

# CAP Legal and Outreach Briefing

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



# Overview

- Legal Framework for Intelligence Activities
- Information Cycle: Collection, Retention, Dissemination
- Analytic Outreach
- Misc. Legal Issues



# 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
- Agency Regulation 2-2 (formerly HR 7-1) (implements E.O. 12333)
  - Includes Attorney General Guidelines, Annexes A and B



- Policy documents (not legal documents)



# Balancing Act

- *“Timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to informed decisionmaking in the areas of national security, national defense, and foreign relations. Collection of such 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 respectful 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, take a step back and think about possible legal issues. DI\_Legal is available for all questions!



# Rules Governing Intelligence Activities

- There are legal limits on what intelligence activities CIA officers may undertake  
(as DI officers, must think of yourselves as intelligence officers)
- Limits exist to protect the rights of U.S. persons → Generally, limits apply to United States Persons (USPs) and activities occurring in the U.S.
- BUT, remember balancing act quote from E.O. 12333  
→ CIA can do a lot!



# 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

- AR 2-2, 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



# United States Persons

- Collection, retention, and dissemination on USPs:
  - FI/CI/CT/etc. only; collection/retention/dissemination generally not permitted on purely domestic activities of USPs
  - Minimization requirements for USP info (discussed later)







# Information Cycle

- Collection
- Retention
- Dissemination



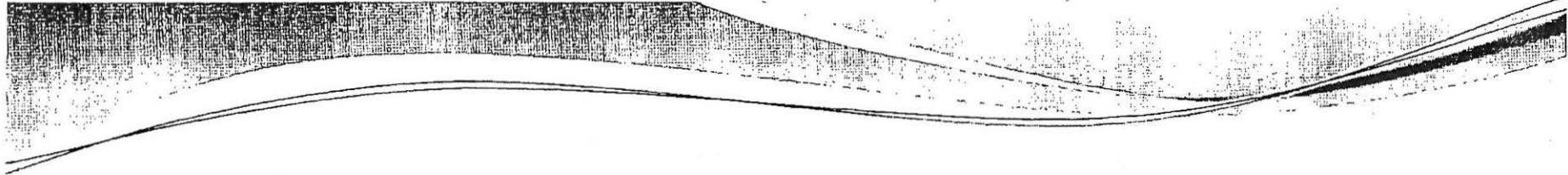
# Information Cycle: Collection

## What is Collection?

- A CIA employee may gather info in various ways, including:
  - Open Source information (newspaper articles, etc.)
  - Researching in CIA databases
  - Engaging outside experts to share insights and knowledge (analytic outreach)
  - Attending a conference
  - Asking other government agencies
  - Asking liaison services
  - Tasking assets on the ground
  - Exploiting digital media

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- All of these are types of collection,



# Information Cycle: 4 Basic Principles Governing CIA Collection

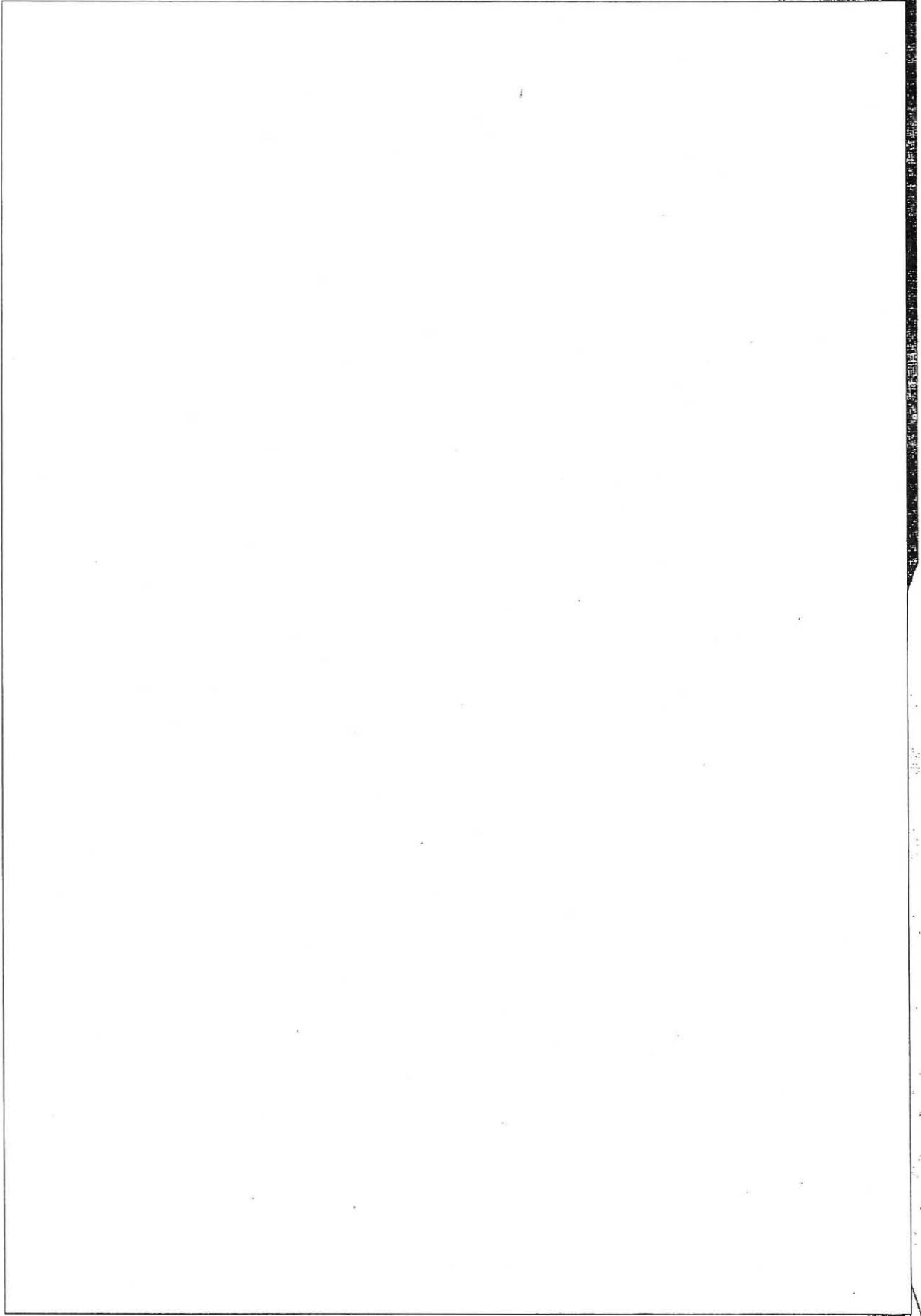
- **Purpose of Collection** – FI or CI  
*(You must be able to articulate a legitimate purpose before undertaking a collection activity)*
- **Location of Collection** – Inside or Outside the US?  
*(Sounds simple but computers make it more confusing!)*
- **Target of Collection** – USP or non-USP?
- **Collection**

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# Information Cycle: Retention and Dissemination

(includes dissemination of finished intelligence)

- Once FI or CI information has been collected, what can you do with it?
  - **Retention:**
    - Generally, if CIA may collect it, CIA may retain it
  - **Dissemination**



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# Information Cycle:

## Retention and Dissemination

(includes dissemination of finished intelligence)

### Dissemination:

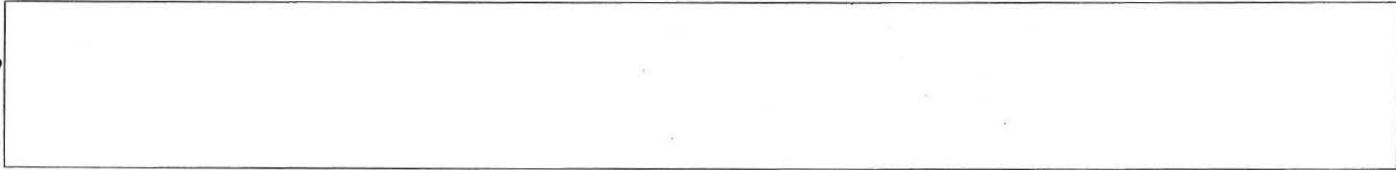
- Minimization requirements for USP info:
  - Info about a USP may be disseminated **within CIA** to employees with a **need to know** and **outside CIA** if necessary to a lawful activity of the US
  - USP's identity may be retained and disseminated if reasonably believed it may become necessary to understand or assess such info
    - How much is necessary? Can you say "an identified USP" and that's enough?

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# Reviewing Information Obtained Through Collection

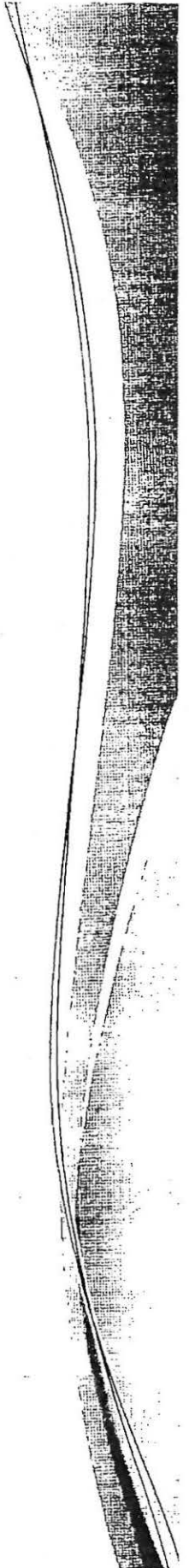
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## Retention & Dissemination of Collected Information

- Special procedures for retention and dissemination of certain types of info:
  - FISA info must be appropriately caveated/marked
  - Dissemination outside the IC
  - 
  - Etc.

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# Analytic Outreach









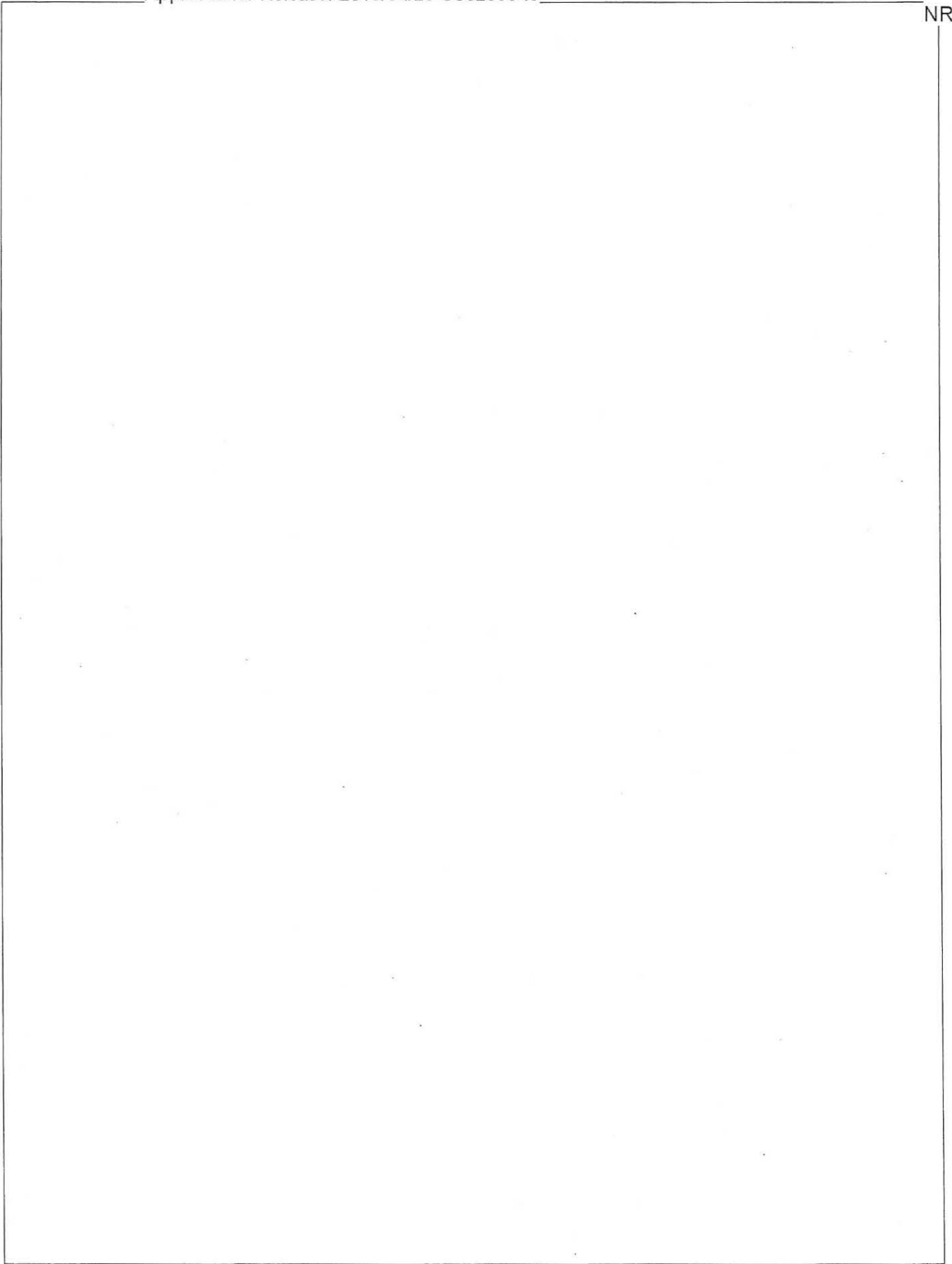






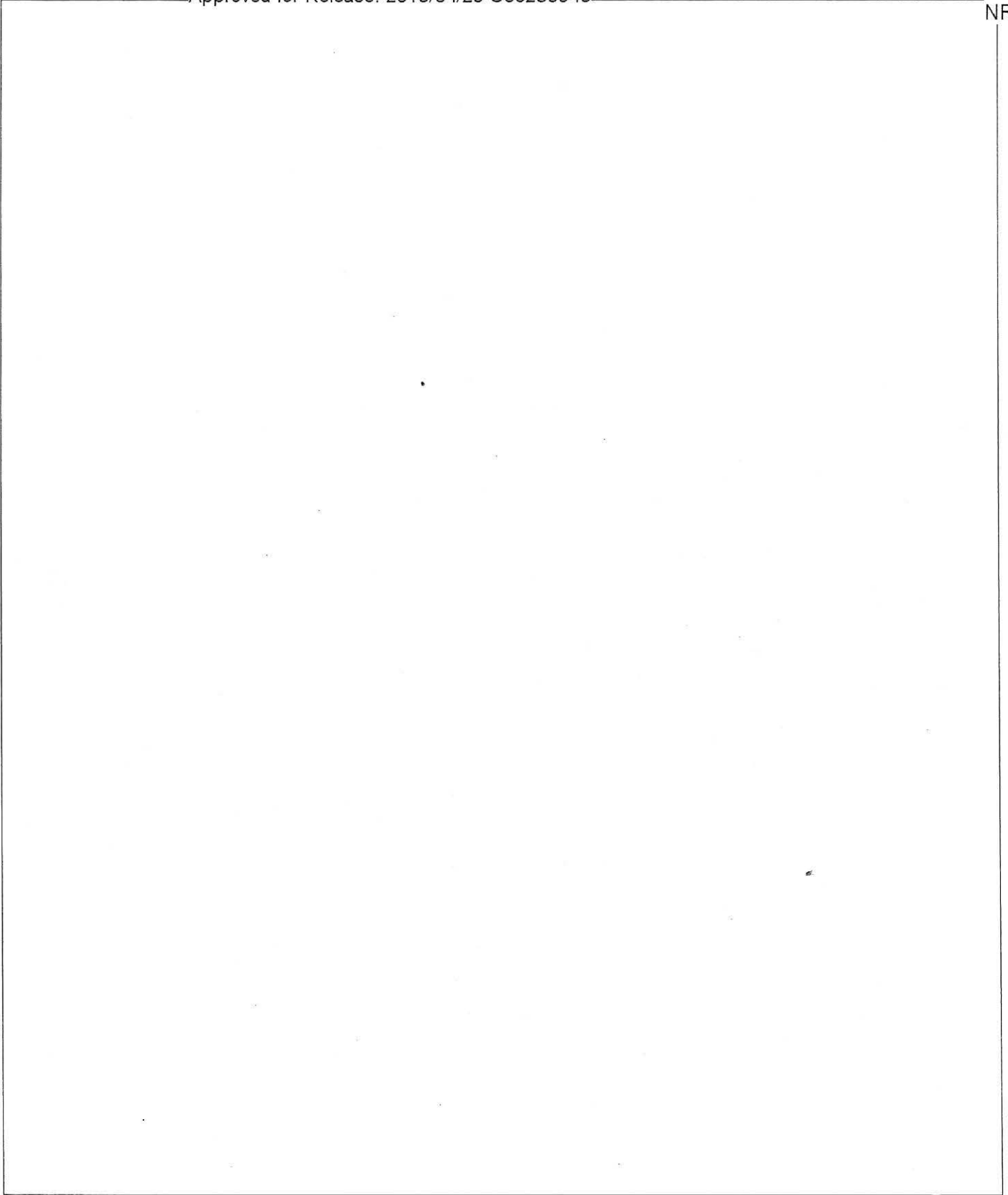


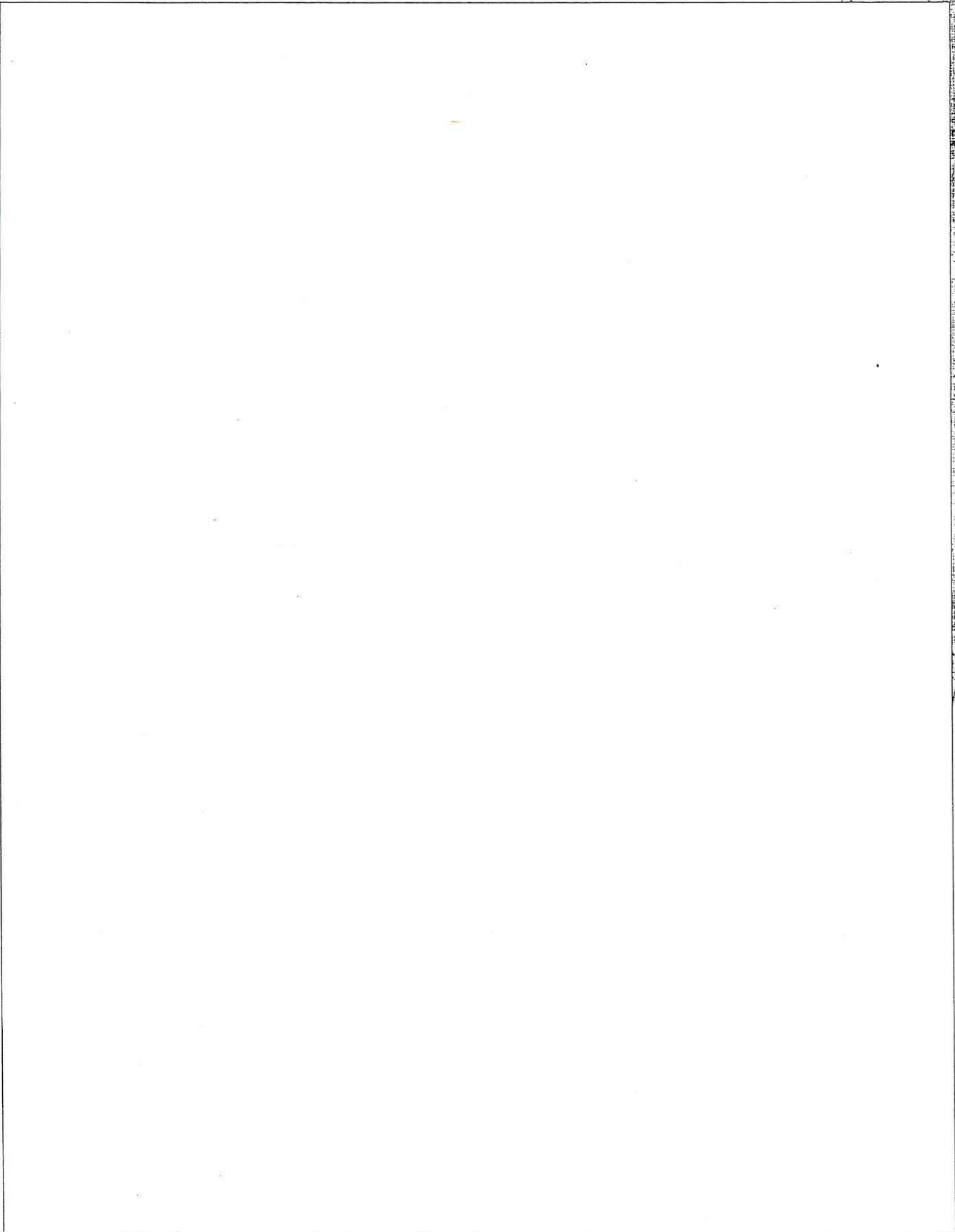


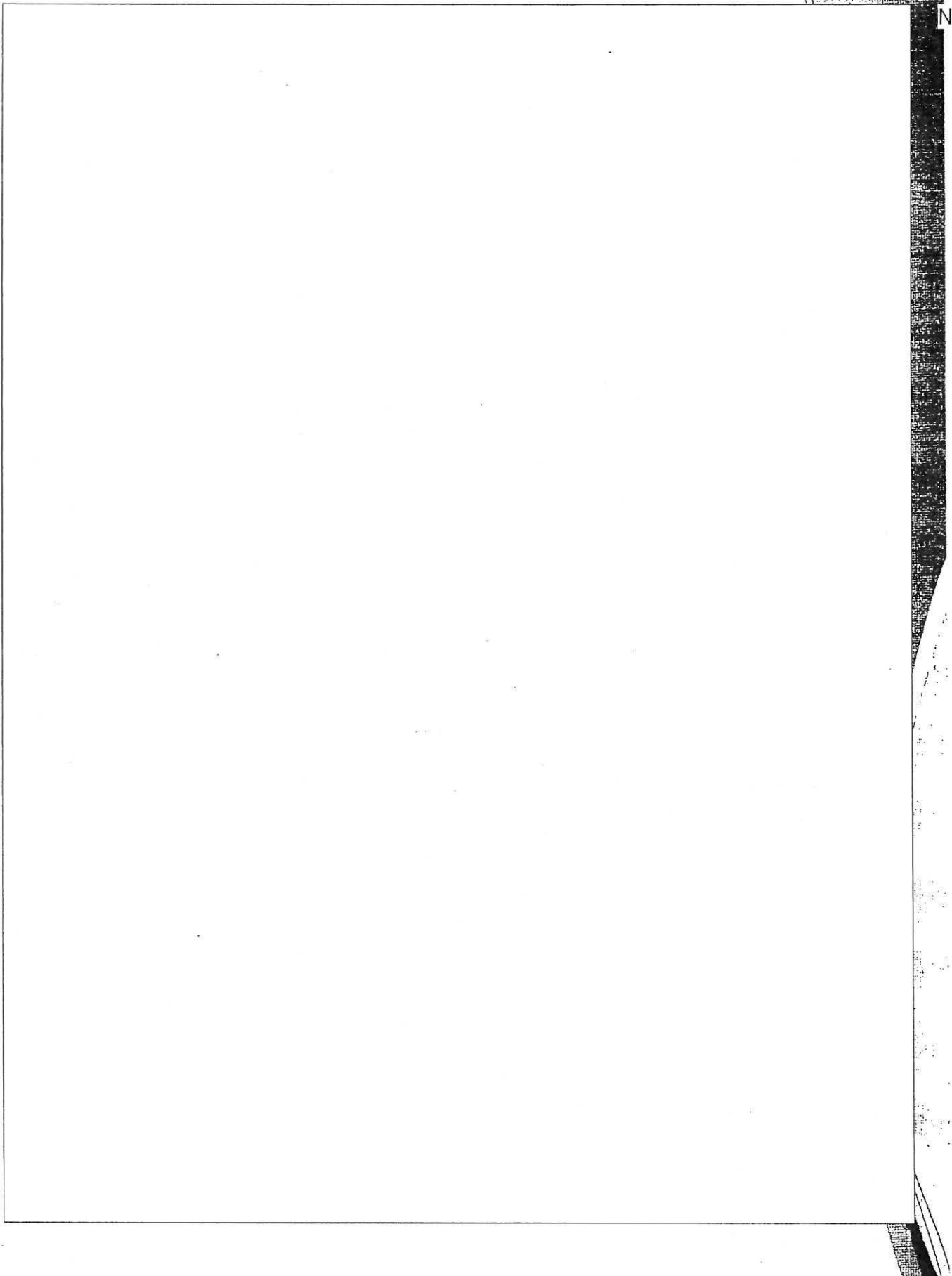




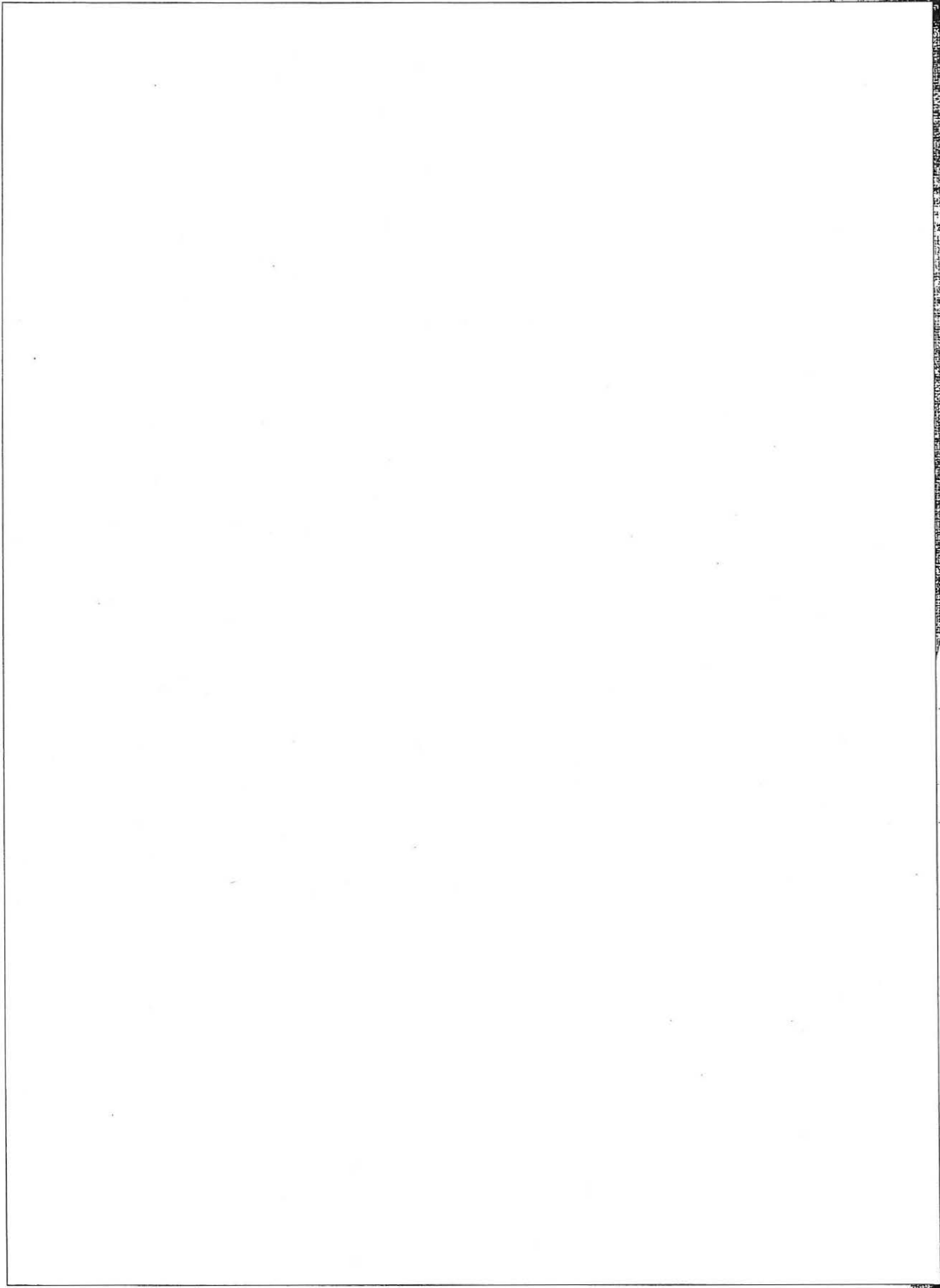




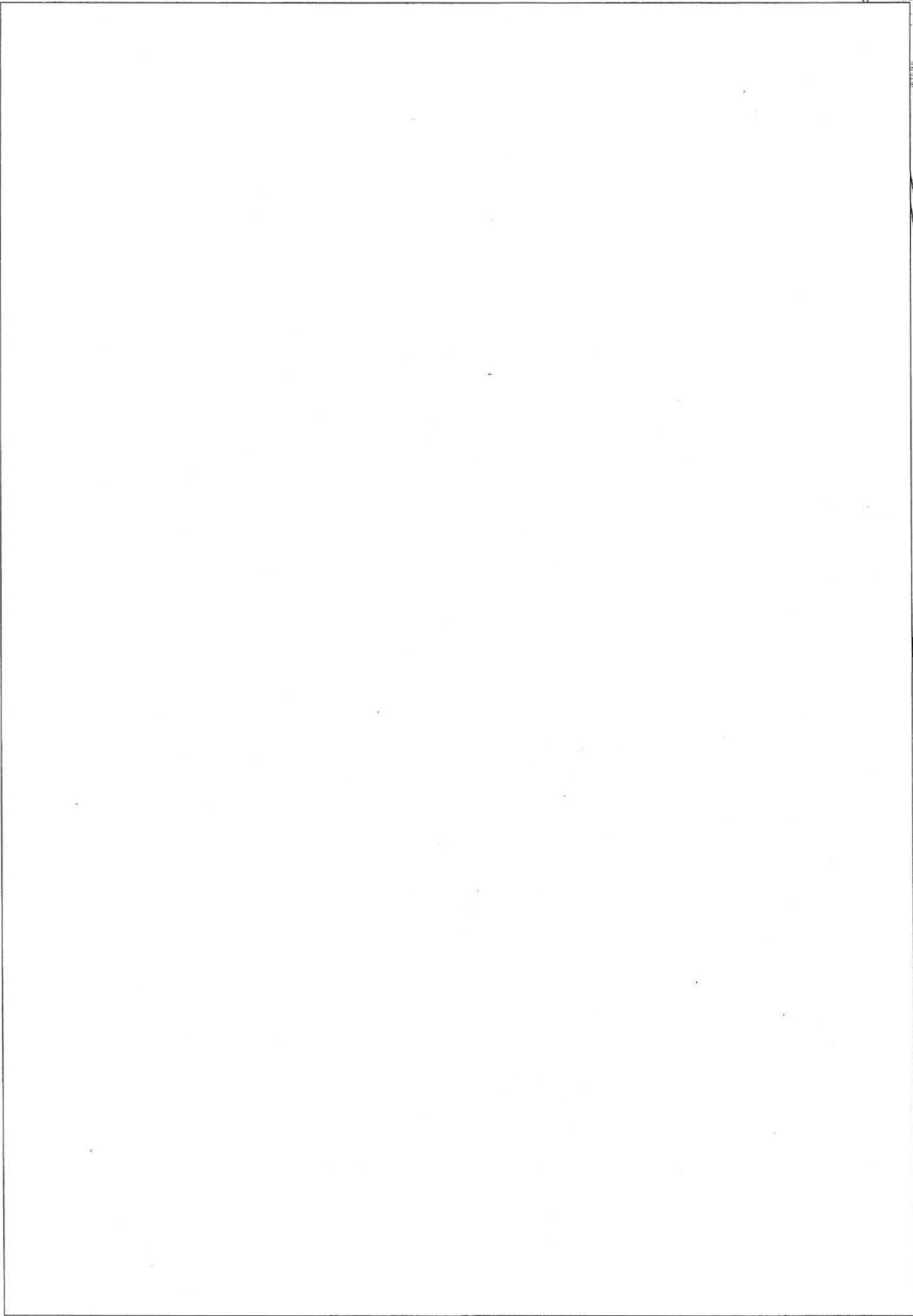


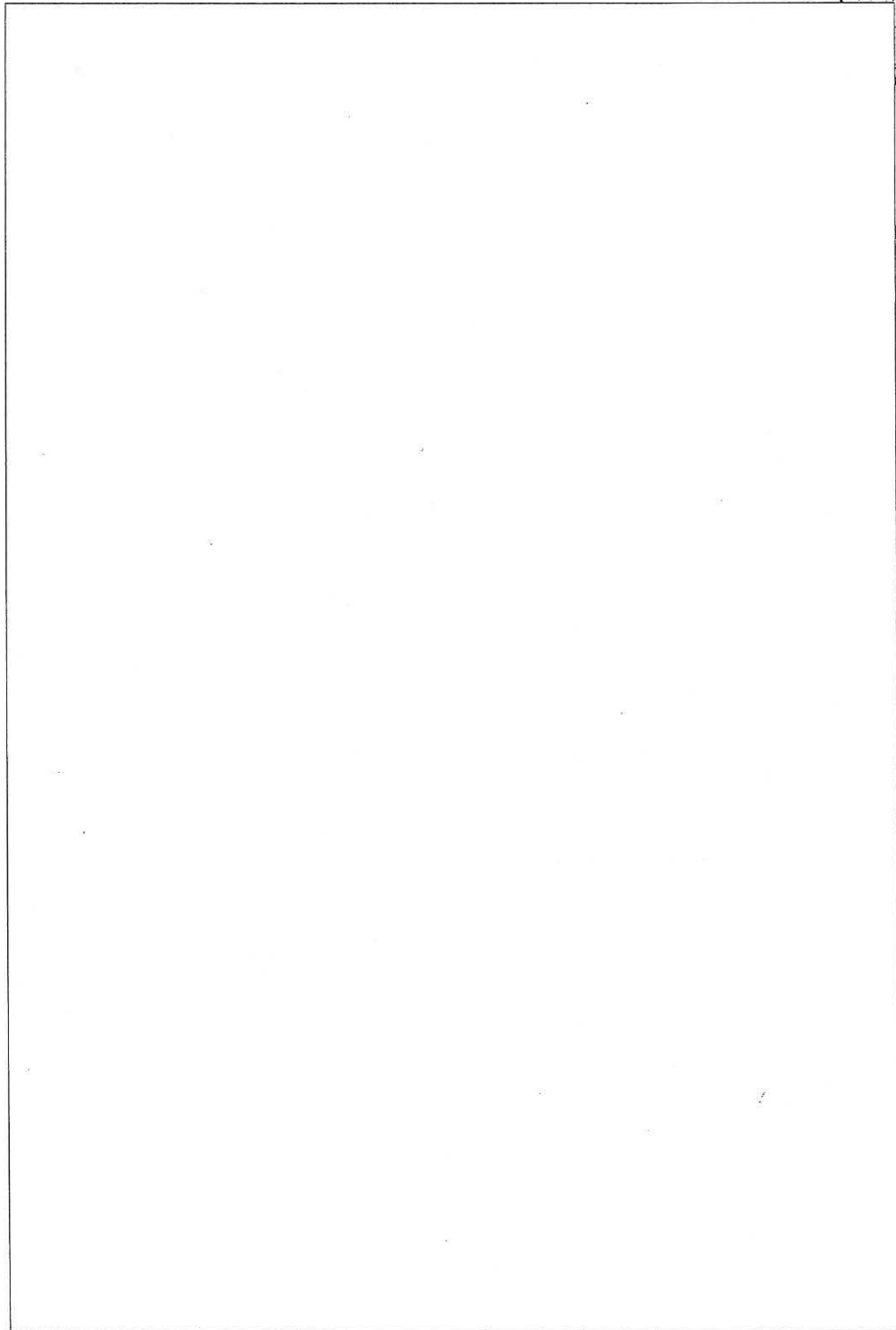






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