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WITHDRAWAL SHEET

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Date: 11/2/00
Wills/F97-082/2

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. Paper	General Comments on Issue #37, 2 p. <i>PART 3/27/06 NLSF97-082/2 #34</i>	n.d.	P1/B1
2. Paper	General Comments on Issue #38, 2 p.	n.d.	P1/B1/B7
3. Paper	re: " " " #35 R 8/22/08 M05-011 # 10165	11/4/85	P1/B1
4. Paper	Summary State Department Comments, 5 p.	11/5/85	P1/B1
5. Cover Sheet	OSD, 1 p. <i>PART 3/27/06 NLSF97-082/2 #37</i>	n.d.	P1/B1
6. Paper	re: Issue 6, 1 p.	n.d.	P1/B1
7. Paper	re: Issue 39, 1 p.	n.d.	P1/B1
8. Paper	re: Issue 42, 1 p.	n.d.	P1/B1
9. Paper	re: Issue 45, 1 p.	n.d.	P1/B1
10. Paper	re: Issue #39, Research and Development for Combatting Terrorism, (pages 2-4 only), 3 p.	11/6/85	P1/B1, B3
11. Cover Sheet	for Issue Papers, 1 p. <i>D 5/11/01 NLSF97-082/2 #43 PAR</i>	10/30/[85]	P1/B1
12. Memo	██████████ to James Holloway, re: Issue Papers, 6 p. <i>P " " #45</i>	10/30/85	P1/B1, B3

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
 - P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
 - P-3 Release would violate a Federal statute [(a)(3) of the PRA].
 - P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
 - P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
 - P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

- B-1 National security classified information [(b)(1) of the FOIA].
- B-2 Release could 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 commercial or financial information [(b)(4) of the FOIA].
- B-5 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(5) of the FOIA].
- B-6 Release would disclose information compiled for law enforcement purposes [(b)(6) of the FOIA].
- B-7 Release would disclose information concerning the regulation of financial institutions [(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].

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File Folder NSDD 207: RESPONSESE TO ISSUE PAPERS [EARL,
ROBERT]

FOIA

F97-082/2

Box Number 91956

ID Doc Type	Document Description	No of Pages	Doc Date
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~~1 PAPER GENERAL COMMENTS ON ISSUE #37 2 ND~~ ^{MVH 3/10/08}

1 November 1985

MEMORANDUM FOR ADMIRAL HOLLOWAY *h*

FROM: Bob Earl

SUBJECT: Corrected Version(s) of Issue Paper No. 3

Two different versions of the corrected Issue Paper No. 3 (National Organization for Combatting Terrorism) are enclosed for your review. Version A uses a concept of "Lead Agency" as something "distinguishable" from "interagency coordination" rather than synonymous with it -- or, as merely "interagency coordination during an incident" (strict constructionist interpretation of NSDD 30). Version B uses a concept of "Lead Agency" as a form of interagency coordination (whether during an incident or not).

Both versions counter the criticism that the "Lead Agency" concept has been destroyed by creation of an NSC Coordinator.

Of the two versions, I tend to like Version B better, although I recommend soliciting input/corrections from the rest of the Working Group before we send out a Corrected Copy to the SRG.

Very respectfully,

Bob Earl

Version "B"

CORRECTED ISSUE PAPER NO. 3 (Proposed Version A;

COGNIZANT ACTIVITY: All Departments and Agencies

SUBJECT: National Organization for Combatting Terrorism

ISSUE: The organization for combatting terrorism must be compatible with the overall organizational structure of the U.S. Government, be capable of administering the programmatic aspects of the national program for combatting terrorism, be able to generate a counterterrorist strategy, and provide the operational capability for dealing with terrorist threats and incidents. The existing organization utilizes both the interagency approach through the Interdepartmental Group on Terrorism, which formulates policy, manages the program, and generally outlines the counterterrorism strategy, and the Lead Agency concept in coordinating the federal response to a terrorist incident. The Terrorist Incident Working Group generally operates in a tactical fashion to resolve threats and incidents in an operational context.

PROPOSAL: The existing interagency approach and Lead Agency concept utilizing the basic organizations of the Interdepartmental Group on Terrorism and the Terrorist Incident Working Group should be retained with the following modification.

etc. (no changes to rest of Issue Paper No. 3)

COGNIZANT ACTIVITY: All Departments and Agencies

SUBJECT: National Organization for Combatting Terrorism

ISSUE: The organization for combatting terrorism must be compatible with the overall organizational structure of the U.S. Government, be capable of administering the programmatic aspects of the national program for combatting terrorism, be able to generate a counterterrorist strategy, and provide the operational capability for dealing with terrorist threats and incidents. The existing organization utilizes the interagency approach in the form of the Lead Agency concept. The principal components of this interagency approach are:

- (1) the Interdepartmental Group on Terrorism, which formulates policy, manages the program, and generally outlines the counterterrorism strategy.
- (2) the Terrorist Incident Working Group, which generally operates in a tactical fashion to resolve threats and incidents in an operational context.
- (3) the assignment of Lead Agency responsibilities to the Department of State for terrorism overseas, the Department of Justice/FBI for terrorism within the United States, and the FAA for hijackings.

PROPOSAL: The existing interagency approach and Lead Agency concept utilizing the basic organizations of the Interdepartmental Group on Terrorism and the Terrorist Incident Working Group should be retained with the following modification.

COGNIZANT ACTIVITY: All Departments and Agencies

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- (1) the Interdepartmental Group on Terrorism, which formulates policy, manages the program, and generally outlines the counterterrorism strategy.
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- (3) the assignment of Lead Agency responsibilities to the Department of State for terrorism overseas, the Department of Justice/FBI for terrorism within the United States, and the FAA for hijackings.

PROPOSAL: The existing interagency approach and Lead Agency concept utilizing the basic organizations of the Interdepartmental Group on Terrorism and the Terrorist Incident Working Group should be retained with the following modification.

There will be established the position of National Coordinator for Combatting Terrorism in the National Security Council organization at the level of a Senior Director for National Security (Special Assistant to the President). The Coordinator will:

1. Be supported by a small, full-time, dedicated staff.
2. Serve as Chairman of the Interdepartmental Group on Terrorism.
3. Serve as Executive Director of the TIWG.
4. Be responsible for maintaining the programming documents of the national program for combatting terrorism.
5. Provide management coordination of the entire national program for combatting terrorism through the programming documents and the Interdepartmental Group on Terrorism.
6. Provide a focal point for all matters concerning terrorism other than those clearly the sole responsibility of a single agency or department.

STAFF CONTACT: Mr. B. Hutchings, 395-4950.

1 November 1985

MEMORANDUM FOR ADMIRAL HOLLOWAY

FROM: Bob Earl

SUBJECT: Corrected Version(s) of Issue Paper No. 3

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Both versions counter the criticism that the "Lead Agency" concept has been destroyed by creation of an NSC Coordinator.

Personally, I feel the Version B concept of "Lead Agency" is more in synch with the majority of agencies working the terrorism problem. I believe most agencies believe that the Lead Agency concept applies to non-incident related interagency coordination as well as to incident-related interagency coordination. The Version A concept makes a stronger case for the Coordinator created in Issue Paper No. 3 (unless the definition/concept of Lead Agency it uses is attacked).

Very respectfully,

CORRECTED ISSUE PAPER NO. 3 (Proposed Version A)

COGNIZANT ACTIVITY: All Departments and Agencies

SUBJECT: National Organization for Combatting Terrorism

ISSUE: The organization for combatting terrorism must be compatible with the overall organizational structure of the U.S. Government, be capable of administering the programmatic aspects of the national program for combatting terrorism, be able to generate a counterterrorist strategy, and provide the operational capability for dealing with terrorist threats and incidents. The existing organization utilizes both the interagency approach through the Interdepartmental Group on Terrorism, which formulates policy, manages the program, and generally outlines the counterterrorism strategy, and the Lead Agency concept in coordinating the federal response to a terrorist incident. The Terrorist Incident Working Group generally operates in a tactical fashion to resolve threats and incidents in an operational context.

PROPOSAL: The existing interagency approach and Lead Agency concept utilizing the basic organizations of the Interdepartmental Group on Terrorism and the Terrorist Incident Working Group should be retained with the following modification.

etc. (no changes to rest of Issue Paper No. 3)

COGNIZANT ACTIVITY: All Departments and Agencies

SUBJECT: National Organization for Combatting Terrorism

ISSUE: The organization for combatting terrorism must be compatible with the overall organizational structure of the U.S. Government, be capable of administering the programmatic aspects of the national program for combatting terrorism, be able to generate a counterterrorist strategy, and provide the operational capability for dealing with terrorist threats and incidents. The existing organization utilizes the interagency approach in the form of the Lead Agency concept. The principal components of this interagency approach are:

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PROPOSAL: The existing interagency approach and Lead Agency concept utilizing the basic organizations of the Interdepartmental Group on Terrorism and the Terrorist Incident Working Group should be retained with the following modification.

etc. (no changes to rest of Issue Paper No. 3)

1 Nov 85

Summary of State Comments

Issue No

1. Concur that the proposed programming document would be a useful, ready reference document. However, recommend it be maintained by the Ambassador-at-Large via the National Coordinator.
2. No changes.
4. Disagree fundamentally with the need for a "universal definition" -- "it is difficult to envision any resulting benefits." The US could be accused of acts of terrorism (if the definition is too specific).
- 6 "This paper should be eliminated."
 - subsumed by Issue No. 9
 - not a good idea to "break the criteria down too precisely"
- 12 State disagrees that any changes should be made
 - Consular Affairs should remain the POC.
 - Recent internal improvements at State should be evaluated in the future.



OFFICE OF THE VICE PRESIDENT
WASHINGTON

PRINCIPALS' MEETING
OF
VICE PRESIDENT'S TASK FORCE ON COMBATTING TERRORISM
NOVEMBER 12, 1985
4:00 P.M. - 5:00 P.M.
ROOSEVELT ROOM - WHITE HOUSE

AGENDA

- o Opening Remarks - The Vice President
- o Progress Report - Admiral Holloway
- o Discussion of Draft Recommendations
- o Plans for Final Report

(Note: Draft Recommendation No. 45 should be under Tab 2 to be rewritten vice Tab 3.)



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

*Not the official
response.*

Admiral J. L. Holloway, III
Executive Director
Task Force on Combatting Terrorism
Office of the Vice President
Washington, D.C. 20006

Dear Admiral Holloway:

We have reviewed the issues distributed to the Senior Review Group on October 15, 1985 and believe they provide an excellent basis for discussion by the SRG. They cover the organizational, procedural, operational and legislative aspects of terrorism very well and the process of interagency comment you should have initiated will facilitate SRG review.

OMB's primary concern focuses on the role of the National Coordinator and his placement in the EOP. Establishment of this position in the EOP represents a substantial shift in responsibilities, primarily through its chairmanship of the Interdepartmental Group on Terrorism and its proposed program-budget role. We believe it is inappropriate to transfer this program-budget responsibility from the agencies to the National Coordinator since the agencies have a better insight into managing their programs and budgets within the constrained fiscal environment we are in and must justify, defend, and execute these programs. For its part, OMB is in a good position to work with both the agencies and the proposed National Coordinator to follow through on the programming document your staff is preparing within the overall budget process. As we see it, OMB should act in concert with the National Coordinator and the agencies to develop and maintain the national program, proposed in the first issue paper, within the normal program-budget process.

In addition, we are concerned that the Task Force proposals to pursue certain legislative initiatives may commit the President prematurely to legislation that is not yet drafted and has not undergone the rigors of full interagency coordination. In most cases, the proposals for legislation should be framed in terms of assignment to a lead department or agency to review the need for

responsibility has not been transferred!

the legislation and to draft specific legislative language in the specific areas identified. Draft legislation should then be vetted through the standard OMB clearance process for coordination and decision as necessary. With respect to several of these legislative proposals, I have asked my staff to provide comments directly to your staff contact.

Sincerely yours,

Alton G. Keel
Associate Director for
National Security and
International Affairs

- o FOIA Changes (29): While access of non-U.S. citizens to information through FOIA may compromise some information related to terrorism, as well as other sensitive activities, ~~tying FOIA changes to terrorism is not likely to be a very strong case~~ and is certain to bring forth strong opposition. We believe this proposal, if pursued, should be addressed as a broader FOIA reform, only indirectly related to terrorism.
- o Interference With Nuclear Material Movement (37): Making it a federal crime to "obstruct" nuclear shipments (it is already a crime to damage federal property) may be a political liability for the Administration and adds little to DOE's ability to deal with terrorism. The existence of daily DOE shipments would be highlighted and demonstrators willing to risk arrest may be encouraged by publicity motives to seek federal arrest.
- o Congressional Oversight Changes (19): Seeking changes in the War Powers Resolution and the intelligence oversight provisions of the National Security Act may be valid objectives, but tying these changes to terrorism both understates the case and involves heavy political risks in seeking to clarify the rules on Congressional consultation. We believe this proposal, if pursued, should be addressed in a broader context of which counter-terrorism aspects need not be the major part.

Attachments

GENERAL COMMENTS ON ISSUE #37

Status of the Proposal:

As I understand it, this idea came from the staff at Justice. No one in the Administration has yet signed up for it.

Effect of the Proposal:

The Federal Government already has the power to deal with cases where demonstrators become violent or otherwise cause damage to Federal property. This proposal would make it a Federal offense to "obstruct"--a term obviously meant to extend to cases where demonstrators are not violent, and where they do not cause damage to Government property.

Staff Comment:

To my knowledge, there is no need for this proposed legislation.

1. It does not add to DOE's ability to deal with terrorism.
2. It would most probably be a political liability for the Administration.

(1) It is not necessary.

FOIA(b) (1)

DOE already has the ability to deal with any terrorist activity aimed at a nuclear shipment. [REDACTED]

[REDACTED]

[REDACTED] The new proposal would not enhance DOE's ability to deal with a terrorist threat.

(2) It could become a political liability.

There is a distinct possibility that such a proposal would be seen by the public as an attempt to get at peaceful demonstrators by using the umbrella of anti-terrorism.

It could also be seen by civil rights groups as undermining the hallowed methods of the sixties.

It would afford new heights of publicity to those willing to risk arrest by Federal marshals for lying down on a railroad track. It could provide national coverage. They could even dream of a long protracted case before the Supreme Court.

On a daily basis, DOE now successfully transports weapons the length and breadth of the country. Because of its controversial nature, this proposal can only attract more attention to those shipments and thus attract more demonstrations. It could have precisely the opposite effect from that which the proponents hope for.

COMMENTS ON ISSUE #38

Status of the Proposal:

A bill embodying this proposal has unanimously passed the Senate. It is in Committee in the House, where its chances are said to be excellent.

NRC also has had a rulemaking in progress on this issue since 1980. The final rule is expected before the end of the year. With or without the mantle of an Administration Initiative, this one is going forward.

Effect of the Proposal:

According to staff at NRC, a utility would send fingerprints of prospective employees to the FBI. The utility would receive a list of arrests, whether or not there was a conviction. The utility would also receive a list of convictions for that employee. The list would go back to the person's first offense.

The utility would be free to use this information in deciding whether or not to hire the person.

Staff Comment:

This idea has more merit as a way of screening prospective employees than it does as an approach to controlling terrorism. As a way to control terrorism, the idea has one merit. It would stop any threat from insiders who already have FBI records.

The idea did not start out as an action to avoid terrorism. It started with NRC assuming that it was a Federal responsibility to help employers screen their applicants. (Vignettes include a person wanted for armed robbery. He showed up in another state in a training program to become a guard at a nuclear plant.)

NRC found out that the Federal banks and the National Stock Exchange both had access to FBI files in order to screen applicants. NRC proposed a rule to give the same access to utilities having nuclear power plants. FBI was eager to extend the use of their files. The utilities were eager for the information.

On a parallel track, Senator Denton connected nuclear plants, nuclear terrorism and the ongoing NRC effort. His bill would essentially do the same thing as the NRC rule.

It would probably do little harm to associate this idea with a package of ideas to reduce the potential for terrorism. The idea should probably not be sold as being a major element of such a package.

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C11 NARA, DATE 3/27/06

FBI

ISSUE PAPER NO. 2

PROPOSAL: A policy statement should be formulated to serve as guidance in all national matters concerning terrorism.

RESPONSE: While the FBI agrees with the necessity for a national policy statement as guidance for the program to combat terrorism, etc., the proposal should include explicit language that U.S. responses should be in compliance with the existing U.S. 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.

ISSUE PAPER NO. 4

PROPOSAL: To establish a definition for terrorism.

RESPONSE: The FBI considers 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.

ISSUE PAPER NO. 6

PROPOSAL: That a policy be established for active responses to terrorist threats and incidents.

RESPONSE: Any policy drafted by the National Coordinator for Combating 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, the FBI 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 U.S. interest to make available to foreign governments any technical assistance by the U.S. 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.

6. DOT/FAA fully supports the set of criteria as outlined in issue paper, particularly in regard to the adequacy of information/intelligence. We have experienced cases in the past when there was a high-level U.S. Government over-reaction to threats.
7. DOT should be listed as a cognizant activity. In cooperation with State, we have drafted a model security clause for aviation bilaterals. A delegation from the Transportation and State Departments recently completed visits to four of our European allies and found a general consensus in favor of inclusion of such a clause in bilateral aviation agreements.
10. DOT/FAA should be listed as a cognizant activity. We believe it imperative that hijacking exercises be conducted periodically on the foreign and domestic scene. The FAA/FBI as well as the U.S. military in some instances have a continuing domestic program for such exercises.
11. Although DOT/FAA relies heavily on CIA for foreign intelligence, there is often the need to coordinate with State and one or more defense elements to assure complete coverage. The all-source center could overcome this problem to some degree and is considered an excellent idea.
24. DOT/FAA should be listed as a cognizant activity. In almost all instances, law enforcement agencies provide for civil aviation security at foreign airports. This tie has been strengthened through civil aviation security training courses and an active role in the International Criminal Policy Organization.
34. It is highly unlikely that states would adhere to an international treaty dealing with the topic of preventing a hijacked aircraft from departing.

As to the option, FAA and the industry have developed tactical measures related to this issue. Predominant in such decisions, however, is the authority of the pilot in command. Unless there is a clear and absolute threat to lives aboard the aircraft, most authorities will defer to the wishes of the pilot to takeoff.

38. There is an equally compelling argument for aviation organizations (airline and airport authorities) to have access to FBI criminal history files. This could assist in better controls over who had access to sensitive airport areas and to airport airside. (See attached House Report 99-299, page 11, paragraph V, Recommendations - Item #3.)
39. DOT/FAA should be included as a cognizant activity in this issue. FAA has a leadership role in the United States in explosive detection R&D as well as X-ray and weapon detectors.

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

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Issue 4: Definition of Terrorism

Comment: Disagree fundamentally with the need for a "universal definition" -- "it is difficult to envision any resulting benefits".

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

Issue 7: International Agreements for Combatting Terrorism

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Issue 8: Extradition Treaties

Comment: Concur, no problem.

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NLS 197-082/2 #37
By: AS 3/27/06

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.

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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.

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Issue 35: Country Team Briefings

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

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WASHINGTON, D.C. 20301

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dlb 11/1/00

In reply refer to:
I-85/35440

5 NOV 1985

MEMORANDUM FOR ADMIRAL JAMES L. HOLLOWAY, USN (Ret)
EXECUTIVE DIRECTOR,
TASK FORCE ON COMBATting TERRORISM

Attached are our comments on the extremely creative and comprehensive proposals of the Vice-President's Task Force. You will note that we concur without comment in the great majority of the proposals offered. We do have reservations in some areas as noted.

The efforts of the Task Force provide an opportune moment to reflect on the relationship between government policy and terrorism, which appears to be absolute and measurable. I commissioned a study of this phenomenon over a year ago, and believe the results of that study merit the consideration of the Task Force, particularly as certain findings seem to run counter to certain of the Task Force's proposals. I include herewith an overview of these findings, and hope that you and your staff will find an early occasion to receive the full briefing.

As you will understand, we have high hopes for the Task Force correcting once and for all the problems which have vexed the efforts of this Administration in dealing with terrorism for more than four years. These have been only peripherally a function of terrorism itself and have had pre-eminently to do with bureaucratic recalcitrance, as well as institutional and personal animosities. Without specifying here the consequences of all this, it should be noted that precedents offer little hope that the latest scramble will correct these problems unless and until we subject ourselves to an assessment of where and why the problems exist in the first place, and so evolve a method of disciplining the management of efforts against terrorism to insure that the current effort doesn't go the way of NSDD 30, the ISA survey of Beirut, the Long Commission Report, NSDD 138 and other "fixes." We should know, for example, how it was possible to labor so long over NSDD 138, only to have it substantially ignored, thereby creating the necessity for the Task Force.

I do not have a specific proposal, but the jockeying and back-stabbing now proceeding in parallel with the efforts of the Task Force illuminate the need for a report to the President

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that spells out in unequivocal terms not merely what needs to be corrected, but why correction is necessary, and why, so late in the life of this Administration, we are still trying to devise a way to address terrorism.


Noel C. Koch

Principal Deputy Assistant Secretary
International Security Affairs

Attachments
a/s

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UPON REMOVAL THIS DOCUMENT

Issue 1.

Subject: National Program for Combatting Terrorism

Comments: Concur in the establishment of a programming document that incorporates all of the diverse elements and components of the national program for combatting terrorism.

- Difficult to separate security and anti-crime programs from terrorism programs.

- National Coordinator for Combatting Terrorism must clearly define elements/components to be incorporated into the national program for combatting terrorism.

- DOD will need to establish a Program Element Code to track terrorism related costs.

Issue 2.

Subject: National Policy for Combatting Terrorism

Comments: It becomes increasingly clear that declarative policy is more frequently than not a substitute for action, and comes with pitfalls of its own. The proposed paragraph two provides one illustration, e.g. are the Contras, UNITA, and the Afghani Mujahadin terrorists, and are they a threat to our national interests? Our position toward these groups is not consistent with the proposed policy, unless we find a definition for terrorism that excludes them.

Defining terrorism appears to be an academic enterprise, except insofar as the absence of an agreed definition confounds our efforts to get extradition and other agreements with other nations.

We should not make statements to the effect that "States that practice terrorism or actively support it, will not be allowed to do so without consequence," unless we intend a change in present practice. If we do intend a change, perhaps the proposed changes should be explored before we enunciate the policy. Iraq is illustrative: she was taken off the list of terrorist-sponsoring nations some time ago. Yet May 15 is still believed to operate there, the head of Force 17 is believed to be there, and the PLO may relocate there.

~~_____~~
~~_____~~ First, because it may in time become a target in its own right. Second, because we are frequently prepared to violate it. We have a study showing that a concessionary policy does lead to further terrorism, but there is a gray area in which it is possible to make concessions to end an incident while denying that concessions are being made, and that this does not stimulate further terrorism. At a minimum this area should be studied in greater depth. It is possible that the wiser course is to stand moot on policy, and simply not make concessions or, if we chose to, deny it. In other words, provide room for flexible response.

Issue 4.

Subject: Definition of Terrorism.

Comments: A standardized definition for all federal agencies is urgently required, but every effort to make it comprehensive reveals new difficulties. Not all terrorism has a political objective. It can be religious, criminal, even environmental.

It is suggested that the point of departure for developing a definition should be the legal effect of the definition.

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Issue 12.

Subject: Hostage Family Liaison.

Comments: Concur.

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Issue 43.

Subject: U.S. Presence Abroad.

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

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Issue #39

Research and Development for Combatting Terrorism

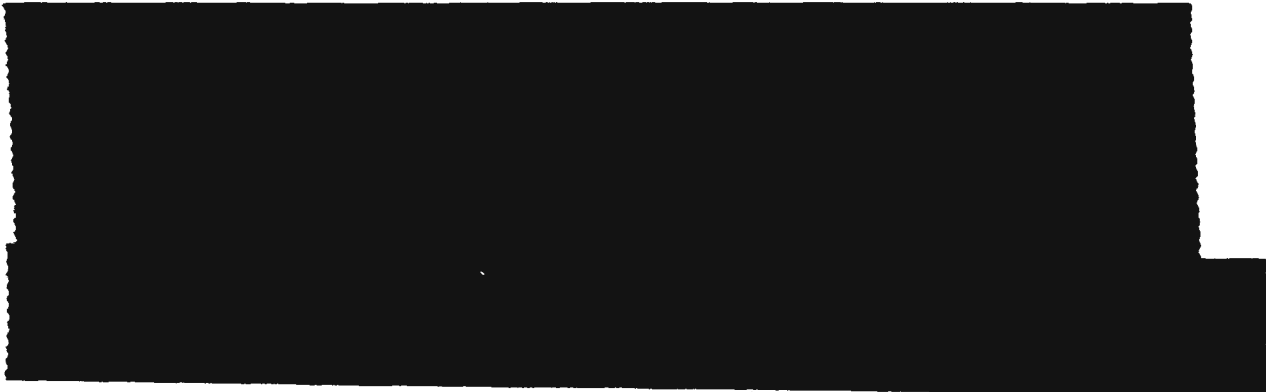
Comments: I endorse this initiative, but would point out that considerable progress has been made by the various agencies concerned in coordinating their individual R&D efforts. The Technical Support Working Group plans are held by the Intelligence Research and Development Council's Panel on Counterterrorism, and the IR&DC Panel's plans are held by the TSWG. Perhaps the real point to be made here is that the counterterrorism community's R&D requirements are not so much "inefficiently" funded as insufficiently funded.

With respect to this particular issue, in many respects it is a subset of the problem outlined in Issue #1. Because of a lack of management focus, R&D--as well as other aspects of support for combatting terrorism--has become fragmented among the various components involved in counterterrorism. From that standpoint, the proposal offered in Issue #39 should prove helpful. As I commented with respect to Issue #1, however, the National Coordinator should work within the existing resource management structure, shaping, guiding and setting priorities, rather than replacing it with an entirely new program. There is simply too much commonality among the technology required for counterterrorism and that applicable to other functions (such as counterintelligence), to make a separate program for counterterrorism advisable.

Even with a more coordinated management approach, however, this issue will not be easy to resolve. Problems involving security clearances and compartmentation will continue to inhibit full coordination of R&D. For example, some of the technology with which CIA deals is especially sensitive, and sharing it with other elements would tend to reveal sources and methods.

Some of this institutional reticence is overcome by informal working relationships; however, the Policy Review Group may want to consider more formal solutions. For example, we might think about the feasibility of a single, blanket clearance for all matters involved in combatting terrorism--R&D, policy, intelligence, operations, etc. The officials accorded this clearance would be granted carte blanche access to such information.

E. O. 12958
As Amended
Sec. 3.3(b)(6)
1.4(c)



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BY KML NARA DATE 7/14/10

Issue #41
Legal System for Terrorism

Concur. The private sector should be consulted and its advice carefully considered. CIA participation would probably best be limited lest the effort be mistakenly perceived.

Issue #42
Deployment Policy for JSOC

As stated in my comments on previous issue papers, I strongly endorse forward deployment of JSOC. Lacking that, early deployment may well be the next best option. It would reduce time lost to indecision here in Washington, but I do not think that would be enough to get our forces in place to conduct an assault, given the very brief time terrorists need to move their seized ship or aircraft, or kidnapped hostages, to a safe haven such as Beirut or Tehran. It is during those early hours of the incident that the terrorists are most vulnerable. Therefore, the better postured we are to react rapidly, the better our chances for success. Having troops and equipment prepositioned in-theater will yield the best possible reaction time.

This concept might even be extended to include prepositioning of close-in intelligence support elements, such as the IRT. If the IRT were equipped with its own deployment aircraft, however, it would probably be advantageous to keep it here in the U.S. in a high state of readiness. As for prepositioning HUMINT collection assets, that would depend largely on the resolution of Issue #24.

I recognize that forward deployment entails certain disadvantages. Deployed elements would present an attractive--though difficult--target for terrorists seeking publicity. Forward deployment would also be costly and possibly degrade troop morale due to extended family separation. I think those problems can be overcome if the deployment is managed adroitly. There is also the argument that prepositioned forces would make a military option irresistible to policymakers. I reject that on the basis that our policymakers are rational, responsible men and women--not children we need keep away from dangerous toys. aolcc

As for the particular options proposed by this issue paper, I would oppose the first on the basis that as little of our counterterrorist operations should be made public as possible. As for the second, I believe that our forces should indeed exercise in high threat areas. It would improve their training and their readiness. Not coincidentally, it would also dramatically reduce their deployment time--if an emergency occurred during their deployment. I would personally recommend, however, that a forward deployment option be pursued in addition to exercising in high threat areas.

Issue #43
U.S. Presence Abroad

I concur that the U.S. should "...reduce the exposure of personnel and facilities to terrorist attacks to the minimum consistent with

effectiveness." But I am not sure that is very helpful advice to an ambassador confronted with the conflicting demands of conducting the nation's business abroad and assuring the safety of US official personnel and dependents. This problem has been looked at least twice in the recent past: once with respect to NSDD-138, and again by the Inman Commission. I am not clear on what additional purpose this added iteration would serve.

My recommendation would be for the Washington Community to provide the Ambassador and his country team our very best intelligence on the threat they face, and let them decide what course of action is appropriate given their knowledge of the local situation.

Issue #44

International Research, Development and Acquisition Initiatives

I endorse this proposal, but would suggest that it be done under the direction of the National Coordinator (Issue #3) for Combatting Terrorism. If he is to be responsible for fostering and coordinating R&D here in the U.S., it would seem logical that he be vested with its foreign coordination also.

Issue #45

Protection of Foreign Dignitaries in the United States

This proposal would appear to reduce the jurisdictional confusion between State and Secret Service. It also implies, however, a greater workload for Secret Service, and that in turn implies the need for more agents. Perhaps we need to estimate that added burden before recommending adoption of this proposal.

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Issue Papers CIA

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E97-082/2 #44

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6/21/01

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The Director of Central Intelligence
Washington, D.C. 20505

FOIA(b)(1)
(b)(3)

National Intelligence Council

DDI-TS 3530-85
30 October 1985

MEMORANDUM FOR: Admiral James L. Holloway III (Ret.)
Executive Director, Vice President's Task Force on Combatting
Terrorism

FROM:



SUBJECT: Issue Papers

1. Thank you for your memo of 15 October forwarding the issue papers formulated by the Working Group. Comments on each of the issues are attached.

2. Due to time constraints, I have not been able to garner the views of intelligence elements outside the Office of the DCI and the CIA. I am endeavoring to do so, however, and may wish to add to or modify the attached to reflect those views in subsequent iterations.

3. I believe these papers offer a useful survey of problems confronting the counterterrorism community. We may, however, wish to narrow and consolidate them to a more select set of recommendations on which the Task Force can focus its energies. If the Task Force establishes a national counterterrorism coordinator, provides him a well articulated national doctrine on counterterrorism, and equips him with an appropriate national counterterrorism resource program, I believe it will have assured significant improvement in our national counterterrorism posture. Many of the remaining issues could be properly referred to the National Coordinator for action, with whatever guidance the Task Force chose to convey.



Attachment

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By LOJ, NARA/DKS 6/21/01



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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.

Issue Paper No. 2

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.

OK

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.

problems...

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.

Issue Paper No. 6

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.