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12 May 1978

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MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senate Select Committee on Intelligence on Legislation Which Inhibits Agency Activities in Counter-Terrorist Field

1. Four Senate Select Committee on Intelligence (SSCI) staffers have received several briefings on terrorism from Area Divisions and PCS/ITG as well as specific briefings of terrorist activities in Cyprus and on the Red Brigades. Mr. Stan Taylor, the senior SSCI staffer working on this problem, stated that their objective is to modify the proposed legislation in S.2525 as necessary to provide the various government components seized with the terrorist problem less inhibitive restrictions on their activities. Mr. Taylor asked the Agency to identify the existing legislation and regulations which place these inhibiting limitations on our activities in the terrorist field. He added that they have already discussed this subject in great detail with the FBI and that as a result they now have a better understanding of why certain legislation, and proposed legislation, is impractical from an operational standpoint. As a result of this request, we met with [redacted] OLC, who then provided to the SSCI those regulations/legislation which fit this category. Subsequent to this exchange, Mr. Taylor requested a meeting with the Agency to discuss these points and to obtain a better understanding of the effect such legislation has on counter-terrorist operations. This meeting was held on 10 May 1978.

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2. Participants at the meeting representing the Agency were [redacted]

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[redacted] and the undersigned. Participating for the SSCI were staffers Stan Taylor, Pat Norton (the staff manager for S.2525, Abe Shulsky, Tom Crowley, Keith Raffle and Catherine Essoyan. The meeting lasted approximately two hours.

[redacted]

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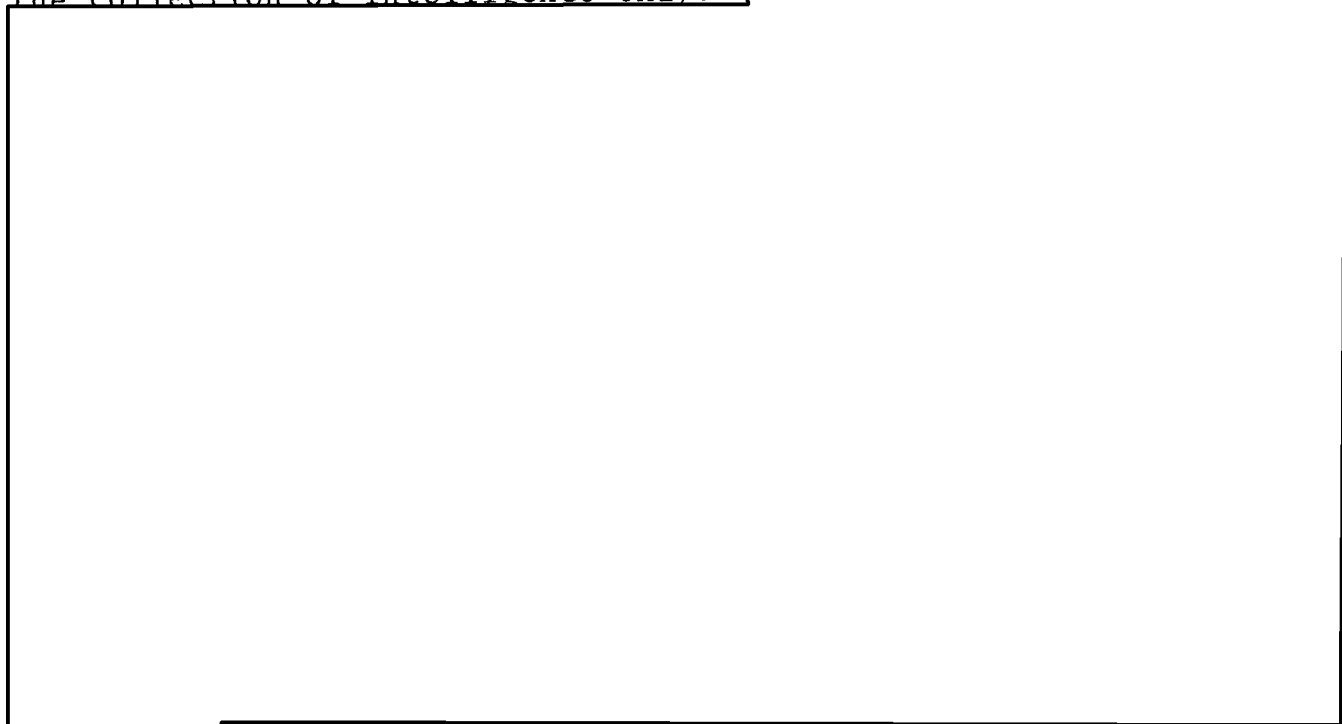
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3. [redacted] began the presentation by concentrating on the legal problems related to activities in the terrorist field. Briefly, he noted that E.O. 11905 and E.O. 12036 permit us to function in the FI and CI fields for the collection of intelligence only.

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[redacted] stated that Section 660 of the Hughes-Ryan Act provided too many restrictions and in order to reach a compromise and to have it narrowed down, Mr. Colby (then DCI) promised that in the terrorist field, we would only work with liaison for our FI/CI purposes and would not undertake such activities as those the Amendment was attempting to prevent. [redacted] also suggested that the Committee review the restraints on USAID since perhaps the State Department is the best entity to act on foreign domestic terrorism.

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4. NE Division provided a paper, which is attached, written at the request of the SSCI of three sanitized cases which pointed out difficulties which may be encountered in the counter-terrorism field. The points illustrated therein were discussed.

5. There followed a wide ranging discussion of existing or proposed restrictions which could affect the Agency's operations in this field. Comments and questions of interest

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to the SSCI staffers were:

a.

b.

- c. Does the Agency desire to take positive counter-terrorist action in addition to the collection of intelligence?
- d. What precise effects does Title II have on the surveillance, etc. of U.S. persons abroad? A redefinition of Title II and Section 243, Page 122 of S.2525 "No person acting on behalf of the U.S. Government" to tacitly omit agents, assets, etc. by substituting "staff employee" or something along those lines might help.
- e. Recognized the problem of obtaining information on U.S. persons overseas, that some information is necessary; what activities are permitted when attempting to determine the identity of someone who might be a U.S. person; problems raised by not being able to retain certain information on U.S. persons in our files, etc.
- f. Referencing Title III and the question of warrants regarding surveillance of U.S. persons abroad, many of the Senators do not like this restriction and it is quite possible that it will not remain in the final version of S.2525. (Additionally, their talks with the FBI have given the staff realistic insights into why this is not necessarily workable.)

6. It would appear that the SSCI and the staffers are making a sincere effort to revise S.2525 in such a manner as to permit the appropriate government agencies to carry out their responsibilities in the counter-terrorist field while at the same time protecting the rights of U.S. persons. However, they are better able to comprehend now why certain restrictions are unfeasible and are attempting to determine how best to modify the legislation in a practical sense. Future meetings

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with the SSCI staffers will be scheduled to continue discussions on this subject.



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