



Critical Intelligence Problems Committee

*Office of the Chairman*

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22 Sept 83

NOTE FOR: NWG Panel Members

Attached are the submissions I have received as of 0800 today.

Plan on a two-hour meeting tomorrow and possibly two meetings--Wednesday and Friday--next week.

Thanks.



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Options to resolve cited problems



Option: Establish procedures to control flow of intelligence to LEAs.

- Single points of release
- Special communication channels
- Patterned on compartmented dissemination systems
- Each release would be numbered
- A Chain of receipts would be maintained
- Required level of clearance for LEA points of contact
- Intelligence Community would build and operate system

Advantages: Would provide Intelligence Community contact over its products. Leaks could be better traced. <sup>option</sup> Could be undertaken unilaterally by IC.

Disadvantages: Costly. Could become bureaucratic. Would slow information flow. Could be resisted by LEAs. Would require some centralization of control within IC so intelligence agencies could see it as undesirable precedent.

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Option: Create special caveats for any intelligence which might subsequently have to be used in court.

- Would clearly identify three categories of courtroom utility: (1) "Not for use as evidence. For lead purposes only" (2) Sensitive Foreign Intelligence Sources and methods. Use as evidence subject to DCI approval" or (3) "Usable as evidence."

Advantages: LEAs would know exactly what latitude they had with each bit of intelligence. Would assist in trial preparation.

Disadvantages: May well be abused by aggressive LEAs. Codifying rules for assignment of intelligence to each of the three categories could be difficult.

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Option: Impose same security standards on LEAs as apply to Intelligence Community

- DCID 1/14 for personnel
- DCID 1/16 for electronic data handling
- SCI manual for physical security

Advantages: Would obviate--or at least alleviate--IC concerns with LEA security standards

Disadvantages: Very costly. Time consuming to implement. Could produce significant personnel turbulence in LEAs. Would certainly be resisted by them.

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Option: Create interdisciplinary sanitization, downgrading and declassification guide.

- Would apply to all INTS

Advantages: Already proposed by SIGINT Committee for other purposes. Drug enforcement requirements could help shape it if articulated now. Not costly. Could be very useful.

Disadvantages: Would have to be incorporated with broader procedural revisions to be effective.

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Option: Impose arbitrary limits on sensitivity of classified intelligence to be released to LEAs.

Alternative (1): Provide LEAs only declassified material.

Alternative (2): Provide declassified material for interdiction and investigating purposes. Classified strategic intelligence on, for example, crop estimates would continue.

Alternative (3): Impose ceiling on classification of material to be released.

- No higher than secret
- No raw traffic

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Option: Conclude MOU with Department of Justice formalizing DCI veto authorization over use of foreign intelligence in court trials.

Advantages: Would reduce concern in Intelligence Community that a high-profile trial such as the DeLorean case could cause the DOJ to sacrifice sources and methods for a successful conviction.

Disadvantages: A gentleman's agreement already exists. DOJ has been cooperative. An MOU would imply distrust. Why raise hackles?

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Option: Amend EO 12356, granting explicit authority to LEAs to classify information which (1) derives from foreign intelligence sources or (2) reflects foreign intelligence sources and methods. It would also give DCI responsibility to oversee LEA efforts in this regard.

Advantages: Could resolve issue of whether LEAs can classify material.

Disadvantages: Assures statutory authority exists to support this. Court may disagree.

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Option: Assign all intel personnel working drug enforcement problem TDY to DEA regardless of their location.

Advantages: Would obviate foreign intelligence involvement in domestic drug enforcement at least by definition.

Disadvantages: Rather transparent. Courts would see right through it. Would not cover headquarters personnel or use of assets shared by foreign intelligence and drug enforcement.

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Option: Create interdepartmental steering group to oversee and coordinate LEA-IC business.

- Membership: CIA, DIA, USA, ICS, Customs, INS, FBI, Coast Guard, with OVP Chair. Senior level.
- Inter Alia, <sup>would</sup> oversee exchange of classified information between the Intelligence Community and LEAs. Serve as forum for discussion. Decisions by concensus. Contentious issues decided through command channels.

Advantages: Would provide single focal point for review of LEA-IC business. Senior enough to handle most decisions. Numerous precedents to be found in tech transfer and terrorism.

Disadvantages: Would likely require a secretariat or staff. Would have no real authority. Perhaps just a bandaid over the same old problems.

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Option: Issue guidance outlining IC-DEA relationship, to incorporate clarification of roles and missions, LEA classification authority, assigning priority to effort vis-a-vis other foreign intelligence missions.

Alternative (1): Issue new EO since White House authority needed to clarify the matters at issue.

Alternative (2): VP would issue directive to drug enforcement community

Alternative (3): DCI would issue letter to DOJ, DOT, Treasury and Intel Community stating the terms under which IC will provide support. Unilateral action would require less haggling.

Alternative (4): Seek statutory authority sanctifying FI support to LEAs. Would presumably transcend drug context to involve terrorism and tech transfer as well.

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# Six Sentenced In Heroin Case In Alexandria

WASH. POST, 17 SEP 83  
By Michael Martinez  
Washington Post Staff Writer

An Army warrant officer was sentenced to five years in prison yesterday in federal court in Alexandria and his Thai-born wife was given an eight-year prison term on charges they were involved in the sale of high-quality heroin smuggled into the United States from Southeast Asia.

Four other Thai nationals who had entered guilty pleas for their role in the case were also sentenced to various prison terms yesterday by U.S. District Court Judge Richard L. Williams.

Chief Warrant Officer John A. Davis, 38, of 3903 Old Bridge Rd., Woodbridge, and his wife, Vandee Klueymai Davis, 41, who was described by Williams as the ring leader, were arrested after undercover agents last May bought 33 ounces of what they said was 90 percent pure heroin with an estimated street value of \$2 million.

Williams sentenced John Davis, who had pleaded guilty to one count of heroin possession with intent to distribute, to five years prison and five years special parole. Vandee Davis, who pleaded guilty to two counts of the same charge, was sentenced to concurrent terms of eight years in prison and eight years special parole.

The four other defendants sentenced yesterday:

• Pronchai Phershayaphai, 33, of 3000 Furman La., Alexandria, who pleaded guilty to possession with intent to distribute and was sentenced to five years in prison and five years special parole.

• Monica Mandel, 32, who was sentenced to six months in prison and three years probation for using a telephone to aid in distribution of heroin.

• Sunt Mongkol, 39, of 3514 Randolph Rd., Silver Spring, who was sentenced to two years in prison and five years special parole for distribution of heroin.

• Paichayon Kiochandra of Los Angeles, who was placed on three years probation on the condition he returns to Thailand within 60 days. He had pleaded guilty to two counts of illegal use of the telephone and aiding in the distribution of heroin. Williams also fined him \$1,900.

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