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Folder Title: Iran/Arms Transaction: 1984/1985
Presidential Findings on Terrorism – License to
Kill Finding (1)
Box: CFOA 1131

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Collection Name CULVAHOUSE, ARTHUR B.:FILES

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File Folder IRAN/ARMS TRANSACTION: 1984/1985 PRESIDENTIAL
FINDINS ON TERRORISM - LICENSE TO KILL (1 OF 2)

FOIA

S643

Box Number CFOA 1131

SYSTEMATIC

136

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164942	MEMO	VINCENT CANISTRARO, OLIVER NORTH TO ROBERT MCFARLANE, RE: PRESIDENTIAL FINDING ON COUNTERTERRORISM	2	8/9/1985	B1
164943	PAPER	SCOPE OF ACTIVITIES	2	ND	B1
164944	PAPER	ADVISORY	2	ND	B1
164945	FINDING	RE: COUNTERTERRORISM, ANNNOTATED	1	8/11/1985	B1
164946	FINDING	COPY OF #164946	1	8/11/1985	B1
164947	PAPER	DUPLICATE OF #164493	2	ND	B1
164948	PAPER	DUPLICATE OF #164944	2	ND	B1
164949	MEMO	ROBERT MCFARLANE TO THE PRESIDENT, RE: PRESIDENTIAL FINDING ON COUNTERTERRORISM	2	8/11/1985	B1

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

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

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164950	FORM	TRANSMITTAL TO NSC	1	10/5/1988	B1
164951	NOTE	RUSS BRUEMMER TO NICK ROSTOW	1	10/5/1988	B3
164952	PAPER	USE OF LANGUAGE IN FINDING	3	ND	B1

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THE WHITE HOUSE

WASHINGTON

April 5, 1984

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~~w/ TOP SECRET SENSITIVE attachment~~

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE COUNSELLOR TO THE PRESIDENT
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE CHIEF OF STAFF TO THE PRESIDENT
THE CHIEF OF STAFF TO THE VICE PRESIDENT
THE CHAIRMAN, JOINT CHIEFS OF STAFF

SUBJECT: National Security Decision Directive (NSDD-138):
Combatting Terrorism (S)

The President has formally approved the attached National Security Decision Directive (NSDD-138) on measures to be taken by the USG to combat terrorism. Copies of this directive may not be reproduced. Please ensure proper handling of this document and the attached directive to prevent unauthorized disclosure. (S)

FOR THE PRESIDENT:


Robert C. McFarlane

Attachment
NSDD-138

cc Director of FBI

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Declassify: OADR

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THE WHITE HOUSE

National Security
Decision Directive 138

WASHINGTON

April 3, 1984

COMBATTING TERRORISM (U)

DECLASSIFIED

Authority: Long to Weinstein

BY: db NARS/TE 5/13/14

U.S. citizens and installations, especially abroad, are increasingly being targetted for terrorist acts. These attacks result from activities by state-sponsored terrorist movements, international terrorist organizations and groups, and individual terrorists operating without obvious support. Terrorist activities not only endanger our citizens and interests, but result in the destabilization and polarization of democratic and friendly governments. Of particular concern is the possibility that international terrorist movements and some of those which enjoy state sponsorship are receiving support and perhaps guidance directly or indirectly from the Soviet Union. International terrorist activity, as referred to in this directive, includes conspiring about planning for or conducting terrorist acts by trans-national groups, whether the activity occurs in the U.S. or abroad. (S)

The U.S. Government program to prevent, counter, and combat terrorism must be significantly enhanced to reduce the threat to U.S. citizens and foreign nationals in the United States who enjoy our protection. We must also seek to ameliorate the subversive effect of terrorism on foreign democratic institutions and pro-Western governments. Our program must include measures which will deter terrorist attacks, improve protection for those threatened, and reduce the effectiveness of those attacks which do occur. Domestic programs to deal with terrorist activities in the United States must be continuously reviewed and assessed in order to identify useful improvements. This policy must be supported by improved intelligence, by political and diplomatic actions, and by improved response capabilities. (TS)

This NSDD provides guidance for developing a long-term, two-phased program for achieving these objectives in accord with the provisions of Executive Order 12333 of December 4, 1981, and other applicable laws and statutes. Phase I will commence immediately and conclude December 31, 1984. Phase II will consist of those measures to be taken after January 1, 1985. The following principles will guide implementation in both phases:

(S)

- The U.S. Government 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. (U)

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- Terrorism is a common problem for all democratic 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. All available channels of communication will be used to persuade those now practicing or supporting terrorism to desist. Assistance and support shall be provided to those democratic nations suffering intimidation because of terrorist threats or activities. (U)
- 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. (U)
- Intelligence collection against groups and states involved in international terrorism must be improved in order to better prevent or counter attacks; warn our citizens, friends, and allies; and, thereby, reduce the risk to them. (U)
- Acts of state-sponsored and organized terrorism should be appropriately exposed and condemned in every available forum. (U)

PHASE I. The following near-term actions, by key departments and agencies of the U.S. Government, are designed to immediately reduce the threat to U.S. citizens, interests, and property in accord with the guidance above. To this end, the following measures are directed to be fully implemented by December 31, 1984:

- The Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Director of Central Intelligence, and the Director OMB, shall: (C)
- Secure expeditious passage of legislative instruments to implement the provisions of extant international accords on terrorism to which the United States is signatory. Measures should also be taken to carry out appropriate bilateral and multilateral exchanges leading toward improved cooperation on combatting terrorism, especially with those states having an established counter-terrorist capability. (C)

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- Provide, through applicable legislative authorities, resources, facilities, and services required to support expanded counter-terrorism training for the civil/domestic security services of other friendly governments. (C)
- Develop a full range of options for dealing directly with terrorism, both at the threat stage and after such acts are carried out. This should include a program for expanding existing sanctions against those organizations or states which support or export terrorism. It should also incorporate improved visa processing systems and procedures which will permit the U.S. to deny access to its territory to individuals who represent such organizations or states. (S)
- The Secretary of Defense, in consultation with the Secretary of State, Director of Central Intelligence, and the Attorney General, shall:
 - Continue improvements in the U.S. capability to conduct military operations to counter terrorism directed against U.S. citizens, military forces, property, and interests. (S)
 - Develop a military strategy that is supportive of an active, preventive program to combat state-sponsored terrorism before the terrorists can initiate hostile acts. (S)
 - Develop a full range of military options to combat terrorism throughout the entire terrorist threat spectrum. (S)
 - Develop a broad range of defensive measures to protect military forces, dependents, and facilities worldwide. (S)
- The Attorney General shall enhance collection, analysis, and dissemination of intelligence information on terrorist movements, organizations, and activities within the United States. To the extent necessary, the Attorney General and the Director of Central Intelligence shall maintain close liaison in these matters to ensure that the intelligence activities of their respective agencies are properly coordinated. (TS)

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- The Director of Central Intelligence, in consultation with the Secretaries of State, Treasury, and Defense and the Attorney General, shall: ~~(C)~~
 - Enhance foreign collection, analysis, and dissemination of information on state-sponsored terrorist organizations and anti-Western international terrorist movements/ groups including relationships with hostile intelligence services. This effort shall include a prioritization of those terrorist organizations (whether or not state-sponsored) which are most threatening to the U.S. and an assessment of their potential vulnerabilities. ~~(S)~~
 - Develop, in coordination with other friendly security services, capabilities for the pre-emptive neutralization of anti-American terrorist groups which plan, support, or conduct hostile terrorist acts against U.S. citizens, interests, and property overseas. ~~(S)~~
 - Develop a clandestine service capability, using all lawful means, for effective response overseas against terrorist acts committed against U.S. citizens, facilities, or interests. ~~(TS/S)~~
 - Provide a new Finding on combatting terrorism which includes, inter alia, lawful measures to:
 - Increase cooperation with the security agencies of other friendly governments. ~~(S)~~
 - Unilaterally and/or in concert with other countries neutralize or counter terrorist organizations and terrorist leaders. ~~(TS/S)~~
 - Develop an information exploitation program, aimed at disrupting and demoralizing terrorist groups. ~~(S)~~

The Director of Central Intelligence is charged with the overall responsibility for developing a comprehensive and coordinated action plan to implement the steps above during CY-84. This action plan shall include milestones and attainable objectives aimed at commencing an active campaign to combat terrorism as soon as practicable. This plan shall be fully consistent with all provisions of Executive Order 12333 and other applicable laws and statutes. ~~(S)~~

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Recommendations for increased resource requirements should accompany the plan. This plan, finding, and resource recommendations shall be forwarded for review by the NSPG no later than May 31, 1984. ~~(S)~~

Once this plan, prepared by the DCI, has received Presidential approval, its implementation during Phase I will be monitored by the Terrorist Incident Working Group (TIWG), established in NSDD-30. The mandate of the TIWG is hereby amended to include these responsibilities and the TIWG Chairmanship is hereby modified to include the Assistant to the President and Director of Special Support Services as co-Chairman. The TIWG will meet on a regular basis on these matters and provide periodic reports to the NSPG on implementation of these measures. ~~(S)~~

A coherent effort and plan to combat terrorism requires that the United States Government not only take action against known terrorists, but improve its ability to protect its people and facilities as well. These initiatives shall be implemented concurrently to preclude unnecessary risk. Accordingly, in addition to those steps outlined above, the following protective, security, and enforcement measures are directed for implementation during Phase I: ~~(S)~~

- The Secretaries of State and Defense shall accelerate security improvements in overseas locations to reduce the threat of terrorist action. ~~(S)~~
- The Secretaries of State, Defense, and Treasury, in coordination with the Attorney General, and other appropriate agency heads, shall take action to improve protection/security of personnel and facilities in the U.S. under their purview to reduce their vulnerability to terrorist attack. ~~(C)~~
- The Secretaries of State and Defense, in coordination with the Director of Central Intelligence, shall strengthen procedures for dissemination of terrorist warning information to threatened missions and units. To ensure the effectiveness of these measures, the Director of Central Intelligence shall develop improved procedures for the continuous, systematic assessment of intelligence on terrorist groups, movements, and individuals. ~~(S)~~
- Departments and agencies with personnel in areas vulnerable to terrorist action shall pursue mandatory programs for improved awareness and security training. ~~(U)~~

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- The Attorney General, in consultation with the Secretaries of State, Defense, and Treasury, and other agency heads as appropriate, shall develop streamlined operational plans for deterring and responding to terrorist threats against prominent locations/events in the United States which could be likely targets for terrorist attack. ~~(C)~~
- The Attorney General, in consultation with the Secretary of Treasury and other appropriate agency heads, shall also continue to:
 - Enhance coordination, analysis, and dissemination of federal law enforcement information regarding terrorist activities and the presence of foreign or international terrorists in the United States. ~~(C)~~
 - Enhance cooperation among federal law enforcement agencies and state and local authorities in the investigation and prosecution of crimes committed by terrorists. ~~(C)~~

A consolidated plan to implement these Phase I security, protection, and enforcement initiatives shall be prepared by the Interdepartmental Group on Terrorism (IG/T) for review by the NSPG no later than May 31, 1984. This plan should include recommendations for increased resources required by the departments and agencies to implement this program. (S)

All plans submitted for review by the NSPG should describe actions already taken and resources applied in 1983, legislative initiatives, and programs currently planned and underway for 1984-1989. The strengths and weaknesses of currently planned programs should be delineated and analyses should be provided explaining the need for additional resources. Where appropriate, financing alternatives, including offset proposals, should be provided. ~~(S)~~

Phase II

A second phase of this national program to combat terrorism shall commence on January 1, 1985. This phase is designed to improve capabilities, organization, and management that will further protect U.S. interests, citizens, and facilities from acts of terrorism. ~~(S)~~

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The Assistant to the President for National Security Affairs will convene an interagency group comprised of representatives of the departments of State, Treasury, Defense, Justice, the DCI, OMB, and White House Office of Special Support Services to develop recommendations on improving the overall management of national programs for assessing, combatting, and countering international terrorism. This group shall also recommend any changes that should be made in the planning, integration, and oversight arrangements for terrorism countermeasures. These recommendations to improve the program during Phase II should be presented for review by the NSPG by July 31, 1984. (S)

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FINDINS ON TERRORISM - LICENSE TO KILL (1 OF 2)

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164942 MEMO

2

8/9/1985

B1

VINCENT CANISTRARO, OLIVER NORTH TO
ROBERT MCFARLANE, RE: PRESIDENTIAL
FINDING ON COUNTERTERRORISM

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164943	PAPER SCOPE OF ACTIVITIES	2	ND	B1

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164944	PAPER ADVISORY	2	ND	B1

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164945 FINDING

1 8/11/1985 B1

RE: COUNTERTERRORISM, ANNNOTATED

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164946 FINDING		1	8/11/1985	B1
	COPY OF #164946			

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164947 PAPER		2	ND	B1
	DUPLICATE OF #164493			

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164948	PAPER DUPLICATE OF #164944	2	ND	B1

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FINDINS ON TERRORISM - LICENSE TO KILL (1 OF 2)

FOIA

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<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restric-</i> <i>tions</i>
164949	MEMO ROBERT MCFARLANE TO THE PRESIDENT, RE: PRESIDENTIAL FINDING ON COUNTERTERRORISM	2	8/11/1985	B1

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THE FLAMES WERE flickering in the Oval Office fireplace, suggesting intimacy, even home, for the meeting that fall afternoon just after the election victory. Casey strode in with his papers and a summary of talking points on a single sheet of paper. He was certain he had reduced the issue to its basics. Now, with the second term, it was time. He had in mind a presidential finding that would direct the CIA to train and support small units of foreign nationals in the Middle East which would conduct preemptive strikes against terrorists. When intelligence showed that someone was about to hit a U.S. facility, such as an embassy or a military base, the units would be able to move to disable or kill the terrorists. The President was aware that the fanatics and suicide bombers were a visible demonstration of his Administration's impotence, and he had agreed to do something.

Weinberger had refused to involve the military; the shelling from the battleship *New Jersey* into Lebanon had not worked—it was too much, too indiscriminate, there was no pinpoint accuracy. Air strikes killed the innocent along with the terrorists. No, thanks, not us, was the message from the Pentagon. Cap had folded his arms and said no.

Casey's own CIA had to be dragged in kicking and screaming; McMahon had also issued a no-thank-you; the CIA did intelligence, not killing. But Casey had been stubborn, and Shultz had backed him up.

Casey explained to the President that the finding was simply to train and put the units in place; another finding would be required to take action in a specific case. The Israelis were experienced at this kind of covert preemptive work, but it was essential that the Administration not get into bed with them on this. Any U.S. action had to be seen as antiterrorist, not anti-Arab.

With luck, no one would ever know even about the existence of these new units. At first, three five-man units would be trained and set up in Lebanon. Any preemptive hit would be carried out undercover; it would

not be traceable to the CIA or the United States; all would have deniability.

The President told Casey to inform the congressional intelligence committees but to invoke the provision in the law that allowed him to inform only eight people—the chairmen and vice-chairmen of the Senate and House committees, and the Republican and Democratic leaders of both the Senate and the House.

Casey said he would see to it personally. That would emphasize the sensitivity. No loudmouth staffers would know. He saw a chance to show that the CIA could conduct truly secret operations.

Reagan signed the formal finding and an accompanying National Security Decision Directive. The immediate cost for the Lebanese units would be about \$1 million. When the program was expanded to other countries, the cost would be \$5.3 million.

Rear Admiral John M. Poindexter, McFarlane's deputy, who was at the meeting, later described the afternoon session to a colleague: "Casey mumbled, and Ronald Reagan nodded off."

Casey was determined to see this through. McMahon had fought him every step of the way, littering the bureaucratic landscape with doubts. Could they trust the foreign nationals, particularly the Lebanese? Could the CIA control them? As McMahon saw it, either answer to the second question spelled trouble. If the CIA had control, would it not involve the agency in assassinations? Wasn't participation in preemptive strikes assassination-planning that was banned by the Reagan executive order, no matter how it might be dressed up? If the CIA did not have control, were they not launching unguided missiles? And, McMahon wondered further, would they ever have intelligence of the quality, certainty and timeliness to justify a preemptive attack? They had never had it so far.

Sporkin had helped develop Casey's rationale. He had written a legal opinion asserting that preemptive action would be no more an assassination than would a case in which a policeman gets off the first shot at the man who is pointing a gun at him. "Preemptive self-defense," he termed it.

Casey was focusing on Beirut. The past eight months had posed an emotional crisis for the agency. William Buckley, who had been kidnapped in Beirut on March 16, was described publicly as a political officer in the U.S. Embassy, but he was in fact Casey's station chief. Casey was sure that the Muslim extremists who had kidnapped him knew whom they had. He had pushed the DO nearly every day to come up with a way to locate and rescue Buckley. He had directed that extraordinary measures be taken: he would authorize money to pay informants; he ordered

communications interception stepped up; he had satellite photos enhanced to search for clues; he established a special hostage-rescue task force. He was aware that neither he nor the agency could bargain for Buckley without violating Administration policy, which prohibited negotiations to ransom hostages. The ordeal was humiliating. The station in Beirut had had to be cut back to a new station chief and security people. Many of its intelligence functions had been turned over to the Lebanese intelligence service, a tough, lethal group that was in effect the last vestige of governmental authority in the capital. Money, equipment and technical support were being provided them by the CIA.

A group calling itself Islamic Jihad (Islamic Holy War) had claimed responsibility for kidnapping Buckley. Casey was sure the name was simply a slogan or a war cry for extremists. They had also been implicated in the bombings of U.S. facilities in Beirut.

For DDO Clair George, who had been the Beirut station chief from 1975 to 1976, the Buckley kidnapping revived bad dreams. During his time in Beirut, two U.S. government officials had been abducted and held hostage for four months before being released. He had lived that agony. George had turned the DO inside out trying to save Buckley. It was not only that he wanted Buckley back; the effort was a signal to thousands of DO officers abroad that the CIA would do just about anything to rescue one of its own. An expert FBI team trained in locating kidnap victims was sent to Beirut. It came up with nothing after a month.

It was time to hit back. But training the Lebanese was proving to be trouble. They couldn't be controlled; they were willing to commit murder, very willing. Casey's own CIA people began slowing down. No one inside the agency wanted to step out front. Casey saw the shellshocked faces, frightened of a real encounter with danger. He had brought them a long way in four years, but many of them, McMahon, the bean-counters in the budget office, the DO, didn't understand his reading of their obligation.

All the bold planning was going to be a wasted effort. Casey decided to turn to the Saudi intelligence service and King Fahd. They promised help in the form of \$3 million.

One day in early 1985, Saudi Ambassador Prince Bandar received a courier directly from the King. A message contained secret instructions to cooperate with Casey. Bandar immediately made an appointment to visit Casey at Langley. Casey saw him, but proposed a second meeting elsewhere, saying, "Let's have a bite." It was as if he didn't want to talk at the CIA's own headquarters. They agreed to have lunch over the weekend at Bandar's residence, a palatial estate just a mile down Chain

a fall-back plan. He proposed in a memo to McFarlane that the President make a public request for private donations to the contras. McFarlane told him to wait on that but approved the establishment of "The Nicaraguan Freedom Fund, Inc." It could exist as a tax-exempt corporation so that the donors would be able to deduct their contributions. North calculated that with another \$15-\$20 million they would be able to expand the contra force to perhaps 35,000.

North also made arrangements for South Korea and Taiwan to make contributions to the contras. And he increased his operational role, once proposing a plan to sink a merchant ship, the *Monimbo*, which was carrying arms to the Sandinistas.

For more than a month I had known that President Reagan had signed the finding to create three secret Lebanese units for preemptive attacks on terrorists. Lauder, Casey's press man, had tried to dissuade the *Post* from running the story. We had discovered that the top-secret finding had been rescinded after the Beirut car-bombing had killed eighty people. We knew only about the role of the Lebanese intelligence service at that point, and nothing about the secret role of the Saudis or their \$3 million contribution to the operation. We saw no reason to withhold a story, since the operation had failed and the finding was history.

"It's like hitting an old wound with a hammer," Lauder said in exasperation. The story ran on May 12: "Antiterrorist Plan Rescinded After Unauthorized Bombing."

Three days later George Lauder wrote to Casey: "It seemed clear that Woodward was planning to go ahead with this story irrespective of what I told him. I strongly stated that his story was grossly irresponsible and an 'invitation to murder.' I said that if he were Fadlallah and had seen a great number of supporters, including women and children, blown up and then read the *Washington Post* story, he couldn't help but want to take revenge against Americans in Lebanon, official or otherwise. . . . I told Woodward that John McMahon had told me to tell him that if he printed this story he would never again be received in this building.

"I further added that this type of irresponsible story would indicate to us that *The Washington Post* not only had no respect for lives of Americans in Beirut, but was continuing its traditional anti-establishment crusade, this time with Hill oversight members and staffers who had their own agenda to 'do in' covert action and create problems for the Intelligence community.

". . . I added that I found his and the *Post*'s actions contemptible. In the future we would handle his contacts with the Agency in the same

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manner that we do Jack Anderson, Tass and other journalists of that ilk."*

Casey called me at the paper. "Lives are in danger," he said. "I'm not sure it was a story that had to be written, but I can't control that. Maybe I should, though. It's the way it got picked up—as if we had our own hit team out there." He said that it would make life more difficult for him and his agency. The matter has lethal consequences, he said, and care has to be exercised in not just the facts but the impression that is created. "You shouldn't have run it." His tone was matter-of-fact, but it turned to ice: "You'll probably have blood on your hands before it's over."

* I kept detailed notes of all my conversations with Lauder; I have none to suggest he said these things, nor do I recall he said them.

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164950 FORM	TRANSMITTAL TO NSC	1	10/5/1988	B1

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164951	NOTE RUSS BRUEMMER TO NICK ROSTOW	1	10/5/1988	B3

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164952 PAPER	USE OF LANGUAGE IN FINDING	3	ND	B1

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