

Balancing Act

- *“Collection of [timely, accurate, and insightful] information is a priority objective and will be pursued in a vigorous, innovative, and responsible manner that is consistent with the Constitution and applicable law and respective of the principles upon which the United States was founded.”*
-- Executive Order 12333, § 2.1.

Bottom line: If you see a USP or activity occurring in the US, contact your component attorney!

Targeters and the Law

Office of General Counsel



(b)(3) CIAAct

This briefing is classified ~~SECRET//NOFORN~~

What's in it for me?

- Increasingly, the work of targeters intersects with the rules governing intelligence collection
- Briefing will help you understand the legal framework within which targeters do their work for CIA

Bottom line: If you see a USP or activity occurring in the US, contact your component attorney!

Overview

- Targeters and CIA's Legal Framework
- Collection
- US Persons

Legal Framework

- The Constitution
 - USPs enjoy constitutional rights and protections from their government – they carry these rights with them overseas.
 - Non-USPs in the US also enjoy some of these rights

- Statutes
 - Including Nat'l Security Act of 1947, FISA/FAA, etc.

- Executive Order 12333
 - Issued by President, legally binding

- Headquarters Regulation 7-1 (implements E.O. 12333)
 - Includes Attorney General Guidelines, Annexes A and B

What is Collection?

- As a targeter, you gather info in various ways:
 - Open Source information (newspaper articles, etc.)
 - Researching in CIA databases
 - Asking other government agencies
 - Asking liaison services
 - Tasking assets on the ground
 - Exploiting digital media
 - And more!

- All of these are types of collection can involve **targeters**!!

Rules Governing Collection

- There are legal and policy limits on what information CIA can collect, where CIA can collect it, and what CIA can do with it after it collects it.
- Limits exist to protect the rights of U.S. persons and US intelligence sensitivities
- → Generally, limits apply to info on United States Persons (USPs) and activities occurring in the U.S.

Definition: United States Persons

- A USP is:
 - A U.S. citizen
 - An alien known by CIA to be a lawful permanent resident
 - An unincorporated association substantially composed of U.S. citizens or lawful permanent residents
 - A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government
- HR 7-1, Annex C

United States Persons

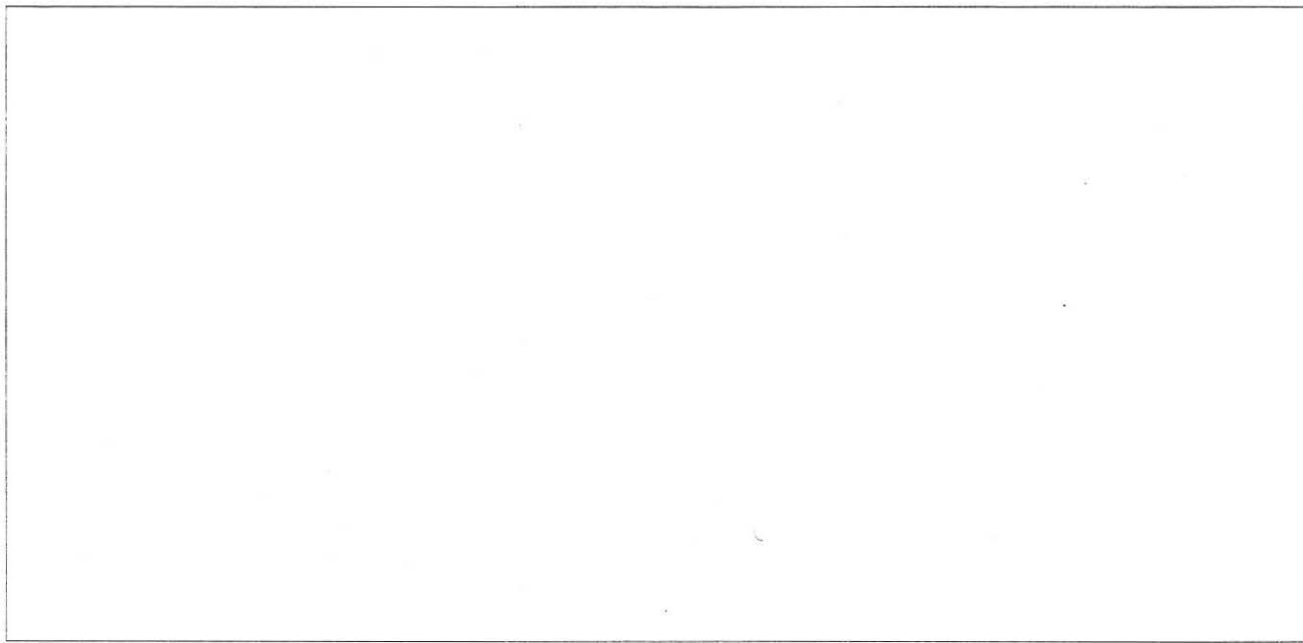
- Presumptions:

- Outside US → non-USP unless specific info to the contrary
- Inside US → USP unless specific info to the contrary

HR 7-1:

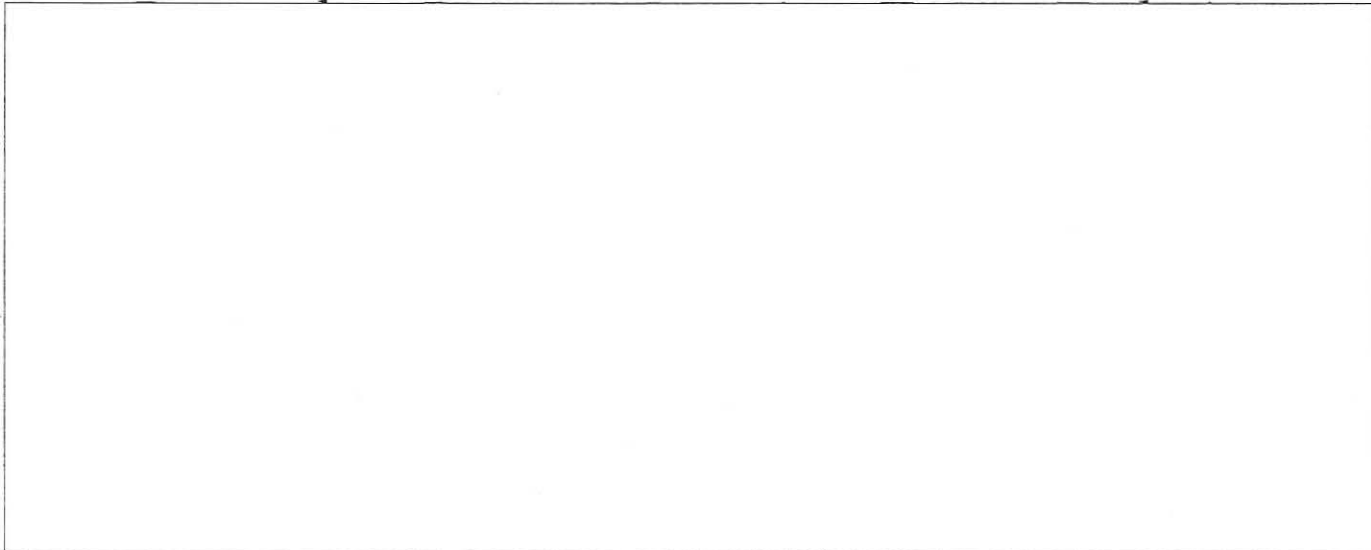
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4 Basic Principles of Collection



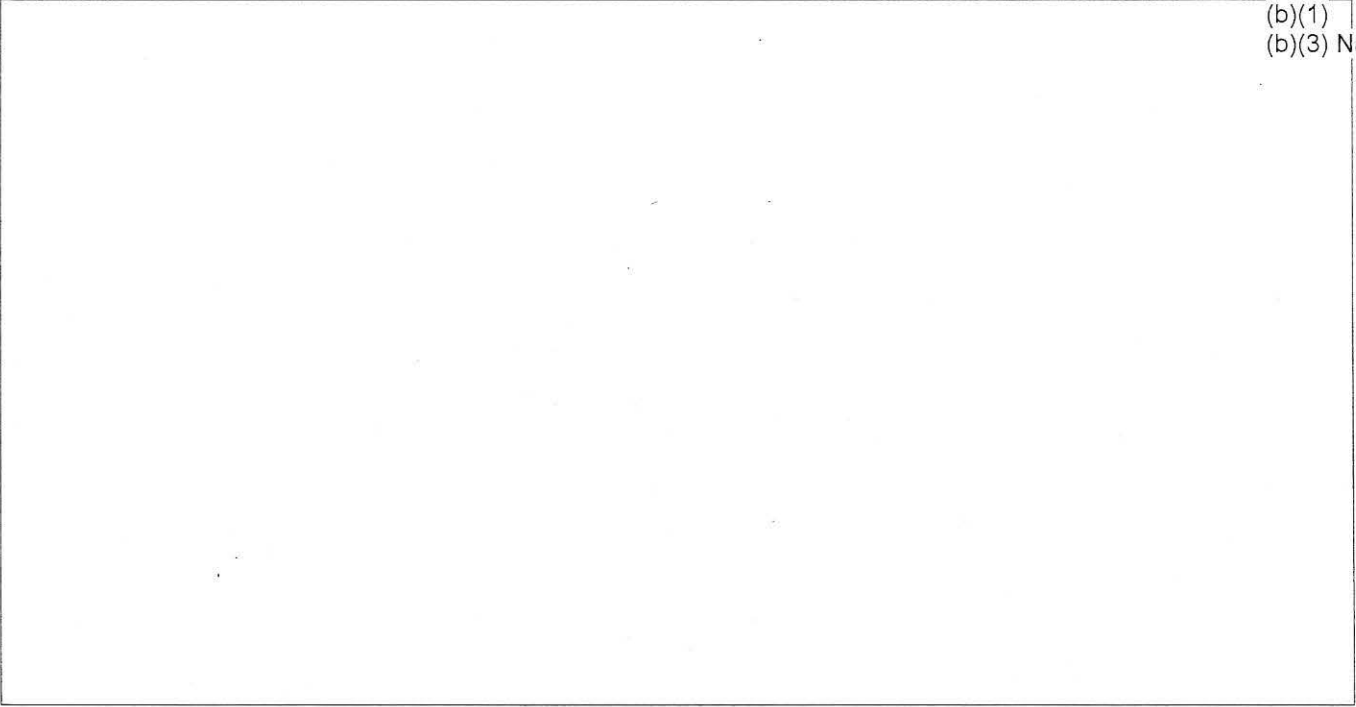
Remember, some techniques cannot be used in the U.S. or to collect on a USP

Scenario #1



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Scenario #2



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Conclusion

- Remember:
 - Rules on Collection apply to Targeters and their activities.
 - If you see a USP or activity occurring in the US, contact your component legal!

Questions?

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