4 December 1978

Mr. Chairman & Members of the Committee,

It is a privilege to appear before you in these hearings. I believe, as I think you do, that exhaustive and objective investigations of the tragic assassinations of President John F. Kennedy and the Reverend Martin Luther King can make a contribution to history and resolve the nagging doubts that have been created and kept alive over the past fifteen years.

You have asked me to speak to the future, and how the government should act in the event of a future assassination of a major public figure. For CIA's role in such an eventuality, I should speak against the background of what CIA is, and what its responsibilities and capabilities are. This seems appropriate, for despite all the publicity over the past few years, the public still has something less than a perfect picture of the Agency.

So I would like to speak briefly about the Agency. I have learned much about it in the nearly two years I have been there. Prior to my present appointment, I dealt with the Agency and its representatives as a Foreign Service Officer, so my acquaintance extends beyond this period. My own experience has been one of continually growing appreciation for the remarkable professional qualities of its employees and their high standards of personal and public integrity.

It must be remembered that CIA was created following World War II, at the beginning of what came to be known as the Cold War. In addition to its role of collection and analysis of intelligence, CIA was tasked immediately to perform a range of activities for which there was no real precedent and for which no clear terms of reference were available. This was part of an unprecedented period of American initiatives and leadership in the free world. For its part, CIA was required to involve itself in programs aimed at countering various organized Communist initiatives then attacking Western governments and institutions. This part of its mission involved clandestine operations unfamiliar to most Americans, but which nevertheless were necessary.

The normal process of evolution has worked its way within the Agency in the past 14 or 15 years. The resulting changes should be viewed in the context of change itself. Any dynamic organization does change with the temper of the times and this is particularly true in the case of Government agencies, especially in response to the policy postures of the Government. The CIA is a dynamic organization and one of its strengths has always been its responsiveness to new requirements and Governmental direction.

It is not difficult to recognize the many and varied talents in this organization. It has been difficult, however, to convey to the public a balanced picture of the Agency, because of the necessary secrecy that surrounds much of what it does. It has been said so many times that it

risks becoming trite--but it is worth saying again--that the Central Intelligence Agency can easily staff the faculty of an institution of higher learning. Its scholarly researchers, specialists in many walks of life, and its creative scientists and technicians constitute a remarkable national resource. I like to think that this has been made clear often enough to be generally recognized.

It is in the world of clandestine operations, with which so few of us have experience, that it has been most difficult for the media and the public to develop a basis for a balanced appreciation of CIA's activities. It is often said that our successes in this work cannot be described, and that is as it should be. It also has been said that our failures are called out from the roof tops, and indeed they have been; but not everything that is controversial has necessarily been either wrong or a failure, and some public treatment has not discriminated between the two. Yet success in clandestine operations depends to a great degree on secrecy. Not only must the operations be conducted with good security at the time they occur, but those engaged in them must be unidentified as well. And that anonymity must be extended into the future, both to perserve the services of the individuals involved, and to protect them from bodily harm. Were we to make a practice of exposing them, this would come to work against our ability to gain such future cooperation.

Secrecy must extend into the offices of researchers and analysts as well. While it is no secret that CIA has a large group of researchers and analysts, much of the information with which they work comes from highly sensitive sources that must be protected. While unclassified reports can be produced, much of the report production must bear high security classifications. Quite frankly, if we did not protect these sources we would lose them. Each such loss contributes to the blinding of our policymakers.

Operational and source security traditionally have been central features of successful intelligence throughout the history of mankind. The importance of these considerations is recognized in our own laws, the National Security Act of 1947 making the Director responsible for protection of intelligence sources and methods from unauthorized disclosure. The shorthand phrase "protection of sources of methods" is central to the conduct of the business of intelligence, both by reason and by force of law.

This Committee has an outstanding record on this score. We have not been plagued with dangerous leaks that expose valuable resources abroad or, for that matter, that do us damage in the areas in which we must operate.

We share a common responsibility of maintaining the balance between necessary secrecy and the openness of a free society. Success in maintaining that balance is an

important part of the ability to preserve both our national security and our free society. I name them together, because they are inseparable in the world we live in. In this country we handle the public's secrets under the direction of our elected leader, the President, and with the nation's elected representatives in the Oversight Committees of the Congress.

We have extended access to your Committee, to many inner secrets, knowing that these--the public's secrets--will be kept, while the broad story can still be told.

This special requirement of security on the part of the CIA must be kept in mind, as it will constitute a very real consideration in decisions of how to conduct any future such inquiry as yours, should the occasion arise.

It is in this context that I respond to your request of what the actions of CIA should be in the event of a future assassination of a major political figure. I will not try to predict what kind of an assassination may occur, at what level of public importance, with what international implications. But as a generalization I feel that what is done in such an event should depend very much on the circumstances at the time.

So far as the role of CIA is concerned, in any assassination, its jurisdiction is that of foreign intelligence, subject to Presidential directive and Congressional review.

The Agency is restricted in what it can do within the United States, and more specifically is proscribed by law from having any law enforcement activity. These considerations, in addition to those of security, will impact directly on the role of CIA in the event of future assassinations such as postulated by you in your request for my testimony.

CIA can have only the most limited role in an inquiry conducted within the United States. Even such collection programs as we may undertake abroad are subject to challenge to the extent that the information we may gather is intended ultimately for use in criminal prosecution of an assassin. Beyond this, current restrictions on CIA interests in American citizens could further inhibit our work. For instance, it could result in expunging seemingly innocuous materials collected incidentally on American citizens who later proved relevant to a subsequent assassination inquiry.

For example, under the terms of Executive Order 12036, which govern the activities of Intelligence Community organizations, there is a distinct possibility that this Agency would be precluded from collecting information about, or surveilling a United States person in the circumstances represented by Lee Harvey Oswald in Mexico City in the fall of 1963. Such activities can only be authorized, even though conducted outside the United States, if they fall within a series of very restrictive exceptions.

The same would undoubtedly be true under the provisions of S.2525, the bill now pending before the Congress which would establish a statutory basis for national intelligence activities. Under the terms of S.2525 I believe it would be very difficult for this Agency to justify collection and dissemination of information in that circumstance.

In addition to such considerations, it should be pointed out that in any event, CIA can seldom conduct investigations in the normal sense. Its employees abroad are under-cover, not openly acknowledged as CIA. Their sudden conversion to police-type investigators, moving about overtly in a foreign jurisdiction, would not only involve them in the use of techniques not ordinarily a part of their professional equipment, it would compromise their ability to perform for long at that location, as well as elsewhere abroad in the future. The point is, CIA ordinarily does not carry out its intelligence operations as policemen, or detectives. Its approach, instead, is to focus rather sharply on special intelligence targets, which are approached clandestinely. The only persons in the Agency who really engage in regular investigative work are security officers conducting background investigations for purposes of clearing employees for access to classified material.

However, without reference to these considerations, what would CIA's role be in the assassination of a President?

First, there may be international implications. Were such an event to occur again, CIA would--as it did following the assassination of President Kennedy--institute a world-wide intelligence alert. The murder of the President may have serious implications for the national security of the United States.

Beyond that we would, as we did following the assassination of President Kennedy, levy general requirements for reporting of any information that bears on the subject. This would be followed, if appropriate, by more specific requests, as was done in the ealy days following the assassination of President Kennedy, when Lee Harvey Oswald's role and background became known.

Beyond that first alert, the question would be whether the assassin (and where there is more than one, his colleagues) had any international connections. On this question there would be certain things that CIA would do automatically. It would, of course, check its files for any possible indications of foreign connections on the part of the assassin. It could approach the police and security organizations in those countries where it has representation to ask for advice and assistance. In terms of past capabilities our performance in this respect should be good. Beyond this, the various established intelligence sources can be queried for any

information that they may have although it is unlikely that these rather specially selected sources would be in a position to produce much useful information bearing on a particular assassination.

In the case of Lee Harvey Oswald, CIA was able to obtain information on his travel back to the United States from the Soviet Union, as well as being able to produce limited information about his contacts with Soviet and Cuban officialdom during his brief visit to Mexico a month and a half before the assassination of the President. As one CIA report stated it, during the original inquiry, other information on Oswald from abroad was limited "partly...by the facts of Lee Oswald's life." Obviously, if there is no information we will find none. It it exists, but is well concealed, we are unlikely to come by it.

Up to this point I have been considering the general problems posed by an assassination without focussing on where it might occur.

Were there to be an assassination abroad, an important part of the problem would be political. The United States Government, at a diplomatic level, could probably ask for special services and efforts from the domestic law enforcement and security agencies of the country where the incident occurs. It might well be that the CIA and the FBI would share in this in some way, the division of effort depending very much on circumstances that are hard to envision today,

varying from place to place. The problems would obviously be complex.

The assassination of President Kennedy--inside the United States--involved CIA in something of a limited supporting role. Under the perceptions of the time, not necessarily in the context of second-guessing and sweeping theories a decade and a half later, CIA's performance seems to us in retrospect to have been handled reasonably well; the things that were known and seemed at that time to bear on the assassination were reported.

Certainly, in the event of an assassination within the United States, the complication of a major inquiry could be considerable, especially if the assassin survived. It would have to be faced at two levels, under present law, one of which is at the local jurisdictional level, and the other at the national level.

If it happens within the United States, local authorities appear to have a proper jurisditional role to play, in any trial of the assassin. Any national level inquiry--in which sociologists, theorists, and authors would assert some influence--must yield in some degree to the rights of the individual to a fair trial. I recall hearing a working principle of American justice to the effect that it is better to let ten guilty men go free than to send one innocent man to jail. While that generalization is somewhat

abstract, it does seem to present the sense of the problem.

If a foreign political figure falls victim to an assassin in the United States, the complications would be multiplied. Just consider. If our President were killed abroad, we would want some role in the inquiry. But to what extent would we accord similar treatment to foreigners whose motives may differ from ours?

At the national level, where political considerations properly assert themselves, some latitude for judgment must be left to our elected leadership. One might contend that the Warren Commission inquiry would have looked better after the fact had it been centrally directed, instead of divided between the Warren Commission and the FBI.

In a very general sense it might seem desirable to have employees of various governmental agencies detailed to a special commission, where they would join with non-government personnel, in the conduct of an investigation or inquiry. The structuring of such a body, and its plan of investigation, would obviously have to be determined by the perceptions of the time. Otherwise we may try to impose some contrived mechanism that would prove entirely inappropriate for the perceived circumstances of the actual occasion. However appealing such current wisdom may see, I have basic reservations about today telling the future just how to do it.

I, for one, believe that our representative society

must trust our elected officials to exercise the best judgment of the moment. It is easy in retrospect to impose later judgments in the light of changed perceptions and standards, but not so certain to structure things for the future. I would go with the judgment of our leaders of the moment, rather than try to second-guess them in advance.

These comments have considered what to do, or not do, if it happens again, and some of the considerations that should be kept in mind. Perhaps there is a fatalistic assumption on your part that such an event will face us again, and you may be right. I would prefer to address how such a development might be avoided.

Were there to be such plots, it would be hoped we would learn of them. We would like to find out before it happens. Were CIA, in its activities, to learn of the planned assassination of a public figure it would have the responsibility to report it. For your information, there are public figures alive in this world today who have CIA to thank for it, as we have alerted the security organizations in foreign governments so steps could be taken in time. Further, in an age of organized terrorism, we have been able to learn of plots that would have resulted in the death of innocent private citizens and have been able to cause actions that saved their lives. Security considerations forbid me to do more than allude to it.

I must emphasize that the ability of CIA to find its way to the shapeless secrets in the dark area of terrorism

and violence is a chancey and risky business. It depends on many things. To the extent that we can gain and hold the confidence of individuals who will report to us what terrorists and murderers are doing, we increase our chance of learning such things. To the extent that we must reveal our sources and jeopardize the lives and safety of those who work for us, our chances for succeeding are reduced.

Whether we are working against the classical intelligence targets, or in penetrations of unofficial terrorist organizations, it involves the lives of people who are willing to trust our ability to protect them. If the word goes out that CIA does not protect those who work for it I must say categorically that our ability to do the job that we are supposed to do will have been severely impaired. Private individuals who have worked for us, and still work for us, would come to fear to continue to do so. Further, the security and law enforcement organizations of foreign governments may also come to doubt our reliability. I say may, but I must tell you that this is already happening in some areas and is a growing source of concern. I must also say to you, as it relates to those investigating bodies that may follow you in the future, they may find us less helpful than we have been to you because we will have fewer sources available to us. As a part of the inherent philosophical tension in having a secret organization in a open society, there can be

grave problems in overexposure and destruction of the very thing the United States Government has the right to expect from an organization such as CIA. If those who work with us and for us lose confidence in our security, we will lose their aid. It is your duty to help us protect that capability, for the broader national interest may prove paramount to considerations of detail in an investigation such as yours.

We believe that the tragedies of the assassinations you have been investigating are sound cause for your efforts. But in publishing your findings you must give grave consideration to what you finally expose, if it serves only to illustrate some point that can be covered generally, and in doing so compromise matters of basic national security.

cc: DDCI
SA/DDCI
Mr. Hitz
Mr. Rininger
Mr. Shepanek