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25 July 1988

MEMORANDUM FOR: The Director

FROM:

[Redacted]

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Acting Director of Congressional Affairs

SUBJECT:

Breakfast with Senator Arlen Specter (R., PA)

1. You will host Senator Specter for breakfast at 8 AM on Tuesday, 26 July. Dick Kerr, Dick Stolz and [Redacted] of the Office of Congressional Affairs will join you. At the Senator's request, his Intelligence Committee staffer, [Redacted] will also attend. This breakfast is at our initiative. [Redacted]

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2. Senator Specter began serving on the Senate Intelligence Committee in January 1985. Either Senator Specter or Senator Murkowski will become Vice Chairman of the Committee when Senator Cohen's term expires in 1991. Senator Murkowski has the option of becoming Vice Chairman of the Intelligence Committee or retaining his Ranking Minority status on Veterans Affairs. [Redacted]

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ISSUES

3. With the Panama hearing scheduled for Tuesday afternoon (Stolz, Kerr, Armacost, and Armitage will brief the Committee), the Senator may well bring up that issue. Talking points are attached. [Redacted]

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4. After consultation with Senator Specter's staff, we believe an appropriate key topic for this breakfast would be discussion of his requests to use classified information to indict and prosecute suspected terrorists and to declassify intelligence data to inform foreign leaders about terrorist activities of the PLO. You may wish to draw from the attached background paper and talking points covering those issues. Senator Specter is also interested in the chemical/biological nuclear threat from missiles available in the Middle East. Talking points on that issue are attached. [Redacted]

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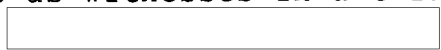


5. On 20 June, Senator Specter sent you the attached letter requesting fact sheets summarizing the evidence of Arafat's role in international terrorism. The fact sheets would be used to inform foreign officials about Arafat's activities. This request was prompted by Senator Specter's trip to Yugoslavia last winter during which Yugoslav officials professed no knowledge of Arafat's involvement in terrorist activities and made positive statements about Arafat and the PLO. We have not responded to this letter. This breakfast discussion will serve as our response.

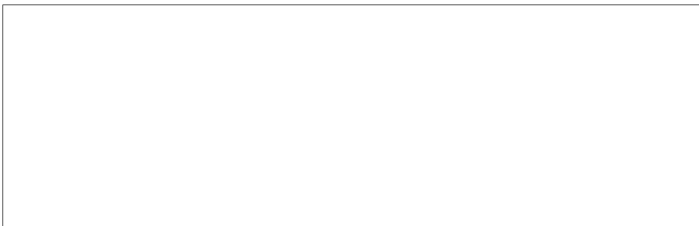


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6. We have included talking points on the generic question of whether to reveal intelligence sources in a criminal prosecution. Because the subject of the Arafat prosecution is so contentious, you may find them useful in guiding the discussion to a more philosophical plane. Both Dick Kerr and Dick Stolz can discuss the facts of Arafat's involvement in terrorist activities and problems with using intelligence information, Agency officers and agents as witnesses in a trial of Yasser Arafat or another terrorist.

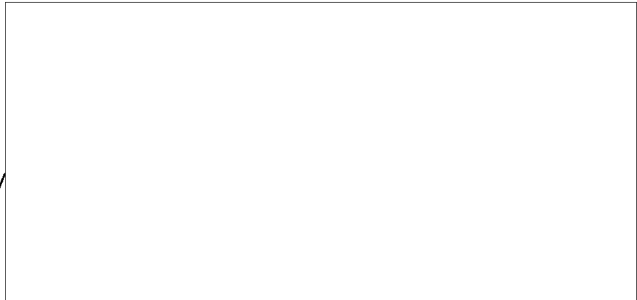


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Attachments



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25 July 1988

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Arafat Item to be Discussed at Tomorrow's Specter Breakfast

1. I am a bit concerned about the talking points that you have been given on Arafat's involvement with terrorism. I think we can conclude, based on intelligence information, that Arafat has been involved in major terrorist acts including the assassination of our ambassador and DCM in Sudan and the Achille Lauro. The information we have is reasonably persuasive that he had a personal involvement in these instances and his senior lieutenants were also clearly involved. [REDACTED]

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2. I believe our argument with Specter is not unlike the argument surrounding the issue of Noriega's involvement in drugs -- intelligence information is often not the kind of evidence required to obtain a conviction in court. [REDACTED]

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Richard J. Kerr
Deputy Director for Intelligence

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Sharing Intelligence

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Sharing Intelligence on Terrorism with Foreign Governments

I am aware of your longstanding interest in the problems of international terrorism and your particular focus on efforts to bring international terrorists to justice. As you may know, the magnitude of the terrorism problem caused the Agency in February 1986 to create a Counterterrorist Center comprised of officers from all four Directorates to bring their expertise to bear on this issue.

Through the efforts of the Center, in close cooperation with US law enforcement agencies and friendly foreign governments, a number of international terrorists are now behind bars.

We have an aggressive program of sharing sensitive intelligence information on terrorists and their activities with foreign liaison services, and, through the Department of State, with other senior foreign officials. Some of these relationships are longstanding, but many are fragile, fledgling efforts with governments long resistant to sharing their information about terrorists with us.

- o It is a new experience for some of these liaison services to share data internationally when traditionally it is not shared internally with other parts of their own governments.
- o Public release of information provided both by other liaison services and by our own unilateral sources seriously jeopardizes these relationships, often results in loss of access to further information, and may result in the imprisonment or death of sources.
- o The Agency must protect the sources and methods of its collection efforts from public disclosure.

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In our experience, unclassified fact sheets have not proven effective in changing foreign government attitudes towards terrorism or its perpetrators. Quiet, but persistent, diplomatic efforts and official intelligence exchanges with foreign intelligence services have, however, borne increased cooperation and some notable successes in bringing terrorists to justice.

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- o Despite praise heaped on Arafat by some of the Eastern European and Middle Eastern leaders with whom you have spoken, ~~they have been apprised of US government views and evidence regarding international terrorist activities of individuals and groups within the PLO framework.~~

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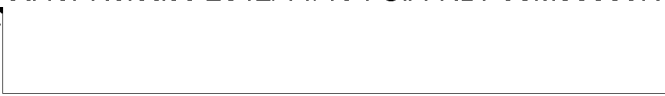
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Arafat's Role

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Arafat's Role in International Terrorism

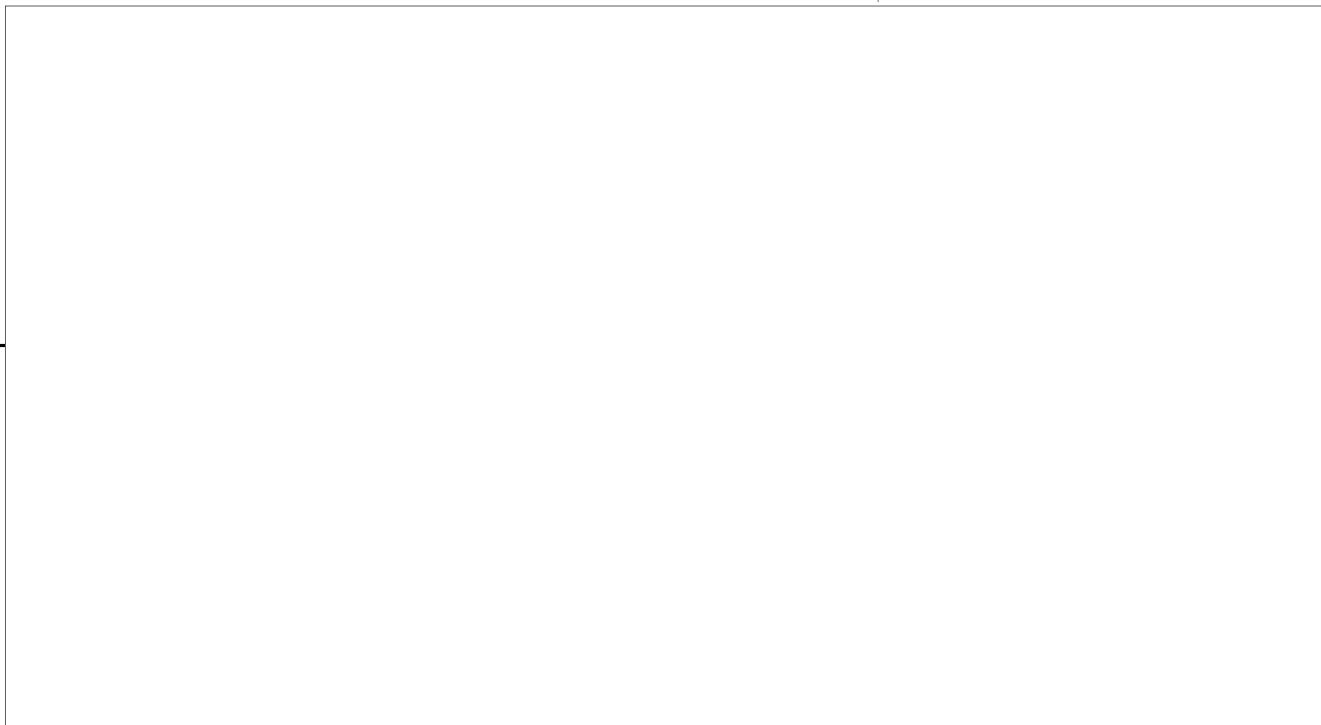
Senator Arlen Specter has been seeking information from the Agency since December 1985 that could be used in a US court of law to indict Yasir Arafat for his role in international terrorism. Specifically, he has sought evidence related to Arafat's personal role in the assassinations at the Munich Olympics in 1972, the 1973 killings of the US Ambassador and DCM in Khartoum, and the 1985 Achille Lauro hijacking. Each solicitation has included requests for detailed information on our sources of information and for an unclassified version of the data.

Despite the Senator's conviction to the contrary, we have no conclusive evidence that Arafat personally planned or ordered the execution of the terrorist incidents in question--or of any other international terrorist attacks.



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The Senator has received comprehensive written and verbal responses to his requests but continues to be dissatisfied with both the CIA analysis of the evidence and our refusal to release it for his use with domestic and foreign audiences:



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- o Briefings were presented on 25 and 31 March by NESA and CTC officers. Despite hostile interrogation of the briefers during the first session, no information was withheld and following guidelines provided by NE Division, descriptions of the sensitive sources and their access were provided. The briefers were advised that the Senator would formally request the Agency make its information available for domestic and foreign release.
- o On 20 June, the Senator once again requested unclassified fact sheets summarizing evidence of Arafat's role in international terrorism.

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Specter Letter

United States Senate

WASHINGTON, DC 20510

ONE FILE Sen Specter

June 20, 1988

The Honorable William H. Webster
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505

Dear Judge Webster: *Bill*

On March 25 and 31, 1988, I was briefed by CIA Analysts on the role of Yasser Arafat and the PLO in international terrorism.

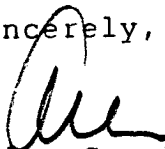
I have been motivated in this review by the lack of knowledge among leaders and officials in European and Middle East countries of the role which Arafat has played either directly or indirectly in the planning and managing of criminal acts of terrorism as an instrument of PLO policy.

The briefings I received were most helpful in helping me understand the details of that policy, plans and acts and I would like to thank [redacted] for their efforts in summarizing those details. But, providing classified information to a Senator does not satisfy the need to inform foreign leaders and officials on what we know. Unless they are better informed we cannot expect their cooperation in thwarting terrorists.

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I am therefore requesting that fact sheets be prepared which would summarize the evidence and other indications, for use with foreign officials of the role Arafat has played in international terrorism.

Sincerely,



Arlen Specter

AS:cb

Prosecution

Intelligence Information & Criminal Prosecutions

The conflict between protecting intelligence information and prosecuting violations of law is an old yet ever-present one. Not susceptible to easy solutions, it's usually best dealt with on case-by-case basis. Often, especially difficult cases have to be resolved at the highest levels of the government.

The problem occurs when two constitutional duties of the Executive Branch come into conflict: the duty to enforce the laws of the United States and the duty to provide for the national security (i.e., foreign relations and national defense) of the United States, of which the collection and protection of intelligence information are part.

The issue is often further complicated by differing perceptions of a "source". Generally speaking, the law enforcement community sees a source as something to be revealed in order to successfully prosecute a criminal case while the intelligence community views a source as something to be protected in order that it might continue to provide information.

Despite these tensions, there have been positive developments in the area. The passage of the Classified Information Procedures Act (CIPA) substantially reduced the problem of "graymail" which theretofore had been an obstacle to prosecutions involving classified information. The requirement in Executive Order 12333 (and its predecessor) to report violations of law to the Department of Justice avoids the situation where intelligence information concerning suspected violations remains "bottled up" in intelligence channels. Often this allows prosecutors to develop alternative means of pursuing the crime.

In many cases, the competing interests can be reconciled. In the few cases, however, a decision must be made on whether or not to release intelligence information. We seek to protect the information for several reasons. First and foremost, revelation obviously "blows" the source, thereby depriving the United States of that information which usually cannot be easily or inexpensively replaced. Revelation of a source can present foreign relations problems: creating/exacerbating problems with particular countries and/or making more difficult future intelligence collection. Revelation of a source makes recruitment of future sources more difficult.

We realize this is a difficult area and we cooperate with the Department of Justice to reconcile areas of conflict where possible.

UNCLASSIFIED

Biography

BIOGRAPHY

Name: Arlen Specter (R., PA.)

First elected: 1980 Up for re-election: 1992 Winning %: 56

Past service on intelligence committee: Yes: No: X

Current service on intelligence committee: Yes: X No:

Term on intelligence committee expires: 1993

Other committee assignments: Judiciary

Veterans Affairs Appropriations

Major intelligence/legislative interests: Terrorism

Middle East Issues

Key votes: Boren/Cohen--YES

February Contra Aid Vote--NO

Visits to CIA facilities:

[Redacted]

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[Redacted]

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Last contact with DCI/DDCI: DDCI Courtesy Call 5 February 1987

Recent correspondence: 20 June Letter Requesting Declassification of Information on Yasser Arafat and PLO terrorist Activities

Pennsylvania - Junior Senator

Arlen Specter (R)

Of Philadelphia — Elected 1980

Born: Feb. 12, 1930, Wichita, Kan.

Education: U. of Pennsylvania, B.A. 1951; Yale U., LL.B. 1956.

Military Career: Air Force, 1951-53.

Occupation: Lawyer; law professor.

Family: Wife, Joan Levy; two children.

Religion: Jewish.

Political Career: Philadelphia district attorney, 1966-74; GOP nominee for mayor of Philadelphia, 1967; defeated for re-election as district attorney, 1973; sought GOP nomination for U.S. Senate, 1976; sought GOP nomination for governor, 1976.

Capitol Office: 303 Hart Bldg. 20510; 224-4254.



In Washington: Specter is an intense, abrasive individualist whose style seems to reflect his years as prosecutor and candidate in Philadelphia's tough political wars. He is a loner in the Senate, both in personal and political terms.

A former Democrat, he is regularly at odds with the Reagan administration and the conservative GOP mainstream. In the Senate during 1986, Specter opposed the President's position 65 percent of the time and went against a majority of Republicans in two out of every three votes. No other GOP senator came close to matching that record of independence.

Specter is rarely part of any organized group; with his individualistic style and temperamental personality, he generally seems to prefer striking out on his own. Though he often agrees with the moderate Republicans who have organized to defend social programs against Reagan-proposed cutbacks, Specter has not helped lead that group.

Even when he does go along with the Reagan administration, Specter takes care to cultivate his self-reliant image. That was clearly shown in early 1985, when he found himself a key undecided vote on the Reagan-backed MX missile.

Originally opposed to the MX, Specter gradually grew more sympathetic to it as a bargaining chip for arms-control negotiations with the Soviets. But shortly before the crucial vote, his incipient change of mind was stalled when White House aides began hinting that Republicans who did not back Reagan on key issues would be denied White House help in fund raising for 1986.

Outraged by the apparent threat to his political independence, Specter angrily con-

fronted Reagan at a meeting with GOP senators. Finally, Specter did back the missile, but only after publicly vowing not to accept any campaign help from the president.

Although his go-it-alone manner and reluctance to trade favors may sometimes damage his prospects for legislative success, Specter has no apologies for the way he operates. "They can't say I'm dumb or crooked, so what do they say?" he once asked a reporter. "That I'm calculating or ambitious? I have always thought those were good qualities."

During the 99th Congress, Specter was extremely ambitious in opposing one of the Reagan administration's pet projects — selling federally owned Conrail to private industry. When the Department of Transportation advised Congress to accept Norfolk Southern's \$1.2 billion offer for the national freight system, Specter called it "the biggest giveaway since the Dutch obtained Manhattan Island from the Indians."

Specter's concern was not only Uncle Sam's pocketbook; it was the shipping costs of his constituents. He and several other senators from states served by Conrail and Norfolk Southern worried that a merger of the two would stifle competition and drive up the price of shipping by rail.

Even though the Judiciary Committee had no formal jurisdiction over the Conrail sale, Specter used his seat on the panel to pressure the Justice Department into studying whether the merger would violate antitrust laws. When a department official testified that he saw no problems, Specter persistently grilled the bureaucrat, rebuffing Chairman Strom Thurmond's efforts to go on to other matters.

With filibuster threats, opponents of the

Arlen Specter, R-Pa.

sale dissuaded the Senate from considering it in the December 1985 rush toward adjournment. That delay and subsequent strong resistance to the sale in the House played a part in Norfolk Southern withdrawing its purchase offer in 1986. Instead of merging Conrail with another company, the government finally decided to keep it intact and sell stock in the company to private investors.

As chairman of the Judiciary Subcommittee on Juvenile Justice when Republicans controlled the Senate, Specter resisted Reagan proposals to eliminate the Office of Juvenile Justice within the Justice Department. "The real thrust ought to be expansion of juvenile justice programs as opposed to contraction," he said in 1985. "There are a lot of problems involving juveniles that are going unanswered."

Reagan wanted states to take over the functions of the office, but with an array of groups supporting its continuation — from the National Governors' Association to the Girl Scouts of America — funding for the office continued.

On the theory that young people are less likely to turn to crime if they earn high-school diplomas, Specter has urged that the federal government play a role in curbing the high-school dropout rate. A bill to do that was approved by the House in the 99th Congress, but Specter could not move similar legislation in the Senate because of a provision calling for pregnant teenagers to receive counseling. Abortion opponents feared the counseling might encourage the termination of pregnancies.

On most social issues, Specter is allied with the liberal Democrats on Judiciary. He opposes legislative efforts to curb busing and abortion, and is against a constitutional amendment to allow voluntary school prayer. In fact, Specter's most conspicuous role on Judiciary in the 99th Congress was as a crucial defector from the GOP in several highly publicized votes on presidential appointees who were opposed by civil rights groups.

Republicans held a 10-8 advantage on Judiciary, but they lost Specter and Republican Charles McC. Mathias Jr. on the votes to endorse William Bradford Reynolds to be associate attorney general; Daniel A. Manion to be a federal appeals judge; and Jefferson B. Sessions to be a federal district judge.

After voting against each man, Specter then rejoined GOP ranks and voted to send the nominations to the Senate without recommendation. That second step may have annoyed as many Republicans as it appeased; some said Specter was pleasing no one by trying to please everyone. Of the three nominations, only

Manion's made it to the floor and was approved.

On two other nominations of vital concern to Reagan, Specter went along, backing William H. Rehnquist to be chief justice of the United States and Antonin Scalia to be a member of the Supreme Court.

Specter has used his Judiciary assignment and his seat on the Appropriations Subcommittee on Foreign Operations to call attention to the plight of Pennsylvania's struggling "Rust Belt" industries.

On Appropriations, Specter has voiced skepticism about giving U.S. aid to international agencies that lend money to countries whose subsidized industries compete with U.S. manufacturers. "It's very hard to support foreign aid or contributions to the World Bank given the economic climate in western Pennsylvania in the steel mills and the coal mines," Specter said in 1986.

The Foreign Operations Subcommittee also affords Specter a platform to voice his strong support for Israel. When the administration defended its 1986 proposal to sell arms to Saudi Arabia by saying the country had worked "quietly" for peace in the Middle East, Specter retorted, "It's been inaudible as far as this senator is concerned."

On one issue in the 99th Congress, Specter's interest in foreign affairs, his prosecutorial background and his penchant for attracting publicity all converged. In 1985, as the nation watched news broadcasts of TWA passengers being held hostage in Lebanon, Specter won notice by proposing a bill to give U.S. courts the authority to try anyone who murders or seriously assaults U.S. citizens abroad. In 1986, the Senate approved Specter's plan, which he had first offered after the bombing of Marine barracks in Lebanon in 1983.

At Home: Democrats began the 1986 campaign hopeful that they could defeat Specter and end their 24-year drought in Pennsylvania Senate elections. They ended the year buried under the third-largest landslide in the state in the last half-century.

Specter won with money, high name recognition and the type of moderate Republican image that has enabled GOP candidates to monopolize recent Keystone state Senate elections. A spectacularly unsuccessful fall campaign by his Democratic rival, Rep. Bob Edgar, enabled Specter to win big.

A liberal from the Philadelphia suburbs, Edgar seemed miscast for a statewide race in heavily blue-collar and ethnic Pennsylvania. But from his first House victory in 1974 to his narrow win in the Democratic Senate primary,

Pennsylvania - Junior Senator

he was able to combine an ardent grass-roots organization with a thoughtful and non-threatening persona to defeat a string of opponents who underestimated him. State Auditor General Don Bailey, Edgar's victim in the Senate primary, was one who took Edgar too lightly: Specter was not.

An intense campaigner, Specter by November 1986 had amassed a multimillion-dollar campaign treasury that far exceeded Edgar's, and he claimed to have visited each of Pennsylvania's 67 counties at least four times.

Specter cleared a big hurdle long before he ever faced Edgar. During the fall of 1985, popular GOP Gov. Dick Thornburgh had weighed a primary challenge to Specter, but decided in December not to run. If Thornburgh had run, he might have beaten Specter. But against Edgar, Specter had surprisingly few problems.

Edgar sought to portray him as a flip-flopper who claimed to be independent but actually supported the Reagan administration on key issues. But with superior financing, Specter was able to emphasize his political moderation and dominate the airwaves with skillfully crafted, locally targeted ads that illustrated how he had steered federal money into the state from his Appropriations Committee post.

Edgar's hopes for an upset depended on geography. His goal was to neutralize Specter in the metropolitan Philadelphia area, hold down the normal Republican advantage in rural central Pennsylvania, and then win the election in the traditionally Democratic coal and steel country of western Pennsylvania.

But Specter blunted Edgar virtually everywhere. He won 61 counties, including Allegheny (the centerpiece of western Pennsylvania) and Delaware (Edgar's base in the Philadelphia suburbs). Even Philadelphia gave Edgar only a 60,000-vote majority.

For Specter, the impressive victory added luster to a political career that seemed on the verge of expiring just six years earlier. To some in Pennsylvania, Specter's 1980 Senate campaign seemed like the last gasp of a fading politician. Once the bright young star of Pennsylvania GOP politics, he had lost much of his appeal following defeats for mayor of Philadelphia in 1967 and for re-election as the city's district attorney in 1973. When he lost two more statewide primaries, in 1976 and 1978, it appeared that his triumphs were behind him.

But he decided to make one more try when Republican Richard S. Schweiker announced he would leave the Senate in 1981.

Although Specter's past campaigns had

given him greater statewide exposure than any other GOP candidate, he was thought to be laden with too much baggage even to win the nomination over Bud Haabestad, the state GOP chairman.

But Haabestad, Thornburgh's hand-picked state chairman, was disliked by organization Republicans. Thornburgh had abolished much of the traditional GOP patronage system in Pennsylvania, and Haabestad had borne the bad tidings to Republican workers. This issue allowed Specter to win the primary.

In the general election, Specter had the good fortune of running against a Democrat who was also a two-time statewide loser — former Pittsburgh Mayor Pete Flaherty. Immensely popular in the western part of the state, Flaherty had suffered in the past from a tendency to run his statewide campaigns on his own, disdaining modern campaign organization and financing. In 1980, determined not to make the same mistake, he put more effort into building a statewide network.

It was not enough. Thornburgh and Heinz agreed to support Specter after the primary, and with their help, he made inroads on Flaherty's territory in western Pennsylvania. At the same time, Flaherty could not overcome the longstanding suspicion of him in the Philadelphia area. Specter carried Philadelphia by 12,000 votes and won immense margins in the Philadelphia suburbs, enough to offset Flaherty's showing in the west.

Specter's roots in Philadelphia politics reach back to the early 1960s, when he was an assistant district attorney making a name for himself among Democrats as a hard-working young reformer. After a stint with the Warren Commission, where he was chief author of the theory that a single bullet hit both Kennedy and Texas Gov. John B. Connally, he returned to conduct an investigation of Philadelphia's judicial system for the state attorney general.

In 1965, he released a report calling the system a "cesspool" of corruption. The same year he challenged his former boss, James Crumlish, for district attorney. When Crumlish was renominated by the Democrats, Specter ran as a Republican and won.

Two years later, Specter took on Mayor James Tate directly. The Democratic Party had been split by feuds between machine regulars and reformers, and the mayor seemed in no shape to fight off a concerted GOP challenge. Specter and his "clean government" campaign were expected to romp.

They did not. Tate, rejected by the organization, nonetheless won the Democratic nomination easily. Then, as riots were breaking

Arlen Specter, R-Pa.

out in other cities, he and his new police chief, Frank Rizzo, clamped a "limited emergency" on the city to prevent disturbances. Specter could not prevent Tate from riding voters' gratitude to a narrow victory.

By 1973, as he completed his second term in the district attorney's office, Specter was considered the favorite candidate in state GOP circles to wrest the statehouse from Democrats the following year. But the speculation ended abruptly when he lost his campaign for a third term as district attorney that fall.

Specter announced he was going into private law practice, and for the first time in over a decade, his name left the front pages. It did not take long to resurface. In 1976 he entered the GOP primary to replace retiring Sen. Hugh Scott. The front-runner in the contest was then-Rep. Heinz, whose tremendous financial resources gave him a clear edge. But Heinz had been hurt by disclosures that he had received illegal contributions from the Gulf Oil Company, an issue Specter kept alive throughout

the campaign. At the end of a bitter contest that kept relations between the two delicate for years, Heinz scraped past Specter.

In 1978, with Democrat Milton Shapp retiring as governor, Specter tried for that office. His chief rivals for the GOP nomination were former U.S. Attorney David Marston, who had been fired by the Carter administration earlier in the year, and Thornburgh, a former assistant attorney general in the Ford administration.

Although Marston was the best-known of the three, he had no organization or funding; by contrast, Specter was able to round up strong financial and organizational backing from the Republican Party in the Philadelphia area. But Thornburgh, with equally strong support in the west, had that part of the state to himself, while Marston and Specter vied for votes in the east. Marston and a fourth candidate took enough votes from Specter in Philadelphia's suburban counties to help Thornburgh over the top, forcing Specter to wait two more years to realize his statewide ambitions.

Committees

- Appropriations** (10th of 13 Republicans)
Military Construction (ranking); Agriculture Rural Development and Related Agencies; Energy and Water Development; Foreign Operations; Labor, Health and Human Services, Education and Related Agencies.
- Judiciary** (5th of 6 Republicans)
Constitution (ranking); Antitrust, Monopolies and Business Rights.
- Select Intelligence** (5th of 7 Republicans)
- Veterans' Affairs** (5th of 5 Republicans)

Elections

1986 General			
Arlen Specter (R)	1,906,537	(56%)	
Bob Edgar (D)	1,448,219	(43%)	
1986 Primary			
Arlen Specter (R)	434,623	(76%)	
Richard A. Stokes (R)	135,673	(24%)	
Previous Winning Percentage:	1980	(51%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1986			
Specter (R)	\$5,450,763	\$1,256,626 (23%)	\$5,993,230
Edgar (D)	\$3,905,186	\$793,871 (20%)	\$3,872,779

Voting Studies

Year	Presidential Support		Party Unity		Conservative Coalition	
	S	O	S	O	S	O
1986	31	65	27	68	29	64
1985	61	34	51	43	58	37
1984	65	35	67	32	55	45
1983	59	41	46	54	45	55
1982	55	44	50	49	40	59
1981	77	22	64	34	51	47

S = Support O = Opposition

Key Votes

Produce MX missiles (1985)	Y
Weaken gun control laws (1985)	Y
Reject school prayer (1985)	Y
Limit textile imports (1985)	Y
Amend Constitution to require balanced budget (1986)	Y
Aid Nicaraguan contras (1986)	N
Block chemical weapons production (1986)	Y
Impose sanctions on South Africa (1986)	Y

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1986	75	33	87	44
1985	55	36	71	55
1984	50	36	45	68
1983	80	16	76	37
1982	70	26	56	35
1981	50	40	58	72

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BREAKFAST WITH SENATOR ARLEN SPECTER

Tuesday, 26 July 1988, 8:00 a.m.

DCI Dining Room

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