

IG 2002-0596
19 August 2002

MEMORANDUM FOR: Director of Central Intelligence

FROM: John L. Helgerson
Inspector General

SUBJECT: (U//FOUO) Intelligence Activity
Assessment: Compliance with Executive
Order 12333: Th(b)(1)e of [] Collection
(b)(1) [] From (b)(3) NatSecAct 00-6207-IG)
(b)(3) NatSecAct []

1. (U//~~FOUO~~) Attached is the report of our assessment of the Agency's (b)(1) of [] coll(b)(1) on [] from 1995-2000 and Ac(b)(3) NatSecActnce wit(b)(3) NatSecActorney General implementing procedures under Executive Order (EO) 12333 that govern such techniques. The assessment is our first general review of CIA's use of a variety of collection techniques—primarily electronic surveillance and physical searches—that implicate individual privacy interests protected by the Fourth Amendment to the Constitution of the United States, applicable statutory law and EO 12333.

2. (U//~~FOUO~~) Although the issuance of the report has been delayed, I believe that it is an important historical survey and provides a baseline for future assessments in this area. Recognizing that some of the policies and practices may have changed since the survey period, I also believe that the suggestions, particularly the need to have increased communication with the Department of Justice (DoJ), have continuing value in the post 11 September environment.

3. (U//~~FOUO~~) We found that the Agency's use of (b)(1) [] colle(b)(1) [], both within the United States (b)(3) NatSecAct broad, w(b)(3) NatSecAct in compliance with EO 12333 and implementing procedures during the survey period. Agency officers are sensitive to the rules governing the targeting of U.S. persor(b)(1) th [] coll(b)(1) on [] and take EO 12333 restr(b)(3) NatSecAct ously. (b)(3) NatSecAct evidence that any CIA officer has intentionally disregarded requirements of EO 12333 or its implementing procedures. Agency officers generally understand they must seek legal advice and secure necessary policy approval (b)(1) use [] collection (b)(1) [] and they thin(b)(3) NatSecAct the guidance and (b)(3) NatSecAct provided by the Office of General Counsel (OGC).

DOWNGRADE TO UNCLASSIFIED//FOUO
WHEN SEPARATED FROM ATTACHMENT

COPY

TOP SECRET(b)(1)FORN| /X1
(b)(3) NatSecAct

SUBJECT: (U//~~FOUO~~) Intelligence Activity Assessment:
Compliance with Executive Order 12333: The
(b)(1) of [redacted] Coll(b)(1). on [redacted] From
(b)(3) NatSecAct 000-62 (b)(3) NatSecAct [redacted]

4. (U//~~FOUO~~) A f(b)(1) [redacted] cases were found to raise compliance and (b)(3) NatSecActes. The Agency did not uniformly consult with DoJ early in the process of reviewing whether to undertake (b)(1) [redacted] and in some cases CIA did not seek (b)(3) NatSecActeral (AG) approval or DoJ review when it would have been prudent to do so. These and other issues are discussed in detail in the report, which makes six suggestions encompassing process and procedural improvements, additional training for selected Agency officers, review by CIA, DoJ and National Security Council staff officers of standards (b)(1) [redacted] and increased OGC consultation w(b)(3) NatSecActefined cases involving special collection.

5. (U//~~FOUO~~) Of our six suggestions for specific remedial actions, the most important is the call for i-ased consultation with DoJ.

(b)(1) [redacted]
(b)(3) NatSecAct

6. (U//~~FOUO~~) The only downside I have heard suggested to consultation with DoJ (b)(1) [redacted] is that such consultation is somet:(b)(3) NatSecActed by unacceptable delay. If that were to be the case in the future, I believe intervention by you or the DDCI would resolve the matter. In the final analysis, DoJ has an interest in finding or developing a basis upon which to concur legally in what CIA proposes to do. If DoJ cannot find a way to concur in proposed Agency(b)(1) [redacted] activities involving U.S. persons, CIA ol(b)(3) NatSecAct great risks in proceeding in such cases.

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TOP SECRET//NOFORN [redacted]//AI

SUBJECT: (U//~~FOUO~~) Intelligence Activity Assessment:
Compliance with Executive Order 12333: The
(b)(1) of [redacted] Coll (b)(1) on [redacted] From
(b)(3) NatSecAct 000-620 (b)(3) NatSecAct

7. (U) I would be happy to discuss the report or any questions you have at your convenience. The Deputy General Counsel has received a copy of this memorandum and, of course, should participate in any follow-on discussion.

[redacted]
John L. Helgerson

Attachment:
As stated

cc: DDCI w/att
Executive Director w/att
Deputy General Counsel w/att

(b)(3) CIAAct