiring and facilitating cooperative efforts among like-minded nations for the combatting of terrorism. The proposal does not note, however, that Justice has developed during the last several years a great deal of technical knowledge and expertise concerning the drafting of similar agreements (Extradition and Mutual Legal Assistance Treaties and Agreements) and would be pleased to put its resources to use in planning and negotiating the more focussed agreements called for by this proposal.

Extradition Treaties

Justice Comment: We agree that the United States should conduct a review of the United States situation with respect to extradition arrangements and initiate action to negotiate such treaties as might be necessary in order to complete our network of treaties and to close the legal loopholes exploited by terrorists. Justice, which has participated in all extradition negotiations for a number of years and is responsible, in large part, for implementing the extradition treaties, has already done a great deal of the initial work that would be necessary in order to implement this proposal and would be pleased to put its resources to use in finishing that work and in planning and negotiating the necessary agreements contemplated by this proposal.

Issue Paper No. 9

Response Options to Terrorism

Justice Comment: The Department of Justice supports this measure. Since certain proposed options may well jeopardize the United States' effort to prosecute in the United States acts of international terrorism, the Department of Justice should be involved in the preparation and review of the list of proposed options.

Counterterrorism Exercises and Simulations

Justice Comment: The Department of Justice supports the proposal for the conduct of counterterrorism exercises and simulations. In view of the expanding federal criminal jurisdiction over international terrorist incidents, Department of Justice prosecutors and the FBI should play an important role in these exercises. It should be pointed out, however, that FBI participation in such exercises or crisis simulations is at the expense of operational activity. Continuous investigative responsibilities place a heavy burden on the Bureau's limited resources. For this reason, FBI participation in exercises is contingent upon careful preplanning so that the necessary budgetary and manpower allocation decisions can be made in a timely fashion.

Intelligence Fusion Center for Terrorism

Justice Comment: The Department of Justice supports the concept of the establishment of intelligence fusion centers to which the FBI would have total access. However, the FBI has certain legal and policy prohibitions regarding the input of information relating to United States persons into a data base accessible to other agencies. The FBI, therefore, proposes that a second intelligence fusion center for domestic terrorism matters be created and managed by the FBI. It should be stressed that the proper function for an intelligence fusion center is analytical support and that such a center should not be confused with a command center for operational decision making. We view these "fusion centers" as clearinghouses for information provided by diverse intelligence sources. Further, information from all fusion centers relevant to potential federal criminal violations should be disseminated to Department of Justice prosecutors as requested.