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C. The need for a statute. Commendable and welcome as they are, these CIA directives are not sufficient. Administrations change, CIA directors change, and someday in the future what was tried in the past may once again become a temptation. Assassination plots did happen. It would be irresponsible for us not to do all that we can do to prevent their happening again. Laws express our society's values; they deter those who might be tempted and stiffen the will of those who want to resist.

The statute we recommend, which is printed as an appendix to this report, makes it a criminal offense for persons subject to the jurisdiction of the United States 1) to conspire, within or outside the United States, to assassinate a foreign official; 2) to attempt to assassinate a foreign official, or 3) to assassinate a foreign official.

Present law makes it a crime to kill, or to conspire to kill, a foreign official or foreign official guest while such a person is in the United States. 18 U.S.C. 1116; 18 U.S.C. 1117. However, there is no law which makes it a crime to assassinate, or to conspire or attempt to assassinate, a foreign official while such official is outside the United States. Our proposed statute is thus designed to close this gap in the law.

Subsection (a) of the proposed statute would punish conspiracies formed within the United States; subsection (b) punishes conspiracies outside of the United States. Subsection (b) is necessary to eliminate the loophole which would otherwise permit persons to simply leave the United States and conspire abroad. Subsections (c) and (d), respectively, make it an offense to attempt to kill or to kill a foreign official outside the United States.

Subsections (a) through (d) specifically apply to any "officer or employee of the United States" to make clear that the statute punishes conduct by U.S.