

S. 391

The Intelligence Identities Protection Act

- Unauthorized disclosures of information identifying individuals engaged or assisting in our nation's foreign intelligence activities are jeopardizing the lives of our intelligence officers and impairing the collection of vital foreign intelligence information.
- Passage of the Intelligence Identities Protection Act is a key element of the President's effort to revitalize our intelligence capabilities. The Companion Bill (H.R. 4) was approved by the House of Representatives 354-56 on September 23, 1981.
- The Identities Bill is carefully crafted and narrowly drawn to protect constitutional rights. Six separate elements of proof must be established beyond a reasonable doubt.
- The Intelligence Identities Protection Act is in no way an assault on the First Amendment. This legislation will not inhibit public discussion and debate about U.S. foreign policy or intelligence activities, and it will not operate to prevent exposure of allegedly illegal activities or abuses of authority.
- The key Senate vote will be on the Chafee-Jackson Amendment to restore the original language of the Bill's key subsection 601(c):
 - The Judiciary Committee voted 9-8 (one voting present) to make one of the six elements of proof hinge on a subjective intent standard previously rejected by the House;
 - The Chafee-Jackson Amendment seeks to restore an objective "reason to believe" standard of proof, which is more protective of 1st Amendment guarantees and more likely to be effective;
 - The Administration supports the language contained in the Chafee-Jackson Amendment. The President has personally expressed his strong preference for this version of the Bill.
- Senate passage of the version of the Bill already rejected by the House could result in a deadlocked Conference and in failure to enact any legislation in this Congress. The time has come for all those who support a strong and effective intelligence apparatus to demonstrate their commitment by uniting behind the Chafee-Jackson Amendment.

OFFICE OF GENERAL COUNSEL
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 VOTE ANALYSIS - SENATE

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25 February 1982

INTELLIGENCE IDENTITIES PROTECTION ACT - S. 391

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++ = cosponsor of Chafee-Jackson amendment (Administration Position)
 + = in favor of Chafee-Jackson amendment (Note: support not necessarily absolutely confirmed)
 # = against Chafee-Jackson amendment (Note: opposition not necessarily absolutely confirmed)
 ? = undecided

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COUNT AS OF: 25 February 1982

26++
29+
55
32#
13?
TOU