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Description of document: Department of Justice (DOJ) Response to Congressman Lamar Smith regarding Executive Order 13524 and status of INTERPOL in the United States, 2010

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Source of document: FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001
E-mail:MRUFOIA.Requests@usdoj.gov

Note: Executive Order 13524 -- Amending Executive Order 12425 Designating Interpol as a Public International Organization Entitled to Enjoy Certain Privileges, Exemptions, and Immunities - December 16, 2009

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U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

SEP 14 2012

Re: AG/12-01229 (F)
OLA/12-01230 (F)
CLM:LAD:RFO

This responds to your Freedom of Information Act (FOIA) request dated July 21, 2012, and received in this Office on July 23, 2012, in which you requested the Department's response to Congressman Lamar Smith's letter to the Attorney General dated January 6, 2010 concerning Executive Order 13524, as well as memoranda on the impact of Executive Order 13524. This response is made on behalf of the Offices of the Attorney General and Legislative Affairs.

Please be advised that a search has been conducted of the electronic database of the Departmental Executive Secretariat, which is the official records repository for the Office of the Attorney General and maintains certain Legislative Affairs, and one document, totaling three pages, subject to the FOIA was located that is responsive to your request. I have determined that the document is appropriate for release without excision, and a copy is enclosed.

If you are not satisfied with my final response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or by e-mail at DOJ.OIP.AdministrativeAppeal@usdoj.gov. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope, or the e-mail, should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "C. L. Mallon" with a stylized flourish.

Carmen L. Mallon
Chief of Staff

Enclosure

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 26, 2010

The Honorable Lamar S. Smith
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

This responds to your letter, dated January 6, 2010, to the Attorney General requesting information regarding the President's *Executive Order 13524* of December 16, 2009. The Order amended previous executive orders concerning the status of the International Criminal Police Organization (INTERPOL) under the *International Organizations Immunities Act (IOIA)*, Title 22 U.S. Code Section 288, et seq. We apologize for the delay in responding.

The United States is one of 188 member countries of INTERPOL. INTERPOL's mission is to facilitate the exchange of police information and promote cooperation and assistance among law enforcement authorities in its member countries. Each member country has a National Central Bureau (NCB), usually within the country's national police, which acts as the point of contact for all INTERPOL matters involving the country and its law enforcement authorities. These matters include law enforcement communications with other member countries via INTERPOL's secure communications system and administering access by its officials to INTERPOL databases. Furthermore, it is important to note that INTERPOL does not have policing authority here in the United States.

In the United States, the Attorney General is the official representative to INTERPOL (see Title 22 U.S. Code Section 263a), and the INTERPOL-U.S. National Central Bureau (USNCB), a component of the Department of Justice, serves as the National Central Bureau (see 28 C.F.R. 0.34). The Executive Order does not apply to the USNCB, its employees, and agents detailed to it by U.S. law enforcement agencies, nor does it change their rights, responsibilities, or authority under U.S. law and the Constitution.

The Executive Order signed on December 16, 2009, removed certain existing limitations on INTERPOL's privileges and immunities under the IOIA. The Order amends *Executive Order 12425* signed by President Reagan in 1983 that designated INTERPOL as a public international organization in the United States pursuant to IOIA.

The 1983 Order provided INTERPOL with certain privileges and immunities, including immunities from suit and legal process in the United States. INTERPOL did not have an office in the United States at that time, and consequently, the Order withheld some of the benefits normally given to a designated international organization with an office in the United States.

In November 2004, INTERPOL opened its Office of the INTERPOL Special Representative to the United Nations in New York to act as the liaison with the United Nations on matters of interest between the two international organizations. Given this change in circumstances, the new order extends to INTERPOL the additional privileges and immunities that IOIA-designated international organizations with offices in the United States normally enjoy. The additional privileges and immunities accorded include:

- Immunity from search and confiscation of its property and archives;
- Exemption from customs duties and taxes related to the importation of baggage and household effects;
- Exemption from federal income tax and Social Security contributions;
- Exemption from federal property taxes.

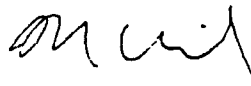
The Department of State's process for the new order included an interagency review, and the Department of Justice concurred with the language of the order. The new order does not enable or authorize INTERPOL or its officials to conduct searches or seizures, make arrests, or take any other law enforcement actions in the United States.

In 2005, following the opening of the INTERPOL office in New York, INTERPOL consulted with USNCB concerning the extension of the remaining IOIA privileges and immunities under the IOIA. In November 2005, INTERPOL submitted a formal Third Party Note to the U.S. Ambassador to the U.N. requesting additional privileges and immunities. The USNCB and its Director supported INTERPOL's request to the Department of State with respect to lifting the remaining restrictions on its IOIA privileges and immunities as a result of opening its new office in New York. The Department of State then began the process of seeking an amendment to the Executive Order regarding INTERPOL's privileges and immunities. The State Department followed the normal process for such a request, including an interagency review, which culminated in the President's Order of December 16, 2009.

The Honorable Lamar S. Smith
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We hope this information is helpful. Please do not hesitate to contact this office if we can be of further assistance regarding this, or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Weich', written in a cursive style.

Ronald Weich
Assistant Attorney General

cc: The Honorable John Conyers, Jr.
Chairman