94TH CONGRESS
1st Session

SENATE

REPORT
No. 94-465

ALLEGED ASSASSINATION PLOTS INVOLVING FOREIGN LEADERS

AN INTERIM REPORT

OF THE

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS

WITH RESPECT TO

INTELLIGENCE ACTIVITIES

UNITED STATES SENATE

TOGETHER WITH

ADDITIONAL, SUPPLEMENTAL, AND SEPARATE VIEWS



NOVEMBER 20 (legislative day, NOVEMBER 18), 1975

U.S. GOVERNMENT PRINTING OFFICE

61-985 O

WASHINGTON : 1975

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CONTENTS

	Page
Prologue	XIII
I. Introduction and Summary	1
A. Committee's Mandate	1
B. Committee Decision To Make Report Public	2
C. Scope of Committee's Investigation	2
D. Summary of Findings and Conclusions	4
1. The Questions Presented	4
2. Summary of Findings and Conclusions on the Plots	4
3. Summary of Findings and Conclusions on The Issues of Authority and Control	6
II. Covert Action as a Vehicle for Foreign Policy Implementation	9
A. Policy Development and Approval Mechanism	9
B. The Concept of "Plausible Denial"	11
III. Assassination Planning and Plots	13
A. Congo	13
1. Introduction	13
2. Dulles Cable to Leopoldville: August 26, 1960	14
3. CIA Encouragement of Congolese Efforts to "Eliminate" Lumumba	16
4. The Plot to Assassinate Lumumba	19
(a) Bissell/Tweedy Meetings on Feasibility of Assassinating Lumumba	19
(b) Bissell/Scheider Meetings on Preparations for Assassinating "An African Leader"	20
(c) Scheider Mission to the Congo on an Assassination Operation	21
(d) Congo Station Officer Told to Expect Scheider: Dulles Cables About "Elimination" of Lumumba	22
(e) Assassination Instructions Issued to Station Officer and Lethal Substances Delivered: September 26, 1960	24
(f) Hedgman's Impression That President Eisenhower Ordered Lumumba's Assassination	25
(g) Steps in Furtherance of the Assassination Operation	26
(i) Hedgman's Testimony About Confirmation from Headquarters of the Assassination Plan	26
(ii) "Exploratory Steps"	27
(iii) The Assassination Operation Moves Forward After Scheider's Return to Headquarters: October 5–7, 1960	29
(iv) Headquarters Continues to Place "Highest Priority" on the Assassination Operation	30
(h) Tweedy/Bissell Testimony: Extent of Implementation; Extent of Authorization	33
(i) Tweedy's Testimony About the Scope of the Assassination Operation	33
(ii) Bissell's Testimony About Moving the Assassination Operation From Planning to Implementation	36

III. Assassination Planning and Plots—Continued
A. Congo—Continued
5. The Question of a Connection Between the Assassination Plot and Other Actions of CIA Officers and Their Agents in the Congo — Page 37
(a) Mulroney's Assignment in the Congo — 37
(i) Mulroney's Testimony That He Went to the Congo After Refusing an Assassination Assignment From Bissell — 37
(ii) Bissell's Testimony About the Assignment to Mulroney — 40
(iii) Mulroney Informed of Virus in Station Safe Upon Arriving in Congo: November 3, 1960 — 41
(iv) Mulroney's Plan to "Neutralize" Lumumba — 42
(b) QJ/WIN's Mission in the Congo: November–December 1960 — 43
(c) WI/ROGUE Asks QJ/WIN to Join "Execution Squad": December 1960 — 45
6. The Question of Whether the CIA Was Involved in Bringing About Lumumba's Death in Katanga Province — 48
(a) Lumumba's Imprisonment After Leaving U.N. Custody: November 27–December 3, 1960 — 48
(b) Lumumba's Death — 49
7. The Question of the Level at Which the Assassination Plot Was Authorized — 51
(a) High-Level Meetings at Which "Getting Rid of Lumumba" Was Discussed — 53
(i) Dillon's Testimony About Pentagon Meeting: Summer 1960 — 53
(ii) Robert Johnson's Testimony That He Understood the President to Order Lumumba's Assassination at an NSC Meeting — 55
(iii) Special Group Agrees to Consider Anything That Might Get Rid of Lumumba: August 25, 1960 — 60
(iv) Dulles Reminded by Gray of "Top-Level Feeling" That "Vigorous Action" was Necessary in the Congo: September 7–8, 1960 — 62
(v) Dulles Tells NSC That Lumumba Remains a Grave Danger Until "Disposed Of": September 21, 1960 — 62
(b) Testimony of Eisenhower White House Officials — 64
(c) Bissell's Assumptions About Authorization by President Eisenhower and Allen Dulles — 65
(d) The Impression of Scheider and Hedgman That the Assassination Operation Had Presidential Authorization — 67
B. Cuba — 71
1. The Assassination Plots — 71
(a) Plots: Early 1960 — 72
(i) Plots to Destroy Castro's Public Image — 72
(ii) Accident Plot — 72
(iii) Poison Cigars — 73
(b) Use of Underworld Figures—Phase I (Pre-Bay of Pigs) — 74
(i) The Initial Plan — 74
(ii) Contact with the Syndicate — 75
(iii) Las Vegas Wiretap — 77
(1) CIA Involvement in the Wiretap — 77
(2) Consequences of the Wiretap — 79
(iv) Poison is Prepared and Delivered to Cuba — 79
(c) Use of Underworld Figures: Phase II (Post-Bay of Pigs) — 82
(i) Change in Leadership — 82
(ii) The Operation is Reactivated — 83
(d) Plans in Early 1963 — 85
(e) AM/LASH — 86
(i) Origin of the Project — 86
(ii) The Poison Pen Device — 88
(iii) Providing AM/LASH with Arms — 89

III. Assassination Planning and Plots—Continued
B. Cuba—Continued
2. At What Level Were the Castro Plots Known About or Authorized Within the Central Intelligence Agency? — 91
(a) The Question Presented — 91
(i) Dulles — 92
(ii) McCone — 92
(b) Did Allen Dulles Know of or Authorize the Initial Plots Against Castro? — 92
(i) Dulles' Approval of J.C. King's December 1959 Memorandum — 92
(ii) Dulles' January 1960 Statement to the Special Group — 93
(iii) Meetings in March 1960 — 93
(iv) Recision of Accident Plot in July 1960 — 94
(v) Briefing of Dulles on Use of Underworld Figures in September 1960 — 94
(1) Evidence Concerning What Dulles Was Told — 94
(2) Evidence Concerning When the Briefing Occurred — 97
(vi) Edwards' Communications to the Justice Department in 1961 and 1962 — 97
(vii) General Cabell's Remarks to the Special Group in November 1960 — 98
(c) Did John McCone Know of or Authorize Assassination Plots During His Tenure as DCI? — 99
(i) McCone's Testimony — 99
(ii) Testimony of Helms, Bissell and Other Subordinate Agency Employees — 100
(iii) Helms and Harvey Did Not Brief McCone About the Assassination Plots — 102
(iv) The Question of Whether General Carter, McCone's Deputy Director, Learned About the Underworld Plot and Informed McCone — 106
(v) The August 1963 Briefing of McCone — 107
3. At What Level Were the Castro Plots Known About or Authorized Outside of the Central Intelligence Agency? — 108
(a) The Question of Knowledge and Authorization Outside the Central Intelligence Agency in the Eisenhower Administration — 109
(i) Summary — 109
(ii) Richard Bissell's Testimony — 110
(1) Lack of Personal Knowledge — 110
(2) Assumptions Concerning Dulles — 111
(iii) Testimony of White House Officials — 111
(1) Gordon Gray — 111
(2) Andrew Goodpaster — 112
(3) Thomas Parrott — 113
(4) John Eisenhower — 113
(iv) Documentary Evidence — 114
(1) Inspector General's Report — 114
(2) Contemporaneous Documents — 114
(b) The Question of Knowledge and Authorization Outside the Central Intelligence Agency During the Kennedy Administration — 116
(i) Pre-Bay of Pigs Assassination Plot — 117
(1) Bissell's Testimony Concerning His Assumption That Dulles Told the President — 117
(2) Bissell's Testimony Regarding His Own Actions — 118
(3) Kennedy Administration Officials' Testimony — 119
(4) The Question of Whether Assassination Efforts Were Disclosed in Various Briefings of Administration Officials — 120
a. Briefing of the President-Elect — 120
b. Discussion with Bundy on "Executive Action Capability" — 121
c. Taylor/Kennedy Bay of Pigs Inquiry — 121
(5) Conversation Between President Kennedy and Senator George Smathers — 123

III. Assassination Planning and Plots—Continued
B. Cuba—Continued
3. At What Level Were the Castro Plots Known About or Authorized Outside of the Central Intelligence Agency?—Con.
(b) The Question of Knowledge and Authorization Outside of the Central Intelligence Agency During the Kennedy Administration—Continued
(i) Pre-Bay of Pigs Assassination Plot—Continued
(6) The Question of Whether the President or the Attorney General Might Have Learned of the Assassination Effort from the Cuban Participants — Page 124
(7) The Question of Whether the Assassination Operation Involving Underworld Figures Was Known About by Attorney General Kennedy or President Kennedy as Revealed by Investigations of Giancana and Rosselli — 125
a. 1960 — 125
b. 1961 — 126
c. 1962 — 129
(1) Did President Kennedy Learn Anything About Assassination Plots as a Result of the FBI Investigation of Giancana and Rosselli? — 129
(2) The Formal Decision to Forego Prosecution — 131
(a) Events Leading Up to a Formal Briefing of the Attorney General — 131
(b) Briefing of the Attorney General on May 7, 1962 — 131
(aa) The Attorney General Was Told That the Operation Had Involved an Assassination Attempt — 132
(bb) Evidence Concerning Whether The Attorney General Was Told That the Operation Had Been Terminated — 132
(ii) Post-Bay of Pigs Underworld Plot—MONGOOSE Period — 134
(1) Events Preceding the Establishment of MONGOOSE — 135
a. The Taylor/Kennedy Board of Inquiry — 135
b. National Security Action Memorandum 100 of October 5, 1961, and the CIA Intelligence Estimate — 136
c. President Kennedy's November 9, 1961 Conversation with Tad Szulc — 138
d. President Kennedy's Speech of November 16, 1961 — 139
(2) Operation MONGOOSE — 139
a. The Creation of Operation MONGOOSE — 139
(1) The Special Group (Augmented) (SGA) — 140
(2) General Lansdale Named Chief-of-Operations of MONGOOSE — 140
(3) CIA Organization for MONGOOSE — 140
b. Lansdale's Theory and Objective for MONGOOSE — 140
c. Bissell's Testimony Concerning Presidential Instructions to Act More Vigorously — 141
d. The January 19, 1962 Special Group Meeting — 141
e. General Lansdale's MONGOOSE Planning Tasks — 142
f. Lansdale's Rejection of a Suggestion that a Propaganda Campaign, Including Rewards for Assassination, Be Explored — 144
g. The control System MONGOOSE Operations — 144
h. The Pattern of MONGOOSE Action — 146

III. Assassination Planning and Plots—Continued
B. Cuba—Continued
3. At What Level Were the Castro Plots Known About or Authorized Outside of the Central Intelligence Agency?—Con.
(b) The Question of Knowledge and Authorization Outside of the Central Intelligence Agency During the Kennedy Administration—Continued
(ii) Post-Bay of Pigs Underworld Plot—MONGOOSE Period—Continued
(3) Evidence Bearing on Knowledge of and Authorization for the Assassination Plot, Phase II—— Page 148
a. Helms' Testimony Concerning Authority—— 148
(1) Helms' Perception of Authority—— 148
(2) Helms' Testimony Concerning the Absence of a Direct Order and Why He Did Not Inform Administration Officials—— 150
(3) Helms' Perception of Robert Kennedy's Position on Assassination—— 150
(4) Helms' Testimony as to Why He Did Not Obtain a Direct Order—— 151
(5) Helms' Perception of the Relation of Special Group Controls to Assassination Activity—— 152
b. Harvey's Testimony Concerning Authority—— 153
(1) Harvey's Perception of Authority—— 153
(2) Harvey and the Special Group (Augmented)—— 153
c. Testimony of Kennedy Administration Officials—— 154
(4) The August 10, 1962 Special Group (Augmented) Meeting—— 161
a. The Contemporaneous Documents—— 161
(1) Lansdale's August 13, 1962 Memorandum—— 161
(2) Harvey's August 14, 1962 Memorandum—— 162
(3) The Minutes of the August 10, 1962 Meeting—— 162
(4) The August 10 Meeting—— 163
b. The Testimony—— 164
(1) Testimony About the August 10 Meeting—— 164
(a) McCone—— 164
(b) Harvey—— 164
(c) Goodwin—— 164
(d) McNamara—— 165
(2) Testimony About Events After the August 10, 1962 Meeting—— 165
(a) McCone—— 165
(b) Harvey—— 165
(c) Elder—— 165
(d) Lansdale—— 165
(3) Testimony of Reporters About Lansdale's Comments on the August 10 Meeting—— 167
(a) The Martin Report—— 168
(b) The O'Leary Report—— 169
(iii) The Question of Whether the AM/LASH Plot (1963-1965) Was Known About or Authorized by Administration Officials Outside the CIA—— 170
(1) Kennedy Administration's Policy Toward Cuba in 1963—— 170
a. Organizational Changes—— 170
b. Discussion of the Contingency of Castro's Death—— 170
c. The Standing Group's Discussion of United States Policy Toward Cuba—— 172
d. The Special Group's Authorization of a Sabotage Program Against Cuba—— 173
e. The Diplomatic Effort to Explore an Accommodation with Castro—— 173

III. Assassination Planning and Plots—Continued
B. Cuba—Continued
3. At What Level Were the Castro Plots Known About or Authorized Outside of the Central Intelligence Agency?—Con.
(b) The Question of Knowledge and Authorization Outside of the Central Intelligence Agency During the Kennedy Administration—Continued
(iii) The Question of Whether the AM/LASH Plot (1963–1965) Was Known About or Authorized by Administration Officials Outside the CIA—Continued
(2) Testimony on the Question of Authorization for the AM/LASH Poison Pen Device ... Page 174
a. The October Meeting with AM/LASH and the Use of Robert Kennedy's Name Without Obtaining His Approval ... 174
b. The Delivery of the Poison Pen on November 22, 1963 ... 175
(3) The Question of Authorization in the Johnson Administration ... 176
a. Summary of the Assassination Activity ... 176
b. The Issue of Authorization ... 176
c. The Covert Action Program Against Cuba in 1964–1965 ... 177
d. The Special Group Investigation of Reported Castro Assassination Plots by Cuban Exiles ... 177
e. Helms' Report to Rusk ... 178
f. Helms' Briefing of President Johnson on the 1967 Inspector General's Report ... 179
(4) Helms' Testimony on Authorization in the Johnson Administration ... 179
C. Institutionalizing Assassination: The "Executive Action" Capability ... 181
1. Introduction ... 181
2. The Question of White House Initiation, Authorization, or Knowledge of the Executive Action Project ... 182
3. The Question of Authorization or Knowledge of the Executive Action Project by the DCI ... 187
4. The Question of Whether Project ZR/RIFLE Was Connected to Any Actual Assassination Plots ... 187
(a) Conversation Between Bissell and Bundy ... 188
(b) Bissell's Instruction to Harvey to Take Over Responsibility for Underworld Contact: November 1961 ... 188
(c) Use of QJ/WIN in Africa ... 189
D. Trujillo ... 191
1. Summary ... 191
2. Background ... 191
3. Initial Contact With Dissidents and Request for Arms ... 192
(a) Dissident Contacts ... 192
(b) The Request for Sniper Rifles ... 193
4. Summer and Fall of 1960 ... 194
(a) Diplomatic Development—Withdrawal of United States Personnel ... 194
(b) Dearborn Reports Assassination May Be Only Way To Overthrow Trujillo Regime ... 195
(c) Efforts to Convince Trujillo to Abdicate ... 196
(d) CIA Plans of October 1960 ... 196
(e) December 1960 Special Group Plan of Covert Actions ... 196
5. January 12, 1961 Special Group Approval of "Limited Supplies of Small Arms and Other Material" ... 196
(a) Memorandum Underlying the Special Group Action ... 197
6. January 20, 1961–April 17, 1961 (the Kennedy Administration through the Bay of Pigs) ... 197
(a) Specific Events Indirectly Linking United States to Dissidents' Assassination Plans ... 198
(i) Assassination Discussions and Requests for Explosives ... 198

III. Assassination Planning and Plots—Continued
D. Trujillo—Continued
6. January 20, 1961–April 17, 1961 (the Kennedy Administration through the Bay of Pigs—Continued
(a) Specific Events Indirectly Linking United States to Dissident's Assassination Plans—Continued
Page
(ii) The Passage of Pistols 199
(1) Pouching to the Dominican Republic 199
(2) Reason for the CIA Instruction Not To Tell Dearborn 199
(3) Were the Pistols Related to Assassination? 200
(iii) Passing of the Carbines 200
(1) Request by the Station and by Dearborn and Approval by CIA 200
(2) Were the Carbines Related to Assassination? 200
(3) Failure to Disclose to State Department Officials in Washington 201
(iv) Requests for and Pouching of the Machine Guns 201
(1) Requests for Machine Guns 201
(2) Pouching of Machine Guns Approved by Bissell 202
(b) Knowledge of Senior American Officials (Pre-Bay of Pigs) 202
7. April 17, 1961–May 31, 1961 (Bay of Pigs Through Trujillo Assassination) 205
(a) Decision Not to Pass the Machine Guns and Unsuccessful United States Attempt to Stop Assassination Effort 205
(b) Further Consideration of Passing Machine Guns 207
(c) Special Group Meetings of May 4 and May 18, 1961 208
(d) Final Requests by Dissidents for Machine Guns 208
(e) Dearborn in Washington for Consultation—Drafting of Contingency Plans 209
(f) Cable of May 29, 1961 212
8. May 30, 1961 and Immediately Thereafter 213
(a) Trujillo Assassinated 213
(b) Cables to Washington 213
(c) Immediate Post-Assassination Period 214
E. Diem 217
1. Summary 217
2. The Abortive Coup of August 1963 217
3. The November 1963 Coup 220
F. Schneider 225
1. Summary 225
2. The President's Initial Instruction and Background 227
(a) September 15 White House Meeting 227
(b) Background: Tracks I and II 229
(c) CIA Views of Difficulty of Project 232
3. CIA's Implementation of Track II 233
(a) Evolution of CIA Strategy 233
(i) The "Constitutional Coup" Approach 233
(ii) Military Solution 234
(b) The Chile Task Force 235
(c) Use of the U.S. Military Attache and Interagency Relations 235
(d) Agents Who Posed as Third Country Nationals 238
(e) Chief of Station 239
4. CIA Efforts to Promote a Coup 239
(a) The Chilean Conspirators 239
(b) Contacts Prior to October 15 240
(c) October 15 Decision 242
(d) Coup Planning and Attempts After October 15 243
(e) The Shooting of General Schneider 245
(f) Post October 22 Events 246
5. CIA/White House Communication During Track II 246
(a) September 247
(b) October 248
(c) December 253
(d) Did Track II End? 253

Page

IV. Findings and Conclusions 255
A. Findings Concerning the Plots Themselves 255
1. Officials of the United States Government Initiated Plots to Assassinate Fidel Castro and Patrice Lumumba 255
2. No Foreign Leaders Were Killed as a Result of Assassination Plots Initiated by Officials of the United States 256
3. American Officials Encouraged or Were Privy to Coup Plots Which Resulted in the Deaths of Trujillo, Diem, and Schneider 256
4. The Plots Occurred in a Cold War Atmosphere Perceived to be of Crisis Proportions 256
5. American Officials Had Exaggerated Notions About Their Ability to Control the Actions of Coup Leaders 256
6. CIA Officials Made Use of Known Underworld Figures in Assassination Efforts 257
B. Conclusions Concerning the Plots Themselves 257
1. The United States Should Not Engage in Assassination 257
(a) Distinction Between Targeted Assassinations Instigated by the United States and Support for Dissidents Seeking to Overthrow Local Governments 257
(b) The Setting In Which the Assassination Plots Occurred Explains, But Does Not Justify Them 258
2. The United States Should Not Make Use of Underworld Figures for Their Criminal Talents 259
C. Findings and Conclusions Relating to Authorization and Control 260
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 261
2. Findings Relating to the Level at Which the Plots Were Authorized 261
(a) Diem 261
(b) Schneider 262
(c) Trujillo 262
(d) Lumumba 263
(e) Castro 263
3. CIA Officials Involved in the Assassination Operations Perceived Assassination to Have Been a Permissible Course of Action 264
4. The Failure in Communication Between Agency Officials in Charge of the Assassination Operations 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 267
(a) Agency Officials Failed on Several Occasions to Reveal the Plots to Their Superiors, Or To Do So With Sufficient Detail and Clarity 267
(i) Castro 267
(ii) Trujillo 270
(iii) Schneider 272
(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 273
(i) Trujillo 273
(ii) Schneider 273
(iii) Lumumba 273
(iv) Castro 274

IV. Findings and Conclusions—Continued
C. Findings and Conclusions Relating to Authorization and Control—Continued
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 277
(a) The Danger Inherent in Overextending the Doctrine of Plausible Denial 277
(b) The Danger of Using "Circumlocution" and "Euphemism" 278
(c) The Danger of Generalized Instructions 278
(d) The Danger of "Floating Authorization" 278
(e) The Problems Connected With Creating New Covert Capabilities 279
V. Recommendations 281
A. General Agreement That the United States Must Not Engage in Assassination 281
B. CIA Directives Banning Assassination 282
C. The Need for a Statute 282
Epilogue 285
Statement of Joinder 286
Appendix A 289
Appendix B 291
Separate Views of Senator Philip A. Hart 297
Additional Views of Senator Robert Morgan 299
Additional Views of Senator Howard H. Baker, Jr 303
Additional Views of Senator Barry Goldwater 341
Supplemental Views of Senator Charles McC. Mathias, Jr 345
Abbreviations of Citations 347

Page

PROLOGUE

The events discussed in this Interim Report must be viewed in the context of United States policy and actions designed to counter the threat of spreading Communism. Following the end of World War II, many nations in Eastern Europe and elsewhere fell under Communist influence or control. The defeat of the Axis powers was accompanied by rapid disintegration of the Western colonial empires. The Second World War had no sooner ended than a new struggle began. The Communist threat, emanating from what came to be called the "Sino-Soviet bloc," led to a policy of containment intended to prevent further encroachment into the "Free World."

United States strategy for conducting the Cold War called for the establishment of interlocking treaty arrangements and military bases throughout the world. Concern over the expansion of an aggressive Communist monolith led the United States to fight two major wars in Asia. In addition, it was considered necessary to wage a relentless cold war against Communist expansion wherever it appeared in the "back alleys of the world." This called for a full range of covert activities in response to the operations of Communist clandestine services.

The fear of Communist expansion was particularly acute in the United States when Fidel Castro emerged as Cuba's leader in the late 1950's. His takeover was seen as the first significant penetration by the Communists into the Western Hemisphere. United States leaders, including most Members of Congress, called for vigorous action to stem the Communist infection in this hemisphere. These policies rested on widespread popular support and encouragement.

Throughout this period, the United States felt impelled to respond to threats which were, or seemed to be, skirmishes in a global Cold War against Communism. Castro's Cuba raised the spectre of a Soviet outpost at America's doorstep. Events in the Dominican Republic appeared to offer an additional opportunity for the Russians and their allies. The Congo, freed from Belgian rule, occupied the strategic center of the African continent, and the prospect of Communist penetration there was viewed as a threat to American interests in emerging African nations. There was great concern that a Communist takeover in Indochina would have a "domino effect" throughout Asia. Even the election in 1970 of a Marxist president in Chile was seen by some as a threat similar to that of Castro's takeover in Cuba.

The Committee regards the unfortunate events dealt with in this Interim Report as an aberration, explainable at least in part, but not justified, by the pressures of the time. The Committee believes that it is still in the national interest of the United States to help nations achieve self-determination and resist Communist domination. However, it is clear that this interest cannot justify resorting to the kind of abuses covered in this report. Indeed, the Committee has resolved that steps must be taken to prevent those abuses from happening again.

I. INTRODUCTION AND SUMMARY

This interim report covers allegations of United States involvement in assassination plots against foreign political leaders. The report also examines certain other instances in which foreign political leaders in fact were killed and the United States was in some manner involved in activity leading up to the killing, but in which it would be incorrect to say that the purpose of United States involvement had been to encourage assassination.

The evidence establishes that the United States was implicated in several assassination plots. The Committee believes that, short of war, assassination is incompatible with American principles, international order, and morality. It should be rejected as a tool of foreign policy.

Our inquiry also reveals serious problems with respect to United States involvement in coups directed against foreign governments. Some of these problems are addressed here on the basis of our investigation to date; others we raise as questions to be answered after our investigation into covert action has been completed.

We stress the interim nature of this report. In the course of the Committee's continuing work, other alleged assassination plots may surface, and new evidence concerning the cases covered herein may come to light. However, it is the Committee's view that these cases have been developed in sufficient detail to clarify the issues which are at the heart of the Committee's mandate to recommend legislative and other reforms.

Thorough treatment of the assassination question has lengthened the Committee's schedule, but has greatly increased the Committee's awareness of the hard issues it must face in the months ahead. These issues include problems of domestic and foreign intelligence collection, counterintelligence, foreign covert operations, mechanisms of command and control, and assessment of the effectiveness of the total United States intelligence effort. The Committee intends, nevertheless, to complete, by February 1976, its main job of undertaking the first comprehensive review of the intelligence community.

A. Committee's Mandate

Senate Resolution 21 instructs the Committee to investigate the full range of governmental intelligence activities and the extent, if any, to which such activities were "illegal, improper or unethical." In addition to that broad general mandate, the Committee is required to investigate, study and make recommendations concerning various specific matters, several of which relate to the assassination issue.[1]

[1] For example, S. Res. 21 requires the Committee to study and investigate the following:

> The extent and necessity of * * * covert intelligence activities * * * abroad;
> [The] nature and extent of executive branch oversight of all United States intelligence activities;
> The need for improved, strengthened, or consolidated oversight of United States intelligence activities by the Congress * * * and the need for new legislation.

Although the Rockefeller Commission initiated an inquiry into reported assassination plots, the Commission declared it was unable, for a variety of reasons, to complete its inquiry. At the direction of the President, the Executive Branch turned over to the Select Committee the work the Commission had done, along with certain other documents relating to assassination.

B. Committee Decision to Make Report Public

This report raises important questions of national policy. We believe that the public is entitled to know what instrumentalities of their Government have done.[1] Further, our recommendations can only be judged in light of the factual record. Therefore, this interim report should be made public.

The Committee believes the truth about the assassination allegations should be told because democracy depends upon a well-informed electorate. We reject any contention that the facts disclosed in this report should be kept secret because they are embarrassing to the United States. Despite the temporary injury to our national reputation, the Committee believes that foreign peoples will, upon sober reflection, respect the United States more for keeping faith with its democratic ideal than they will condemn us for the misconduct revealed. We doubt that any other country would have the courage to make such disclosures.

The fact that portions of the story have already been made public only accentuates the need for full disclosure. Innuendo and misleading partial disclosures are not fair to the individuals involved. Nor are they a responsible way to lay the groundwork for informed public policy judgments.

C. Scope of Committee's Investigation

Investigating the assassination issue has been an unpleasant duty, but one that the Committee had to meet. The Committee has compiled a massive record in the months that the inquiry has been underway. The record comprises over 8,000 pages of sworn testimony taken from over 75 witnesses during 60 hearing days and numerous staff interviews. The documents which the Committee has obtained include raw files from agencies and departments, the White House, and the Presidential libraries of the Administrations of former Presidents Dwight Eisenhower, John Kennedy and Lyndon Johnson.[2]

We have obtained two types of evidence: *first*, evidence relating to the general setting in which the events occurred, the national policy of the time, and the normal operating procedures, including channels of command and control; and *second*, evidence relating to the specific events.

A Senate Committee is not a court. It looks to the past, not to determine guilt or innocence, but in order to make recommendations for the future. When we found the evidence to be ambiguous—as we did on

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[1] When the name of a participant in the plot did not add to the presentation and its inclusion may have placed in jeopardy his life or livelihood, the Committee, on occasion, resorted, on balance, to the use of an alias or a general description of the individual or his position.

[2] The Committee has served both general and specific document requests upon the Executive Branch. The Administration represented to the Committee that it has produced all the relevant documents.

some issues—we have set out both sides, in order that the evidence may speak for itself.

Despite the number of witnesses and documents examined by the Committee, the available evidence has certain shortcomings.

Many of the events considered occurred as long as fifteen years ago. With one exception, they occurred during the administrations of Presidents now dead. Other high officials whose testimony might have shed additional light on the thorny issues of authorization and control are also dead. Moreover, with the passage of time, the memories of those still alive have dimmed.

The Committee has often faced the difficult task of distinguishing refreshed recollection from speculation. In many instances, witnesses were unable to testify from independent recollection and had to rely on documents contemporaneous with the events to refresh their recollections. While informed speculation is of some assistance, it can only be assigned limited weight in judging specific events.

Although assassination is not a subject on which one would expect many records or documents to be made or retained, there were, in fact, more relevant contemporaneous documents than expected. In addition, in 1967 the Central Intelligence Agency had made an internal study of the Castro, Trujillo and Diem assassination allegations.[1] That study was quite useful, particularly in suggesting leads for uncovering the story of the actual assassination activity. Unfortunately, the working papers relating to that investigation were destroyed upon the completion of the Report, pursuant to instructions from CIA Director Richard Helms. (Memorandum for the Record, 5/23/67) These notes were destroyed because of their sensitivity and because the information they contained had already been incorporated into the Report. In fairness to Director Helms, it should be added, however, that he was responsible for requesting the preparation of the Inspector General's Report and for preserving the Report.

Some ambiguities in the evidence result from the practice of concealing CIA covert operations from the world and performing them in such a way that if discovered, the role of the United States could be plausibly denied. An extension of the doctrine of "plausible deniability" had the result that communications between the Agency and high Administration officials were often convoluted and imprecise.[2]

The evidence contains sharp conflicts, some of which relate to basic facts. But the most important conflicts relate not so much to basic facts as to differing perceptions and opinions based upon relatively undisputed facts. With respect to both kinds of conflicts, the Committee has attempted to set forth the evidence extensively so that it may speak for itself, and in our section on findings and conclusions, we suggest resolutions for some of the conflicts. However, because

[1] Those studies were made at the direction of CIA Director Richard Helms to provide him with information to answer questions from President Johnson. The President's questions concerning Castro were provoked by a Drew Pearson newspaper column in March 1967. The column alleged that the CIA had attempted to kill Castro using the Mafia. The President also asked Helms for information concerning possible United States involvement in the assassinations of Trujillo and Diem.

[2] For a full discussion of this doctrine, see pages 11–12.

the Committee's main task is to find lessons for the future, resolving conflicts in the evidence may be less important than making certain that the system which produced the ambiguities is corrected.

D. 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:[1]

Country	*Individual involved*[2]
Cuba	Fidel Castro.
Congo (Zaire)	Patrice Lumumba.
Dominican Republic	Rafael Trujillo.
Chile	General Rene Schneider.
South Vietnam	Ngo Dinh Diem.

The evidence concerning each alleged assassination can be summarized as follows:[3]

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

[1] 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 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)

[2] 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.

[3] Section III contains a detailed treatment of the evidence on each country.

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 Generals' 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 Generals' 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 MONGOOSE 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 uncon-

trovertibly 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.[1] 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.

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 distinguished 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.

[1] The Committee's findings are elaborated in Section IV, *infra*.

II. COVERT ACTION AS A VEHICLE FOR FOREIGN POLICY IMPLEMENTATION

Covert action is activity which is meant to further the sponsoring nation's foreign policy objectives, and to be concealed in order to permit that nation to plausibly deny responsibility.

The National Security Act of 1947 [1] which established the Central Intelligence Agency did not include specific authority for covert operations. However, it created the National Security Council, and gave that body authority to direct the CIA to "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." At its first meeting in December 1947, the NSC issued a top secret directive granting the CIA authority to conduct covert operations. From 1955 to 1970, the basic authority for covert operations was a directive of the National Security Council, NSC 5412/2.[2]

This directive instructed the CIA to counter, reduce and discredit "International Communism" throughout the world in a manner consistent with United States foreign and military policies. It also directed the CIA to undertake covert operations to achieve this end and defined covert operations as any covert activities related to propaganda, economic warfare, political action (including sabotage, demolition and assistance to resistance movements) and all activities compatible with the directive.[3] In 1962, the CIA's General Counsel rendered the opinion that the Agency's activities were "not inhibited by any limitations other than those broadly set forth in NSC 5412/2." (CIA General Counsel Memorandum 4/6/62)

A. Policy Development and Approval Mechanism

In his 1962 memorandum, CIA's General Counsel made it clear that the CIA considered itself responsible for developing proposals and plans to implement the objectives of NSC 5412/2.[4] The memorandum also stated that even in developing ideas or plans it was incumbent on the Agency not only to coordinate with other executive departments and agencies, but also to "obtain necessary policy approval." The Committee has been faced with determining whether CIA officials thought

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[1] (P.L. 80–253).

[2] Today the basic authority for CIA covert action operations is National Security Decision Memorandum 40, which superseded NSC 5412/2 on February 17, 1970.

[3] By contrast NSDM 40 of 1970 described covert actions as those secret activities designed to further official United States programs and policies abroad. It made no reference to communism.

[4] The memorandum stated:

"CIA must necessarily be responsible for planning. Occasionally suggestions for action will come from outside sources but, to depend entirely on such requirements would be an evasion of the Agency's responsibilities. Also, the average person, both in government and outside, is thinking along normal lines and to develop clandestine cold war activities properly, persons knowing both the capabilities and limitations of clandestine action must be studying and devising how such actions can be undertaken effectively."

With respect to policy approval, the General Counsel said:

"Both in developing ideas or plans for action it is incumbent upon the Agency to obtain necessary policy approval, and for this purpose these matters should be explored with proper officials in other departments and agencies, particularly in the Departments of State and Defense, so the determination can be made as to whether any one proposal should go to the Special Group or higher for policy determination."

it was "necessary" to obtain express approval for assassination plans and, if so, whether such approval was in fact either sought or granted.

Beginning in 1955, the responsibility for authorizing CIA covert action operations lay with the Special Group, a subcommittee of the National Security Council composed of the President's Assistant for National Security Affairs, the Director of Central Intelligence, the Deputy Secretary of Defense and the Under Secretary of State for Political Affairs. Today this group is known as the 40 Committee, and its membership has been expanded to include the Chairman of the Joint Chiefs of Staff. During 1962 another NSC subcommittee was established to oversee covert operations in Cuba. This subcommittee was the Special Group (Augmented); its membership included the Special Group, the Attorney General, and certain other high officials.

In exercising control over covert operations, the Special Group was charged with considering the objectives of proposed activities, determining whether the activities would accomplish the objectives, assessing the likelihood of success, and deciding whether the activities would be "proper" and in the national interest. The Chairman of the Special Group was usually responsible for determining which projects required Presidential consideration and for keeping him abreast of developments.

Authorization procedures, however, have not always been clear and tidy, nor have they always been followed. Prior to 1955, there were few formal procedures. Procedures from 1955 through 1963 were characterized in an internal CIA memorandum as "somewhat cloudy and * * * based on value judgments by the DCI." (Memorandum for the Record, C/CA/PEG, "Policy Coordination of CIA's Covert Action Operations", 2/21/67)

The existence of formal procedures for planning and implementing covert actions does not necessarily rule out the possibility that other, more informal procedures might be used. The granting of authority to an executive agency to plan covert action does not preempt Presidential authority to develop and mandate foreign policy. Formal procedures may be disregarded by either high Administration officials or officers in the CIA. In the Schneider incident, for example, President Nixon instructed CIA officials not to consult with the 40 Committee or other policy-making bodies.[1] In the plot to assassinate Castro using underworld figures, CIA officials decided not to inform the Special Group of their activities. One CIA operation, an aspect of which was to develop an assassination capability, was assigned to a senior case officer as a special task. His responsibility to develop this capability did not fall within the Special Group's review of covert operations, even though this same officer was responsible to the Special Group (Augmented) on other matters.

The Central Intelligence Agency also has a formal chain of command. At the top of the structure of the CIA is the Director of Central Intelligence (DCI) and his immediate subordinate, the Deputy Director of Central Intelligence (DDCI). Together they are responsible for the administration and supervision of the Agency. Beneath the DCI, and directly responsible to him, are the four operational components of the Agency. During the period covered by this report, the

[1] The Special Group was renamed the 303 Committee in 1964. In 1970 its name was changed again—this time to the 40 Committee.

component responsible for clandestine operations was the Directorate of Plans, headed by the Deputy Director for Plans (DDP).[1] The Directorate of Plans was organized around regional geographic divisions. These divisions worked with their respective overseas stations (headed by a Chief of Station (COS)) in planning and implementing the Directorate's operations. The divisions which played a part in the events considered in this report were the Western Hemisphere Division (WH) which was responsible for Latin America, the African Division (AF), and the Far Eastern Division (FE).

In addition to the regional divisions, the Directorate of Plans also included three staff-level units which provided some oversight and coordination of division projects. The staff units had no approval authority over the divisions. However, they could criticize and suggest modifications of projects sponsored by divisions. The three staffs were: Foreign Intelligence, Counterintelligence, and Covert Action.

When functioning in accordance with stated organizational procedures, the Directorate of Plans operated under a graduated approval process. Individual project proposals generally originated either from the field stations or from the divisions and were approved at varying levels within the Directorate, depending on the estimated cost and risk of the operation. Low-cost, low-risk projects could be approved at the Deputy Director for Plans level; extremely high-cost, high-risk projects required the approval of the DCI. Covert action proposals also required approval of the Special Group.

Also within the Directorate of Plans was a Technical Services Division (TSD) which developed and provided technical and support material required in the execution of operations. A separate Directorate, the Directorate of Support, handled financial and administrative matters. The Office of Security, a component of the Directorate of Support, was largely responsible for providing protection for clandestine installations and, as discussed at length in the Castro study, was occasionally called on for operational assistance.

B. The Concept of "Plausible Denial"

Non-attribution to the United States for covert operations was the original and principal purpose of the so-called doctrine of "plausible denial."

Evidence before the Committee clearly demonstrates that this concept, designed to protect the United States and its operatives from the consequences of disclosures, has been expanded to mask decisions of the President and his senior staff members. A further consequence of the expansion of this doctrine is that subordinates, in an effort to permit their superiors to "plausibly deny" operations, fail to fully inform them about those operations.

"Plausible denial" has shaped the processes for approving and evaluating covert actions. For example, the 40 Committee and its predecessor, the Special Group, have served as "circuit breakers" for Presidents, thus avoiding consideration of covert action by the Oval office.

"Plausible denial" can also lead to the use of euphemism and circumlocution, which are designed to allow the President and other

[1] The Directorate of Plans is presently called the Directorate of Operations, and is headed by the Deputy Director for Operations (DDO).

senior officials to deny knowledge of an operation should it be disclosed. The converse may also occur; a President could communicate his desire for a sensitive operation in an indirect, circumlocutious manner. An additional possibility is that the President may, in fact, not be fully and accurately informed about a sensitive operation because he failed to receive the "circumlocutious" message. The evidence discussed below reveals that serious problems of assessing intent and ensuring both control and accountability may result from the use of "plausible denial."

F. SCHNEIDER

1. SUMMARY

On September 4, 1970, Dr. Salvador Allende Gossens won a plurality in Chile's Presidential election.[1] Since no candidate had received a majority of the popular vote, the Chilean constitution required that a joint session of its Congress decide between the first and second place finishers. This constitutional requirement had, in the past, been proforma. The Congress had always selected the candidate who received the highest popular vote. The date set for the Congressional joint session was October 24, 1970.

On September 15, 1970, President Richard Nixon informed CIA Director Richard Helms that an Allende regime in Chile would not be acceptable to the United States. The CIA was instructed by President Nixon to play a direct role in organizing a military coup d'etat in Chile to prevent Allende's accession to the presidency. The Agency was to take this action without coordination with the Departments of State or Defense and without informing the U.S. Ambassador in Chile. While coup possibilities in general and other means of seeking to prevent Allende's accession to power were explored by the 40 Committee throughout this period, the 40 Committee was never informed of this direct CIA role. In practice, the Agency was to report, both for informational and approval purposes, to the President's Assistant for National Security Affairs, Henry Kissinger, or his deputy.

Between October 5 and October 20, 1970, the CIA made 21 contacts with key military and Carabinero (police) officials in Chile. Those Chileans who were inclined to stage a coup were given assurances of strong support at the highest levels of the U.S. Government, both before and after a coup.

One of the major obstacles faced by all the military conspirators in Chile was the strong opposition to a coup by the Commander-in-Chief of the Army, General Rene Schneider, who insisted the constitutional process be followed. As a result of his strong constitutional stand, the removal of General Schneider became a necessary ingredient in the coup plans of all the Chilean conspirators. Unable to have General Schneider retired or reassigned, the conspirators decided to kidnap him. An unsuccessful abduction attempt was made on October 19, 1970, by a group of Chilean military officers whom the CIA was actively supporting. A second kidnap attempt was made the following day,

[1] Dr. Allende, a long-time Senator and founder of the Socialist Party in Chile, was a candidate of the Popular Unity Coalition. The Coalition was made up of Communists, Socialists, Social Democrats, Radicals, and dissident Christian Democrats. Allende was a self-proclaimed Marxist and was making his fourth try for the presidency. His opponents were Rodomiro Tomic Romero, candidate of the ruling Christian Democratic Party, and Jorge Alessandri Rodriquez, candidate of the right-wing National Party. Dr. Allende won 36.3% of the popular vote; Alessandri was second with 35.3% of the vote. Dr. Allende's margin of victory was 39,000 votes out of a total of 3 million votes cast in the election. The incumbent President, Eduardo Frei Montalvo, a Christian Democrat, was ineligible for reelection. Chilean law prohibits Presidents from succeeding themselves.

again unsuccessfully. In the early morning hours of October 22, 1970, machine guns and ammunition were passed by the CIA to the group that had failed on October 19. That same day General Schneider was mortally wounded in an attempted kidnap on his way to work. The attempted kidnap and the shooting were apparently conducted by conspirators other than those to whom the CIA had provided weapons earlier in the day.

A Chilean military court found that high-ranking military officers, both active and retired, conspired to bring about a military coup and to kidnap General Schneider. Several of the officers whom the CIA had contacted and encouraged in their coup conspiracy were convicted of conspiring to kidnap General Schneider. Those convicted of carrying out the actual kidnap attempt and the killing of General Schneider were associates of retired General Roberto Viaux, who had initially been thought by the CIA to be the best hope. However, later the CIA discouraged General Viaux because the Agency felt other officers, such as General Camilo Valenzuela, were not sufficiently involved. General Viaux was convicted by the military court and received a twenty-year prison sentence for being the "intellectual author" of the Schneider kidnap attempt. General Valenzuela was sentenced by the military court to three years in exile for taking part in the conspiracy to prevent Allende's assumption of office. The military court found that the two Generals had been in contact throughout the coup plotting.

The principal facts leading up to the death of General Schneider (all of which are discussed in more detail below) are as follows:

1. By the end of September 1970, it appeared that the only feasible way for the CIA to implement the Presidential order to prevent Allende from coming to power was to foment a coup d'etat.

2. All of the known coup plots developed within the Chilean military entailed the removal of General Schneider by one means or another.

3. United States officials continued to encourage and support Chilean plans for a coup after it became known that the first step would be to kidnap General Schneider.

4. Two unsuccessful kidnap attempts were made, one on October 19, the other on October 20. Following these attempts, and with knowledge of their failure, the CIA passed three submachine guns and ammunition to Chilean officers who still planned to kidnap General Schneider.

5. In a third kidnap attempt on October 22, apparently conducted by Chileans other than those to whom weapons had been supplied, General Schneider was shot and subsequently died. The guns used in the abortive kidnapping of General Schneider were, in all probability, not those supplied by the CIA to the conspirators. The Chilean military court which investigated the Schneider killing determined that Schneider had been murdered by handguns, although one machine gun was at the scene of the killing.[1]

[1] The Committee has not been able to determine whether or not the machine gun at the scene of the Schneider killing was one of the three supplied by the CIA.

6. While there is no question that the CIA received a direct instruction from the President on September 15th to attempt to foment a coup, the Committee received sharply conflicting testimony about whether the White House was kept informed of, and authorized, the coup efforts in Chile after October 15. On one side of the conflict is the testimony of Henry Kissinger and General Alexander Haig; on the other, that of CIA officials. Kissinger testified that the White House stood down CIA efforts to promote a military coup d'etat in Chile on October 15, 1970. After that date, Kissinger testified—and Haig agreed—that the White House neither knew of, nor specifically approved, CIA coup activities in Chile. CIA officials, on the other hand, have testified that their activities in Chile after October 15 were known to and thus authorized by the White House.[1]

This conflict in testimony, which the Committee has been unable to resolve through its hearings or the documentary record, leaves unanswered the most serious question of whether the CIA was acting pursuant to higher authority (the CIA's view) or was pursuing coup activities in Chile without sufficient communication (the Kissinger/Haig view).

2. THE PRESIDENT'S INITIAL INSTRUCTION AND BACKGROUND

(*a*) *September 15 White House meeting*

On September 15, 1970, President Nixon met with his Assistant for National Security Affairs, Henry Kissinger, CIA Director Richard Helms, and Attorney General John Mitchell at the White House. The topic was Chile. Handwritten notes taken by Director Helms at that meeting reflect both its tenor and the President's instructions:

One in 10 chance perhaps, but save Chile!
worth spending
not concerned risks involved
no involvement of Embassy
$10,000,000 available, more if necessary
full-time job—best men we have
game plan
make the economy scream
48 hours for plan of action.

In his testimony before the Select Committee, Director Helms recalled coming away from the meeting on September 15 with:

* * * [the] impression * * * that the President came down very hard that he wanted something done, and he didn't much care how and that he was prepared to make money available.* * * This was a pretty all-inclusive order. * * * If I

[1] The basic issue is whether or not the CIA *informed* the White House of its activities. In context, informing was tantamount to being authorized. No one who testified believed that the CIA was required to seek step-by-step authorization for its activities; rather the burden was on the White House to object if a line of activity being pursued by the CIA seemed unwise. Both Kissinger and Haig agreed that if the CIA had proposed a persuasive plan to them, it almost certainly would have been approved. The CIA did not believe it needed specific White House authorization to transfer weapons to the Chileans; in fact, CIA Deputy Director (Plans) Thomas Karamessines testified that he did not formally approve the transfer, but rather that in the context of the project it was clear that the Agency had the authority to transfer weapons and that it was clear to Karamessines' subordinates that he would approve their decision to do so. He believed he probably was informed before the weapons actually were sent.

ever carried a marshall's baton in my knapsack out of the Oval Office, it was that day.[1] (Helms, 7/15/75, pp. 6, 10, 11)

However, none of the CIA officers believed that assassination was within the guidelines Helms had been given.

Senator HART of Colorado. . . . did the kind of carte blanche mandate you carried, the marshall's baton that you carried out in a knapsack to stop Allende from assuming office include physicial elimination?

Mr. HELMS. Well, not in my mind, because when I became Director, I had already made up my mind that we weren't going to have any of that business when I was Director, and I had made that clear to my fellows, and I think they will tell you this.

The following day, September 16, Director Helms called a meeting at the CIA to discuss the Chilean situation. At this meeting, he related to his colleagues his understanding of the President's instructions:

2. The Director told the group that President Nixon had decided that an Allende regime in Chile was unacceptable to the United States. The President asked the Agency to prevent Allende from coming to power or to unseat him. The President authorized $10,000,000 for this purpose, if needed. Further, the Agency is to carry out this mission without coordination with the Departments of State or Defense. (Memorandum/Genesis of the Project, 9/16/70)

Henry Kissinger's recollection of the September 15 meeting with President Nixon is in accord with that of Richard Helms.[2] Although Dr. Kissinger did not recall the President's instructions to be as precise as those related by Director Helms, he did testify that:

* * * the primary thrust of the September 15th meeting was to urge Helms to do whatever he could to prevent Allende from being seated. (Kissinger, 8/12/75, p. 13)

* * * * * * *

It is clear that President Nixon wanted him [Helms] to encourage the Chilean military to cooperate or to take the initiative in preventing Allende from taking office. (Kissinger, 8/12/75, p. 12)

Operationally, the CIA set the President's instructions into motion on September 21. On that day two cables were sent from CIA Headquarters to Santiago informing the CIA Chief of Station (COS) of his new directive:

3. Purpose of exercise is to prevent Allende assumption of power. Parliamentary legerdemain has been discarded. Military solution is objective. (Cable 236, Hq. to Sta., 9/21/70)

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[1] Director Helms also testified that the September 15th meeting with President Nixon may have been triggered by the presence of Augustin Edwards, the publisher of the Santiago daily *El Mercurio*, in Washington. That morning, at the request of Donald Kendall, President of Pepsi Cola, Henry Kissinger and John Mitchell had met for breakfast with Kendall and Edwards. (Mitchell calendar) The topic of conversation was the political situation in Chile and the plight of *El Mercurio* and other anti-Allende forces. According to Mr. Helms:

> I recall that prior to this meeting [with the President] the editor of *El Mercurio* had come to Washington and I had been asked to go and talk to him at one of the hotels here, this having been arranged through Don Kendall, the head of the Pepsi Cola Company. * * * I have this impression that the President called this meeting where I have my handwritten notes because of Edwards' presence in Washington and what he heard from Kendall about what Edwards was saying about conditions in Chile and what was happening there. (Helms, 7/15/75, pp. 4–5)

[2] The documents, and the officials from whom the Committee has heard testimony, are in substantial agreement about what President Nixon authorized on September 15, namely CIA involvement in promoting a military coup d'etat in Chile. There is not, however, agreement about what was communicated between the CIA and the White House—and hence what was authorized by the latter—in the week between October 15 and the shooting of General Schneider on October 22. This matter will be discussed in Part V of this report.

B. (Track Two)—This is authority granted to CIA only, to work toward a military solution to problem. As part of authority we were explicitly told that 40 Committee, State, Ambassador and Embassy were not to be told of this Track Two nor involved in any matter. (Cable 240, Hq. to Sta., 9/21/70)

(*b*) *Background: Tracks I and II*

United States Government concern over an Allende regime in Chile did not begin with President Nixon's September 15 instruction to the CIA.[1] For more than a year, Chile had been on the 40 Committee's agenda. At an April 15, 1969, meeting of the 303 Committee (the predecessor of the 40 Committee) the question arose as to whether anything should be done with regard to the September 1970 Presidential election in Chile. At that time, Director Helms pointed out that "an election operation will not be effective unless an early enough start is made."[2] On March 25, 1970, the 40 Committee approved a joint Embassy/CIA proposal recommending that "spoiling" operations—propaganda and other activities—be undertaken by the CIA in an effort to prevent an election victory by Allende's Popular Unity (UP) Coalition. A total of $135,000 was authorized by the 40 Committee for this anti-Allende activity. On June 18, 1970, the U.S. Ambassador to Chile, Edward Korry, submitted a two-phase proposal to the Department of State and the CIA for review. The first phase involved an increase in support to the anti-Allende campaign. The second was a contingency plan to make "a $500,000 effort in Congress to persuade certain shifts in voting on 24 October 1970." On June 27, 1970, the 40 Committee increased funding for the anti-Allende "spoiling" operation to $390,000. A decision on Ambassador Korry's second proposal was deferred pending the results of the September 4 election.

The 40 Committee met twice between the time Allende received a plurality of the popular vote on September 4 and President Nixon issued his instruction to Director Helms on September 15.[3] At both these meetings the question of U.S. involvement in a military coup

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[1] Covert U.S. Government involvement in large-scale political action programs in Chile began with the 1964 Presidential election. As in 1970, this was, in part, in response to the perceived threat of Salvador Allende. Over $3 million was spent by the CIA in the 1964 effort. (Colby, 7/14/75, p. 5)

[2] This and other references to 40 Committee discussions and actions regarding Chile are contained in a memorandum provided to the Committee by the CIA entitled "Policy Decisions Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election," dated October 9, 1970. On August 25, 1975, we subpoenaed all White House/National Security Council documents and records relating to the effort by the United States Government to prevent Salvador Allende from assuming office. On September 4, the Committee received 46 documents from the White House relating to Chile covering the period September 5 to October 14, 1970.

[3] Following the September 4 election, the CIA's Directorate of Intelligence circulated an intelligence community assessment of the impact of an Allende government on U.S. national interests. That assessment, dated September 7, 1970, stated:

> Regarding threats to U.S. interests, we conclude that:
> 1. The U.S. has no vital national interests within Chile. There would, however, be tangible economic losses.
> 2. The world military balance of power would not be significantly altered by an Allende government.
> 3. An Allende victory would, however, create considerable political and psychological costs:
> a. Hemispheric cohesion would be threatened by the challenge that an Allende government would pose to the OAS, and by the reactions that it would create in other countries. We do not see, however, any likely threat to the peace of the region.
> b. An Allende victory would represent a definite psychological set-back to the U.S. and a definite psychological advance for the Marxist idea. (Intelligence Memorandum/ "Situation Following the Chilean Presidential Election," CIA's Directorate of Intelligence, (9/7/70)

against Allende was raised. Kissinger stressed the importance of these meetings when he testified before the Committee:

I think the meeting of September 15th has to be seen in the context of two previous meetings of the 40 Committee on September 8th and September 14th in which the 40 Committee was asked to look at the pros and cons and the problems and prospects of a Chilean military coup to be organized with United States assistance. (Kissinger, 8/12/75, p. 5)

According to the summary of the 40 Committee meeting on September 8, the following was discussed:

* * * all concerned realized that previous plans for a Phase II would have to be drastically redrawn. * * * The DCI made the point, however, that congressional action against Allende was not likely to succeed and that once Allende was in office the Chilean opposition to him would disintegrate and collapse rapidly. While not advocating a specific course of action, the Director further observed that a military golpe against Allende would have very little chance of success unless undertaken soon. Both the Chairman and the Attorney General supported this view. * * * At the close of the * * * meeting the Chairman directed the Embassy to prepare a "cold-blooded assessment" of:

(1) the pros and cons and problems and prospects involved should a Chilean military coup be organized now with U.S. assistance, and

(2) the pros and cons and problems and prospects involved in organizing an effective future Chilean opposition to Allende. (CIA Memorandum/Policy Decision Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 10/9/70)

Ambassador Korry responded to the 40 Committee's request for a "cold-blooded assessment" on September 12. He stated that "We [the Embassy] believe it now clear that Chilean military will not, repeat not, move to prevent Allende's accession, barring unlikely situation of national chaos and widespread violence." The Ambassador went on to say that "Our own military people [are] unanimous in rejecting possibility of meaningful military intervention in political situation." He concluded by stating: "What we are saying in this 'cold-blooded assessment' is that opportunities for further significant USG action with the Chilean military are nonexistent." (Memorandum/Ambassador's Response to Request for Analysis of Military Option in Present Chilean Situation, 9/12/70)

The CIA's response was in the same vein. Kissinger's assistant for Latin American affairs on the NSC staff summarized the CIA's "cold-blooded assessment" in a memo to his boss: "*Military action is impossible;* the military is incapable and unwilling to seize power. We have no capability to motivate or instigate a coup." (Memorandum for Dr. Kissinger/Chile—40 Committee Meeting, Monday—September 14, 1970)

On September 14, the 40 Committee met to discuss these reports and what action was to be taken:

Particular attention was devoted to a CIA prepared review of political and military options in the Chilean electoral situation based on the Embassy and Station's "cold-blooded assessment." The Committee focused on the so-called "Rube Goldberg" gambit which would see Alessandri elected by the Congress on October 24th, resigning thereafter to leave Frei constitutionally free to run in a second election for the presidency.

Ambassador Korry was asked to go directly to President Frei to see if he would be willing to commit himself to this line of action. A contingency of $250,000 was approved for "covert support of projects which Frei or his trusted team deem important." It was further agreed that a propaganda campaign be undertaken by the Agency to focus on the damage of an Allende takeover.[1]

[1] The $250,000 approved by the 40 Committee was never spent. The only proposal for using it which arose—bribing Chilean congressman to vote against Allende—was quickly perceived to be unworkable.

(CIA Memo/Policy Decision Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 10/9/70)

Following the September 14 Forty Committee meeting and President Nixon's September 15 instruction to the CIA, U.S. Government efforts to prevent Allende from assuming office proceeded on two tracks.[1] Track I comprised all covert activities approved by the 40 Committee, including the $250,000 contingency fund to bribe Chilean congressmen as well as propaganda and economic activities. These activities were designed to induce the opponents to Allende in Chile to prevent his assumption of power, either through political or military means. Track II activities in Chile were undertaken in response to President Nixon's September 15 order and were directed towards actively promoting and encouraging the Chilean military to move against Allende. In his testimony before the Committee, Kissinger stressed the links between Tracks I and II:

* * * There was work by all of the agencies to try to prevent Allende from being seated, and there was work by all of the agencies on the so-called Track I to encourage the military to move against Allende * * * the difference between the September 15th meeting and what was being done in general within the government was that President Nixon was encouraging a more direct role for the CIA in actually organizing such a coup. (Kissinger, 8/12/75, p. 13)

Tracks I and II did, in fact, move together in the month after September 15. The authorization to Ambassador Korry, who was formally excluded from Track II, to encourage a military coup became broader and broader. In the 40 Committee meeting on September 14, he and other "appropriate members of the Embassy Mission" were authorized to intensify their contacts with Chilean military officers to assess their willingness to support the "Frei gambit"—a voluntary turn-over of power to the military by Frei, who would then have been eligible to run for President in a new election. (Memorandum/Policy Decisions Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 10/9/70)

In a situation report to Dr. Kissinger and Assistant Secretary Charles Meyer on September 21, Ambassador Korry indicated that in order to make the Frei gambit work, "if necessary, General Schneider would have to be neutralized, by displacement if necessary."[2]

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[1] The terms Track I and Track II were known only to CIA and White House officials who were knowledgeable about the President's September 15 order to the CIA. The Committee sent letters to various senior officials inquiring if they were, in fact, not knowledgeable of the Track II activities. Those letters were sent to Secretary of State William Rogers, Secretary of Defense Melvin Laird, Deputy Secretary of Defense David Packard, Under Secretary of State for Political Affairs U. Alexis Johnson, Chairman of the Joint Chiefs of Staff Admiral Thomas Moorer, NSC Staff Member for Latin America Viron P. Vaky, Director of the State Department's Bureau of Intelligence and Research Ray S. Cline, and the Deputy Chief of Mission in Santiago Harry W. Shlaudeman. The Committee has received written responses from Messrs. Moorer, Johnson, Vaky, Shlaudeman and Cline. All except Cline have indicated that they had no knowledge of the Track II activity at the time; Cline indicated he heard of the activities in a general way, from his subordinate who handled 40 Committee work and from former associates at the CIA. In oral communications with Committee staff members, Secretaries Rogers and Laird have indicated they were unaware of Track II.

[2] In this same situation report, Ambassador Korry related a message that he had sent to President Frei through his Defense Minister indicating the economic pressures that would be brought to bear on Chile should Allende assume office:

> Frei should know that not a nut or bolt will be allowed to reach Chile under Allende. Once Allende comes to power we shall do all within our power to condemn Chile and the Chileans to utmost deprivation and poverty, a policy designed for a long time to come to accelerate the hard features of a Communist society in Chile. Hence, for Frei to believe that there will be much of an alternative to utter misery, such as seeing Chile muddle through, would be strictly illusory.

The use of economic instruments as levers on Frei and the Chilean military was a persistent subject of White House/CIA discussions and of instructions to the field. Helms' notes from the September 15 meeting with the President included the notation "make the economy scream." Economic leverage was the primary topic of a September 18 White House meeting involving Kissinger, Helms and Karamessines.

(Situation Report, Korry to Meyer and Kissinger, 9/21/70) In testifying, Kissinger felt the Korry report indicated "the degree to which Track I and Track II were merging, that is to say, that individuals on Track I were working on exactly the same problem as the CIA was working on Track II." (Kissinger, 8/12/75, p. 21)

Ambassador Korry's activities in Chile between September 4 and October 24 support Kissinger's view that the line separating Track I and Track II often became blurred. For example, the Ambassador was authorized to make his contacts in the Chilean military aware that if Allende were seated, the military could expect no further military assistance (MAP) from the United States. Later, in response to his own recommendation, Korry was authorized to inform the Chilean military that all MAP and military sales were being held in abeyance pending the outcome of the Congressional election on October 24. On October 7, Ambassador Korry received the following cable from Washington, apparently authorized by the 40 Committee:

> 2. * * * you are now authorized to inform discreetly the Chilean military through the channels available to you that if a successful effort is made to block Allende from taking office, we would reconsider the cuts we have thus far been forced to make in Chilean MAP and otherwise increase our presently programmed MAP for the Chilean Armed Forces. * * * If any steps the military should take should result in civil disorder, we would also be prepared promptly to deliver support and material that might be immediately required. (Cable 075517, Hq. to Sta., 10/7/70)

The essential difference between Tracks I and II, as evidenced by instructions to Ambassador Korry during this period, was not that Track II was coup-oriented and Track I was not. Both had this objective in mind. The difference between the two tracks was, simply, that the CIA's direct contacts with the Chilean military, and its active promotion and support for a coup *without* President Frei's involvement, were to be known only to a small group of individuals in the White House and the CIA. Kissinger testified that Track II matters were to be reported directly to the White House "for reasons of security." (Kissinger, 8/12/75, p. 14) Thomas Karamessines, the CIA's Deputy Director for Plans at the time and the principal CIA contact with the White House on Track II matters, testified on his understanding of why State, Defense, the 40 Committee and Ambassador Korry were excluded from Track II:

> That was not a decision that we made. But the best I can do is suggest that there was concern about two things. Number one, that there might be serious objections lodged, for example, by the State Department particularly if Track II were to be laid out at a Forty Committee meeting. And the only other thing I can contribute to that is that it was felt that the security of the activity would be better protected if knowledge of it were limited. (Karamessines, 8/6/75, p. 122)

(c) CIA views of difficulty of project

On one point the testimony of the CIA officials who were involved in Track II is unanimous: they all said they thought Track II was unlikely to succeed. That view ran from the working levels of the Agency to the top. They all said they felt they were being asked to do the impossible, that the risks and potential costs of the project were too great. At the same time, they felt they had been given an explicit Presidential order, and they tried to execute that order.

A few excerpts from the testimony follow:

Richard Helms, CIA Director—

* * * my heart sank over this meeting, because * * * the possibility of bringing off something like this seemed to me at that time to be just as remote as anything could be. In practical terms, the Army was constitutionalist. * * * And when you look here at the time frame in which the man was suddenly asking you to accomplish something, it seemed really almost inconceivable. * * *

What I came away from the meeting with the distinct impression that we were being asked to do almost the impossible and trying to indicate this was going to be pretty tough. * * * (Helms, 7/15/75, pp. 6–7)

Chief, Chile Task Force—

* * * it [was] my feeling that the odds [were] unacceptable, it [was] something that [was] not going to work, and we [were] going to be burned if we [got] into it * * * what [were] the chances of pulling off a coup successfully, or in any way stopping Allende from assuming the presidency? * * * we never even got to two chances out of 20. (Chief, Chile Task Force, 7/31/75, p. 16)

* * * I assure you that those people that I was in touch with at the Agency just about universally said, my God, why are we given this assignment? (Chief, Chile Task Force, 7/31/75, p. 53)

Deputy Chief, Western Hemisphere Division—

There was just no question that we had to make this effort, no matter what the odds were. And I think that most people felt that the odds were just pretty long. (Deputy Chief/WH Division, 7/15/75, p. 20)

Further, CIA officials believed their judgment of the project's difficulty was known to the White House. Helms commented on the September 15th meeting: "So realizing all of these things, I'm relatively certain that day that I pointed out this is going to be awfully tough." (Helms, 7/15/75, p. 16) Karamessines recalled pointing out to the President that "the Chilean military seemed to be disorganized and unwilling to do anything. And without their wanting to do something, there did not seem to be much hope." (Karamessines, 8/6/75, p. 10)

3. CIA'S IMPLEMENTATION OF TRACK II

(a) *Evolution of CIA strategy*

The President's instruction to the CIA on September 15 to prevent Allende's assumption of power was given in the context of a broad U.S. Government effort to achieve that end. The September 15 instruction to the CIA involved from the beginning the promotion of a military coup d'etat in Chile. Although there was talk of a coup in Chilean military circles, there was little indication that it would actually take place without active U.S. encouragement and support.

There was much talk among Chilean officers about the possibility of some kind of coup . . . but this was not the kind of talk that was being backed by, you know, serious organizational planning. (Karamessines, 8/6/75, p. 32)

(i) *The "Constitutional Coup" Approach*

Although efforts to achieve a political solution to the Allende victory continued simultaneous with Track II, the Agency premised its activities on the assumption that the political avenue was a dead end. On September 21, CIA Headquarters cabled its Station in Santiago:

Purpose of exercise is to prevent Allende assumption of power. Paramilitary legerdemain has been discarded. Military solution is objective. (Cable 236, Hq. to Sta., 9/21/70)

The initial strategy attempted to enlist President Frei in promoting a coup to perpetuate his presidency for six more years. The Agency decided to promise "help in any election which was an outgrowth of a successful military takeover." (Memo, Helms to Kissinger, 11/18/70) Under this plan Frei would invite the military to take over, dissolve the Congress, and proclaim a new election. Thomas Karamessines, the Deputy Director for Plans, testified:

> So this was in a sense not Track II, but in a sense another aspect of a quiet and hopefully non-violent military coup. * * * This was abandoned when the military were reluctant to push Frei publicly * * * and, number two, Frei was reluctant to leave on his own in the absence of pressure from the military. * * * There was left as the only chance of success a straight military coup. (Karamessines 8/6/75, p. 6)

At the same time, the Station in Santiago reported:

> Strong reasons for thinking neither Frei nor Schneider will act. For that reason any scenario in which either has to play an active role now appears utterly unrealistic. Overtures to lower echelon officers (e.g., Valenzuela) can of course be made. This involves promoting Army split. (Cable 424, Sta. to Hq., 9/23/70)

(ii) Military Solution

President Frei's failure even to attempt to dissuade his own party convention on October 3–4 from reaching a compromise with Allende ended all hope of using him to prevent an Allende presidency. (Memo, Helms to Kissinger, 11/18/70, p. 16) Thus, by the beginning of October, it was clear that a vehicle for a military solution would have to be found in the second echelon of Chilean officers, and that the top leadership of the Armed Services, particularly General Rene Schneider, constituted a stumbling block. (Cable 424, Sta. to Hq., 9/23/70; Cable 439, Sta. to Hq., 9/30/70) The Agency's task was to cause a coup in a highly unpromising situation and to overcome the formidable obstacles represented by Frei's inaction, Schneider's strong constitutionalism, and the absence of organization and enthusiasm among those officers who were interested in a coup.

A three-fold program was set into motion:

a. Collect intelligence on coup-minded officers;

b. Create a coup climate by propaganda,[1] disinformation, and terrorist activities intended to provoke the left to give a pretext for a coup: (Cable 611, Hq. to Sta., 10/7/70)

c. Inform those coup-minded officers that the U.S. Government would give them full support in a coup short of direct U.S. military intervention. (Cable 762, Hq. to Sta., 10/14/70)

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[1] A cable sent from CIA Headquarters to Santiago on October 19 focused on creating an appropriate justification for a coup. The cable stated:

1. It still appears that Ref A coup has no pretext or justification that it can offer to make it acceptable in Chile or Latin America. It therefore would seem necessary to create one to bolster what will probably be their claim to a coup to save Chile from communism * * * You may wish include variety of themes in justification of coup to military for their use. These could include but are not limited to: (A) Firm intel. that Cubans planned to reorganize all intelligence services along Soviet/Cuban mold thus creating structure for police state. * * * (B) Economic situation collapsing. * * * (C) By quick recognition of Cuba and Communist countries Allende assumed U.S. would cut off material assistance to Armed Forces thus weakening them as constitutional barriers. Would then empty armories to Communist Peoples Militia with task to run campaign of terror based on alleged labor and economic sabotage. (Use some quotes from Allende on this.)

2. Station has written some excellent prop guidances. Using themes at hand and which best known to you we are now asking you to prepare intel report based on some well known facts and some fiction to justify coup, split opposition, and gain adherents for military group. With appropriate military contact can determine how to "discover" intel report which could even be planted during raids planned by Carabineros.

3. We urge you to get this idea and some concrete suggestions to plotters as soon as you can. Coup should have a justification to prosper. (Cable 882, Hq. to St., 10/19/70)

(b) *The Chile task force*

Because of the highly sensitive nature of the operation, a special task force was created in the CIA's Western Hemisphere Division to manage it. The task force was placed under the daily direction of the Deputy Director for Plans, Thomas Karamessines, and a group of the Agency's most experienced and skilled operators were detailed to the task force. One experienced CIA officer was summoned back to Washington from an overseas assignment to head the operation. With the exception of the Division Chief, William Broe, his deputy and the head of the Chile Branch, no other officers in the Division were aware of the task force's activities, not even those officers who normally had responsibility for Chile. The task force had a special communications channel to Santiago and Buenos Aires to compartment cable traffic about Track II. (Memo, Helms to Kissinger, 11/18/70, p. 30) Most of the significant operational decisions were made by the Chief of the Chile Task Force, Broe and Karamessines, who met on a daily basis.

It should be noted that all those involved with the task force described the pressure from the White House as intense. Indeed, Karamessines has said that Kissinger "left no doubt in my mind that he was under the heaviest of pressure to get this accomplished, and he in turn was placing us under the heaviest of pressures to get it accomplished." (Karamessines, 8/6/75, p. 7) The Deputy Chief of the Western Hemisphere Division testified that pressure was "as tough as I ever saw it in my time there, extreme." (Deputy Chief/WH Division, 7/18/75, p. 20) Broe testified that "I have never gone through a period as we did on the Chilean thing. I mean it was just constant, constant, * * * Just continual pressure. * * * It was coming from the White House." (Broe, 8/4/75, p. 55)

(c) *Use of the U.S. military attache and interagency relations*

The CIA Station in Santiago had inadequate contacts within the Chilean military to carry out its task. However, a U.S. military attache in Santiago knew the Chilean military very well due to his broad personal contacts among the Chilean officers. Following a proposal by the Chief of Station, the CIA decided to enlist the attache in collecting intelligence concerning the possibility of a coup and to use him as a channel to let the interested Chilean military know of U.S. support for a coup. Karamessines described this procedure for the Committee:

> We also needed contact with a wider segment of the military, the senior military which we had not maintained and did not have, but which we felt confident that our military representative in Chile had. * * * And we got the approval of the DIA to enlist the cooperation of the attache in our effort to procure intelligence. (Karamessines, 8/6/75, p. 6)

To obtain the attache's services, CIA officials prepared a suggested message for the Director of DIA to send to him in Santiago through CIA communications channels. Because the DIA Director, General Donald V. Bennett, was in Europe on official business, the Deputy Director of Central Intelligence, General Cushman, invited DIA Deputy Director Lt. General Jamie M. Philpott to his office

on September 28, 1970.[1] During that meeting, General Cushman requested the assistance of the attache, and General Philpott signed a letter which authorized transmission of a message directing him:

> * * * to work closely with the CIA chief, or in his absence, his deputy, in contacting and advising the principal military figures who might play a decisive role in any move which might, eventually, deny the presidency to Allende.
>
> Do not, repeat not, advise the Ambassador or the Defense Attache of this message, or give them any indication of its portent. In the course of your routine activities, act in accordance with the Ambassador's instructions. Simultaneously, I wish—and now authorize you—to act in a concerted fashion with the CIA chief.
>
> This message is for your eyes only, and should not be discussed with any person other than those CIA officers who will be knowledgeable. CIA will identify them. (Cable 380, Hq. to Sta., 9/28/75)

For this and all subsequent messages intended for the attache, the secret CIA communications channel was used.

Both General Philpott and Thomas Karamessines testified that initially the attache would be used only to "obtain or procure" intelligence on Chilean military officers.[2] (Philpott, 8/5/75, p. 11; Karamessines, 8/6/75, p. 6) The September 28, 1970 message to the attache, however, did in fact trigger his deep involvement in the coup attempt. According to the attache's testimony, he received day-to-day instructions from the Chief of Station, and on occasion, the COS would show him messages, ostensibly from Generals Bennett and/or Philpott, directing him to take certain actions. The COS also transmitted messages from the attache to these Generals.

General Bennett testified that he never had knowledge of Track II and that he never received any communication relating thereto, nor did he ever authorize the transmission of any messages to the attache. General Philpott also testified that he had no recollection of anything connected with Track II after his initial meeting with General Cushman on September 28. (Philpott, 8/5/75, p. 16)

U.S. Army Colonel Robert C. Roth, who in September and October 1970 was the Chief of the Human Resources Division, Director of Collection, DIA, testified that he recalled working for Generals Bennett and Philpott on "a priority requirement to identify Chilean personalities who might be helpful in preventing the election of Allende as President of Chile." (Roth, 8/14/75, p. 6) Though Roth recalls no mention of Track II as such, the goal of this mission was identical to that described in the message of September 28 bearing Philpott's signature.

Beginning on October 15, Roth kept a chronology of his activities connected with Chile. This chronology reflects that there was a meeting on October 21 regarding the preparation of biographic material on Chilean generals which focused on their willingness to participate in a military coup. Generals Bennett, Philpott, and a CIA representative attended. The chronology also shows that on October 21, Roth delivered a message to Mr. Broe to be sent by CIA channels.[3] A

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[1] General Bennett returned to the United States on the evening of October 10, 1970. General Philpott was Acting Director in Bennett's absence.

[2] In this connection it should be noted that when questioned about this letter, General Philpott testified that he recalled signing an authorization such as that contained in the first paragraph of Headquarters 380 but that he did not recall the authorizations and instructions in paragraphs two and three.

[3] Roth believes that General Philpott directed him to deliver this message and also pressed him on several occasions to seek a response from Broe to an earlier message to the attache. (Roth, 10/7/75, p. 53)

message was sent to the attache that same day, ostensibly from General Bennett, which authorized:

FYI: Suspension temporarily imposed on MAP and FMS has been rescinded. This action does not repeat not imply change in our estimate of situation. On the contrary, it is intended to place us in a posture in which we can formally cut off assistance if Allende elected and situation develops as we anticipate. Request up date on situation. (Cable 446, Sta. to Hq., 10/21/70; Ref.: Cable 762, Hq. to Sta., (Cable 934, Hq. to Sta., 10/21/70)

Roth testified that this DIA project ended on October 23 when he followed Philpott's instructions to deliver biographic information on Chilean figures to Mr. Broe at CIA. Philpott also instructed him that "any further action on the subject would henceforth be the responsibility of the CIA and that DIA would perform normal support functions." (Roth, 8/14/75, p. 8) [1]

Both Bennett and Philpott testified that the activities described by Roth were routine DIA activities. However, Colonel Roth testified:

I believe my impression at the time, or my recollection, is that I was informed that there was concern at the highest U.S. Governmental level over the possible election of Allende, that DIA then had a priority responsibility of coming up with the identities of key Chilean personalities that would be helpful, and so forth. I have nothing specific as to the nature of the instructions or the channels through which they came.

Q. It was your sense at the time that you were working on a project that if it had not been initiated by, at least had the attention of or concern of, the highest level?

Colonel ROTH. That was my impression at the time.

Q. You understand from your work in the Defense Department that the highest level of government usually indicated the President of the United States?

Colonel ROTH. I would assume that.

The CIA produced copies of several messages which identify Generals Bennett and Philpott as either the sender or recipient. Among these documents is a message relating to Track II which bears Philpott's purported signature. (Undated message, 10/14/70) General Philpott admitted that the signature appears to be his but doubted that it was and he could not recall signing it, or having seen it. (Philpott, 8/5/75, p. 22) CIA also produced messages of October 14 (Cable 762, Hq. to Sta., 10/14/70) and October 21 (Cable 934, Hq. to Sta., 10/21/70) conveying instructions from General Bennett to the attache. General Bennett testified he did not authorize these messages:

It is beyond the responsibilities which I had in the military assistance area. It goes beyond the responsibility which I had in terms that I would have to get the authority or the approval of the Secretary through the Chairman for covert action of this magnitude. This message would not have been signed by me. (Bennett, 8/5/75, p. 21)

According to Karamessines, only the White House had the authority to issue the directives contained in those messages. (Karamessines, 8/6/75, p. 84)

The Department of Defense was unable to provide any documents bearing on the issue of the attache's Track II instructions or responses. A DOD file search under the direction of General Daniel O. Graham, Director of DIA, produced no copies of communication documents for the September–October 1970 period. (Graham, 8/5/75, p. 6) However,

[1] Roth's chronology also indicates that Philpott had asked that Broe be queried on two or three occasions regarding a report from the attache and that Philpott instructed that only he (Philpott) would communicate with Cushman if the need arose. (Roth, 8/14/75, p. 11) Roth also testified that Philpott advised him that communications with the attache would be by CIA channels. (Roth, 8/14/75, p. 41)

Roth testified that detailed memoranda for the record which he prepared on his activities are missing from the files. (Roth, 10/7/75. p. 58)

CIA officials maintain that they acted faithfully in transmitting messages to Generals Bennett and/or Philpott and in never sending a message without proper authorization. Mr. Karamessines was particularly forceful in this regard:

> * * * I can recall no instance in my experience at the Central Intelligence Agency in which a message was received for an individual, an officer of the government anywhere, in whatever department, which was not faithfully, directly, promptly and fully and accurately delivered to that officer, or to his duly authorized representative. (Karamessines, 8/6/75, p. 79)
>
> We may have played tricks overseas, but it stopped at the water's edge, and we didn't play tricks among ourselves or among our colleagues within the Agency or in other agencies. (Karamessines, 8/6/75, p. 79)
>
> We could not remain in business for a day * * * if this had been the practice of the Agency. It would have been no time at all before we would have been found out, a single instance of the kind of thing you are suggesting might have taken place would have put us out of business. (Karamessines, 8/6/75, p. 80)

Dr. Kissinger denied he was ever informed of the attache's role or that he authorized any messages to be sent to the attache. (Kissinger, 8/12/75, p. 22)

The investigation to date has not resolved the conflict between the statements of the senior CIA, DIA and White House officials. There are four possibilities that could explain the conflict. First, Generals Bennett and Philpott were cognizant of Track II and communicated their general instructions to the attache. This possibility would be contrary to their sworn testimony. Second, General Bennett was not aware of Track II but General Philpott was and communicated general instructions to the attache. This possibility is supported by Roth's testimony but would be contrary to Philpott's sworn testimony and his duty to keep General Bennett informed. Third, the CIA acted on its own, and, after receiving initial authority from General Philpott, coopted and ordered the attache without further informing any member of the Department of Defense or the White House. This possibility would be contrary to the sworn testimony of the Chief of the Chile Task Force, William Broe, Thomas Karamessines, and William Colby. Fourth, members of the White House staff authorized the CIA to convey orders to the attache on the basis of high or highest government authority. Further, that the White House staff directed that the attache's superiors in the Pentagon not be informed. This possibility would contradict the sworn testimony of Dr. Kissinger and General Alexander Haig.

(*d*) *Agents who posed as third country nationals*

In order to minimize the risks of making contact with dissident Chilean officers, the task force decided in late September to send four agents to Chile posing as third country nationals to supplement the attache's contacts with Chilean military officers. Headquarters felt this was necessary because "We don't want to miss a chance." (Cable 363, Hq. to Sta., 9/27/70) The agents were compartmented from each other and reported separately on their contacts to an operative in Santiago, who in turn reported to the Station. According to the testimony of the Chief of Station, they received their instructions from Washington and not from the Station.

(e) *Chief of Station*

Although most of the Station officers in Santiago did not know of Track II, the Chief and Deputy Chief of Station were knowledgeable and the Chief of Station initiated contacts on his own with Chilean officers. The COS has testified that he regarded Track II as unrealistic:

> I had left no doubt in the minds of my colleagues and superiors that I did not consider any kind of intervention in those constitutional processes desirable. * * * And one of the reasons certainly for my last recall [to Washington] was to be read the riot act—which was done in a very pleasant, but very intelligible manner. Specifically, I was told at that time that the Agency was not too interested in continuously being told by me that certain proposals which had been made could not be executed, or would be counterproductive. (Chief of Station (Felix), 8/1/75, p. 10)

The Chief of Station's objection to Track II did not go unnoticed. The following instruction to the COS was sent on October 7: "Report should not contain analysis and argumentation but simply report on action taken." (Cable 612, Hq. to Sta., 10/7/70) Very simply, Headquarters wanted the Station to take orders quietly as was the Agency itself.

Three examples of the Chief of Station's reporting bear out his claim to have dissented:

> Bear in mind that parameter of action is exceedingly narrow and available options are quite limited and relatively simple. (Cable 424, Sta. to Hq., 9/23/70)
>
> Feel necessary to caution against any false optimism. It is essential that we not become victims of our own propaganda. (Cable 441, Sta. to Hq., 10/1/70)
>
> Urge you do not convey impression that Station has sure-fire method of halting, let alone triggering coup attempts. (Cable 477, Sta. to Hq., 10/7/70, p. 2)

4. CIA EFFORTS TO PROMOTE A COUP

(a) *The Chilean Conspirators*

Anti-Allende coup plotting in Chile centered around several key individuals. One of these was retired General Roberto Viaux, the General who had led the "Tacnazo" insurrection a year before.[1] Following the "Tacnazo" revolt, and his dismissal from the Army, Viaux retained the support of many non-commissioned and junior officers as well as being the recognized leader of several right-wing civilian groups. (CIA Briefing Paper, "Special Mandate from the President on Chile," 7/15/75) Another individual around which plotting centered was General Camilo Valenzuela, Commander of the Santiago Garrison, who was in league with several other Chilean officers. (CIA Report on Chilean Task Force Activities, 11/18/70) These officers, with one possible exception, were in contact with Viaux as well.[2]

There was considerable communication among the various plotting elements. As Thomas Karamessines testified:

> * * * I might add here that it seemed that a good dozen or more Chilean senior officers were privy to what was going on * * * they were all talking to one another

[1] This revolt was engineered by Viaux ostensibly for the purposes of dramatizing the military's demand for higher pay, but was widely interpreted as an abortive coup.

[2] The record of meetings between Viaux and the active duty military officers is incomplete. The record does show, however, that several met with Viaux during the Track II period. One high ranking officer may have been a member of Viaux's inner circle of conspirators. Although a distinction can be made between the Viaux and Valenzuela groups, as CIA witnesses did throughout their testimony before the Committee, the principal distinction between the two was that the latter was led by active duty military officers. The two groups were in contact with each other. The record also indicates that they worked together in at least two of the three Schneider kidnap attempts.

exchanging views and trying to see how best to mount the kind of coup that they wanted to see take place. (Karamessines, 8/6/75, p. 10.)

(*b*) *Contacts prior to October 15*

The CIA's initial task in Chile was to assess the potential within the Chilean military to stage a coup. It recognized quickly that anti-Allende currents did exist in the military and the Carabineros (police), but were immobilized by "the tradition of military respect for the Constitution" and "the public and private stance of General Schneider, Commander-in-Chief of the Army, who advocated strict adherence to the Constitution." (CIA Report on Chilean Task Force Activities, 11/18/70), p. 17) The Agency's task, then, was to overcome "the apolitical, constitutional-oriented inertia of the Chilean military." (Ibid, p. 2)

Since the very top of the Chilean military, embodied by General Schneider and his second-in-command, General Prats, were hostile to the idea of a coup against Allende, discreet approaches were made to the second level of general officers. They were to be informed that the U.S. Government would support a coup both before and after it took place.[1] (Cable 611, Hq. to Sta., 10/7/70) This effort began in earnest on October 5 when the attache informed both an Army General ("Station's priority contact") and an Air Force General of the pro-coup U.S. policy. (Santiago 469, October 5; Santiago 473, October 6.) [2] Three days later the Chief of Station told a high ranking Carabinero official that "the U.S. Government favors a military solution and is willing to support it in any manner short of outright military intervention." (Task Force Log, 10/9/70) The official informed the COS that there was no chance of a coup by the Chilean Army high command. (Task Force Log, 10/10/70)

On October 7, the attache approached members of the War Academy in Santiago who in turn asked him to provide light weapons. This was the attache's first contact with the Army officer to whom he would ultimately pass three submachine guns on October 22.[3] At this meeting, the Army officer told the attache that he and his colleagues were:

* * * Trying to exert forces on Frei to eliminate Gen. Schneider to either replace him, send him out of the country. They had even studied plans to kidnap him. Schneider is the main barrier to all plans for the military to take over the government to prevent an Allende presidency. (Cable 483, Sta. to Hq., 10/8/70)

The next day, October 8, Headquarters cabled the Station in re-

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[1] The military officers were told, for example, that should Allende be prevented from taking office, "The Chilean military will not be ostracized, but rather can continue to count on us for MAP support and maintenance of our close relationship." (Cable 075517, Hq. to Sta., 10/7/70)

[2] According to the CIA's wrap-up report on Track II, between October 5 and October 20, the CIA Station and the attache—for the most part the latter—made 21 contacts with key military and Carabinero officials. (CIA Report on Chilean Task Force Activities, 11/8/70)

[3] In his testimony, the attache indicated that the Army officer was affiliated with an Army general. (U.S. military attache, 8/4/75, p. 52) In a cable sent to Headquarters on October 18, in which the Army officer's request for three submachine guns was made, the Station indicated that the attache believed the officer, and his companion, a Navy officer were in league with a Navy admiral. (Cable 562, Sta. to Hq., 10/18/70) At another point in his testimony, the attache stated, "There was Valenzuela here and the Navy officer and the Army officer and the Air Force General over here." (The attache, 8/4/75, p. 107) The Committee has been unable to determine the exact affiliation of the Army officer. However, as previously stated, both the Army general and the Navy admiral were affiliated with General Valenzuela and the Navy admiral was in contact with General Viaux.

sponse to the attache-Army officer meeting. Headquarters took note of Schneider's resistance to coup plans and stated:

* * * This would make it more important than ever to remove him and to bring this new state of events . . . anything we or Station can do to effect removal of Schneider? We know this rhetorical question, but wish inspire thought on both ends on this matter. (Cable 628, Hq. to Sta., 10/8/70)

During the first week of intensive efforts chances of success looked bleak. The Chile Task Force Log commented:

* * * the highest levels of the armed forces unable to pull themselves together to block Allende. The Chilean military's tradition of non-intervention, Frei's reluctance to tarnish his historical image, General Schneider's firm constitutional stand, and most importantly, the lack of leadership within the government and military are working against a military takeover. (Task Force Log, 10/8/70)

The following day the Station made reference to the "rapid(ly) waning chances for success." (Cable 487, Sta. to Hq., 10/9/70) This pessimism was not dispelled by their simultaneous judgment: "Station has arrived at Viaux solution by process of elimination." (Cable 504, Sta. to Hq., 10/10/70) Three days later the Task Force agreed: "We continue to focus our attention on General Viaux who now appears to be the only military leader willing to block Allende." (Task Force Log, 10/13/70)

If Viaux was the CIA's only hope of staging a coup, things were bleak indeed. His own colleagues, including General Valenzuela, described him as "a General without an army." (Cable 495, Sta. to Hq., 10/9/70) Yet in the first two weeks of October he came to be regarded as the best hope for carrying out the CIA's Track II mandate.

Although the U.S. military attache was instructed not to involve himself with Viaux because of the high risk involved (Cable 461, Sta. to Hq., 10/5/70), he served initially as a contact to Viaux through a military attache of another country. This attache reported on October 5 that Viaux wanted several hundred paralyzing gas grenades to launch a coup on October 9. (Cable 476, Sta. to Hq., 10/6/70) Headquarters turned down the request, concluding that a "mini-coup at this juncture would be counterproductive" and Viaux should postpone his plans, "while encouraging him in a suitable manner to maintain his posture so that he may join larger movement later if it materializes." (Cable 585, Hq. to Sta., 10/6/70)

The primary purpose of the CIA agents who posed as third country nationals was to contact Viaux, and they very rapidly relieved the attache of his indirect role in that task. Viaux reiterated his demand for an air drop of weapons to one of these CIA agents, and again the response was the same: reject the demand for arms, but encourage him to keep planning. In essence the Agency was buying time with Viaux: "We wish to encourage Viaux to expand and refine his coup planning. Gain some influence over his actions." (Cable 689, Hq. to Sta., 10/10/70) To achieve this latter purpose, Headquarters authorized passing $20,000 in cash and a promise of $250,000 in life insurance to Viaux and his associates, as a demonstration of U.S. support. (Cable 729, Hq. to Sta., 10/13/70)

On October 13, Headquarters again indicated its concern over Schneider by asking: "What is to keep Schneider from making statement in early hours which will freeze those military leaders who might

otherwise join Viaux?" (Cable 729, Hq. to Sta., 10/13/70.) The Station's response later that same day was "Viaux intends to kidnap Generals Schneider and Prats within the next 48 hours in order to precipitate a coup." (Cable 527, Sta. to Hq., 10/13/70) This Viaux kidnapping of Schneider was reported by the Station "as part of a coup that included Valenzuela." (Cable 529, Sta. to Hq., 10/13/70)

At about this time the Station began to receive encouragement from its other contacts. On October 14, ten days before the Chilean Congress was to vote, the Task Force Log concluded:

> Now we are beginning to see signs of increasing coup activity from other military quarters, specifically, an Army General [deleted] and Admiral [deleted], and the forces in Concepcion and Valdivis * * * (Task Force Log, 10/14/70)

(c) *October 15 decision*

To summarize, by October 15 General Viaux had advertised to his contact a desire to proceed with a coup, had indicated he would deal with the Schneider obstacle by kidnapping him, had met at least once with General Valenzuela and had once postponed his coup plans.[1]

On October 15 Thomas Karamessines met with Henry Kissinger and Alexander Haig at the White House to discuss the situation in Chile. According to the Agency's record of this meeting, Karamessines provided a rundown on Viaux, a meeting between two other Chilean military coup conspirators, and, in some detail, "the general situation in Chile from the coup-possibility viewpoint." (Memorandum of Conversation/Kissinger, Karamessines, and Haig, 10/15/70) A decision was made at the meeting "to de-fuse the Viaux coup plot, at least temporarily:"

> It was decided by those present that the Agency must get a message to Viaux warning him against any precipitate action. In essence the message should state: "We have reviewed your plans and based on your information and ours, we come to the conclusion that your plans for a coup at this time cannot succeed. Failing, they may reduce your capabilities in the future. Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support." (Memorandum of Conversation, Kissinger, Karamessines, Haig, 10/15/70)

The meeting concluded, according to the Agency's record, "on Dr. Kissinger's note that the Agency should continue keeping the pressure on every Allende weak spot in sight—now, after the 24th of October, after 5 November, and into the future until such time as new marching orders are given. Mr. Karamessines stated that the Agency would comply." [2]

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[1] The reason for Viaux postponing his coup plans was the subject of a cable from Santiago to Headquarters:

> We discount Viaux's statement that he had called off his coup attempt because of the CIA agent's impending visit. Other reporting indicated Viaux probably not able or intending move this weekend. (Cable 499, Sta. to Hq., 10/10/70)

There is also reason to believe that General Valenzuela was instrumental in persuading Viaux to postpone. According to the Chile Task Force Log:

> Station reported that on 12 October General Valenzuela met with General Viaux and attempted to persuade him not to attempt a coup. (Chile Task Force Log, 10/14/70)

[2] Secretary Kissinger's recollection of the October 15 meeting is not in accord with that of Mr. Karamessines or the cable (Headquarters 802) that was sent the following day to the Station in Santiago. This matter will be discussed in Part V of this report.

The following day CIA Headquarters cabled the results of the White House meeting to the Station in Santiago:

2. It is firm and continuing policy that Allende be overthrown by a coup. . . . We are to continue to generate maximum pressure toward this end utilizing every appropriate resource.

3. After the most careful consideration it was determined that a Viaux coup attempt carried out by him alone with the forces now at his disposal would fail. Thus it would be counterproductive to our Track Two objectives. It was decided that CIA get a message to Viaux warning him against precipitate action. (Cable 802, Hq. to Sta. 10/16/70)

The message was supplemented by orders to "continue to encourage him (Viaux) to amplify his planning; encourage him to join forces with other coup planners." (Cable 802, Hq. to Sta., 10/16/70) The message concluded: "There is great and continuing interest in the activities of Valenzuela *et al* and we wish them optimum good fortune." (Ibid)

(*d*) *Coup planning and attempts after October 15*

The decision to "de-fuse" General Viaux was passed to a Viaux associate on October 17. The associate responded that it did not matter because they had decided to proceed with the coup in any case. (Cable 533, Sta. to Hq., 10/17/70) At the final meeting of the CIA agent and the Viaux associate on October 18, the Agency was informed that the coup would proceed on October 22, "and that the abduction of General Schneider is the first link in chain of events to come." (Cable 568, Sta. to Hq., 10/19/70) An "emergency channel" of communication with Viaux was maintained. (Report on CIA Chilean Task Force Activities, 11/18/70, p. 21)

As previously stated, by mid-October things suddenly looked brighter for a coup being mounted by the high-level Chilean military contacts.[1] A CIA overview statement on Track II stated:

Coup possibilities afforded by the active duty military group led by General Valenzuela and Admiral [deleted] had always seemed more promising than the capabilities of the Viaux group. These military officers had the ability and resources to act providing they decided to move and organized themselves accordingly. (CIA Briefing Paper, "Special Mandate from the President on Chile," 7/15/75, p. 5)

By mid-October the Chilean military officers appeared to be moving in this direction.

On the evening of October 17, the U.S. military attache met with the Chilean Army officer and the Navy officer. They requested 8 to 10 tear gas grenades, three 45-caliber machine guns and 500 rounds of ammunition. The Navy officer said he had three machine guns himself "but can be identified by serial numbers as having been issued to him. Therefore unable to use them." (Cable 562, Sta. to H., 10/18/70) The attache and the Chief of Station have testified that the officers wanted the machine guns for self-protection. The question, of course, is whether

[1] Two coup plotters, both Chilean generals, made one last attempt to persuade General Schneider to change his anti-coup position on October 15. The Station reported that the meeting turned out to be a "complete fiasco. Schneider refused to listen to their eloquent presentation of Communist action in Chile * * * and [remained] adamant in maintaining his non-involvement stance." (Cable 548, Sta. to Hq., 10/16/70)

the arms were intended for use, or were used, in the kidnapping of General Schneider. The fact that the weapons were provided the Army officer and the Navy officer and that Viaux associates were convicted of the Schneider killing suggests that the guns were not involved.

The machine guns and ammunition were sent from Washington by diplomatic pouch on the morning of October 19, although Headquarters was puzzled about their purpose: "Will continue make effort provide them but find our credulity stretched by Navy officer leading his troops with sterile guns. What is special purpose for these guns? We will try send them whether you can provide explanation or not." (Cable 854, Hq. to Sta., 10/18/70) The first installment was delivered to the Army officer and the Navy officer late in the evening of October 18 and consisted of the six tear gas grenades intended originally for Viaux.[1]

That same day, General Valenzuela informed the attache that he and three other high ranking military officers were prepared to sponsor a coup. (CIA Report on Chilean Task Force Activities, 11/18/70) Their plan was to begin with the kidnapping of General Schneider on the following evening, October 19, at a military dinner being given for Schneider,[2] after which Schneider would be flown to Argentina, Frei would resign and leave Chile, one of Valenzuela's colleagues would head the military junta, and dissolve Congress. With respect to the kidnapping of Schneider, the cable reported:

> General Viaux knowledgeable of above operation but not directly involved. He has been sent to Viña to stay with prominent physician. Will be seen in public places during 19 and 20 October to demonstrate fact that above operation not his doing. Will be allowed to return to Santiago at end of week. Military will not admit involvement in Schneider's abduction which is to be blamed on leftists. (Cable 566, Sta. to Hq., 10/19/70)

The kidnapping of the evening of October 19 failed because General Schneider left in a private vehicle, rather than in his official car, and his police guard failed to be withdrawn. The Army officer assured the attache that another attempt would be made on October 20. (Cable 582, Sta. to Hq., 10/20/70) The attache was authorized to pay Valenzuela $50,000 "which was the price agreed upon between the plotters and the unidentified team of abductors," but the attache insisted that the kidnapping be completed before he paid the money. (Task Force

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[1] As previously stated, after October 15 CIA efforts to promote a coup in Chile focussed on the active duty military officers—Valenzuela, et al.—rather than Viaux. An example of this shift in focus was the decision to provide the Army officer and the Navy officer the tear gas grenades originally intended for Viaux. A cable from Santiago explained the purpose of this action:

> Station plans give six tear gas grenades to the attache for delivery to Armed Forces officers (deletion) instead of having CIA agents posing as third country nationals deliver them to Viaux group. Our reasoning is that the attache dealing with active duty officers. Also CIA agent leaving evening 18 October, and will not be replaced but the attache will stay here. Hence important that the attache credibility with Armed Forces officers be strengthened. (Cable 562, Sta. to Hq., 10/18/70.)

[2] The CIA agent who was in contact with Viaux at the time the Valenzuela plan was given to the attache apparently understood that Viaux was involved in the October 19 attempt. He stated:

> Q. Were you told any of the details of how the (Viaux) kidnapping would be carried out?
> Mr. SARNO. They indicated it was going to be at some sort of a banquet which the General (Schneider) would be attending. (Sarno, 7/29/75, p. 37)

Log, 10/20/70) At the same time General Valenzuela assured the attache that the military was now prepared to move. (Task Force Log, 10/20/70) The second abduction attempt on the 20th also failed and the Task Force concluded

Since Valenzuela's group is apparently having considerable difficulty executing even the first step of its coup plan, the prospects for a coup succeeding or even occurring before 24 October now appears remote. (Task Force Log, 10/22/70)

(e) *The Shooting of General Schneider*

In the early morning hours of October 22 (2 a.m.), the attache delivered the three submachine guns with ammunition to the Army officer in an isolated section of Santiago.[1]

At about 7 am that day the group that intended to kidnap General Schneider met to discuss last-minute instructions. According to the findings of the Chilean Military Court which investigated the Schneider killing, neither the Army officer nor the Navy officer were there. Shortly after 8 am, General Schneider's car was intercepted on his way to work by the abductors and he was mortally wounded when he drew his handgun in self-defense. The Military Court determined that hand guns had been used to kill General Schneider, although it also found that one unloaded machine gun was at the scene of the killing.[2]

The first Station reports following the Schneider shooting said "Military Mission sources claim General Schneider machine gunned on way to work" (Cable 587, Sta. to Hq., 10/22/70) and "Assailants used grease guns. (Cable 589, Sta. to Hq., 10/22/70) The submachine guns had previously been described by the Station as "grease guns." Thus the initial reaction of the Station was that Schneider had been shot with the same kind of weapons delivered several hours earlier to the Army officer. Santiago then informed Headquarters "Station has instructed the attache to hand over $50,000 if Gen. Valenzuela requests" (Cable 592, Sta. to Hq., 10/22/70), thus indicating that the Station thought the kidnapping had been accomplished by Valenzuela's paid abductors. Later that day, the Station cabled Headquarters:

Station unaware if assassination was premeditated or whether it constituted bungled abduction attempt. In any case, it important to bear in mind that move

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[1] Although the attache's testimony and the cable traffic do not clearly establish the identity of the group to which the Army officer was affiliated (see page 240 of this report) two CIA statements on Track II tie the weapons and therefore the Army officer, to the Valenzuela group:

"* * * The only assistance requested by Valenzuela to set the plan [of October 19] into motion through Schneider's abduction was several submachine guns, ammunition, a few tear gas grenades and gas masks (all of which were provided) plus $50,000 for expenses (which was to be passed upon demand). (CIA Report on Chilean Task Force Activities, 11/18/70, p. 22)

"* * * Three sub-machine guns, together with six gas cannisters and masks, were passed to the Valenzuela group at 2 a.m. on 22 October. The reason why they still wanted the weapons was because there were two days remaining before the Congress decided the Presidential election and the Valenzuela group maintained some hope they could still carry out their plans. (CIA Briefing Paper, "Special Mandate from President on Chile," 7/15/75, p. 7)

[2] The Military Court determined that those who participated in the shooting of General Schneider on October 22 were part of the Viaux-led conspiracy. The Court also found that this same group had participated in the October 19 and 20 kidnap attempts.

In June 1972 General Viaux was convicted for complicity in the plot culminating in the death of General Schneider. He received a 20-year prison sentence for being "author of the crime of kidnapping which resulted in serious injury to the victim," and a five-year exile for conspiring to cause a military coup. General Valenzuela was also convicted on the latter charge. He received a sentence of three years in exile.

against Schneider was conceived by and executed at behest of senior Armed Forces officers. We know that General Valenzuela was involved. We also near certain that Admiral [deleted], Army officer and Navy officer witting and involved. We have reason for believing that General Viaux and numerous associates fully clued in, but cannot prove or disprove that execution or attempt against Schneider was entrusted to elements linked with Viaux. Important factor to bear in mind is that Armed Forces, and not retired officers or extreme rightists, set Schneider up for execution or abduction. * * * All we can say is that attempt against Schneider is affording Armed Forces one last opportunity to prevent Allende's election if they are willing to follow Valenzuela's scenario. (Cable 598, Sta. to Hq., 10/22/70)

(*f*) *Post October 22 events*

The shooting of General Schneider resulted immediately in a declaration of martial law, the appointment of General Prats to succeed Schneider as Commander in Chief, and the appointment of General Valenzuela as chief of Santiago province. These measures, and others taken, caused the Chile Task Force to make the following initial judgment:

With only 24 hours remaining before the Congressional runoff, a coup climate exists in Chile. * * * The attack on General Schneider has produced developments which closely follow Valenzuela's plan. * * * Consequently the plotters' positions have been enhanced. (Chile Task Force Log, 10/22/70)

On October 23, Director Helms reviewed and discussed Track II:

It was agreed * * * that a maximum effort has been achieved, and that now only the Chileans themselves can manage a successful coup. The Chileans have been guided to a point where a military solution is at least open to them. (Task Force Log, 10/24/70)

Although it was not immediately clear to CIA observers, the Station's prediction of October 9 that the shooting of Schneider (as a result of an abduction attempt) would "rally the Army firmly behind the flag of constitutionalism" was correct. (Cable 495, Sta. to Hq., 10/9/75) On October 24 Dr. Allende was confirmed by the Chilean Congress. General Schneider died the next day.

5. CIA/WHITE HOUSE COMMUNICATION DURING TRACK II

The testimony given to the Committee by Henry Kissinger and General Haig conflicts with that given by CIA officials.

Kissinger and Haig testified that on October 15, 1970, the White House stood down CIA efforts to promote a military coup d'etat in Chile. Both testified that after that date they were neither informed of, nor authorized, CIA Track II activities, including the kidnap plans of General Schneider and the passage of weapons to the military plotters.

By contrast, CIA officials testified that they operated before and after October 15 with the knowledge and approval of the White House.

The conflict pertains directly to the period after October 15, but it bears on the degree of communication between the White House and the CIA in the earlier period as well. For instance, Henry Kissinger testified that he was informed of no coup plan which began with the abduction of General Schneider. He was aware of General Viaux's plan—which he and Karamessines decided on October 15 to try to

forestall—but did not know that it was to begin with Schneider's abduction.

CIA officials, especially Thomas Karamessines, stated that there was close consultation throughout Track II between the Agency and the White House. Karamessines testified that he met with Kissinger some six to ten times during the five weeks of Track II (Karamessines, 8/6/75, p. 66); and that he kept Kissinger generally informed of developments. (*Ibid.*, p. 56) The Committee has records of two meetings between Karamessines and Kissinger and of one telephone conversation between Karamessines and Kissinger's deputy, General Alexander Haig. Karamessines' daily calendar indicates that three other meetings with General Haig took place—but does not establish with certainty that the topic was Track II. The calendar also suggests that Karamessines and Kissinger met on three other occasions and so might have had the opportunity to discuss Track II.

Henry Kissinger's testimony before the Committee differs from Karamessines in two respects: he believed Track II was "turned off" on October 15,[1] and, after that date, he was informed neither of the coup plans of the Chilean conspirators nor of the passage of weapons to them. He said that Track II was:

> In the nature of a probe and not in the nature of a plan, * * * no plan for a coup was ever submitted to the White House. So my recollection of events, this was a request by President Nixon for Track II which led to two or three meetings which then on October 15th led to being turned off by the White House, after which Track II was dead as far as my office was concerned, and we never received another report on the subject. (Kissinger, 8/12/75, p. 15)
>
> In my mind Track II was finished on October 15th and I never received any further CIA information after October 15th on the basis of any records that I have been able to find. (Ibid., p. 59)

General Haig's testimony generally coincided with Kissinger's recollection:

> I left [the October 15th meeting] with the distinct impression that there was nothing that could be done in this covert area that offered promise or hope for success. I had the distinct impression that was Dr. Kissinger's conclusion, and that in effect these things—and I wasn't even really familiar with what these two groups were to do and how they were to do it, but they were to cease and desist. (Haig, 8/15/75, pp. 26–27)
>
> My recollection would be that we had no hope for a viable, covert plan of action. That is the impression I got. (Ibid., p. 29)

The following pages present the Committee's record of communication between the White House and the CIA from September 18 through December 21, 1970:

(*a*) *September*

September 18

Helms and Karamessines met with Kissinger at the White House. As Helms' notes of the September 15 meeting indicate, Kissinger wanted a plan within 48 hours. In the meeting on the 18th, according to CIA records, there was little discussion of a military coup. Rather

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[1] Secretary Kissinger, in a written response to a Committee question, stated that he had not been able to find any "written instruction from the President to discontinue efforts to organize a coup. The President did, however, convey this decision to me orally in mid-October, 1970."

To date, the Committee has been unable to question former President Nixon on this point.

the conversation focused on "what economic leverage could be exercised in the Chilean situation." (Memorandum/Meeting with DDP, 9/18/70) The efficacy of economic pressure continued to be a subject of concern during the last days of September. Apparently that pressure was viewed as another inducement to Frei to opt for the "Frei gambit."

September 21

The 40 Committee met. The Committee has no confirmation that Chile was on the agenda at this meeting. Karamessines' calendar confirms that he attended; presumably Kissinger, the 40 Committee chairman, also attended, although the Committee has not been able to review his calendar. All that can be said about this meeting—and the meetings of the Senior Review Group, which Kissinger also chaired—is that the meetings afforded Karamessines and Kissinger an opportunity to meet privately and discuss Track II if they desired. In all these instances save the 40 Committee meeting on September 22, the Committee has no evidence to confirm that such a private Kissinger/Karamessines meeting actually took place. That the CIA prepared a memorandum of conversation for the private meeting on the 22nd but has been able to find none for other meetings may provide some support for the argument that no other such private meetings occurred.

September 22

Kissinger asked Karamessines to stay behind after a 40 Committee meeting called to discuss Track I. The two men also discussed Track II actions. According to the CIA record of the meeting, Kissinger told Karamessines that "our handling of the problem during the earlier meeting had been perfect and he added we were doing fine and keep it up." (Karamessines Memorandum for the Record/Chile, 9/22/70)

(*b*) *October*

October 5

A cable sent to Santiago, released by Karamessines, requested a report on how the Station planned to contact the three Chilean Generals, including Valenzuela, named in a cable of September 30. (Cable 449, Hq. to Sta., 9/30/70) The October 5 cable indicated that the report was needed for a discussion with Kissinger on October 6.[1] (Cable 556, Sta. to Hq., 10/5/70) Karamessines presumed such a meeting had taken place, although he had no specific memory of it. (Karamessines, 8/6/75, pp. 69–70) His calendar for October 6 indicates that he attended a 40 Committee meeting on Chile. (Karamessines calendar.) Kissinger chaired that meeting.

October 6

The Station reported that General Viaux was "ready to launch *golpe* evening 9 October, or morning 10 October." (Cable 472, Sta. to Hq., 10/6/70) In response, CIA Headquarters labeled the prospective coup one "with scant chance of success which will vitiate any further more serious action." The Station was directed to try to "stop

[1] In a written response to a Committee question, Kissinger stated that he was never informed that these contacts had been made.

ill-considered action at this time." (Cable 585, Hq. to Sta., 10/6/70)

Kissinger testified he had not been informed of the Viaux plan, supporting his recollection with the fact that the CIA memorandum of an October 10 conversation between Karamessines and Haig (see below) makes no mention of any previous plots. (Kissinger, 8/12/75, p. 24) Similarly, Kissinger did not remember having been informed that the CIA had called off a coup it regarded as premature. He stated:

My perception at that period was that if they had a coup they would come * * * back to us before triggering it * * * at no time during the period did they, in fact, tell us * * * that they had a coup that might be ready to go. And, indeed, they generally told us the opposite. (Kissinger, 8/12/75, pp. 25–26)

As Karamessines' calendar indicated, there was a 40 Committee meeting on October 6. He attended this meeting, along with Richard Helms and William Broe of the CIA. According to the minutes of that meeting, CIA efforts to promote a military coup in Chile were not discussed. However, in an exchange with Charles Meyer, who was then the State Department's Assistant Secretary for Latin American Affairs, Dr. Kissinger stressed the desire of "higher authority" (President Nixon) to prevent Allende's assumption of office. According to tho minutes:

Mr. Meyer pointed to the need to determine a post-Allende position such as proposed in NSSM 97. It was agreed that an early NSC meeting was desirable on that subject. Mr. Kissinger said this presumed total acceptance of a fait accompli and higher authority had no intention of conceding before the 24th; on the contrary, he wanted no stone left unturned. (Memorandum for the Record/Minutes of the Meeting of the 40 Committee, 10/6/70, 10/7/70)

October 8

Karamessines met for lunch with General Haig. (Karamessines calendar.)

In his testimony, Haig recalled being aware that the CIA was in touch with two different groups of military plotters. He believed there must have been another meeting in which the CIA informed him of its on-going contacts.

It seems to me, although the records don't reflect it, that there was a meeting in September, a very brief one, in which I must have been told that there was a specific program going underway. That probably would have been by Henry (Kissinger) and perhaps with Karamessines there. I am not sure. (Haig, 8/15/75, p. 12)

October 10

Karamessines discussed the Chilean situation by telephone with General Haig. He indicated that the Station had "made direct contact with a number of the senior military officers, especially those who had been reportedly very activist-minded and had received pessimistic reactions from all." (Memorandum/FUBELT, by William Broe, 10/10/70)

Haig recalled the telephone conversation with Karamessines on the 10th. His recollection accords with the CIA memorandum of conversation.

I do know, and I know that from looking at the record this morning, that Karamessines made a telephone call to me in which he gave a progress report. I recall that, It was in effect a negative progress report, that they were just not coming up with it. (Haig, 8/15/75, p. 12)

Haig indicated to the Committee that he would have passed along the substance of that conversation to Kissinger, and that in general his role at the time was one of a conduit to Kissinger:

> I am quite confident that, given my own conception of my role at that time, that I would have conveyed that information to Henry, * * *. (Haig, 8/15/75, p. 13)
>
> Q. If Mr. Karamessines was unable to see Dr. Kissinger, and talked to you, what degree of latitude did you have concerning what you would pass on to Dr. Kissinger?
>
> General HAIG. At that time I would consider I had no degree of latitude, other than to convey to him what had been given to me. (Id., p. 15)

October 14

A cable to Santiago for the attache, ostensibly from General Bennett, authorized the attache to select two Chilean general officers and convey to them the following message: "High authority in Washington has authorized you to offer material support short of armed intervention to Chilean Armed Forces in any endeavors they may undertake to prevent the election of Allende on October 24." (Cable 762, Hq. to Sta., 10/14/70) Karamessines testified that in this case "high authority" would have been Kissinger or the President, for no one else could have given the attache such broad authorization. Karamessines presumed that the message had been drafted in, or at least cleared with, the White House. (Karamessines, 8/6/75, p. 91)

However, Kissinger did not recall having authorized the October 14th cable. He found the sequence of events puzzling; having been told on the 10th that little was happening, he would have expected in the meeting on the 15th (see below) to have discussed the results of the October 14th message. But the CIA record makes no mention of any such discussion. (Kissinger, 8/12/75, p. 53)

The 40 Committee met to discuss, among other topics, Chile. In addition to the 40 Committee principals (Kissinger, John Mitchell, David Packard, Alexis Johnson, Admiral Moorer), the meeting was attended by Karamessines, William Broe and General Robert Cushman of the CIA, Charles Meyer from State, and Ambassador Korry, who had returned to Washington from Santiago for a short period of consultation.

According to the minutes of that meeting, Kissinger asked Karamessines to give a rundown on the latest developments and present situation in Chile. Karamessines pointed out that "a coup climate does not presently exist." He noted that "the unpredictable General Viaux is the only individual seemingly ready to attempt a coup and * * * his chances of mounting a successful one were slight." Ambassador Korry agreed with Karamessines' assessment and stated that "as of now it seemed almost certain that Allende would be voted into office on October 24th." Kissinger then observed that "there presently appeared to be little the U.S. can do to influence the Chilean situation one way or another." Other participants at the meeting concurred. (Memorandum for the Record/Minutes of the Meeting of the 40 Committee, 10/14/70, 10/16/70)

October 15

Karamessines met with Kissinger and Haig at the White House to discuss Track II. According to the CIA memorandum of conversation,

Karamessines gave a run-down on Viaux, a meeting between two other Chilean military conspirators and "the general situation in Chile from the coup-possibility viewpoint." It was concluded that Viaux did not have more than one chance in twenty—perhaps less—to launch a successful coup. Kissinger ticked off the list of negative repercussions from an unsuccessful coup. The CIA record of the meeting continues:

5. It was decided by those present that the Agency must get a message to Viaux warning him against any precipitate action. In essence our message was to state: "We have reviewed your plans, and based on your information and ours, we come to the conclusion that your plans for a coup at this time cannot succeed. Failing, they may reduce your capabilities for the future. Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support."

6. After the decision to de-fuse the Viaux coup plot, at least temporarily, Dr. Kissinger instructed Mr. Karamessines to preserve Agency assets in Chile, working clandestinely and securely to maintain the capability for Agency operations against Allende in the future.

8. The meeting concluded on Dr. Kissinger's note that the Agency should continue keeping the pressure on every Allende weak spot in sight—now, after the 24th of October, after 5 November, and into the future until such time as new marching orders are given. Mr. Karamessines stated that the Agency would comply. (Memorandum of Conversation/Dr. Kissinger, Mr. Karamessines, Gen. Haig at the White House, 10/15/70)

Kissinger, in his testimony before the Committee, regarded the CIA memorandum of conversation as substantially correct, although somewhat more detailed than he would have remembered. (Kissinger, 8/12/75, p. 52) He believed the Agency had been told to "stand down and preserve your assets."

Kissinger believed that the gist of the October 15th meeting as recorded in the CIA memorandum was incompatible with the order the CIA issued to its Station the next day, an order ostensibly based on the October 15th meeting. And, he noted, in writing its memorandum of the meeting of the 15th, the CIA had a "high incentive to preserve the maximum degree of authority." (Ibid., pp. 55–56) The October 16th order indicated that Track II had been reviewed at "high USG level" the previous day, and stated:

2. It is firm and continuing policy that Allende be overthrown by a coup. It would be much preferable to have this transpire prior to 24 October but efforts in this regard will continue vigorously beyond this date. * * *

4. There is great and continuing interest in the activities of Valenzuela et al. and we wish them optimum good fortune. (Cable 802, Hq. to Sta., 10/16/70)

Kissinger recalled the October 15th conversation as "turning off the coup plans rather than giving a new order to do them." (Kissinger, 8/12/75, p. 56) Haig agreed in his testimony.

The conclusions of that meeting were that we had better not do anything rather than something that was not going to succeed. * * * My general feeling was, I left that meeting with the impression that there was nothing authorized." (Haig, 8/15/75, p. 13)

October 10–October 22 (approximate)

Karamessines and one or two others went with Kissinger to speak with the President, after a larger meeting. Karamessines believed this meeting took place between October 10 and 24. (Karamessines, 8/6/75, p. 89) According to Karamessines, the "President went out of his way to impress all of those there with his conviction that it was absolutely essential that the election of Mr. Allende to the presidency be thwart-

ed."[1] As they were leaving the Oval Office, the President took Karamessines aside to reiterate the message. (Karamessines, 8/6/75, p. 8)

October 19

Station cabled Headquarters early in the morning, advising that the tear gas had been passed and outlining the Valenzuela coup plan, beginning with the kidnap of Schneider. In testimony before the Committee, Karamessines indicated he certainly would have reported the Valenzuela plan to Kissinger "very promptly, if for no other reason than that we didn't have all that much promising news to report to the White House. * * * " (Karamessines, 8/6/75, p. 72)

In the afternoon of the 19th, Karamessines met with General Haig at the White House. (Karamessines calendar.) By then, Karamessines would have had in hand the cable outlining the Valenzuela plan, since the cable had arrived that morning. However, General Haig had no recollection of the meeting with Karamessines on the 19th. Nor did he believe he had been informed of the Valenzuela plan. "This is all very new to me. I hadn't seen any of this, and I was not familiar with this particular plan * * * or $50,000, or any of the characters that are described in here." (Haig, 8/15/75, pp. 38–39)

Similarly, Kissinger testified that he had not been informed of the Valenzuela plan. He said he "was informed of nothing after October 15th. (Kissinger, 8/12/75, p. 65) He indicated that, according to his daily calendar, he had no conversation with either Karamessines or Helms between the 15th and the 19th. (*Ibid.*, p. 53) He indicated that he never knew that the CIA was in the process of passing guns and tear gas to Chilean military conspirators. He said "there was no further meeting on that subject. In anybody's record, mine or theirs [the CIA's], none of the information from the 16th on was familar to me." (*Ibid.*, p. 62)

Kissinger further testified he did not know that the United States was dealing with Chilean officers who plotted a coup which involved the abduction of General Schneider:

Senator HART of Colorado. I am not sure that the record clearly shows your answer to the direct question of whether you knew or did not know that we were negotiating with military officers with regard to a plot that did involve the abduction of General Schneider.

Secretary KISSINGER. I said I did not know. (Kissinger, 8/12/75, p. 86)

Nor did General Haig believe he had been informed of any abduction plans before the fact.

Q. Were you aware during that period of time of the plans to kidnap General Schneider?

General HAIG. I was aware after the fact. . . .

Q. But you were never informed prior to his attempted abduction?

General HAIG. I don't believe I was at all.

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[1] If the meeting with the President occurred after October 15, that would lend credence to the testimony of CIA officials that they were not directed to end their coup efforts in the October 15th meeting. Unfortunately, the Committee has not had access to the daily calendars of President Nixon or Secretary Kissinger, which might pinpoint the date of the President's conversation with Karamessines.

October 20

A cable to the Station indicated that "while awaiting word on whatever events may have occurred 19 October, please let us know what you can on interim basis. * * * Headquarters must respond during morning 20 October to queries from high levels." (Cable 883, Hq. to Sta., 10/20/70) Karamessines testified that the references to "high levels" in the cable of the 20th meant White House officials, probably Kissinger. He felt quite certain that Kissinger would have been briefed in advance about Valenzuela's plan for the 19th and so would have been expected to ask what happened on the morning of the 20th. (Karamessines, 8/6/75, p. 73) In contrast, Kissinger interpreted that cable in precisely the opposite light. He felt it indicated that he had *not* been informed of the Valenzuela plan in advance. When news of the Schneider kidnap reached the White House, Kissinger believed he would have had "somebody pick up a telephone and say, 'What is this all about?' " (Kissinger, 8/12/75, p. 68)

October 22

Karamessines met with Haig at the White House. (Karamessines calendar) General Haig remembered that word of the shooting of Schneider came as " a great shock" to him, and he believed that Karamessines had told him about it in their meeting on the 22nd. He thought that Kissinger either was present at the meeting or that he, Haig, had gone immediately in to Kissinger's office to relate what Karamessines had told him. (Haig, 8/15/75, p. 36)

(*c*) *December*

December 2

A memorandum, dated December 2, 1970, from Helms to Kissinger stated that Helms had given a recapitulation on Track II to Attorney General Mitchell, who would deliver it personally to Kissinger. A handwritten note on the memorandum read: "sent to Kissinger via DCI [Helms]." (Memo, Helms to Kissinger, 12/12/70) The report, which was dated November 18, 1970, contained a full account of CIA activities during Track II, including the several plans to kidnap Schneider and the passage of weapons to the Chilean conspirators. (Report on CIA Chilean Task Force Activities, 15 September to 3 November 1970, 10/18/70)

In his testimony to the Committee, Kissinger did not recall receiving the report, although he doubted that he would have read such an "after action" report in any case. He testified that he could not find it in his files, in contrast to his finding a CIA report on Track I, dated November 19, 1970. Kissinger was puzzled by a number of aspects of the memorandum and report: why there were two reports, why the report of the 18th apparently was only called to his attention on the 2nd of December, and why it was to be delivered through Mitchell. (Kissinger, 8/12/75, pp. 71, 74)

(*d*) *Did Track II end?*

The Committee also received conflicting testimony about whether Track II ever ended, formally or in fact. As noted above, Kissinger indicated that Track II was supposed to have ended, as far as he was

concerned, on October 15. It was formally terminated, according to Kissinger, by a new Presidential marching order issued prior to the October 24 vote of the Chilean Congress. The Committee does not have this new "marching order" in its possession. However, CIA officials from whom the Committee took testimony believed that there had been no such definitive end to Track II. It merely tapered off, to be replaced by a longer-term effort to effect a change of government in Chile. Karamessines' testimony was most explicit:

Mr. KARAMESSINES. I am sure that the seeds that were laid in that effort in 1970 had their impact in 1973. I do not have any question about that in my mind either. (Karamessines, 8/6/75, p. 26)

Q. Was Track II ever formally ended? Was there a specific order ending it?

Mr. KARAMESSINES. As far as I was concerned, Track II was really never ended. What we were told to do in effect was, well, Allende is now President. So Track II, which sought to prevent him from becoming President, was technically out, it was done. But what we were told to do was to continue our efforts. Stay alert, and to do what we could to contribute to the eventual achievement of the objectives and purposes of Track II. That being the case, I don't think it is proper to say that Track II was ended. (Ibid., pp. 128–129)

When informed of Karamessines' testimony that Track II was never ended, Kissinger testified:

The CHAIRMAN. Would you take issue with that, with the [Karamessines] testimony?

Secretary KISSINGER. Totally. * * * It is clear that * * * after October 15th that there was no separate channel by the CIA to the White House and that all actions with respect to Chile were taken in the 40 Committee framework. There was no 40 Committee that authorized an approach to or contact with military people, no plots which I am familiar with, and all the covert operations in Chile after Allende's election by the Congress were directed towards maintaining the democratic opposition for the 1976 election. And that was the exclusive thrust, and if there was any further contact with military plotting, it was totally unauthorized and this is the first that I have heard of it. (Kissinger, 8/12/75, pp. 75–77)

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 OFFICIALS 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 assassina-

tion 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. Attempts to assassinate Castro had begun long before that 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."[1]

Although those proposals did not involve assassinations, the attitudes underlying 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[2] in carrying out Agency operations. In addition to the corrosive effect upon our government,[3] 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

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[1] 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."

[2] 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.

[3] 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.

prosecution. The CIA also contemplated attempting to quash criminal charges brought in a foreign tribunal against QJ/WIN.

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 whether 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.[1]

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 nor any other official in the United States Government authorized the assassination of Diem and his brother Nhu. Both the DCI and top State Department officials

[1] 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.

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 Bissel 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.[1]

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.

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[1] 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 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 marshall'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.[1] 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 a change in the Cuban government.[2]

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.[3]

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 sanc-

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[1] 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 warming 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.

[2] 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.

[3] 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.

tioned 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 OPERATIONS 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 assassination. 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.[1]

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.[2] 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 "thorough 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."

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 involve-

[1] 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."

[2] Dulles was also a member of the Board.

ment 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.[1]

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

[1] 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.

(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 "nauseating 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 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 policymakers 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 confirmed 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."[1] 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.

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[1] 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.[1] 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.[2]

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 the lack of consultation rather than about the impropriety of the attempt

[1] 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 as capability."

[2] 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.

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 authorization.

(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, Allen 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.

V. 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. (Colby, * * * 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 Senator, 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 assasination 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[1] 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 or 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.[2] 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.

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

[1] The recommended statute is printed in Appendix A.

[2] 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.

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 principle 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 this 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.

STATEMENT OF JOINDER

I hereby join in the foregoing report.

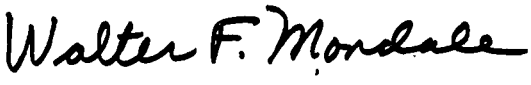


FRANK CHURCH, *Chairman.*

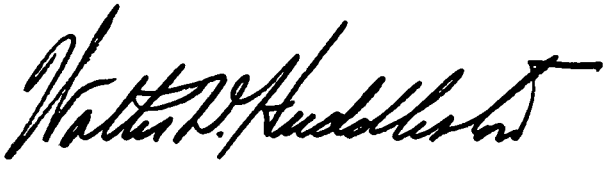


JOHN TOWER, *Vice Chairman.*

*PHILIP A. HART,
Michigan.



WALTER F. MONDALE,
Minnesota.



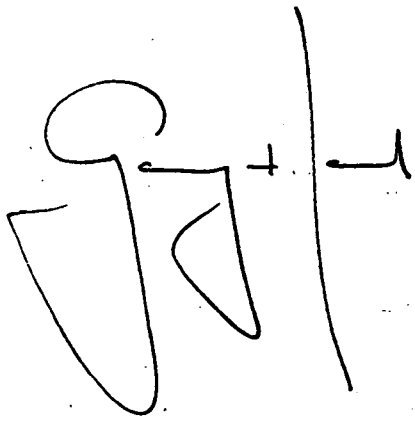
WALTER D. HUDDLESTON,
Kentucky.

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*See Separate Views of Senator Philip Hart, p. 297.

Robert Morgan

ROBERT MORGAN,
North Carolina.



GARY HART,
Colorado.