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Executive Order 12333 and Other Issues

I. Why do we care about EO 12333?

EO 12333 places restrictions on the collection, retention, and dissemination of information concerning US persons as well as activities occurring in the US.

II. Historical Background of EO 12333

CIA created by the National Security Act of 1947. The LE Proviso of the NAT SEC ACT restricted the Agency's domestic mission. It states that the CIA, "... shall have no police subpoena, or law enforcement powers or internal security functions."

The Legislators at the time were considering the Gestapo of Nazi Germany and the intelligence security apparatus of the Stalinist USSR when the LE Proviso was added to the NAT SEC ACT. They wanted to ensure our 4th Amendment rights were protected. Also, FBI protecting turf.

Things went well for the CIA on this issue until allegations and problems surfaced in the late 60's and early 70's. There were allegations in the press that the CIA was spying on US persons, infiltrating academia, journalists, clergy, student groups, Vietnam protestors, etc.

After such allegations surfaced, President Ford chartered the Rockefeller Commission to review and investigate such practices. Congress established the Church and Pike Committees, and all three groups made recommendations.

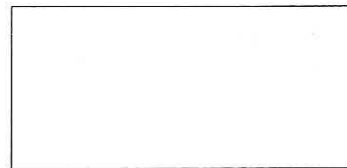
In order to avoid legislation and micromanagement of CIA, President Ford issued an EO governing intelligence activities inside the US and concerning US persons. Carter rescinded Ford's EO and issued his own. Then, Reagan rescinded Carter's in 1981 and issued EO 12333, which we still follow today.

III. HR 7-1 Implements EO 12333

It governs two sets of activities.

- a. Activities within the US
- b. Activities outside the US that involve US persons

***So, always keep in mind **WHO** are we targeting? and **WHERE** are they?
WHAT type of collection technique will be used?***

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(b)(3) NatSecAct

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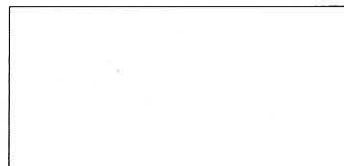
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The Regulations are intended to:

- a. Permit and encourage legitimate intelligence activities to the maximum extent possible
- b. Provide legal protection to employees who follow them
- c. Assure the American public and Intelligence oversight that CIA activities are consistent with US law and related to legitimate intelligence objectives.

IV. HR 7-1 Fundamental Collection Principles

- a. CIA only collects for a lawful intelligence purpose, FOREIGN Intelligence and COUNTER Intelligence, which includes:
 - 1. Intelligence related to Counter Proliferation
 - 2. Foreign aspects of drug trafficking
 - 3. International terrorist information

FI = information relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons.

Remember, DOMESTIC ACTIVITIES of USPs are off limits.

- b. MUST use the least intrusive means. (b)(1)
 (b)(3) NatSecAct
- c. CANT ask another to collect what you cannot. (b)(1)
 (b)(3) NatSecAct

V. What is a US person?

A US person =

- a. US Citizen
- b. Lawful Permanent Resident (Green Card Holder) – life holder until ICE takes it away. (b)(1)
- c. A Corporation incorporated in the US (b)(3) NatSecAct
- d. Unincorporated Association substantially composed of US Citizens or LPRs

VI. Presumptions

Make presumptions.

- a. Outside the US = A person or organization is presumed not to be a US person unless specific indications to the contrary are obtained.
- b. Inside the US = the general presumption is that the person is US.

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[Redacted]

[Redacted]

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[Redacted]

[Redacted]

- a. Publicly Available Information – even if you pay for it
- b. Consensual Information
- c. Identifying Information
- d. Incidentally Acquired Information

(b)(1)
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[Redacted]

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(b)(3) NatSecAct

[Redacted]

[Redacted]

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