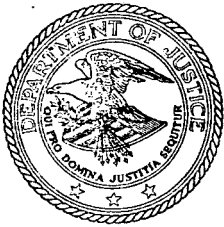


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FBI review completed

**SECRET**

**Office of the Attorney General**  
**Washington, D. C. 20530**

June 7, 1982

Executive Security

82-1061/2

General Counsel

82-05609

Honorable William J. Casey  
 Director  
 Central Intelligence Agency  
 Washington, D.C. 20505

Dear Bill:

In implementation of Executive Order 12333, I have approved the enclosed procedures that have been worked out between our respective staffs to govern CIA activities outside the United States. While these procedures are not as clear on this point as are current procedures, it is my understanding that I will be notified as soon as possible of the use of any emergency special collection technique directed against a United States person, the circumstances surrounding its authorization, and the results thereof, and that Attorney General approval will be required whether or not the collection extends beyond seventy-two hours. (S)

I understand that upon our joint approval CIA will furnish these procedures and accompanying appendices to the Senate and House Intelligence Committees and that they will become effective in seven days. Please provide this Department with an executed copy of the procedures upon your approval. (U)

I have also approved the enclosed procedures governing FBI counterintelligence activities outside the United States. I understand that these procedures will likewise be furnished by CIA to the Senate and House Intelligence Committees and that they will become effective on the same day as the enclosed CIA procedures. Please advise Director Webster of the effective date of these procedures. (U)

Sincerely,

A handwritten signature in cursive script that reads 'Bill'.

William French Smith  
 Attorney General

FBI review completed.

Classified by Derivative: 011696  
 Review on: April 21, 2002  
 Derived from: D9c.1, D9c.2,  
 D9c.3, D9c.10

**SECRET**

B

GUIDANCE FOR CIA ACTIVITIES  
OUTSIDE THE UNITED STATES

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REVW ON 21 APRIL 2002  
DERIVED FROM D9c.1, D9c.2,  
D9c.3, D9c.10

ALL PORTIONS  
UNCLASSIFIED EXCEPT  
WHERE INDICATED

S E C R E T

S E C R E T

GUIDANCE FOR CIA ACTIVITIES  
OUTSIDE THE UNITED STATES

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S E C R E T

GUIDANCE FOR CIA ACTIVITIES  
OUTSIDE THE UNITED STATES

I. **INTRODUCTION**

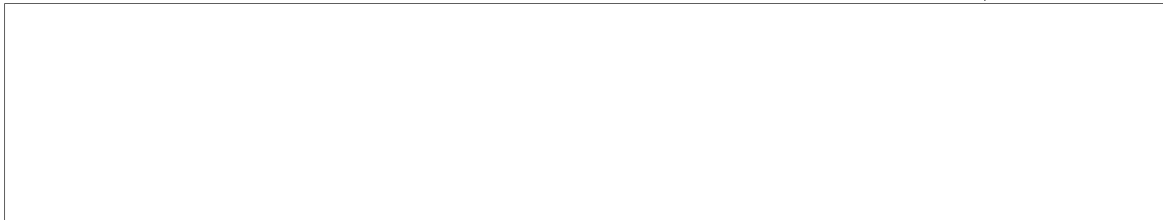
- A. **SCOPE** - Executive Order 12333 outlines the duties and responsibilities of CIA as well as limitations upon intelligence activities undertaken by the Agency. The Order reflects the requirements of the National Security Act of 1947, the CIA Act of 1949, and other laws, regulations, and directives, as well as intelligence policies. These revised procedures, which implement Sections 2.3 and 2.4 of the new Order, were prepared by CIA, were approved by the Attorney General, and are issued by the Director of Central Intelligence. These procedures supersede all existing procedures addressing the same subject matter. However, employees must also comply with Agency regulations that reflect the requirements of the new Order and Agency policies regulating employee conduct abroad.
- B. **PURPOSES** - These procedures are intended to:
1. Permit and encourage legitimate intelligence activities to the maximum extent possible so that an aggressive and effective intelligence effort may be carried out free of unnecessary restrictions;
  2. Provide legal protection to employees who follow the procedures by providing authority for intelligence activities; and
  3. Assure the American public and intelligence oversight mechanisms that all CIA activities outside the United States involving U.S. persons are lawful and related to legitimate intelligence objectives.

II. **RESPONSIBILITIES** - CIA is responsible outside the United States for:

- A. Collecting and disseminating foreign intelligence and counterintelligence, including information not otherwise obtainable;
- B. Conducting counterintelligence activities and coordinating counterintelligence activities by any other departments or agencies within the Intelligence Community;
- C. Collecting and disseminating intelligence on foreign aspects of narcotics production and trafficking;
- D. Conducting research, development (including testing), and procurement of technical systems and devices relating to authorized functions;

- E. Protecting the security of its installations, activities, information, property, and employees by appropriate means;
- F. Conducting Intelligence Community services of common concern as directed by the NSC;
- G. Conducting special activities in support of national foreign policy objectives abroad approved by the President and consistent with applicable laws;
- H. Coordinating the collection of intelligence information not otherwise obtainable;

I.



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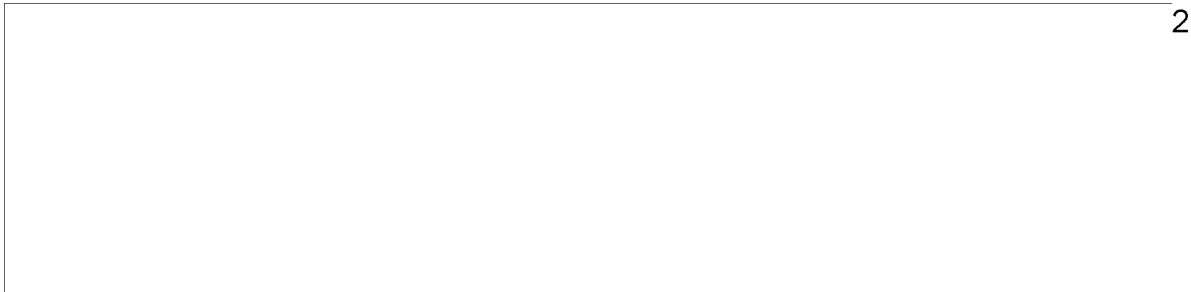
- J. Conducting administrative and technical support activities necessary to perform the functions described above.

III. **AUTHORITIES** - All CIA activities outside the United States must be related to the responsibilities identified above and must be authorized as outlined in these procedures.

IV. **GENERAL PRINCIPLES**

- A. **ACTIVITIES COVERED** - These procedures apply only to CIA activities abroad involving U.S. persons. There are no restrictions under these procedures on activities not involving U.S. persons. However, employees must also comply with existing Agency policies regulating employee conduct abroad.
- B. **INDIVIDUALS TO WHOSE ACTIVITIES THESE PROCEDURES APPLY** - These procedures apply to the activities of all CIA employees, including individuals assigned to or acting for CIA, such as contractors and agents.

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- D. **LEAST INTRUSIVE TECHNIQUE FEASIBLE** - A certain collection technique may be used only if a less intrusive technique cannot acquire intelligence of the nature, reliability, and timeliness required. As a rule, basic collection and

standard collection techniques are less intrusive than special collection techniques.

**E. EMERGENCIES**

1. **LIFE OR PHYSICAL SAFETY** - Nothing in these procedures shall be construed to prohibit, where a person's life or physical safety is reasonably believed to be in imminent danger, the collection by standard or special collection techniques (see pages 4 and 7), retention, or dissemination of information concerning U.S. persons that is relevant to the danger or its prevention, reduction, or elimination, if the authority who must normally approve such activities is advised as soon as possible.

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2. **RISK OF INTELLIGENCE LOSS** - Nothing in these procedures shall be construed to prohibit a CIA employee from using any standard or special collection technique, if the time required to secure prior approval would cause failure or significant delay in obtaining significant intelligence and an official who must normally approve such technique is advised as soon as possible. An emergency special collection technique may not be used for this purpose unless there are facts and circumstances indicating that the subject U.S. person is an agent of a foreign power, the intelligence sought is significant, and the technique is not directed at an individual within the United States. Approval by the most senior official possible should be obtained if time permits. An emergency special collection technique may not be conducted for more than 72 hours without approval of the Attorney General.

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F. **ADMINISTRATION** - Nothing in these procedures shall prohibit collection, retention, or dissemination of information concerning U.S. persons necessary for administrative purposes (including contracting, building maintenance, construction, fiscal matters, internal accounting procedures, disciplinary matters, and investigations of alleged crimes or improprieties by Agency employees) by Agency components authorized to perform such functions.

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3. **APPROVAL AUTHORITY** - Headquarters approval must be obtained prior to direct or indirect initiation of a special collection technique outside the United States. The request will be forwarded through the General Counsel for his concurrence. Headquarters may permit use of a special collection technique if Attorney General approval, based upon his finding of probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power, is obtained, or if, in the case of monitoring, the General Counsel determines that a warrant would not be required if undertaken for law enforcement purposes.

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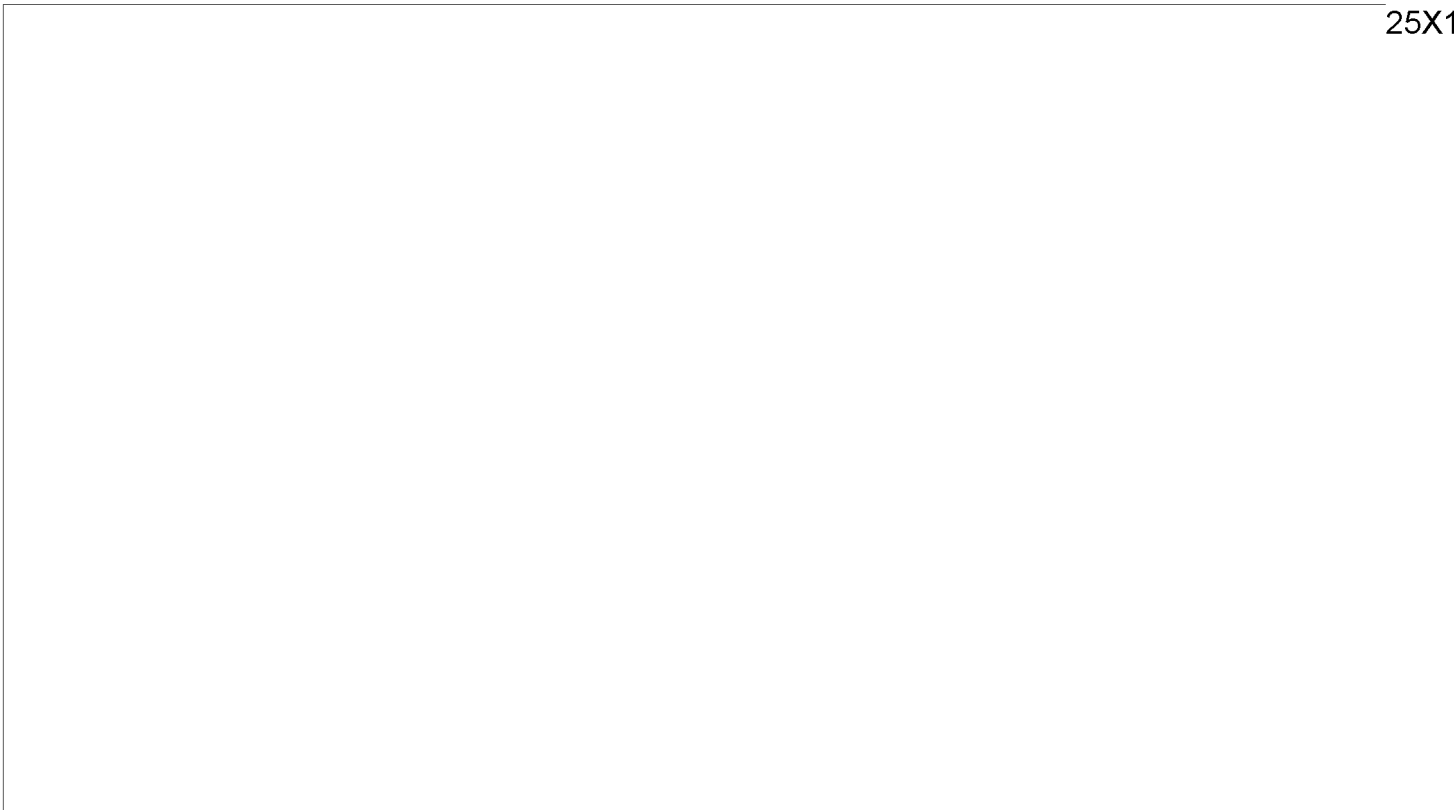
4. **LIMITATION** - The warrantless opening of mail in U.S. postal channels is prohibited. (See Appendix A for complete definition of mail in U.S. postal channels.) The opening of mail of U.S. persons outside of U.S. postal channels is permitted only with Headquarters approval consistent with the requirements for special collection techniques.

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5. Electronic surveillance may be directed abroad at non-U.S. persons abroad using channels of communications with a terminal in the United States or which transit the United States only if any information concerning U.S. persons obtained thereby is handled in accordance with Part VI.B. of these procedures (no special approval required).

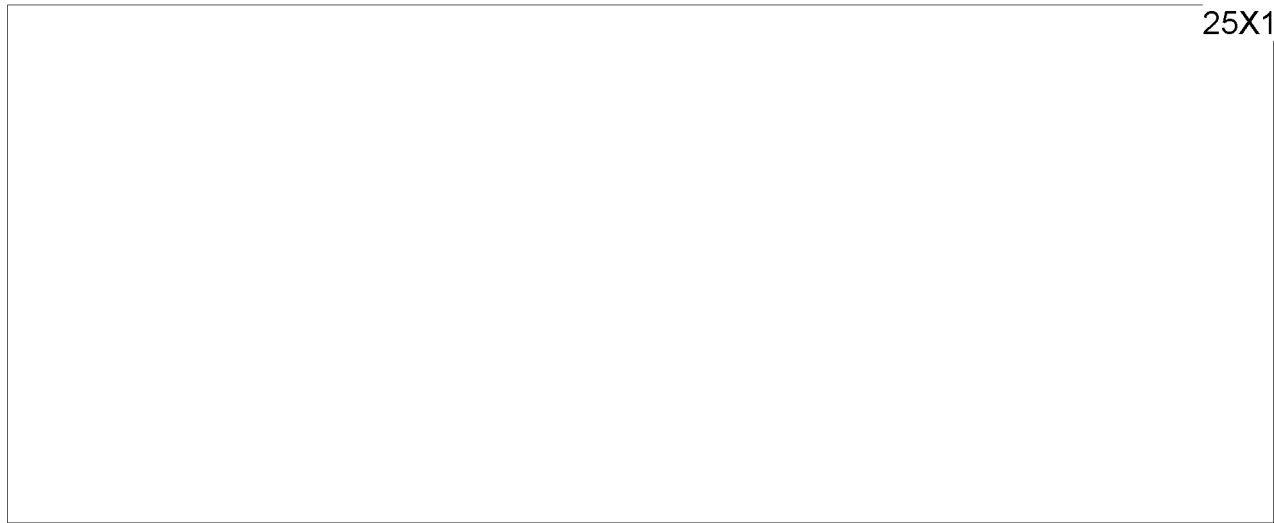
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VII. ADMINISTRATION AND EFFECTIVE DATE

- A. A person who is officially acting in the absence of an employee may exercise the powers of that employee.
- B. Authority granted to an employee, other than the General Counsel, may be exercised by any person who is senior in the Agency's channel of authority.
- C. Nothing in these procedures is intended to confer any substantive or procedural right or privilege on any person or organization.
- D. These procedures shall become effective seven days from the date they are approved by both the Attorney General and the DCI.

APPROVED

I approve the foregoing procedures in accordance with Executive Order 12333. In my opinion, intelligence activities conducted pursuant to and in accordance with these procedures are lawful.

June 3, 1982  
Date

*William French Smith*  
Attorney General

I approve and establish the foregoing procedures in accordance with Executive Order 12333.

17 June 1982  
Date

*William J. Casey*  
Director of Central Intelligence

C

*APPENDICES TO GUIDANCE FOR CIA  
ACTIVITIES WITHIN THE UNITED  
STATES AND OUTSIDE THE UNITED STATES*

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*REVW ON 21 APRIL 2002  
DERIVED FROM D9c.1, D9c.2  
D9c.3, D9c.10*

*ALL PORTIONS  
UNCLASSIFIED EXCEPT  
WHERE INDICATED*

*S E C R E T*

*APPENDICES TO GUIDANCE FOR CIA  
ACTIVITIES WITHIN THE UNITED  
STATES AND OUTSIDE THE UNITED STATES*

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APPENDIX A

DEFINITIONS

*For the purposes of these procedures:*

*Agencies within the Intelligence Community are: (a) the CIA; (b) the National Security Agency; (c) the Defense Intelligence Agency; (d) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs; (e) the Bureau of Intelligence and Research of the Department of State; and (f) the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the FBI, the Department of the Treasury, and the Department of Energy.*

*Agent of a foreign power means:*

*a. A person who, for or on behalf of a foreign power, is engaged in clandestine intelligence activities (including clandestine activities intended to affect the political or governmental process), sabotage, or international terrorist activities, or who conspires with or knowingly aids or abets such a person in engaging in such activities;*

*b. A person who is an officer or employee of a foreign power, including any individual whether in the United States or abroad who acts or is authorized to act in an official capacity on behalf of a foreign power, has been granted diplomatic status by a foreign power, is attached to a foreign diplomatic establishment or an establishment under the control of a foreign power, or is employed by a public international organization or organization established under an agreement to which the United States is a party;*

*c. A corporation or other entity that is owned or controlled directly or indirectly by a foreign power;*

*d. A person acting in collaboration with an intelligence or security service of a foreign power who has, or has had, access to information or material classified by the United States;*

*e. A person unlawfully acting for or pursuant to the direction of a foreign power, provided that the fact that a person's activities may benefit or further the aims of a foreign power, standing alone, is not sufficient to support a finding that a person is acting for or pursuant to the direction of a foreign power; or*

*f. A person who, or organization which, acquires access to classified information under facts and circumstances indicating that such person or organization is in contact with a foreign power or powers for purposes of transmitting such information or material in an unauthorized manner.*

*Central Intelligence Agency and CIA include the staff elements of the Office of the Director of Central Intelligence.*



*Consent* means that (a) the subject or a participant in the activity has granted permission, in writing if possible or orally, within a specific time frame and context; or (b) in the case of employees or visitors to government facilities, there is a visible posted notice on government property which clearly states that the place or object where the notice is posted is subject to a particular form of search or surveillance; or (c) in the case of employees, the activity is undertaken in accordance with published rules or regulations; or (d) the subject of a lawful security investigation has authorized a CIA employee to undertake that investigation regardless of the subject's knowledge of the employee's affiliation. Consent to use special collection techniques must be specific.

*Coordination* means the process of eliciting comments prior to undertaking a proposed action. As used here, the term means that no such action will be taken so long as the party with whom the action in question is raised continues to have objections which cannot be resolved.

*Counterintelligence* means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document, or communications security programs.

*Direct activities at a person* means, in the context of coordination with the FBI, to initiate activities after a decision is made by CIA to collect information on an individual or group from sources other than exploiting: (a) information already in possession of existing assets, (b) information that is available publicly, (c) United States Government records, or (d) information already in possession of a foreign liaison service.

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*General Counsel* includes the Deputy General Counsel or Acting General Counsel.

*Employee* means a person employed by, assigned to, or acting for an agency within the Intelligence Community. The term includes contractors and assets.

*Foreign power* means (a) a foreign government or any component thereof, whether or not recognized by the United States; (b) a faction of a foreign nation or nations, not substantially composed of United States persons; (c) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments; (d) a foreign-based group engaged in international terrorist activities or international narcotics activities and any other group engaged abroad in any such activities; or (e) a foreign-based political organization not substantially composed of United States persons.

*Foreign intelligence* means information relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons, but not including counterintelligence except for information on international terrorist activities.

*International terrorist activities* means any activity or activities which:

a. Involve killing, causing serious bodily harm, kidnapping, violent destruction of property, or an attempt or credible threat to commit such acts;

b. Appear intended to endanger a protectee of the Secret Service, the Department of State, or other federal department or agency, or to further political, social, or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

c. Occur totally outside the United States or transcend national boundaries in terms of the means by which they are accomplished, the civilian population, government, or international organization they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

*Least intrusive technique feasible* means that a certain collection technique may be used only if less intrusive techniques cannot acquire intelligence of the nature, reliability, and timeliness required. As a rule, basic collection and standard collection techniques are less intrusive than special collection techniques.

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**Physical surveillance** means (a) unconsented and deliberate observation of a person by any means on a continuing basis, or (b) unconsented overhearing of a nonpublic conversation by a person who is not visibly present at the location of the conversation.

**Physical surveillance** does not include overhead reconnaissance not directed at specific United States persons. Overhead reconnaissance not directed at specific United States persons includes reconnaissance intended solely for calibration of collection means or for comparison of characteristics of physical structures or other real or personal property with similar information collected outside the United States for purposes of identifying or interpreting that information. (S)

**Public communications** means communications transmitted within frequency bands devoted to AM/FM radio, television, and other broadcasts and communications intended for subsequent broadcast or public dissemination; amateur and CB communications; police, fire, ambulance, navigational aid and distress, and other public service transmissions; and aircraft and maritime communications not connected with land-based telephone lines.

**Publicly available** means information that any member of the public could lawfully obtain by request or observation (not amounting to physical surveillance), and information, including public communications, that is lawfully accessible to any member of the public.

**Retention** means that information is organized in such a manner that it may be retrieved by reference to the name or identity of the person who is the subject of the information.

**Special activities** means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

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**United States person** means

- a. A United States citizen;

b. An alien known by CIA to be a permanent resident alien (An alien who procures a visa or other documentation by fraud or willful misrepresentation of a material fact is not a permanent resident alien for purposes of these procedures.);

c. An unincorporated association substantially composed of United States citizens or permanent resident aliens; or

d. A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person.

A person or organization outside the United States shall be presumed not to be a United States person unless specific information to the contrary is obtained. An alien in the United States may be presumed not to be a United States person unless specific indications to the contrary are obtained.

*In United States postal channels means:*

a. Mail while in transit within, among, and between the United States (including mail of foreign origin which is passed by a foreign postal administration to the United States Postal Service for forwarding to a foreign postal administration under a postal treaty or convention and mail temporarily in the hands of the United States Customs Service or the Department of Agriculture), its territories and possessions, Army-Air Force (APO) and Navy (FPO) post offices, and mail for delivery to the United Nations, N.Y.; and

b. International mail en route to an addressee in the United States or its possessions after passage to United States Postal Service from a foreign postal administration or en route to an addressee abroad before passage to a foreign postal administration.

As a rule, mail shall be considered in such postal channels until the moment it is manually delivered in the United States to the specific addressee named on the envelope or his authorized agent.

*Visibly present means* that a person at a location at which a special collection technique is directed is a person who is (a) a party to a conversation at that location; (b) a person, other than a party, who participates in a conversation at that location; or (c) a person in such close proximity to a conversation at that location so as to be reasonably assumed by the participants to be able to overhear the conversation at that location.

APPENDIX B

SENIOR OFFICIALS WHO MAY APPROVE CERTAIN ACTIVITIES

*The Deputy Director for Operations (DDO); the ADDO; the Chief, CI Staff; a chief, deputy chief, or an official third in command of a DO division at Headquarters, and supervisory personnel at Headquarters, stations, bases, and installations within the United States and abroad who are designated by the DDO may approve certain collection activities as specified in these procedures.*

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*The Deputy Director for Administration (DDA), the Associate DDA, the Director of Security, the Deputy Director of Security, and the Deputy Director of Security for Personnel Security and Investigations may approve certain collection activities as specified in these procedures.*

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S E C R E T

PROCEDURES RELATING TO THE CONDUCT OF  
COUNTERINTELLIGENCE ACTIVITIES OUTSIDE  
THE UNITED STATES BY THE FEDERAL  
BUREAU OF INVESTIGATION

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REVW ON 13 APRIL 2002  
DERIVED FROM D9c.1, D9c.2  
D9c.3, D9c.10

S E C R E T



PROCEDURES RELATING TO THE CONDUCT OF  
COUNTERINTELLIGENCE ACTIVITIES OUTSIDE  
THE UNITED STATES BY THE FEDERAL  
BUREAU OF INVESTIGATION

For the purpose of implementing Section 1.14(b) of Executive Order 12333, the Attorney General (AG) and the Director of Central Intelligence (DCI) have agreed that the following procedures shall govern the conduct of intelligence activities by the FBI outside the United States. Investigations which are purely criminal law enforcement matters are not covered by this agreement.

OPERATIONS OUTSIDE THE UNITED STATES (U)

1. The FBI may investigate or otherwise conduct activities outside the United States in the following circumstances:
  - a. With the written request or approval of the Director of Central Intelligence or a designee, the approval of the Attorney General or a designee, and the knowledge and consent of the foreign government, the FBI may conduct investigations or participate with foreign officials in conducting investigations abroad. (U)
  - b. In exceptional cases where there is a compelling need, notification to the foreign government would entail great risks, and the Director of Central Intelligence and the Attorney General or their designee have given specific approval, the FBI may conduct investigations abroad without the knowledge and consent of the foreign government. (S)
  - c. When necessary to the conduct of a full counterintelligence investigation, the FBI may, at the request or with the approval of the Director of Central Intelligence or a designee:

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FBI review completed.

- (3) operate and pay FBI assets who travel abroad in response to specific instructions from foreign intelligence services or international terrorist groups; or
  - (4) operate and pay FBI assets who travel abroad at the direction of the FBI to make contact with foreign intelligence services or international terrorist groups, provided there is prior approval of the Attorney General or a designee. (S)
2. In conducting investigations outside the United States, the FBI shall not recruit officials of noncriteria countries as assets or pay such officials, directly or indirectly, for investigative assistance. This provision, however, is not intended to preclude reimbursement of law enforcement or security agencies of foreign governments to the extent authorized by United States and foreign law. (S)
3. All intelligence activities and investigations abroad commencing with proposals therefore shall be coordinated with the DCI or his designee prior to their initiation. Significant changes or developments in any investigation or activity previously coordinated will also be coordinated. When such an intelligence investigation or activity is compromised, the appropriate designated representative of the DCI shall be notified as soon as possible. (S)
4. The DCI and AG may jointly approve the conduct of specifically defined activities abroad without requiring referral and approval on a case-by-case basis where such an approval serves the national interest. (S)
5. All FBI relationships with foreign security or intelligence services on intelligence matters will be coordinated in advance either with the DCI or with the DCI's designated representative abroad. The designated representative of the DCI shall be kept fully and currently informed of activities conducted pursuant to these liaison relationships. (S)
6. The FBI will keep CIA Headquarters fully and currently informed of all FBI counterintelligence activities abroad including identities of all such assets, double agents and targets. (S)
7. The DCI or his designated representative abroad shall be informed whenever the FBI plans to extend

an invitation to any representative of a foreign clandestine service to visit the United States, and such visit shall be coordinated with the DCI or his designee whenever it is anticipated that clandestine intelligence activities abroad will be discussed during the visit by an official of a foreign intelligence service. (S)

8. Any FBI intelligence investigation or activity abroad not otherwise covered by these procedures will be coordinated with the DCI or his designee. (U)
9. "Coordination" means the process of eliciting comments prior to undertaking a proposed action. As used here, the term means that no such action will be taken so long as the party with whom the action in question is raised continues to have objections which cannot be resolved. (U)

APPROVED

20 APR 1982

Date

William J. Casey  
Director of Central Intelligence

June 3 1982  
Date

William French Smith  
Attorney General