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Folder Title: Hostile Intelligence Threat:
Terrorism 04/01/1982-12/31/1982
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Collection Name DEGRAFFENREID, KENNETH: FILES

Withdrawer

SJW 2/26/2016

File Folder HOSTILE INTELLIGENCE THREAT: TERRORISM 4/1/82-12/31/82

FOIA

F02-0083/01

Box Number RAC BOX 9

PRADOS

602

| ID | Doc Type | Document Description | No of Pages | Doc Date | Restrictions |
|--------|----------|-----------------------------|-------------|----------|--------------|
| 173379 | FOLDER | PAPERS, MEMOS, COVER SHEETS | 54 | ND | B1 |

The above documents were not referred for declassification review at time of processing

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

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RECEIVED 27 MAY 82 16

TO WHEELER FROM PETERSON, R

DOCDATE 27 MAY 82

KEYWORDS: TERRORISM

INTELLIGENCE

LEGISLATIVE REFERRAL

SUBJECT: CIA VIEWS & PROPOSED AMENDMENTS ON S-2255 ENTITLED ANTITERRORISM
& FORN MERCENARY ACT

ACTION: MEMO WHEELER TO PETERSON

DUE: 03 JUN 82 STATUS S FILES

FOR ACTION

FOR CONCURRENCE

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DISPATCH

W/ATTCH FILE (C)



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

May 27, 1982

3369 37
SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-

Department of Justice
Department of State
Department of Defense
Department of Transportation
National Security Council
Federal Emergency Management Agency

SUBJECT: CIA views and proposed amendment on S. 2255, a bill entitled "Antiterrorism and Foreign Mercenary Act."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than FRIDAY, JUNE 4, 1982.

Questions should be referred to Tracey Lawler (395-4710), the legislative analyst in this office.

Ronald K. Peterson
RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures
cc: Dan Taft
Jim Barie

K1-5/82.2 44
38

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

General Counsel

25 May 1982

Fawler

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your Legislative Referral Memorandum dated 18 May 1982 requesting the views of the Central Intelligence Agency on S. 2255, the "Antiterrorism and Foreign Mercenary Act." The Central Intelligence Agency supports legislative efforts to combat international terrorism. With one modification designed to assure that S. 2255 would not have the unintended effect of hindering U.S. intelligence activities directed against international terrorism, the Bill would be a positive contribution.

The mission of the departments and agencies of the United States Intelligence Community includes foreign intelligence collection to gather information about terrorist organizations and governments which support terrorism, counterterrorist activities to thwart terrorism, and special activities directed against hostile foreign governments or terrorist organizations. In the form in which it was introduced, S. 2255 could have the unintended consequence of restricting the ability of the Intelligence Community to carry out these activities by extending criminal liability to the conduct of legitimate U.S. intelligence activities.

Under the Bill's proposed 18 U.S.C. § 791, a U.S. citizen or permanent resident alien could not serve in, or in concert with, a military or intelligence component of a foreign government or terrorist group designated by Presidential proclamation. Similarly, no U.S. citizen or permanent resident alien could provide training in any capacity to an agent of a military or intelligence component of a designated terrorist group or government. This would effectively prevent the use of penetration agents or double agents directed against the military or intelligence components of a designated terrorist group or government.

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To avoid the unintended negative impact of the legislation on U.S. intelligence activities, the Central Intelligence Agency proposes the following amendment to S. 2255 to make clear that the legislation does not extend criminal liability to the conduct of legitimate U.S. intelligence activities:

On page 10, after line 15, insert:

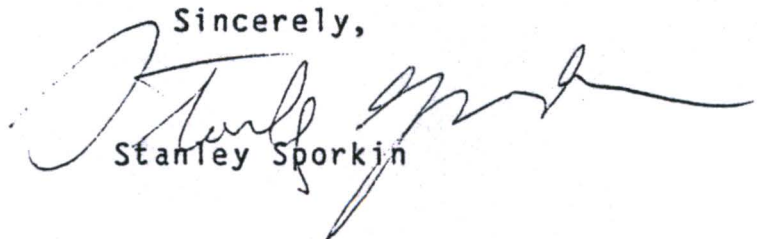
"(k) Nothing in this section shall be construed to create criminal liability for the conduct of United States intelligence activities which are properly authorized and conducted in accordance with federal statutes and Executive orders governing such activities."

It must be emphasized that the proposed amendment would not itself authorize any U.S. intelligence activities, nor would it exculpate U.S. intelligence personnel who might engage in activities which are not lawfully authorized.

The proposed amendment preserves the status quo of the law governing U.S. intelligence activities. The National Security Act of 1947, as amended (including its congressional oversight provisions), the Foreign Assistance Act of 1961, as amended (concerning special activities), the Foreign Intelligence Surveillance Act of 1978 (concerning electronic surveillance), the various statutes governing the activities of individual intelligence agencies (e.g., the CIA Act of 1949, the National Security Agency Act of 1959), and Executive Order 12333 and detailed implementing regulations approved by the Attorney General, along with other applicable statutes and Executive orders, will continue to determine what U.S. intelligence agencies can and cannot do to counter the threat of foreign terrorism.

We appreciate very much the opportunity to present our views on this legislation.

Sincerely,



Stanley Sporkin

NSC/S PROFILE

UNCLASSIFIED

ID 8208858

RECEIVED 27 DEC 82 18

TO

CLARK

FROM PERCY, CHARLES

DOCDATE 10 DEC 82

TOWER, JOHN

10 DEC 82

COHEN, WILLIAM S

10 DEC 82

KEYWORDS: TERRORISM

CCO

file: Terrorism

SUBJECT: D/R 030 REQUEST CLARK TO STUDY THE ISSUE OF TERRORISM IN RELATION TO
DOMESTIC ISSUES

ACTION: PREPARE REPLY FOR CLARK SIG DUE: 16 FEB 83 STATUS S FILES IF

FOR ACTION

FOR CONCURRENCE

FOR INFO

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| North | - 2/15 | Rec'd Bremer Response | | |
| S | 2/15 | Responded/Prepare Memo for Clark 2/15 | | WD, PS, R/L |
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DISPATCH _____ W/ATTCH FILE _____ (C)



United States Department of State

Washington, D.C. 20520

9858

February 15, 1983

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

Subject: Response to Inquiry from Senators Percy,
Thurmond, Tower, Denton, and Cohen

In response to Admiral Poindexter's memorandum of January 26 to Ambassador Robert Sayre, Chairman, Interdepartmental Group on Terrorism, subject as above, please find the attached draft progress report for Judge Clark's use in responding to the Senators' request.

Charles Hill

L. Paul Bremer, III
Executive Secretary

Attachment:
As stated.