

Reciprocity

Central Intelligence Agency



Washington, D.C. 20505

20 April 1984

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for the views of the Central Intelligence Agency (CIA) on a draft legislative proposal on reciprocity and equivalence for inclusion in the Fiscal Year 1985 Intelligence Authorization Act.

This draft proposal, known as the Huddleston-Leahy proposal, would:

(a) express the sense of the Congress that the numbers and privileges of official representatives of foreign governments that engage in hostile intelligence activities within the United States should not exceed those numbers and privileges afforded to official representatives of the United States;

(b) require that the number of persons granted diplomatic status, privileges and immunities who represent governments that engage in intelligence activities harmful to the national security of the U.S. shall not exceed the number of Americans granted similar status and rights in such countries;

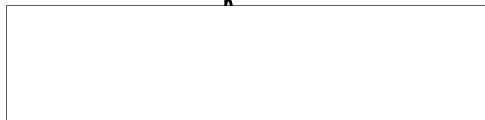
(c) require regular reports to several Congressional Committees on actions taken to eliminate the disparity between the number of official foreign government representatives granted diplomatic status, privileges and immunities in the U.S. and the number of Americans granted the same status and privileges in such countries; and

(d) repeal the provision in the State Department Basic Authorities Act of 1956 that requires that the Director of the Office of Foreign Missions be a member of the Foreign Service for at least ten years and have certain other qualifications before being appointed as Director.

While the CIA supports the primary objective of this legislation, which is to reduce the presence of affected intelligence services in the U.S. by requiring an equivalence between the number of foreign government representatives with diplomatic status and privileges in the U.S. and the number of U.S. representatives with similar status and privileges overseas, the CIA is concerned that certain portions of this proposal could redound to the detriment of United States collection activities.

In this regard, the CIA has no objection to section (a) of the proposed amendment, which expresses the sense of the Congress that disparities between the number of foreign government representatives with diplomatic status and privileges in the U.S. and U.S. representatives with similar status and privileges in foreign countries should be eliminated. Appropriate legislation in this area could result in an equality of numbers of people granted diplomatic privileges. This, indeed, is desirable to reduce the counterintelligence threat. Care should be taken, however, that such legislation does not affect existing agreements. We also have a concern that the mechanism for achieving this goal, which is set out in sections (b) and (c), could result in retaliatory measures by the subject foreign governments. Since these concerns, as well as the statutory changes proposed in section (d), primarily affect State Department equities, we must ultimately defer to their views on these matters.

Sincerely,

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Clair E. George
Director, Office of Legislative Liaison

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