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THE SECRETARY OF STATE
WASHINGTON

OCC#
84-1387

Dear Senator Leahy/Huddleston:

I have been given a copy of the draft legislative proposal on reciprocity and equivalence which I understand you are proposing for inclusion in the Intelligence Authorization Bill for FY 1985. The amendments which you propose affect fundamental authorities granted to the Secretary of State under Title II of the State Department Basic Authorities Act, as amended. I share your objective of achieving greater reciprocity and equivalence and reducing the threat from Soviet and other hostile intelligence presence in the United States. We have taken a number of steps in this direction and are in the process of implementing others. At the same time, I believe that the operative portions of the draft proposal would be counterproductive.

Section (b) of the proposal appears designed to require a reduction in the number of Soviets and Eastern Europeans to whom the United States currently grants privileges and immunities. Such a reduction would inevitably trigger a response in the form of deprivation of immunity for a commensurate number of United States personnel in the affected country. In the case of the Soviet Union, stripping embassy and consular personnel of their immunities would also violate a bilateral agreement which is beneficial to us. Without that agreement, we would not be able to recruit Americans to take over some of the positions now staffed by locals -- a program we have initiated and which is strongly supported by PFIAB and the intelligence community. In all cases, the net result would be far more injurious to ourselves than to the foreign government.

Section (c) calls for a yearly Presidential report on reciprocity. If such a report were to be done, responsibility for it would have to be with the Department of State, since it is I who am responsible for the management of reciprocity policy in achieving our foreign policy objectives. While I understand Congress' desire to be kept informed on these matters, I prefer that this be accomplished by my designating responsible officers of the State Department to testify before the appropriate committees of Congress.

Section (d) of your proposal would strike the requirement in the State Department Basic Authorities Act that the Director of the Office of Foreign Missions be a Foreign Service Officer with

certain special qualifications and that the Deputy Director be a member of the intelligence community. This provision was accepted last year by the House/Senate Conference on the Department's FY 84/85 Authorization Bill so as to provide greater definition of the role of the Office of Foreign Missions. We would prefer that this question not be reopened at this time.

Again, I want to make clear that I strongly endorse your objective of encouraging reciprocity and equivalence and controlling the hostile intelligence threat. For this reason, I have asked Assistant Secretary Richard Burt and Deputy Assistant Secretary Mark Palmer to be prepared to meet with you to discuss how we can work together toward this commonly-held goal. I hope that such a meeting can be worked into your schedule.

Sincerely,

George Shultz

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