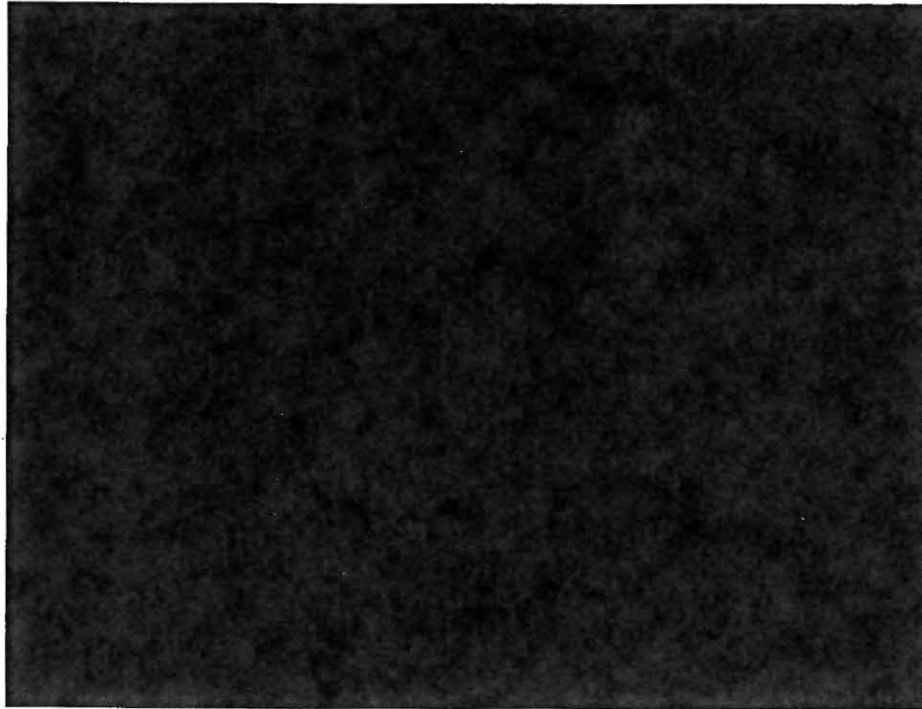




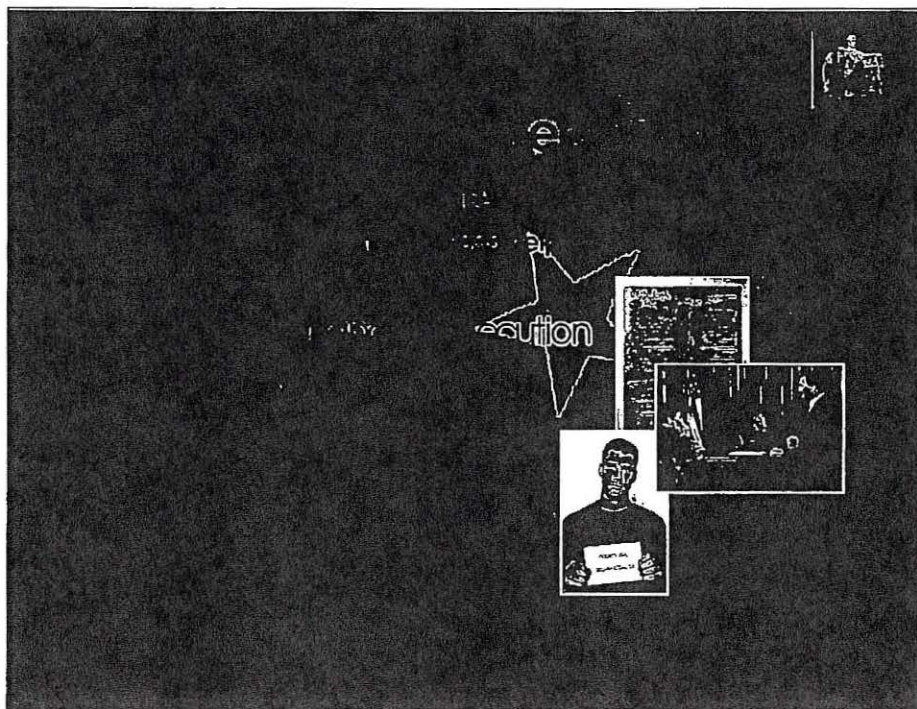
- ◆ Executive Order 12333 restricts collection of information about
 - ◆ Americans anywhere; and
 - ◆ Persons and companies (legally) in the United States
 - ◆ Point: collection of FI (or CI) is restricted if it involves Americans or is within the United States
 - ◆ Counterpoint: collection of FI (or CI) not involving Americans and not involving United States generally is not restricted
- ◆ Alternative: start with a joke, or current event
- ◆ Another good method to start is to present a hypothetical:
 - ◆ "To pass this class, you [the students] must answer this quiz at the conclusion of briefing...."
 - ◆ Dr. Albert E. Stein, a professor at Stanford University, is a molecular biologist who has written about toxins used for chemical weapons by foreign countries. His papers can be found on Internet. You suspect he is violating U.S. law.
 - ◆ Can you read his papers?
 - ◆ Can you go to the library at the University and find out what books he reads?
 - ◆ What do you do if you find information that confirms your suspicion that Dr. Stein is violating U.S. law?



"Holding" slide.



- ◆ Executive Order 12333 restricts collection of information about
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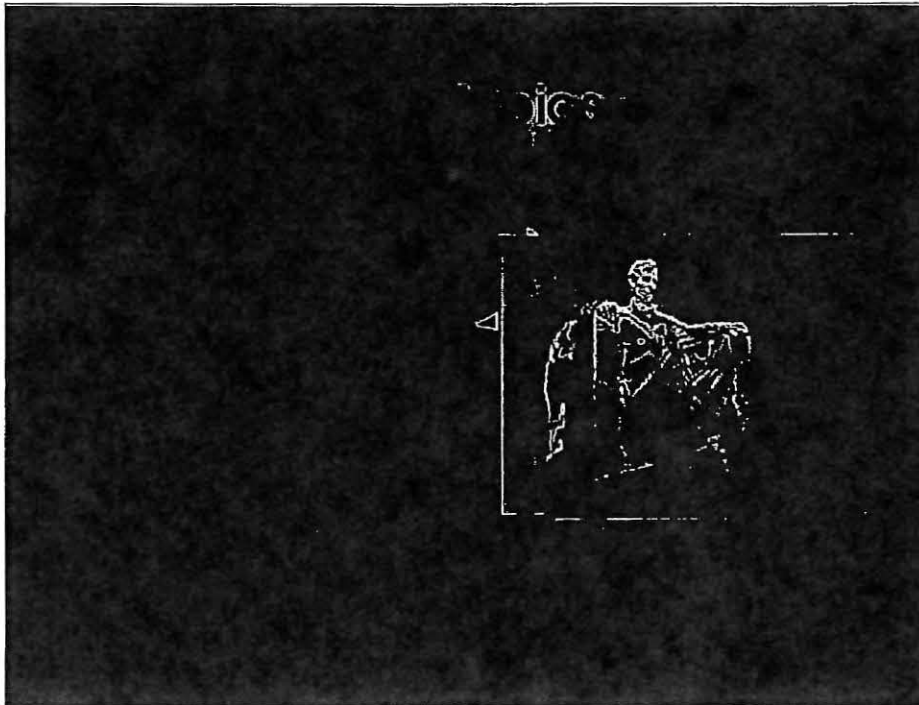
◆ Listed on this slide are 4 reasons why the audience wants to listen to this briefing

◆ *Bivens* case: personal liability for violating individual's Constitutional rights

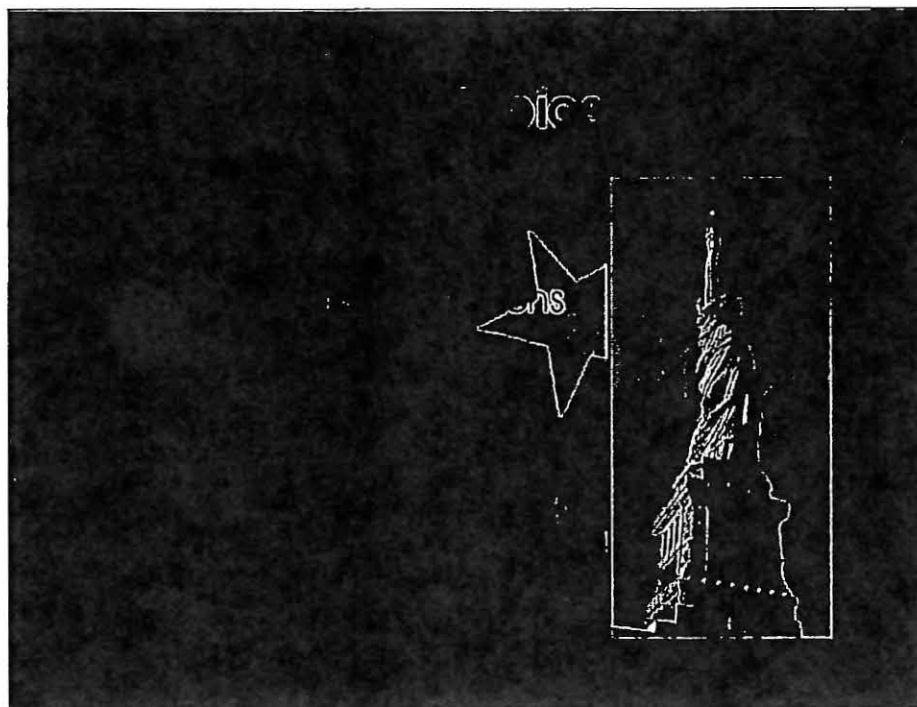
◆ If you comply with all the rules set out in 12333/HR 7-1, generally you are conducting activities lawfully and can be protected from criminal and civil liability.

◆ If you do not act in accordance with law:

- Possible criminal penalties
- Possible civil penalties that *you* may have to pay yourself (Bivens allows right of action against an individual govt employee for violations of persons' Constitutional rights)
- Congress will hear of it and could feel that the Agency needs to be more specifically regulated (= stricter, tougher laws to comply with)
- Adverse career effects



- ◆ U.S. Constitution already discussed
- ◆ Topic is basic -- how we live in this country -- as basic as our liberties

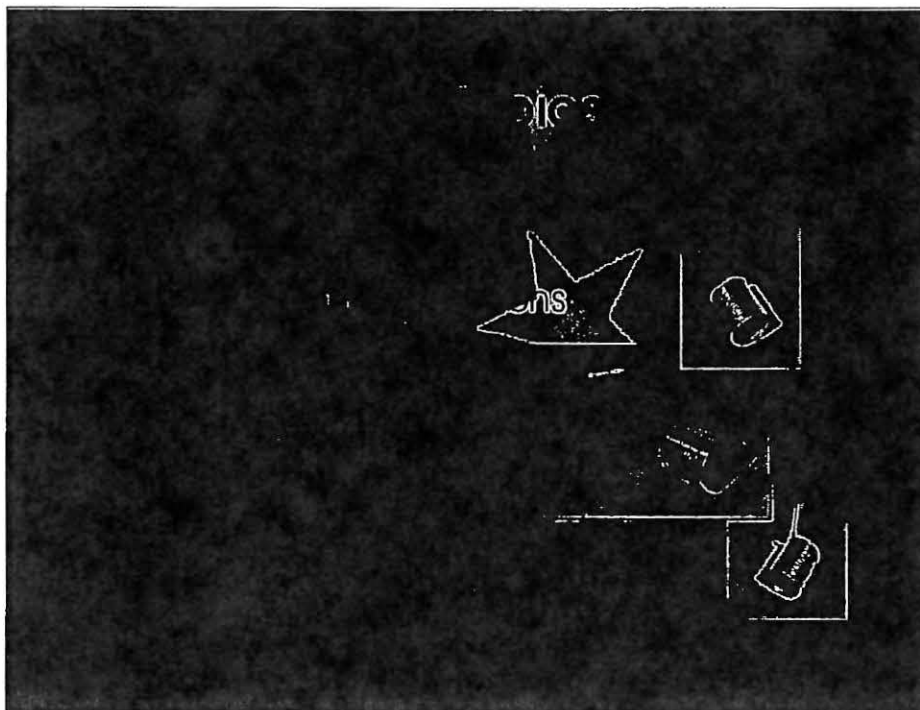


◆ Major issue

◆ As stated previously, EO 12333 protects U.S. persons

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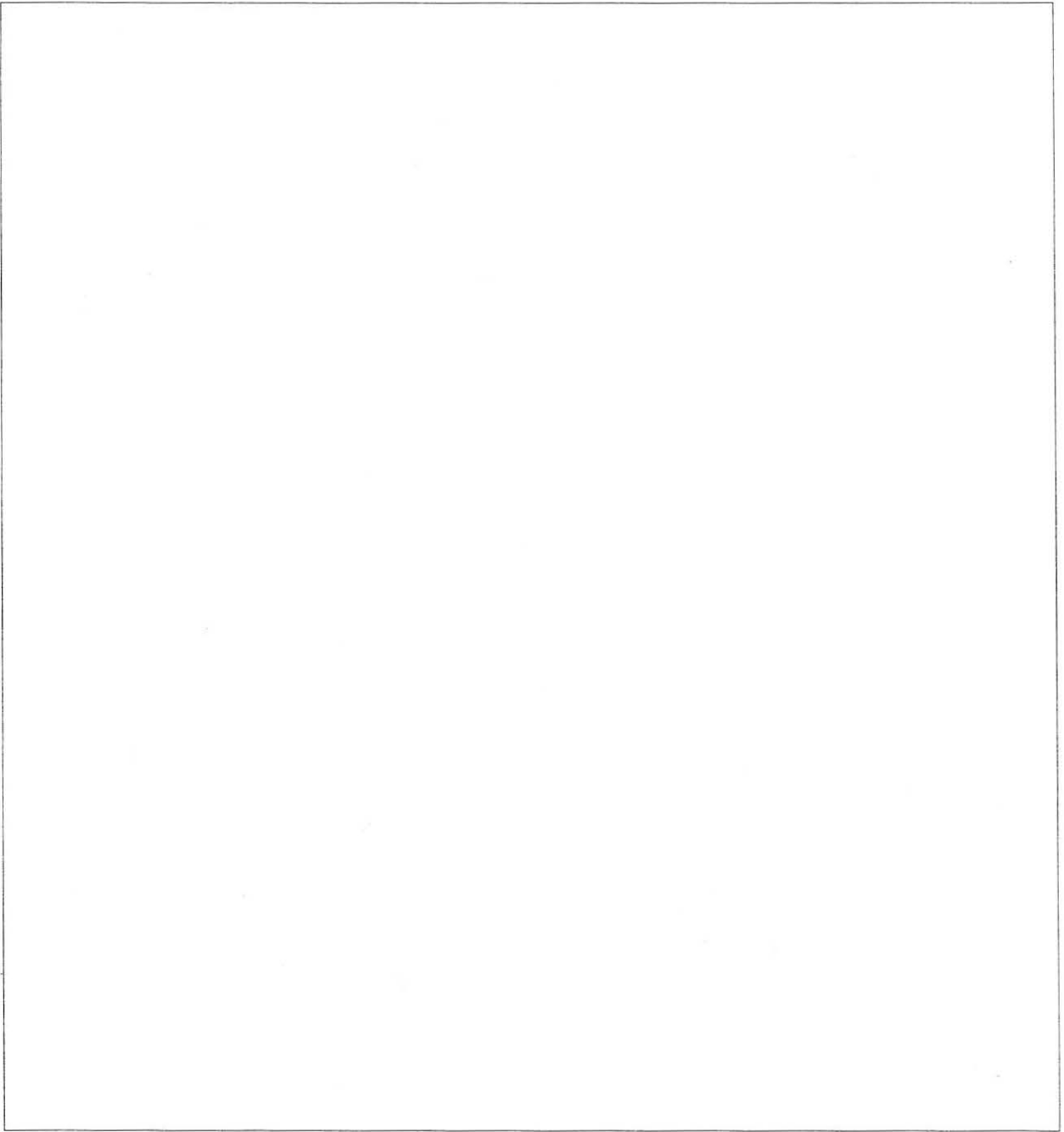
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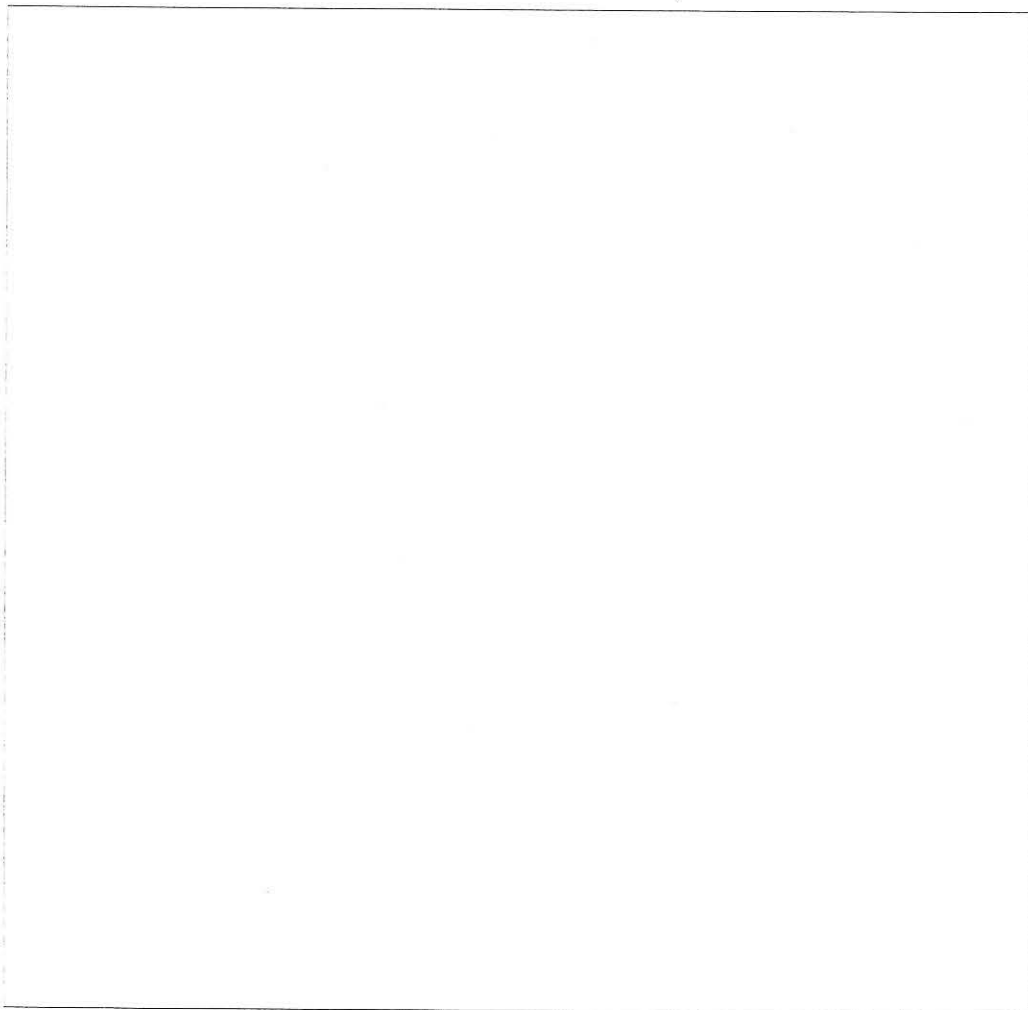
◆ Some types of collection are more intrusive than others

Note -- in the picture -- the simple can, the cans connected by a string, and the can with an radio antenna

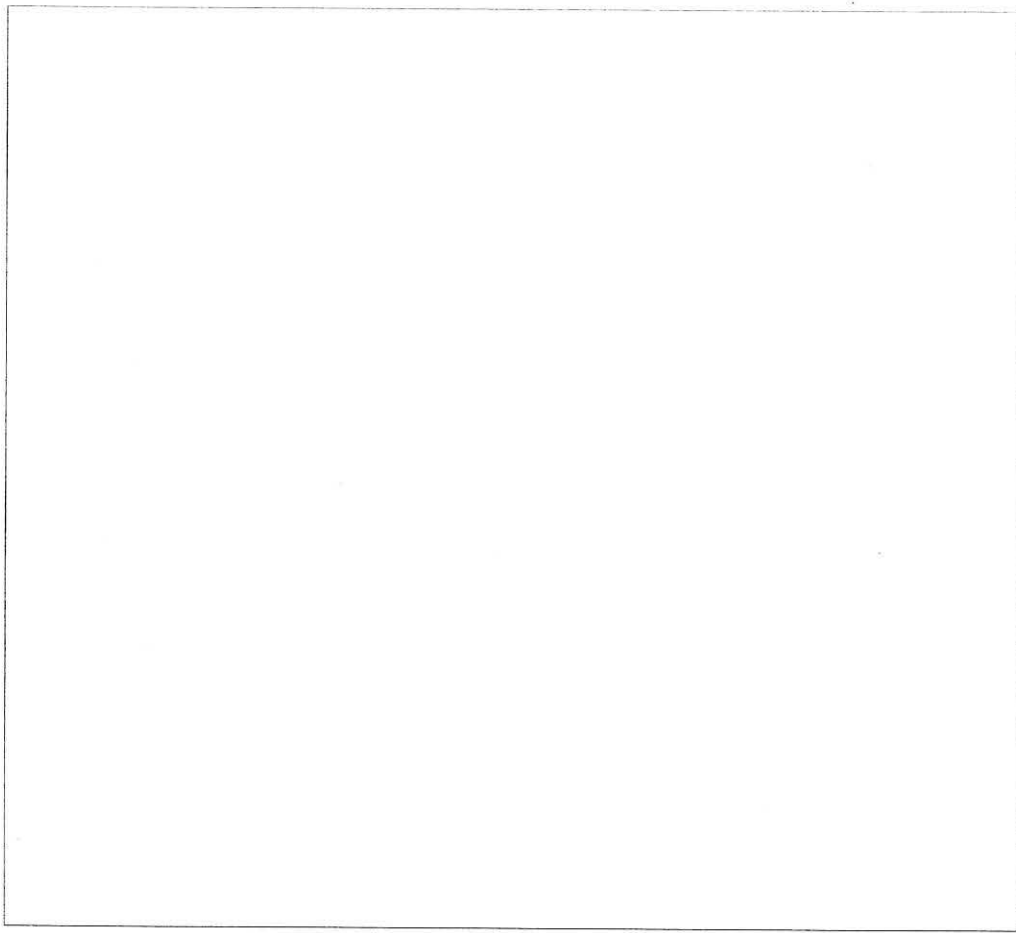
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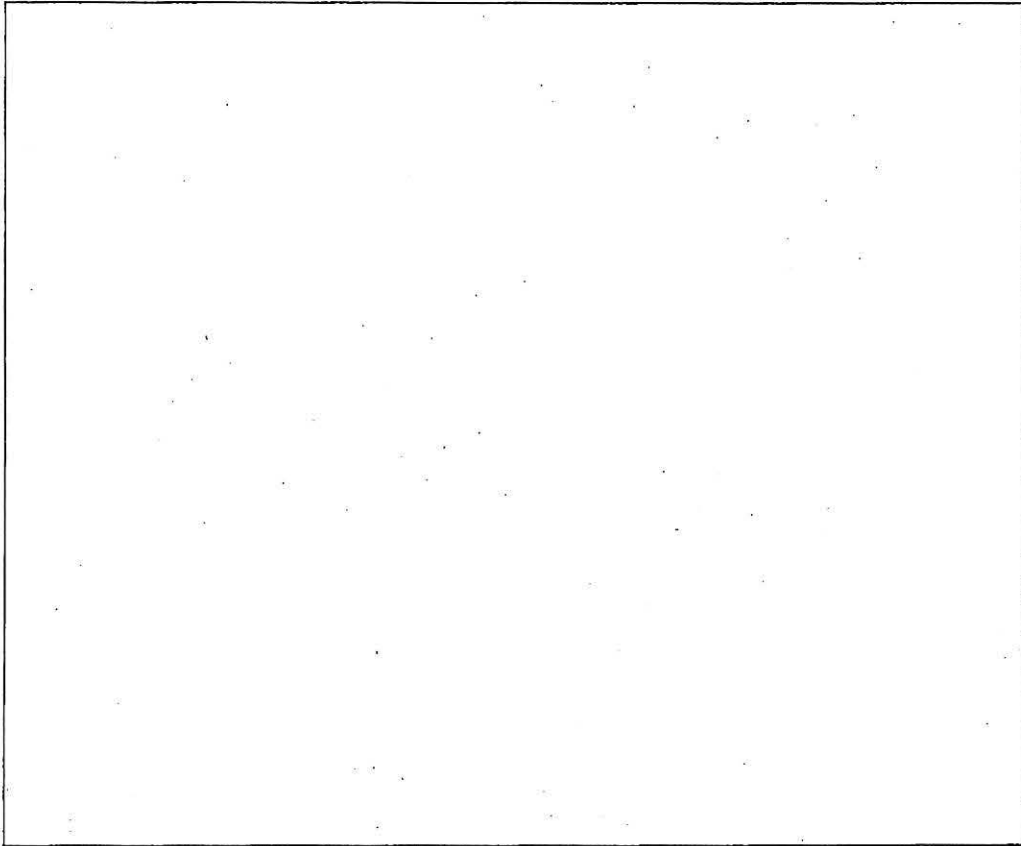
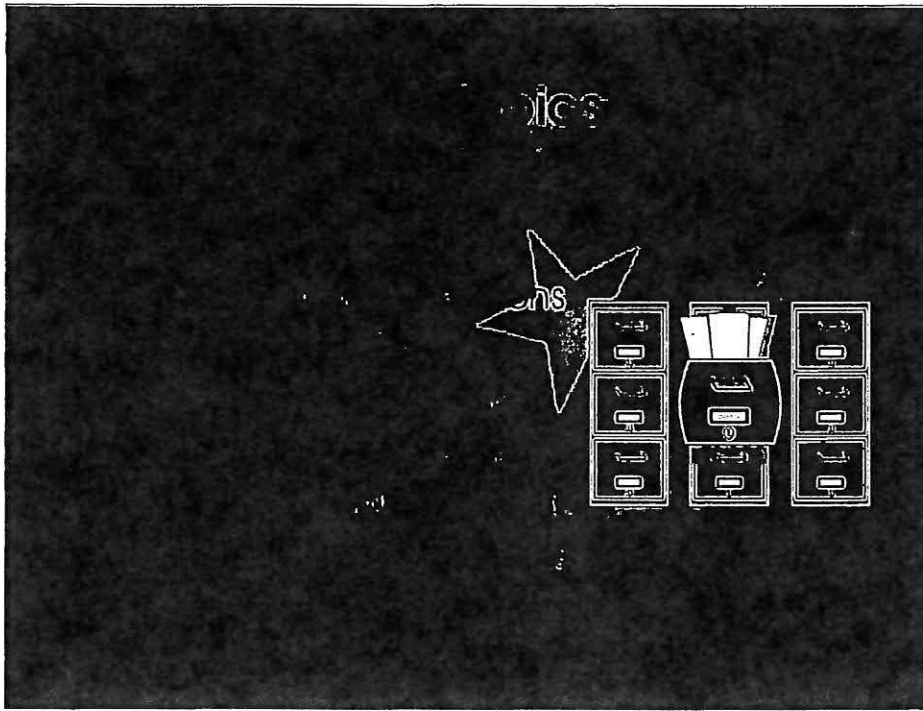


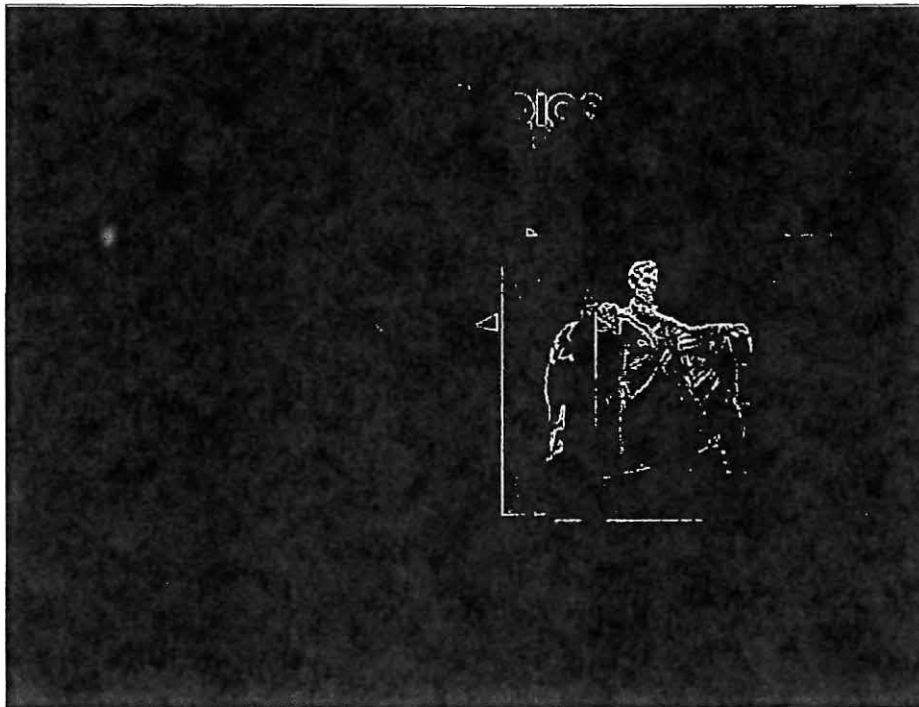
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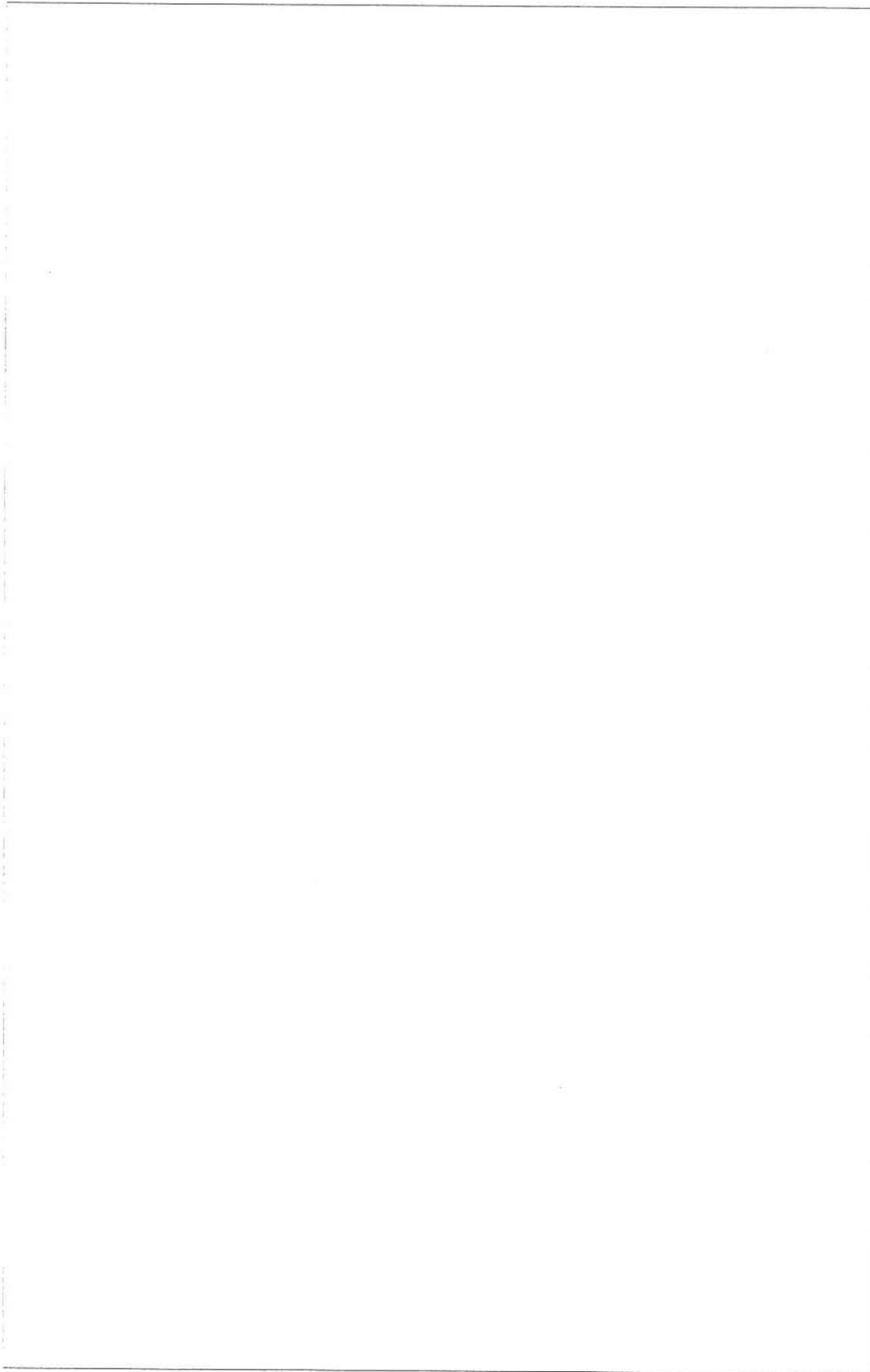






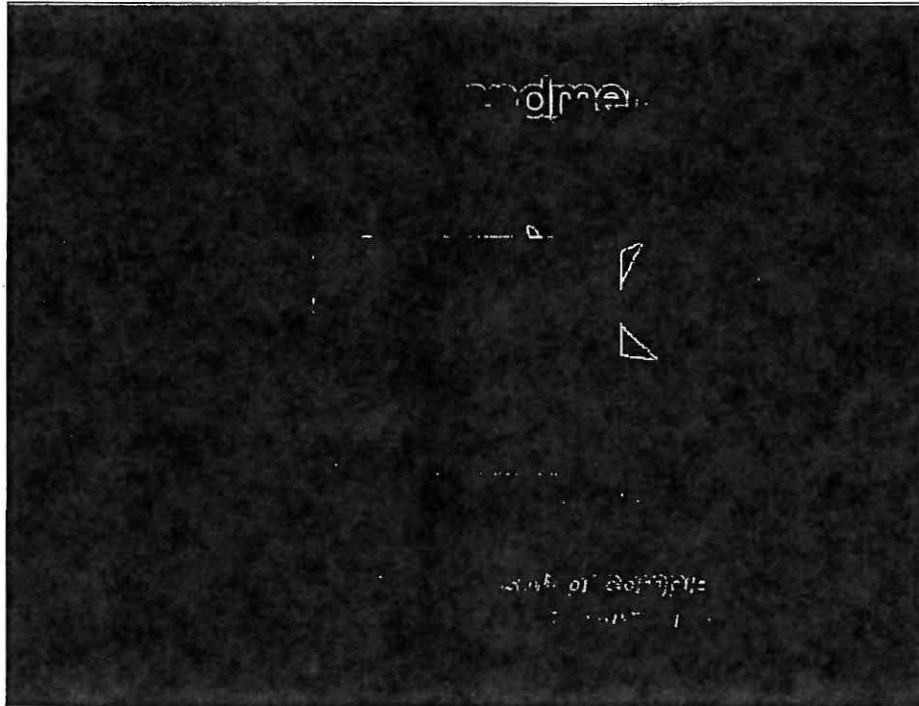
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- ◆ Topic is basic -- how we live in this country -- as basic as our liberties

NR



a. **Besides the 4th Amendment there**

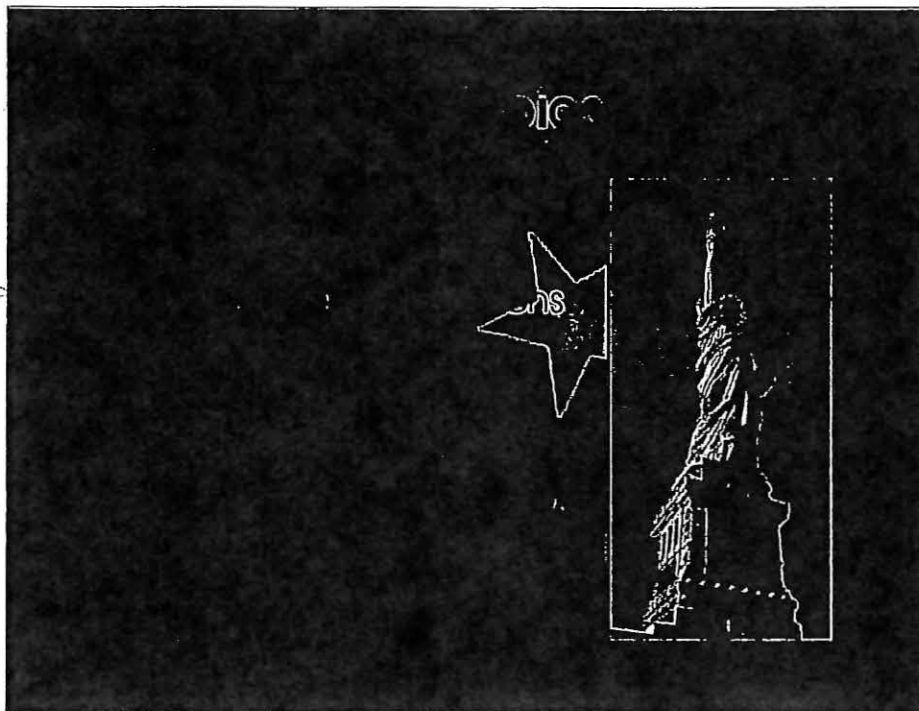




◆ **Prior to 1975, major flaps (and Constitutional violations) resulted from CIA activities involving U.S. Persons and U.S. Organizations**

◆ **Since 1975, laws have multiplied (U.S. and international)**

◆ Remember: violations of EO 12333 and the Constitution can have serious adverse effects both on you personally and on the Agency as a whole. That's why we're here explaining the rules of the road.

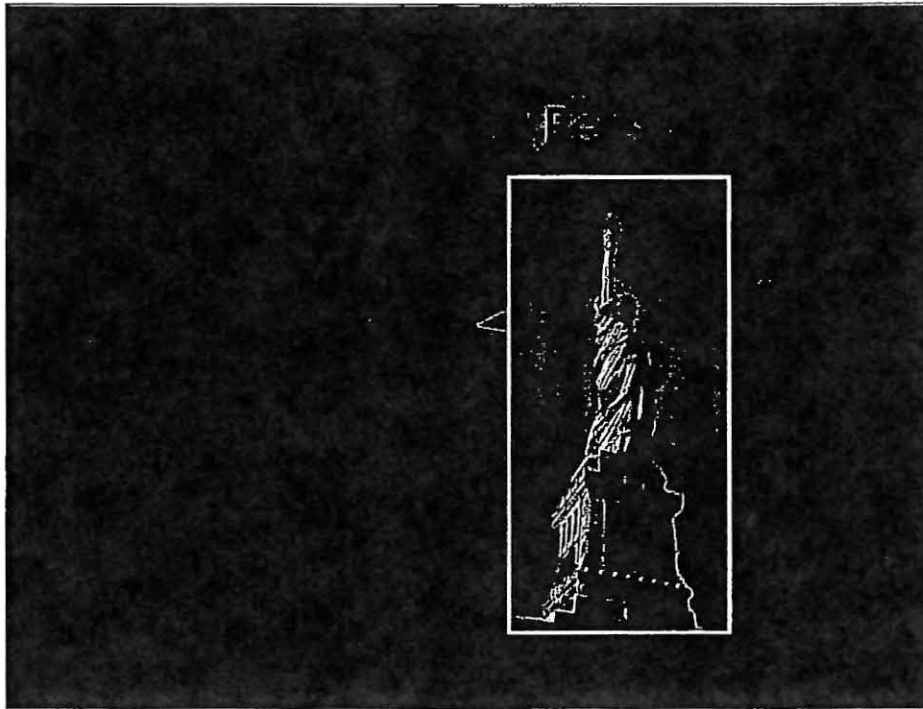


◆ Major issue

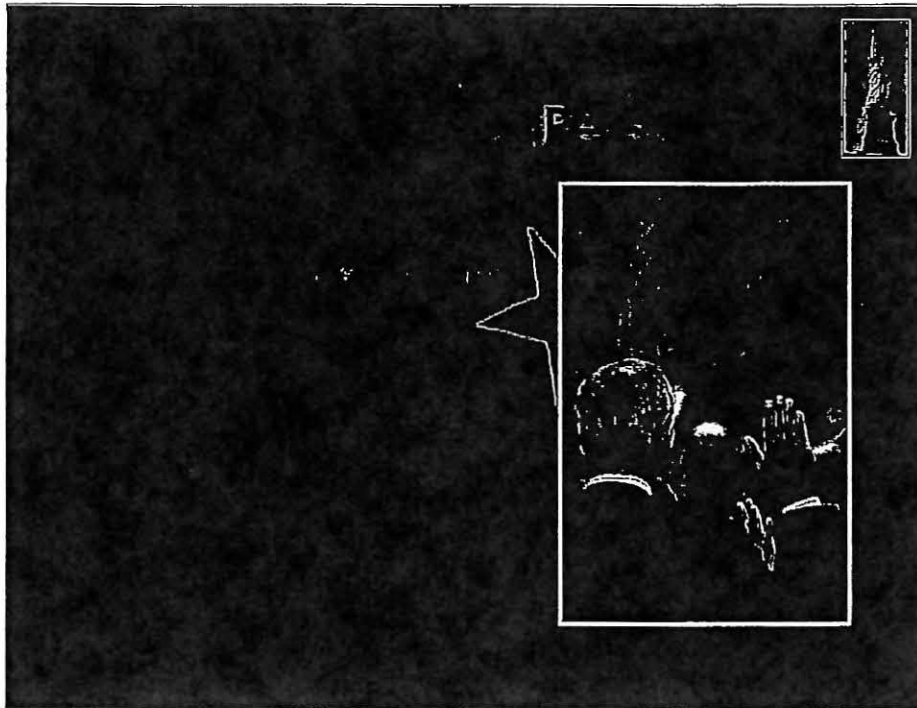
◆ As stated previously, EO 12333 protects U.S. persons



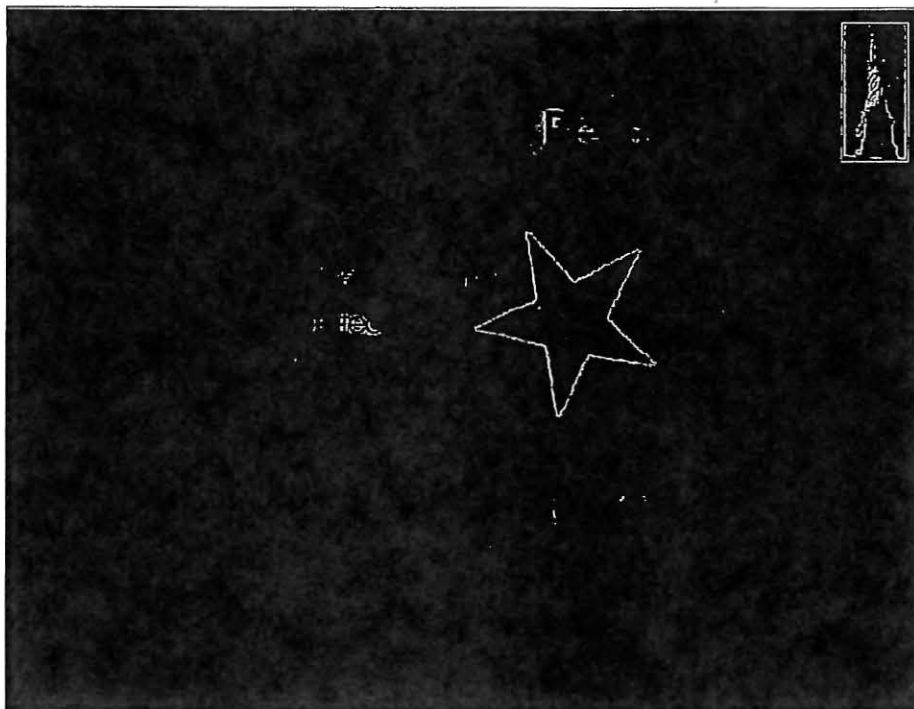
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◆ Definition obviously includes U.S. Citizens

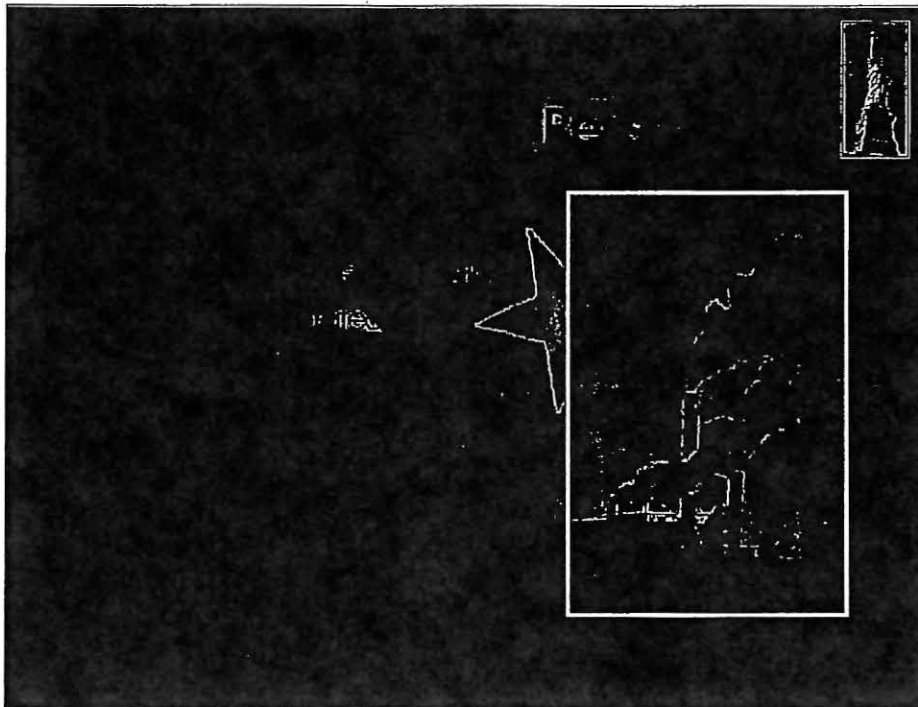


-- Definition includes "green card holders"



◆ Be careful if you are dealing with groups that have U.S. citizens

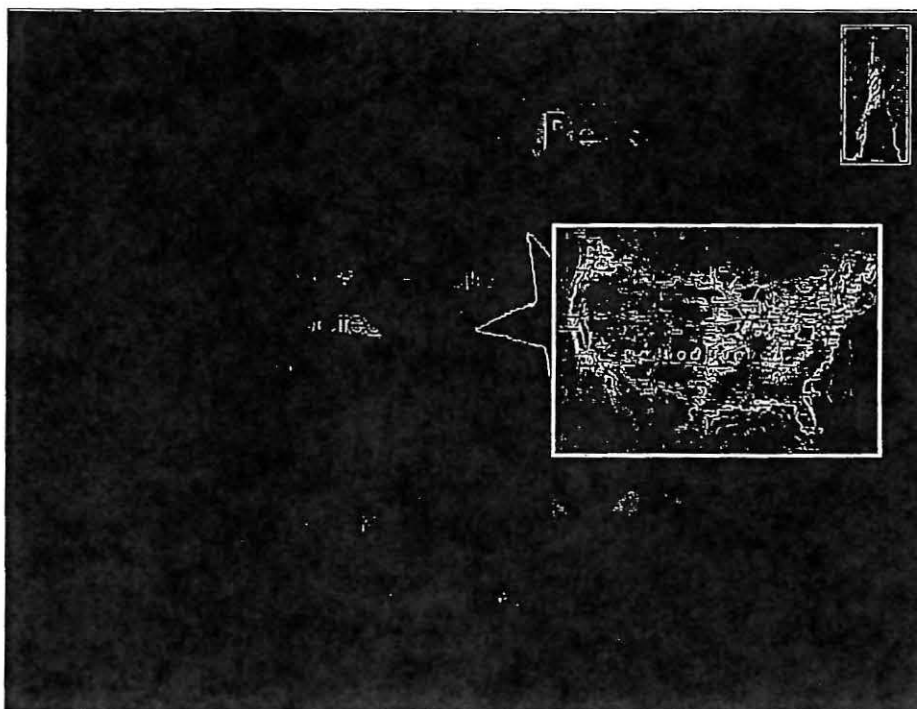
◆ Examples: student group, scientists meeting



◆ **Fourth Amendment also protects “legal” (non-person) entities**

◆ **Example: a foreign wholly-owned subsidiary, where the subsidiary, but not parent corporation, is incorporated in the United States**

◆ Corporation incorporated in US, except for corps directed/controlled by foreign government. A corporation or corporation subsidiary incorporated abroad, even if partially or wholly owned by a US corporation, is **NOT** a US person.



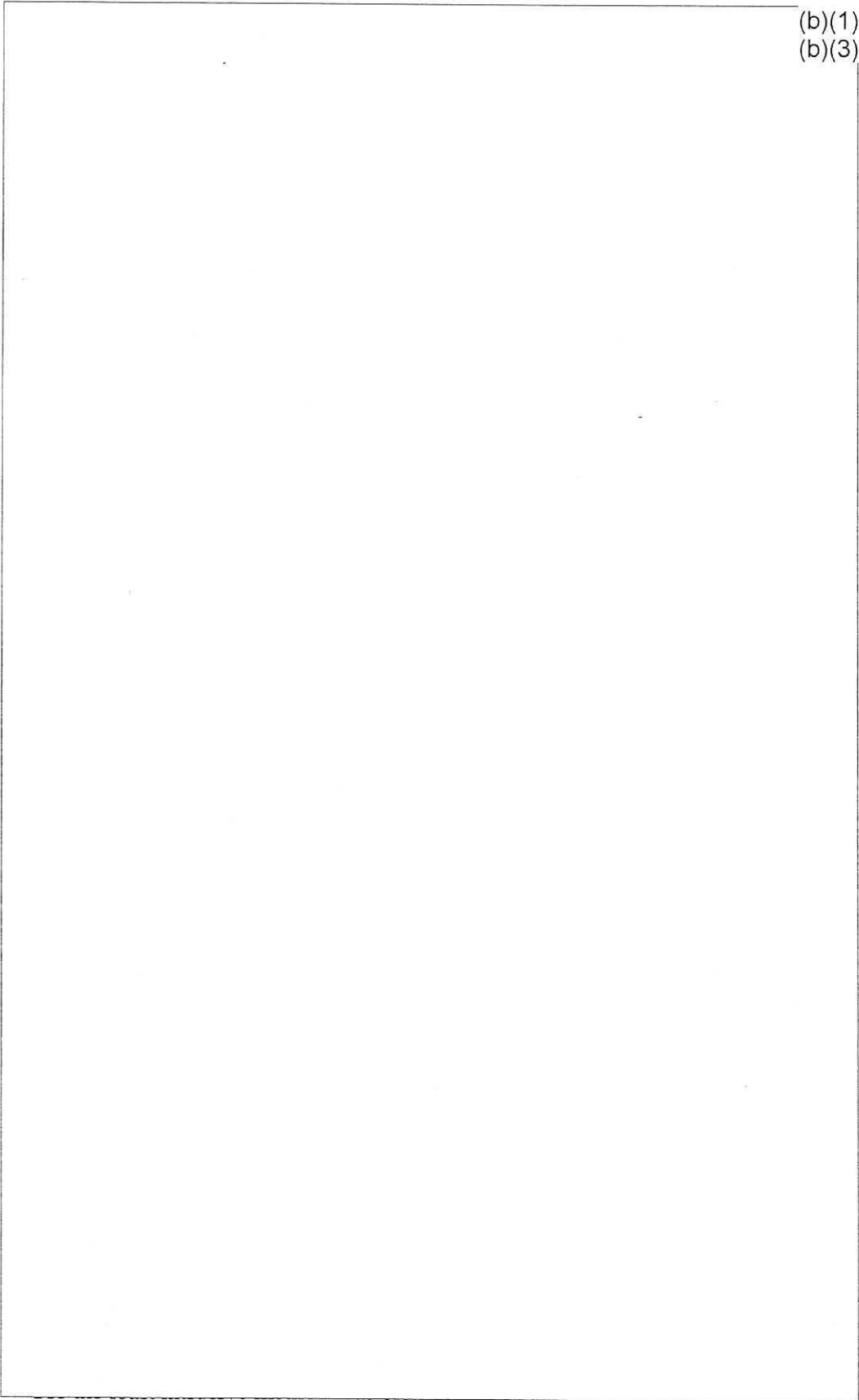
◆ **Presumption:** absent reasonable facts to indicate the contrary, a person in U.S. is a “U.S. person”, and a person overseas is not a “U.S. person”

◆ **Example 1:** Asian in restaurant in D.C., speaking Korean, presumed to be USP

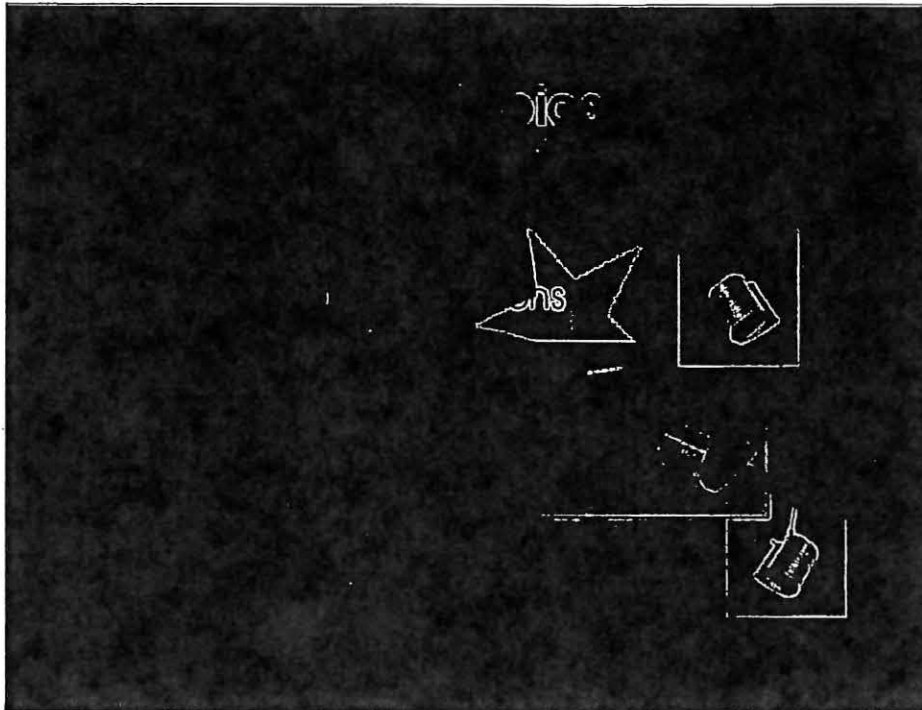
◆ **Example 2:** Caucasian with blond hair, blue eyes, speaking with Texas accent, in restaurant in Seoul, S. Korea, perhaps also USP (because contrary facts)



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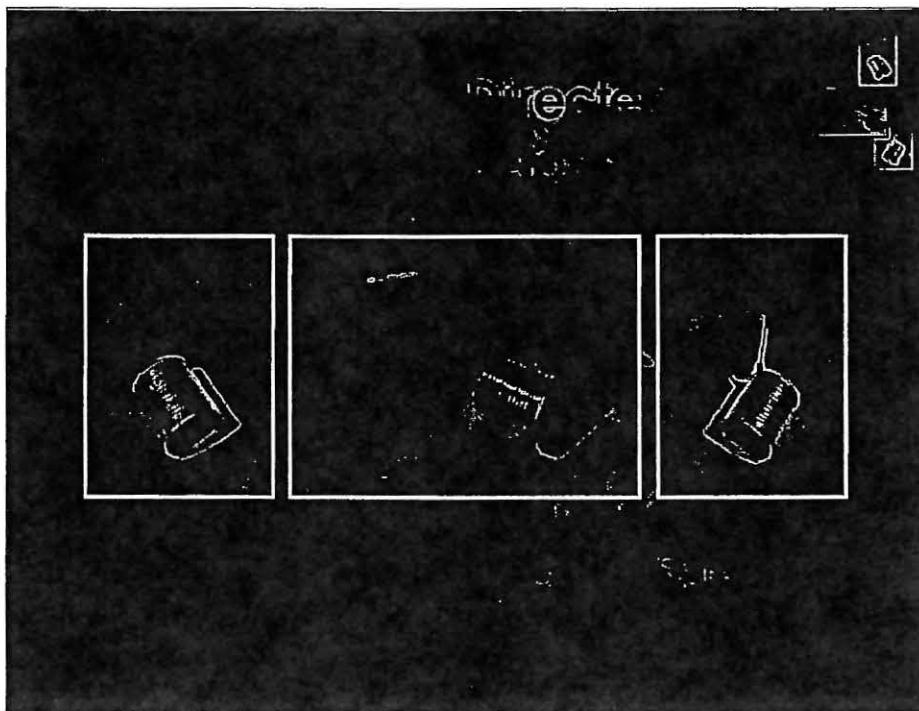


(b)(1)
(b)(3) NatSecAct



◆ Some types of collection are more intrusive than others

◆ Note -- in the picture -- the simple can, the cans connected by a string, and the can with an radio antenna



◆ Note that the three types are increasingly intrusive of a person's privacy

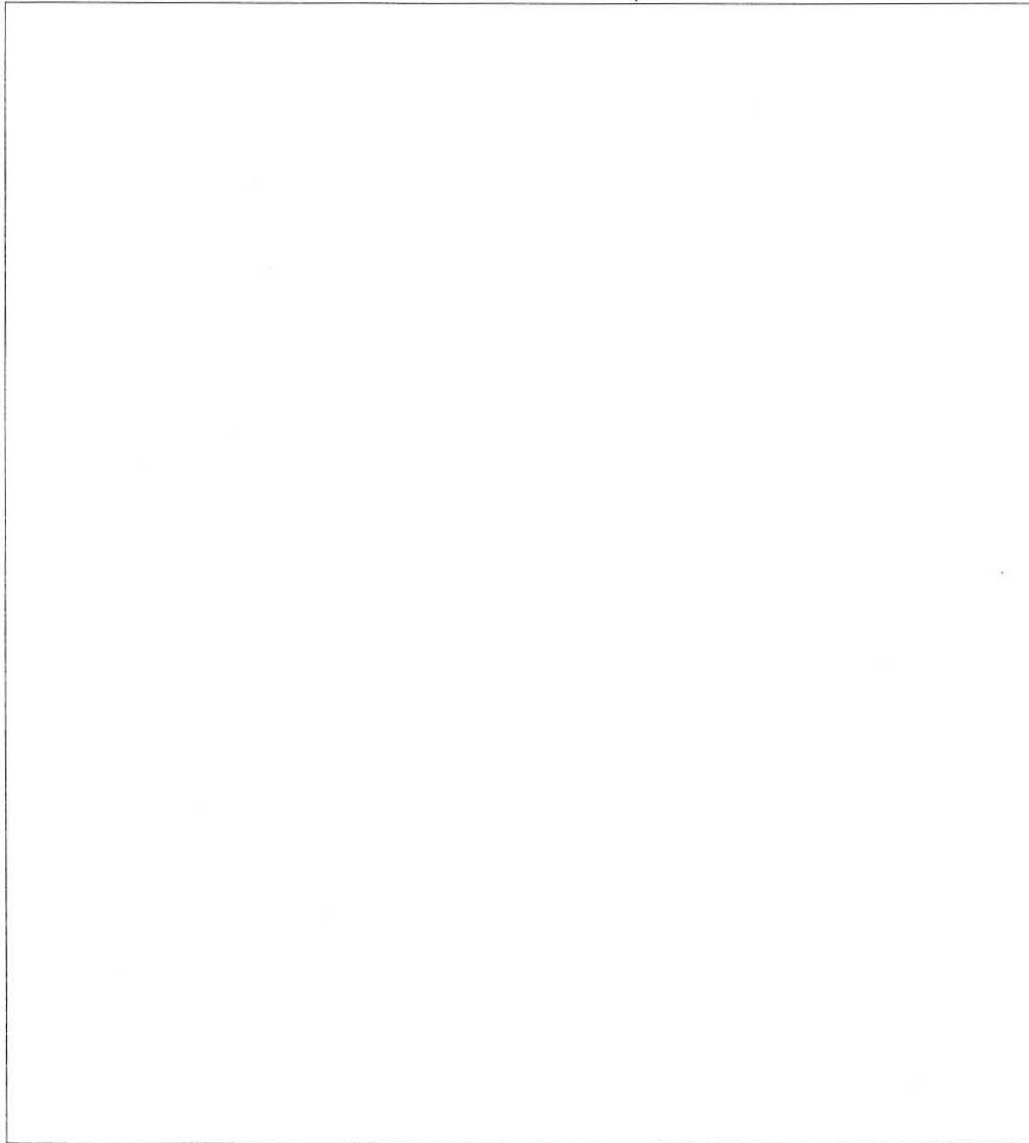
◆ Because of this difference, the rules for each are different

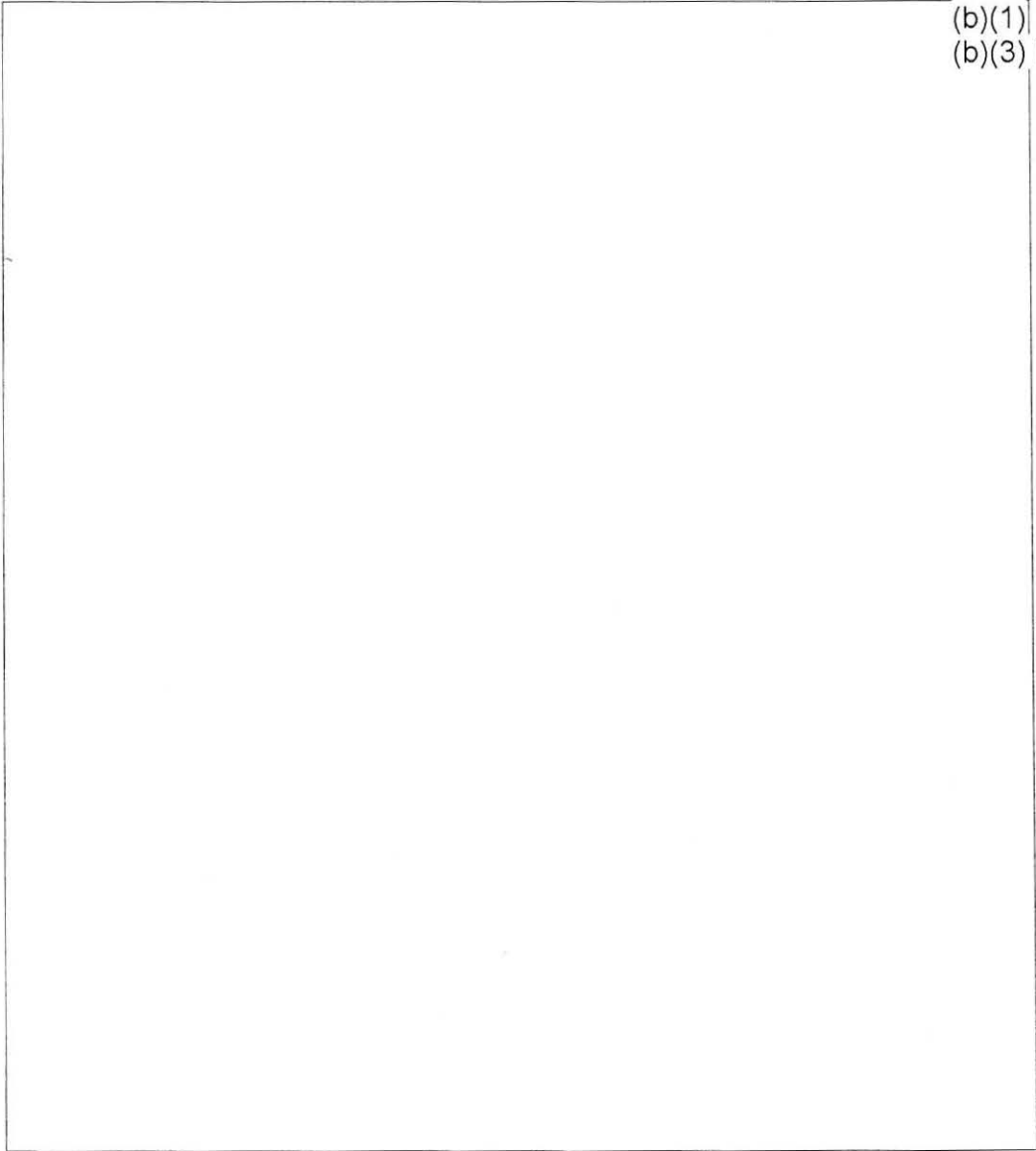
◆ **Retention and Dissemination Rules**

1. If you have authority to collect information, and the collection is done properly, then you retain and disseminate it.

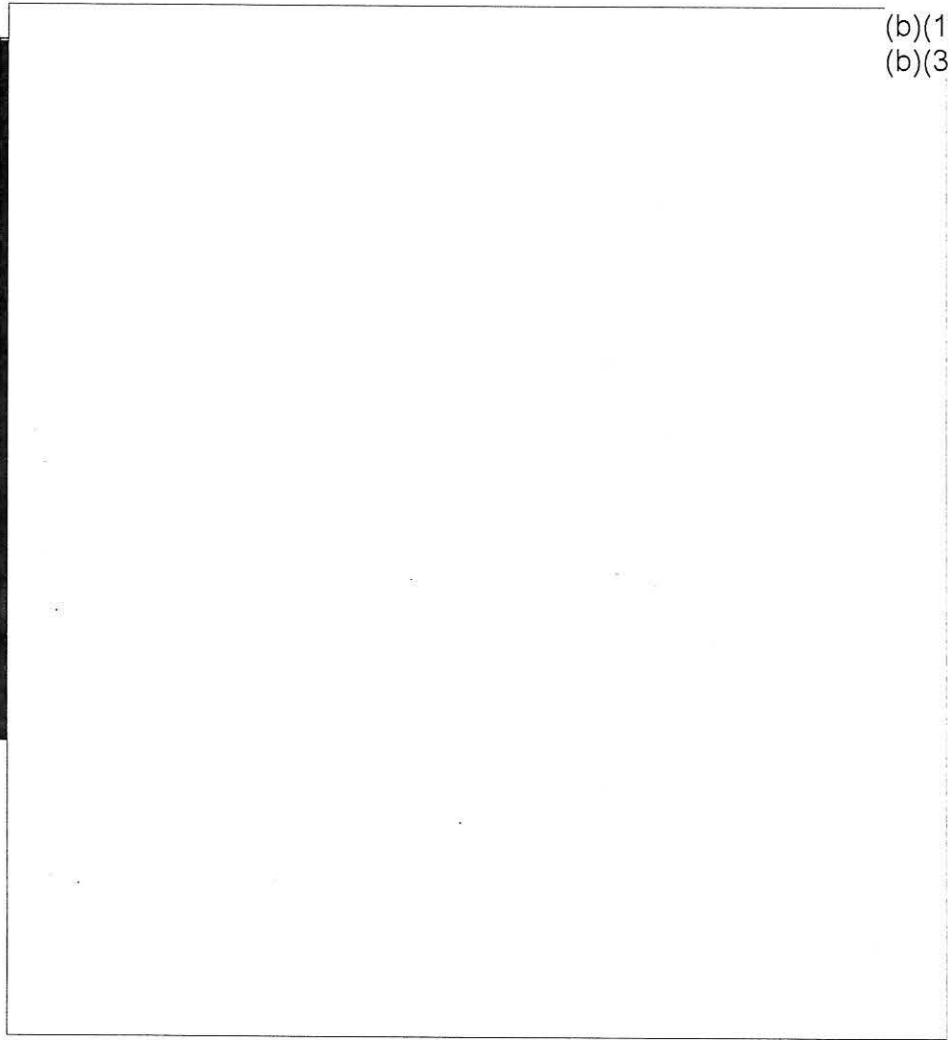
2. Dissemination outside the Agency

-- Do not use names of US entities unless it is needed to act or assess the information.

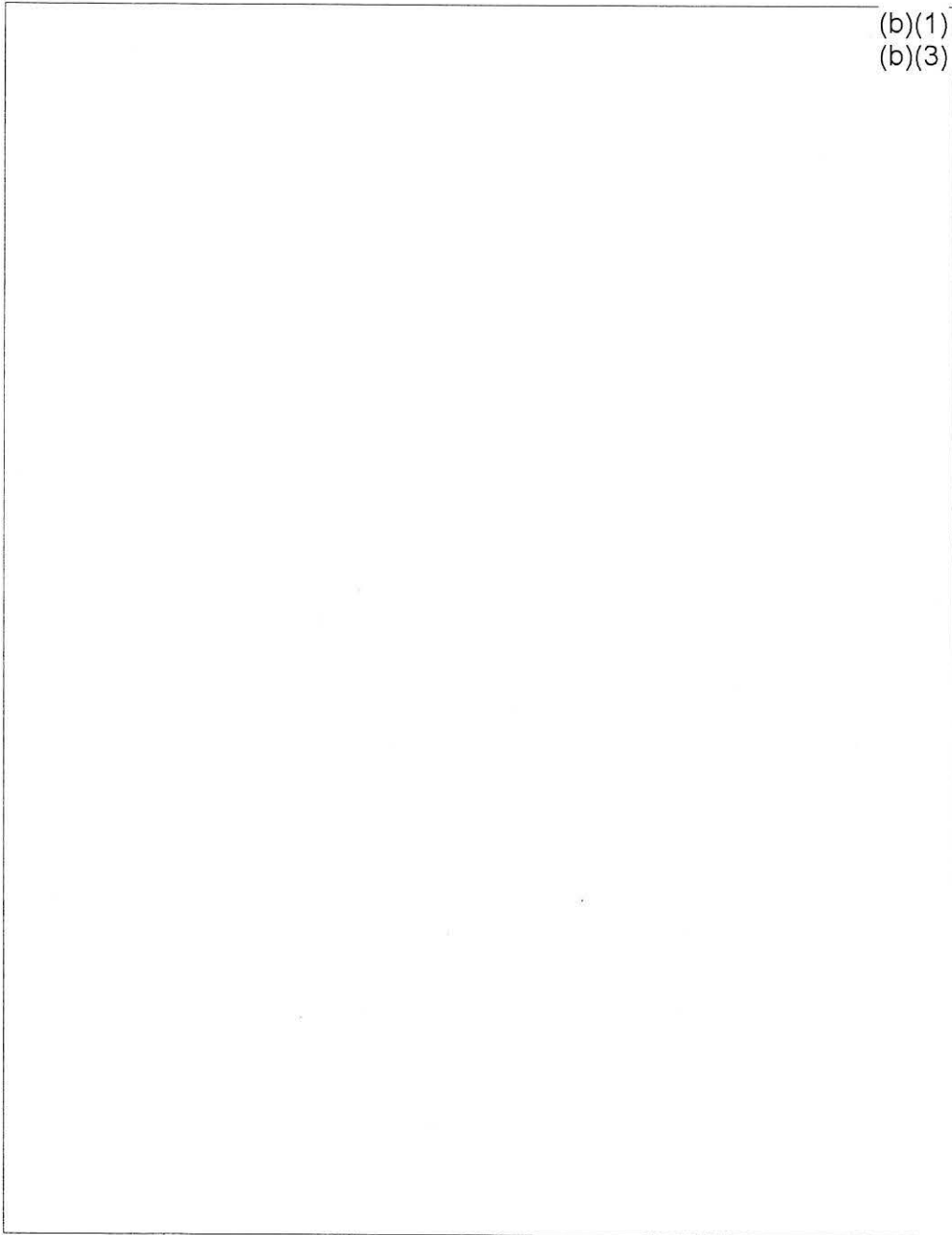




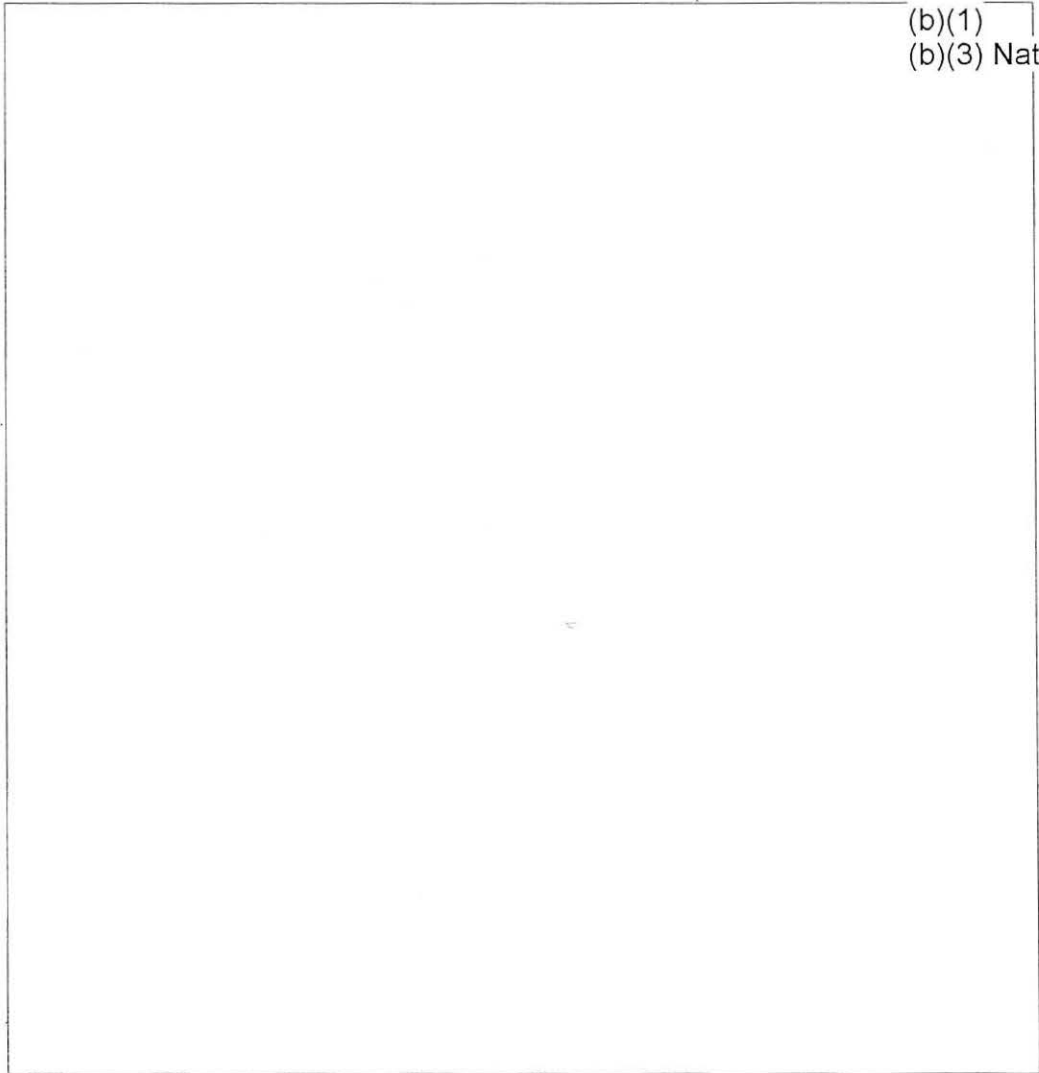
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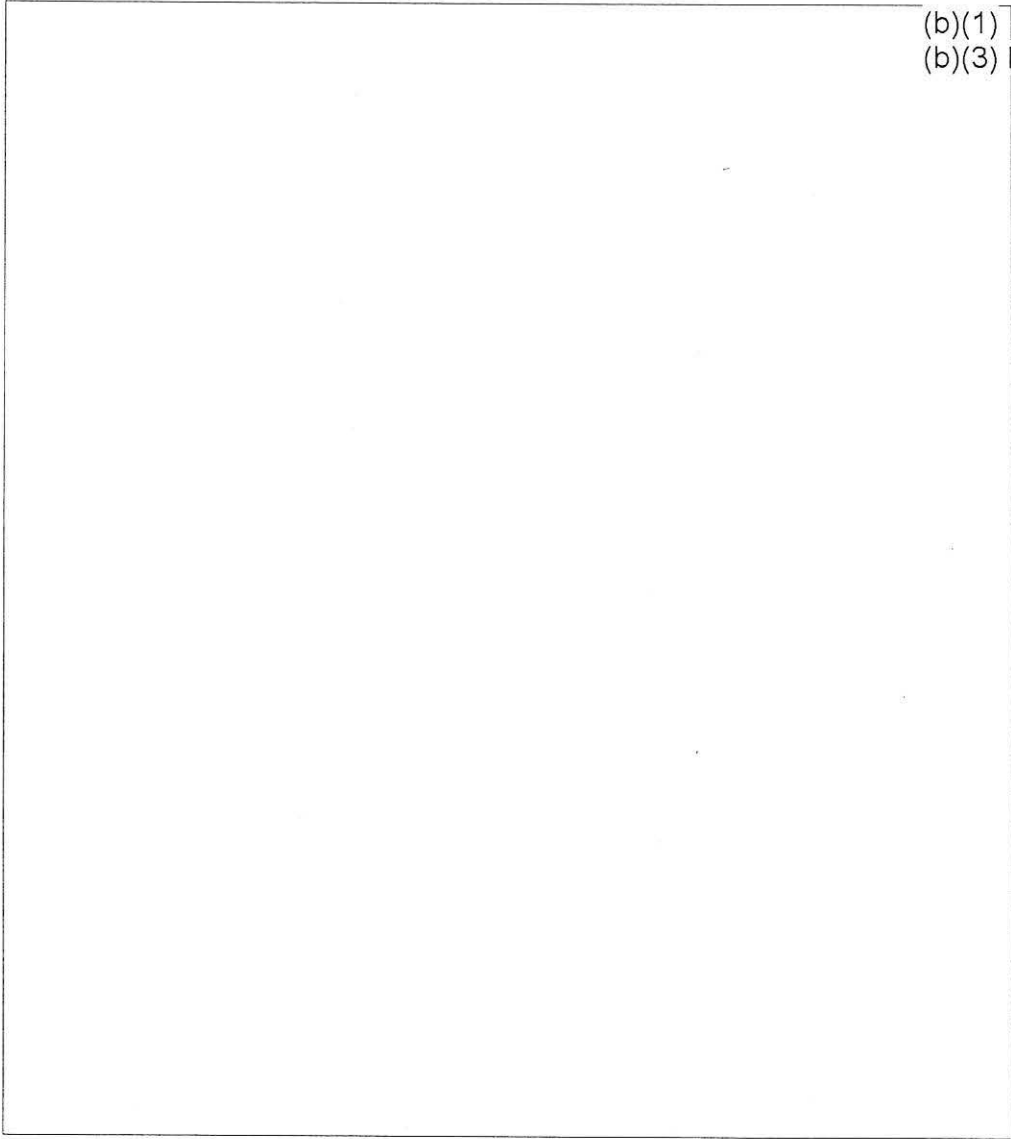
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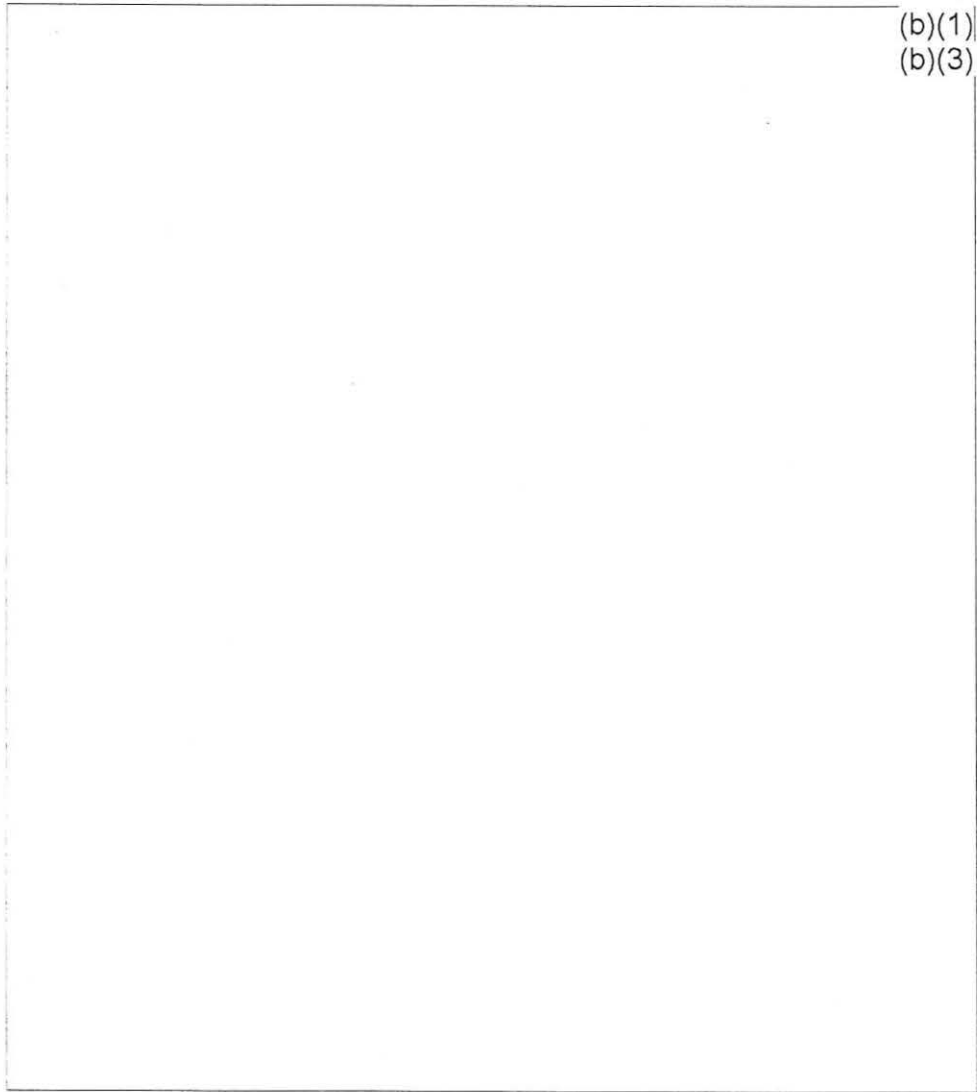
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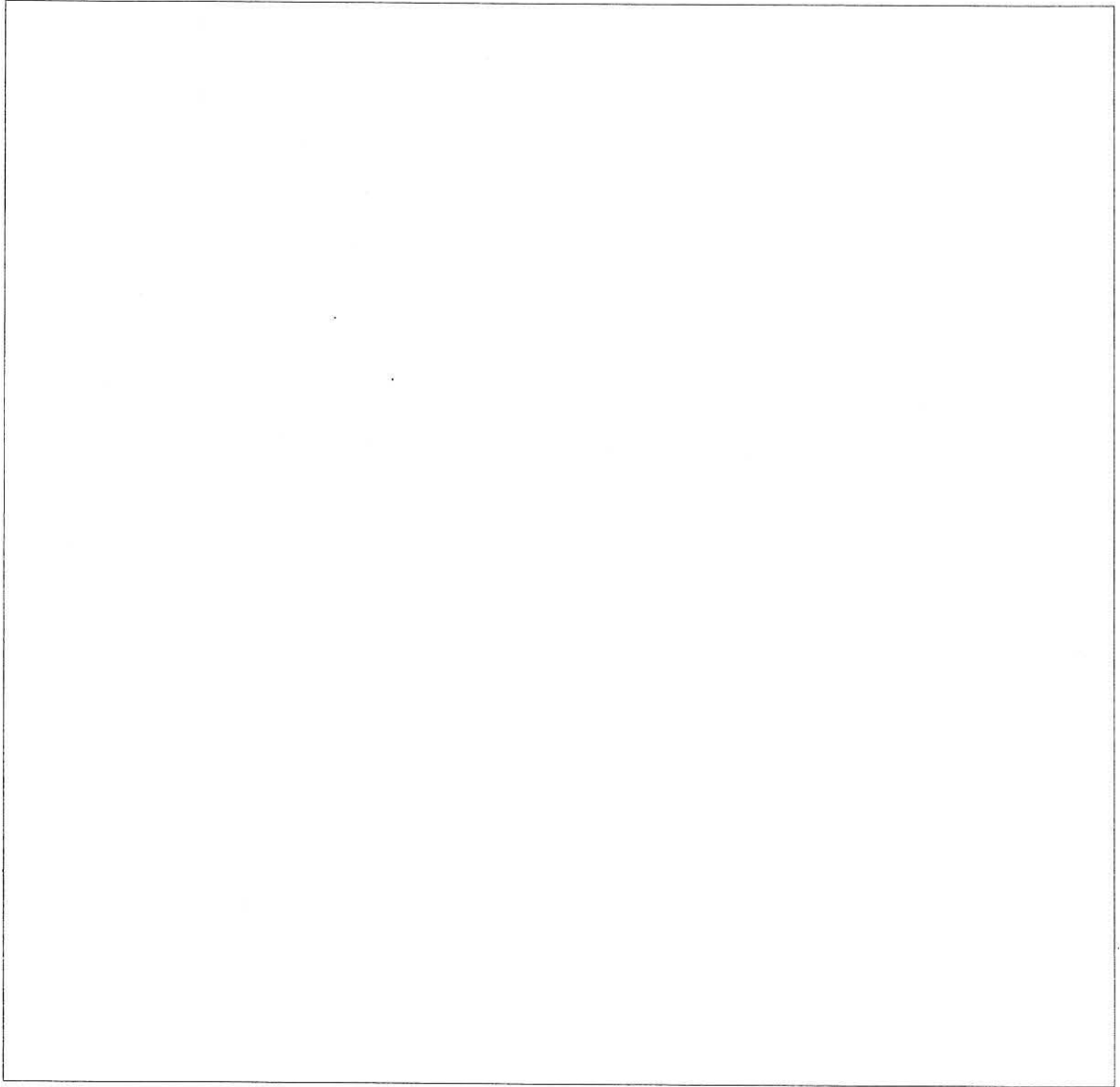
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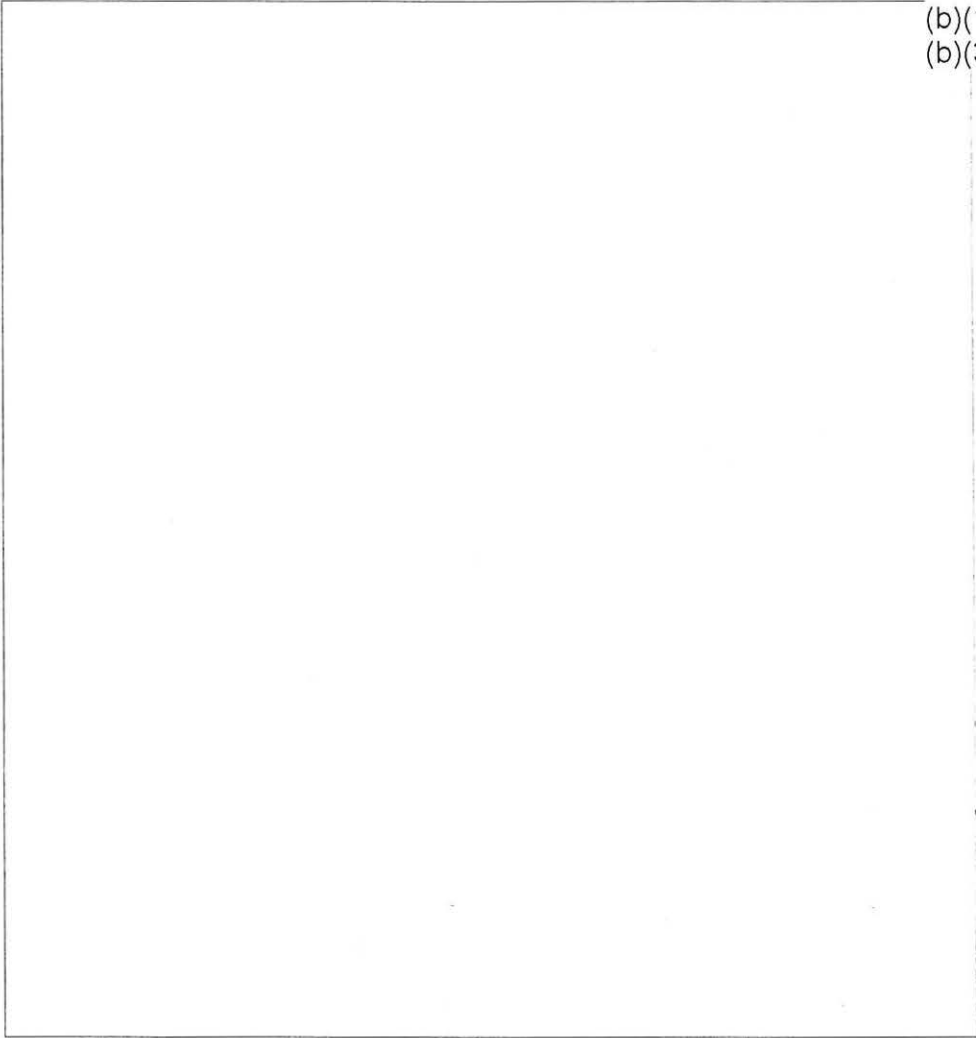


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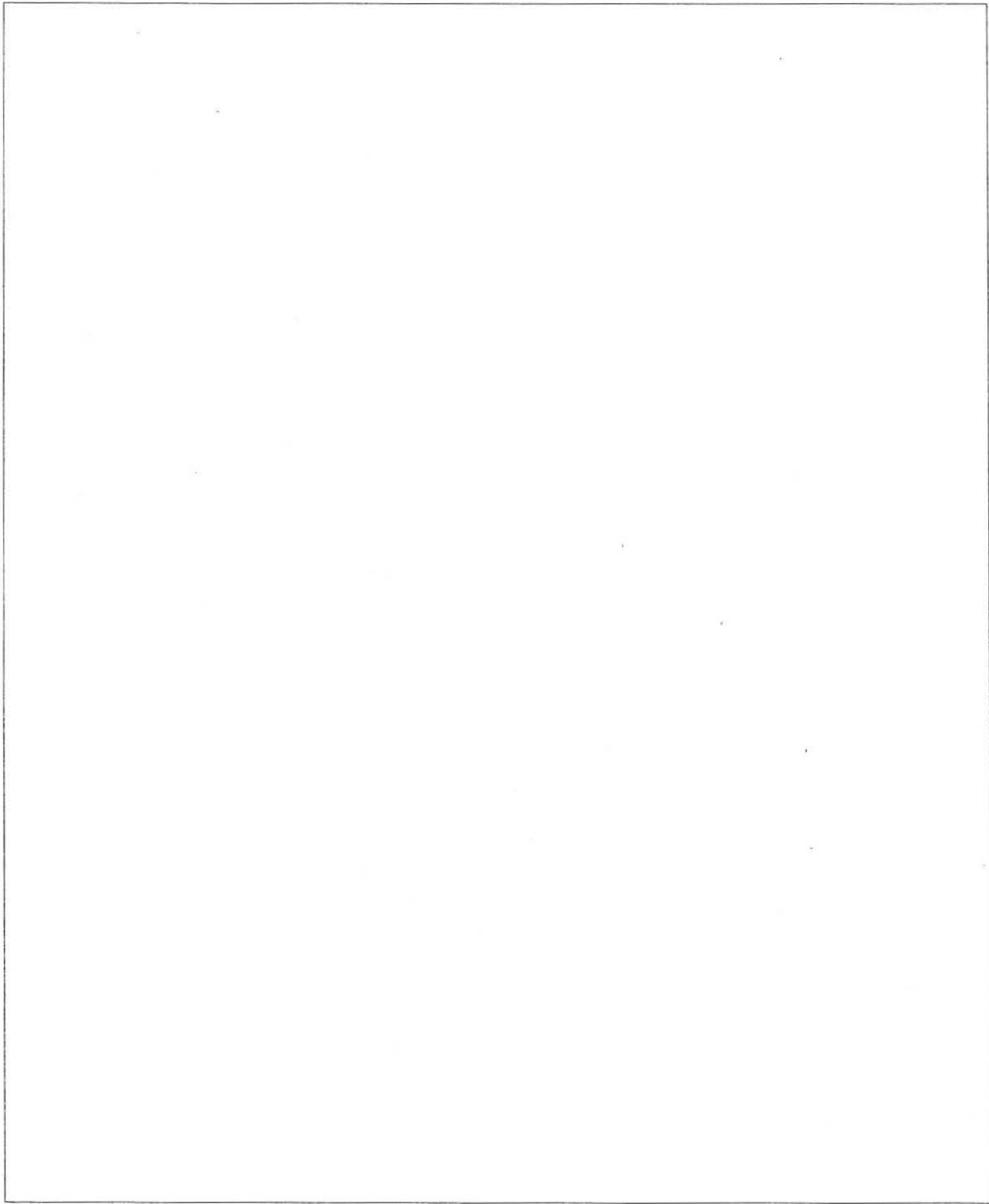
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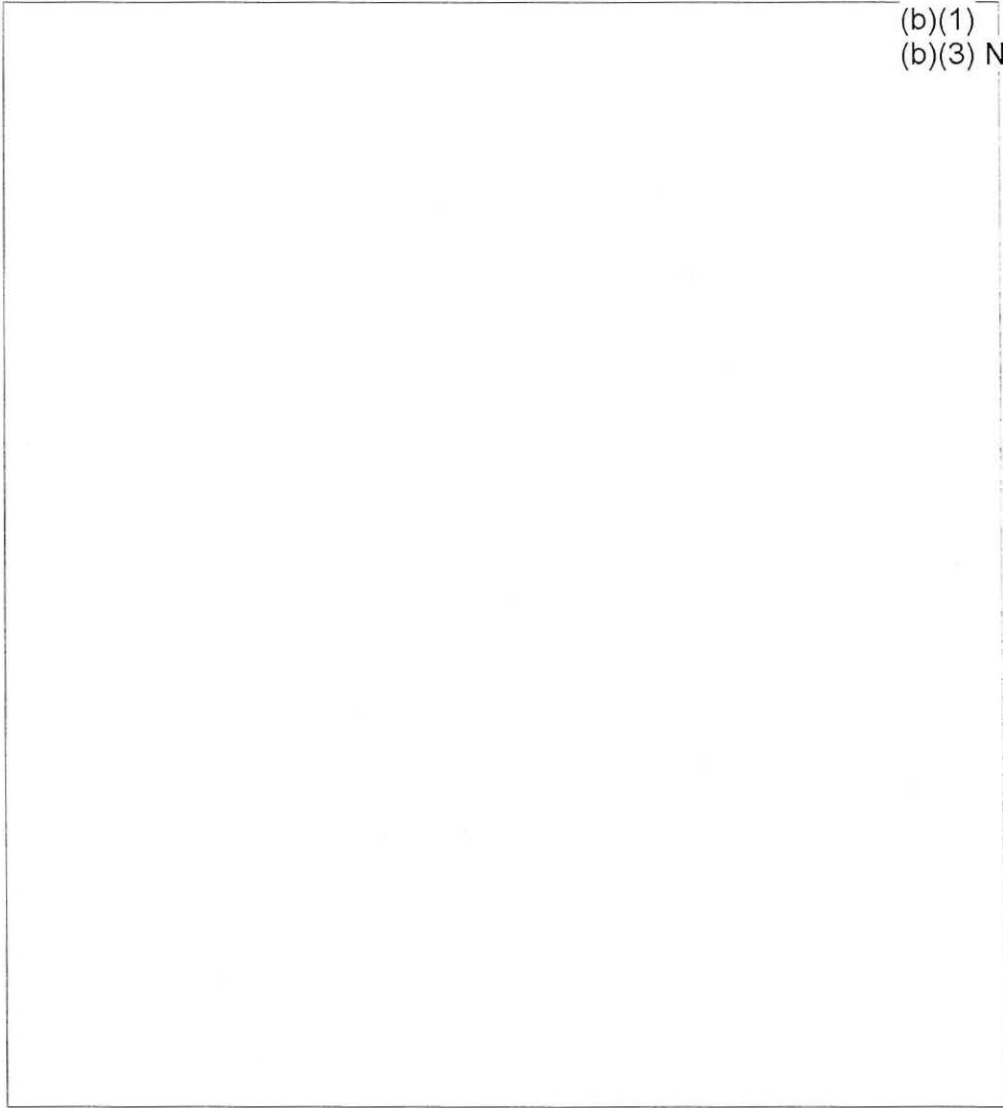
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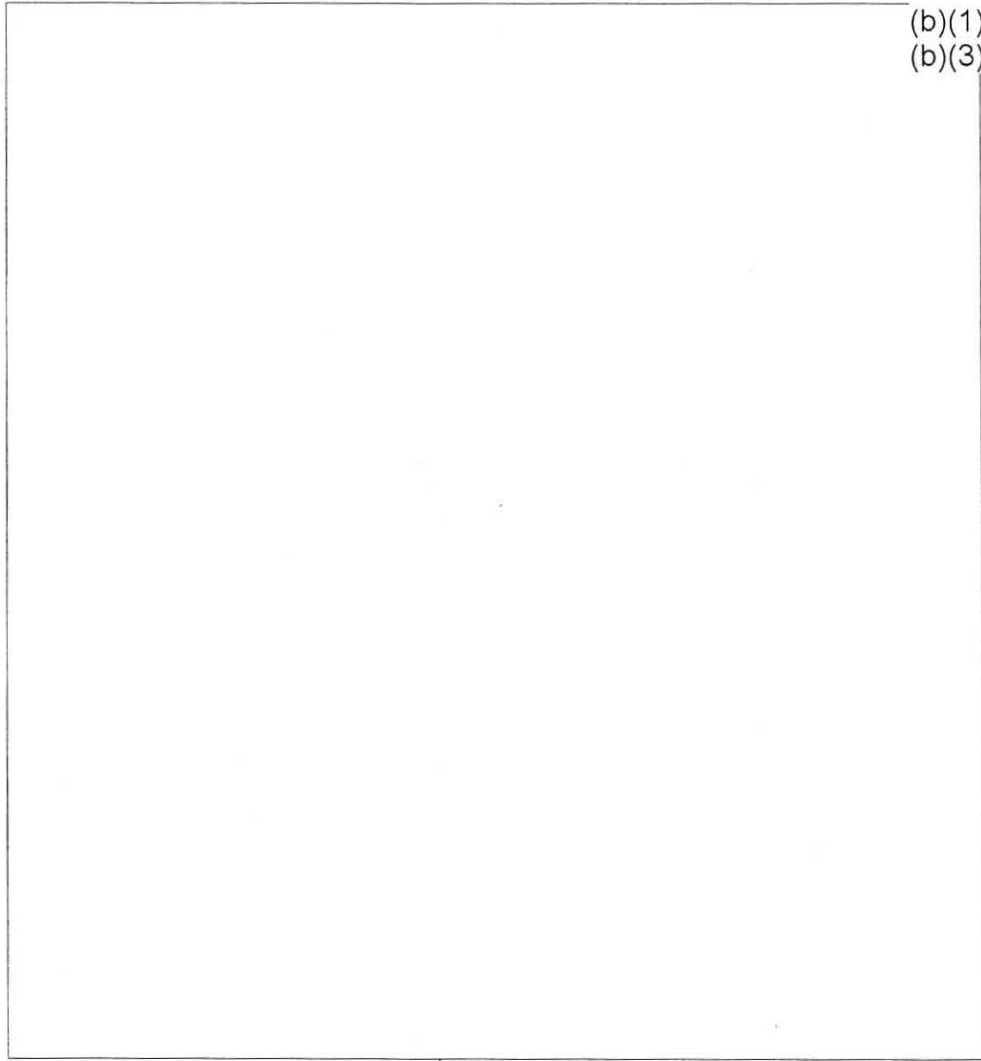
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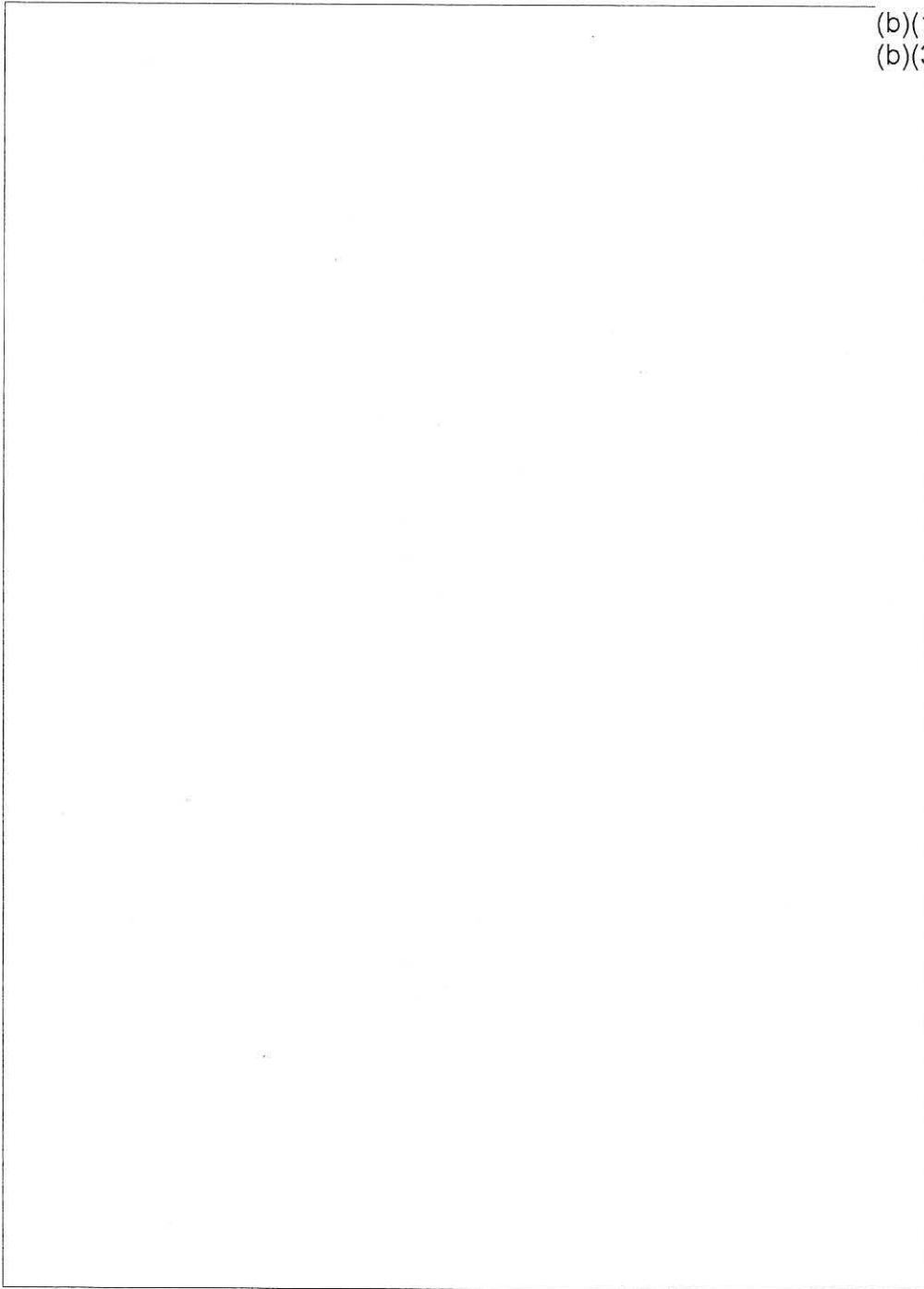
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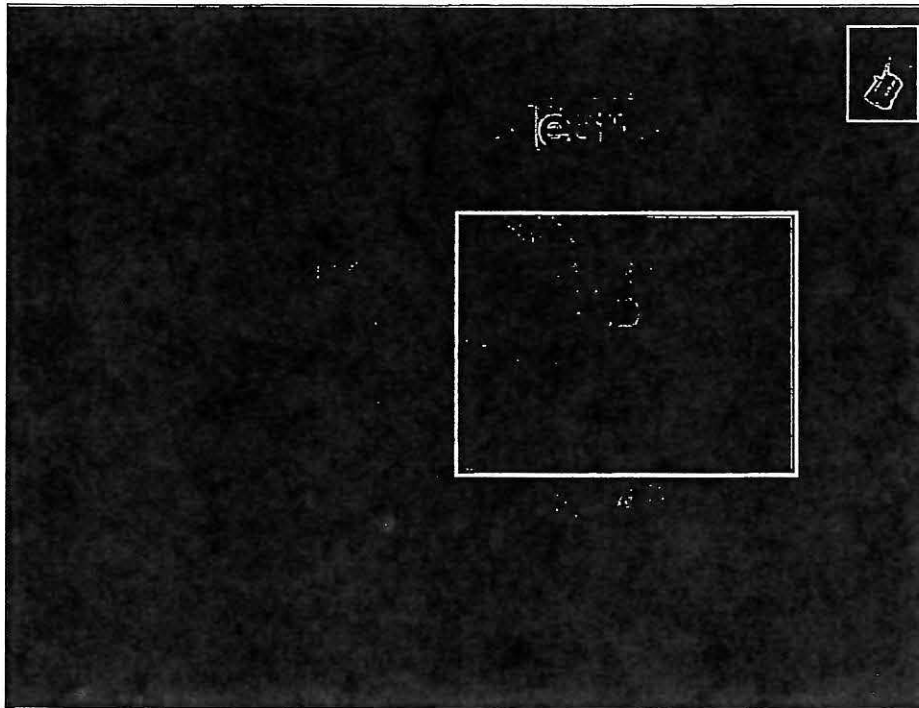
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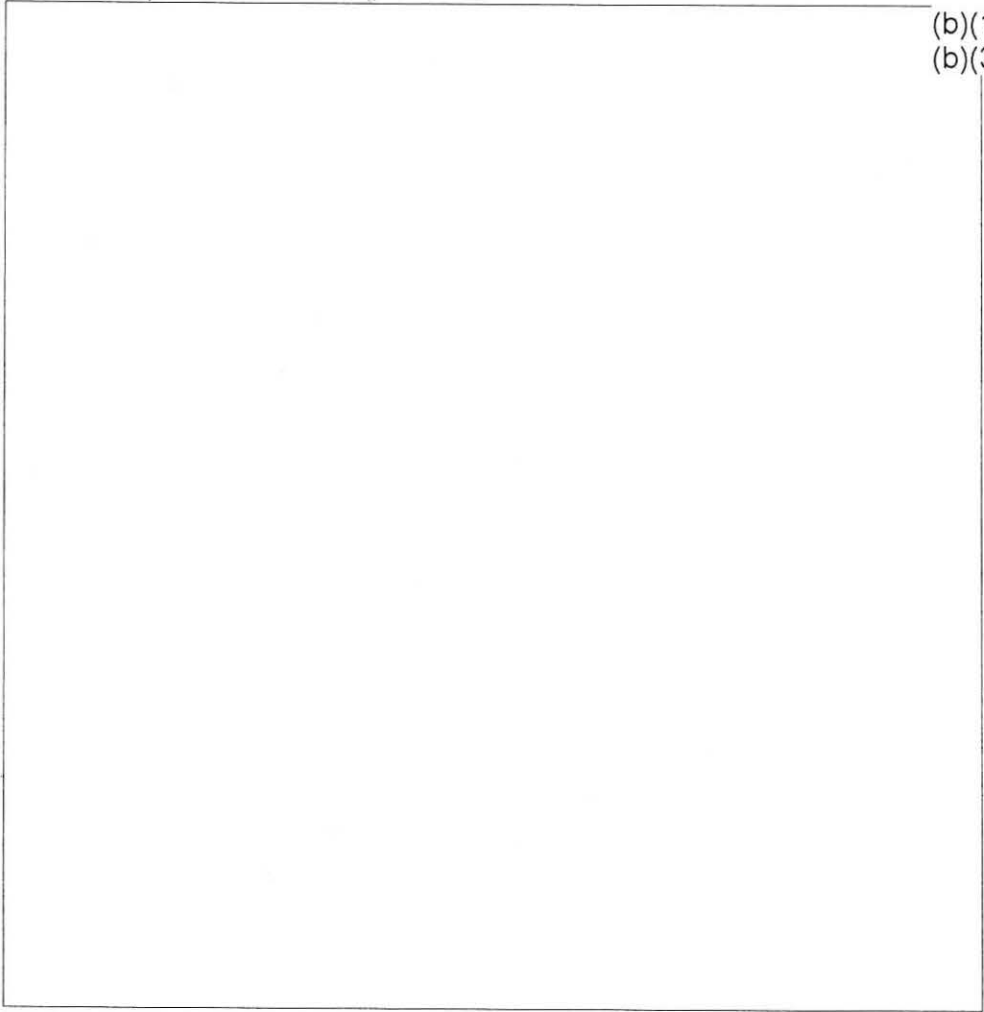


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(b)(3) NatSecAct

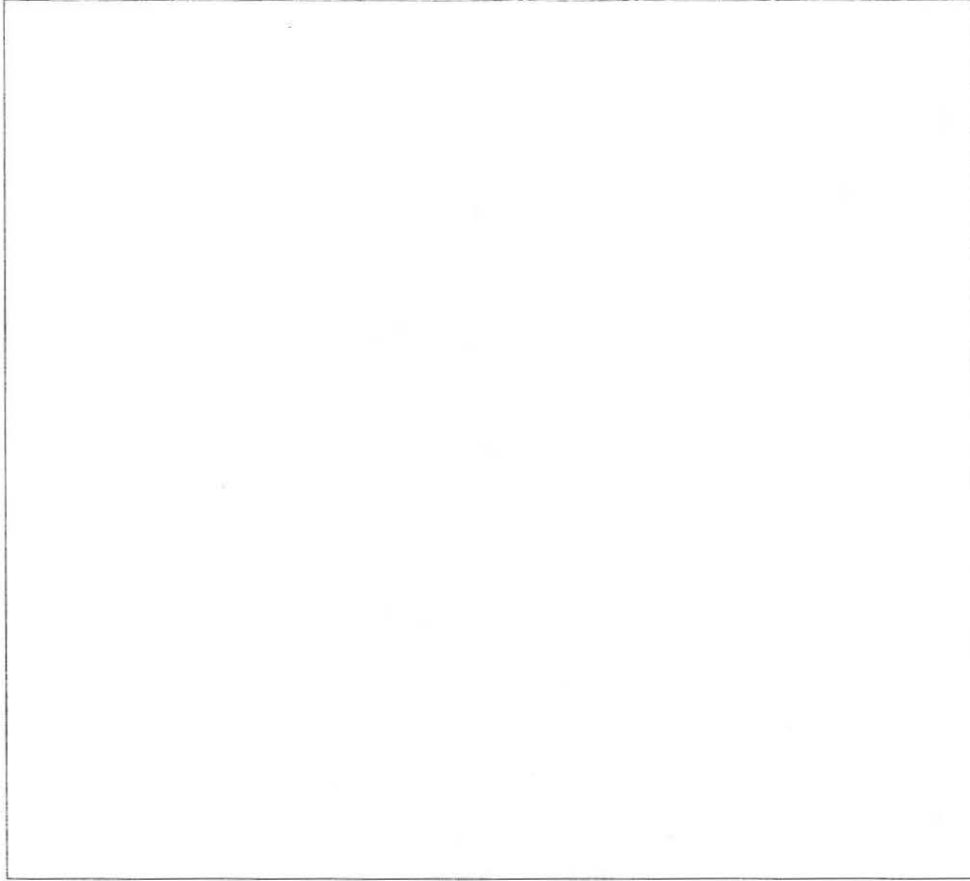
- ◆ Quite self explanatory as to why this is intrusive
- ◆ Again, fundamental rule to follow for EO 12333 is Fourth Amendment



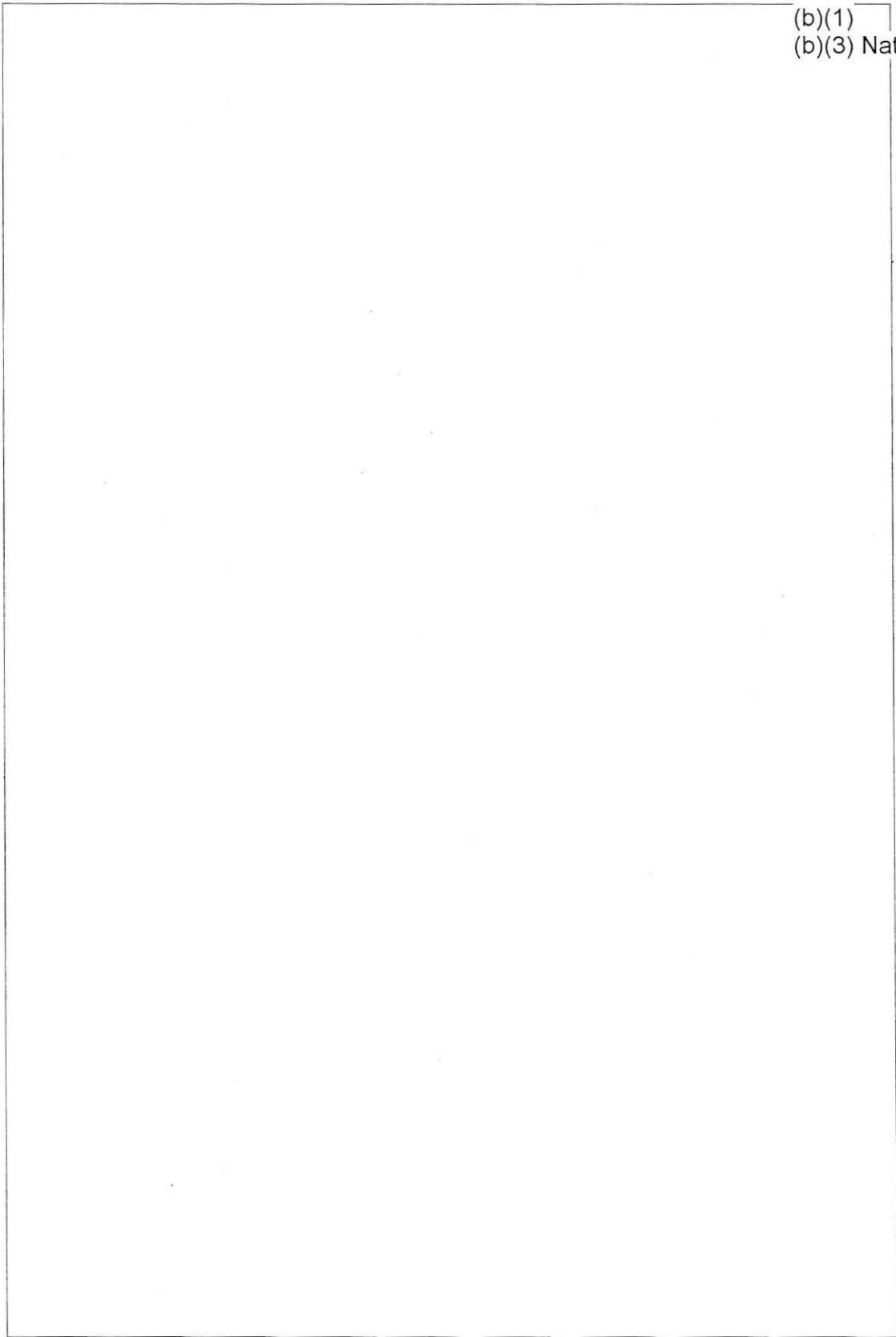
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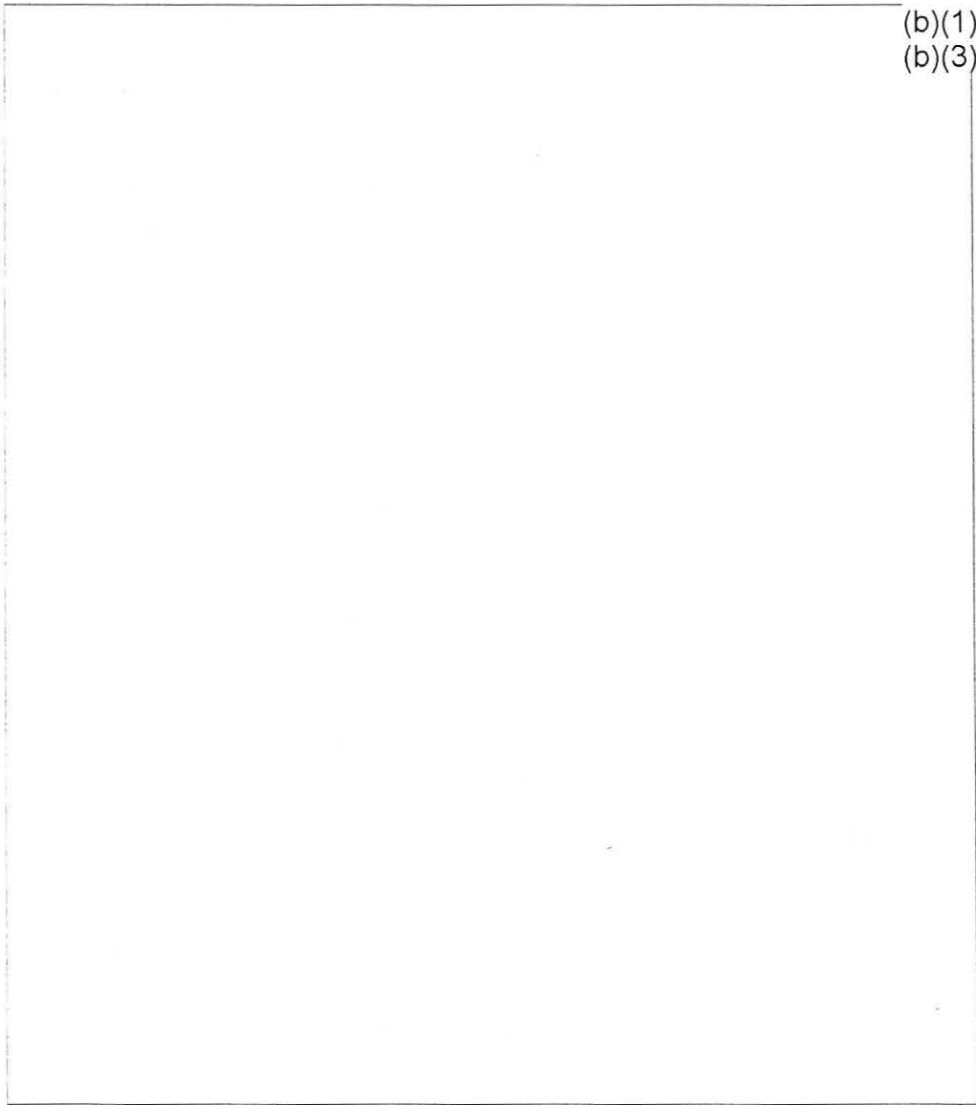




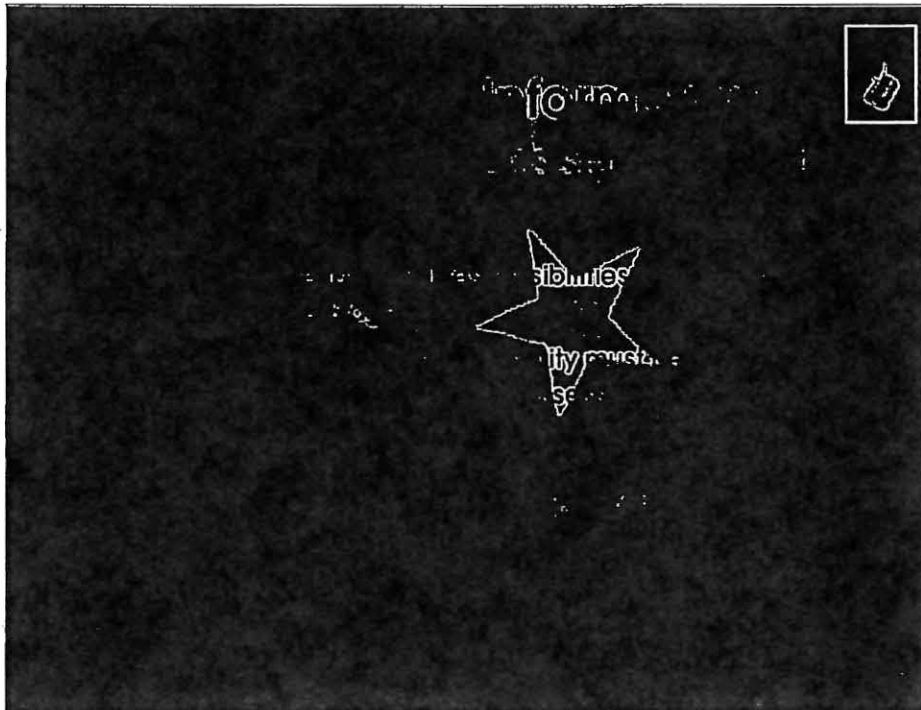
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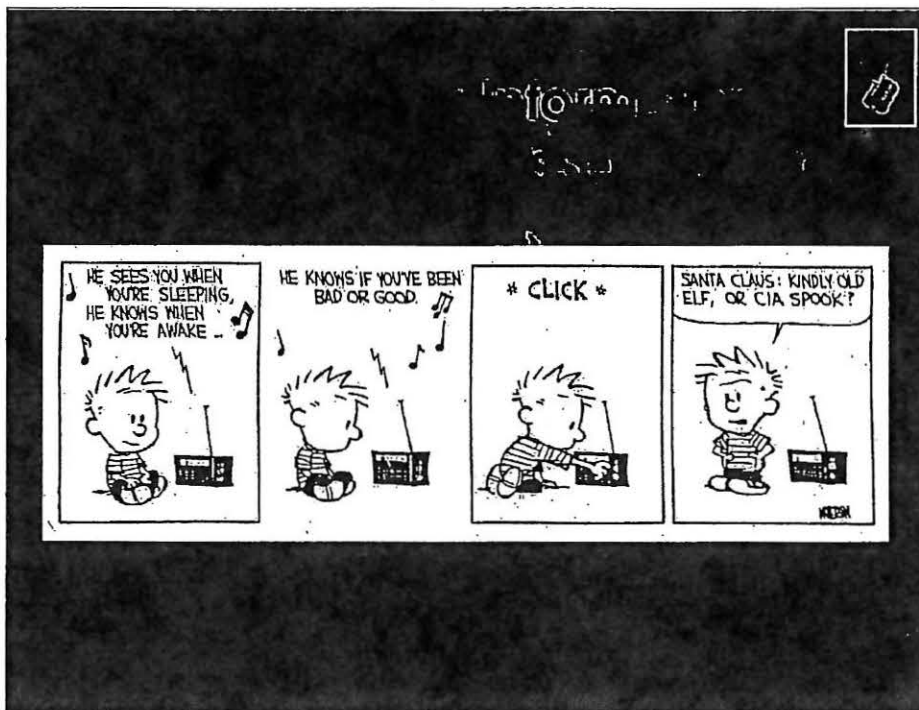
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◆ This slide is included primarily for DI analysts; but helpful for all to know the USP information “minimization” rule

◆ Example: DI wrote a detailed report about the white slave activities of Dr. Fnu Lnu, a PRA and Thai citizen. Can this report be provided to DoJ? To INS? To the Coast Guard? Why or why not? In what form?

◆ Minimization rule: USP identity, and related information, may be included only if necessary to understand or assess the information

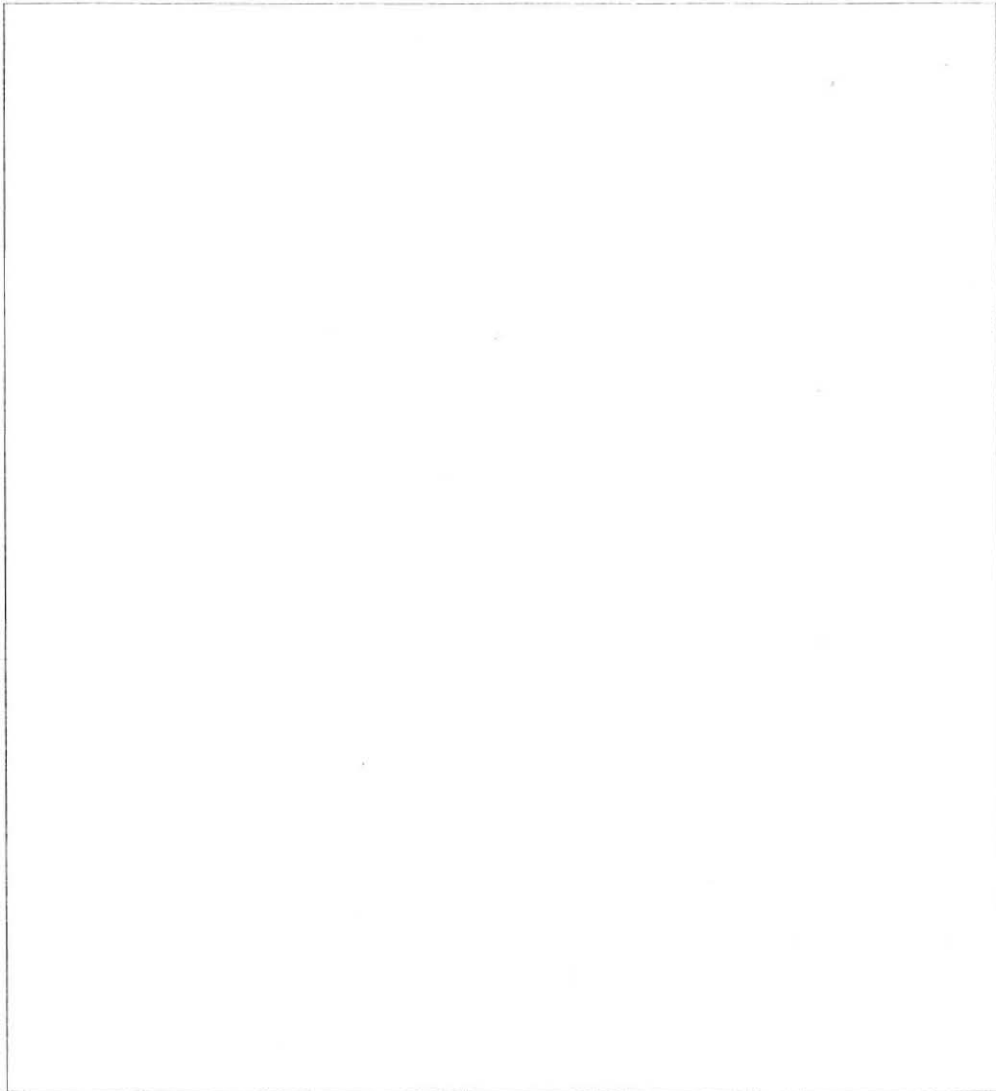


◆ Reinforce above example with this slide

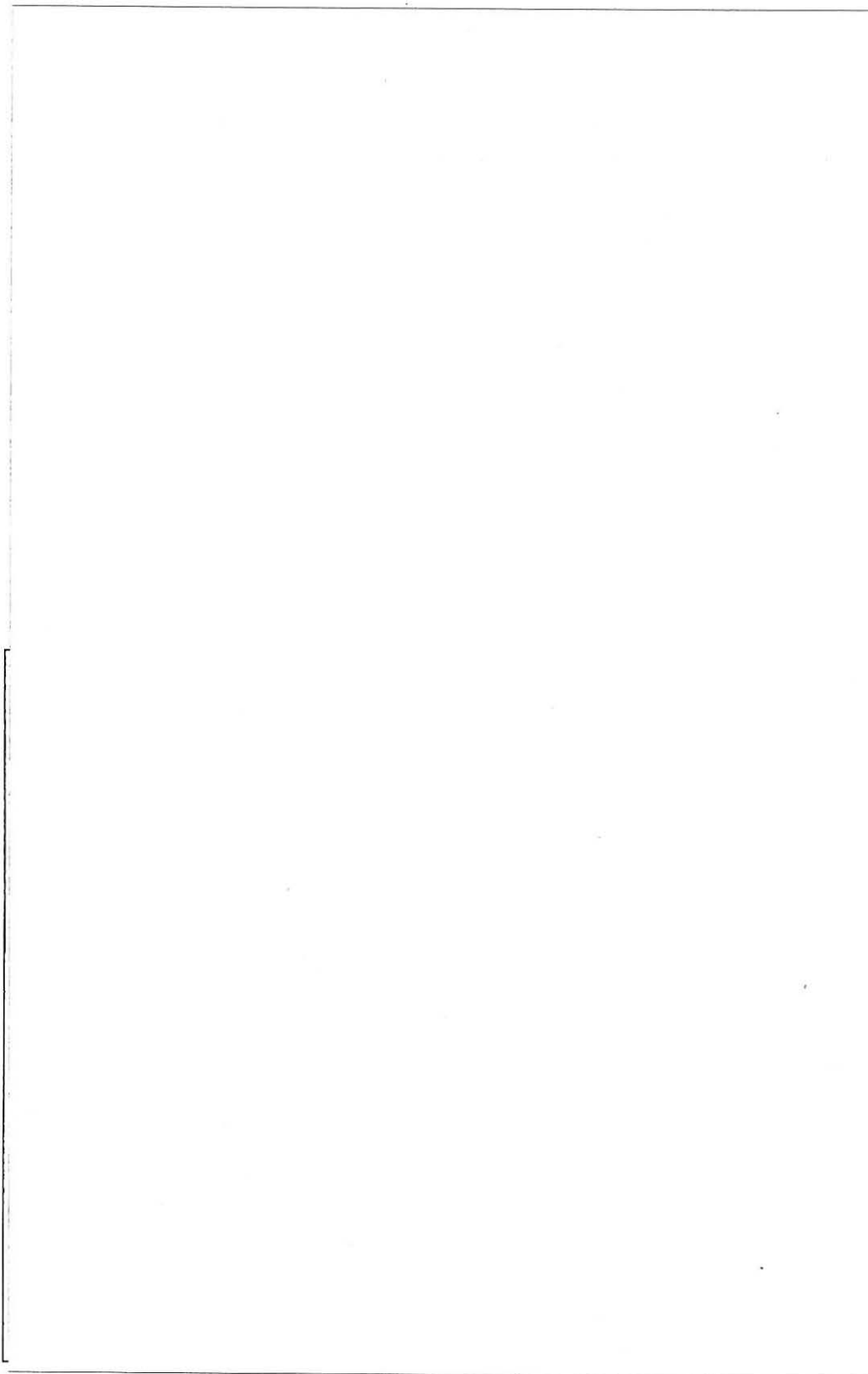
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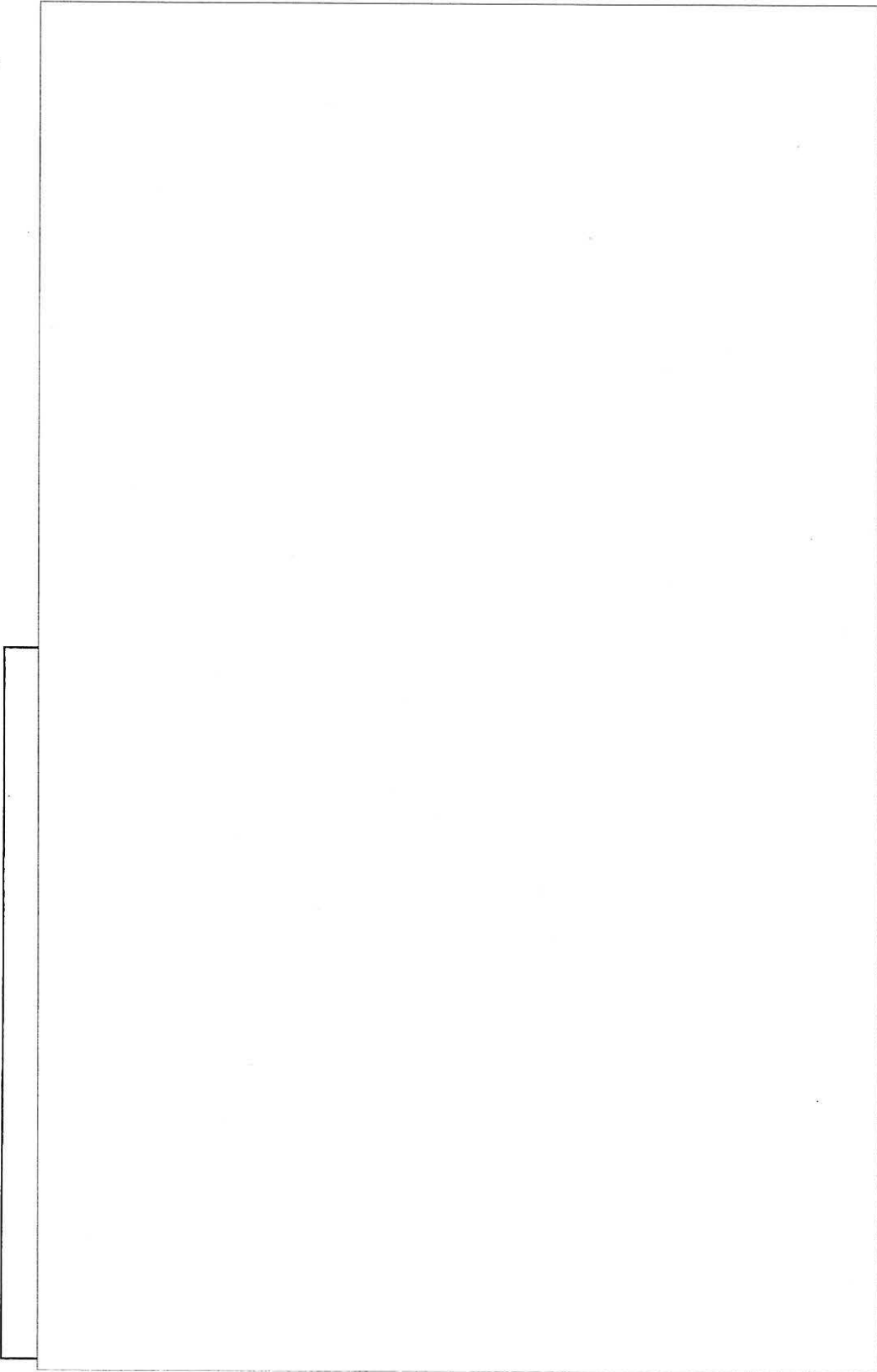
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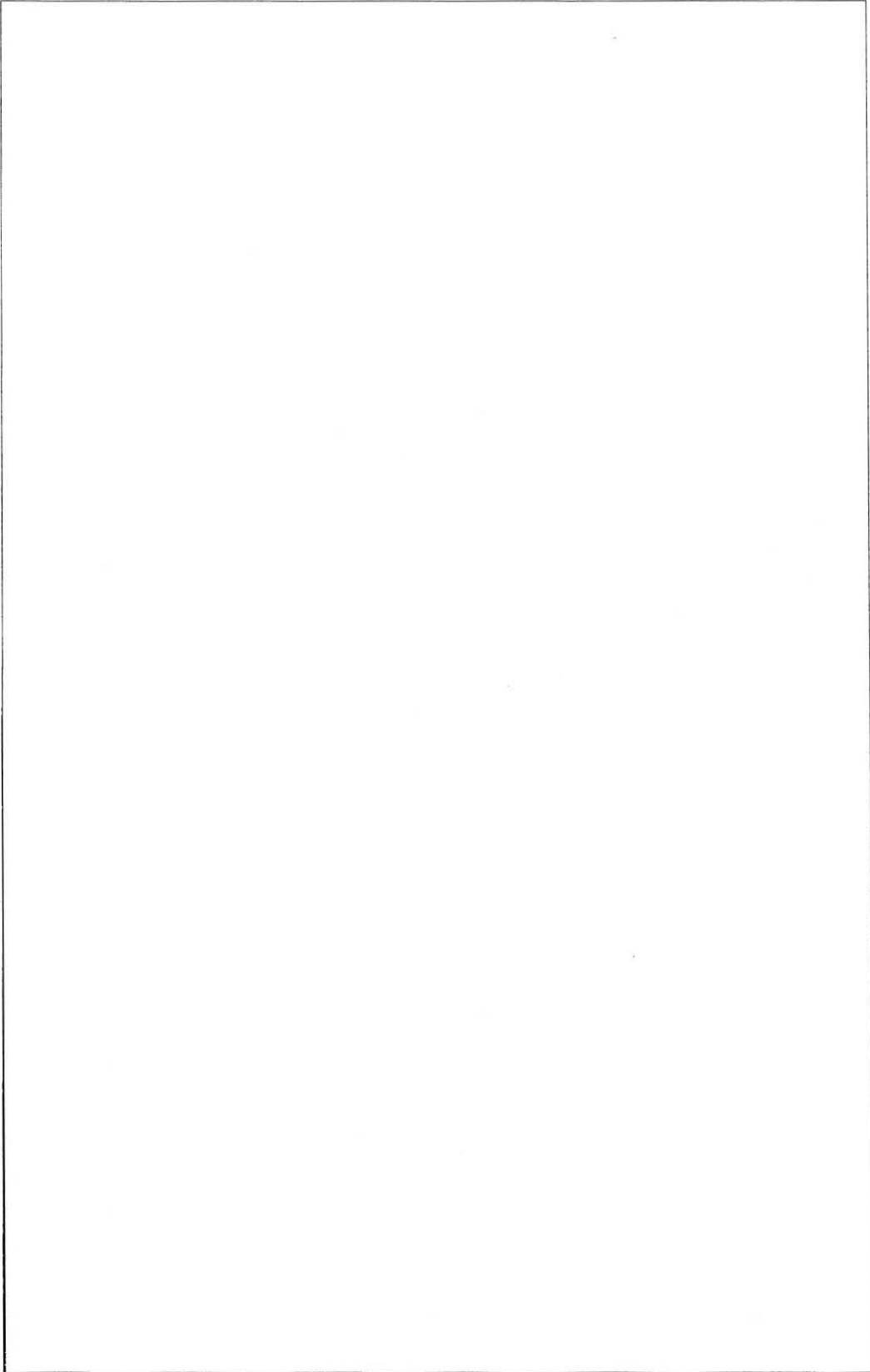
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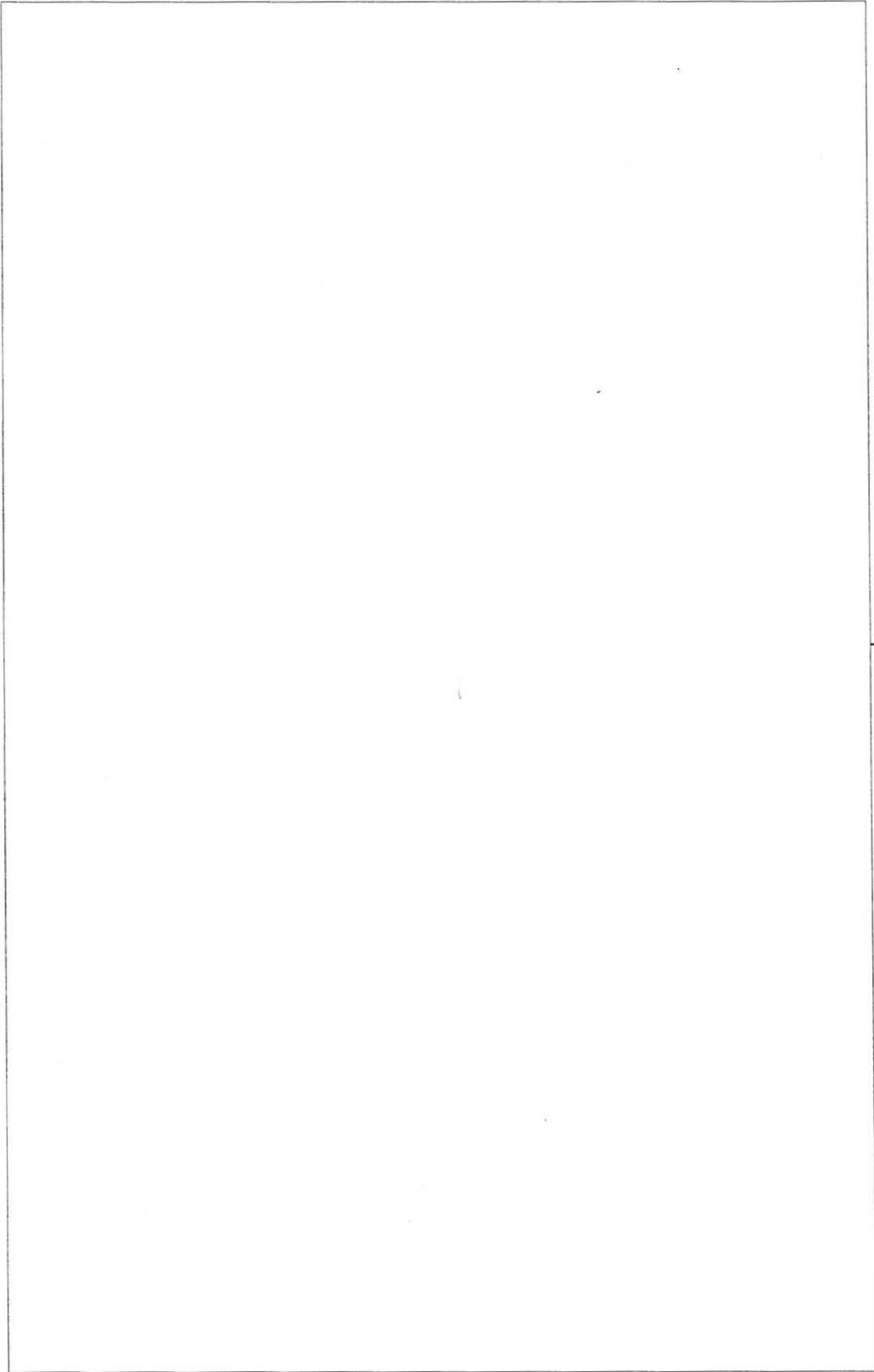


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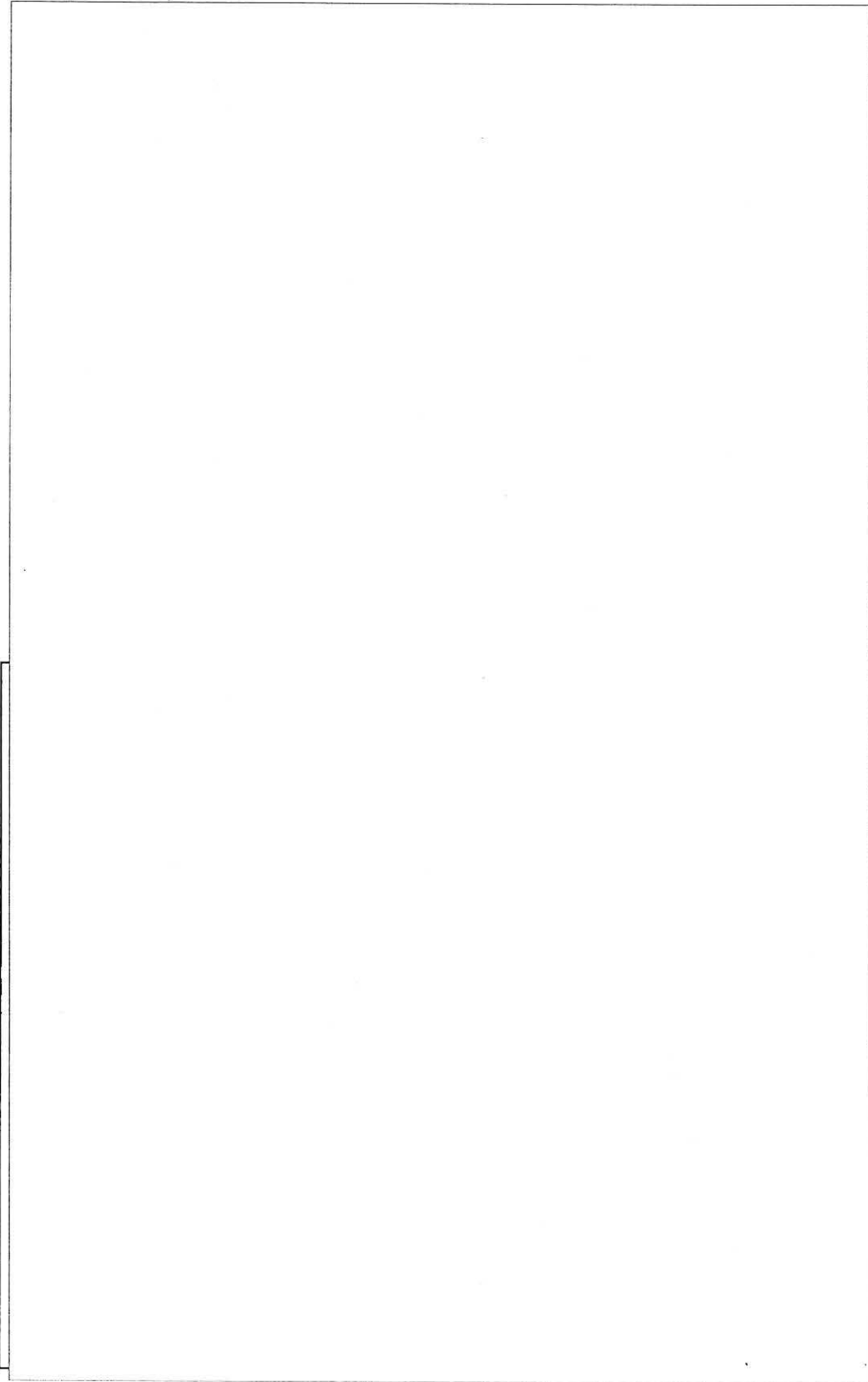
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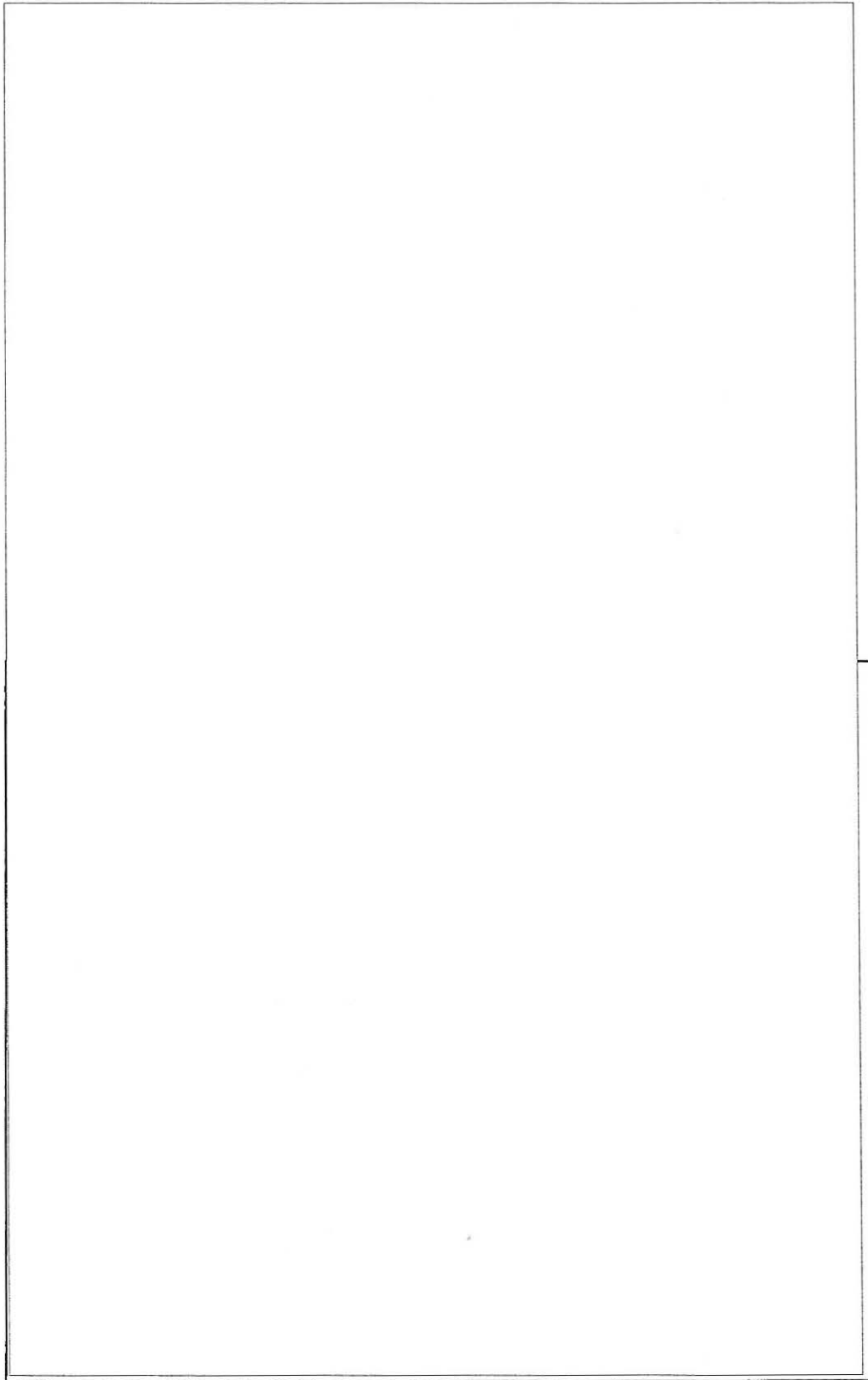


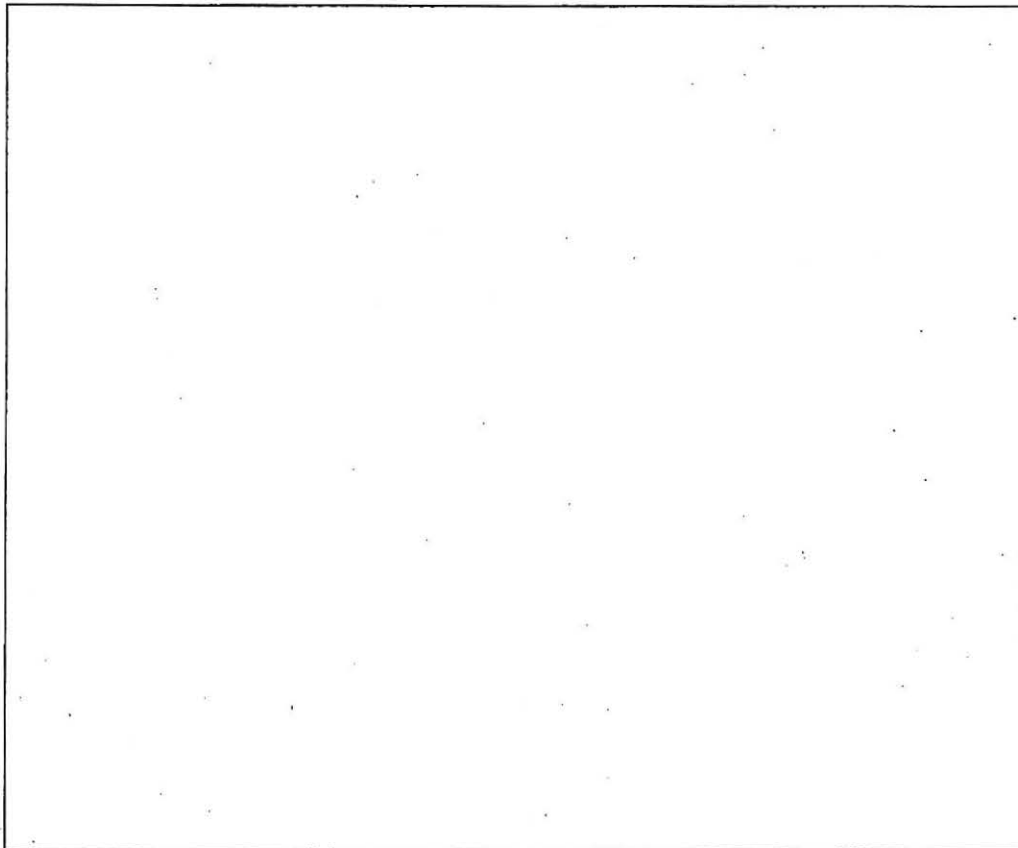
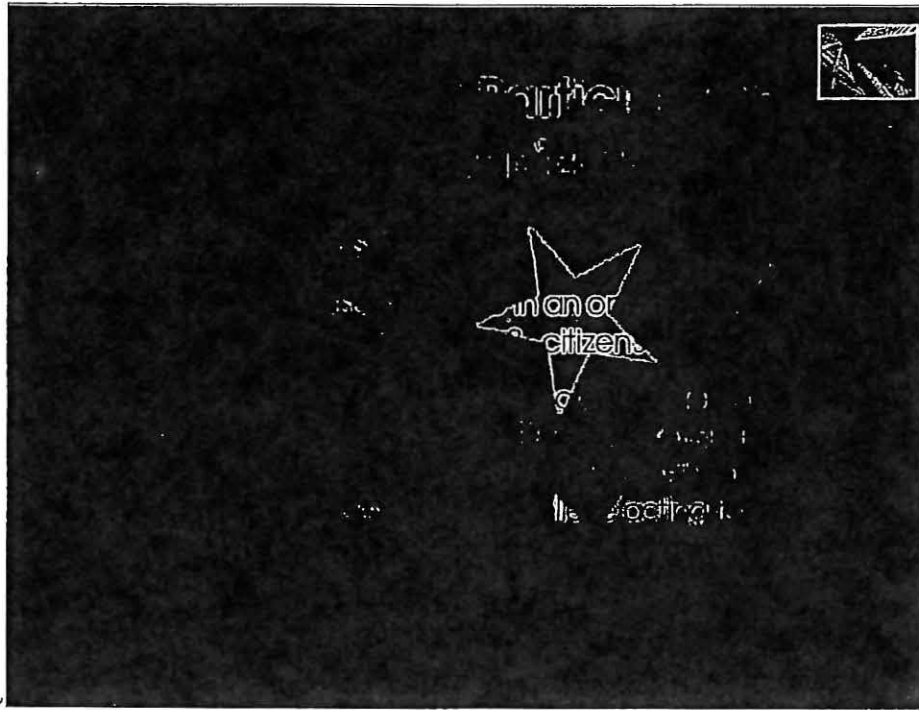
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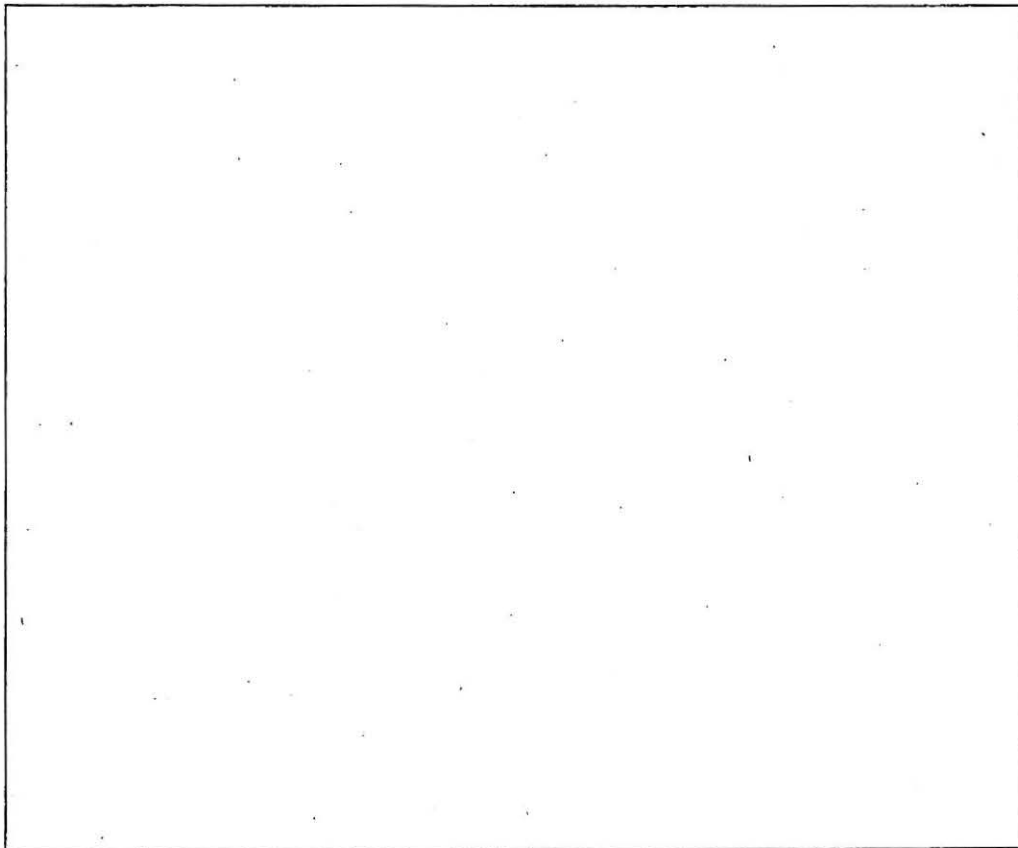
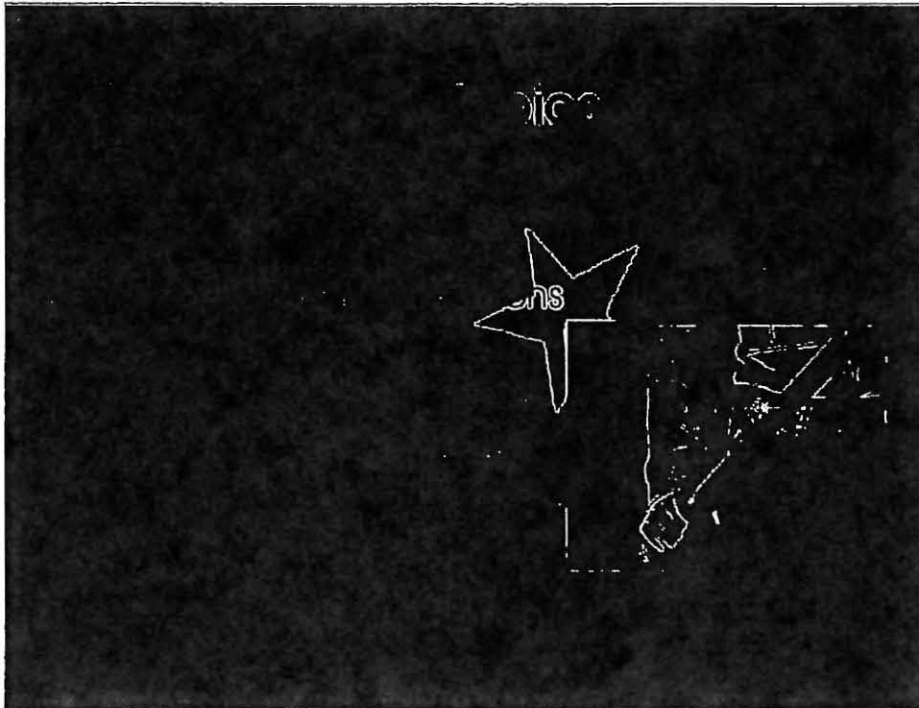
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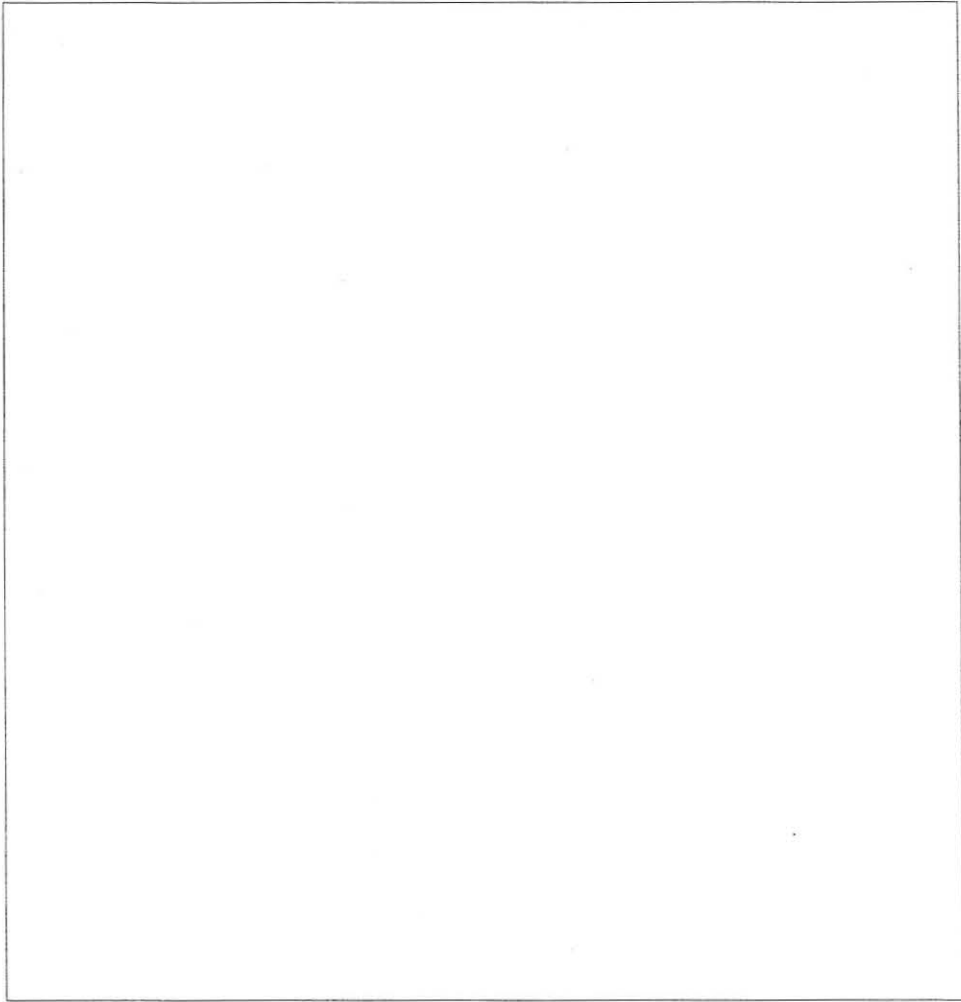
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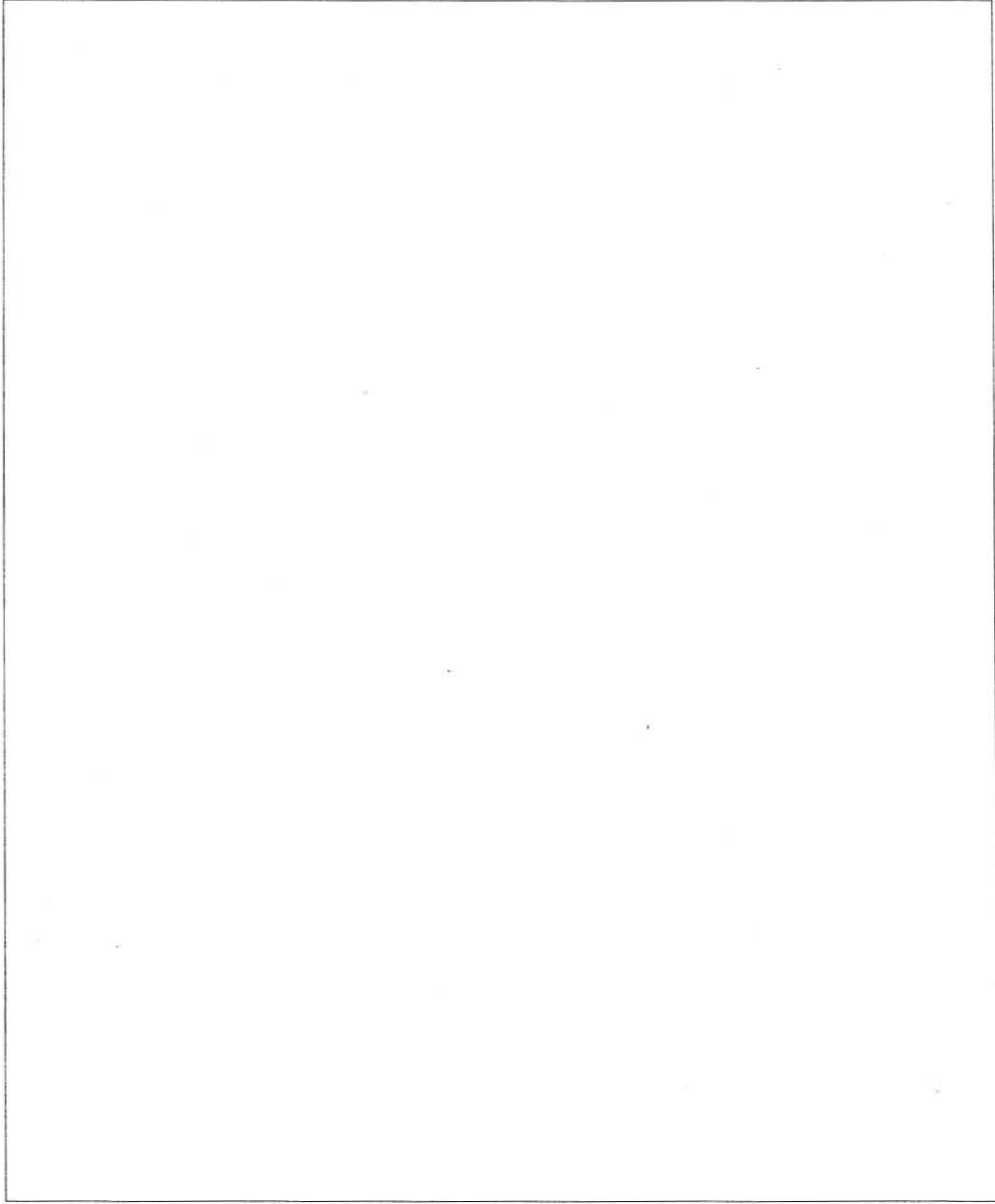
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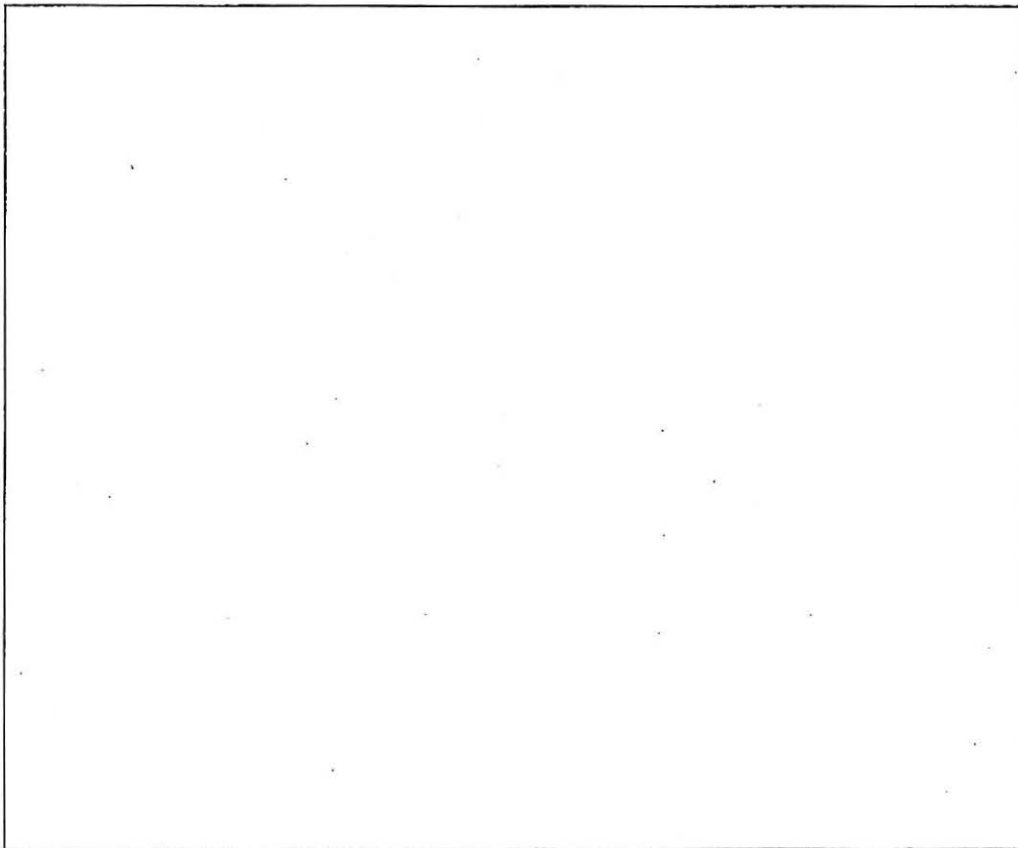
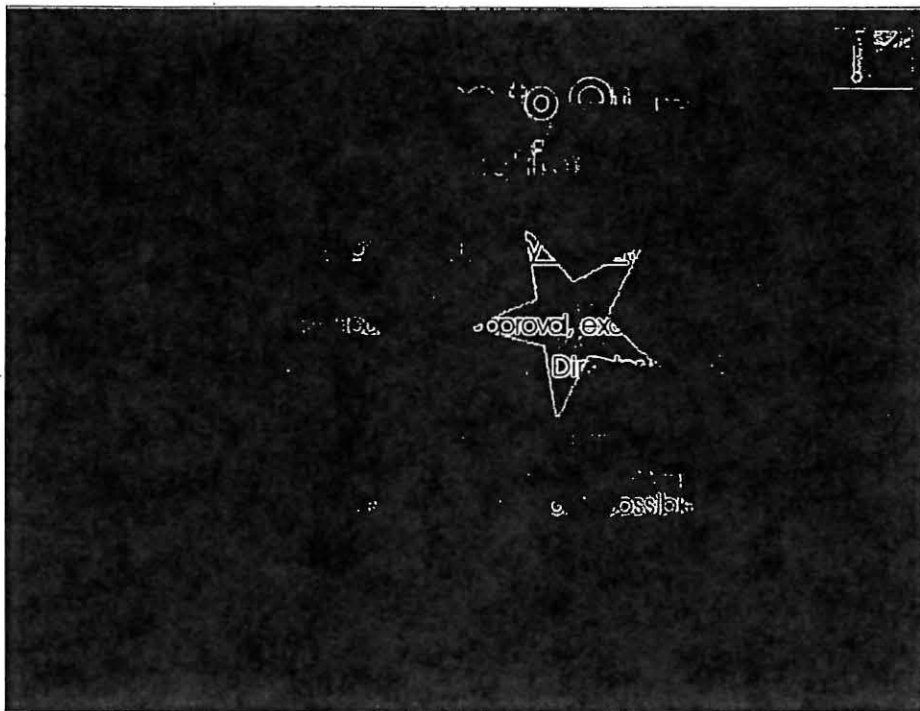


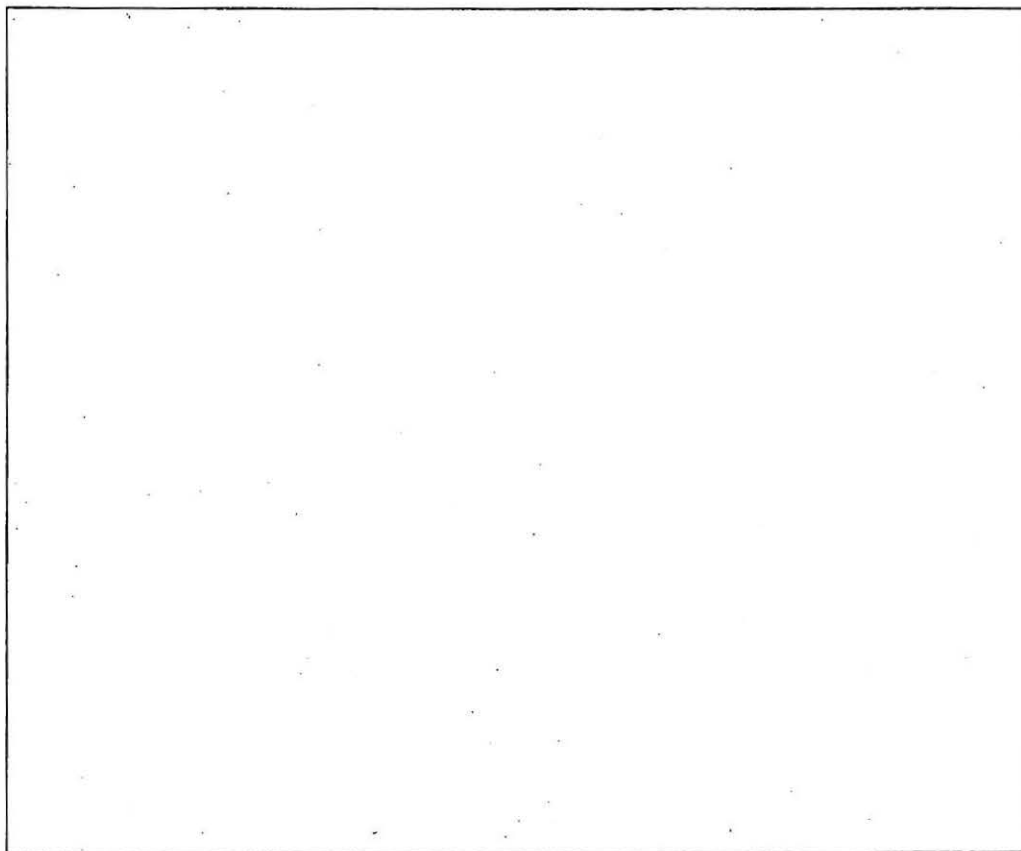
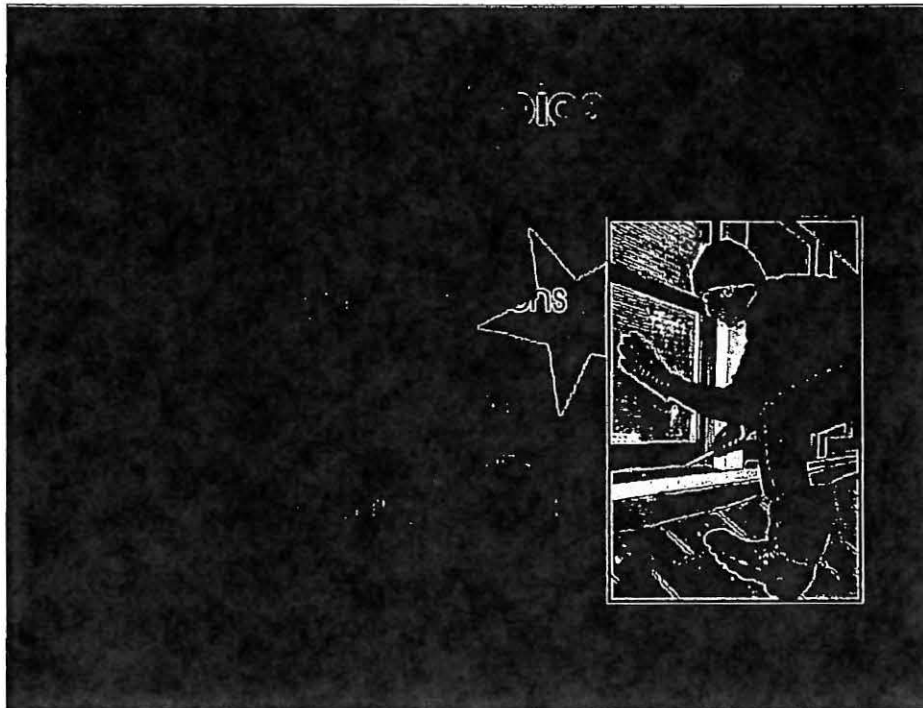
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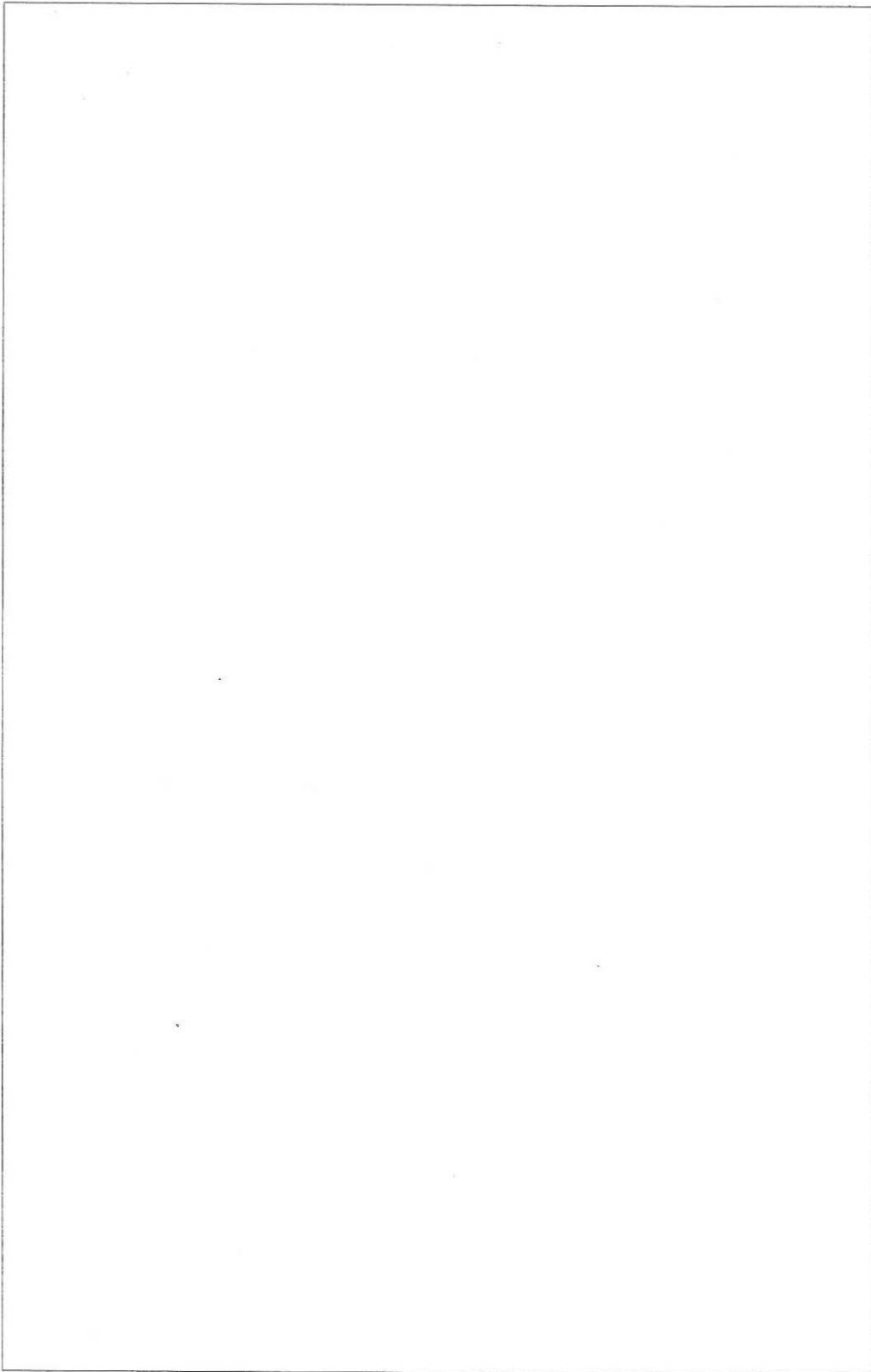




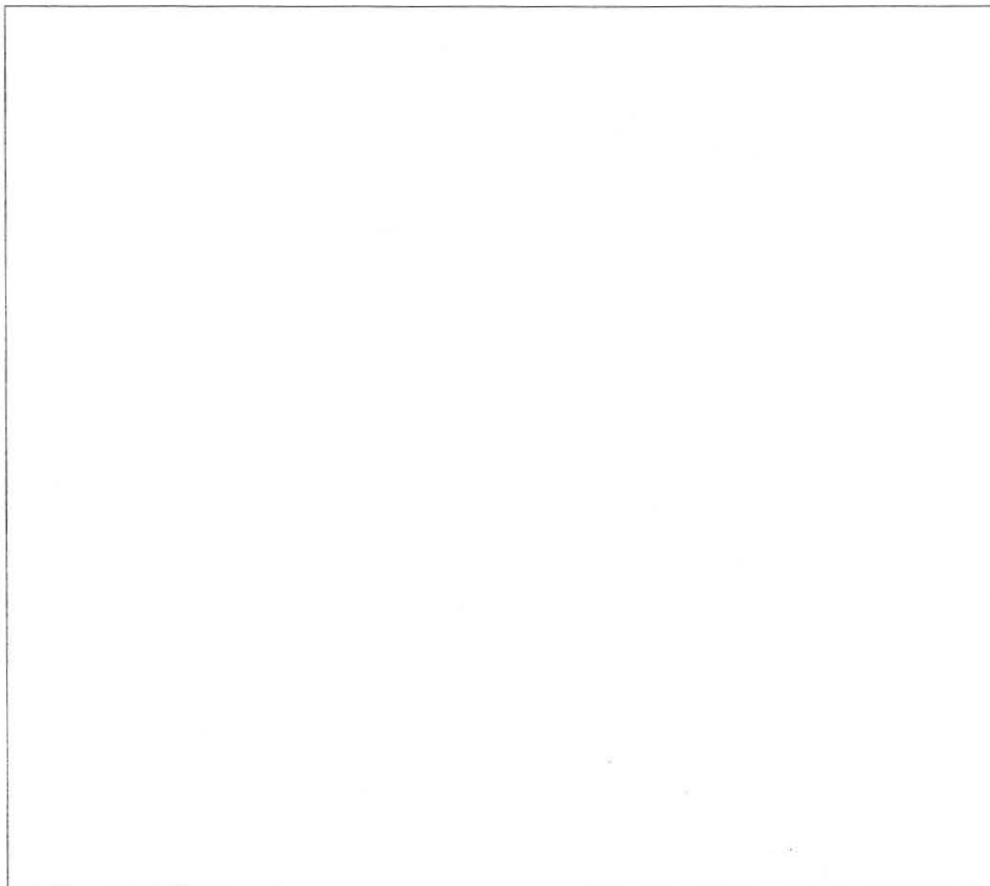
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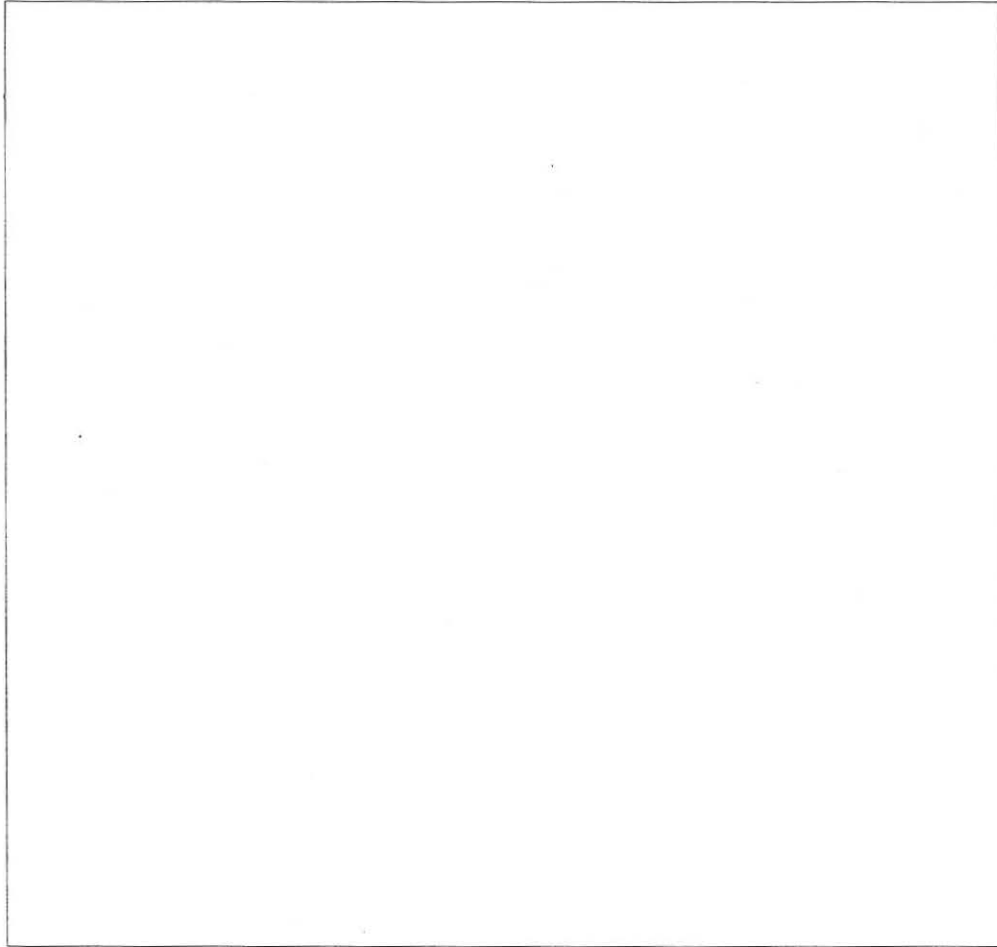


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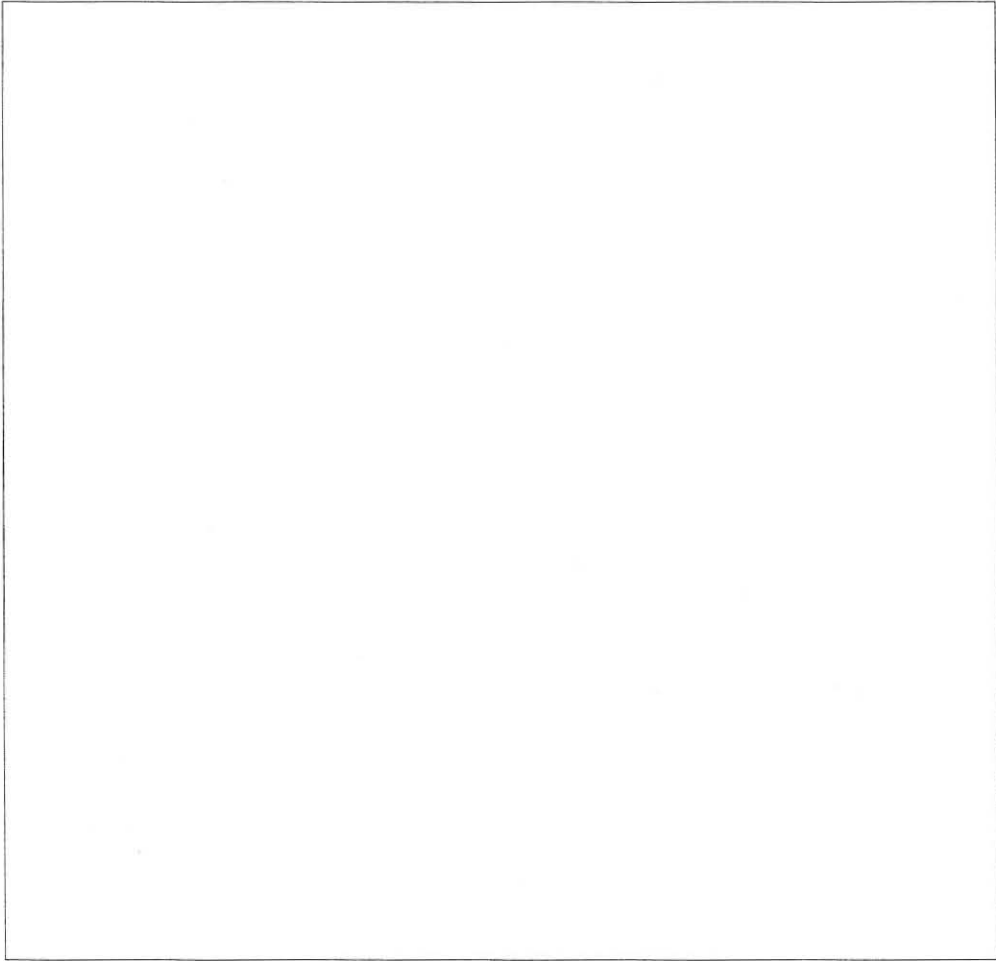


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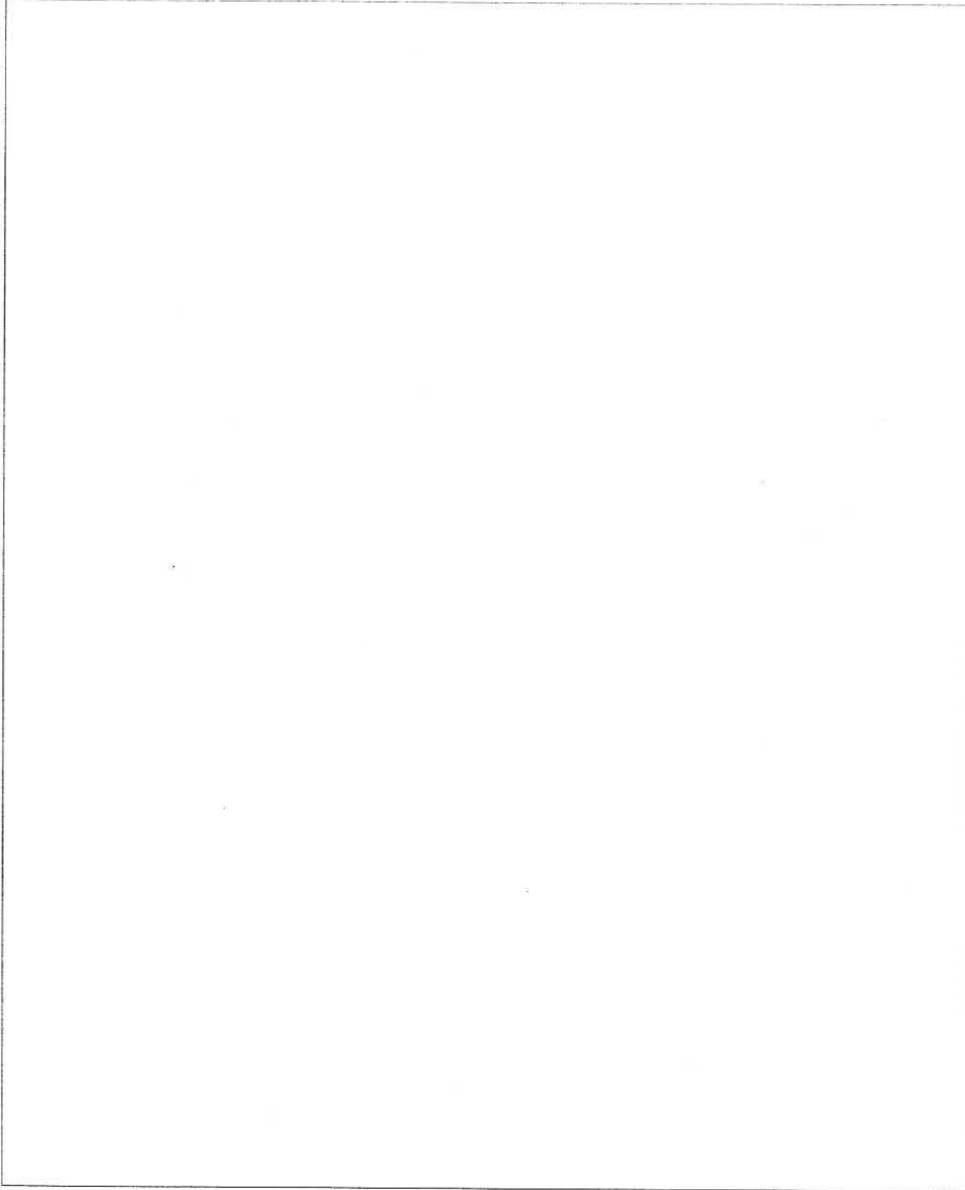
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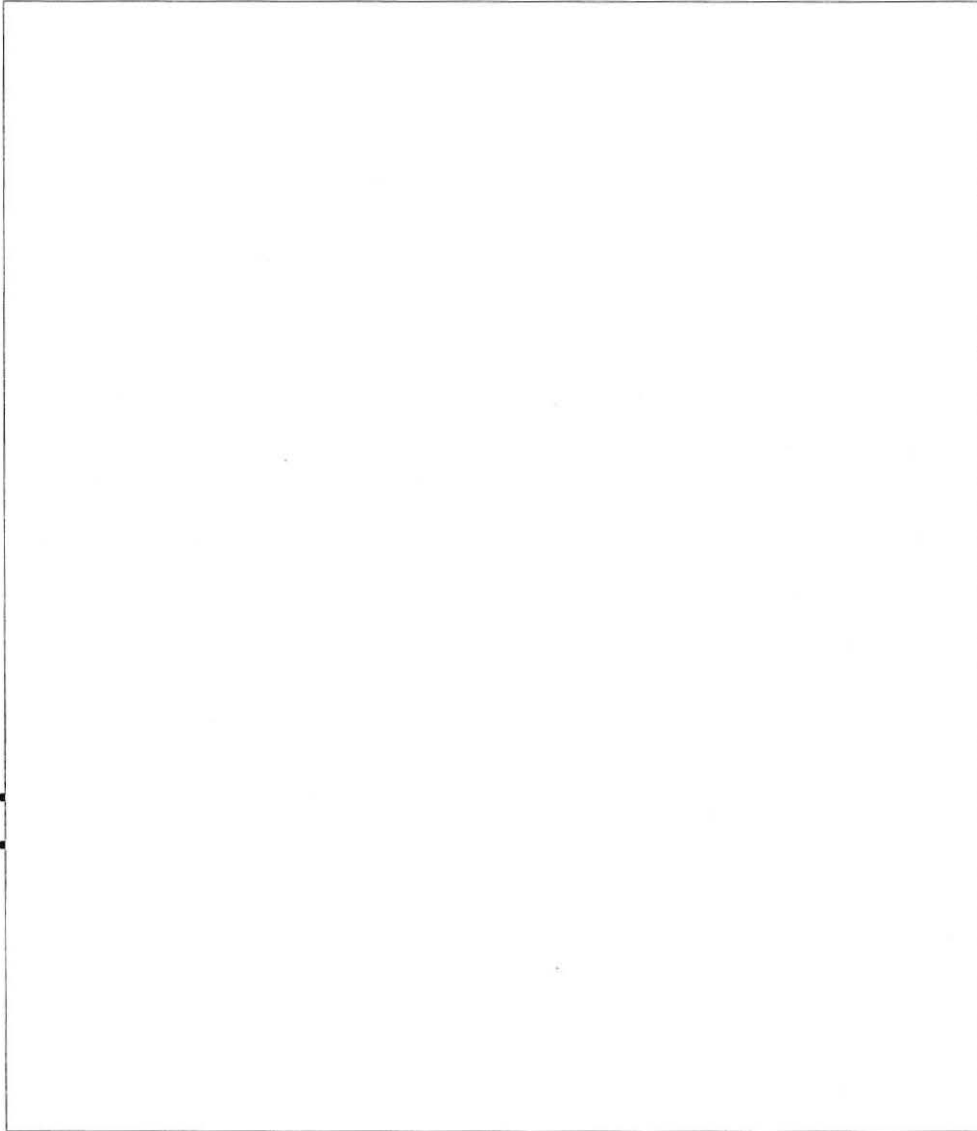
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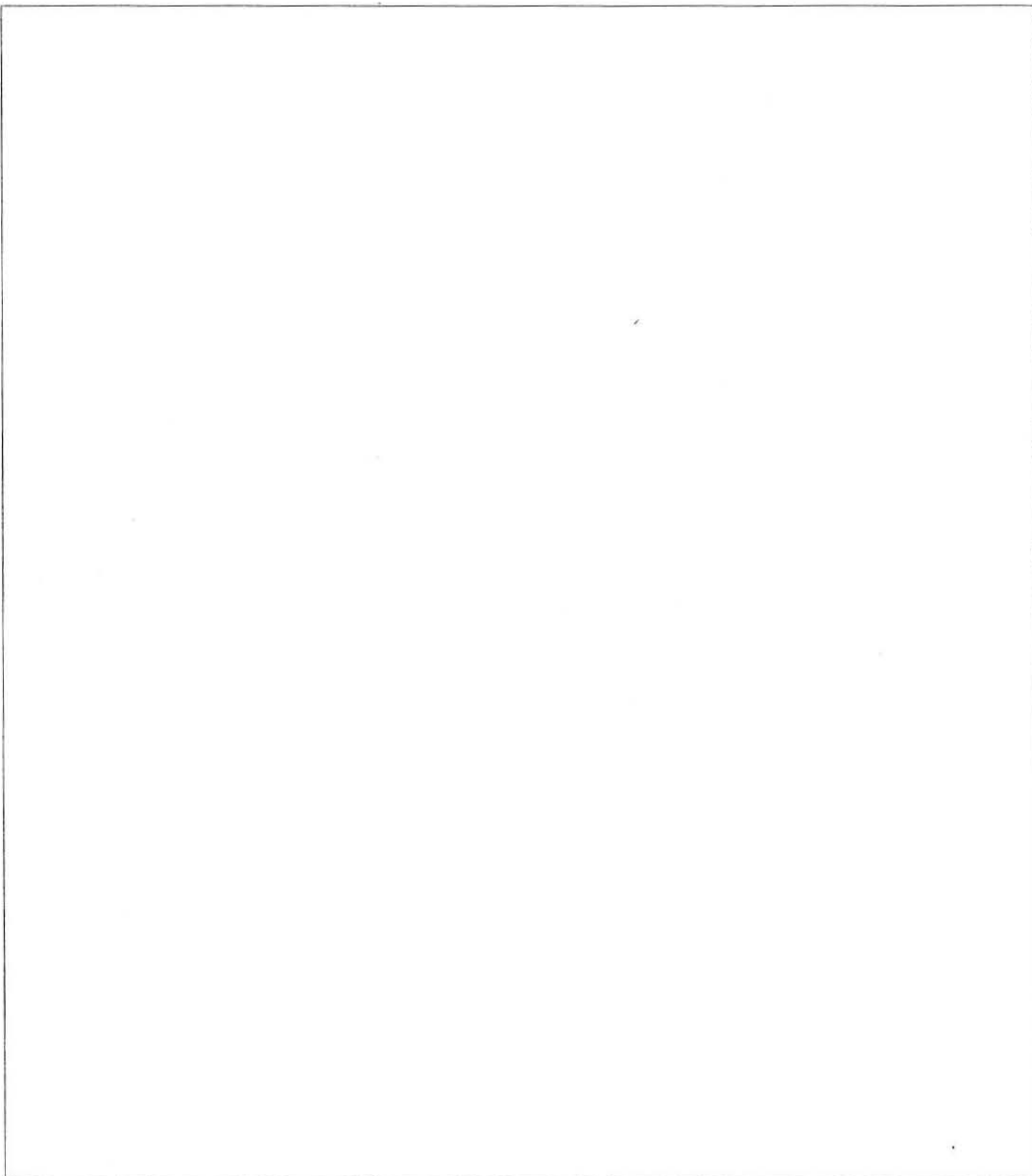


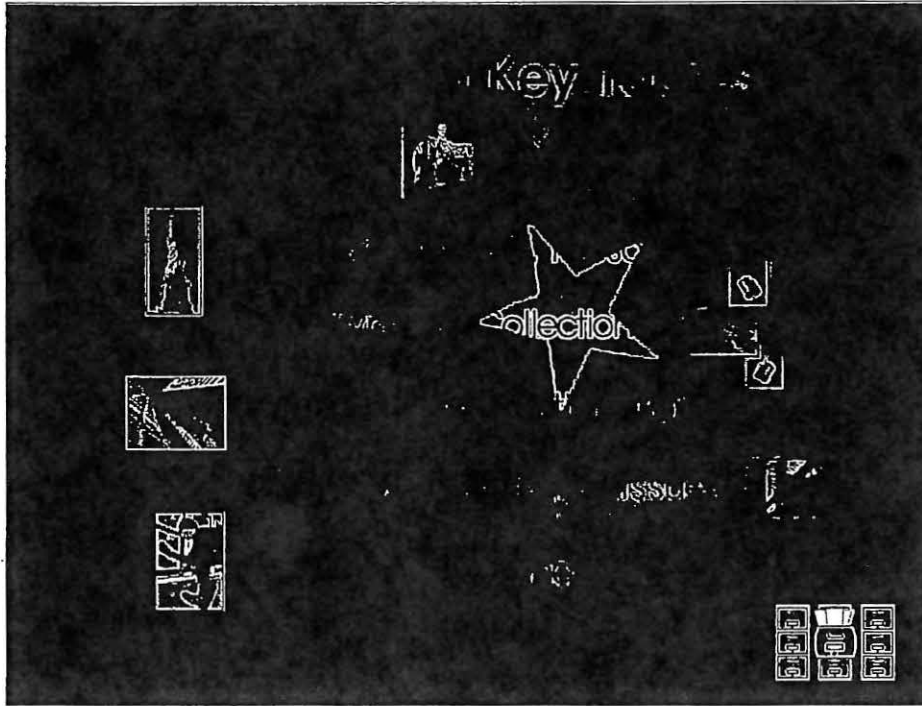
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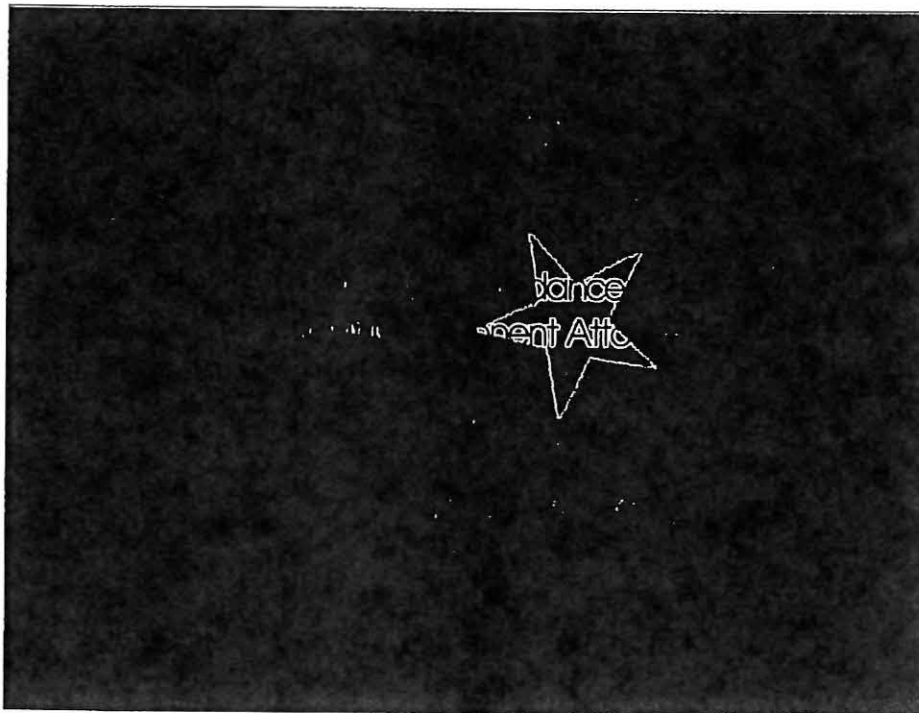
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◆ If start with a hypothetical, let class answer the hypothetical



- ◆ Rules are complicated
 - ◆ This briefing helps alert you to issues
 - ◆ Please call when issues call up
- ◆ For help, call OGC POC, or at listed number

(b)(3) CIAAct