

A plan to replace Executive Orders 12333 and 12334

by Lyndon H. LaRouche, Jr.

Editors' note: On July 4, Democratic presidential candidate LaRouche issued this draft presidential executive order on national security, prefaced by a "summary statement of findings," which appeared in last week's issue of EIR (July 17, p. 24). There, he stated, "Under Presidential Executive Orders 12333 and 12334, issued Dec. 4, 1981, there grew up a complex of covert activities which has been fairly described as a virtual 'secret government'" —the covert apparatus behind Lt. Col. Oliver North's now famous escapades. Mr. LaRouche himself has been a target of politically motivated, covert intelligence operations conducted chiefly under 12333 and 12334.

Draft Executive Order: The implementation of measures by agencies of the U.S. government in service of the national security of the United States, its allies, and of such other nations as may be classed as sharing a community of principle with the United States

1.0 Executive Orders 12333 and 12334, dated December 4, 1981, are hereby revoked.

1.1 It is the included intent of this revocation, to tear out by the root all known and yet-to-be-uncovered abuses which grew up under any practiced interpretation of the authority of said revoked orders, and to accomplish this by aid of termination of all activities by the Executive Branch which have derived their existence from the authority attributed to said revoked orders.

1.2 Therefore, all parts of activities of government which derive their existence from said Executive Orders 12333 and 12334, shall be caused to cease to exist herewith, by the publication of this Order. It shall be, in this respect, as if the revoked Executive Orders had never existed.

1.3 All else heretofore made subject to said revoked Executive Orders, shall remain intact, as if *status quo ante*, and shall be guided and sustained in their intact functions by this new Executive Order, in place of those said revoked Executive Orders.



NSIPS/Philip Ulanovsky

Citizens commemorate the testing of the national mission 125 years ago in the Civil War, shown here in a modern reenactment of the Battle of Colvin Run Mill. "The principles of law and government upon which the United States' independence and Constitution were based, dictate the proper foreign and defense policies of the United States."

1.4 This purgative action shall include, but not be limited to the following:

a) All operations by agencies of government which have derived their existence from said revoked Executive Orders shall be terminated promptly.

b) All agencies and interagency liaisons whose existence and functioning originates in any part upon the authority of said revoked Executive Orders, shall be dissolved in that part, and this done promptly with publication of this Order.

c) All arrangements with foreign governments or their agencies which derived their existence from the authority of said revoked Executive Orders shall be terminated promptly in that part.

d) All arrangements with private or semi-public agencies which have derived their existence, in whole or in part, from the authority of said revoked Executive Orders, shall be terminated promptly in that part.

e) The Intelligence Oversight Board, established under EO 12334, is abolished.

1.5 To the same purpose, in the same manner, and to similar effect, the President's Foreign Intelligence Advisory Board is abolished.

2.0 This Executive Order shall guide agencies and persons in those parts of their existence and activities which are subject to the National Security Act, and which are also subject to the authority of the President; the directives pro-

vided herein shall be superseding instruction in all matters touched by said revoked Executive Orders.

2.1 It shall be observed efficiently, that the primary directives supplied by this Executive Order have a quality of construction and coherence which causes this instrument to differ remarkably from the said revoked Executive Orders. This difference is subsumed by the decision, that the functions of the intelligence community of the United States must be made efficiently subject to delimiting conceptions of purpose, and that these conceptions shall be applied to the functioning of that community and its components with the force of obligatory moral principle.

2.2 All entities and functions of the Executive Branch previously subject to Executive Order 12333, are now subject to this Executive Order, and to the delimiting conceptions of purpose contained herein.

3.0 The intelligence mission

The primary definition of duties, authorities, and responsibilities of each and all branches of the U.S. intelligence services, and of each person employed by these services, is efficient dedication to a well-defined notion of a national mission.

a) All intelligence officers and other employees shall adopt a prescribed and efficient notion of mission, and the performance of such persons shall be judged by this standard.

b) All officers of the intelligence services shall serve a



Lyndon H. LaRouche, Jr., author of this plan to "tear out by the root all known and yet-to-be-uncovered abuses which grew up under any practiced interpretation of the authority of Executive Orders 12333 and 12334."

common mission, known as the national mission. Also, during his or her period of assignment to any unit or undertaking, each officer will bear responsibility for the specific kind of mission associated with that assignment. The specific mission shall always be in coherence with, and subordinated to the national mission.

3.1 The national mission

The principles of law and government upon which the United States' independence and Constitution were based, dictate the proper foreign and defense policies of the United States. The combined military and civilian intelligence services, and associated functions of the U.S. federal Executive, are assigned the mission of defending our republic as a perfectly sovereign nation-state founded upon these principles.

a) The conception of this national mission is prescribed as follows:

i) The successful development of political and economic institutions of the Judeo-Christian culture of Western European civilization, since the constitutional reforms instituted at Athens under Solon, led into the establishment of our form of constitutional, republican, representative self-government, not only to the benefit of our own nation, but as a beacon of hope and temple of liberty for all mankind.

ii) Out of these and related circumstances of its conception and birth, our republic has acquired a unique proper destiny among the nations of the world. Our destiny is not one of empire and conquest, but to serve those self-interests defined in the Declaration of Independence and Preamble of our Constitution. We must serve those self-interests not only

by defending our nation from foes, but by creating a safer world, adequately so for the peaceful conduct of our constitutional commitment.

iii) Thus, our national security depends to a great degree upon the existence, prosperity, and strength of many sovereign republics who share our commitment to those higher principles of law and government expressed by our Declaration of Independence and the Preamble of our federal Constitution. All nations which share these higher principles with us, and which seek to collaborate with us in that spirit, constitute what we define as a community of principle.

iv) Our relations are closest, our mutual interests most common with those nations which belong to such a community of principle. An injury to any nation of this community is an injury to the vital security interests of all. The government of the United States shall seek to establish treaty agreements with such nations, thus establishing membership in such a community by treaty law.

v) In addition to our republic's implicit membership in such a community of principle, there are nations who may not accept fully the higher principle identified here, but who desire collaborative relations with us and with our larger community of principle. We encourage that collaboration, and seek to persuade them of the merit of our principle by the example we set and by constructive and fair dealings with them.

vi) In addition to these two kinds of friendly relations with foreign nations, there are states which have formal ties to us through treaties pertaining to defense against hostile forces. These treaty relations include some friendly nations which do not fully subscribe to our higher principle, and some which do.

vii) On the opposite side, there are states and military alliances which are explicitly adversaries of our existence, such as the Russian empire under the current Bolshevik dynasty, and states which are either allied with the Soviet Union, or hostile states not allied with the Soviet Union, and other states which are unfriendly to us and our principles.

viii) Respecting our Russian adversary, our policy is one of seeking correct and fair dealings during peacetime, and to deter and thus avoid war through maintenance of the cultural, political, and economic strength, and adequate military capabilities of ourselves, our friends, and our allies.

ix) It would be wishful self-delusion to imagine that the Russian empire in its present form would ever seek any form of peace from us, excepting that special kind of peace bought by our submission to terms of existence like those presently enjoyed among the captive nations of Eastern Europe. Fortunately, although the Russia of today is a militaristic cult dedicated to establishment of a worldwide empire at the earliest opportunity, the Russian leaders are calculatingly cautious bullies, who would accept protracted war-avoidance, however reluctantly, as long as our power of means and strength of will persuaded them they had no other acceptable alternative, and this as long as they recognize that

we are governed by the desire to avoid general warfare with their state.

x) Respecting other hostile states, or states which are merely unfriendly, our relations are as forbearing and constructive as circumstances permit.

xi) The promotion and defense of these policies is the principal assigned general strategic mission of all officers of the intelligence services of the United States.

3.2 *The general economic mission*

The national mission of the United States subsumes a general economic mission. This mission is a dedication to promoting the social and political benefits of increase in the productive powers of labor, through technological progress, to the advantage of the United States, other members of our community of principle, and of our friends and allies generally.

3.3 *The specific mission*

The specific mission is simply the form in which the national mission is expressed as a task-orientation in the area of responsibility to which elements of our intelligence services are assigned.

4.0 *Professionalism*

It is the included purpose of this Executive Order to remove all continued resistance to the proposition, that a strict standard of professionalism shall be established for all branches of our intelligence services.

4.1 As soon as means can be organized, a single national service academy for training of officer-cadets for all branches of the nation's intelligence services shall be established.

4.2 The desired qualification of senior intelligence officers includes a combined mastery of history and the classics. Such intelligence officers should know history in its broad sweep, especially European history since the time of the wars between the Ionians and the Achaemenid (Persian) empire, and should base this knowledge on study of primary sources, rather than textbook commentaries. This intelligence officer should aim his efforts efficiently, to come to know each such portion of history as if he or she had been living as an intelligence officer in that place and time.

a) This should be the standard for a basic curriculum for education of officer-cadets of the intelligence community. This standard, combined with training in the physical and military sciences, develops the mental potentials desired in the professional intelligence officer, that potential essential to the most effective mastery of specialized matters added to the core curriculum.

b) This standard is difficult to meet, under conditions determined by recent and present policies of public and university education. Until a suitable professional academy is established, and until new generations of intelligence officers are supplied by aid of such means, the standard will not be met generally. However, this should be the standard used as guidance. It should be the adopted image of professional



President Ronald Reagan. "The intelligence establishment is not the creature of a particular President, but must function as a constitutional institution of the presidency, an institution whose continuing dedication to its national mission far outlives the incumbency of Presidents."

excellence, which all officers seek to approximate to the best of their abilities.

4.3 *The bare essentials of professionalism are the following:*

a) Efficient knowledge of and dedication to the national mission.

b) Proficiency in the special mission assigned to the units to which intelligence officers are assigned.

c) Proficiency in employment of the equivalent of tactical rules of engagement, as appropriately defined for the intelligence agencies as a whole, and also for each sector of responsibility.

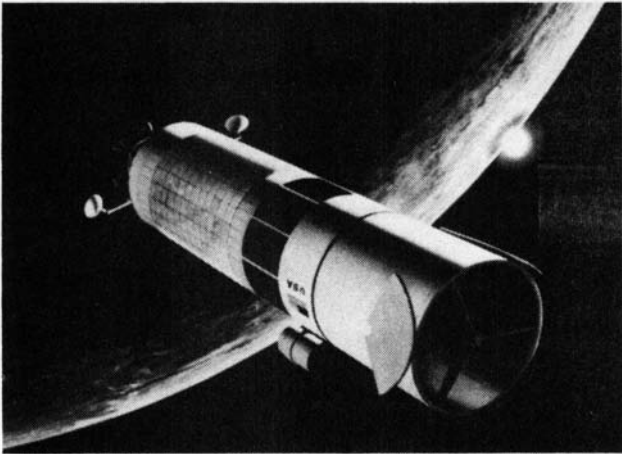
d) Effective leadership of units under his or her direction, to the effect of assuring efficient conformity with principled objectives of national mission, special missions, and rules of engagement.

e) Dedication to service to the nation and its intelligence functions in the form of service to the principles of the Preamble of our federal Constitution.

f) A rigorous and efficient, as distinct from contemplative philosophical outlook toward matters bearing upon the principles of statecraft traceable from Solon's constitutional reforms at Athens, through the establishment of our republic.

5.0 *Organization of the national intelligence services*

The organization of the intelligence community of the United States flows properly and strictly from a definition of



Department of Defense

The space-based laser system being developed under the SDI, offers the opportunity to intercept ballistic missiles in the boost phase. The large expansion of the role of scientific and technological progress requires that the President be regularly advised by a panel of distinguished scientists, which LaRouche's draft executive order provides for.

the national mission. The concrete expression of that national mission, at each point in time, is properly determined by the dominant features of the national strategic mission, especially with respect to the problems posed by principal adversaries.

a) It is our national strategic mission, that through energetic but patient pursuit of our objectives vis-à-vis our Russian strategic adversary, we may hope to deter and thus avoid war over generations, if need be, and to accomplish this without betrayal of the vital interests of our nation, our community of principle, or any among our friends and allies.

b) The prospect of a transition from protracted war-avoidance to durable peace among major powers, depends chiefly upon our setting an example of the achievements of our growing community of principle, an example so persuasive, that Russians will come to admire our culture more than their own. If we know how to balance a peace-through-strength policy of war-avoiding deterrence with constructive measures in relations with the Russian government, we shall have done the most that is possible to avoid war and establish the foundations for transition to future durable peace.

c) However, in looking forward to such a transition, we are viewing a time-span of perhaps two or more generations, two if we are fortunate. The term of a President is four years, and under current law, eight years at most. So, an interesting organizational problem confronts us. All agencies of the Executive Branch are accountable to the President, yet we have before us a strategic intelligence mission which spans several generations in its execution. To whom is the intelligence community accountable over a span of two or more generations?

The intelligence establishment is not the creature of a particular President, but must function as a constitutional institution of the presidency, an institution whose continuing

dedication to its national mission far outlives the incumbency of a succession of Presidents. Such an arrangement is implicit in the intent of our federal Constitution.

d) In respect to this requirement for our intelligence community, at this historical juncture, it is the President's first duty to establish a well-defined sense of national mission, in terms of reference spanning two or more future generations. The President will and must work to embed this sense of mission so securely in our national passions, that no future President during this forward period were likely to be chosen by the electorate should he oppose this mission.

e) This incumbent President's specific authority is limited to his term of office. Nonetheless, that includes the power to influence the policy of future Presidents; in setting forth these standards of mission, organization, and practice, it is this President's duty to cause this improvement to be sufficiently successful that the majority of the electorate and future Presidents would desire nothing essentially different.

f) It is the duty of the intelligence community to aid the President in winning such deserved admiration for the usefulness of these institutions.

g) In that sense, and in that manner, this President serves the institution of the presidency, and it is as this President serves that higher obligation, that the intelligence community must serve the presidency as an institution, under this President.

5.1 The National Security Council

The National Security Council is composed of those cabinet members and others designated by precedent, and shall include the Vice President of the United States.

The President's own intelligence functions are centered in four regular functions of the Executive Branch:

- 1) His direction of the cabinet.
- 2) His duties, authorities, and responsibilities as commander-in-chief of the armed forces.
- 3) His command of the Director of Central Intelligence.
- 4) His command of the functions of the Executive Mansion's National Security Council staff.

The Executive Mansion's National Security Council staff is under the immediate direction of the President's Assistant for National Security Affairs.

a) The National Security Council's composition remains as established heretofore, with the following adjustments in emphasis:

i) The Director of Central Intelligence (DCI) shall sit with the National Security Council members, and shall have voice but not vote in the deliberation on policy-recommendations to the President.

ii) The President's Assistant for National Security Affairs shall attend meetings of the National Security Council, shall receive and deliver communications between the members, the DCI, the Joint Chiefs of Staff, and the President, and shall present written and oral reports to the Council at the pleasure of the President.

iii) One or all of the members of the Joint Chiefs of Staff

shall frequently attend meetings of the Council at the pleasure of the President or the Secretary of Defense, and shall be given voice in the deliberations of the Council on those occasions when the President or the Council may direct this, and in respect to such matters as the President or Council may direct.

b) All ordinary responsibility for coordination of intelligence and counterintelligence operations is assigned to the DCI, except as the President may assign his Assistant for National Security Affairs to establish a special commission to conduct a specific audit or other inquiry on the President's behalf. This shall be efficiently the interpretation of the established definition of the DCI's duties, authorities, and responsibilities under the National Security Act.

The following conditions are attached.

i) There shall be no interference with the military arms' conduct of intelligence and counterintelligence functions in matters affecting the duties and security of the armed forces or the territories assigned to their custody, except as the President or Secretary of Defense may specifically direct exceptions to this.

ii) Rules of engagement shall be established defining the exclusive and partial jurisdiction of the armed services in these matters.

iii) The same qualifications shall apply to the autonomous intelligence and counterintelligence functions of any other department of government, excepting that the DCI shall coordinate all foreign intelligence and counterintelligence except as specifically otherwise directed by the President.

iv) True duplicates of all intelligence and counterintelligence information obtained by any department of government shall be placed promptly in the custody of the DCI, except as the President may determine that some extraordinary circumstance requires exception to this.

v) In addition to his jurisdiction over the CIA, except under rules of military engagement, the DCI shall direct all intelligence and counterintelligence operations which involve matters extending beyond the scope of immediate jurisdiction of any one other agency or department of government.

vi) The Department of Justice shall be notified promptly of evidence pointing to the probable commission of an offense, and unless this be an offense within the jurisdiction of the military code of justice, the Department of Justice shall conduct such further investigations as bear solely on matters of law enforcement, while being accountable for preventing unnecessary interference with continuation of inquiry under DCI authority into matters of the DCI's jurisdiction over matters of intelligence or counterintelligence interest.

vii) In matters of foreign counterintelligence, as distinct from domestic law enforcement activities flowing from counterintelligence, or matters entirely within the prescribed jurisdiction of the armed services, the DCI shall have primary jurisdiction, except as the President shall direct otherwise for specific cases.

viii) The sole ordinary exception to the foregoing guidelines respecting jurisdiction, shall be the personal gathering of intelligence and counterintelligence by the President or his National Security Council staff. The President will provide guidance to his staff on release of ordinary intelligence collected by himself or that staff, and will determine which other sensitive information shall be issued to the DCI's custody and in what form.

ix) It is stated, in clarification of this point, that the President must not only maintain the privilege of privacy of some aspects of his personal deliberations, but must be a trustworthy recipient of personal confidences from foreign governments and citizens of the United States and other nations. The circulation of some such information would jeopardize the President's access to some classes of information which he must desire to receive in connection with his service to the national interest, and must also prevent circulation of information which might tend to aid in foretelling his intentions respecting issuance of future decisions on sensitive matters.

x) The DCI shall prepare guidelines for the security and use of the intelligence and counterintelligence information he coordinates, and for the conduct of intelligence and counterintelligence operations involving areas within the jurisdiction of departments of government other than the CIA. He shall submit these to the National Security Council for deliberations bearing upon the President's approval of such guidelines.

c) The National Security staff is the President's personal intelligence organization, which is assigned to collecting and digesting intelligence and counterintelligence necessary to the policy and related deliberations by the President. Its authority, duties, and responsibilities include assisting the President in maintaining efficient oversight over the functioning of the intelligence community.

i) As part of these duties, that staff functions also as the staff of the National Security Council as a body.

ii) Its responsibilities include liaison with the other departments of government on behalf of the President and the National Security Council as a body. This liaison is ordinarily the responsibility of the Assistant for National Security Affairs.

iii) At the President's direction, the President's Assistant for National Security Affairs shall supply information to the committees of the Congress assigned to intelligence and military affairs.

d) The President will establish a special advisory body on intelligence functions, attached to the National Security staff. This body shall be composed of distinguished, retired senior military, intelligence, and foreign service officers who shall serve at the pleasure of the President. The body shall be commissioned for this function, and all appointed and sworn members commissioned to the same effect.

i) This commission shall function as a committee of elders.

ii) The commission shall have access to all ordinary func-

tioning of the National Security staff's areas of responsibility, and to such other information as the President may have cause to lay before it.

iii) This commission, or some representative portion of it, shall meet frequently with the President, for the customary purpose of detecting or anticipating "glitches" and "monkey-shines" in areas of the President's formulation of directives bearing on national security affairs, and functioning of various aspects of the intelligence community.

e) The President will expand the function of the National Security Science Adviser, by the establishment of a commission of distinguished scientists, constituted in the same manner as the commission on intelligence functions, and functioning in an analogous manner. The large expansion of the role of scientific and technological progress in domestic and international affairs requires that the President have regular and intimate counsel in such matters bearing upon the domestic economy, world trade, and other national security matters.

5.2 The Central Intelligence Agency shall be strengthened according to standards for a professional political-intelligence agency. It shall have primary jurisdiction and responsibility for coordinating all matters of cultural, political, scientific, and economic intelligence, domestic and foreign, primary jurisdiction in matters of foreign intelligence, and for all aspects of counterintelligence except the features falling under the jurisdiction either of the armed services or of domestic law enforcement strictly defined.

a) This represents an expanded scope of responsibility, and inclusion of newly defined mission for the CIA. Both are in keeping with recognition of the growing importance of national defense against what is best defined as irregular warfare: the use of all means of cultural, political, scientific, economic, and lethal-force forms of subversion, short of regular warfare.

b) The irregular warfare mission:

At the 1920 Baku Conference of the Communist International, the Bolshevik dynasty of the Russian empire set forth the first outline of a program of long-range, full-spectrum irregular warfare, attempting to destroy Western civilization by aid of erosive action in areas of culture and religion, and political subversion, in addition to those means usually classed as "Marxist-Leninist" tactics.

i) Today, although "Marxist-Leninist" and kindred sorts of political assets are used as cadre for a wide variety of operations, the principal means of subversion deployed by the Russian empire are subversive activities deployed under many cultural, religious, and political labels, including old Nazi networks lingering after the defeat of the Nazi regime. Emphasis on forms of culture and religious practices erosive to the values of Western civilization is the general rule. The launching of international narco-terrorism, interfaced with anti-technology radical movements, early during Yuri Andropov's tenure as chief of the Soviet KGB, typifies the greatest single problem in the defense of Western civilization

against the efforts of the Russian empire to achieve virtual world conquest during the years ahead.

ii) The situation has reached the point, that the integration of Soviet spetsnaz forces with violence- and sabotage-prone elements of radical counterculture insurgencies within Western nations, has become the first echelon of any future Russian imperial military onslaught against NATO and allied forces.

iii) Failure to mount an effective defense against these and related forms of Russian-steered irregular warfare, could lead toward Moscow's subjugation of much of the planet, even without our self-appointed adversary's resorting to means of regular warfare.

iv) In these circumstances, the intelligence missions of the immediate postwar period are no longer even nearly adequate. The comprehensive tracking of all Russian-directed and kindred forms of irregular-warfare actions against Western civilization and our other friends, is a central feature of effectively designed intelligence functions. This intelligence warfare must be globally centralized in the most efficient, well-integrated manner within the intelligence functions of the United States.

v) In irregular warfare as a whole, it is fairly estimated to be the case, even in full-scale guerrilla warfare, that 80-90% of the effort required to defeat the insurgency must be devoted to non-lethal forms of cultural, political, and economic warfare. For this reason, the primary emphasis must be placed upon political intelligence and political counterintelligence.

vi) Recognition of this fact requires corresponding amplification of the foreign intelligence and counterintelligence functions of the U.S. intelligence community, and the need for a more unified coordination of such intelligence and counterintelligence functions under the DCI.

c) In the case of assignment of special forces of the military services to conduct operations in some area, primary jurisdiction for irregular warfare in that area is given to the military commanders assigned. In this case, the CIA and other relevant political-intelligence arms of the United States shall give such assistance to the military commanders as may be required in aid of the success of their mission. Up to that point, the primary ordinary jurisdiction for political intelligence and political counterintelligence in matters bearing upon defense against irregular warfare lies with the coordinating authority of the DCI.

i) It is the general rule, that pending conditions which trigger military posture under military rules of engagement, the political intelligence and diplomatic authorities of the United States have primary jurisdiction. Once military engagement occurs, the military commanders assume primary jurisdiction until the cessation of such hostilities.

ii) The National Security Council shall receive proposed missions and rules of engagement for contingencies in various sectors of the world, to the purpose of defining the composition of division of labor under, alternatively, political and military command within those sectors. This shall be

reviewed periodically, to bring the rules of conduct into conformity with shifting conditions. The primary responsibility for drafting such proposals shall lie respectively with the DCI and Joint Chiefs of Staff. The deliberation on such proposals will be conducted by the National Security Council, and the final decision shall be that of the President.

5.3 The FBI

The Federal Bureau of Investigation (FBI) shall be separated insofar as is consistent with its law enforcement functions from all intelligence functions but those of coordinating the gathering and dissemination of criminal intelligence pursuant to assisting federal, state, and local law enforcement agencies, and to the performance of its own assigned law enforcement duties.

i) The "unsanitized" commingling of political-intelligence functions with those of law enforcement is inherently a source of political corruption of law enforcement functions.

ii) A law enforcement duty signifies chiefly either prevention of the commission of a crime, or investigation based on probable cause leading toward possible arrest of offenders for reason of criminal incidents which have actually occurred.

a) In the course of these primary functions, improved criminal intelligence is urgent.

i) It will be necessary to secure enactment of laws by the

Congress which afford federal, state, and local law enforcement agencies improved means for performing essential criminal intelligence functions.

ii) In devising methods and procedures pertaining to criminal intelligence, a line must be drawn and enforced, which prevents the use of information classed as "criminal intelligence" from being misunderstood or willfully misused to impair wrongly the civil rights of persons and associations.

iii) It is necessary for law enforcement agencies to take into account reasonable suspicion, for purposes of defining a course of investigation; the danger to civil rights arise when this information were used in any other way, such as dissemination of such information as "black" or "grey" propaganda, in ways which might influence publishers, employers, common gossips, and so forth to cause wrongful injury to the civil rights of persons. The legitimate public outcry against wrongful circulation of such information would probably cause great injury to the legitimate criminal-intelligence functions misused in such a fashion. This risk must be avoided by the strictest means, with severe penalties prescribed for abuses.

iv) The problem of protecting civil rights is simplified if criminal intelligence concentrates on those classes of offenses and perpetrators which have the highest priority for our citizens and national security. A cross-grid, matching classes



The Soviet launching of narco-terrorism is the greatest single problem in the defense of Western civilization against the efforts of the Russian empire to achieve virtual world conquest during the years ahead. Here, a Colombian soldier outside the Justice Palace in Bogota after it was seized by narco-terrorists in November 1985.

Figures in the "secret government" operations which LaRouche's draft executive order will bring to an end: Henry Kissinger, whose agreement with the Soviet Union during his tenure as Secretary of State, led to Soviet subversion of the Justice Department through the Office of Special Investigations; Jeane Kirkpatrick, former U.N. ambassador, a prime player in the "Project Democracy" moves to overthrow Panama's government; Charles Z. Wick, head of the U.S. Information Agency, which aids "Project Democracy," himself an intimate collaborator of Aleksandr Yakovlev, Soviet Politburo member and right-hand man to Gorbachov; Elliott Abrams, Assistant Secretary of State, who has directed operations against numerous Ibero-American allied governments.



of the most damaging and frequent kinds of offenses with classes of habitual or frequent perpetrators, is an obvious method for assessing priorities of criminal intelligence. This method shall be employed in shaping policy.

v) Among offenses, we shall be concerned chiefly with those which tend to cause irreparable or severe physical injury to the vital interests of persons and institutions, and with those which represent aggregately the gravest threat of physical injury to our national security. Among perpetrators, we should be most concerned with criminalized strata of the population, such as drug-users and those participating in or assisting the traffic in drugs or in circulation of revenues from distribution of drugs originating either inside the United States or abroad. This cross-grid epitomizes the principal features of the national crime problem, the area in which we are losing the war against crime. This is also to be recognized as an intelligence matter, as, directly and indirectly, the greatest of our domestic national security problems.

vi) We must get the drugs out of our society. We require the laws and the strict law enforcement needed to do this; if we do not do this, we lose the war against crime, and could thus lose the war to defend our national security here at home. On condition that we secure from Congress and the courts, the kinds of cooperation needed for this, the establishment of more effective national criminal-intelligence systems, for tracking of the relevant classes of criminalized strata, becomes an indispensable aid in winning the war.

b) National security crimes as such:

Any law enforcement agency, once it has reason to suspect the identity of a spy or similar offender, shall notify the office of the DCI immediately by secure procedures. If that law enforcement agency has sufficient cause for detention of that identified person, for any proper cause, or should detect the person in the commission of an act of espionage or related crime, the law enforcement agency should employ its proper authority for detaining that person immediately, even prior

to notification. However, the counterintelligence aspects of the matter come immediately and directly under the jurisdiction of the DCI.

i) In the case of a suspected such person, the DCI shall cause a preliminary determination to be made, as to what course of investigation should be adopted. However, at the point sufficient evidence for felony arrest exists, for any cause, the arrest shall be made immediately, unless the DCI shall have notified the Attorney General to contrary effect by established standards, channels, and procedures.

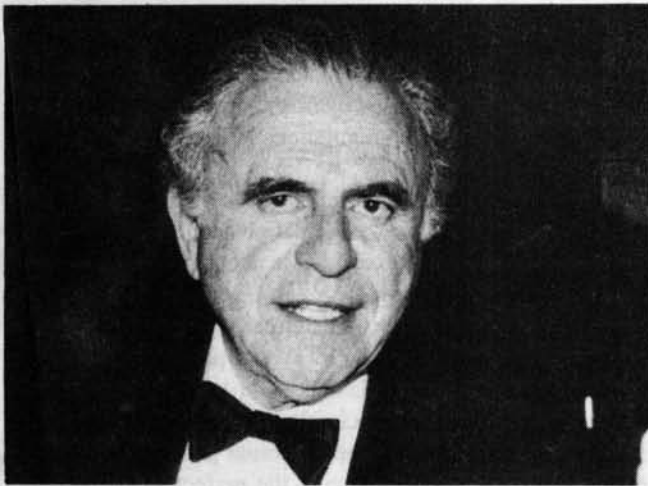
ii) The policy in this and related matters is, that it were generally better to remove spies, as well as drug-traffickers, from circulation as early and often as possible, unless there is strong reason to believe that other considerations are overriding in significant degree.

iii) This policy borrows from the principles of irregular warfare:

Organized criminal activity, like guerrilla warfare, depends upon a political and logistical infrastructure. Successful containment of guerrilla warfare, or organized criminal activity, focuses the greater part of its work, 80% or more, on neutralizing the political and logistical infrastructure, rather than focusing upon the problem only at or near the highest level of criminality. Even in combatting guerrilla forces, the commander who hunts the adversary in the bushes, but fails to round up the pimps, drug-pushers, black-marketeers, and assorted petty criminals in the streets of the towns and cities, will probably lose the guerrilla warfare, or, at best, not win it.

iv) The policy of tolerating the political and logistical infrastructure of crime, to "concentrate on getting the big fish," is proscribed.

v) It is the nature of organized crime, as guerrilla warfare, that the elimination of "big fish," when that occurs, merely creates a vacuum into which new "big fish" are drawn. It is the political and logistical infrastructure of crime which is



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the body of organized crime. Not to clean the drug-pushers and drug-users from the streets, on the presumption that one is interested in "only the big fish," is to ensure defeat in the war against crime. The best way to catch "big fish" is to learn from Mao Zedong's famous dictum: Dry up the ocean of criminality in which they swim, and they are readily neutralized.

vi) Whenever law enforcement catches an offender red-handed in a criminal act, the detention should be effected immediately. Unless the DCI determines otherwise within the scope of his jurisdiction in counterintelligence matters, this should be the rule for spies and similar sorts, as for drug-pushers and drug-users.

vii) Relevant guidelines will be proposed by the relevant agencies, and will be reviewed by the National Security Council in the process of securing a final determination by order of the President.

c) Drug Enforcement:

Except that any law enforcement agency with jurisdiction should arrest a producer of illicit drugs, trafficker in such drugs, or drug-user as soon as sufficient grounds for making the arrest exist, the war against drugs is not primarily a law enforcement function, but is rather variously a military or political-intelligence function.

i) We are confronted with an international narcotics traffic, combined with drug-revenue money-laundering in the order of hundreds of billions of dollars annually, and interfaced with Soviet-directed narco-terrorism. Actions within the jurisdiction of U.S. domestic law enforcement agencies are an indispensable part of the war on drugs. We must define the responsibility for directing the war on drugs to agencies whose jurisdiction is of the same extent as the international narcotics traffic.

ii) In earlier times, when the traditional British East India Company drug-trafficking routes from the Golden Triangle and the Middle East were the principal sources of drug-

trafficking into the U.S.A., the Federal Bureau of Narcotics performed a commendable job within the means at its disposal, and was among our leading foreign-intelligence capabilities into the period of World War II, for that reason.

Since World War II, the drug war against the United States has come increasingly under the direction of agencies of communist and allied governments. During the 1950s and early 1960s, Communist China conducted a drug war against the U.S. population. During the latter half of the 1960s, the Warsaw Pact nations and Syria, under direction of the Soviet KGB, moved heavily into drug war against the populations of Western Europe and the Americas, in conjunction with the KGB's development of Syria as a key base for building up international terrorism.

During recent years, the government of the United States has declared a war against drugs, but did not fight that war by means of more than limited amounts of exemplary actions. We must deploy the means to stop the incoming traffic at our borders, or earlier, while enforcing a massive crackdown on drug-trafficking, drug-production, and drug-use within our borders. Our first line of defense is adequate levels of technical assistance and political support to nations, which are combatting the drug-trafficking. Our second line of defense is a reinforcement of the capabilities of our Coast Guard, Customs, and anti-drug intelligence services, to stop the traffic by all necessary means at our borders. Our third line of defense is domestic law enforcement aided by national, state, and local criminal-intelligence mobilization, against the domestic production, traffic, and use of these substances.

iii) Except for lawful "hot pursuit" of drug shipments and offenders into our interior, by Customs and DEA officers, the domestic war against drugs is the work of domestic federal, state, and local law enforcement agencies. The overall direction of the international war against drugs, is primarily an intelligence function conducted under the doctrine of irregular warfare identified in this Executive Order.

5.4 Other intelligence functions:

Other intelligence functions of the U. S. government shall continue their present functions under the guiding principles of mission and organization set forth above.

5.5 Use of private sources of assistance:

Assistance from assorted nominally private individuals and organizations is an indispensable complement to the performance of the missions of the intelligence functions of agencies of the U.S. government.

a) Legal provisions:

i) It is frequently justified, and necessary to provide legal and other forms of protection of the identity of such persons or organizations respecting actions they take in the performance of a service to official governmental agencies, to provide legal means for protecting the identities of such persons or organizations, or to provide legal means for concealment of the nature of their relationship to relevant governmental agencies.

ii) It is also indispensable to provide legal procedures for permitting some among such persons to receive such classified or otherwise sensitive information they may reasonably require in the course of their rendering assistance to the interests of the United States.

iii) Although such associations and indicated kinds of legal arrangements are indispensable, such relationships are fraught with risks to both the government and those persons and organizations. Most of the risks are well known, to the degree that it were redundant to list those risks here. The greatest dangers are three: 1) That the aggregate effect might become, that some combination of such private persons and organizations is exerting a kind of influence contrary to the national or specific mission, on the policy of practice of government itself; or 2) That a combination of factional forces opposed to the national mission from inside government might align with private influences upon the intelligence community, to employ the powers of government in politically motivated efforts to victimize opponents of that faction; or 3) That such combination of the first two dangers might enable foreign, even hostile intelligence services to penetrate deep into the intelligence community and policy-shaping structures of our republic. These latter three evils, grown to a large scale, were the developments which made urgent the revocation of Executive Orders 12333 and 12334.

iv) The following guidelines are stipulated, both as policies and as illustration, to indicate the philosophy of practice used to minimize the identified and some other well-known risks.

1) Persons and organizations acting in the interest of the U.S. government must enjoy, for that limited purpose, the same degree of legal and kindred protection they would have enjoyed as agents of the relevant unit or units of our intelligence services.

2) Revised codes for this must be presented to the National Security Council, for deliberation and adoption.

3) Any person receiving classified information must be sworn to a relevant form of oath respecting that kind of information he is instructed he or she must protect, but shall not be held otherwise to regulations governing members of the intelligence community.

4) As an alternative to administration of an oath, as in the case of a foreign national, information needed by the person may be declassified, or excerpted in declassified form.

This must be codified.

b) Classification of private sources of assistance:

i) The classification of such a private person as "reliable," shall be limited to those instances in which the person is known to be committed efficiently to the national mission, is specifically committed to the perpetual perfect sovereignty of the United States, and also to the perfect sovereignty of the member-nations of a community of principle.

ii) There is no requirement of the person's concurrence with current national policy beyond this commitment to national mission. Intelligence policy in these matters must be nonpartisan. Provided the person places common commitment to the national mission absolutely above differences on matters of current policy, and makes any such differences in policy known as circumstances warrant, his or her frank and rational identification of policy differences enhances the reliability of his or her assistance.

iii) "Reliable" persons who provide frequent assistance, may be designated by the DCI or President as de facto members of the national intelligence community.

iv) The classification of a private person providing assistance as "useful," as distinct from the higher classification of "reliable," is established to designate a person of good character, truthfulness, and relevant competencies, whose desired degree of commitment to the national mission is not established as firm knowledge of officials of the intelligence community, but whose occasional or frequent assistance is shown to be significantly reliable and valuable.

v) Any person who has not been qualified as either "reliable" or "useful," should be classed as "ordinary."

vi) These classifications shall be codified.

c) Membership in the intelligence community:

The status of "membership in the intelligence community" is limited to persons who share unquestionably a common commitment to the national mission, including designated selections from among private persons classified as "reliable."

i) This distinction is not intended to promote any unfair discrimination against persons who lack such degree of commitment, or who have not become known as having such degree of commitment. It is an administrative classification, established solely for the good of the services and the functioning of the intelligence community as a whole, and applies only to the regular course of business by the intelligence community.

ii) Membership is assigned to the relevant agencies of

government, as agencies, and to the senior and other appropriate officials and agents of those agencies.

iii) Membership is also assigned to private persons, classed as "reliable," whose contributions to the deliberative processes of evaluation and planning are of exceptional value to the services and the community.

iv) The function of the designation of membership is twofold.

1) To define a deliberative process within the community which reflects the assessments of persons judging from the vantage-point of a firm commitment to a sense of national mission.

2) To bias the deliberative process within the community in a manner consistent with the intent to provide the President with efficient accountability for intelligence functions.

d) Private organizations:

i) Private membership in the intelligence community is restricted to persons classed as qualified and needed for this status.

ii) Organizations which are not members of the intelligence functions of the government, or not proprietaries, domestic or foreign, must enter either through the "front door," or through covert channels which, except for being covert, are subject to the same standards as the public "front door." Contact with private organizations, as distinct from specially qualified persons within such organizations, shall be "sanitized" by means of assignment of a liaison officer to maintain and supervise the contact.

iii) Covert contacts with private organizations should be maintained through "cut-outs," wherever possible, to the purpose of "sanitizing" the contact with intelligence agencies of the government.

iv) Established policy of practice governing proprietaries is continued, except as the direction of such proprietaries is modified by the implications of this Executive Order.

e) Related functions of inspectors general:

The conduct of relations between the intelligence services and private persons and organizations shall be subject to audit by the most relevant among the Inspectors General appointed by order of the President.

i) The primary standard applied to audit of such relations shall be the standard of national mission.

ii) In each instance, the position of Inspector General shall be held by a selected, distinguished senior officer of an intelligence or military service, one also outstanding in his or her commitment to the national mission. The President will select such appointments from among the ranks of currently serving or retired senior officers, with aid of counsel from the President's commissioned advisory body on national security affairs.

iii) The Inspectors General shall have no function within the agency to which they are assigned except that of auditing the functioning of the agency respecting performance of national mission, competence of functioning, and other matters

of proprieties.

iv) In matters pertaining to private persons or organizations, or interagency affairs, the Inspectors General shall inform the President's Assistant for National Security Affairs in a confidential manner, who shall personally notify the President in confidence of the nature of such report. The President will exercise his judgment in determining whether to refer the matter to the counsel of the advisory body on national security affairs, and will determine whether it may be prudent or necessary to refer the matter to the National Security Council for deliberation.

f) Related functions of special counsel to the Department of Justice:

i) A special counsel for national security affairs shall be attached to the Department of Justice.

ii) This special counsel shall be the legal adviser to the National Security Council and the Attorney General on intelligence matters.

iii) All known incidence of intelligence matters which may be indicated as touching the constitutional jurisdiction of the Department of Justice, shall be reviewed by the office of this special counsel in secrecy, for the purpose of determining whether the matter should be recommended to be turned over in relevant part to the customary law enforcement and related functions of the Department.

iv) In the relevant instances referred to his or her attention, this special counsel shall determine the distinction between legally protected classes of acts properly executed in necessary fulfillment of national and special missions, and actions not deserving of this legal protection. He shall also determine whether or not the matter should be closed, referred for further inquiry and other action by the special counsel of the relevant arm of the intelligence service, or should be retained for appropriate further inquiry and action by his office.

v) In the ordinary course, matters pertaining only to the jurisdiction of one intelligence agency should be the responsibility of the legal counsel of that agency. The special counsel's function will be invoked by direction of the President or National Security Council, usually through the President's Assistant for National Security Affairs, only in matters involving more than one agency of the official intelligence community, or matters which the President or National Security Council may judge to be of exceptional importance.

vi) In related matters coming into the jurisdiction of the Department of Justice by other routes, this special counsel shall provide relevant specialized legal advice to the Attorney General.

vii) The mission of this special counsel may be described as that of a legal safety valve, bridging but separating the proper law enforcement functions of the Department of Justice with respect to the intelligence functions as such of the intelligence community, thus bringing the indicated "grey area" under regular supervision.