

# TEXTS ON ALLEGED U.S.

Special to The New York Times

WASHINGTON, Nov. 20—Following are the texts of four sections of the report on alleged United States involvement in assassination plots against foreign leaders. It was released today by the Senate Intelligence Committee.

## Summary of Findings and Conclusions

### 1. The Questions Presented

The Committee sought to answer four broad questions:

**Assassination plots.**—Did United States officials instigate, attempt, aid and abet, or acquiesce in plots to assassinate foreign leaders?

**Involvement in other killings.**—Did United States officials assist foreign dissidents in a way which significantly contributed to the killing of foreign leaders?

**Authorization.**—Where there was involvement by United States officials in assassination plots or other killings, were such activities authorized and if so, at what levels of our Government?

**Communication and control.**—Even if not authorized in fact, were the assassination activities perceived by those involved to be within the scope of their lawful authority? If they were so perceived, was there inadequate control exercised by higher authorities over the agencies to prevent such misinterpretation?

### 2. Summary of Findings and Conclusions on the Plots

The Committee investigated alleged United States involvement in assassination plots in five foreign countries:<sup>1</sup>

Country	Individual involved?
CUBA	FIDEL CASTRO.
CONGO (ZAIRE)	PATRICE LUMUMBA.
DOMINICAN REPUBLIC	RAFAEL TRUJILLO.
CHILE	GENERAL RENE SCHNEIDER.
SOUTH VIETNAM	NGO DINH DIEM.

<sup>1</sup> In addition to the plots discussed in the body of this report, the Committee received some evidence of CIA involvement in plans to assassinate President Sukarno of Indonesia and "Papa Doc" Duvalier of Haiti. Former Deputy Director for Plans Richard Bissell testified that the assassination of Sukarno had been "contemplated" by the CIA, but that planning had proceeded no farther than identifying an "asset" whom it was believed might be recruited to kill Sukarno. Arms were supplied to dissident groups in Indonesia, but according to Bissell, those arms were not intended for assassination. (Bissell, 6/11/75, p. 89)

Walter Elder, Executive Assistant to CIA Director John McCone, testified that the Director authorized the CIA to furnish arms to dissidents planning the overthrow of Haiti's dictator, Duvalier. Elder told the

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Committee that while the assassination of Duvalier was not contemplated by the CIA, the arms were furnished "to help [the dissidents] take what measures were deemed necessary to replace the government", and it was realized that Duvalier might be killed in the course of the overthrow. (Elder, 8/13/75, p. 79)

<sup>2</sup> Assassination plots against the Cuban leadership sometimes contemplated action against Raul Castro and Che Guevarra. In South Vietnam Diem's brother Ngo Dinh Nhu was killed at the same time as Diem.

The evidence concerning each alleged assassination can be summarized as follows:

**Patrice Lumumba (Congo/Zaire).**—In the Fall of 1960, two CIA officials were asked by superiors to assassinate Lumumba. Poisons were sent to the Congo and some exploratory steps were taken toward gaining access to Lumumba. Subsequently, in early 1961, Lumumba was killed by Congolese rivals. It does not appear from the evidence that the United States was in any way involved in the killing.

**Fidel Castro (Cuba).**—United States Government personnel plotted to kill Castro from 1960 to 1965. American underworld figures and Cubans hostile to Castro were used in these plots, and were provided encouragement and material support by the United States.

**Rafael Trujillo (Dominican Republic).**—Trujillo was shot by Dominican dissidents on May 31, 1961. From early in 1960 and continuing to the time of the assassination, the United States Government generally supported these dissidents. Some Government personnel were aware that the dissidents intended to kill Trujillo. Three pistols and three carbines were furnished by American officials, although a request for machine guns was later refused. There is conflicting evidence concerning whether the weapons were knowingly supplied

for use in the assassination and whether any of them were present at the scene.

**Ngo Dinh Diem (South Vietnam).**—Diem and his brother, Nhu, were killed on November 2, 1963, in the course of a South Vietnamese General's coup. Although the United States Government supported the coup, there is no evidence that American officials favored the assassination. Indeed, it appears that the assassination of Diem was not part of the General's pre-coup planning but was instead a spontaneous act which occurred during the coup and was carried out without United States involvement or support.

**General Rene Schneider (Chile).**—On October 25, 1970, General Schneider died of gunshot wounds inflicted three days earlier while resisting a kidnap attempt. Schneider, as Commander-in-Chief of the Army and a constitutionalist opposed to military coups, was considered an obstacle in efforts to prevent Salvador Allende from assuming the office of President of Chile. The United States Government supported, and sought to instigate a military coup to block Allende. U.S. officials supplied financial aid, machine guns and other equipment to various military figures who opposed Allende. Although the CIA continued to support coup plotters up to Schneider's shooting, the record indicates that the CIA had withdrawn active support of the group which carried out the actual kidnap attempt on October 22, which resulted in Schneider's death. Further, it does not appear that any of the equipment supplied by the CIA to coup plotters in Chile was used in the kidnapping. There is no evidence of a plan to kill Schneider or that United States officials specifically anticipated that Schneider would be shot during the abduction.

**Assassination capability (Executive action).**—In addition to these five cases, the Committee has received evidence that ranking Government officials discussed, and may have authorized, the establishment within the CIA of a generalized assassination capability. During these discussions, the concept of assassination was not affirmatively disavowed.

**Similarities and differences among the plots.**—The assassination plots all involved Third World countries, most of which were relatively small and none of which possessed great political or military strength. Apart from that similarity, there were significant differences among the plots:

(1) Whether United States officials initiated the plot, or were responding to requests of local dissidents for aid.

(2) Whether the plot was specifically intended to kill a foreign leader, or whether the leader's death was a reasonably foreseeable consequence of an attempt to overthrow the government.

The Castro and Lumumba cases are examples of plots conceived by United States officials to kill foreign leaders.

In the Trujillo case, although the United States Government certainly opposed his regime, it did not initiate the plot. Rather, United States officials responded to requests for aid from local dissidents whose aim clearly was to assassinate Trujillo. By aiding them, this country was implicated in the assassination, regardless of whether the weapons actually supplied were meant to kill Trujillo or were only intended as symbols of support for the dissidents.

The Schneider case differs from the Castro and Trujillo cases. The United States Government, with full knowledge that Chilean dissidents considered General Schneider an obstacle to their plans, sought a coup and provided support to the dissidents. However, even though the support included weapons, it appears that the intention of both the dissidents and the United States officials was to abduct General Schneider, not to kill him. Similarly, in the Diem case, some United States officials wanted Diem removed and supported a coup to accomplish his removal, but there is no evidence that any of those officials sought the death of Diem himself.

### 3. Summary of Findings and Conclusions on the Issues of Authority and Control

To put the inquiry into assassination allegations in context, two points must be made clear. First, there is no doubt that the United States Government opposed the various leaders in question. Officials at the highest levels objected to the Castro and Trujillo regimes,

believed the accession of Allende to power in Chile would be harmful to American interests and thought of Lumumba as a dangerous force in the heart of Africa. Second, the evidence on assassinations has to be viewed in the context of other, more massive activities against the regimes in question. For example, the plots against Fidel Castro personally cannot be understood without considering the fully authorized comprehensive assaults upon his regime, such as the Bay of Pigs invasion in 1961 and Operation MON- GOOSE in 1962.

Once methods of coercion and violence are chosen, the probability of loss of life is always present. There is, however, a significant difference between a coldblooded, targeted, intentional killing of an individual foreign leader and other forms of intervening in the affairs of foreign nations. Therefore, the Committee has endeavored to explore as fully as possible the questions of how and why the plots happened, whether they were authorized, and if so, at what level.

The picture that emerges from the evidence is not a clear one. This may be due to the system of deniability and the consequent state of the evidence which, even after our long investigation, remains conflicting and inconclusive. Or it may be that there were in fact serious shortcomings in the system of authorization so that an activity such as assassination could have been undertaken by an agency of the United States Government without express authority.

The Committee finds that the system of executive command and control was so ambiguous that it is difficult to be certain at what levels assassination activity was known and authorized. This situation creates the disturbing prospect that Government officials might have undertaken the assassination plots without it having been uncontrovertibly clear that there was explicit authorization from the Presidents. It is also possible that there might have been a successful "plausible denial" in which Presidential authorization was issued but is now obscured. Whether or not the respective Presidents knew of or authorized the plots, as chief executive officer of the United States, each must bear the ultimate responsibility for the activities of his subordinates.

The Committee makes four other major findings.<sup>1</sup> The first relates to the Committee's inability to make a finding that the assassination plots were authorized by the Presidents or other persons above the governmental agency or agencies involved. The second explains why certain officials may have perceived that, according to their judgment and experience, assassination was an acceptable course of action. The third criticizes agency officials for failing on several occasions to disclose their plans and activities to superior authorities or for failing to do so with sufficient detail and clarity. The fourth criticizes Administration officials for

not ruling out assassination, particularly after certain Administration officials had become aware of prior assassination plans and the establishment of a general assassination capability.

<sup>1</sup>The Committee's findings are elaborated in Section IV, *infra*.

There is admittedly a tension among the findings. This tension reflects a basic conflict in the evidence. While there are some conflicts over facts, it may be more important that there appeared to have been two differing perceptions of the same facts. This distinction may be the result of the differing backgrounds of those persons experienced in covert operations as dis-

tinguished from those who were not. Words of urgency which may have meant killing to the former, may have meant nothing of the sort to the latter.

While we are critical of certain individual actions, the Committee is also mindful of the inherent problems in a system which relies on secrecy, compartmentation, circumlocution, and the avoidance of clear responsibility. This system creates the risk of confusion and rashness in the very areas where clarity and sober judgment are most necessary. Hence, before reviewing the evidence relating to the cases, we briefly deal with the general subject of covert action.

# IV. Findings and Conclusions

In evaluating the evidence and arriving at findings and conclusions the Committee has been guided by the following standards. We believe these standards to be appropriate to the constitutional duty of a Congressional committee.

1. The Committee is not a court. Its primary role is not to determine individual guilt or innocence, but rather to draw upon the experiences of the past to better propose guidance for the future.

2. It is necessary to be cautious in reaching conclusions because of the amount of time that has passed since the events reviewed in this report, the inability of three Presidents and many other key figures to speak for themselves, the conflicting and ambiguous nature of much of the evidence, and the problems in assessing the weight to be given to particular documents and testimony.

3. The Committee has tried to be fair to the persons involved in the events under examination, while at the same time responding to a need to understand the facts in sufficient detail to lay a basis for informed recommendations.

With these standards in mind, the Committee has arrived at the following findings and conclusions.

## A. Findings Concerning the Plots Themselves

### 1. Officials of the United States Government Initiated Plots to Assassinate Fidel Castro and Patrice Lumumba

The Committee finds that officials of the United States Government initiated and participated in plots to assassinate Patrice Lumumba and Fidel Castro.

The plot to kill Lumumba was conceived in the latter half of 1960 by officials of the United States Government, and quickly advanced to the point of sending poisons to the Congo to be used for the assassination.

The effort to assassinate Castro began in 1960 and continued until 1965. The plans to assassinate Castro using poison cigars, exploding seashells, and a contaminated diving suit did not advance beyond the laboratory phase. The plot involving underworld figures reached the stage of producing poison pills, establishing the contacts necessary to send them into Cuba, procuring potential assassins within Cuba, and apparently delivering the pills to the island itself. One 1960 episode involved a Cuban who initially had no intention of engaging in assassination, but who finally agreed, at the suggestion of the CIA, to attempt to assassinate Raul

Castro if the opportunity arose. In the AM/LASH operation, which extended from 1963 through 1965, the CIA gave active support and encouragement to a Cuban whose intent to assassinate Castro was known, and provided him with the means of carrying out an assassination.

### 2. No Foreign Leaders Were Killed as a Result of Assassination Plots Initiated by Officials of the United States

The poisons intended for use against Patrice Lumumba were never administered to him, and there is no evidence that the United States was in any way involved in Lumumba's death at the hands of his Congolese enemies. The efforts to assassinate Castro failed.

### 3. American Officials Encouraged or Were Privy to Coup Plots Which Resulted in the Deaths of Trujillo, Diem, and Schneider

American officials clearly desired the overthrow of Trujillo, offered both encouragement and guns to local dissidents who sought his overthrow and whose plans included assassination. American officials also supplied those dissidents with pistols and rifles.

American officials offered encouragement to the Vietnamese generals who plotted Diem's overthrow, and a CIA official in Vietnam gave the generals money after the coup had begun. However, Diem's assassination was neither desired nor suggested by officials of the United States.

The record reveals that United States officials offered encouragement to the Chilean dissidents who plotted the kidnapping of General Rene Schneider, but American officials did not desire or encourage Schneider's death. Certain high officials did know, however, that the dissidents planned to kidnap General Schneider.

As Director Colby testified before the Committee, the death of a foreign leader is a risk foreseeable in any coup attempt. In the cases we have considered, the risk of death was in fact known in varying degrees. It was widely known that the dissidents in the Dominican Republic intended to assassinate Trujillo. The contemplation of coup leaders at one time to assassinate Nhu, President Diem's brother, was communicated to the upper levels of the United States Government. While the CIA and perhaps the White House knew that the coup leaders in Chile planned to kidnap General Schneider, it was not anticipated that he would be killed, although the possibility of his death should have been recognized as a foreseeable risk of his kidnapping.

### 4. The Plots Occurred in a Cold War Atmosphere Perceived to Be of Crisis Proportions

The Committee fully appreciates the importance of evaluating the assassination plots in the historical context within which they occurred. In the preface to this report, we described the perception generally shared within the United States during the depths of the Cold War, that our country faced a monolithic enemy in Communism. That attitude helps explain the assassination plots which we have reviewed, although it does not justify them. Those involved nevertheless appeared to believe they were advancing the best interests of their country.

### 5. American Officials Had Exaggerated Notions About Their Ability to Control the Actions of Coup Leaders

Running throughout the cases considered in this report was the expectation of American officials that they could control the actions of dissident groups which they were supporting in foreign countries. Events demonstrated that the United States had no such power. This point is graphically demonstrated by cables exchanged shortly before the coup in Vietnam. Ambassador Lodge cabled Washington on October 30, 1963, that he was unable to halt a coup; a cable from William Bundy in response stated that "we cannot accept conclusion that we have no power to delay or discourage a coup." The coup took place three days later.

Shortly after the experience of the Bay of Pigs; CIA Headquarters requested operatives in the Dominican Republic to tell the dissidents to "turn off" the assassination attempt, because the United States was not prepared to "cope with the aftermath." The dissidents replied that the assassination was their affair and that it could not be turned off to suit the convenience of the United States Government.

### 6. CIA Official Made Use of Known Underworld Figures in Assassination Efforts

Officials of the CIA made use of persons associated with the criminal underworld in attempting to achieve the assassination of Fidel Castro. These underworld figures were relied upon because it was believed that they had expertise and contacts that were not available to law-abiding citizens.

Foreign citizens with criminal backgrounds were also used by the CIA in two other cases that we have reviewed. In the development of the Executive Action capability, one foreign national with a criminal background was used to "spot" other members of the European underworld who might be used by the CIA for a variety of purposes, including assassination, if the need should arise. In the Lumumba case, two men with criminal backgrounds were used as field operatives by CIA officers in a volatile political situation

in the Congo.

## B. Conclusions Concerning the Plots Themselves

### 1. The United States Should Not Engage in Assassination

We condemn the use of assassination as a tool of foreign policy. Aside from pragmatic arguments against the use of assassination supplied to the Committee by witnesses with extensive experience in covert operations, we find that assassination violates moral precepts fundamental to our way of life.

In addition to moral considerations, there were several practical reasons advanced for not assassinating foreign leaders. These reasons are discussed in the section of this report recommending a statute making assassination a crime.

#### (a) Distinction Between Targeted Assassinations Instigated by the United States and Support for Dissidents Seeking to Overthrow Local Governments

Two of the five principal cases investigated by the Committee involved plots to kill foreign leaders (Lumumba and Castro) that were instigated by American officials. Three of the cases (Trujillo, Diem, and Schneider) involved killings in the course of coup attempts by local dissidents. These latter cases differed in the degree to which assassination was contemplated by the leaders of the coups and in the degree the coups were motivated by United States officials.

The Committee concludes that targeted assassinations instigated by the United States must be prohibited.

Coups involve varying degrees of risk of assassination. The possibility of assassination in coup attempts is one of the issues to be considered in determining the propriety of United States involvement in coups, particularly in those where the assassination of a foreign leader is a likely prospect.

This country was created by violent revolt against a regime believed to be tyrannous, and our founding fathers (the local dissidents of that era) received aid from foreign countries. Given that history, we should not today rule out support for dissident groups seeking to overthrow tyrants. But passing beyond that principle, there remain serious

questions: for example, whether the national interest of the United States is genuinely involved; whether any such support should be overt rather than covert; what tactics should be used; and how such actions should be authorized and controlled by the coordinate branches of government. The Committee believes that its recommendations on the question of covert actions in support of coups must await the Committee's final report which will be issued after

a full review of covert action in general.

#### (b) The Setting in Which the Assassination Plots Occurred Explains, But Does Not Justify Them

The Cold War setting in which the assassination plots took place does not change our view that assassination is unacceptable in our society. In addition to the moral and practical problems discussed elsewhere, we find three principal defects in any contention that the tenor of the period justified the assassination plots:

First, the assassination plots were not necessitated by imminent danger to the United States. Among the cases studied, Castro alone posed a physical threat to the United States, but then only during the period of the Cuban missile crisis, and assassination was not advanced by policymakers as a possible course of action during the crisis.

Second, we reject absolutely any notion that the United States should justify its actions by the standards of totalitarians. Our standards must be higher, and this difference is what the struggle is all about. Of course, we must defend our democracy. But in defending it, we must resist undermining the very virtues we are defending.

Third, such activities almost inevitably become known. The damage to American foreign policy, to the good name and reputation of the United States abroad, to the American people's faith and support of our government and its foreign policy is incalculable. This last point—the undermining of the American public's confidence in its government—is the most damaging consequence of all.

Two documents which have been supplied to the Committee graphically demonstrate attitudes which can lead to tactics that erode and could ultimately destroy the very ideals we must defend.

The first document was written in 1954 by a special committee formed to advise the President on covert activities. The United States may, it said, have to adopt tactics "more ruthless than (those) employed by the enemy" in order to meet the threat from hostile nations. The report concluded that "long standing American concepts of American fair play must be reconsidered."<sup>1</sup>

<sup>1</sup> The full text of the passage is as follows: "... another important requirement is an aggressive covert psychological, political, and paramilitary organization far more effective, more unique, and, if necessary, more ruthless than that employed by the enemy. No one should be permitted to stand in the way of the prompt, efficient, and secure accomplishment of this mission.

"The second consideration, it is now clear that we are facing an implacable enemy whose avowed objective is world domination by whatever means at whatever cost. There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply. If the U.S. is to survive, long standing American concepts of American fair play must be reconsidered."

Although those proposals did not involve assassinations, the attitudes un-

derlying them were, as Director Colby testified, indicative of the setting within which the assassination plots were conceived. (Colby, 6/4/75, p. 117).

We do not think that traditional American notions of fair play need be abandoned when dealing with our adversaries. It may well be ourselves that we injure most if we adopt tactics "more ruthless than the enemy."

A second document which represents an attitude which we find improper was sent to the Congo in the fall of 1960 when the assassination of Patrice Lumumba was being considered. The chief of CIA's Africa Division recommended a particular agent — WI/ROGUE—because:

He is indeed aware of the precepts of right and wrong, but if he is given an assignment which may be morally wrong in the eyes of the world, but necessary because his case officer ordered him to carry it out, then it is right, and he will dutifully undertake appropriate action for its execution without pangs of conscience. In a word, he can rationalize all actions.

The Committee finds this rationalization is not in keeping with the ideals of our nation.

### 2. The United States Should Not Make Use of Underworld Figures for Their Criminal Talents

We conclude that agencies of the United States must not use underworld figures for their criminal talents<sup>2</sup> in carrying out Agency operations. In addition to the corrosive effect upon our government,<sup>3</sup> the use of underworld figures involves the following dangers:

a. The use of underworld figures for "dirty business" gives them the power to blackmail the government and to avoid prosecution, for past or future crimes. For example, the figures involved in the Castro assassination operation used their involvement with the CIA to avoid prosecution. The CIA also contemplated attempting to quash criminal charges brought in a foreign tribunal against QJ/WIN.

\* Pending our investigation of the use of informants by the FBI and other agencies, we reserve judgment on the use of known criminals as informants. We are concerned here only with the use of persons known to be actively engaged in criminal pursuits for their expertise in carrying out criminal acts.

\* The corrosive effect of dealing with underworld figures is graphically demonstrated by the fact that Attorney General Robert Kennedy, who had devoted much of his professional life to fighting organized crime, did not issue an order against cooperating with such persons when he learned in May 1961 that the CIA had made use of Sam Giancana in a sensitive operation in Cuba.

In May, 1962, the Attorney General learned that the operation—which was described to him as terminated—had involved assassination. According to a CIA witness, the Attorney General was angered by the report and told those briefing him that he must be consulted before underworld figures were used again. He did not, however, direct that underworld figures must never again be used.

b. The use of persons experienced in criminal techniques and prone to criminal behavior increases the likelihood that criminal acts will occur.

Sometimes agents in the field are necessarily given broad discretion. But the risk of improper activities is increased when persons of criminal background are used, particularly when they are selected precisely to take advantage of their criminal skills or contacts.

c. There is the danger that the United States Government will become an unwitting accomplice to criminal acts and that criminal figures will take advantage of their association with the government to advance their own projects and interests.

d. There is a fundamental impropriety in selecting persons because they are skilled at performing deeds which the laws of our society forbid.

The use of underworld figures by the United States Government for their criminal skills raises moral problems comparable to those recognized by Justice Brandeis in a different context five decades ago:

Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law; it invites every man to become a law unto himself. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of the private criminal—would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face. [Olmstead v. U.S., 277 U.S. 439 485 (1927)]

e. The spectacle of the Government, consorting with criminal elements destroys respect for government and law, and undermines the viability of democratic institutions.

## C. Findings and Conclusions Relating to Authorization and Control

In the introduction to this report, we set forth in summary form our major conclusions concerning whether the assassination plots were authorized. The ensuing discussion elaborates and explains those conclusions.

The Committee analyzed the question of authorization for the assassination activities from two perspectives. First, the Committee examined whether officials in policymaking positions authorized or were aware of the assassination activities. Second, the Committee inquired whether the officials responsible for the operational details of the plots perceived that assassination had the approval of their superiors, or at least, was the type of activity that their superiors would not disapprove.

No doubt, the CIA's general efforts against the regimes discussed in this report were authorized at the highest levels of the government. However, the record is unclear and serious doubt remains concerning whether assassination was authorized by the respective

Presidents. Even if the plots were not expressly authorized, it does not follow that the Agency personnel believed they were acting improperly.

### 1. The Apparent Lack of Accountability in the Command and Control System Was Such That the Assassination Plots Could Have Been Undertaken Without Express Authorization

As emphasized throughout this report, we are unable to draw firm conclusions concerning who authorized the assassination plots. Even after our long investigation it is unclear whether the conflicting and inconclusive state of the evidence is due to the system of plausible denial or there were, in fact, serious shortcomings in the system of authorization which made it possible for assassination efforts to have been undertaken by agencies of the United States Government without express authority from officials above those agencies.<sup>1</sup>

As noted above, there are also certain inherent limitations in the extensive record compiled by the Committee. Many years have passed, several of the key figures are dead, and while we have been assured by the present Administration that all the relevant evidence has been produced, it is always possible that other more conclusive material exists, but has not been found.

Based on the record of our investigation, the Committee finds that the system of Executive command and control was so inherently ambiguous that it is difficult to be certain at what level assassination activity was known and authorized. This creates the disturbing prospect that assassination activity might have been undertaken by officials of the United States Government without its having been incontrovertibly clear that there was explicit authorization from the President of the United States. At the same time, this ambiguity and imprecision leaves open the possibility that there was a successful "plausible denial" and that a Presidential authorization was issued but is now obscured.

Whether or not assassination was authorized by a President of the United States, the President as the chief executive officer of the United States Government must take ultimate responsibility for major activities during his Administration. Just as these Presidents must be held accountable, however, their subordinates throughout the Government had a concomitant duty to fully disclose their plans and activities.

As part of their responsibility, these Presidents had a duty to determine the nature of major activities and to prevent undesired activities from taking place. This duty was particularly compelling when the Presidents had reason to believe that major undesired activities had previously occurred or were being advocated and might occur again. Whether or not the Presidents in fact knew about the assassination plots, and even if their subordinates failed in their duty of full disclosure, it still follows that the Presidents should have

known about the plots. This sets a demanding standard, but one the Committee supports. The future of democracy rests upon such accountability.

### 2. Findings Relating to the Level at Which the Plots Were Authorized (a) Diem

We find that neither the President  
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nor any other official in the United States Government authorized the assassination of Diem and his brother Nhu. Both the the DCI and top State Department officials did know, however, that the death of Nhu, at least at one point, had been contemplated by the coup leaders. But when the possibility that the coup leaders were considering assassination was brought to the attention of the DCI, he directed that the United States would have no part in such activity, and there is some evidence that this information was relayed to the coup leaders.

#### (b) Schneider

We find that neither the President nor any other official in the United States Government authorized the assassination of General Rene Schneider. The CIA, and perhaps the White House did know that coup leaders contemplated a kidnapping, which, as it turned out, resulted in Schneider's death.

#### (c) Trujillo

The Presidents and other senior officials in the Eisenhower and Kennedy Administrations sought the overthrow of Trujillo and approved or condoned actions to obtain that end.

The DCI and the Assistant Secretary of State for Inter-American Affairs knew that the Dominican dissidents viewed the removal of Trujillo as critical to any plans to overthrow his regime and that they intended to assassinate Trujillo if given the opportunity. It is uncertain precisely when officials at higher levels of government with responsibility for formulating policy learned that the dissidents equated assassination with overthrow. Clearly by early May 1961 senior American officials, including President Kennedy, knew that the dissidents intended to assassinate Trujillo. The White House and State Department, as well as the CIA, knew that the United States had provided the dissidents with rifles and pistols and that the dissidents had requested machine guns which they intended to use in connection with an assassination effort. Thereafter, on May 16, 1961 President Kennedy approved National Security Council recommendations that the United States not initiate the overthrow of Trujillo until it was known what government would succeed the dictator. That recommendation was consistent with earlier

attempts initiated by the CIA to discourage the planned assassination and thereby avoid potential problems from a power vacuum which might arise. After deciding to discourage the planned assassination, the DCI directed that the machine guns not be passed to the Dominican dissidents. That policy was reconfirmed by the State Department, the Special Group, and, in a cable of May 29, 1961, by President Kennedy himself.

The day before the assassination, President Kennedy cabled the State Department representative in the Dominican Republic that the United States "as [a] matter of general policy cannot condone assassination." However, the cable also stated that if the dissidents planning the imminent assassination of Trujillo succeeded, and thereby established a provisional government, the United States would recognize and support them.

The President's cable has been construed in several ways. One reading stresses the President's opposition to assassination "as a matter of general policy." Another stresses those portions of the cable which discuss pragmatic matters, including the risk that the United States involvement might be exposed, and suggests that the last minute telegram was designed to avoid a charge that the United States shared responsibility for the assassination. A third construction would be that both of the prior readings are correct and that they are not mutually exclusive. However the cable is construed, its ambiguity illustrates the difficulty of seeking objectives which can only be accomplished by force—indeed, perhaps only by the assassination of a leader—and yet not wishing to take specific actions which seem abhorrent.

#### (d) Lumumba

The chain of events revealed by the documents and testimony is strong enough to permit a reasonable inference that the plot to assassinate Lumumba was authorized by President Eisenhower. Nevertheless, there is enough countervailing testimony by Eisenhower Administration officials and enough ambiguity and lack of clarity in the records of high-level policy meetings to preclude the Committee from making a finding that the President intended an assassination effort against Lumumba.

It is clear that the Director of Central Intelligence, Allen Dulles, authorized an assassination plot. There is, however, no evidence of United States involvement in bringing about the death of Lumumba at the hands of Congolese authorities.

Strong expressions of hostility toward Lumumba from the President and his National Security Assistant, followed immediately by CIA steps in furtherance of an assassination operation against Lumumba, are part of a sequence of events that, at the least, make it appear that Dulles believed assassination was a permissible means of complying with pressure from the President to remove

Lumumba from the political scene.

Robert Johnson's testimony that he understood the President to have ordered Lumumba's assassination at an NSC meeting does, as he said, offer a "clue" about Presidential authorization. His testimony, however, should be read in light of the fact that NSC records during this period do not make clear whether or not the President ordered Lumumba's assassination and the fact that others attending those meetings testified that they did not recall hearing such a Presidential order.

Richard Bissell assumed that Presidential authorization for assassinating Lumumba had been communicated to him by Dulles, but Bissell had no specific recollection concerning when that communication occurred. The impression shared by the Congo Station Officer and the DDP's Special Assistant Joseph Scheider that the President authorized an assassination effort against Lumumba was derived solely from conversations

Scheider had with Bissell and Bronson Tweedy. However, the impression thus held by Scheider and the Station Officer does not, in itself, establish Presidential authorization because neither Scheider nor the Station Officer had first-hand knowledge of Allen Dulles' statements about Presidential authorization, and because Scheider may have misconstrued Bissell's reference to "highest authority."

#### (e) Castro

There was insufficient evidence from which the Committee could conclude that Presidents Eisenhower, Kennedy, or Johnson, their close advisors, or the Special Group authorized the assassination of Castro.

The assassination plots against Castro were clearly authorized at least through the level of DDP. We also find that DCI Allen Dulles approved "thorough consideration" of the "elimination" of Castro. Further, it is also likely that Dulles knew about and authorized the actual plots that occurred during his tenure. Bissell and Edwards testified that they had briefed Dulles (and Cabell) on the plot involving underworld figures "circumlocutiously," but that they were certain that he had understood that the plot involved assassination. Their testimony is buttressed by the fact that Dulles knew about the plot to assassinate Lumumba which was being planned at the same time, and which also involved Bissell. We can find no evidence that McCone was aware of the plots which occurred during his tenure. His DDP, Richard Helms, testified that he never discussed the subject with McCone and was never expressly authorized by anyone to assassinate Castro.

The only suggestion of express Presidential authorization for the plots against Castro was Richard Bissell's opinion that Dulles would have informed Presidents Eisenhower and Kennedy by circumlocution only after the assassination had been planned and was underway. The assumptions underlying this opinion are too attenuated for the Committee to adopt it as a

finding. First, this assumes that Dulles himself knew of the plot, a matter which is not entirely certain. Second, it assumes that Dulles went privately to the two Presidents—a course of action which Helms, who had far more covert action experience than Bissell, testified was precisely what the doctrine of plausible denial forbade CIA officials from doing. Third, it necessarily assumes that the Presidents would understand from a "circumlocutious" description that assassination was being discussed.

In view of the strained chain of assumptions and the contrary testimony of all the Presidential advisors, the men closest to both Eisenhower and Kennedy, the Committee makes no finding implicating Presidents who are not able to speak for themselves.

Helms and McCone testified that the Presidents under which they served never asked them to consider assassination.

There was no evidence whatsoever that President Johnson knew about or authorized any assassination activity during his Presidency.

### 3. CIA Officials Involved in the Assassination Operations Perceived Assassination to Have Been a Permissible Course of Action

The CIA officials involved in the targeted assassination attempts testified that they had believed that their activities had been fully authorized.<sup>1</sup>

<sup>1</sup>The lower level operatives, such as the AM/LASH case officers, are not discussed in this section, since they had clear orders from their immediate superiors within the CIA.

In the case of the Lumumba assassination operation, Richard Bissell testified that he had no direct recollection of authorization, but after having reviewed the cables and Special Group minutes, testified that authority must have flowed from Dulles through him to the subordinate levels in the Agency.

In the case of the assassination effort against Castro, Bissell and Sheffield Edwards testified they believed the operation involving underworld figures had been authorized by Dulles when they briefed him shortly after the plot had been initiated. William Harvey testified he believed that the plots "were completely authorized at every appropriate level within and beyond the Agency," although he had "no personal knowledge whatever of the individuals' identities, times, exact words, or channels through which such authority may have passed." Harvey stated that he had been told by Richard Bissell that the effort against Castro had been authorized "from the highest level," and that Harvey had discussed the plots with Richard Helms, his immediate superior. Helms testified that although he had never discussed assassination with his superiors, he believed:

\* \* \* that in these actions we were taking against Cuba and against Fidel Castro's government in Cuba, that they were what we

had been asked to do. \* \* \* in other words we had been asked to get rid of Castro and \* \* \* there were no limitations put on the means, and we felt we were acting well within the guidelines that we understood to be in play at this particular time.

The evidence points to a disturbing situation. Agency officials testified that they believed the effort to assassinate Castro to have been within the parameters of permissible action. But Administration officials responsible for formulating policy, including McCone, testified that they were not aware of the effort and did not authorize it. The explanation may lie in the fact that orders concerning overthrowing the Castro regime were stated in broad terms that were subject to differing interpretations by those responsible for carrying out those orders.

The various Presidents and their senior advisors strongly opposed the regimes of Castro and Trujillo, the accession to power of Allende, and the potential influence of Patrice Lumumba. Orders concerning action against those foreign leaders were given in vigorous language. For example, President Nixon's orders to prevent Allende from assuming power left Helms feeling that "if I ever carried a marshal's baton in my knapsack out of the Oval Office, it was that day." Similarly, General Lansdale described the Mongoose effort against Cuba as "a combat situation," and Attorney General Kennedy emphasized that "a solution to the Cuba

problem today carries top priority." Helms testified that the pressure to "get rid of Castro and the Castro regime" was intense, and Bissell testified that he had been ordered to "get off your ass about Cuba."

It is possible that there was a failure of communication between policymakers and the agency personnel who were experienced in secret, and often violent, action. Although policymakers testified that assassination was not intended by such words as "get rid of Castro." Some of their subordinates in the Agency testified that they perceived that assassination was desired and that they should proceed without troubling their superiors.

The 1967 Inspector General's Report on assassinations appropriately observed:

The point is that of frequent resort to synecdoche—the mention of a part when the whole is to be understood, or vice versa. Thus, we encounter repeated references to phrases such as "disposing of Castro," which may be read in the narrow, literal sense of assassinating him, when it is intended that it be read in the broader figurative sense of dislodging the Castro regime. Reversing the coin, we find people speaking vaguely of "doing something about Castro" when it is clear that what they have specifically in mind is killing him. In a situation wherein those speaking may not have actually meant what they seemed to say or may not have said what they actually meant, they should not be surprised if their oral shorthand is interpreted differently than was intended.

Differing perceptions between superiors and their subordinates were graphically illustrated in the Castro context.<sup>1</sup>

McCone, in a memorandum dated April 14, 1967, reflected as follows:

Through the years the Cuban problem was discussed in terms such as "dispose of Castro," "remove Castro," "knock off Castro," etc., and this meant the overthrow of the Communist government in Cuba and the replacing of it with a democratic regime. Terms such as the above appear in many working papers, memoranda for the record, etc., and, as stated, all refer to change in the Cuban government.<sup>2</sup>

<sup>1</sup> Senator MATHIAS. Let me draw an example from history. When Thomas Becket was proving to be an annoyance, as Castro, the King said, "who will rid me of this troublesome priest? He didn't say, "go out and murder him". He said, "who will rid me of this man," and let it go at that.

Mr. HELMS. That is a warning reference to the problem.

Senator MATHIAS. You feel that spans the generations and the centuries?

Mr. HELMS. I think it does, sir.

Senator MATHIAS. And that is typical of the kind of thing which might be said, which might be taken by the Director or by anybody else as presidential authorization to go forward?

Mr. HELMS. That is right. But in answer to that, I realize that one sort of grows up in tradition of the time and I think that any of us would have found it very difficult to discuss assassinations with a President of the U.S. I just think we all had the feeling that we were hired out to keep those things out of the oval office.

<sup>2</sup> It should be noted, however, that this memorandum was prepared several years after the assassination plots when a newspaper article alleged CIA involvement in attempts on Castro's life.

Helms, who had considerable experience as a covert operator, gave precisely the opposite meaning to the same words, interpreting them as conveying authority for assassination.

Helms repeatedly testified that he felt that explicit authorization was unnecessary for the assassination of Castro in the early 1960's, but he said he did not construe the intense pressure from President Nixon in 1970 as providing authority to assassinate anyone. As Helms testified, the difference was not that the pressure to prevent Allende from assuming office was any less than the pressure to remove the Castro regime, but rather that "I had already made up my mind that we weren't going to have any of that business when I was Director."

Certain CIA contemporaries of Helms who were subjected to similar pressures in the Castro case rejected the thesis that implicit authority to assassinate Castro derived from the strong language of the policymakers. Bissell testified that he had believed that "formal and explicit approval" would be required for assassination, and Helms' assistant George McManus, testified that "it never occurred to me" that the vigorous words of the Attorney General could be taken as authorizing assassination. The differing perceptions may have resulted from their different backgrounds and training. Neither Bissell (an academician whose Agency career for the six years before he became DDP had been in the field of technology) nor McManus (who had concentrated on intelligence and staff work) were experienced in covert operations.<sup>3</sup>

<sup>3</sup> Of course, this analysis cannot be carried too far. In the Lumumba case, for example, Johnson and Dillon, who were Administration officials with no covert operation experience, construed remarks as urging or permitting assassination, while other persons who were not in the Agency did not so interpret them.

The perception of certain Agency officials that assassination was within the range of permissible activity was reinforced by the continuing approval of violent covert actions against Cuba that were sanctioned at the Presidential level, and by the failure of the successive administrations to make clear that assassination was not permissible. This point is one of the subjects considered in the next section.

#### 4. The Failure in Communication Between Agency Officials in Charge of the Assassination Operation and Their Superiors in the Agency and in the Administration Was Due to: (A) The Failure of Subordinates to Disclose Their Plans and Operations to Their Superiors; and (B) the Failure of Superiors in the Climate of Violence and Aggressive Covert Actions Sanctioned by the Administrations to Rule Out Assassination as a Tool of Foreign Policy; to Make Clear to Their Subordinates That Assassination Was Impermissible; or to Inquire Further After Receiving Indications That It Was Being Considered

While we cannot find that officials responsible for making policy decisions knew about or authorized the assassination attempts (with the possible exception of the Lumumba case), agency operatives at least through the level of DDP nevertheless perceived assassination to have been permissible. This failure in communication was inexcusable in light of the gravity of assassina-

tion. The Committee finds that the failure of Agency officials to inform their superiors was reprehensible, and that the reasons that they offered for having neglected to inform their superiors are unacceptable. The Committee further finds that Administration officials failed to be sufficiently precise in their directions to the Agency, and that their attitude toward the possibility of assassination was ambiguous in the context of the violence of other activities that they did authorize.

#### (a) Agency Officials Failed on Several Occasions to Reveal the Plots to Their Superiors, or to Do so With Sufficient Detail and Clarity

Several of the cases considered in this report raise questions concerning whether officials of the CIA sufficiently informed their superiors in the Agency or officials outside the Agency about their activities.

#### (i) Castro

The failure of Agency officials to

inform their superiors of the assassination efforts against Castro is particularly troubling.

On the basis of the testimony and documentary evidence before the Committee, it is not entirely certain that Dulles was ever made aware of the true nature of the underworld operation. The plot continued into McCone's term, apparently without McCone's or the Administration's knowledge or approval.

On some occasions when Richard Bissell had the opportunity to inform his superiors about the assassination effort against Castro, he either failed to inform them, failed to do so clearly, or misled them.

Bissell testified that he and Edwards told Dulles and Cabell about the assassination operation using underworld figures, but that they did so "circumlocutiously", and then only after contact had been made with the underworld and a price had been offered for Castro's death.

Perhaps Bissell should have checked back with Dulles at an earlier stage after having received approval to give "thorough consideration" to Castro's "elimination" from Dulles in December 1959.

Bissell further testified that he never raised the issue of assassination with non-CIA officials of either the Eisenhower or Kennedy Administration. His reason was that since he was under Dulles in the chain of command, he would normally have had no duty to discuss the matter with these Presidents or other Administration officials, and that he assumed that Dulles would have "circumlocutiously" spoken with Presidents Eisenhower and Kennedy about the operation. These reasons are insufficient. It was inexcusable to withhold such information from those responsible for formulating policy on the unverified assumption that they might have been "circumlocutiously" informed by Dulles.<sup>1</sup>

<sup>1</sup>Even assuming that Bissell correctly perceived that Dulles understood the nature of the operation, it was also inexcusable for Bissell not to have briefed Dulles in plain language. Further, even if one accepts Bissell's assumption that Dulles told the Presidents, they would have been told too late because Bissell "guessed" they would have been told that the operation "had been planned and was being attempted."

The failure either to inform those officials or to make certain that they had been informed by Dulles was particularly reprehensible in light of the fact that there were many occasions on which Bissell should have informed them, and his failure to do so was misleading. In the first weeks of the Kennedy Administration, Bissell met with Bundy and discussed the development of an assassination capability within CIA—Executive Action. But Bissell did not mention that an actual assassination attempt was underway. Bissell appeared before the Taylor-Kennedy Board of Inquiry which was

formed to report to the President on the Bay of Pigs and the Cuban situation, but he testified that he did not inform the Board of the assassination operation.<sup>2</sup> As chief of the CIA directorate concerned with clandestine operations and the Bay of Pigs, Bissell frequently met with officials in the Eisenhower and Kennedy Administrations to discuss Cuban operations, and his advice was frequently sought. He did not tell them that the CIA had undertaken an effort to assassinate Castro, and did not ask if they favored proceeding with the effort. He was present at the meeting with Dulles and President Kennedy at which the new President was briefed on covert action in Cuba, but neither Dulles nor Bissell mentioned the assassination operation that was underway. Dulles himself may not have always been candid. On December 11, 1959, he approved the CIA's giving "through consideration to the elimination of Fidel Castro," but told the Special Group in a meeting the following month that "we do not have in mind the quick elimination of Castro, but rather actions designed to enable responsible opposition leaders to get a foothold."

<sup>2</sup>Dulles was also a member of the Board.

The failures to make forthright disclosures to policy-makers continued during the time that Richard Helms was DDP. Helms' failure to inform McCone about the underworld operation (when it was reactivated under Harvey and poison pills were sent to Cuba) was a grave error in judgment, and Helms' excuses are unpersuasive. In May 1962 the Attorney General was told that the CIA's involvement in an assassination plot had terminated with the Bay of Pigs. Not only did Edwards, who had briefed the Attorney General, know that the operation had not been terminated, but Helms did not inform the Attorney General that the operation was still active when he learned that the Attorney General had been misled. Helms did not inform McCone of the plot until August 1963, and did so then in a manner which indicated that the plot had been terminated before McCone became Director. Helms' denial that AM/LASH had been involved in an assassination effort in response to Secretary of State Rusk's inquiries was, as Helms conceded, not factual.

When Helms briefed President Johnson

on the Castro plots, he apparently described the activities that had occurred during prior administrations but did not describe the AM/LASH operation which had continued until 1965. Helms also failed to inform the Warren Commission of the plots because the precise question was not asked.<sup>1</sup>

<sup>1</sup> John McCone was Director of the CIA and at least knew about the pre-Bay of Pigs plot during the Warren Commission's inquiry. McCone failed to disclose the plot to the Commission. Allen Dulles was on the Warren Commission. He did not inform the other members about the plots that had occurred during his term as DCI.

Helms told the Committee that he had never raised the assassination operation with McCone or other Kennedy Administration officials because of the sensitivity of the matter, because he had assumed that the project had been previously authorized, and because the aggressive character of the Kennedy Administration's program against the Castro regime led him to believe that assassination was permissible, even though he did not receive an express instruction to that effect. He added that he had never been convinced that the operation would succeed, and that he would have told McCone about it if he had ever believed that it would "go anyplace."

Helms' reasons for not having told his superiors about the assassination effort are unacceptable; indeed, many of them were reasons why he should have specifically raised the matter with higher authority. As Helms himself testified, assassination was of a high order of sensitivity. Administration policymakers, supported by intelligence estimates furnished by the Agency, had emphasized on several occasions that successors to Castro might be worse than Castro himself. In addition, the Special Group (Augmented) required that plans for covert actions against Cuba be submitted in detail for its approval. Although the Administration was exerting intense pressure on the CIA to do something about Castro and the Castro regime, it was a serious error to have undertaken so drastic an operation without making certain that there was full and unequivocal permission to proceed.

William Harvey, the officer in charge of the CIA's attempt using underworld figures to assassinate Castro, testified that he never discussed the plot with McCone or officials of the Kennedy Administration because he believed that it had been fully authorized by the previous Director, because he was uncertain whether it had a chance of succeeding, and because he believed that it was not his duty to inform higher authorities.

Nonetheless, the Committee believes there were occasions on which it was incumbent on Harvey to have disclosed the assassination operation. As head of Task Force W, the branch of the CIA responsible for covert operations in Cuba, Harvey reported directly to

General Lansdale and the Special Group (Augmented). The Special Group (Augmented) had made it known that covert operations in Cuba should be first approved by it, both by explicit instruction and by its practice that particular operations be submitted in "noseating detail." Yet Harvey did not inform either General Lansdale or the Special Group (Augmented) of the assassination operation, either when he was explicitly requested to report to McCone, General Taylor, and the Special Group on his activities in Miami in April 1962, or when the subject of assassination was raised in the August 1962 meeting and



McCone voiced his disapproval. Harvey testified that a matter as sensitive as assassination would never be raised in a gathering as large as the Special Group (Augmented).

The Committee finds the reasons advanced for not having informed those responsible for formulating policy about the assassination operation inadequate, misleading and inconsistent. Some officials viewed assassination as too important and sensitive to discuss with superiors, while others considered it not sufficiently important. Harvey testified that it was premature to tell McCone about the underworld operation in April 1962, because it was not sufficiently advanced; but too late to tell him about it in August 1962, since by that time Harvey had decided to terminate it. On other occasions, officials thought disclosure was someone else's responsibility; Bissell said he thought it was up to Dulles, and Harvey believed it was up to Helms.

The Committee concludes that the failure to clearly inform policymakers of the assassination effort against Castro was grossly improper. The Committee believes that it should be incumbent on the DDP to report such a sensitive operation to his superior, the DCI, no matter how grave his doubts might be about the possible outcome of the operation. It follows that the DCI has the same duty to accurately inform his superiors.

#### (ii) Trujillo

In the Trujillo case there were several instances in which it appears that policymakers were not given sufficient information, or were not informed in a timely fashion.

At a meeting on December 29, 1960, Bissell presented a plan to the Special Group for supporting Dominican exile groups and local dissidents, and stated that the plan would not bring down the regime without "some decisive stroke against Trujillo himself." At a meeting on January 12, 1961, the Special Group authorized the passage of "limited supplies of small arms and other materials" to Dominican dissidents under certain conditions.

At this time, the fact that the dissidents had been contemplating the assassination of Trujillo had been known in the State Department at least through the level of the Assistant Secretary of State for Inter-American Affairs, and by senior officials of the CIA, including the DCI. Yet the internal State Department memorandum which was furnished to Undersecretary Livingston Merchant, and which was said to have been the basis for the Special Group's agreeing to the limited supply of small arms and other material (i.e., explosive devices), did not mention assassination. Instead, it spoke of "sabotage potential" and stated that there "would be no thought of toppling the

[government] by any such minor measure [as the supplying of small arms and explosives]."

At a meeting of the Special Group on February 14, 1961, representatives of the CIA briefed the new members of the Group on outstanding CIA projects. The Dominican Republic was one of the briefing topics. The minutes of that meeting indicate that Mr. Bundy requested a memorandum for "higher authority" on the subject of what plans could be made for a successor government to Trujillo. Bissell had no clear recollection as to the details of the February 14 briefing and was unable to recall whether or not the method of overthrow to be attempted by the dissidents was discussed. It is not known, therefore, whether the new members of the Special Group learned, at that time, of Bissell's assessment that overthrow of the regime required a decisive stroke against Trujillo himself. Robert McNamara recalled no mention at that meeting of any dissident plans to assassinate Trujillo.

On February 15 and 17, 1961, memoranda were prepared for the President by Secretary of State Rusk and by Richard Bissell respectively. Although both the Department of State and the CIA then had information concerning the dissidents' intent to assassinate Trujillo if possible, neither memorandum referred to such a contingency. Rusk disclaimed any knowledge of the dissidents' intent to assassinate Trujillo until shortly before the event occurred, but Bissell admitted personal awareness of the assassination plans.

Bissell's February 17 memorandum indicated that dissident leaders had informed the CIA of "their plan of action which they felt could be implemented if they were provided with arms for 300 men, explosives, and remote control detonation devices." Various witnesses testified that supplying arms for 300 men would: standing alone, indicate a "non-targeted" use for the arms. One possible method of assassinating Trujillo which had long been discussed by the dissidents and which was the favored approach at the time of Bissell's memorandum envisioned assassination by means of a bomb detonated by remote control. But the memorandum made no reference to the use to which the explosive devices might be put. (There is no record of any query from recipients of the briefing paper as to the nature of the dissidents' "plan of action" or the uses for which the arms and explosives were intended.)

The passage of the carbines was approved by CIA Headquarters on March 31, 1961. Although the State Department's representative in the Dominican Republic concurred in the decision to pass the carbines, he was requested by the CIA not to communicate this information to State Department officials in Washington, and he complied with that request. Accordingly, neither the State Department nor

the White House was aware of the passage for several weeks. Similarly, there was no contemporaneous disclosure outside the CIA, other than to the State Department representative in the Dominican Republic, that machine guns had been sent to the Dominican Republic via the diplomatic pouch.

A memorandum prepared by Adolph Berle, the State Department official from whom the CIA sought permission to pass the machine guns, states that "on cross-examination it developed that the real plan was to assassinate Trujillo and they wanted guns for that purpose." (Berle, Memorandum of Conversation, 5/3/61) Berle's memorandum states that he informed the CIA officials that "we did not wish to have anything to do with any assassination plots anywhere, any time." The CIA official reportedly said he felt the same way, even though on the previous day he had been one of the signers of a draft CIA cable which would have permitted passage of the machine guns to the dissidents for "... their additional protection on their proposed endeavor." (Draft HQs to Station Cable, 5/2/61).

Although the report of a new anti-Trujillo plot was discussed at a meeting of the Special Group on May 4, 1961, there is no indication that Berle, who was the Chairman of the Inter-Agency Task Force having responsibility for contingency planning for Cuba, the Dominican Republic, and Haiti, disclosed to higher authority the assassination information which he discovered by "cross-examination." The National Security Council met the next day and noted the President's view that the United States should not initiate the overthrow of Trujillo before it was known what government would succeed him. That National Security Council Record of Action was approved by the President on May 16, 1961. There is no record indicating whether Berle communicated to the President, or to members of the National Security Council, his knowledge as to the lethal intent of the dissidents who would be carrying out the overthrow of Trujillo.

#### (iii) Schneider

The issue here is not whether the objectives of the CIA were contrary to those of the Administration. It is clear that President Nixon desired to prevent Allende from assuming office, even if that required fomenting and supporting a coup in Chile. Nor did White House officials suggest that tactics employed (including as a first step kidnapping General Schneider) would have been unacceptable as a matter of principle. Rather, the issue posed is whether White House officials were consulted, and thus given an opportunity to weigh such matters as risk and likelihood of success, and to apply policy-making judgments to particular tactics. The record indicates that up to October 15 they were: after October 15 there is some doubt.

The documentary record with respect

to the disputed post-October 15 period gives rise to conflicting inferences. On the one hand, Karamessines' calendar shows at least one White House contact in the critical period prior to the kidnapping of General Schneider on October 22. However, the absence of any substantive memoranda in CIA files—when contrasted with several such memoranda describing contacts with the White House between September 15 and

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October 15—may suggest a lack of significant communication on the part of the CIA as well as a lack of careful supervision on the part of the White House.

The standards applied within the CIA itself suggest a view that action which the Committee believes called for top-level policy discussion and decision was thought of as permissible, without any further consultation, on the basis of the initial instruction to prevent Allende from assuming power. Machine guns were sent to Chile and delivered to military figures there on the authority of middle level CIA officers without consultation even with the CIA officer in charge of the program. We find no suggestion of bad faith in the action of the middle level officers, but their failure to consult necessarily establishes that there was no advance permission from outside the CIA for the passage of machine guns. And it also suggests an unduly lax attitude within the CIA toward consultation with superiors. Further, this case demonstrates the problems inherent in giving an agency a "blank check" to engage in covert operations without specifying which actions are permissible and which are not, and without adequately supervising and monitoring these activities.

**(b) Administration Officials Failed to Rule Out Assassination as a Tool of Foreign Policy, to Make Clear to Their Subordinates That Assassination Was Impermissible or to Inquire Further After Receiving Indications That Assassination Was Being Considered**

While we do not find that high Administration officials expressly approved of the assassination attempts, we have noted that certain agency officials nevertheless perceived assassination to have been authorized. Although those officials were remiss in not seeking express authorization for their activities, their superiors were also at fault for giving vague instructions and for not explicitly ruling out assassination. No written order prohibiting assassination was issued until 1972, and that order was an internal CIA directive issued by Director Helms.

**(i) Trujillo**

Immediately following the assassination of Trujillo, there were a number

of high-level meetings about the Dominican Republic attended by the policy-makers of the Kennedy Administration. All relevant facts concerning CIA and State Department support of the Dominican dissidents were fully known. No directive was issued by the President or the Special Group criticizing any aspect of United States involvement in the Dominican affair. Similarly, there is no record of any action having been taken prohibiting future support or encouragement of groups or individuals known to be planning the assassination of a foreign leader. The meetings and discussions following the Trujillo assassination represent another missed opportunity to establish an administration policy against assassination and may partially account for the CIA's assessment of the Dominican operation as a success a few years later. They may also have encouraged Agency personnel, involved in both the Trujillo and the Castro plots, in their belief that the Administration would not be unhappy if the Agency were able to make Castro disappear. No such claim, however, was made in testimony by any Agency official.

**(ii) Schneider**

As explained above, there is no evidence that assassination was ever proposed as a method of carrying out the Presidential order to prevent Allende from assuming office. The Committee believes, however, that the granting of *carte blanche* authority to the CIA by the Executive in this case may have contributed to the tragic and unintended death of General Schneider. This was also partially due to assigning an impractical task to be accomplished within an unreasonably short time. Apart from the question of whether any intervention in Chile was justified under the circumstances of this case, the Committee believes that the Executive in any event should have defined the limits of permissible action.

**(iii) Lumumba**

We are unable to make a finding that President Eisenhower intentionally authorized an assassination effort against Lumumba due to the lack of absolute certainty in the evidence. However, it appears that the strong language used in discussions at the Special Group and NSC, as reflected in minutes of relevant meetings, led Dulles to believe that assassination was desired. The minutes contain language concerning the need to "dispose of" Lumumba, an "extremely strong feeling about the necessity for straightforward action," and a refusal to rule out any activity that might contribute to "getting rid of" Lumumba.

**(iv) Castro**

The efforts to assassinate Fidel Castro took place in an atmosphere of extreme pressure by Eisenhower and Kennedy Administration officials to discredit and overthrow the Castro regime. Shortly after Castro's ascendancy to power. Allen Dulles directed that "thorough consideration" be given to the "elimination" of Castro. Richard Helms recalled

that:

I remember vividly [that the pressure] was very intense. And therefore, when you go into the record, you find a lot of nutty schemes there and those nutty schemes were borne of the intensity of the pressure. And we were quite frustrated.

Bissell recalled that:

During that entire period, the Administration was extremely sensitive about the defeat that had been inflicted, as they felt, on the U.S. at the Bay of Pigs, and were pursuing every possible means of getting rid of Castro.

Another CIA official stated that sometime in the Fall of 1961 Bissell was:

\*\*\* chewed out in the Cabinet Room in the White House by both the President and the Attorney General for, as he put it, sitting on his ass and not doing anything about getting rid of Castro and the Castro Regime.

General Lansdale informed the agencies cooperating in Operation MONGOOSE that "you're in a combat situation where we have been given full command." Secretary of Defense McNamara con-

firmed that "we were hysterical about Castro at the time of the Bay of Pigs and thereafter."

Many of the plans that were discussed and often approved contemplated violent action against Cuba. The operation which resulted in the Bay of Pigs was a major paramilitary onslaught that had the approval of the highest government officials, including the two Presidents. Thereafter, Attorney General Kennedy vehemently exhorted the Special Group (Augmented) that "a solution to the Cuban problem today carried top priority \* \* \* no time, money, effort—or manpower is to be spared."<sup>1</sup> Subsequently, Operation MONGOOSE involved propaganda and sabotage operations aimed toward spurring a revolt of the Cuban people against Castro. Measures which were considered by the top policymakers included incapacitating sugar workers during harvest season by the use of chemicals; blowing up bridges and production plants; sabotaging merchandise in third countries—even those allied with the United States—prior to its delivery to Cuba; and arming insurgents on the island. Programs undertaken at the urging of the Administration included intensive efforts to recruit and arm dissidents within Cuba, and raids on plants, mines, and harbors. Consideration and approval of these measures may understandably have led the CIA to conclude that violent actions were an acceptable means of accomplishing important objectives.

<sup>1</sup>The Attorney General himself took a personal interest in the recruitment and development of assets within Cuba, on occasion recommending Cubans to the CIA as possible recruits and meeting in Washington and Florida with Cuban exiles active in the covert war against the Castro Government.

Discussions at the Special Group and NSC meetings might well have contributed to the perception of some CIA officials that assassination was a permissible tool in the effort to overthrow the Castro Regime. At a Special Group meeting in November 1960, Undersecretary Merchant inquired whether any

planning had been undertaken for "direct positive action" against Che Guevara, Raul Castro, and Fidel Castro. Cabell replied that such a capability did not exist, but he might well have left the meeting with the impression that assassination was not out of bounds. Lansdale's plan, which was submitted to the Special Group in January 1962, aimed at inducing "open revolt and overthrow of the Communist regime." Included in its final phase an "attack on the cadre of the regime, including key leaders." The proposal stated that "this should be a 'Special Target' operation \* \* \* Gangster elements might provide the best recruitment potential against police \* \* \* " Although Lansdale's proposal was shelved, the type of aggressive action contemplated was not formally ruled out. Minutes from several Special Group meetings contain language such as "possible removal of Castro from the Cuban scene."

On several occasions, the subject of assassination was discussed in the presence of senior Administration officials. Those officials never consented to actual assassination efforts, but they failed to indicate that assassination was impermissible as a matter of principle.

In early 1961, McGeorge Bundy was informed of a CIA project described as the development of a capability to assassinate. Bundy raised no objection and, according to Bissell, may have been more affirmative.<sup>1</sup> Bissell stated that he did not construe Bundy's remarks as authorization for the underworld plot against Castro that was then underway. But the fact that he believed that the development of an assassination capability had, as he subsequently told Harvey, been approved by the White House, may well have contributed to the general perception that assassination was not prohibited.<sup>2</sup>

<sup>1</sup> The Inspector General's Report states that Harvey's notes (which no longer exist) quoted Bissell as saying to Harvey "The White House has twice urged me to create such a capability."

<sup>2</sup> Bundy, as the National Security Advisor to the President, had an obligation to tell the President of such a grave matter, even though it was only a discussion of a capability to assassinate. His failure to do so was a serious error.

Documents received by the Committee indicate that in May 1961, Attorney General Kennedy and the Director of the FBI received information that the CIA was engaged in clandestine efforts against Castro which included the use of Sam Giancana and other underworld figures. The various documents referred to "dirty business," "clandestine efforts," and "plans" which were still "working" and might eventually "pay off." The Committee is unable to determine whether Hoover and the Attorney General ever inquired into the nature of the CIA operation, although there is no evidence that they did so inquire. The Committee believes that they should have inquired, and that their failure to do so was a dereliction of their duties.

Documents indicate that in May 1962, Attorney General Kennedy was told that the CIA had sought to assassinate Castro prior to the Bay of Pigs. According to the CIA officials who were present at the briefing, the Attorney General indicated his displeasure about lack of consultation rather than about the impropriety of the attempt itself. There is no evidence that the Attorney General told the CIA that it must not engage in assassination plots in the future.

At a meeting of the Special Group (Augmented) in August 1962, well after the assassination efforts were underway, Robert McNamara is said to have raised the question of whether the assassination of Cuban leaders should be explored, and General Lansdale issued an action memorandum assigning the CIA the task of preparing contingency plans for the assassination of Cuban leaders. While McCone testified that he had immediately made it clear that assassination was not to be discussed or condoned, Harvey's testimony and documents which he wrote after the event indicate that Harvey may have been confused over whether McCone had objected to the use of assassination, or whether he was only concerned that the subject not be put in writing. In any event, McCone went no further. He issued no general order

banning consideration of assassination within the Agency.

One of the programs forwarded to General Lansdale by the Defense Department in the MONGOOSE program was entitled "Operation Bounty" and envisioned dropping leaflets in Cuba offering rewards for the assassination of Government leaders. Although the plan was vetoed by Lansdale, it indicates that persons in agencies other than the CIA perceived that assassination might be permissible.

While the ambivalence of Administration officials does not excuse the misleading conduct by Agency officials or justify their failure to seek explicit permission, this attitude displayed an insufficient concern about assassination which may have contributed to the perception that assassination was an acceptable tactic in accomplishing the Government's general objectives.

Moreover, with the exception of the tight guidelines issued by the Special Group (Augmented) concerning Operation MONGOOSE, precise limitations were never imposed on the CIA requiring prior permission for the details of other proposed covert operations against Cuba.

No general policy banning assassination was promulgated until Helms' intra-agency order in 1972. Considering the number of times the subject of assassination had arisen, Administration officials were remiss in not explicitly forbidding such activity.

The committee notes that many of the occasions on which CIA officials

should have informed their superiors of the assassination efforts but failed to do so, or did so in a misleading manner, were also occasions on which Administration officials paradoxically may have reinforced the perception that assassination was permissible.

For example, when Bissell spoke with Bundy about an Executive Action capability, Bissell failed to indicate that an actual assassination operation was underway, but Bundy failed to rule out assassination as a tactic.

In May 1962, the Attorney General was misleadingly told about the effort to assassinate Castro prior to the Bay of Pigs, but not about the operation that was then going on. The Attorney General, however, did not state that assassination was improper.

When a senior administration official raised the question of whether assassination should be explored at a Special Group meeting, the assassination operation should have been revealed. A firm written order against engaging in assassination should also have been issued by McCone if, as he testified, he had exhibited strong aversion to assassination.

#### **5. Practices Current at the Time in Which the Assassination Plots Occurred Were Revealed by the Record to Create the Risk of Confusion, Rashness and Irresponsibility in the Very Areas Where Clarity and Sober Judgment Were Most Necessary**

Various witnesses described elements of the system within which the assassination plots were conceived. The Committee is disturbed by the custom that permitted the most sensitive matters to be presented to the highest levels of Government with the least clarity. We view the following points as particularly dangerous:

(1) The expansion of the doctrine of "plausible denial" beyond its intended purpose of hiding the involvement of the United States from other countries into an effort to shield higher officials from knowledge, and hence responsibility, for certain operations.

(2) The use of circumlocution or euphemism to describe serious matters—such as assassination—when precise meanings ought to be made clear.

(3) The theory that general approval of broad covert action programs is sufficient to justify specific actions such as assassination or the passage of weapons.

(4) The theory that authority granted, or assumed to be granted, by one DCI or one Administration could be presumed to continue without the necessity for reaffirming the authority with successor officials.

(5) The creation of covert capabilities without careful review and authorization by policymakers, and the further risk that such capabilities, once created, might be used without specific authori-

zation.

### (a) The Danger Inherent in Overextending the Doctrine of "Plausible Denial"

The original concept of "plausible denial" envisioned implementing covert actions in a manner calculated to conceal American involvement if the actions were exposed. The doctrine was at times a delusion and at times a snare. It was naive for policymakers to assume that sponsorship of actions as big as the Bay of Pigs invasion could be concealed. The Committee's investigation of assassination and the public disclosures which preceded the inquiry demonstrate that when the United States resorted to cloak-and-dagger tactics, its hand was ultimately exposed. We were particularly disturbed to find little evidence that the risks and consequences of disclosure were considered.

We find that the likelihood of reckless action is substantially increased when policymakers believe that their decisions will never be revealed. Whatever can be said in defense of the original purpose of plausible denial—a purpose which intends to conceal United States involvement from the outside world—the extension of the doctrine to the internal decision-making process of the Government is absurd. Any theory which, as a matter of doctrine, places elected officials on the periphery of the decision-making process is an invitation to error, an abdication of responsibility, and a perversion of democratic government. The doctrine is the antithesis of accountability.

### (b) The Danger of Using "Circumlocution" and "Euphemism"

According to Richard Bissell, the extension of "~~plausible~~ denial" to internal decision-making required the use

of circumlocution and euphemism in speaking with Presidents and other senior officials.

Explaining this concept only heightens its absurdity. On the one hand, it assumes that senior officials should be shielded from the truth to enable them to deny knowledge if the truth comes out. On the other hand, the concept assumes that senior officials must be told enough, by way of double talk, to grasp the subject. As a consequence, the theory fails to accomplish its objective and only increases the risk of misunderstanding. Subordinate officials should describe their proposals in clear, precise, and brutally frank language: superiors are entitled to, and should demand, no less.

Euphemism may actually have been preferred—not because of "plausible denial"—but because the persons involved could not bring themselves to state in plain language what they intended to do. In some instances, moreover, subordinates may have assumed, rightly or wrongly, that the listening superiors did not want the issue squarely placed before them. "Assassinate," "murder" and "kill" are words many people do not want to speak or hear. They describe acts which should not even be proposed, let alone plotted. Failing to call dirty business by its rightful name may have increased the risk of dirty business being done.

### (c) The Danger of Generalized Instructions

Permitting specific acts to be taken on the basis of general approvals of broad strategies (e.g., keep Allende from assuming office, get rid of the Castro regime) blurs responsibility and accountability. Worse still, it increases the danger that subordinates may take steps which would have been disapproved if the policymakers had been informed. A further danger is that policymakers might intentionally use loose general

instructions to evade responsibility for embarrassing activities.

In either event, we find that the gap between the general policy objectives and the specific actions undertaken to achieve them was far too wide.

It is important that policymakers review the manner in which their directives are implemented, particularly when the activities are sensitive, secret, and immune from public scrutiny.

### (d) The Danger of "Floating Authorization"

One justification advanced by Richard Helms and William Harvey for not informing John McCone about the use of underworld figures to attempt to assassinate Fidel Castro was their assertion that the project had already been approved by McCone's predecessor, Allan Dulles, and that further authorization was unnecessary, at least until the operation had reached a more advanced stage.

We find that the idea that authority might continue or "float" from one administration or director to the next and that there is no duty to reaffirm authority inhibits responsible decision-making. Circumstances may change or judgments differ. New officials should be given the opportunity to review significant programs.

### (e) The Problems Connected With Creating New Covert Capabilities

The development of a new capability raises numerous problems. Having a capability to engage in certain covert activity increases the probability that the activity will occur, since the capability represents a tool available for use. There is the further danger that authorization for the mere creation of a capability may be misunderstood as permitting its use without requiring further authorization.

Finally, an assassination capability should never have been created.

# Recommendations

The Committee's long investigation of assassination has brought a number of important issues into sharp focus. Above all stands the question of whether assassination is an acceptable tool of American foreign policy. Recommendations on other issues must await the completion of our continuing investigation and the final report, but the Committee needs no more information to be convinced that a flat ban against assassination should be written into law.

We condemn assassination and reject it as an instrument of American policy. Surprisingly, however, there is presently no statute making it a crime to assassinate a foreign official outside the United States. Hence, for the reasons set forth below, the Committee recommends the prompt enactment of a statute making it a Federal crime to commit or attempt an assassination, or to conspire to do so.

## A. General Agreement That the United States Must Not Engage in Assassination

Our view that assassination has no place in America's arsenal is shared by the Administration.

President Ford, in the same statement in which he asked this Committee to deal with the assassination issue, stated:

I am opposed to political assassination. This administration has not and will not use such means as instruments of national policy. (Presidential Press Conference, 6/9/75, Weekly Compilation of Presidential Documents, Vol. II, No. 24, p. 611.)

The witnesses who testified before the Committee uniformly condemned assassination. They denounced it as immoral, described it as impractical, and reminded us that an open society, more than any other, is particularly vulnerable to the risk that its own leaders may be assassinated. As President Kennedy reportedly said: "We can't get into that kind of thing, or we would all be targets." (Goodwin, 7/18/75, p. 4)

The current Director of Central Intelligence and his two predecessors testified emphatically that assassination should be banned. William Colby said:

With respect to assassination, my position is clear, I just think it is wrong. And I have said so and made it very clear to my subordinates. \* \* \* 5/21/75, p. 89.)

Richard Helms, who had been involved in an assassination plot before he became DCI, said he had concluded assassination should be ruled out for both moral and practical reasons:

As a result of my experiences through the years, when I became Director I had made up my mind that this option \* \* \* of killing foreign leaders, was something that I did not want to happen on my watch. My reasons for this were these:

There are not only moral reasons but there are also some other rather practical reasons: It is almost impossible in a democracy to keep anything like that secret \* \* \* Somebody would go to a Congressman, his Sen-

ator, he might go to a newspaper man, whatever the case may be, but it just is not a practical alternative, it seems to me, in our society.

Then there is another consideration \* \* \* If you are going to try by this kind of means to remove a foreign leader, then who is going to take his place running that country, and are you essentially better off as a matter of practice when it is over than you were before? And I can give you I think a very solid example of this which happened in Vietnam when President Diem was eliminated from the scene. We then had a revolving door of prime ministers after that for quite some period of time, during which the Vietnamese Government at a time in its history when it should have been strong was nothing but a caretaker government \* \* \*. In other words, that whole exercise turned out to the disadvantage of the United States.

\* \* \* there is no sense in my sitting here with all the experience I have had and not sharing with the Committee my feelings this day. It isn't because I have lost my cool, or because I have lost my guts, it simply is because I don't think it is a viable option in the United States of America these days.

**Chairman Church.** Doesn't it also follow, Mr. Helms—I agree with what you have said fully—but doesn't it also follow on the practical side, apart from the moral side, that since these secrets are bound to come out, when they do, they do very grave political damage to the United States in the world at large? I don't know to what extent the Russians involved themselves in political assassinations, but under their system they at least have a better prospect of keeping it concealed. Since we do like a free society and since these secrets are going to come out in due course, the revelation will then do serious injury to the good name and reputation of the United States.

Would you agree with that?

**Mr. Helms.** Yes, I would.

**Chairman Church.** And finally, if we were

to reserve to ourselves the prerogative to assassinate foreign leaders, we may invite reciprocal action from foreign governments who assume that if it's our prerogative to do so, it is their prerogative as well, and that is another danger that we at least invite with this kind of action, wouldn't you agree?

**Mr. Helms:** Yes, sir. (Helms, 6/13/75, pp. 76-78)

John McCone said he was opposed to assassinations because:

I didn't think it was proper from the standpoint of the U.S. Government and the Central Intelligence Agency. (McCone, 6/6/75, p. 15)

## B. CIA Directives Banning Assassination

Helms in 1972 and Colby in 1973 issued internal CIA orders banning assassination. Helms' order said:

It has recently again been alleged in the press that CIA engages in assassination. As you are well aware, this is not the case, and Agency policy has long been clear on this issue. To underline it, however, I direct that no such activity or operation be undertaken, assisted or suggested by any of our personnel \* \* \* (Memo, Helms to Deputy Directors, 3/6/72)

In one of a series of orders arising out the CIA's own review of prior

"questionable activity," Colby stated:

CIA will not engage in assassination nor induce, assist or suggest to others that assassination be employed. (Memo, Colby to Deputy Directors, 8/29/73)

## 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 not to do all that can be done to prevent their happening again. A law is needed. Laws express our nation's values; they deter those who might be tempted to ignore those values and stiffen the will of those who want to resist the temptation.

The Committee recommends a statute which would make 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. 1116-1117). However, there is no law which makes it a crime to assassinate, to conspire to assassinate, or to attempt to assassinate a foreign official while such official is outside the United States. The Committee's proposed statute is designed to close this gap in the law.

Subsection (a) of the proposed statute would punish conspiracies within the United States; subsection (b) would punish conspiracies outside 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, would make it an offense to attempt to kill a foreign official outside the United States.

Subsections (a), (b), (c), and (d) would apply expressly to any "officer or employee of the United States" to make clear that the statute punishes conduct by United States Government personnel, as well as conduct by private citizens. In addition, subsection (a), which covers conspiracies within the United States, would apply to "any other person," regardless of citizenship. Non-citizens who conspired within the United States to assassinate a foreign official would clearly come within the jurisdiction of the law. Subsections (b), (c), and (d), which deal with conduct abroad, would apply to United States citizens, and to officers or employees of the United States, regardless of their citizenship. Criminal liability for acts committed abroad by persons who are not American citizens or who are not officers or employees of the United

States is beyond the jurisdiction of the United States.

"Foreign official" is defined in subsection (e) (2) to make clear that an offense may be committed even though the "official" belongs to an insurgent force, an unrecognized government, or a political party. The Committee's investigation—as well as the reality of international politics—has shown that officials in such organizations are potential targets for assassination.<sup>2</sup> Killing, attempting to kill, or conspiring to kill would be punishable under the statute only if it were politically motivated. Political motivation would encompass acts against foreign officials because of their political views, actions, or statements.

<sup>2</sup>For example, Lumumba was not an official of the Congolese government at the time of the plots against his life, and Trujillo, even though the dictator of the Dominican Republic, held no official governmental position in the latter period of his regime.

The definition of "foreign official" in section (e) (2) also provides that such person must be an official of a foreign government or movement "with which the United States is not at war pursuant to a declaration of war or against which the United States Armed Forces have not been introduced into hostilities or situations pursuant to the provisions of the War Powers Resolution." This definition makes it clear that, absent a declaration of war or the introduction of United States Armed Forces pursuant to the War Powers Resolution, the killing of foreign officials on account of their political views would be a criminal offense.

During the Committee's hearings, some witnesses, while strongly condemning assassination, asked whether assassination should absolutely be ruled out in a time of truly unusual national emergency. Adolf Hitler was cited as an example. Of course, the cases which the Committee investigated were not of that character. Indeed, in the Cuban missile crisis—the only situation of true national danger considered in this report—assassination was not even considered and, if used, might well have aggravated the crisis.

In a grave emergency, the President has a limited power to act, not in violation of the law, but in accord with his own responsibilities under the Constitution to defend the Nation. As the Supreme Court has stated, the Constitution "is not a suicide pact." (*Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 160 (1963).)

During an unprecedented emergency, Abraham Lincoln claimed unprecedented power based on the need to preserve the nation:

\*\*\* my oath to preserve the Constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government—that nation—of which that Constitution was the organic law. Was it possible to lose the nation, and yet preserve the Constitution? By general law, life and limb must be protected; yet often a limb must be amputated to save a

life; but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the Constitution, through the preservation of the nation \* \* \* (The Complete Works of Abraham Lincoln. Vol. X, pp. 65-66.) (Nicolay and Hay, Eds. 1894.)

Whatever the extent of the President's own constitutional powers, it is a fundamental principal of our constitutional system that those powers are checked and limited by Congress, including the impeachment power. As a necessary corollary, any action taken by a President pursuant to his limited inherent

powers and in apparent conflict with the law must be disclosed to Congress. Only then can Congress judge whether the action truly represented, in Lincoln's phrase, an "indispensable necessity" to the life of the Nation.

As Lincoln explained in submitting his extraordinary actions to Congress for ratification:

In full view of his great responsibility he has, so far, done what he has deemed his duty. You will now, according to your own judgment perform yours. (Abraham Lincoln, Message to Congress in Special Session, July 4, 1861.)

## Epilogue

The Committee does not believe that the acts which it has examined represent the real American character. They do not reflect the ideals which have given the people of the country and of the world hope for a better, fuller, fairer life. We regard the assassination plots as aberrations.

The United States must not adopt the tactics of the enemy. Means are as important as ends. Crisis makes it tempting to ignore the wise restraints that make men free. But each time we do so, each time the means we use are wrong, our inner strength, the strength which makes us free is lessened.

Despite our distaste for what we have seen, we have great faith in this country. The story is sad, but this country has the strength to hear the story and to learn from it. We must remain a people who confront our mistakes and resolve not to repeat them. If we do not, we will decline; but, if we do, our future will be worthy of the best of our past.

## Panel Members Listed

Special to The New York Times

WASHINGTON, Nov. 29—The Senate select committee whose report on Central Intelligence Agency activities was made public today was composed of the following 11 members:

Frank Church, Democrat of Idaho, chairman.

John G. Tower, Republican of Texas, vice chairman.

Philip A. Hart, Democrat of Michigan.  
Walter F. Mondale, Democrat of Minnesota.

Walter D. Huddleston, Democrat of Kentucky.

Robert Morgan, Democrat of North Carolina.

Gary Hart, Democrat of Colorado.  
Howard H. Baker Jr., Republican of Tennessee.

Barry Goldwater, Republican of Arizona.

Charles McC. Mathias Jr., Republican of Maryland.

Richard Schweiker, Republican of Pennsylvania.