

the oath to the witness.)

THE WITNESS: I do.

THE CLERK: Thank you. Please be seated.

Please state your full name and spell it for the record.

THE WITNESS: Ralph McGehee, M-c-G-e-h-e-e.

MR. KENNEDY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. KENNEDY:

Q Mr. McGehee, tell us where you presently reside, sir?

A Reside in Hudgin, Virginia.

Q What is your occupation now?

A I am a retired CIA officer. I am an author doing some writing.

Q When did you retire from the Central Intelligence Agency?

A I retired from the company in February of 1977.

Q When you retired, sir, was that under honorable conditions?

A Yes. Right after I was retired I was awarded the Career Intelligence Medal for exceptional service.

Q Is that Career Intelligence Medal symbolized by the pin you are wearing in your lapel now?

McGehee-direct-Kennedy

1
2 A Yes sir, it is.

3 Q Since leaving the Central Intelligence Agency
4 you have been -- you have been engaged in what kind of work,
5 sir?

6 A I have been conducting research for a book that
7 I have written about the agency. I have also written some
8 articles in newspapers and magazines about the agency.

9 Q You have when you became --

10 MR. KENNEDY: Strike the question.

11 Q Tell us when it was that you first joined the
12 company, the Central Intelligence Agency?

13 A I joined the company in January 1952.

14 Q You were on active duty continually with the
15 company until 1977?

16 A Yes, that is correct.

17 Q A period of 25 years?

18 A Yes.

19 Q During those 25 years you had to sign a contract
20 and to take an oath with reference to classified documents
21 and security procedures of the United States, did you not?

22 A Yes, I did.

23 Q You are aware, sir, of your responsibilities with
24 reference to that which you can divulge and that which you
25 cannot divulge? Is that fair to say?

1
2 A I am very aware of it.

3 Q And if, any question that I put to you during
4 my examination you feel impinges upon an area of classified
5 information you will of course inform us of that and not
6 disclose that information?

7 A That is right.

8 Q Now, during the process of writing your book,
9 which has not yet been published, has it?

10 A No, it has not.

11 Q Did you according to the rules of the company
12 submit your manuscript to the CIA for prior approval as
13 was required by the law and your contract with them?

14 A I did. I did this on two separate occasions.
15 I wrote two manuscripts. The initial manuscript was sort
16 of a research effort that I was advised later by the
17 publishers was not very saleable. And the second version
18 I submitted last year. And on both occasions that I
19 submitted, the book went through a long clearance process
20 in working with the agency to insure that nothing in the book
21 was classified.

22 Q And during the course of that effort to get your
23 manuscript cleared so that no secrets would be divulged and
24 national security would be compromised, did you and the
25 people who were giving the clearance at the Central Intelligence

McGehee-direct-Kennedy

1
2 Agency disagree on points of classification procedure?

3 MR. KIRBY: Objection.

4 MR. KENNEDY: It is preparatory, your Honor.

5 THE COURT: If it is preparatory, I will allow
6 it so long as it is coming to an end.

7 MR. KENNEDY: It is, your Honor, as we all are.

8 A Yes, on one occasion the agency ruled in eight
9 major categories of information that I couldn't discuss in
10 the book.

11 I was advised that I had a right to appeal the
12 decision to the DDCI, and Bobby Inman. I appealed the
13 decisions on the eight categories to Mr. Inman and he ruled
14 in my favor in every single case.

15 THE COURT: You appealed to whom?

16 THE WITNESS: The Deputy Director of Central
17 Intelligence, Mr. Robert Inman.

18 THE COURT: Was this an appeal within the
19 structure of the CIA?

20 THE WITNESS: Yes, within the structure of the
21 CIA.

22 Q Mr. Inman may also be known as Admiral? Is that
23 correct?

24 A Admiral.

25 Q Is that correct?

McGehee-direct-Kennedy

1 A That's correct.

2 Q Tell me this, sir, you are married, are you?

3 A Yes, I am.

4 Q Do you have children?

5 A I have four children and four grandchildren.

6 Q Tell us briefly of your educational background,
7 Mr. McGehee? After high school, where did you go to college?
8 What did you study?

9 A I went to Notre Dame on a football scholarship.
10 I studied business administration.

11 Q What years were you at Notre Dame?

12 A 1946 to 1950.

13 Q You didn't happen to be a member of Frank Lehigh's
14 undefeated three years team?

15 A Yes, I was.

16 Q You would not by any chance be an Irish catholic,
17 would you?

18 A No, I am a Scotch-Irish-Dutch-English Protestant.

19 Q Nevertheless, Mr. Lehigh allowed you to play football
20 for Notre Dame?

21 A He did indeed.

22 Q And what year did you graduate from Notre Dame?

23 A I graduated in 1950.

24 Q You joined then the Central Intelligence Agency in
25 1952?

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A 1952.

Q With reference to the time you were in the Central Intelligence Agency did your formal education continue, sir, and if so, what courses did you take within the company itself?

A I took numerous courses. Initially of course you have to go through a basic training course on how to be a CIA operator, case officer. That consisted of the basic operations course, an operator's course, and in my case, paramilitary course. And later on in my career I had to take a session of operations courses, an advanced operations course. I also studied the Thai language at which I became almost fluent in. I took courses in Chinese and I also took French.

(Continued on next page.)

McGehee-direct-Kennedy

2 Q The headquarters of the Central Intelligence
3 Agency is at Langley, Virginia, is it not?

4 A Yes, that is correct.

5 Q And the company has maintained separate offices
6 around the world, has it not?

7 A Yes, it has.

8 Q Will you tell us, sir, if you can, during those
9 25 years you were a career officers with the company how
10 much of your time was spent in the field and how much of
11 your time was actually spent in headquarters?

12 A A rough breakdown is 15 years overseas and 10
13 years in headquarters, including my period of training.

14 Q Did you receive as a result of your work with the
15 CIA any awards, medals, or citations?

16 A Yes, I did. I received an award, as I mentioned,
17 the Career Intelligence Award. And I also received an Honorable
18 Service Award, the Vietnam Service Award. I received a
19 cash award, a certificate of merit, from the Director for
20 a suggestion that I submitted on how to counter communist
21 insurgency.

22 Q You are presently a retired pensioner receiving
23 a pension for your 25 years of service in the CIA?

24 A That is correct.

25 Q Have you attempted to familiarize yourself with the

2 literature in the public domain on the intelligence community
3 in the United States in general, and the Central Intelligence
4 Agency in particular?

5 A Yes, I believe I have read just about every book
6 that has ever been written about the CIA particularly, and
7 many that have been written by the National Security establish-
8 ment in general.

9 These publications I found to be most helpful where
10 the Senate Intelligence Committee report, the Church Committee
11 Report it is known as, the six volume version. They had
12 even investigated the agency. The Pike Committee Report of
13 the House Intelligence Committee. The Rockefeller Commission
14 Report. The House Intelligence Report on the failure of
15 intelligence in Iran. The House Intelligence Committee Report
16 of the intelligence report of -- intelligence reporting
17 on Central America, which was just published in September,
18 1982:

19 I also sort of studied and read over and over
20 again the Pentagon Papers, various volumes of the Pentagon
21 Papers, and the Government's Department of Defense called
22 by -- in addition to the Pentagon Papers -- those deal mostly
23 with Vietnam, the Senate Gravel, and the New York Times
24 one volume edition of the Pentagon Papers.

25 I have also read, as I think I mentioned earlier,

1
2 most books written about the agency by ex-employees both
3 pro and con.

4 Q Have you attempted to --

5 MR. KENNEDY: Strike that.

6 Q You are then familiar with the techniques employed
7 by the company, by the CIA, in intelligence gathering, are
8 you not?

9 A Yes.

10 Q Are you also familiar with the ways in which
11 the CIA recruits and investigates the recruits that the
12 agency makes?

13 A Yes.

14 Q Can you tell us what is the paramount or
15 primary consideration involved in intelligence gathering
16 techniques?

17 A Secrecy is of course an essential in all clandestine
18 operations. And I suppose in most secret of secrets is the
19 protection of the names of the agents.

20 As a matter of fact, in June of '82 Congress has
21 made it a criminal offense to reveal the names of its
22 government agents.

23
24 (Continued on next page.)

1
DIRECT EXAMINATION BY MR. KENNEDY:

2 Q And you would not, sir, reveal any name or
3 information that either your oath to the company or
4 the law for classified information procedures for-
5 bade to disclose, would you?

6 A No. I would not.

7 Q Tell us, briefly -- I just need a thumbnail
8 scetch for our purposes of the structure of the Central
9 Intelligence Agency, that is, how it is put together
10 among its directives?

11 A The agency is roughly composed -- this has
12 changed over the years.

13 The more general composition of the agency
14 composed of four directorates under the Director of
15 the Central Intelligence Agency -- Central Intelli-
16 gence.

17 You have the Director of Administration,
18 the Director of Operations, the Director of Intelli-
19 gence, and the Director of Science and Technology.

20 Q Tell us with reference to each of those
21 four directorates what their general function, duties
22 or responsibilities are?

23 A Director of Administration within the company
24 handles such things as communications, logistics,
25 personnel, medical, finance.

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There are several other categories that don't occur to me at the moment.

The Director of Intelligence collates all reports, finished intelligence reports for the intelligence community.

The Director of Science and Technology is involved in research on the equipment requirements for the clandestine services and is involved in evaluating intelligence on those items of high technology.

The Director of Operations, of course, is sort of the key directorate. This is the directorate that directs the covert operations and gathers the intelligence around the world.

Q To which of the four directorates -- Administration, Intelligence, Operations, or Science and Technology, were you assigned during your twenty-five years with the company?

A The total twenty-five years was in the directorate of operations.

Q That was the one responsible for covert operations and intelligence gathering?

A Correct.

Q I would like to go into your personal experiences over those twenty-five years in the operations directorate.

3
2 Did you have, during the course of those
3 twenty-five years of experience, any management or
4 managerial function, and, if so, describe them for
5 us, briefly, please?

6 A I had managerial responsibilities over
7 the course of my career with the agency.

8 My initial tour in Japan and the Philippines
9 I was Assistant Chief of a very large records unit
10 involved in -- I have to be a little careful how I
11 say things.

12 I am limited to what I can talk about here.

13 In investigations and tracings, and things
14 of this nature, that is.

15 Following that, I was head of a unit in
16 Langley to conduct file checkings and clearances for
17 worldwide element of the directorate of operations.

18 Following that in Thailand, I supervised
19 Agency Officers Administering various actions and
20 intelligence checks programs within A.E.W. in the
21 northeast province.

22 Prior to going to the province, I devised
23 a counter-insurgency technique for a fifty thousand
24 man national -- Thai national police force, and I
25 was assigned to the province to implement that pro-
gram.

1
2 This program, by the way, received the
3 highest accolades from both Thai and American intelli-
4 gence officials.

5 In Vietnam, I was officer in charge of
6 agency programs in Giadnih Province, the Province
7 surrounding Saigon, for two months, I believe, and
8 then I was assigned as the officer in charge agency
9 liaison with the chief of special police of -- the
10 fifty thousand man force of the Vietnam Special Po-
11 lice.

12 Part of the fifty thousand man Police
13 Force..

14 Q Did you also serve in a supervisory or
15 management function as the chairman of the profession-
16 al panel within the agency itself?

17 A Yes, I did.

18 I was a chairman of professional panel for
19 another department director of operations personnel.

20 Q The function of that panel, I suppose, would
21 be fair to say they decided who were in the company
22 got promoted and to what level they were elevated?

23 A Correct.

24 Q That responsibility was assigned to you for
25 a period of time, was it?

5
1 A That is correct.
2 Q Aside from the management function for a
3 moment, did your investigative experience in your
4 twenty-five years with the company, and if so, de-
5 scribe that for us, briefly?

6 A I had field investigative experience.
7 I refer to field as overseas within the
8 company. It is used synonymously.

9 I can't really talk about, but in the super-
10 visory positions within the records elements I had
11 a lot of investigative responsibilities.

12 Q Another category of agency operations --
13 agency activity as I understand it, is the opera-
14 tional aspects.

15 Have you had operations experience within
16 the C.I.A.?

17 A Yes, sir.

18 MR. KIRBY: Objection, your Honor: rele-
19 vance.

20 THE COURT: It is dragging, Mr. Kennedy.

21 MR. KENNEDY: I qualified the gentleman
22 as an expert in one of the most complicated
23 field in the world.

24 I will get us there as quickly as I can.
25 I assure you.

THE COURT: Try to move it along.

MR. KENNEDY: I will, your Honor. Unfortunately, I have to put one word in front of another.

THE WITNESS: I served as a para-military officer, covert operator, intelligence collector, and intelligence analyst.

Q Lastly, have you had experience in the research function, projects or studies of the C.I.A.?

A Yes, sir, I have.

I have written many research papers on the structure of the Thai Communist Party, the Philippine Communist Party, the European Communish Parties, and their relationships to the Soviet and Chinese form of Communism.

One was study how the Communists conduct a revolution. This was part of my effort in finding how to counter Communism.

Q During the period of your tenure with the agency, did you have occasion to be assigned responsibility with respect to record keeping within the company?

A My initial tour assignment, for five years, I was involved in records keeping in investigative, file tracing, and maintaining the file system of

3 the agency, and through my career I found it necessary
4 to keep very good records, and was involved in
5 Vietnam.

6 I was involved in keeping records that were
7 key in producing a dramatic arrest of a North Viet-
8 name intelligence nets within South Vietnam.

9 Q Do you feel, based upon your experience
10 and your familiarity with the literature about the
11 intelligence community in general, the C.I.A. in par-
12 ticular, that you are familiar with all aspects of
13 the agency's operations?

14 A Yes.

15 Q You feel qualified as an expert to render
16 opinions with reference to the activities of the
17 Central Intelligence Agency and how it functions?

18 A Yes.

19 Q Give us, if you will -- strike that for a
20 moment.

21 With reference to the Central Intelligence
22 Agency, do you know whether or not it is authorized,
23 under its ^{Charter} charter, to do domestic covert operations?

24 MR. KIRBY: Objection, your Honor; rele-
25 vance.

THE COURT: I will permit it.

MR. KENNEDY: Thank you, your Honor.

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2 A It was illegal for, I think.
3 don't know the exact date, January of '82, President
4 Reagan issued an executive order allowing the agency
5 to conduct covert operations within the United States.

6 Prior to that time, it was illegal.

7 Q Can you tell us, sir, how, within the
8 structure of the agency, records or files are main-
9 tained, that is, how information is stored so that
10 it may be accessed or gotten into?

11 Just briefly, describe that procedure?

12 A Generally, it is computerized.

13 Within the D.D.O. you have the D.D.I. has
14 its files. The D.D.O. has its files.

15 The D.D.A. has various files -- personnel,
16 security, and so forth.

17 In the D.D.O. has the records interroga-
18 tion division which maintains the central files for
19 all of D.D.O.

20 The sub-officers retain their own files of
21 each of the information which is duplicatory.

22 Within the D.D.O. you used to have the
23 counter intelligence staff, which has gone through
24 various changes since I left, which is sort of a
25 super secret element within the D.D.O.

26 There is no correlation between the C.I.

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staffs' files and the main R.I.D. files; records in-
terrogation division.

Within the C.I. -- counter intelligence
staff, you have -- you had for a longer period of
time, the super secret within that super secret staff,
special operations group which was known under the
code name, Calos -- which conducted covert operations
within the United States which none of us knew any-
thing about it.

Its information was maintained separate
from the counter intelligence files and keep separate
from the D.D.O. files.

Q You said the Calos was operating on do-
mestic, internal United States covert operations;
is that correct?

A Correct.

MR. KIRBY; Objection. I move that it
be stricken. Quite irrelevant.

THE COURT: I will permit it. The motion
is denied.

Q These covert operations within the United
States would be a violation of the C.I.A. charter;
is that correct?

A Yes.

Q Was that one of the reasons that they

1 were kept -- these covert activities were kept
2 super secret as you have described?

3 A They didn't want word to leak out even
4 among other D.D.O. people.

5 Q Is there a concept within the O.E. within
6 the company called soft files?

7 A There is, indeed.

8 This is sort of an unofficial file that
9 never gets into any sort of records system.

10 There is no permanent record made. If you
11 are dealing -- with sort of a specially sensitive
12 case, might talk about an assassination or the over-
13 throw of an ally -- the agency would want no record
14 of that to be found anywhere later on.

15 People would establish a soft file, make
16 the memo, and throw the copy in and reaction on that
17 proposal or whatever happened, then the material could
18 be thrown away -- destroyed and no records would ever
19 exist.

20 Q Was there not, sir, some central inte-
21 grated or united record keeping system whereby one --
22 with appropriate clearance of course, -- could get
23 into and find insome central place any C.I.A. rec-
24 ord?

25 A No.

1 As a matter of fact, I found this to be
2 a major problem when I was supervising the investiga-
3 tive activities.

4 Because we were missing so much informa-
5 tion, so much existed that we were not finding, so
6 I wrote a suggestion for the suggesting awares com-
7 mittee, saying we must bring together in one central
8 place at least in a file card indices, all the in-
9 formation -- persons may not have access to the
10 information itself, but at least be a name indices --
11 centralized.

12 The chief of the suggestions awards panel
13 said it is a very good suggestion, we have many others
14 just like it, but it will never happen.

15 Q Did they tell you why, sir, it never happen-
16 ed?

17 MR. KIRBY: Objection.

18 THE COURT: I will sustain that.

19 Q Do you have an opinion, sir, as an expert
20 why it would never happen?

21 MR. KIRBY: Objection.

22 THE COURT: I will allow that.

23 MR. KENNEDY: Thank you.

24 A Yes, sir; because of the security considera-
25 tions of not allowing other D.D.O., other people of

the agency to know the sensitive operations.

Q The gaps in record keeping, or the lack of integration of record keeping is deliberate, you are telling us; is that correct?

A Very much so.

Q Was there an occasion, sir, when while you were in a field, or in doing work from a station where you had headquarters to prove you with information about a particular individual?

A There was one outstanding example. I had many, but this was probably the key one --

MR. KIRBY: Objection.

A I was in Thailand.

MR. KIRBY: Objection to giving an example. If he is an expert, he should give an opinion.

MR. KENNEDY: He is giving personal experiences to buttress his opinion.

THE COURT: We don't need an illustration.

MR. KENNEDY: I believe we do. It will relate --

THE COURT: I will permit it, then.

MR. KENNEDY: Thank you.

A I asked for a file trace on an individual that I was conducting an investigation on in Thailand.

I got back a -- no record -- response. I knew that there had to be something from what was available in the station.

There had to be something in headquarters about the individual. I waited until I was next assigned to the company headquarters in Langley and I went down to the D.D.I. -- separate from the D.D.O. -- Central Reference Service -- that is the record keeping element of the D.D.I.

I traced the man's name and -- in "F" file. To my amazement, they had a shoebox full of information on this individual -- a whole group of three by five cards -- multiple entry three by five cards.

The man was of such interest that they had written a biographic data sheet on key individuals. And while I was going through the box -- written another data sheet on him because he was of prime interest, yet I received on my response a record -- a -- no record -- response.

There are many examples that I could give you, but that is one.

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Q Thank you.

3 When you were recruited to become a career
4 officer in the C.I.A., were you allowed to tell people
5 who you were employed by?

6 A No, I was not.

7 Q Were you provided with cover stories?

8 A Yes, I was.

9 Q Weren't you even allowed to tell your own
10 family?

11 A No.

12 Q Either your children or Mrs. McGehee?

13 A I initially overcame that Tavier
14 and did tell my wife. It was not until years later
15 that my children began to really recognize that I
16 wasn't telling them the truth that I did -- and they
17 were older, I could extract an oath of secrecy from
18 them that I told them.

19 Q Is there, within the jargon of the intelligence
20 community language, a phrase with which you
21 are familiar, called plausible deniability?

22 A Yes.

23 Q Would you tell us what that means?

24 MR. KIRBY: Objection.

25 THE COURT: I will allow it.

A It is generally synonymous with secrecy.

In a case that an operation is blown, it separates the American case officer from being exposed, and separates the American case officer from being -- bringing the chain back to the United States Government.

It separates at the worse case, the President can deny that he knew anything about the operation.

You build plausible denial in the operation. Secrecy would be another word.

It allows you to deny that it is an United States Government activity or that the President knew about in, in the worst case.

Q Plausible deniability prevents someone from tracing back information or activity to its source within the C.I.A. or a source within the Government in general; is that correct?

A Yes.

Q Does it always apply to not operations, but to actual operatives or case agents or career officers?

A Oh, yes.

It makes -- open to multiple operational conditions.

1
2 If you were talking to an agent, he would
3 not know that you are with the United States Govern-
4 ment. He would not have any way of contacting you.

5 You would give him an alias that I will con-
6 tact you in such and such ways.

7 This is done in a variety of clandestine
8 means, dead drop, live drop, radio communications,
9 post office box, a barber shop where you could leave
10 messages and pick them up.

11 There is no real direct line command back
12 to -- from the agency to the case officer, or from
13 the covert operator to the case officer.

14 Q Are you familiar with the concept of cover
15 or deep cover?

16 A Yes, I am.

17 Q Tell us what those are, briefly, please?

18 A Cover, is a story -- untrue story that con-
19 ceals what you really are, and what you are really
20 doing.

21 For instance, many -- some C.I.A. people
22 are overseas as Embassy employees or State Department
23 employees .

24 The John Hannon, former chief of A.I.D.
25 admitted that C.I.A. used an I.D. cover overseas.

3 Other people are recorded. The military
4 is used by the agency overseas.

5 This is generally called -- cover is not
6 deep. You are connected with the United States Govern-
7 ment.

8 And deep cover, would be where your con-
9 nection -- I can't get much into this -- would not be
10 direct with the United States Government.

11 Q The concept, "need to know," -- is that a
12 concept that is a term of art within the intelligence
13 community?

14 A Very early in your training, you are told
15 this is a key requirement that the person -- the
16 American case officer is only allowed to know that
17 information which is just enough to perform his own
18 job, which is, need to know, and it must be treated
19 by compartmentation.

20 Q What is that?

21 A That is where a group of people working
22 on a special project or secret project will become
23 compartmented of from all other elements of the
24 agency, so they will not be able to know what the
25 other individual is doing.

McGehee-direct-Kennedy

In my own case, I worked in an office --
two-man office with another individual for six
months and I never knew what he was working on.

(CONTINUED ON NEXT PAGE.)

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DIRECT EXAMINATION BY MR. KENNEDY: {Continued}

2 Q Are these concepts which you have told us about
3 briefly, plausible deniability, cover, need to know,
4 compartmentation; are they significant concepts within the
5 structure of an operation of the Central Intelligence
6 Agency, or do they only apply to certain concepts and not to
7 others?

8 How would you describe their significance?

9 A In almost all but exceptional cases, they are
10 essential concepts.

11 They are ingrained into everything that you do.

12 Q Is there a concept of a -- within the CIA, of a
13 need to lie? That is, the necessity of providing false
14 information?

15 MR. KIRBY: Objection, your Honor.

16 A All of these concepts --

17 THE COURT: I will permit it.

18 A All these concepts require that you lie, and you
19 lie all the time.

20 Q Why?

21 A Well, if I were overseas and I went up to a man
22 and wanted to recruit him as an agent, or I was known as
23 CIA; he is not going to work with a person who is known as
24 CIA.

25 I might approach him on another basis. You cannot

1 operate under the truth. Then you must protect, of course,
2 your agent.

3 Q I can appreciate the need to lie to our enemies,
4 and I assume the CIA lies to our enemies all the time, does
5 it not?

6 A Correct.

7 Q What is the need -- do you lie to our allies also?

8 A Oh, yes.

9 Q As a -- has the CIA lied to our elected representatives
10 in Congress?

11 MR. KIRBY: Objection.

12 THE COURT: I will permit it.

13 A Yes.

14 Q Has the CIA, based upon your knowledge and
15 experience, lied to representatives of the Justice Department?

16 A Yes.

17 Q Including the FBI?

18 A Yes.

19 Q The CIA would actually lie to the FBI?

20 A More the rule than the exception, I would imagine.

21 Q More the rule than the exception?

22 A Certainly --

23 Q I am not being judgmental about the lie.

24 You say that is also endemic, that is almost
25 essential, it's the agency's view of its own function and

1 operation; is that clear?

2 A The director takes the oath of office to
3 protect sources and methods, and this extends down to all
4 employees.

5 This requires, of course, lying.

6 Q And among the lies, would you say that most common
7 that is necessary for the company to tell, who is and who is
8 not working for it at any given time?

9 A This is the most essential fact -- must not be
10 revealed. Who its agents are.

11 Q Your experience included, as you told us, covert
12 operations; did it not?

13 A Yes, it did.

14 Q Would you tell us what covert operations are?

15 A In a broad spectrum, a covert operation is that
16 activity taken to either overthrow or sustain another
17 foreign government.

18 That is the broadest, I think, definition of it.

19 Q Are you familiar, sir, from the literature in your
20 own experiences, wherein our Government has had -- I'm not
21 talking about our enemies now, I'm talking about our allies --
22 have had with reference to our allies, an open stated policy
23 through treaties or however, and in fact the company has been
24 conducting -- covert operations within that allied country
25 contrary to that stated public policy --

1 MR. KIRBY: Objection, your Honor.

2 THE COURT: I will permit it.

3 A That is the purpose of covert operations, to do
4 things that cannot be done in the official -- official
5 relations.

6 THE COURT: I don't think you have answered his
7 question.

8 THE WITNESS: Yes, I am aware of many cases.

9 Q Bear in mind I'm not talking about covert operations
10 of the agency in the Peoples Republic of China or the Union
11 of Soviet Socialist Republics; I mean our allies, the allies
12 of the United States.

13 A Yes.

14 Q You conduct covert operations in our allies'
15 countries which is contrary to the positions maintained
16 publically?

17 A Yes.

18 Q Is that a common occurrence or a rare occurrence,
19 or how would you characterize its frequency?

20 A Fairly general -- fairly general.

21 I could give examples, if you wish.

22 Q Would you please, but very briefly.

23 THE COURT: How about one example.

24 Q An example, if you would, please.

25 A I want to take -- we have been involved in elections

1 in Italy from virtually the day the agency was created, to
2 the present. Spent millions of dollars influencing the
3 elections in Italy, while our stated policy is non-
4 interference. We were conducting state to state relations
5 with them, while the Government was trying to elect another
6 Government.

7 Q I would like to bring your attention specifically
8 to England, if I might.

9 England is of course an ally of the United States
10 of America; is it not?

11 A Yes.

12 Q In the literature and in your personal experiences,
13 have there been examples where the CIA has operated covertly
14 with reference to England, contrary to our stated policy of
15 an alliance with England?

16 A There is a very key example, in 1952 --

17 MR. KIRBY: I will object to this, your Honor.

18 THE COURT: I will permit it.

19 Are you going to tie it into this case?

20 MR. KENNEDY: Yes, I am. It may be somewhat

21 convoluted at this point --

22 A In 1952 Mohammed Mosadeh{oh} was elected Premier
23 of Iran, and he went nationalizing the Anglo-American
24 oil facility and this upset Britain, -- Britain having the
25 major interest in the oil fields.

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UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

3 The agency -- this is written in several books.
4 went about -- in some cases it was with the assistance of
5 British intelligence, to overthrow the Government of Iran
6 and install Premier -- the Shah of Iran.

7 When the Shah of Iran was empowered, the operation
8 was very successful, and only lasted a matter of days.

9 When the Shah was in power he disenfranchised the
10 British and gave all oil rights to the American oil interests.

11 That also happened in the Suez Canal incident
12 where Britain, France and Israel invaded Egypt, and there
13 was some acknowledgment that the US had some knowledge, let
14 them go ahead and do it, and when there was an exposed
15 position said, you have to get out of there; and then
16 developed this major oil consortium in the Middle East and
17 Britain lost much of its empire.

18 Q As a matter of fact, the CIA did the same in
19 Malaysia; did they not?

20 A Yes.

21 Q In Hong Kong the CIA, without telling us the
22 details, the CIA operated contrary to our agreement with
23 England in Hong Kong; did they not?

24 A Yes, they did.

25 Q Have there been occasions, sir, when the company
found it necessary to recruit members of organized crime
for the -- or the Mafia?

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UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

1 A Yes, there have been two or three occasions.

2 There was a sustained effort to assassinate Castro.
3 The agency recruited a Johnny Rosselli{ph}, I believe his name
4 was, a member of the Mafia, to implement -- the Mafia had
5 the gambling rights to Cuba before Castro took over, and it
6 still had people loyal to it in Cuba.

7 So Rosseli recruited to help him Santos Tropicano
8 and Sam Giancana{ph}, other Mafia figures to help recruit
9 out Cubans to help carry out the assassination of Castro.

10 One assassination attempt was made before the Bay
11 of Pigs by this group and five after the Bay of Pigs.

12 Q Aside from Mafia or ties with "organized crime,"
13 has the company found it necessary to recruit known criminals,
14 that is, people with connections to the underworld, who have
15 already been found guilty of criminal activity?

16 A Yes.

17 After the Mafia's attempts failed to kill Castro,
18 they also recruited a known assassin to give it another try.

19 The agency also recruited Corsican gangsters to --
20 and armed them to be strong against the strikes being held
21 in Marseilles, and this built up the Corsican strength --
22 developed into the French connection, the drug smuggling
23 endeavor; the ability of the Corsicans.

24 MR. KIRBY: Objection. Move to be stricken.

25 THE COURT: I will strike the last remark about the

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UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

1 French connection.

2 Q Are you saying that the company has, on occasion,
3 hired armed thugs to prevent either democratic election
4 processes or legitimate union activities in our own allies'
5 countries?

6 MR. KIRBY: Objection.

7 THE COURT: I will sustain that objection.

8 Q Has the company found it necessary itself to commit
9 crimes; a burglary or robbery, particularly?

10 A Yes.

11 Q Does the company -- historically and presently
12 have an interest in monitoring or knowing about the flow of
13 arms in the world?

14 A This would be a primary requirement because the
15 intelligence collection responsibility -- weapons are a
16 political implement, if you know where they're going, you
17 know the threats to the various Governments.

18 Therefore, it does monitor weapons shipments
19 closely.

20 Q In that capacity, has the company engaged itself in
21 arms trafficking?

22 A Yes, it has on various occasions -- I am not sure
23 what you mean by trafficking; it has supplied weapons.

24 Q I mean supplying, buying, selling, moving generally
25 weapons or firearms.

1 A Oh, yes.

2 Q Does the company maintain arsenals of weapons in the
3 United States and around the world for the purposes of
4 trafficking?

5 A It has arsenals within the United States, and I
6 think the Church Committee report said it has -- some
7 weapons that it makes -- it has more than most armies in the
8 world.

9 Q Has there been historically between the Central
10 Intelligence Agency and the Special Forces of the United
11 States Army -- been a special relationship?

12 A Over the years there has been a very close
13 relationship.

14 When I was in Giadnh Province in Vietnam, I
15 supervised two special forces that were involved in the
16 Satsi PRU, Provincial Reconnaissance Unit. This was the
17 agency's kill or capture Viet Cong program.

18 It was ultimately credited with 20,000 kills, and
19 the Vietnamese estimate it was 40,000 kills.

20 Q I gather then that the Central Intelligence Agency
21 has engaged in the supplying of arms to insurgent or
22 resistance movements in various parts of the world; has it
23 not?

24 A Oh, yes. Europe, Middle East, Far East, whatever.

25 Q Have there been occasions in the literature, and

1 based upon your experience where the Central Intelligence
2 Agency was knowingly or unknowingly supplying weapons to both
3 sides of a particular conflagration or battle?

4 MR. KIRBY: Objection.

5 THE COURT: I will permit it.

6 A I know there was one example, but it does not come
7 to my mind.

8 We urged the Shah or Iran to arm the Kurds
9 fighting the Iraqian; there was a problem between the Shah
10 and the Iraqian Government.

11 We armed the Kurds and then the Shah, and the
12 Iraqians made up, and we withdrew all support from the Kurds
13 and sort of helped the Iraqians to destroy the Kurds that
14 had initially been fighting for us.

15 {Continued on next page.}

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1 Q Does the company maintain an arsenal of non-
2 United States weapons, firearms; that would mean arms such
3 as the AK-47 machine guns, or other foreign made weapons?

4 A I don't have personal knowledge, but it's my
5 impression, its arsenal have primarily foreign weapons with
6 some US weapons, of course.

7 Q Have you know the company to find it necessary to
8 obliterate or remove the serial numbers from US weapons
9 in their possession?

10 A I do not have a specific knowledge of such.

11 It would be essential --

12 MR. KIRBY: Objection.

13 THE COURT: Sustained.

14 MR. KENNEDY: He said it would be essential. He
15 will give an opinion not upon personal knowledge
16 but upon his expertise.

17 THE COURT: He has not been asked to give an
18 expert opinion.

19 If you want to put the question, I will allow it.

20 MR. KENNEDY: You're correct, your Honor.

21 THE COURT: I'm glad that I'm correct.

22 How much longer do you have?

23 MR. KENNEDY: Within five or 10 minutes. Would you
24 like to break now?

25 THE COURT: No.

5 Q In your opinion, which is based on your
6 and the literature which you have read, would the company
7 find it necessary to obliterate or remove serial numbers from
8 United States manufactured weapons within its possession?

9 A The concept of plausible deniability would make it
10 essential that if the weapons were to be -- able to be traced
11 back to the agency, that such weapons when they're dis-
12 tributed would have the serial numbers removed.

13 Q When the company found it necessary to recruit a
14 known criminal, or whomever, would the company attempt to
15 keep that recruiting, that recruitment a secret?

16 A Oh, yes.

17 Q Would the company deny the connection between the
18 company and that particular recruited criminal, for example?

19 A In almost all circumstances.

20 Q At my request, sir, did you read the direct and
21 cross-examination given in this courtroom by a gentleman by
22 the name of George DeMeo?

23 A I did.

24 Q And at my request, sir, did you read the direct and
25 cross-examination of a gentleman by the name of Earl Redick?

A I did.

Q I would like to ask you, sir, some opinions with
reference to some facts germane to this case.

Number 1, is it plausible that the CIA would want

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BROOKLYN, NEW YORK 11201

3 to monitor arms traffic flowing
4 America to Northern Ireland?

5 A Yes.

6 Q Why would they be interested in that, sir?

7 A I would think that they'd be interested for
8 several reasons.

9 Monitoring the arms flow to any country would be
10 a charter responsibility of the agency in satisfying its
11 intelligence collection requirements.

12 I think also, by monitoring you could also control
13 to some extent -- what is made available and not made
14 available.

15 Q Would it be plausible, sir, that the CIA would want
16 to keep secret its activities with reference to monitoring
17 arms traffic or the flow of arms from the United States of
18 America to the North of Ireland?

19 A It would be especially sensitive because of our
20 relationship with England, and would be therefore really
21 held quite secret.

22 Q Thirdly, sir, would it be plausible for the
23 Central Intelligence Agency to actually provide weapons for
24 such trafficking from the United States of America to the
25 North of Ireland?

MR. KIRBY: Objection. "Plausible," he is
speaking as an expert. Either he has an opinion or does

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UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

1 not.

2 THE COURT: I think he defined what he means by
3 plausible.

4 I will permit it in the context of the definition
5 that you established earlier.

6 MR. KIRBY: I will object to his giving an opinion
7 in this area in any event.

8 THE COURT: I think he is qualified. I will permit
9 it.

10 THE WITNESS: Would you restate the question?

11 Q Is it plausible -- by the way, how are you using
12 the word plausible?

13 A Likely to be true.

14 Q All right.

15 Is it plausible, sir, in your opinion, that the
16 Central Intelligence Agency would actually provide arms or
17 weapons or ammunition for this very trafficking that it seeks
18 to monitor from the United States of America to the North of
19 Ireland?

20 A It's a basic concept that you learn in the
21 operational courses, to monitor, you must be involved --
22 in monitoring, you probably, depending upon your goals in that
23 particular operation, you might provide defective equipment;
24 or might provide equipment that is not capable of accomplishing
25 the purposes of the element.

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UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

1 You might provide, on the other hand, very good
2 equipment; capable of carrying out the purposes of the
3 operation.

4 The classic double-agent operation, where two
5 intelligence agencies, services, are running an agent, and
6 you must provide each service -- if they know of the other
7 service's involvement, must provide information that makes
8 the operation appear to be genuine.

9 Q Under your plausible -- under this plausible
10 scenario, you mentioned they might -- the agency might find
11 it necessary to provide some defective weapons or sub-par
12 weapons; is that correct?

13 A Yes.

14 Q Why?

15 A Well --

16 Q Would they provide all defective or sub-par?

17 A If they provided all, the operation would have
18 to end. It would have to be a mixture.

19 Q Some of the weapons would be operable and others
20 would be deliberately --

21 A The mix would be such that it would make much of the
22 shipment unusable.

23 Q Would it be plausible for the CIA to obliterate the
24 serial numbers from the US weapons used in a traffic of
25 arms from the United States of America to the North of

1 Ireland?

2 A If they were tracable back to the agency, it would
3 be essential.

4 Q So your answer to my question is that it would be
5 plausible?

6 A Yes.

7 Q Would it be plausible in this connection for the
8 Central Intelligence Agency to recruit an individual such as
9 George DeMeo, about whom you read from the transcripts of
10 this trial?

11 A Yes, yes.

12 There is a parallel case that is in the news
13 today, the Edmund Wilson, Frank Terpil case, where the
14 individual Wilson was going around telling people I am
15 CIA connected, and I am buying weapons; and he bought
16 weapons and shipped them against our policy at the time to
17 Idi Amin of Uganda and Omar Khadaffi of Libya.

18 And he did this by saying I am working for the CIA,
19 and I am doing it for the CIA.

20 Q If in fact the company had recruited George DeMeo,
21 would it be plausible that the CIA would then find it
22 necessary to deny to the -- to the world or to the Justice
23 Department or even this Court any connection with George
24 DeMeo?

25 A Yes.

1 Q Would it be plausible, sir, that there would be,
2 under those circumstances, no record within the files of the
3 Central Intelligence Agency of this connection between the
4 Central Intelligence Agency and George DeMeo?

5 MR. KIRBY: Objection, your Honor, as to plausible.
6 Objection to the question.

7 THE COURT: I will permit it.

8 A I imagine deep in the bowels of one of these
9 super sensitive file indices, there should be some record.

10 But if, -- depending upon how the files were set,
11 up at the time, soft file operation -- possibly not --
12 but I would assume that somewhere deep in the bowels of the
13 super secret element there might be a record.

14 I don't know.

15 Q Lastly, is it plausible that a man or a group of
16 men could, over a period of approximately 25 years, ship over
17 a million dollars worth of weapons from the United States of
18 America to the North of Ireland without the company, the
19 Central Intelligence Agency being aware of it?

20 MR. KIRBY: Objection.

21 THE COURT: I will sustain that.

22 MR. KENNEDY: I have nothing further. Thank you
23 very much. Thank you.

24 THE COURT: This might be a good time to take a
25 little break. Let's take a recess.

{Continued on next page.}

EASTERN DISTRICT COURT REPORTERS

UNITED STATES DISTRICT COURT

225 CADMAN PLAZA EAST

BROOKLYN, NEW YORK 11201

is normally when one
experience.

MR. KIRBY: We haven't prepared ours yet. We will
get it when we prepare it.

MR. KENNEDY: I will give him a copy of ours when
we get his, unless the Court requires me to do --

THE COURT: I would like you to do it as quickly
as possible. I think he should have an opportunity
to address some of your charges.

MR. KENNEDY: I would like to address his, if he
ever gets around to preparing it.

THE COURT: You will have it.

MR. KENNEDY: Thank you.

THE COURT: Are we ready?

MR. KIRBY: Yes, your Honor.

THE COURT: Bring the jury in.

{Jury present.}

THE COURT: Good afternoon, Mr. McGehee.

Mr. Kirby, you may cross-examine.

CROSS-EXAMINATION BY MR. KIRBY:

Q Mr. McGehee, you testified that you feel it's
plausible that the CIA was involved in shipping arms to the
IRA, to help them fight the British; is that your testimony,

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225 CADMAN PLAZA EAST

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225 CADMAN PLAZA EAST

McGehee-cross

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sir?

A No.

Q No?

A To monitor the arms flow.

Q It's plausible that the CIA would want to monitor the arms flow?

A Yes.

Q It is not plausible that the CIA, I thought you testified, that it would be plausible that the CIA would ship arms to the IRA, to go to Ireland?

A Yes.

Q That is plausible.

But the sole purpose in that -- is that what you're saying -- the sole purpose in that is to monitor the arms flow?

A No.

Q What?

A No, it is not the sole purpose.

Q What is -- tell the jury what the elements are.

A If the IRA feels that it has a source of weapons, it probably will be hesitant to go to other sources of weapons, such as the Soviet Union, the PLO, Libya; and by this the agency can sort of centralize, observe and monitor, and control the number of weapons that go to the IRA.

McGehee-cross

That would be another purpose.

2
3 Q So that to -- I ask you straight out, Mr. McGehee,
4 you aren't aware in actual fact, sir, are you, that the CIA
5 sent guns to the IRA? Just yes or no.

6 A I'm thinking whether I can answer or not. I can't --
7 also everything as I know it to be.

8 No, I am not aware.

9 Q So your testimony here today is not based on your
10 personal knowledge of the facts of this case, that is, of
11 shipping arms to the IRA in Ireland; is that right?

12 A Yes.

13 Q Is that right?

14 A Yes.

15 Q Now -- your testimony about shipping arms -- having
16 the CIA ship arms to the Irish Republican Army to fight the
17 British, that testimony comes from your thoughts about the
18 situation, is that right?

19 A I did not testify to that.

20 Q You testified that to monitor the arms going to the
21 Irish Republican Army, and to try to assure the Irish
22 Republican Army that they had a source of supply for arms,
23 that it was likely that the CIA -- which was it; plausible or
24 likely?

25 A I don't know what your question is.

EASTERN DISTRICT COURT REPORTERS
UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST

4 Q Okay.

5 That it is likely or plausible that the CIA would
6 ship arms to the IRA to fight the British.

7 A No, that was not my testimony.

8 Q What part of the question --

9 A To fight the British is part of the question not.
10 {Continued on next page.}

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McGehee-cross

2 Q I will take that out. Let's start over again.

3 You have testified, sir, that the CIA might send
4 weapons, likely, plausible, send weapons to the IRA to arm
5 them in Ireland; is that correct?

6 A I don't -- you'd have to define your term "arm."

7 In the instance that I was using, that many weapons
8 would be defective, it would be more of a -- it could be
9 more -- I don't know what it is.

10 It could be more of an effort to keep the IRA
11 from arming itself, rather than to arm them.

12 Q This would be an effort of keeping the IRA from
13 arming itself?

14 A With defective weapons.

15 Q The CIA might be sending them bad weapons instead of
16 good ones?

17 A Yes, and limited the type and quality of the
18 weapons.

19 Q That might be one possible and plausible thing; they
20 might be sending bad weapons as opposed to good weapons?

21 A They couldn't be all bad.

22 Q Some bad as opposed to good; or they might be sending
23 weapons because the IRA might not turn to the Soviet Union
24 or the PLO for weapons?

25 A I don't know.

McGehee-cross

2 Q You testified that might be another possibility --

3 A You're throwing in the idea of a lot of good
4 weapons. You will have to qualify that for me.

5 Q You're testifying now, sir, all of this -- none of
6 this is based upon your actual knowledge about any direct
7 activities involving the CIA and the Irish Republican Army;
8 is that right?

9 A Yes.

10 Q This is your thinking, your speculation, as it were?

11 A Based on other operations similar in nature.

12 Q But you testified that one of your conceived purposes
13 for sending weapons to the IRA might be to prevent them from
14 going to some other source?

15 A Yes.

16 Q Now, would it be fair to say that purpose would be
17 a little hard to effectuate if you started to send them
18 defective weapons; they'd get a little tired of that source
19 and start to look for other sources; is that correct?

20 A That is why you would have to have some good among
21 the bad.

22 Q A few good weapons and some bad weapons; but you're
23 not sure how many?

24 A When you say a few good and some bad, you're using
25 different adjectives for different categories.

McGehee-cross

3 It could be an equal mix, or one way or the other
4 mix; I don't know.

5 Q You don't know.

6 By the way, when you came here to the courthouse
7 today, were you aware that you were going to testify as an
8 expert witness?

9 A Yes.

10 Q On this very subject, the CIA and your knowledge
11 about the CIA?

12 A Yes.

13 Q Now, I believe Mr. Kennedy is -- has taken you
14 through your memory of your security agreement with the CIA;
15 is that correct?

16 A That is correct.

17 {Continued on next page.}

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McGehee-cross-Kirby

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CROSS EXAMINATION (CONTINUED) BY MR. KIRBY

3

Q Are you familiar with that? Do you remember what the requirements of that are or not?

4

5

A I can't quote it verbatim. I am familiar with the requirements of it, very familiar.

6

7

Q Would you tell the jury what the requirements of that are?

8

9

A That I pledge that I will never reveal the secrets of the C.I.A. without prior Government approval.

10

11

12

Q There are some procedural requirements with the security agreement, are there not?

13

14

A Yes, there are.

15

To submit to review all writings and all prepared speeches.

16

17

Q The purpose of that security agreement, it has some important purposes, doesn't it -- the security agreement, sir?

18

19

20

Did you hear my question?

21

A No, I did not.

22

Q If you didn't hear, just say you didn't hear. I just saw you turn your head.

23

24

There are some important purposes behind the security agreement?

25

EASTERN DISTRICT COURT REPORTERS

UNITED STATES DISTRICT COURT

225 CADMAN PLAZA EAST

McGehee-cross-Kirby

Is that correct?

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A That is correct.

Q For instance, are you aware of a situation where a man named Louis Wolf started naming people in Jamaica that he thought were connected with the C.I.A.?

A No.

Q And within hours someone's house was machine gunned, an Embassy staff member.

Are you familiar with that?

A Yes.

Q You are familiar with that?

A I knew there was a machine gunning. I didn't know who it originated.

Q Would it be fair to say that one of the purposes of the security agreement is to keep a very careful watch on the release of information to protect people's lives -- isn't that right -- among other things?

A In your -- in the area of naming names, yes.

Q And on Christmas Eve, 1975, an agent by the name of Dick Welch was murdered -- isn't that correct -- because he was named in the covert action

McGehee-cross-Kirby

3
bulletin?

4
A No. That is not correct.

5
Q You are not familiar with that?

6
A Yes. I am familiar with it -- very familiar.

7
Q You are familiar with that?

8
A Yes.

9
Q Are you familiar with the covert action
10
bulletin?

11
A Yes.

12
Q Would you tell the jury what it is?

13
A It is a magazine.

14
Q Can you tell the jury what type of maga-
15
zine it is; what subject matter it covers?

16
A It is a magazine about the C.I.A.

17
Q Are you familiar with any of the people
18
connected with it?

19
A Yes.

20
Q Who are you familiar with?

21
A Various people connected with it.

22
Q Can you tell us the names, or is that pro-
23
tected by the security agreement?

24
A I don't think I should talk about names
25
of one side when I cannot talk about the names of

the other side.

5 Q You mean, what you are saying is those
6 aren't connected, the security agreement doesn't pre-
7 vent you from talking about the covert action bulle-
8 tin of people connected with it, but you, in your
9 sense of fair play, you don't feel that is right?

10 A I don't know.

11 I would have to think about it.

12 Q Well, are there any other rules of law
13 that is preventing you from disclosing these people's
14 names?

15 A If you want the names, people I know are
16 with it. Ellen Ray, William Shapp and Louis Wolf.
17 There are probably others.

18 Q Have you met any of those people fairly
19 recently?

20 A Yes, I have.

21 Q Who have you met?

22 A All three.

23 Q Where was that?

24 A Where was that?

25 Q Yes.

A In D.C.

Q Did you per chance meet them out of the

country, do you remember?

A Yes.

Q Where did you meet them out of the country?

A In the Caribbean.

Q Barbados?

A Barbados.

Q You gave a speech in Barbados; is that

correct?

A Yes.

Q Was that speech critical of the C.I.A.,

or was it complimentary? How would you characterize it?

A Explanatory.

Q Explanatory?

A It was material for my book -- my book

that has been cleared by the agency.

Q I am sorry?

A My book that has been cleared by the

agency.

Q Now, did you clear the speech with the

agency, do you remember?

A No. I just used the material from the

book. It was not a prepared speech. It was just ex-
temporaneous remarks that are not required to be

EASTERN DISTRICT COURT REPORTERS

UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST

6

2 Q And when you say, extemporaneous remarks,
3 do you feel that today's -- your testimony here, to-
4 day, is extemporaneous remarks?

5 A It is based on what has been cleared in
6 the book; yes.

7 Q Sir, you don't feel this needs to be clear-
8 ed, your appearance here need to be cleared?

9 A I have been involved with the clearance
10 process for monts and months, and I think everything
11 that I have said has been cleared some times that the
12 agency is tired of seeing me.

13 Q Do you have any present litigation going
14 on with the Central Intelligence Agency?

15 A Yes, I do.

16 Q Tell the jury about that, please?

17 A I wrote an article for the National maga-
18 zine on a C.I.A. dis-information operation in El
19 Salvador, and I would have to limit my comments be-
20 cause it is in litigation, and in Indonesia, which
21 resulted in the death of a half million to a million
22 people.

23 The agency deleted certain portions of that
24 article, sort of authenticate the whole article, be-
25 cause they classify it as lies.

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UNITED STATES DISTRICT COURT

225 CADMAN PLAZA EAST

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2 I challenged the deletion in courts, be-
3 cause I say it is not classified information, and the
4 case is going on.

5 Q Sir, one of the central purposes, would
6 you agree with me, of the Central Intelligence Agency
7 is an information network?

8 A No.

9 Q No?

10 A I can quote to you from the Government,
11 studies and say that is not what it is -- it might
12 be its purpose it was ostensibly established for,
13 but that is not what it does.

14 Q When you say it is not an information net-
15 work --

16 A Primarily.

17 Q Primarily an information network?

18 A Not primarily.

19 Q I know I can hear you.

20 When you say it is not an information net-
21 work primarily, you would include in the area of
22 information obtaining information about the Russians,
23 for instance, such as spying, that would be included
24 in information?

25 Is that correct?

McGehee-cross-Kirby

1 A Yes.

2 Q And obtaining information about other un-
3 friendly countries, such as possibly China or Lybia
4 or other countries?
5

6 A Dissidents in the United States.

7 Q Dissidents in the United States.

8 I am just asking you about obtaining in-
9 formation in other areas; is that correct?

10 A Yes.

11 Q Yes.

12 A It does that; yes.

13 Q But your feeling is that that -- I don't
14 know -- your feeling is not one of its primary pur-
15 poses; is that right?

16 A It's not my feeling. It's the feeling of
17 Congressional Committees.

18 Q Well, you are up there giving your opinion.
19 Would you just give us your opinion? Is
20 it your opinion or not that its primary purpose
21 is information gathering?

22 A Its charter purpose states it is an
23 information gathering agency.

24 However, that is not what it primarily
25 devotes its time and attention to.

5 Q Now, your experience, sir, has been pri-
6 marily in the Far East; is that right?

7 A Yes.

8 Q Oh, by the way, what G.S. level did you
9 leave the Central Intelligence Agency?

10 A G.S. 13.

11 Q G.S. 13. Would you consider that to be
12 a high position at the agency?

13 A Mid-level.

14 Q Mid-level?

15 A Yes.

16 Q You wouldn't feel that you were one of
17 the -- in a corporation, for instance, you wouldn't
18 consider yourself the chairman of the board, or the
19 president, in relationship to the C.I.A.?

20 A Not at all.

21 Q You wouldn't consider yourself a vice
22 president in charge of one of the divisions of a
23 company, in relationship to the C.I.A.?

24 A No.

25 Q You'd have to say something. I heard you
say it.

You cannot shake your head because the
court reporter cannot get that down.

EASTERN DISTRICT COURT REPORTERS

UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST

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3 Would you consider yourself -- I mean,
4 in relationship to a large manufacturing corpora-
5 tion, in its relationship to the C.I.A., would you
6 consider yourself like a branch manager -- a whole
7 manufacturing facility?

8 A I don't know that I can make the compari-
9 son.

10 Q You --

11 A Would you care for a commentary on this?

12 MR. KIRBY: No, thank you.

13 Q In your position, therefore, you might not
14 know all the -- all that there is to know, sir, on
15 the record keeping function of the C.I.A., or the
16 information gathering function of the C.I.A.?

17 Isn't that true?

18 A I probably know more than -- I would say --
19 ninety-eight percent of the people in the agency
20 about this particular subject.

21 Q Is that -- is -- your belief on that, is
22 that from your experience in the agency, or after
23 you got out, your reading and studying?

24 A It comes from reading the Rockefeller
25 Commission report. It comes from my readings and
studies and experiences while within the agency.

5 Q Well, you are not telling us -- you are
6 not telling this jury, are you, that ninety-eight
7 of the agency -- the C.I.A. were lower than you were
8 in the hierarchy in the agency?

9 A That wasn't your question.

10 Q I know that was not my question.

11 I am asking you whether you are telling
12 the jury that?

13 A That I have a better knowledge of the rec-
14 ord procedures --

15 Q Let me ask you again.

16 MR. KENNEDY: I would ask him to be allow-
17 ed to finish his answer.

18 THE COURT: I would allow him to restate
19 the question.

20 Perhaps you can establish the highest G.S.
21 ratings are in the agency.

22 Q Do you know the highest rating?

23 A The highest level in the United States
24 Government is a G.S. 18, but there is an extra step
25 there for super grades.

I don't know what they call it. It would
be the Director, I assume, would be above the G.S.
rating.

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McGehee-cross-Hirby

The lowest being, G.S. 1, and those in between.

5 Q And, generally, for management and super-
6 visory personnel in an agency like the C.I.A., isn't
7 it generally that such management and supervisory
8 personnel are G.S. 14s and above?

8 A No.

9 Q Do you have any familiarity with the G.S.
10 rating with the F.B.I.?

11 A No.

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(CONTINUED ON NEXT PAGE.)

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CROSS-EXAMINATION BY MR. KIRBY: {Continued}

4 Q After seven years, a Special Agent such as Agent
Winslow is a GS-13?

5 A I don't know.

6 Q Any supervisor of the FBI is a GS-14 or above?

7 A I have no idea what the FBI does.

8 Q Any supervisor beyond that, such as a supervisor
9 of the New York office, is at least a GS-15 if not a GS-16?

10 You really don't know about that?

11 A No.

12 Q Now, are you telling the jury, sir, that you, in
13 your position at the CIA, that there were -- about 98% of
14 the people lower than you, and those that would be in the
15 hierarchy, would have generally a lower understanding --

16 MR. MOGULESCU: He didn't say that --

17 THE COURT: That is the question. Is that what

18 you are saying?

19 Q Would it be fair to say, sir, there were a
20 sizeable number of people in the CIA who were superior to you
21 in their rank and the organizational structure of the CIA?

22 Is that correct?

23 A Correct.

24 Q Mr. McGehee, with regard to keeping records on
25 agents of the CIA, you testified -- testified about that

is that

A Yes, I did.

Q Have you testified that it's possible, or as a general rule in specific situations, that the CIA does not keep records on agents; is that your testimony?

A They have some of the files on sensitive subjects and possibly on agents that would not get into the official record system.

Q Are you telling the jury that you are fully familiar with the official record system of the CIA?

A I had tremendous experience working with it, and I have read the Church, Rockefeller Committee report which dealt into the subject at some length, and tells how the files are so secluded and segregated that things get lost.

If you wish, I could read the pertinent sections from the Rockefeller report.

Q It's okay.

But that is from your readings outside the agency, and not from your understanding of exactly how the agency's filing system works from your working inside the agency?

A No, it's from both.

Q Both.

Do you feel that you were at a high enough level of the CIA to really have access to the information as to how

EASTERN DISTRICT COURT REPORTERS
UNITED STATES DISTRICT COURT
221 CADMAN PLAZA EAST

NEW YORK

2 the whole information and file retrieval system of the CIA
3 works, so you can give your opinion here?

4 A You say the whole. No, I don't know the whole.
5 Nobody in the agency knows the whole.

6 Q You are confident of that opinion, that nobody in
7 the agency knows the whole file-keeping system --

8 A I didn't say the whole -- understanding of the
9 whole.

10 Q You mean, knows the name of every agent?

11 A No.

12 Q What do you mean, knows the whole filekeeping
13 system?

14 A That knows where every file is, and what every
15 little office has set up.

16 No one there knows that. I could give you an
17 example, if you wish --

18 Q No.

19 Let me just ask you this, and try to be responsive
20 to my questions, if you will.

21 MR. KENNEDY: I object to that. He is being more
22 responsive than Mr. Kirby cares to have him.

23 THE COURT: No reparte, please.

24 MR. KIRBY: Thank you, Judge.

25 Q What you're saying is, that you're sure that there
is no one at the CIA who knows where every file is?

McGehee-cross

3 That is fairly normal; isn't it? You mean, not
4 even -- somebody at the US Attorney's Office would know where
5 every file on every case is; is that correct?

6 A True.

7 Q That is sort of stating the obvious?

8 A Every file system, too.

9 Q Every once in a while files can be misplaced by
10 accident?

11 A I would be willing to give you numerous examples to
12 demonstrate --

13 Q Would you try to answer the questions I ask, all
14 right?

15 What I am asking you, sir, whether you feel that you
16 were in a high enough position in the agency to be able to
17 understand the file system in toto?

18 A No.

19 Q No?

20 A No one understands it in toto.

21 Q Your opinion about the agency, and this is your
22 opinion from your experience, no one could understand the
23 methods of keeping files at the agency completely?

24 A Not that one could; no one does.

25 Q No one does understand that. Your opinion is, it's
generally chaotic at the agency; is that what you're telling

is jury?

A No.

Q Sir, you testified that -- let me ask you this.

5 There are very important purposes served by
6 keeping records of who has been an agent; is that correct?

7 A Yes.

8 Q One purpose would be if the person didn't work
9 well as an agent; is that correct?

10 A I don't see the point.

11 Q I am not asking you whether you see the point of my
12 questions, sir. Just try to answer them. If there is an
13 objection, the Judge will rule on them.

14 A What was your question again?

15 Q One of the important purposes of keeping files
16 on an agent, or an operative of the CIA, is to determine
17 whether that person worked out as an agent?

18 A If you wanted one of a myriad of reasons for doing
19 it, yes.

20 Q There are a myriad of reasons?

21 A Maintaining files on agents; yes.

22 Q The second reason would be whether he had been --
23 whether his cover had been blown, so to speak; that is a
24 term that you would be familiar with, cover being blown?

25 A Yes.

McGehee-cross

2 Q That would be an important reason?

3 A Yes.

4 Q The third reason might be to keep an -- accurate
5 information about the person, so that if the agency was
6 called upon to use that person again for some purpose, it
7 could go back to these files and determine whether the agent
8 was blown, or whether the person didn't work out well, or
9 whether that person was a double agent, or as you say, a
10 myriad of reasons; is that correct?

11 A A myriad of reasons, yes.

12 Q Your testimony about some of the files, sir, is that
13 these are files -- which only the soft file exists, and no
14 other record of them exists; is that correct?

15 A There are two types of soft files.

16 One is sort of an informal file that you set up on
17 your own that you're going to use for whatever you want.

18 You don't particularly care whether it gets -- it
19 is sort of a convenience file.

20 And there is one that is established that it
21 will deliberately not get into the permanent record system,
22 so that it can be destroyed easily, and there will never be
23 any record of such.

24 Q You're sure about the existence of those second
25 types of soft files; is that correct? That is clear in your

mind?

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A I believe it is mentioned in the Rockefeller Commission report.

Q I am talking about you.

A From my readings, yes.

Q From your readings.

Now, did you testify, sir, that the standard way of operating an agent, that the agent would have no ability to contact back the person who was operating him?

A That would be the ideal, not the standard.

Q That would be the ideal way?

A In a security sense it would be ideal, but not efficiency. There is a balance between security and efficiency.

As we learn in our classroom exercise, to be perfectly clear, you wouldn't have any contact with anyone. But you wouldn't do very much. There is a balance there.

In an ideal situation you would have -- where the agent could not, would not know how to contact someone and yet be efficient.

Q You don't know whether it is the customary and standard way; is that right?

A You mean of my own experience, or generally --

Q Is there a custom and practice in the CIA, in your

McGehee-cross

tion?

A It varies with the situation.

Q Now, sir, you testified that you believe that the primary function of the CIA is to conduct covert operations; is that your testimony?

A That is what the Church Committee report concluded.

Q I am asking you what your testimony is.

A It's quite obvious that is the purpose -- the general purpose, the major purpose.

Q Are you familiar, sir, with the procedures that go into -- that is, the paperwork that goes into authorization for setting up a covert operation?

A Somewhat, yes.

Q Not fully familiar with it?

A I have been involved in it. I don't know that I can remember every step.

They change the procedures -- the procedures have changed over the years.

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McGehee-cross-Kirby

Q Well, are you familiar with Executive Order 11905, sir?

A Would you identify it better than that?

Q I am sorry?

A I don't know it by number. I might know it by title.

Q Concerning special activities of the CIA and how those are to be authorized; are you familiar with that?

MR. KENNEDY: May we have a date of the Executive Order?

MR. KIRBY: February, 1976.

MR. KENNEDY: Thank you.

A No. I would have to read it before I could tell you what I know.

Q And are you familiar with any of the other guidelines with regard to authorization for setting up covert operations, sir?

A Guidelines?

Q Yes.

A Yes.

Q Are you familiar with those? Are you familiar with the approvals that are required for the setting up of a covert operation?

A Yes, generally. And they vary with each situation.

3 Q Is that at present they vary with each situation
4 as far as you know?

5 A The most current information is yes they do, most
6 of the current available information I should say.

7 Q Well, would it be fair to say that any covert
8 operation launched now, sir, that it requires presidential
9 approval, presidential authorization?

10 A Any? I am sure that some might require it.
11 The general procedure is --

12 Q Any "special activity" of the CIA?

13 A Any special activity?

14 Q Yes.

15 A No, not any.

16 The National Security Council approves some covert
17 operations. Some do not require National Security Council
18 approval. Some possibly would require presidential approval.

19 I am not aware of that. But the National Security Council
20 being an arm of the presidency is a very close relationship.

21 So if the National Security Council approves of it, one
22 might assume that the president is aware of it.

23 Q Now, let me ask you this, do you know what special
24 activity -- the word "special activity" that is a term of
25 art, is it not? I mean that is a specific term that is
used in the CIA? Are you familiar with that term at all?

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4 A I have heard it. The literature uses -- I tend
to think of covert operations and special activities as one
and the same.

5 Q That is how you consider them, special activities
6 and covert activities, one and the same?

7 A That is how I would consider the term, yes, the
8 terms.

9 Q Would it be fair to say that you are not familiar
10 with then Executive Order 12036 which came out during the
11 middle of the Carter Administration which required that any
12 special activity of the CIA obtain presidential approval?
13 Are you familiar with that?

14 A Any covert operations required special approval
15 of the president? Is that it?

16 Q Yes.

17 A I am not familiar with that at all, no.

18 But I think I would tend to question that without
19 reading it.

20 Q Now, let me just ask you one final question.

21 You are not aware, sir, of any secret rule of law
22 that provides that a CIA agent who testifies with regard to
23 facts in a case, that he is immune from perjury, prosecution?

24 A The CIA agent is immune from perjury?

25 Q Yes.

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A I know Helms was convicted of perjury.

Q Right.

A For testifying.

Q Right. He perjured himself and he was convicted?
Isn't that right?

A Yes, with I think a \$2,000 fine. And he went off.
And the fine was paid by the CIA or a CIA employee.

Q Well, he was the Director of the CIA?

A Right.

Q Would it be fair to say that if the Director is
not immune to perjury that any lesser officials, they wouldn't
be immune from perjury, is that right?

A The reason why I am pausing is there has been a
recent effort to make the CIA people immune from perjury.
I do not know whether that law has been passed or not.
But there have been efforts along those lines.

Q There have been?

A Yes sir, there has been.

Q But you don't know if those have been passed into
law?

A That is right.

MR. KIRBY: Judge, would it be possible to take
judicial notice of the fact that those laws certainly
are not on the books that you and I can read.

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