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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 (6 OF 9)

FOIA

F99-008/2

Box Number 38

WILLS

62

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
13910	PAPER	COMMENTS ON ISSUES 6, 7, 10, 11, 24, 34, 38, 39 R 8/22/2008 F99-008/2	1	ND	B1
13911	FORM	COVER SHEET R 7/12/2006 F99-008/2	1	ND	B1 B3
13912	MEMO	CHARLES ALLEN TO JAMES HOLLOWAY, RE: ISSUE PAPERS PAR 3/24/2008 F99-008/2	1	10/30/1985	B1 B3
13913	PAPER	COMMENTS ON ISSUE PAPERS PAR 3/24/2008 F99-008/2 DOCUMENT PENDING REVIEW IN ACCORDANCE WITH E.O. 13233	5	ND	B1 B3
13914	MEMO	CHARLES ALLEN TO JAMES HOLLOWAY, RE: ISSUE PAPERS D 7/12/2006 F99-008/2	1	11/6/1985	B1 B3
13915	PAPER	ISSUE #39-45	3	ND	B1

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

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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Issue Paper No. 12

Hostage Family Liaison

Justice Comment: The Department of Justice supports this measure.

Issue Paper No. 13

Domestic Public Awareness

Justice Comment: The Department of Justice supports this measure. Similar efforts should also be made to sensitize the public to the threat of domestic terrorism.

Voluntary Restraint on Publicity

During a Terrorist Incident

Justice Comment: The Department of Justice supports this proposal and believes that the media must be persuaded to police itself and set its own policies for self-imposed discipline. The White House should serve as a catalyst to focus media attention on these issues. In this regard, it is suggested that the President convene a panel of distinguished journalists for the purpose of creating a code of conduct, but that no effort be made by the Government to negotiate a system of voluntary restraint. We do not believe that White House negotiation would be acceptable to the media.

Murder of U.S. Citizen Outside of United States

Justice Comment: The Department of Justice supports the expansion of federal criminal jurisdiction to encompass acts of terrorism which result in the murder of or serious assaults on United States citizens overseas. We are presently working closely with the State Department and members of Congress to refine S. 1429 in order to address our concerns in this area. It should be noted that the recent murder in El Salvador of four Marines did violate United States federal criminal laws, as the Marines were internationally protected persons. However, it was not a federal crime to kill the two other American civilians who died in the incident.

Issue Paper No. 16

Deployment of Counterterrorist Forces

Justice Comment: The Department of Justice supports this proposal.

Issue Paper No. 17

Current Policy Regarding the
Operational Security of JSOC/DELTA

Justice Comment: The Department of Justice supports this concept so long as the Public Affairs strategy does not compromise tactical abilities or sensitive techniques and methods. The FBI has used a similar strategy with regard to its Hostage Rescue Team, and it is thought that there has been some deterrent effect.

Prohibition of Training and Support/
Counterterrorism/Mercenary Training Camps

Justice Comment: The Department of Justice agrees that there should be a review to determine whether present federal laws are adequate in this area. Further, we are presently involved in efforts to develop a memorandum of understanding between our Department and the Departments of State and Treasury concerning the enforcement of the new ITAR regulations.

Congressional Oversight
of Counterterrorist Operations

Justice Comment: The Department of Justice supports this proposal. We suggest that one of the threshold issues which should be addressed by the working group is whether the War Powers Resolution and the Hughes-Ryan Amendment were intended to apply to terrorist acts.

Issue Paper No. 20

Expanded HUMINT (Human
Intelligence) Against Terrorism

Justice Comment: The Department of Justice supports this proposal.

Issue Paper No. 21

Paramilitary Terrorist Response Capability

Justice Comment: The Department of Justice suggests that the legal ramifications of this proposal be carefully examined and that any legal restrictions which may be applicable to the development of a paramilitary capability be addressed.

Multilateral Counterterrorist (CT) Strike Force

Justice Comment: The Department of Justice defers primary comment on this proposal to the Departments of State and Defense and the Joint Chiefs of Staff. The FBI notes that if a multilateral CT strike force could be created, it would have to be through multinational organizations such as NATO, SEATO, or the U.N. which have the ability to support operational forces. The FBI notes that organizations such as INTERPOL or the TREVI Group collect and exchange information only and do not have operational capability.

Issue Paper No. 23

This issue paper is classified Top Secret and was not disseminated to the Criminal Division.

Increased Coordination with Law Enforcement

Elements Domestically and Overseas

Justice Comment: The Department of Justice agrees that we must increase our liaison capabilities and relationships with the foreign law enforcement community as part of our efforts to effectively combat international terrorism. In our judgment, these efforts should be managed by the FBI which has responsibility for the investigation of the federal crimes committed by international terrorists. We believe that the FBI's system of Legal Attaches is capable of effecting the liaison necessary to obtain terrorist-related law enforcement intelligence needed by all United States agencies. Enhancement of this existing capability is the best answer to increasing the flow of intelligence. Any effort by intelligence agencies such as the CIA to cultivate relationships with foreign law enforcement officials could well work to the detriment of the entire community in that it could undercut the FBI's activities in this regard. The FBI's experience has been that law enforcement officials the world over are more comfortable cooperating with law enforcement agencies such as the FBI. We support the proposal, however, to the extent that it recognizes the need for sensitizing the intelligence community to law enforcement concerns.

Rewards

Justice Comment: The Department of Justice strongly supports the appropriate and effective use of rewards as a tool in combatting both international and domestic terrorism. We have supported and participated in the announcement of rewards under the State Department's authority in connection with the murder of United States Marines and other United States citizens in El Salvador as well as the hijackings of the Kuwaiti Airliner which resulted in the death of two AID officials and TWA 847 which resulted in the death of a Navy seaman. With respect to the offering of rewards in connection with acts of domestic terrorism under the authority of the Attorney General, the FBI is in the process of budgeting \$500,000 for use in the domestic terrorist rewards program.

International Informant Incentives

Justice Comment: The Department of Justice supports the concept of informant incentives. We question whether further legislation is necessary but will review the matter more closely with the Department of State and the CIA.

Terrorism as a Crime

Justice Comment: The Department of Justice regards acts of terrorism as criminal acts. It regards terrorists who commit acts of violence as criminals. We believe that present statutes encompassing specific violent crimes committed in the United States, as well as abroad, enable us to effectively prosecute most acts of terrorism. Where statutory gaps may exist, we intend to seek corrective legislation which addresses specific crimes.

We oppose efforts to make terrorism per se a crime. Such legislation would, in our judgment, present serious definitional, constitutional, practical, and federal-state problems, to mention just a few. Prosecutions under such a statute would also provide a terrorist with a ready-made forum to publicize his cause, since proof of motivation would necessarily be an element of such an offense.

Death Penalty for Hostage Taking

Justice Comment: The Department of Justice strongly supports efforts to provide for the death penalty when anyone is murdered during a hostage taking over which the United States has criminal jurisdiction. We would not limit the applicability of the death penalty to the death of United States citizens only. Moreover, the enactment of a death penalty for hostage taking should not adversely impact on the extradition of terrorists from countries opposed to the death penalty since the United States can waive the right to seek the death penalty when we seek extradition of defendants from those countries.

Freedom of Information Act (FOIA)

Justice Comment: The Department of Justice agrees that the issue of access to information by non-United States citizens pursuant to the Freedom of Information Act should be reviewed. It should be recognized that a legislative effort to restrict access to information under the Freedom of Information Act will be extremely controversial and that a clear showing of need for such legislation will be necessary for the effort to be successful.

Issue Paper No. 30

Terrorism Intelligence Analysts

Justice Comment: The Department of Justice supports this proposal. The FBI, in fact, has already created this career path within the FBI.

Psychological Operations to Combat Terrorism

Justice Comment: The Department of Justice supports this proposal.

Controlling Cross-Border Travel
of Known or Suspected Terrorists

Justice Comment: The Department of Justice supports this proposal. It should be recognized that these goals may be very difficult to achieve. For example, the relative ease in obtaining false identification and the use of aliases, as well as the ease of surreptitious entry, makes this effort extremely difficult. This matter will require more intensive review by the INS. The Department of State should work closely with the INS and the FBI in this international effort.

Issue Paper No. 33

Review of Provisions of Vienna Convention

Justice Comment: The Department of Justice defers to the State Department.

Preventing Flyaway of Hijacked Aircraft

Justice Comment: The Department of Justice supports this proposal. It should be noted, however, that the Administrator of the Federal Aviation Administration (FAA) has authority and responsibilities concerning these proposed activities when the aircraft is in flight pursuant to 49 U.S.C. App. 1357(e). When the aircraft is on the ground, this authority and responsibility rests with the Attorney General (FBI). Decisions concerning these matters should not be vested solely in the pilot of the aircraft. This proposal relates to extremely difficult and potentially dangerous decisions and guidelines should be worked out carefully by the FAA, FBI and the air transport industry.

Country Team Briefings

Justice Comment: The Department of Justice supports this proposal. The Department must, of course, be included and participate in the briefings in view of the increasing extraterritorial criminal jurisdiction over acts of international terrorism.

U.S. Infrastructure Vulnerabilities

Justice Comment: The Department of Justice supports such a study. The FBI is currently conducting cooperative vulnerability studies with the Department of Defense, Department of Energy and others. While we agree that this type of study has value, and agree that FEMA could have a role, the Department of Justice does not agree that FEMA should take the lead role in this effort.

Interference with the Movement of Nuclear Material

Justice Comment: The Department of Justice has recently met with representatives of the Department of Energy and the FBI to discuss the dimensions of this problem. The Department of Energy will submit specific legislative recommendations in the near future at which time we will review them and consider whatever legislation may be necessary.

Improved Security for Nuclear Reactor Facilities

Justice Comment: The Department of Justice supports this proposal. S. 274 has passed the Senate in a form which was supported by the Department of Justice. We note that currently the Department of Energy and the Nuclear Regulatory Commission do have access to FBI criminal and identification files through the executive agency name check process.

Issue Paper No. 39

Research and Development for Combatting Terrorism

Justice Comment: The Department of Justice supports this proposal.

Issue Paper No. 40

This Issue Paper is classified Top Secret and was not disseminated to the Criminal Division.

Issue Paper No. 41

Legal System for Terrorism

Justice Comment: The Department of Justice questions the appropriateness as well as the need for governmental support of this private sector initiative.

Issue Paper No. 42

Deployment Policy for JSOC

Justice Comment: The Department of Justice defers to the Departments of State and Defense as well as the National Security Council and the CIA for comment on this proposal.

Issue Paper No. 43

U.S. Presence Abroad

Justice Comment: The Department of Justice supports this proposal.

Issue Paper No. 44

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

Justice Comment: The Department of Justice supports this proposal.

Issue Paper No. 45

Protection of Foreign Dignitaries
in the United States

Justice Comment: The Department of Justice supports this proposal.

TRANSPORTATION

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U.S. Department of
Transportation

Office of the Secretary
of Transportation

Office of Assistant Secretary

400 Seventh St., S.W.
Washington, D.C. 20590

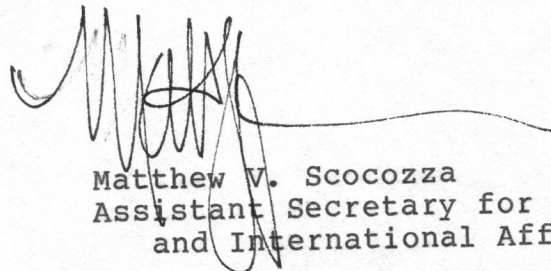
NOV 4 1985

To: Admiral J. L. Holloway, III
Executive Director
Task Force on Combatting Terrorism

Subject: Review of Issue Papers

Thank you for the opportunity to review the Task Force's set of 45 issue papers. Attached are the substantive comments which you requested on eight issues. Our comments have been coordinated with the Federal Aviation Administration, which is the primary locus of technical capability on this subject in our Department.

I look forward to the discussion of these issues at the November 7 Senior Review Group Meeting.



Matthew V. Scocozza
Assistant Secretary for Policy
and International Affairs

Attachment

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ENCLOSURE(S) 11/6 6/3/05

Declassified upon removal of attachment.

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Control # 85-5-582-1

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with 0 enclosures.
Copy 1 of 11. Series A

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- 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.

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NLRR F99-008/2#13910
 BY WJ NARA DATE 8/27/08

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13912

The Director of Central Intelligence

Washington, D.C. 20505

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FOIA(b) (3)

National Intelligence Council

DDI [REDACTED]

30 October 1985

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

FROM: Charles E. Allen
National Intelligence Officer for Counterterrorism
and Narcotics

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.

[REDACTED]
Charles E. Allen

Attachment

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NLS F99-008/2#13912

By LAT, NARA, Date 3/24/08

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FOIA(b) (3)

#1 National Program for Combatting Terrorism

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#2 National Policy for Combatting Terrorism

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#3 Organization for Combatting Terrorism

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By LOT, NARA, Date 3/24/08

#25 Rewards

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#26 International Informant Incentives

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#27 Terrorism as a Crime

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#28 Death Penalty for Hostage Taking

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#29 FOIA Modifications

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#30 Terrorism Intel Analysts

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#31 PSYOPS to Combat Terrorism

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#32 Controlling Cross-Border Travel

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#33 Review of Provisions of Vienna Convention

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#34 Preventing Flyaway of Hijacked Aircraft

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#35 Country Team Briefings

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#36 Infrastructure Vulnerabilities

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#37 Interference with the Movement of Nuclear Material

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13914 MEMO

1 11/6/1985 B1

CHARLES ALLEN TO JAMES HOLLOWAY, RE:
ISSUE PAPERS

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13915	PAPER ISSUE #39-45	3	ND	B1

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