

secrecy. It would be unfortunate if foreign-related considerations were used to screen from public view information about domestic activities which have no valid claim to secrecy. Yet, if the past is a guide, the danger of such a cover-up is great.

(16) Finally, there is no point even starting without planning to call the insiders, the kinds of people who have contributed to the success of every important Congressional investigation. The committees need to hear testimony from agency staffers, whether now employed or retired. But they must evaluate the testimony, from whatever source, in the light of today's world. A vast intelligence bureaucracy, rooted in the needs and assumptions

of the 1940s, is threatened by heaving historic changes—not only in the world political situation but in the very techniques of data collection. The persons involved will go to great lengths to conform reality to their ideological biases and occupational needs. What legitimate governmental purpose should intelligence, both domestic and foreign, serve? A sound answer to that question will give needed perspective to the problems of authority, coordination, operations and data evaluation.

In a post-Watergate America theories of inherent Executive power can no longer serve to justify secret intelligence baronies either at home or abroad. But does Congress have the will and resources to forge a legitimate alternative? □

Some Questions to be Answered

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With remarkable dispatch and virtual unanimity, the new Congress has determined to investigate the operations of the FBI and the CIA (along with related operations that make up the so-called intelligence establishment). By a vote of 82 to 4, the Senate has established an eleven-member panel and named Sen. Frank Church as chairman. As Senate committees go, this one is good: from the Democratic side, Mondale, Huddleston, Morgan, Philip Hart and Gary Hart and Church; from the Republican, Schweiker, Baker, Mathias, Tower and Goldwater. In the House, Democratic policy makers have recommended a ten-member committee of the same type. Rep. Philip Burton is quoted as saying that sentiment favoring creation of such a committee was nearly unanimous. Then, of course, a commission named by President Ford and chaired by Vice President Rockefeller is now conducting an inquiry; it is made up for the most part of individuals with strong ties to the intelligence establishment. But as William Greider points out in *The Washington Post*, "the circus now has three rings—select committees on intelligence in both the House and Senate, plus the Presidential CIA commission." In itself, this would seem to insure a thorough investigation. Vice President Rockefeller is said to have complained bitterly about the election of Frank Church as chairman of the Senate committee and to feel that there is little prospect for cooperation between the commission he heads and the Senate committee. But what is needed is not so much cooperation as a close check by the Senate committee on the findings and report of the commission.

More important, as Tom Wicker notes in *The New York Times*, "There will never be a better time or a more sympathetic public attitude for finding out the truth, fixing responsibility for abuses, and fashioning

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safeguards to protect American citizens against their own government." The Watergate investigations, hearings and trials have created the ideal setting for such inquiries. In addition, the mandate of the committees—to investigate the operations of the FBI and the CIA—justifies a broad range of inquiry. And the tensions between the committees and the commission could produce some testimony that might otherwise be difficult to unearth. For example, Richard Helms has let it be known that, if he is made the scapegoat, he will have a lot to say. So a fine opportunity exists, beyond curbing and disciplining the intelligence establishment, to clarify some issues that have been the subject of continuous controversy and concern since the assassination of President John F. Kennedy. This opportunity must not be lost. It is perhaps too much to expect that these issues can ever be resolved to the complete satisfaction of the entire public, but the fact that a large majority continues to be deeply troubled by them demonstrates the need for clarification. What, then, are these issues?

The first of them can be defined in this way: was Lee Harvey Oswald at any time an informer, paid or unpaid, for the FBI? If not an informer, was he a contact? Did he have any connection with the agency or any of its agents? Thanks to the persistence of Harold Weisberg, the National Archives and Records Service of the General Services Administration has now released the heretofore classified transcript of a special executive session of the Warren Commission held on January 27, 1964 (see *Whitewash IV: Top Secret, JFK Assassination Transcript* by Harold Weisberg, 1974). The special executive session had been hurriedly called by the chairman to discuss an article which had just then appeared in *The Nation*—"Oswald and the FBI" by Harold Feldman (January 27, 1964). The modest premise of the article was that the Warren Commission, in addition to telling the public how President Kennedy was killed, who killed him and why, should tell us if the FBI or any other government intelligence agency was in any way connected "with the alleged assassin, Lee Harvey Oswald." The article then went on to cite evidence and reports indicating that

Oswald might have been an informer for the FBI. In retrospect, it is remarkable that such a simple proposition should have agitated the commission to the extent that it did. The entire transcript of this session is devoted to a discussion of how to treat with—what to do about—this report. The discussion is most revealing; it shows, for example, the awesome respect for J. Edgar Hoover that prevailed at that time.

No point would be served here in detailing the discussion that took place at this executive session of the commission. The transcript is now available—ten years later. Reasonable men and women will interpret the discussion and subsequent proceedings differently, but on two points there should be agreement. One is that the commission, within the inherent limitations it faced, did in fact investigate the report. Affidavits were obtained from Hoover and nine FBI officials to the effect that Oswald was never an informer for the agency. The commission also heard from Dallas law-enforcement officials of reports they had received that Oswald might have been an informer. On the basis of the limited investigation that it was able to conduct, the Warren Commission and staff were satisfied that Oswald had not been an informer or agent of the FBI. But the record does not entirely dispose of the report; there are some loopholes. In fairness it should be noted that the Warren Commission was not set up to investigate the FBI; it had a specific and limited mandate. Moreover, it had to rely, for the most part, on FBI personnel for field investigations; it did not have a full investigative staff of its own.

Although members of the commission reflected an awareness that, regardless of the facts, blanket *pro forma* denials might be expected from the FBI (Allen Dulles even suggested that for this reason it might be impossible to determine the issue), Hoover and the other FBI officials who had furnished affidavits were not called before the commission, placed under oath and closely questioned. In addition there were contradictions and inconsistencies that should have been but never were clarified. And there were some quirky details; a page from Oswald's telephone address book, referring to an FBI agent named Hosty, was withheld until a specific request was made to produce it. But the real difficulty arises from the fact that the Warren Commission was not in a position to pursue the kind of inquiry that Congressional committees can conduct, nor did it have the benefit of the long series of recent disclosures about how the FBI and the CIA operate in certain areas, nor did it have the grounds which exist today for questioning the credibility of blanket denials of the kind it received. One does not need to share the point of view of those who have been critical of the Warren Commission to realize that the record it made on this issue does need clarification. Not to attempt that clarification now, when the circumstances are most favorable to a full airing, would be a mistake.

To the same effect, the committees should find out what if any ties, as informers, contract employees, "contacts" or otherwise, some of the key individuals who figured in reports of the assassination tragedy had with the CIA. Reports of such connections have been

widely publicized over the last ten years. The cast is well known. Merely to illustrate: Victor Marchetti has been quoted as saying that at regular 9 A.M. staff meetings of CIA senior officials and executive assistants, which were attended by Richard Helms as director, the case of Clay Shaw, who had figured in James Garrison's investigation, was discussed on several occasions in the context of "Are we giving him all the help he needs?" From these discussions Marchetti got the impression that Shaw had been at one time, quite some years earlier, an agency contact when he was in the export-import business. This report should be thoroughly tested by putting Helms and others under oath and learning just what contacts if any Shaw had with the agency and when.

Again, merely by way of illustration, the committees should, in open public hearings, find out the truth about the "small secret army" of Cuban anti-Castro refugees that the CIA funded to the tune of \$2 million a year. In the period from 1960 to 1970 this group, known as "Operation 40"—it grew out of the Bay of Pigs fiasco—engaged in a series of activities that should be aired, if only as a sample of the dangerous operations unsupervised intelligence agencies have initiated, sponsored and funded (see story by George Volsky, *The New York Times*, January 4, 1975). Also, inquiry should be made as to what contacts *any* of the key figures in the assassination tragedy, including Oswald, Shaw and others, ever had, at *any* time, with elements of the "small secret army" and/or the CIA. Again merely by way of illustration: it has been reported that Lieut. Manuel Pena resigned from the Los Angeles police in 1967 to accept a position with the Agency for International Development, said to be used by the CIA as an agency to train foreign police officers. Pena, according to these reports, actually took training at the CIA headquarters at McLean, Va. One month before the assassination of Robert F. Kennedy, Pena was back with the Los Angeles police, and was assigned by Assistant Police Chief Robert Houghton to direct a team known as "Special Unit Senator," which was set up to investigate the death of Senator Kennedy. In his book of that title, Houghton points out that Pena was thought qualified for the assignment because he had had "connections with various intelligence agencies in several countries." Just what were Pena's contacts with the CIA? And to what extent did that agency cooperate with local police, and vice versa? Over what period of time? In what kinds of investigation?

Other illustrations of the same sort might be cited, but enough is generally known—many aspects of the events in question have been widely publicized in the press—to warrant the conclusion that the Congressional committees, as part of the inquiry into the operations of the FBI and the CIA, should investigate: first, what if any ties any of those who have been identified in this voluminous documentation had with the two agencies under investigation. And, second, what kinds of role these agencies played in the subsequent investigations of the two assassinations. In particular, did they promptly disclose all that they knew; with what degree of diligence did they scrutinize any of their activities that might have a bearing on the investigations? In general, what role did they play in these subsequent investigations? □