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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name NORTH, OLIVER: FILES

Withdrawer

DLB 6/8/2005

File Folder RESPONSES TO ISSUE PAPERS (3 OF 9)

FOIA

F99-008/2

Box Number 38

WILLS

59

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
13866	PAPER	ISSUE PAPER NO. 14	1	ND	B1
13867	PAPER	ISSUE PAPER NO.. 16	1	ND	B1
13868	PAPER	ISSUE PAPER NO. 17	1	ND	B1
13869	PAPER	ISSUE PAPER NO. 19	1	ND	B1
13870	PAPER	ISSUE PAPER NO. 20 PAR 7/12/2006 F99-008/2	1	ND	B1 B3
13871	PAPER	ISSUE PAPER NO. 21	1	ND	B1
13872	PAPER	ISSUE PAPER NO. 22	1	ND	B1
13873	PAPER	ISSUE PAPER NO. 23	1	ND	B1 B3
13874	PAPER	ISSUE PAPER NO. 31	2	ND	B1

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
13875	MEMO	ROBERT OAKLEY TO ADM. JAMES L. HOLLOWAY, RE: ISSUE PAPER NO. 23 R 3/5/2007 F99-008/2	1	11/1/1985	B1
13876	PAPER	ISSUE NO. THREE	6	ND	B1
13877	PAPER	ISSUE NO. 39	1	ND	B1
13878	PAPER	ISSUE PAPER NO. 40, PARITAL CLOSURE	1	ND	B1 B3
13879	PAPER	ISSUE PAPER NO. 42	2	ND	B1
13880	PAPER	ISSUE PAPER NO. 45	2	ND	B1
13881	PAPER	ISSUE PAPER NO. 11	1	ND	B1
13882	PAPER	ISSUE PAPER NO. 45	1	ND	B1
13883	PAPER	DUPLICATE OF #13881	1	ND	B1

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
13884	PAPER	DUPLICATE OF #13882	1	ND	B1
13885	PAPER	ISSUE PAPER NO. 46	4	ND	B1
13886	PAPER	ISSUE PAPER NO. 47	2	ND	B1
13887	MEMO	ROBERT BENTLEY TO ROBERT EARL, RE: COMMENTS ON ISSUE PAPERS <i>R 3/5/2007 F99-008/2</i>	1	12/5/1985	B1

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PENDING REVIEW IN ACCORDANCE WITH E.O. 13233
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Collection: North, Oliver: Files
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Archivist: loj
FOIA ID: F99-008/2 Wills
Date: 3/13/2007

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
13875. memo	Robert B. Oakley to Admiral James L. Holloway, re issue paper No. 23, 1p	11/1/85	
13887. memo	Robert Bentley to Lt. Col. Robert Earl, re comments on issues papers, 1p	12/5/85	<i>open 2/24/10 KMU</i>

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13866	PAPER ISSUE PAPER NO. 14	1	ND	B1

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ISSUE PAPER NO. 15

COGNIZANT ACTIVITY: STATE, JUSTICE

SUBJECT: Murder of U.S. Citizens Outside of U.S.

ISSUE: Murder of U.S. citizens outside our borders, other than of specially designated Government officials and diplomats, is not a crime under U.S. law. Existing U.S. law punishes only those who assault our diplomats outside our borders. It then follows that those responsible for the murder of the Marines in Lebanon and El Salvador are not guilty of any U.S. crime for their murder. International law recognizes broad criminal jurisdiction. If an alleged crime occurs in a foreign country, a nation may still exercise jurisdiction over the defendant if the crime has a potential adverse effect on security or governmental functions. Legislation is required which provides authority to prosecute international terrorists for the murder of U.S. nationals. The current law protecting diplomats should be extended to include all U.S. nationals who are victims of international terrorism. Current legislation has been introduced (Terrorist Prosecution Act of 1985, S1429).

PROPOSAL: The Departments of State and Justice should continue their efforts in support of legislation which makes the murder of U.S. citizens outside our borders a federal crime under U.S. law.

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

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	<i>Document Description</i>	<i>pages</i>		<i>tions</i>

13867 PAPER

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ISSUE PAPER NO.. 16

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13868	PAPER ISSUE PAPER NO. 17	1	ND	B1

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

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ISSUE PAPER NO. 18

COGNIZANT ACTIVITY: STATE, TREASURY, JUSTICE

SUBJECT: Prohibition of Training and Support/Counterterrorism/Mercenary Training Camps

ISSUE: In 1984 the Administration supported four counterterrorism bills, three of which were enacted into law. The fourth bill concerned the proscription of certain military training in the U.S. and other actions which might assist nations, groups, organizations and factions which would be designated as "terrorists." This bill failed because the language was considered overly broad and because of many concerns regarding the proscription of protected speech, voluntary cash contributions and associations. The Department of State amended the International Trafficking in Arms Regulation (ITAR) to address a major part of the problem. Additionally, the Omnibus Crime Bill of 1984 addressed other elements of the problem. The revised ITAR (1 January 1985) now provides that the approval of the State Department Office of Munitions Control must be obtained, in the form of a license, before any training of foreign persons, whether in the U.S. or by U.S. persons abroad in the manufacture, use, operation, repair, maintenance or modification of defense articles on the Munitions List. The Munitions List includes such categories as firearms, artillery, ammunition, explosives, incendiary agents, missiles, bombs and mines. The purpose of the change is to regulate carefully the development of any skills which would be of use to terrorists. Congress recently amended the Arms Export Control Act to provide for a fine of up to \$1 million or imprisonment up to ten years or both for any willful violation of Section 38 or the regulations issued under it. Any willful untrue statement in the required license application is also punishable. In spite of the changes to the ITAR and other federal criminal and regulatory statutes, it is still possible for individuals to operate mercenary/survival training camps and remain within the law.

PROPOSAL: An interagency review of the ITAR has not been carried out, with the result that new legislation will not be sought at this time instead, an effort will be made to employ the expanded ITAR to control the provision of defense services, including training in the use of defense articles such as firearms and explosive, to foreign nationals foreign terrorist at mercenary camps in this country. This effort is now underway in cooperation with the Department of Justice and the FBI. It should be allowed to proceed, and the results be assessed, before making proposals for new legislation.

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

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13869	PAPER ISSUE PAPER NO. 19	1	ND	B1

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ISSUE PAPER NO. 20

COGNIZANT ACTIVITY: CIA

SUBJECT: Expanded HUMINT Capability Against Terrorism

ISSUE: With the emergence of terrorism as an issue of national concern, our intelligence agencies shifted increased attention and assets to collection, analyses and dissemination of information on this threat. The nature of the small, fanatical, close-knit terrorist groups that have become very active in the recent past makes them difficult targets to collect against, particularly using the traditional or high technology methods on which we rely for collection against the strategic threat.

The objective, to pinpoint the plans and targets of terrorist grounds, will not easily be attained under the circumstances. It will be a long and costly effort which may not be entirely successful, but which nonetheless must be undertaken. The effort will of necessity be based heavily on HUMINT, the method most likely to provide the type of timely, specific information which can be of utility in terrorist situations. The U.S. will have to redevelop its capabilities in this field, focusing on high-threat areas, and

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STAFF CONTACT: CAPT D. J. McMUNN, 395-4950

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13871	PAPER ISSUE PAPER NO. 21	1	ND	B1

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13872	PAPER ISSUE PAPER NO. 22	1	ND	B1

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13873	PAPER ISSUE PAPER NO. 23, PARTIAL CLOSURE	1	ND	B1 B3

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ISSUE PAPER NO. 23

This issue paper is classified Top Secret and will be distributed separately to cognizant activities.

~~Staff Contact: Mr. B. Hutchings, [REDACTED]~~

COGNIZANT ACTIVITY: STATE, DEFENSE, DCI, FBI

SUBJECT: Increased Coordination with Law Enforcement Elements
Domestically and Overseas

ISSUE: A terrorist act is by definition a crime. In combatting terrorism (that is anticipating, preempting, managing, resolving, punishing), classic intelligence disciplines and liaison relationships must be supplemented by close relations with local police and law enforcement elements. CIA officers are seldom trained or experienced in police matters, and tend to feel more comfortable with intelligence counterparts. FBI legal attaches tend to deal primarily with the highest echelons of police in their areas of responsibility, and seldom deal on a continuing basis with working level officers with counterterrorist responsibilities.

The State Department's Regional Security Officers are law-enforcement trained, and deal on a day-to-day basis with host country law-enforcement officials on matters including protection of our overseas missions and the collection of threat intelligence for use by the State Threat Analysis Group and the intelligence community as a whole. In this work the RSOs have the advantage of not being identified with the collection of political or military intelligence and of being already recognized in many countries as the Embassy's representative for security and investigative matters. The RSO will work with host-country law-enforcement officials as on-site manager for the Anti-Terrorism Assistance and Central American Police Assistance programs. RSOs and the Bureau of Diplomatic Security work with foreign and domestic law-enforcement officials in the protection of dignitaries. The State Department sponsors international cooperation between law enforcement officials through the International Association of Chiefs of Police, through briefings and visits overseas for US police officials concerned with anti-terrorist protection of foreign diplomats resident in the United States, through terrorism briefings for domestic law-enforcement officials, and through execution of the Anti-Terrorism Assistance program which involves training foreign civilian officials in the US, with the involvement of US and Federal and state and local enforcement agencies. This effort needs to be strengthened to give more specific attention to overseas police relations, and to expose the broad network of US law enforcement professionals to the plans and requirements of the national counterterrorism program.

PROPOSAL: State should be continued to work closely with Justice, the FBI, and other agencies with law enforcement interests abroad to strengthen the capabilities of overseas missions to realize the potential anti-terrorism benefits through exchange of information with host-country law-enforcement officials, to include measures as follows: (1) Ambassadors, regional bureaus, INR, M/CTP and BDS select and designate in the next two months key posts as critical counter-terrorism posts; with one or more positions (primarily RSO

positions, but taking into account particularly the interests of Justice and the FBI) designated as counterterrorist specialists and officers given the necessary prior training for assignment thereto; (2) selected Regional Security Officers and political officers receive thorough training on the national counterterrorism program; (3) RSOs for critical counterterrorism assignments be selected to specialize in a given geographical area, achieve language proficiency, be trained in the counterterrorism program and serve a minimum of six years on overseas assignment in the area; (4) principal RSO at selected post be designated "Security Attache" to enhance his representational dealings with host country officials; (5) RSOs and other selected officers assigned to critical counterterrorism posts be selected from those who have completed an "exchange tour" working on counterterrorism intelligence within the intelligence community.

All Ambassadors at critical counterterrorist posts should be instructed to designate the DCM as counterterrorist coordinator, with another officer (primarily but not exclusively the RSO) as his/her assistant. The Ambassador and the two coordinators should ensure that all the counterterrorist capabilities of the post are properly coordinated internally and that they are assigned liaison functions with key host government agencies in order to ensure full coverage and match post capabilities and experience with the political preferences of the host government in order to maximize effectiveness.

The IG/T should be tasked with developing an interagency approach, involving State, Justice, the FBI, Treasury, the DCI and others as necessary, to assure coverage of the across the board police liaison and terrorism intelligence requirement in all key countries and regions.

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

ISSUE PAPER NO. 25

COGNIZANT ACTIVITY: STATE

SUBJECT: Rewards

NOTE: This issue paper should be eliminated since its recommendations have been adopted independently. Detailed policy guidance on offering rewards has been promulgated in the Foreign Affairs Manual, with interagency coordination. Rewards have been offered in the TWA 84/ and Kuwaiti 221 cases, and are under consideration, according to current policy, for the Achille Lauro and Rhein-Main incidents.

ISSUE PAPER NO. 26

COGNIZANT ACTIVITY: STATE, JUSTICE

SUBJECT: International Informant Incentives

ISSUE: Sections 101 and 102 of the 1984 Act to Combat International Terrorism (P.L. 98-533) establish authority for the Attorney General and Secretary of State to pay rewards of up to \$500,000 for information in cases of domestic and international terrorism. A number of sources have applauded the legislation as a meaningful, practical piece of the combatting terrorism puzzle. These same sources however, have concluded that additional incentives should be formulated to stimulate and protect informants, particularly on the international front.

The United States must examine all legal means to supplement our limited overseas HUMINT capabilities and. An effective informant incentive program could be a useful adjunct to ongoing collection efforts.

PROPOSAL: The State Department, in concert with the Department of Justice, should take the lead in an interdepartmental effort to develop a unilateral and/or bilateral program of informant incentives and, initiate requisite legislative action to support such a program. Examples of incentives which might be offered (in addition to monetary rewards) are: immunity from prosecution for previous offenses; relocation, change of identify and long-term physical protection; and, granting of U.S. (or other) citizenship to the informant and immediate family.

STAFF CONTACT: CAPT L. H. Boink, 395-4950

ISSUE PAPER NO. 27

COGNIZANT ACTIVITY: STATE, JUSTICE, FBI

SUBJECT: Terrorism as a Crime

ISSUE: There is a considerable body of opinion that terrorism should not be referred to as "war" nor terrorists as "soldiers". Doing so bestows a certain degree of credibility to the terrorists. War is generally regarded as hostilities between nations and more importantly, it is governed by a set of rules which guide one's conduct and the treatment of prisoners. Terrorism knows no rules and is the ultimate violation of human rights, it is criminal action. Terrorism should be treated as crime -- not as war. At the present time terrorism itself is not a crime in the U.S., as it is in many Western industrialized nations (Greece, Ireland, Israel, Italy, Japan, UK, and West Germany). Heretofore, terrorists have been prosecuted under state or federal statutes for such crimes as robbery, grand larceny, assault, murder, bombing, etc. ... whatever common crime statute covered the technical nature of their act. Terrorism, because it is designed to attack the state itself, the very foundation of ordered society and the protection of all individual rights, is a particularly heinous crime. Because it intentionally and cruelly victimizes innocent, defenseless civilians in pursuit of its objectives, it has a viciousness unmatched by any other crime.

Nevertheless, a statute making terrorism itself a crime could actually increase the difficulties of prosecuting terrorists as it would inevitably require proof of "political motivation" or some similar element, which is extremely difficult, and could in addition cause constitutional problems. Further, a prosecution on charges of "terrorism", as opposed to murder, arson, etc., would have unavoidable overtones of a political trial, would tend to lend credence to terrorists' claims of political offense, and would provide the accused terrorist with a "judicial forum" for political theater with attendant press coverage.

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

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

ISSUE PAPER NO. 28

COGNIZANT ACTIVITY: JUSTICE

SUBJECT: Death Penalty for Hostage Taking

NOTE: Senate Bill 1508, currently before Congress, would impose the death penalty for hostage taking. STATE has indicated strong support for the bill in principle, subject to the working out of any technical problems in conjunction with the Department of Justice.

Issue Paper 29: Freedom of Information Act

NOTE: We are not convinced that there is a need, as suggested in this paper for an amendment to the FOIA to restrict requesters to U.S. citizens. The FOIA provides agencies discretion to withhold records if they are classified (5 U.S.C. 552(b)(1) or relate to law enforcement (5 U.S.C. 552(b)(7)). Records concerning terrorism and foreign counterintelligence (except of course for press releases and other public documents) would fall within one of these two exemptions, and there would thus be ample legal basis to withhold them under the Act. In addition, contrary to the implication in the paper that hostile intelligence services and terrorists have used the FOIA to "tie up U.S. Government resources responding to their requests," it is actually (at least in State Department experience) media requests and the most likely to litigate. In addition, US groups could be found to front for foreign intelligence services--just as occurs with the export of forbidden technology, if such legislation existed. Consequently, we are unable to agree that there are "loopholes in the law that allow terrorist and foreign intelligence operatives access to information they should not have," and perceive no need for amendments as suggested in the Issue Paper.

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	<i>Document Description</i>	<i>pages</i>		<i>tions</i>
13874	PAPER	2	ND	B1
	ISSUE PAPER NO. 31			

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

- B-1 National security classified information [(b)(1) of the FOIA]**
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COGNIZANT ACTIVITY: DCI, FBI

SUBJECT: Terrorism Intelligence Analysts

ISSUE: As the focus on terrorism intensifies and 24-hour anti-terrorist alert centers and watch desks are created, collection requirements expand and the demand for timely and accurate analysis grows proportionately. Yet analysts specializing in terrorism remain relatively few. In some offices, they rotate in and out of this speciality, and tend to limit their view to their own organization's perspective of the terrorist problem. There is a distinct need to increase the number and the qualifications of terrorism analysts.

PROPOSAL: The National Intelligence Officer for Terrorism should establish and oversee an interdepartmental career development program that will encourage a core of intelligence analysts to devote themselves to addressing terrorism as a specialty. Training, plans and resources, interagency rotations, exchanges with friendly governments, and participation in various agency and CINC gaming evolutions should be included in the program.

STAFF CONTACT: CAPT D. McMunn, 395-4950

ISSUE PAPER NO. 32

COGNIZANT ACTIVITY: STATE

SUBJECT: Controlling Cross-Border Travel of
Known or Suspected Terrorists

ISSUE: Increased international cooperation is required to control cross-border travel of known or suspected terrorists. These individuals or groups are currently able to travel from country to country with seeming impunity. Further, individuals expelled from, or denied entry into one country may be unwittingly allowed entry into another. What appears needed is a computerized system designed to monitor and control people movements across international borders. Further, there is a need for a back-up information exchange program between embassies and countries to share data on expelled individuals including known or suspected terrorists.

PROPOSAL: The State Department should take the lead in an interagency effort to upgrade existing systems or recommend development of a new computerized system to monitor cross-border people movements. Upgrading of the State Department's Automated Visa Outlook System (AVLOS) may have application in this area.

Treasury(Customs), State and Justice (INS) should look at the possible expansion of the Treasury Enforcement Computer Systems (TECS), particularly the terrorist category (TECS-T), used by Customs and INS officials at ports of entry.

State should pursue the development of its improved visa lookout system CLASS (Consular Lookout and Support System), which will be able to interact with other countries' lookout systems.

State should also continue to urge other countries to establish visa lookout systems and to share the results with us. Efforts such as those already being undertaken by State and CIA with selected friendly governments, inter alia to associate the United States with European Community systems for controlling cross-border movements of terrorists, should be emphasized.

STAFF CONTACT: CAPT L. H. Boink, 395-4950

ISSUE PAPER NO. 33

COGNIZANT ACTIVITY: STATE

SUBJECT: Review of Provisions of Vienna Convention

ISSUE: Any abuse of diplomatic privileges and immunities to support or carry out terrorist acts is a matter of grave concern and must be countered forcefully. Clearly, the spirit and intent of the diplomatic privileges and immunities specified in the Vienna Convention is grossly violated by such abuse. We have reviewed this situation carefully, in coordination with our major allies, in the wake of the particularly heinous incident involving the Libyan People's Bureau in London in April 1984, and concluded that any re-opening of the text of the Convention to deal with this problem was unwarranted for two primary reasons: There is ample room for States to take necessary steps to counter terrorist-related abuse of diplomatic privileges and immunities within the framework of the Convention as it now stands; and re-opening the Convention would be at least as likely to result in changes that would be detrimental from the point of view of control of terrorism (e.g., increased protections for the pouch). In light of this situation, it is difficult to see what benefit would be gained from an "international review and reaffirmation of the spirit and intent" of particular articles of the Convention; any final document that emerged from such a review would be so hedged in order to achieve consensus as to be useless, or worse.

PROPOSAL: We do not agree that an effort should be undertaken to amend the Vienna Convention. Efforts already underway with selected other governments to tighten the interpretation and application of the Convention should continue. An alternative to formal revision of the Convention that might have some prospect of success would be to prepare a resolution for presentation to the U.N. General Assembly condemning use of the facilities, privileges and immunities provided to diplomats pursuant to the Vienna Convention or customary international law to support or protect terrorist action. Such a resolution would help to provide political and moral impetus to our efforts to counter this abuse.

STAFF CONTACT: Capt L. H. Boink (395-4950)

ISSUE PAPER NO. 34

COGNIZANT ACTIVITY: STATE, TRANSPORTATION

SUBJECT: Preventing Flyaway of Hijacked Aircraft

ISSUE: A crucial tactic employed by hostage negotiators is the lengthy process of wearing down the terrorists both physically and psychologically prior to taking appropriate crisis resolution actions. However, as noted during the hijacking of TWA 847 in June 1985, this technique was not possible due to Algeria's refusal to stop the aircraft at Algiers thus enabling the original two hijackers to be relieved by a fresh group of terrorists in Beirut. It is probable that future hijackings will attempt to follow this same kind of scenario.

The Hague Convention for the Suppression of Unlawful Seizure of Aircraft, to which the overwhelming majority of States are party, includes obligations to make aircraft hijacking a crime and to extradite hijackers or submit their cases for prosecution, to take offenders into custody "upon being satisfied that the circumstances so warrant," and "to take all appropriate measures to restore control of the aircraft to its lawful commander." Most states that have a detailed anti-hijacking policy support the principle of deterring the flyaway of hijacked aircraft except where lives are threatened. Turning this policy into an explicit legal commitment would add little to the existing obligations in the Hague Convention and would not significantly alter state behavior. As judgements of the danger to crew and passengers are necessarily subjective, proving a violation of such an agreement would be practically impossible.

Any internally controlled device to make a plane appear temporarily at risk would perhaps work for one hijacking, but the device would quickly become known to hijackers, causing a greater threat to crew and passengers.

PROPOSAL: The Department of State should continue to urge states to live up to their obligations under the Hague Convention.

STAFF CONTACT: Capt. L. H. Boink (395-4950)

ISSUE PAPER NO. 35

COGNIZANT ACTIVITY: STATE, DEFENSE, CIA, JCS

SUBJECT: Country Team Briefings

ISSUE: A terrorist incident often forces an Embassy Country Team to deal with the variety of resources the USG has committed to combat terrorism. All USG employees need to be better aware of the terrorist threat overseas. At present only employees of State, AID and USIA are required to take the FSI course on coping with terrorism. Some agencies offer their own training, but most do not. In many posts a majority of employees are not from these agencies and therefore may not have had any briefing on terrorism before arriving at post.

The Ambassador may be required to present potential options or describe our capabilities to the host nation. Prior knowledge of USG policies, resources, and capabilities will ensure a quick transition to the necessary crisis management.

PROPOSAL: The State Department should move ahead with plans to expand the coping with terrorism course from one to two days. The course should cover the policies, resources and capabilities committed to combatting terrorism, as well as security matters, and be given to employees before departing for post.

The NSC should direct that this course become mandatory for all USG employees, whose agencies do not offer equivalent alert training.

The State Department should require all posts to establish their own briefing program for newcomers, which includes risk assessment and other country specific situations. Furthermore, counter-terrorism exercises at post should be combined with a detailed briefing on U.S. counter-terrorist policies and capabilities.

The State Department should proceed with its plans for a special high level briefing on security and terrorism for Ambassadors, DCM's and Chiefs of Mission conferences. State, working with DOD and CIA should put together a briefing paper on crisis support capabilities which can be sent to Chiefs of Mission when a crisis is anticipated or immediately after it has begun.

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

ISSUE PAPER NO. 36

COGNIZANT ACTIVITY: NSC, FBI, TREASURY

SUBJECT: U.S. Infrastructure Vulnerabilities

ISSUE: Several recognized authorities have indicated that the U.S. infrastructure is extremely vulnerable to acts of terrorism or sabotage. Examples include the computerized banking system, power grids, and communications networks. Sources claim what is needed is a long-term program of security enhancement to minimize the effects of terrorism or sabotage against these facilities. Most sources agree that while there does not appear to be an immediate threat, the ease with which infrastructure targets can be attacked with potentially catastrophic results make them lucrative for terrorists in peacetime and vulnerable during open hostilities.

PROPOSAL: NSC should direct FEMA to take the lead in an interagency study to identify the extent to which these infrastructure assets are vulnerable and propose near- and long-term programs to rectify what appears to be a potentially serious national security problem.

STAFF CONTACT: CAPT L. H. Boink, 395-6177

Issue Paper No. 37

COGNIZANT ACTIVITY: JUSTICE, STATE, DEFENSE, CIA

SUBJECT: Interference with the Movement of Nuclear Material

ISSUE: Domestically, there is increasing evidence of organized interference directed against Department of Energy (DOE) nuclear material shipments. Organized surveillance, demonstrations and actual harassment of shipments by antinuclear groups are increasing steadily in numbers and militancy. Most of the protestors being arrested for illegal acts of interference are not being prosecuted, primarily because of budget and manpower constraints. Protest organizations openly state that future DOE shipments will attract even larger demonstrations and increased civil disobedience because of the reduced threat of prosecution. Present Federal statutes do not provide for criminal penalties unless acts of violence occur or if trucks, trains or other government property is damaged.

Overseas, similar, if not necessarily affiliated, protest organizations such as Greenpeace or the "Greens" in the FRG harass movements from port-of-entry to military installation and between installations. In several instances they have broken through the perimeter fencing, entered installations and caused damage. While none of these activities have, as yet, actually prevented movement of materials or damage to them, the increasing stridency of the movements and their apparent frustration with their present inability to shape events argues that they may pursue extralegal means to impede or stop movement of U.S. nuclear materials.

PROPOSAL: Existing legislation should be reviewed against a potential terrorist threat to movements of nuclear materials to see whether any loopholes to prosecution exist.

Internationally, additional emphasis should be placed on all-source intelligence collection on known antinuclear groups. Consideration should be given initiating bilateral talks with selected host countries on standards of protection for shipments and for active prosecution under the law for criminal acts.

ISSUE PAPER NO. 38

COGNIZANT ACTIVITY: JUSTICE

SUBJECT: Improved Security for Nuclear Reactor Facilities

ISSUE: Most background checks by nuclear power reactor licensees are limited to State and local files. These files do not include information about an individual's criminal record, if any, in other parts of the country.

The Security of nuclear power facilities is critical to the prevention of a nuclear terrorism incident. At the present time, power reactor licensees only have access to State and local files. These licensees need access to certain information in FBI criminal history files to assist in screening prospective nuclear facility employees. Additionally, there are no current provisions calling for a background investigation on any individual having unescorted access to nuclear reactor facilities.

A commission report indicated that between 1974 and 1982 there were 32 possible deliberate acts of damage at 24 operating reactors and reactor construction sites. A 1983 Commission memorandum concluded that the major threat of sabotage to a nuclear plant is associated with the insider. By giving the nuclear power reactor licensee access to FBI criminal history files and thus give the Bureau the authority to help screen individuals having unescorted access to sensitive areas of the nuclear plant, we will greatly aid in preventing sabotage from within. Legislation has been introduced (Anti Nuclear Terrorism Act of 1985, S274).

The Nuclear Regulatory Commission has considered various means of controlling insider sabotage, including security clearance procedures, psychological testing, and implementation of a two-man rule in all vital areas of nuclear power reactors.

PROPOSAL: New procedures should be implemented to improve security for nuclear power reactors, including new legislation if required. Before pursuing new legislation, the results of the NRC study of this question should be reviewed and the reasons why NRC has failed to seek such legislation should be evaluated.

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

13875



United States Department of State

Washington, D.C. 20520

~~TOP SECRET~~

November 1, 1985

MEMORANDUM

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

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

SUBJECT: Issue Paper NO. 23 (U)

Although not directly concerned, the Department has an interest in this proposal since it proposes to formally assign ISA a counterterrorist mission and station its operatives at some of our overseas missions. We recognize that ISA has some unique capabilities which can support the Emergency Support Teams and JSOC Tier I forces. We see a need to for the USG to utilize these capabilities on a case-by-case basis. To go further now, however, may be putting the cart before the horse. We would prefer to wait ~~until we formally~~ assigns ISA the counterterrorist mission - rather than or in addition to the U.S. Army role it is presently assigned - before addressing formal interagency roles for ISA.

Thanks for letting us comment on this issue. We would welcome a similar opportunity to likewise on Issue No. 40.

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 BY MT, NARA, DATE 3/5/07

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13876	PAPER ISSUE NO. THREE	6	ND	B1

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

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13877	PAPER ISSUE NO. 39	1	ND	B1

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

- B-1 National security classified information [(b)(1) of the FOIA]
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13878	PAPER ISSUE PAPER NO. 40, PARITAL CLOSURE	1	ND	B1 B3

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

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ISSUE PAPER NO. 40

This issue paper is classified Top Secret and will be distributed separately to cognizant activities.

Staff Contact: CAPT D. L. McMunn, USN, [REDACTED]

Not received by
State



ISSUE PAPER NO. 41

COGNIZANT ACTIVITY: STATE, JUSTICE

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

ISSUE: The international legal system, judging by every recent terrorist incident, has both the legal means and the legal obligation to bring the offenders to justice in some manner. The legal system can be improved, but it is already adequate.

Nevertheless, various private initiatives, in the U.S. and abroad, should be encouraged to work out closer international legal cooperation. The usefulness of these endeavors also lies in establishing personal contacts between U.S. and foreign government officials and scholars working on international legal problems.

The immediate problem area is to encourage governments to implement fully the legal obligations that they have already accepted.

PROPOSAL: The Departments of State and Justice should seek every opportunity to improve the international consensus for governments to act in counter-terrorist events to the full extent of the authority available to them. To this end, State and Justice should continue government to government contacts and should continue to stimulate appropriate initiatives from the private sector.

STAFF CONTACT: CAPT. D.J. McMunn, 395-4950

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13879	PAPER ISSUE PAPER NO. 42	2	ND	B1

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

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

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ISSUE PAPER NO. 43

COGNIZANT ACTIVITY: All Departments and Agencies

SUBJECT: U.S. Presence Abroad

ISSUE: The threat posed by terrorism to U.S. interests, personnel and property abroad, and acceptance of its likely continuation, has lead to a number of actions designed to harden the target and/or reduce it in size. Those efforts have not been fully coordinated, nor have all agencies fully participated.,

In a few high-threat posts, the difficult decision to remove dependents has been made and implemented. On occasion, only children have been sent home, a measure which automatically removes some parents as well. When matters become quite serious, major staff reductions have taken place. All of these actions are in response to actual or anticipated terrorist acts, usually after the fact, and are intended to limit the exposure. This reaction may represent partial achievement of the terrorist's goals, but the costs and consequences, real or perceived, of successful attacks on employees and/or dependents are probably and potentially far greater, particularly if nothing significant was done in advance to lessen the danger by, for example, cutting back wherever possible.

The "bricks and mortar" approach, making U.S. installations and residences more difficult to attack, is very expensive. Further, its effectiveness is limited to the extent that not all threatened agencies or persons are, can be, or are willing to be included in the protected building/area. Since terrorists will seek soft targets, successful efforts to protect one facet of the U.S. presence may result in increased danger for another in the same city.

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

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

STAFF CONTACT: LTCOL Robert Earl, 395-4950

ISSUE PAPER: 44

COGNIZANT ACTIVITY: STATE, CIA

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

ISSUE: A review of current RD&A programs indicates that while there has been occasional interaction between the U.S and foreign combatting terrorism RD&A communities, these ad hoc exchanges could be much more productive than is now realized.

PROPOSAL: The State Department, through the Interdepartmental Group on Terrorism (IG/T), should continue to pursue bilateral arrangements for RD&A exchanges with selected foreign counterparts such as we are already carrying out with the UK and the Israelis. We recognize how difficult it is to structure formally bilateral relationship on a matter as sensitive as counter-terrorism defensive capabilities and technologies. We need to keep pressing for greater cooperation, while understanding that progress, which will be based on mutual trust, will develop slowly.

STAFF CONTACT: CAPT L. H. Boink, 395-4950

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13880	PAPER ISSUE PAPER NO. 45	2	ND	B1

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United States Department of State

Washington, D.C. 20520

November 6, 1985

MEMORANDUM

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

FROM: S/CT - Robert B. Oakley *RB* *102*

SUBJECT: Additional State Department Comments on the
Issue Papers

The State Department comments on the 45 issue papers provided you informally on November 1, plus the two additional papers, can be considered as State's formal submission, with the exception of changes to two papers, numbers 11 and 45. The revised versions of these papers are attached.

Attachments:

As stated.

DECLASSIFIED

Department of State Guidelines, July 21, 1997

By *dlb* NARA, Date *6/3/05*

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13881	PAPER ISSUE PAPER NO. 11	1	ND	B1

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

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13882	PAPER ISSUE PAPER NO. 45	1	ND	B1

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United States Department of State

Washington, D.C. 20520

November 6, 1985

MEMORANDUM

TO: Admiral James L. Holloway, III ⁴
Executive Director, Vice President's
Task Force on Combatting Terrorism

FROM: S/CT - Robert B. Oakley ^{RB} ¹⁰²

SUBJECT: Additional State Department Comments on the
Issue Papers

The State Department comments on the 45 issue papers provided you informally on November 1, plus the two additional papers, can be considered as State's formal submission, with the exception of changes to two papers, numbers 11 and 45. The revised versions of these papers are attached.

Attachments:

As stated.

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Department of State Guidelines, July 21, 1997

By NARA, Date 6/3/05

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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]

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13885	PAPER ISSUE PAPER NO. 46	4	ND	B1

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13886	PAPER ISSUE PAPER NO. 47	2	ND	B1

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

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United States Department of State

Washington, D.C. 20520

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December 5, 1985

MEMORANDUM

TO: Lt. Col. Robert Earl, Vice President's Task Force on Terrorism

FROM: S/CT: Robert Bentley

SUBJECT: Comments on Issues Papers

Issue Paper No. 6.: Policy for Active Response

The recommendation should be modified as follows:
"The initial drafting of this policy should be done by the Vice President's Task Force on Terrorism and submitted through the Interdepartmental Group on Terrorism to the National Security Council for approval."

The reason for this proposed change is that S/CT, which would be required to draft this manual for fighting terrorism, has a small staff. If this issue is to remain, there must be an adequate staff to take on the work. Should the S/CT staff work on preparing this book, or should it be used to work directly on actions and policies for countering terrorism? S/CT's priority must focus on the latter. In addition, the Vice President's Task Force is well underway in tackling this problem and should be encouraged to continue its efforts along these lines after the Task Force's report is issued, if this written policy framework is desired.

Issue Paper No. 39: R&D

State recommends that this issue now be dropped. Partly as a result of the Task Force's surfacing of this issue, it has been resolved by including the budget request for counterterrorism R&D in the State Department's FY 1986 budget request. State is requesting a five year authorization for funding at about 23 million per year.

This issue, like several others that have been addressed and resolved during the period in which the Task Force has been active, should be reflected in the Task Force Report as genuine successes.

- Issue Paper No. 45: Dignitary Protection
- Issue Paper No. 12: Hostage Family Liaison

State accepts the recommendations as now written.

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BY LOI, NARA, DATE 3/5/07