

OLL 84-3562

18 September 1984

MEMORANDUM FOR THE RECORD

SUBJECT: Mark Up of H.R. 6212, Intelligence Personnel Protection Act

1. On 12 September at 4:00 I received a telephone call from Tom Hutchison, Counsel for Criminal Justice Subcommittee of the House Judiciary Committee informing me that the Intelligence Personnel Protection Act legislation would be marked-up the next day before a Subcommittee hearing. I told Tom Hutchison that I would attend this hearing.

2. At approximately 10:30 in room B-352 RHOB, the Subcommittee meet and marked-up H.R. 6212. This bill, introduced by Representative Boucher, provided the simple amendment of Title 18 to extend the protection of the assault and homicide provisions of the federal criminal code to probation officers and members of the Intelligence Community. The Subcommittee chose this simple bill as a vehicle in lieu of more comprehensive, and thus controversial, versions of this legislation pending before it.

3. During the hearing, Representative Gekas proposed an amendment to the bill to add a Constitutionally adequate death penalty to the murder provision of Title 18 (19 U.S.C. § 1111). It soon became apparent that the Republican minority on the subcommittee intended to use this noncontroversial bill as a forum to raise legislative issues upon which the Democrats had refused to hold hearings. During the course of this debate, Tom Hutchison approached me and indicated that the Republican amendment would kill the bill. He further indicated that the subcommittee would vote down the amendment, and if CIA wanted the bill to move any further we should make an appropriate show of support. As Tom indicated, the Gekas amendment was voted down along partisan lines. Following that vote, the Subcommittee did make a technical amendment, substituting "pretrial services employees" for "officer." (A copy of the marked-up bill is attached.)

4. Following the mark-up hearing, I approached Ray Smietanka and questioned him as to the degree of Republican commitment to hold H.R. 6212 hostage until progress on the death penalty legislation could begin. Ray indicated that the

Republicans only wanted to use this bill as a way of highlighting their concerns. However he indicated that it was possible that this bill could be used on the floor of the House as a way of forcing the Democrats to record a vote for or against the death penalty.

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Office of Legislative Liaison

Attachment

Distribution:

Original - LEG Subject (Intelligence Personnel
Protection Act)

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