

CONFIRMATION QUESTIONS AND ANSWERS

STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 53 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

FOR IMMEDIATE RELEASE

MARCH 29, 1967

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have received the report from the committee which I appointed on February 15 to review relationships between the Central Intelligence Agency and private American voluntary organizations. This committee consisted of Under Secretary of State Nicholas Katzenbach, as Chairman, Secretary of Health, Education, and Welfare John Gardner, and CIA Director Richard Helms.

I accept this committee's proposed statement of policy and am directing all agencies of the government to implement it fully.

We will also give serious consideration to the committee's recommendation "that the government should promptly develop and establish a public-private mechanism to provide public funds openly for overseas activities of organizations which are adjudged deserving, in the national interest, of public support." To review concrete ways of accomplishing this objective, I am requesting Secretary Rusk to serve as chairman of a special committee which will include representatives from the Executive, the Congress, and the private community.

#

Dear Mr. President:

The committee which you appointed on February 15, 1967 has sought pursuant to your request:

--To review relationships between government agencies, notably the Central Intelligence Agency, and educational and private voluntary organizations which operate abroad; and

-- To recommend means to help assure that such organizations can play their proper and vital role abroad.

The committee has held a number of meetings, interviewed dozens of individuals in and out of government, and reviewed thousands of pages of reports. We have surveyed the relevant activities of a number of federal agencies. And we have reviewed in particular and specific detail the relationship between CIA and each relevant organization.

Our report, supplemented with supporting classified documents, follows.

In summary, the committee offers two basic recommendations:

1. It should be the policy of the United States Government that no federal agency shall provide any covert financial assistance or support, direct or indirect, to any of the nation's educational or private voluntary organizations. //
2. The Government should promptly develop and establish a public-private mechanism to provide public funds openly for overseas activities of organizations which are adjudged deserving, in the national interest, of public support.

1: A NEW POLICY

The years immediately after World War II saw a surge of communist activity in organizations throughout the world. Students, scientists, veterans, women and professional groups were organized into international bodies which spoke in the cadences, advocated the policies, and furthered the interests of the communist bloc. Much of this activity was organized, directed, and financed covertly by communist governments.

American organizations reacted from the first. The young men and women who founded the United States National Student Association, for example, did so precisely to give American youth the capacity to hold their own in the international arena. But the importance of students as a force in international events had yet to become widely understood and NSA found it difficult to attract private support for its international activities. Accordingly, the United States Government, acting through the Central Intelligence Agency, provided support for this overseas work.

We have taken NSA as an example. While no useful purpose would be served by detailing any other CIA programs of assistance to private American voluntary organizations, one fundamental point should be clearly stated: such assistance was given pursuant to National Security Council policies beginning in October, 1951 and with the subsequent concurrence of high-level senior interdepartmental review committees in the last four Administrations. In December, 1960, in a classified report submitted after a year of study, a public-private Presidential Committee on Information Activities Abroad specifically endorsed both overt and covert programs, including those assisted by CIA.

MORE

Our study, undertaken at a later time, discloses new developments which suggest that we should now re-examine these policies. The American public, for example, has become increasingly aware of the importance of the complex forms of international competition between free societies and communist states. As this awareness has grown, so have potential sources of support for the overseas work of private organizations.

There is no precise index to these sources, but their increase is suggested by the growth in the number of private foundations from 2,220 in 1955 to 18,000 in 1967. Hence it is increasingly possible for organizations like NSA to seek support for overseas activities from open sources.

Just as sources of support have increased, so has the number of American groups engaged in overseas work. According to the Agency for International Development, there has been a nine-fold increase just among voluntary organizations which participate in technical assistance abroad, rising from 24 in 1951 to 220 in 1965. The total of all private American voluntary groups now working overseas may well exceed a thousand.

The number of such organizations which has been assisted covertly is a small fraction of the total. The vast preponderance have had no relationship with the government or have accepted only open government funds -- which greatly exceed funds supplied covertly.

The work of private American organizations, in a host of fields, has been of great benefit to scores of countries. That benefit must not be impaired by foreign doubts about the independence of these organizations. The committee believes it is essential for the United States to underscore that independence immediately and decisively.

For these reasons, the committee recommends the following:

STATEMENT OF POLICY

No federal agency shall provide any covert financial assistance or support, direct or indirect, to any of the nation's educational or private voluntary organizations. This policy specifically applies to all foreign activities of such organizations and it reaffirms present policy with respect to their domestic activities.

Where such support has been given, it will be terminated as quickly as possible without destroying valuable private organizations before they can seek new means of support.*

We believe that, particularly in the light of recent publicity, establishment of a clear policy of this kind is the only way for the government to carry out two important responsibilities. One is to avoid any implication that governmental assistance, because it is given covertly, is used to affect the policies of private voluntary groups. The second responsibility is to make it plain in all foreign countries that the activities of private American groups abroad are, in fact, private.

The committee has sought carefully to assess the impact of this Statement of Policy on CIA. We have reviewed each relevant program of assistance carried out by the Agency in case-by-case detail. As a result of this scrutiny, the committee is satisfied that application of the Statement of Policy will not unduly handicap the Agency in the exercise of its national security responsibilities. Indeed, it should be noted that, starting well before the appearance of

*On the basis of our case-by-case review, we expect that the process of termination can be largely -- perhaps entirely -- completed by December 31, 1967.

recent publicity, CIA had initiated and pursued efforts to disengage from certain of these activities.

The committee also recommends that the implementation of this policy be supervised by the senior interdepartmental review committee which already passes on proposed CIA activities and which would review and assist in the process of disengagement. **

2: NEW METHODS OF SUPPORT

While our first recommendation seeks to insure the independence of private voluntary organizations, it does not deal with an underlying problem -- how to support the national need for, and the intrinsic worth of, their efforts abroad.

Anyone who has the slightest familiarity with intellectual or youth groups abroad knows that free institutions continue to be under bitter, continuous attack, some of it carefully organized and well-financed, all of it potentially dangerous to this nation.

It is of the greatest importance to our future and to the future of free institutions everywhere that other nations, especially their young people, know and understand American viewpoints. There is no better way to meet this need than through the activity of private American organizations.

The time has surely come for the government to help support such activity in a mature, open manner.

Some progress toward that aim already has been made. In recent years, a number of federal agencies have developed contracts, grants, and other forms of open assistance to private organizations for overseas activities. This assistance, however, does not deal with a major aspect of the problem. A number of organizations cannot, without hampering their effectiveness as independent bodies, accept funds directly from government agencies.

The committee therefore recommends that the Government should promptly develop and establish a public-private mechanism to provide public funds openly for overseas activities of organizations which are adjudged deserving, in the national interest, of public support.

** If the Statement of Policy is to be effective, it must be rigorously enforced. In the judgment of this committee, no programs currently would justify any exception to this policy. At the same time, where the security of the nation may be at stake, it is impossible for this committee to state categorically now that there will never be a contingency in which overriding national security interests may require an exception -- nor would it be credible to enunciate a policy which purported to do so.

We therefore recommend that, in the event of such unusual contingencies, the interdepartmental review committee be permitted to make exceptions to the Statement of Policy, but only where overriding national security interests so require; only on a case-by-case basis; only where open sources of support are shown to be unavailable; and only when such exceptions receive the specific approval of the Secretaries of State and Defense. In no event should any future exception be approved which involves any educational, philanthropic, or cultural organization.

MORE

Such a mechanism could take various forms. One promising proposal, advanced by Mr. Eugene Black, calls for a publicly funded but privately administered body patterned on the British Council.

The British Council established in 1934, operates in 80 countries, administering approximately \$30,000,000 annually for reference libraries, exhibitions, scholarships, international conferences, and cultural exchanges. Because 21 of its 30 members are drawn from private life, the Council has maintained a reputation for independence, even though 90 percent of its funds are governmental.

According to the UNESCO Directory of Cultural Relations Services, other nations have developed somewhat similar institutions. The Indian Council for Cultural Relations, for example, is entirely government-financed but operates autonomously. The governing body of the Swedish Institute for Cultural Relations consists of both government and private members. This institute receives 75 percent of its funds from the government and the remainder from private contributions.

The experience of these and other countries helps to demonstrate the desirability of a similar body in the United States, wholly or largely funded by the federal government. Another approach might be the establishment of a governmental foundation, perhaps with links to the existing Federal Inter-Agency Council on International Education and Cultural Affairs.

Such a public-private body would not be new to the United States. Congress established the Smithsonian Institution, for example, more than a century ago as a private corporation, under the guardianship of Congress, but governed by a mixed public-private Board of Regents.

The committee began a preliminary study of what might be the best method of meeting the present need. It is evident, however, that, because of the great range both of existing government and private philanthropic programs, the refinement of alternatives and selection among them is a task of considerable complexity. Accordingly, we do not believe that this exclusively governmental committee is an appropriate forum for the task and we recommend, instead, the appointment of a larger group, including individuals in private life with extensive experience in this field.

The basic principle, in any event, is clear. Such a new institution would involve government funds. It might well involve government officials. But a premium must be placed on the involvement of private citizens and the exercise of private judgments, for to be effective, it would have to have -- and be recognized to have -- a high degree of independence.

The prompt creation of such an institution, based on this principle, would fill an important -- and never more apparent -- national need.

Respectfully,

/s/ John W. Gardner
Secretary of
Health, Education and Welfare

/s/ Richard Helms
Director of
Central Intelligence

/s/ Nicholas deB. Katzenbach
Under Secretary of State,
Chairman

25X1

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 3 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

(2)

Background Information Used in Preparation
of Statement

Mr. Chairman, Members of the Committee:

I am grateful for this opportunity to share with you my views on President-Elect Carter's decision to nominate me for the post of Director of Central Intelligence.

I did not lightly accept this assignment. I recognize that the successes of the Intelligence Community, including the CIA, remain largely unknown while its errors are roundly assailed; that it is often accused, both at home and abroad, of deeds it never committed or undertook at the insistence of higher authority; and that it often cannot publicly defend itself against these attacks.

But I accept this assignment because I regard the intelligence process as second to none in its importance to our national security. I regard intelligence as our indispensable first line of defense. Without reliable foreign intelligence, this country cannot properly estimate the threat of war or the prospects for peace. Without reliable foreign intelligence, this country cannot properly determine the strategic arms limitations it can accept, or the strategic weapons systems it requires. In world affairs, knowledge is power. This country can be secure only if it knows what other countries are thinking and doing particularly when most other societies are far less open than our own. I could not refuse the challenge to provide to President Carter and his policy makers the best foreign intelligence to help him build a more peaceful world he and we all seek. I also accept the challenge to strengthen our intelligence agencies in this new era of

I was raised in Nebraska as the son of second-generation Americans who taught their children to love this country and to participate in a never-ending effort to protect and improve it. After graduation from the University of Nebraska College of Law in 1951, I spent nearly 13 years here in Federal Government, a period of service that was capped by 3 years as Special Counsel to President Kennedy.

I want to make clear my foreign policy experience in that position. After the Bay of Pigs fiasco of 1961, about which I knew nothing whatsoever in advance, the President asked me to attend National Security Council meetings as an observer; and in that capacity I received each day the reports and estimates of the Central Intelligence Agency. The President also requested my participation in various crisis management sessions, including most notably the Executive Committee of the National Security Council during the Cuban Missile Crisis of 1962. At no time did I know of any plots to assassinate foreign leaders or subvert foreign governments, nor was I privy to any discussions or decisions concerning CIA covert activities.

Three months after President Kennedy's death, I left the White House, first to write a book and then to engage in the practice of law in the New York firm of Paul, Weiss, Rifkind, Wharton and Garrison. The bulk of my practice has been in the international arena, involving negotiations with the leaders of dozens of countries around the world, particularly in Latin America, Africa, the Middle East and Eastern Europe. On brief occasions I represented

The Governments of Iran, Zaire (when it was still the Republic of the Congo), Sierra Leone and Newfoundland in various commercial negotiations. None of these had significant bearing on U.S. foreign policy decisions. In no country did I have any connection with or firsthand knowledge of any activities of their intelligence agencies or our own.

During this period I wrote extensively on international questions for Foreign Affairs, the Saturday Review, the New York Times and others; and I was also invited to deliver lectures in several countries, including New Zealand, Israel, West Germany, England, Ireland, all four Scandinavian countries and the Soviet Union. I do not believe that anyone who heard the lecture I delivered to Moscow's Institute of the United States could accept for one moment the ~~vile charge~~^{suggestion} that I am "soft on communism." Believe me, Mr. Chairman, my study of foreign systems of governments and my travels in all kinds of countries ~~has~~^{have} served continually to increase the depth of my devotion to our own nation and to its system of government.

Allow me now to outline briefly what kind of Director of Central Intelligence I believe is needed at this particular time, the kind I would, if confirmed, strive with your help to become.

First, the Director should be an individual well known to and completely trusted by the President. Only in this way can the Director have the direct and continuous access to the President that is essential to his role as the President's principal foreign intelligence adviser. Only in this way can he report to the President the hard, unvarnished facts produced by an independent intelligence process, and report them whether or not the President wants to

feel certain that their final product is getting through to their principal customer. And only in this way can the Director refuse to take orders from the White House or elsewhere that he regards as unlawful or improper, whether they involve the undertaking of questionable covert operations, the altering of intelligence conclusions, the yielding of necessary functions or the concealment, either from or by the Director, of information that should not be so concealed. President-Elect Carter has generously expressed that kind of faith in me; he has promised me that kind of access; he has promised to accept whatever unpleasant facts I bring; and I have in turn promised to know all there is to know about the activities of my subordinates and to make certain he knows as well.

Second, the Director should be an individual who can continue the restoration of public trust and support that the Agency needs to succeed. If the American people lack confidence that the Agency serves their interests and obeys their laws, if they ever again believe that it is the personal instrument of the President, unaccountable to the Congress, then it will be unable to obtain either the talent or the funding or the period of relative calm needed to carry out its work. To reach this goal of public trust at this time of general distrust, there is merit in adopting the Murphy Commission's recommendation that the Director be an "outsider" who is free from personal and departmental ties to the Agency. Nor is it inappropriate that the Director be a lawyer, sensitive to the rights of Americans at home and abroad. I pledge that under my leadership, the CIA and the Intelligence Community will endeavor only to conduct activities that are productive, justifiable and fully within the bounds of American law.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

to protect the integrity of the intelligence process. Whatever you may think of any particular Director's views, his job is not to make policy but to direct the collection, processing, analysis and presentation of foreign intelligence. If he permits outside pressures and politics to influence the integrity of that process, if conclusions are altered to fit the policies of the President or the wishes of the Secretary of State or the programs of the Secretary of Defense or the preconceptions of the Congress or even the previous findings of the CIA or the prejudices of its Director, then the results are no longer intelligence but propaganda. Analysts must keep in touch with the raw data and the real world; they must use ^{the} services of human intelligence sources when technology cannot give insights into a foreign government's intentions, and they must draw upon the wisdom and judgment of military, diplomatic, scholarly and other experts inside and outside of government. But the final product, containing dissents from those who disagree, should be neither a watered-down compromise nor a reflection of institutional bias. It should be the most objective, accurate, reliable intelligence estimate possible, delivered in time and in a form that will make it relevant and readable to the President and National Security Council. I would hope that my experience as a lawyer, writer and White House counsel would enable me to maintain that kind of standard; for intelligence reports which are unread or unreliable or irrelevant are simply a waste of superior talent, precious money and brilliant technology. Director Bush has faithfully prevented a ~~any~~ hint of partisan political bias in the intelligence analyses and estimates issued during his tenure, and I can assure this Committee that I intend to adhere to that standard. Also like George Bush, I renounce all political activity and electoral ambitions while serving in this sensitive post.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Fourth and finally, the next Director of the CIA must be able to lead that Agency into this new era of accountability without subjecting it to further demoralizing disruptions. If confirmed, I will be the fifth Director in little more than four years. The Agency has been through a series of investigations, reorganizations, reductions in force and reshuffling of personnel. The creativity of an analytical mind--and I have found the intellectual quality at Langley to be of the very highest--now needs a period of relative stability. For that reason, I have assured President-Elect Carter of my intention to serve a full four years if confirmed; I have recommended to him that Hank Knoche, Admiral Dan Murphy and the other top professionals, with whom I am much impressed, be continued in their present positions; and I have further recommended that no drastic reorganizations be undertaken at this time.

This is not to say that the effort to improve the intelligence process and adapt it to today's world is not a continuing one. We need to place our emphasis on improving the quality and timeliness of the analytical product before we are swamped with the overflow of technological collections. We must keep abreast of the constantly increasing need for intelligence on economics and energy, Third World developments, international terrorism,

nuclear proliferation and a new generation of world leaders. We must maintain vigilant safeguards to make certain that we do not oppose our adversaries by adopting their methods or philosophy.

Above all, the Intelligence Community must achieve the goal of true democratic accountability by working closely with the Congress and this Committee. I pledge, if confirmed, to keep this Committee and the other oversight committees of Congress fully informed on a timely basis with respect to all intelligence activities, not merely covert operations. Mr. Chairman, I promise this Committee truthfulness, without playing games if information is sensitive and without waiting for you to ask precisely the right question. I also look forward to working closely with you in developing a stronger and more suitable statutory charter for U.S. foreign intelligence activities.

In my opinion, the Director as the head of the Intelligence Community should be in effect, the Chairman of the Board. He should set priorities, demand performance, insure compliance, draw upon and coordinate the machinery of the Intelligence Community and represent it with the President, the National Security Council and Cabinet, the Congress and the general public. The Director need not be concerned with day-to-day management of the CIA. Under Executive Order 11905, the day-to-day management of the CIA is delegated to the Deputy Director. Although I have much to learn and will count on this Committee helping me learn it, I sincerely believe that my previous government and legal experience will enable me to fulfill my responsibilities as Director.

Before concluding, Mr. Chairman, I want to give this Committee answers to two questions which have been raised concerning my fitness for this particular post.

First, questions have been raised about affidavits that I submitted in the New York Times and Daniel Ellsberg cases involving the publication of the so-called Pentagon Papers. In those affidavits I stated my belief at that time that the Executive Branch frequently and routinely overclassified documents, and kept them classified long after there was any arguable national security interest or legitimate secret to protect. I further noted that it was common practice in Washington for Government officials to take such documents home for review, and that it was not uncommon for

such officials to leak classified information selectively to the press. On more than one occasion I was directed by the President to do so myself. So far as the Pentagon Papers themselves are concerned, I noted that information of incomparably greater importance to the national defense had been leaked to the press, and that no criminal prosecutions had ensued. I also recognized, let me emphasize, a true need for secrecy in the conduct of government business in certain circumstances, including those relating to military personnel, confidential foreign government communications, and candid reports and advice to the President on governmental and military affairs.

Having last week reviewed these affidavits for the first time in several years, I believe they were factually accurate and I make no apology for standing by the general principle of greater Executive Branch disclosure to the Congress and public. But as Director of Central Intelligence, I can assure you that my views and practices would be consistent with the ^{imperatives} ~~perspectives~~ of that office, with my oath as Director, and with my statutory obligation to insure the effectiveness of our intelligence activity by protecting all sources and methods.

I might add, however, that a sensitivity to the dangers of overclassification, and a demonstrated regard for the rights of the public and Congress to be informed, are not in my judgment disqualifications for that office.

I also stated in my affidavits that various classified papers were among the documents that I removed from the White House at the

conclusion of my service in February 1964, and I explained that I had simply followed a long-standing practice among White House officials in this regard. That practice was based not only on custom but also on the legislative histories of the Presidential Libraries Act of 1955 and the Federal Property and Administrative Services Act of 1949. As I understood it, there was unquestioned acceptance of the proposition that White House papers belonged to the occupants when their terms of service ended.

The essential facts respecting my own removal of classified papers from the White House, and subsequent use of those papers, were as follows: Following President Kennedy's death, I arranged to have my files removed to a General Services Administration depository in the Boston area. These arrangements were made through GSA and the Office of National Archives. Ultimately I donated most of my files to the Kennedy Library. Before doing so, however, I selected from the GSA depository those papers, including classified papers, that were necessary for the preparation of my book. These selected papers were kept safely in my home, were not circulated to others, and upon completion of my book were returned to GSA. No information that I considered classified was reproduced in my manuscript, although I drew on such information for background and context. I took the additional precaution of submitting my manuscript, for review and clearance, to individuals who were then serving or had previously served in high national security positions in government. To the best of my knowledge, no one has ever suggested that my book revealed any national secrets or disclosed any classified information.

-11-

The second matter upon which I owe this Committee a full answer concerns my draft status. The facts are that I registered for the draft upon becoming 18 years of age in 1946, and shortly thereafter expressed the philosophy of non-violence with which I had been reared by two deeply idealistic parents by requesting, not an avoidance of military duty, not an avoidance of hazardous duty, but military service in a non-combatant capacity--preferring, by way of illustration, to serve on the battlefield as a medical corpsman saving lives instead of taking lives; My action was largely symbolic, inasmuch as our country was not then at war or expected to go to war; nor did I ever see military service, having been ineligible during the Korean War first for physical and then for family reasons. As previously noted, however, I did serve in the U.S. Government as a civilian from 1951-1964, including participation on the National Security Council's Executive Committee during the Cuban Missile Crisis of 1962; and at no time did I or, to the best of my knowledge, any of my colleagues ever feel that my personal preference for non-violence inhibited in any way my advice to the President on the choice of military or other actions.

As Director of Central Intelligence, my principal role would be to provide intelligence to the policy-makers who are considering the military and diplomatic alternatives available to the United States. I would never have accepted this nomination were I not determined to strengthen our country in every way appropriate to my position and to implement all lawful orders and policies of the President, whatever that may involve, without

-12-

... permitting my private religious and philosophical beliefs to |
intrude into public policy. I doubt that this qualifies me
today for the label of conscientious objector; but I earnestly
hope that I will be a conscientious Director of Central Intelligence.

Thank you for this opportunity to set the record straight.

(3)

Belated OLC
redraft of

SORRENSON

A statement

STATEMENT

THEODORE C. SORENSEN

DIRECTOR-DESIGNATE OF CENTRAL INTELLIGENCE

BEFORE

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

17 JANUARY 1977

Mr. Chairman, Members of the Committee:

I am grateful for this opportunity to share with you my views on President-Elect Carter's decision to nominate me for the post of Director of Central Intelligence.

I did not lightly accept this assignment, and some of my friends have suggested that anyone agreeing to take the job lacks either the sanity or the common sense necessary to fulfill it. I recognize that the successes of the Intelligence Community, including the CIA, remain largely unknown while its errors are roundly assailed; that it is often accused, both at home and abroad, of deeds that it never committed or that it undertook at the insistence of higher authority; and that the Agency and its employees are often unable to defend themselves publicly against these attacks.

But I accepted this assignment because I regard the intelligence process as second to none in its importance to our national security. This country cannot properly evaluate either the threat of war or the prospects for peace, either the strategic weapons systems it needs or the strategic arms limitations it can accept and monitor, without reliable foreign intelligence. In world affairs, knowledge is power; and this country can be secure only if it knows what is going on in other countries, most of which have societies far less open than our own. To strengthen our intelligence agencies, to maintain and improve their effectiveness in this new era of public

accountability, to provide to President Carter and his policy-makers the objective intelligence estimates needed to build the more peaceful world for which he has called, all this represents a challenge which I could not refuse.

I was raised in Nebraska as the son of second-generation Americans who taught their children to love this country and to participate in a never-ending effort to protect and improve it. After graduation from the University of Nebraska College of Law in 1951, I spent nearly 13 years here in Federal Government, a period of service that was capped by 3 years as Special Counsel to President Kennedy.

I do not want to exaggerate my foreign policy experience in that job. After the Bay of Pigs fiasco of 1961, about which I knew nothing whatsoever in advance, the President asked me to attend National Security Council meetings as an observer; and in that capacity I received each day the reports and estimates of the Central Intelligence Agency. The President also requested my participation in various crisis management sessions, including most notably the Executive Committee of the National Security Council during the Cuban Missile Crisis of 1962. (At no time, let me add, did I know of any plots to assassinate foreign leaders or subvert foreign governments, nor was I privy to any discussions or decisions concerning CIA covert activities.)

Three months after President Kennedy's death, I left the White House, first to write a book and then to engage in the practice of law in the New York firm of Paul, Weiss, Rifkind, Wharton and Garrison. The bulk of my practice has been in the international arena, involving negotiations with the leaders of dozens of countries around the world, particularly in Latin America, Africa, the Middle East and Eastern Europe. On brief occasions I represented the Governments of Iran, Zaire, Sierra Leone and Newfoundland in commercial disputes or negotiations. In no country did I have any connection with or first-hand knowledge of any activities of either their intelligence agencies or our own, nor do I have now any obligations or prejudices regarding any foreign country which would interfere with my new duties.

During this period I wrote extensively on international questions for Foreign Affairs, the Saturday Review, the New York Times and others; and I was also invited to deliver lectures in several countries, including New Zealand, Israel, West Germany, England, Ireland, all four Scandinavian countries and the Soviet Union. I do not believe that anyone who heard the lecture I delivered to Moscow's Institute of the United States could doubt for one moment my rejection of communism and all that it represents. Believe me, Mr. Chairman, my observations of all kinds of systems and my travels in all kinds of countries has served continually to increase the depth of my devotion to our own nation and to its system of government. I might add that the Ford White House invited me down last year to consult with me on changes that should be made

With that brief sketch of my background, allow me now to outline what kind of Director of Central Intelligence I believe is needed at this particular time, the kind I would, if confirmed, strive with your help to become.

First, the next Director should be an individual well known to and completely trusted by the new President. Only in this way can the Director have the direct and continuous access to the President that is essential to his role as the President's principal foreign intelligence adviser. Only in this way can he report to the President the hard, unvarnished facts produced by an independent intelligence process, and report them whether or not the President wants to hear these facts. Only in this way can the members of the Intelligence Community feel certain that their final product is getting through to their principal customer and only in this way can the Director refuse to take orders from the White House or elsewhere that he regards as unlawful or improper, whether they involve the undertaking of wrongful covert operations, the altering of intelligence conclusions, the yielding of necessary functions, or the concealment either from or by the Director of information that should not be so concealed. President-Elect Carter has generously expressed that kind of faith in me; he has promised me that kind of access; he has promised to accept whatever unpleasant facts I bring him; and I have in turn promised to know all there is to know about the activities of my subordinates and to make certain he knows as well.

Second, the next Director should be an individual who can continue the restoration of public trust and support that the Central Intelligence Agency needs to succeed. If the American people lack confidence that the Agency serves their interests and obeys their laws, if they ever again believe that it is merely the personal instrument of the President, unaccountable to the Congress, then that Agency will be unable to obtain either the talent, or the funding, or the period of relative calm needed to carry out its work. In order to reach this goal of public trust at a time of general distrust, there may be some merit in adopting the Murphy Commission's recommendation that the Director be an "outsider" who is free from personal and departmental ties to the Agency. Nor is it inappropriate that the Director be a lawyer, sensitive to the rights of Americans at home and abroad. It is President-Elect Carter's hope that many of today's critics of the CIA will feel over time somewhat assured that the Agency under my leadership will not return to improper domestic activities, political assassination plots, unlawful mail openings and other abuses of the past; and that covert operations, while not being abolished, will go forward only in extraordinary circumstances, and only after having been reviewed by senior Cabinet officials, including the Attorney General, and authorized in writing by the President upon his determination that the operation is justified by important national security interests. Further, scrupulous

attention must and will be paid to the requirement, imposed by law, that the appropriate Congressional committees be informed about such operations in a timely manner. It is also essential to reexamine such operations periodically to make certain that they are still productive, still justifiable, and still within the bounds of American law. It would be my hope through such an approach to help repair some of the damage that has been done to the good name of both the USA and the CIA.

Third, the next Director of Central Intelligence must have the degree of intellect and independence required to protect the integrity of the intelligence process. Whatever you may think of any particular Director's views on policy, his job is not to make policy but to oversee the collection, processing, analysis and delivery of foreign intelligence. If he permits outside pressures and politics to influence the results of that process, if conclusions are altered to fit the policies of the President or the wishes of the Secretary of State or the programs of the Secretary of Defense or the preconceptions of the Congress or even the previous findings of the CIA or the prejudices of its Director, then the results are no longer intelligence but propaganda. Intelligence analysts, of course, cannot be so shut off from the real world that they lose touch with the raw data; they must utilize human intelligence sources where technology cannot discern a government's intentions; and they must draw upon military,

diplomatic, scholarly and other experts both inside and outside of government. But the final product, containing dissents from those who disagree, should be neither a watered-down compromise nor a reflection of institutional bias, but the most objective, accurate, reliable intelligence estimate possible, delivered in time and in a form that will make it both relevant and readable to the President and National Security Council. I would hope that my experience as a lawyer, writer and White House counsel would stand me in good stead in striving to maintain that kind of standard; for intelligence reports which are unread or unreliable or irrelevant are simply a waste of precious money, manpower and brilliant technology. Director Bush has faithfully prevented any hint of partisan political bias in the intelligence analyses and estimates issued during his tenure; and I can assure this Committee that I intend to adhere to that standard and, also like George Bush, renounce all political activity and electoral ambitions while serving in this sensitive post.

Fourth and finally, the next Director of the CIA must be able to lead that Agency into this new era of accountability without subjecting it to further demoralizing disruptions. If confirmed, I will be the fifth Director in little more than four years. The Agency has been through a series of investigations, reorganizations, reductions in force and reshuffling of top personnel. The creativity

of the analytical mind--and I have found the intellectual quality at Langley to be of the very highest--now needs a period of relative stability. For that reason, I have assured President-Elect Carter of my intention to serve a full four years if confirmed; I have recommended to him that Deputy Director Hank Knoche, Admiral Dan Murphy and the other top professionals with whom I am much impressed be continued in their present positions; and I have further recommended that no drastic reorganizations be undertaken at this time.

This is not to say that the effort to improve the intelligence process and adapt it to today's world is not a continuing one. We need to place our emphasis on improving the quality and timeliness of the analytical product in order to match the increasing flow of technical collections. We must keep abreast of the constantly increasing need for new intelligence on economics and energy, Third World developments, international terrorism, nuclear proliferation and a new generation of world leaders. We must maintain, as earlier indicated, vigilant safeguards against abuse to make certain that we do not oppose our adversaries by adopting their methods or philosophy.

Above all, the Intelligence Community must in this next four year period as in no previous four year period achieve the goal of true democratic accountability by working closely with the Congress and this Committee. I pledge, if confirmed, to keep this Committee

and the other appropriate committees of Congress fully informed on a timely basis with respect to intelligence activities of every kind, not merely covert operations. I promise you complete truthfulness in all appearances before you, without playing games if information is restricted and without waiting for you to ask precisely the right question. I also look forward to working closely with you in developing a stronger and more suitable statutory charter for all U.S. foreign intelligence activities.

Leadership of the Intelligence Community in all these areas does not, in my opinion, require that the Director be an experienced manager. Under Executive Order 11905, the day-to-day management of the CIA is delegated to the Deputy Director. The Director should be, in effect, the Chairman of the Board, not the Chief Operating Officer. He should set priorities, demand performance, insure compliance, draw upon and coordinate the machinery of the Intelligence Community and represent it with the President, the National Security Council and Cabinet, the Congress and the general public. Although I have much to learn and will count on this Committee helping me to learn it, I sincerely believe that my previous government and legal experience will enable me to fulfill these responsibilities.

Before concluding, Mr. Chairman, I owe this Committee an answer to two questions which have been raised concerning my fitness for this particular post.

First, questions have been raised about affidavits that I submitted in the New York Times and Daniel Ellsberg cases involving the publication of the so-called Pentagon Papers. In those affidavits I stated my belief at that time that the Executive Branch frequently and routinely overclassified documents, and kept them classified long after there was any arguable national security interest or legitimate secret to protect. I further noted that it was common practice in Washington for Government officials to take such documents home for review, and that it was not uncommon for such officials to leak classified information selectively to the press. On more than one occasion I was directed by President Kennedy to do so myself. So far as the Pentagon Papers themselves were concerned, I further noted that information of incomparably greater importance to the national defense had been leaked to the press, and that no criminal prosecutions had ensued. I also recognized in these affidavits, let me emphasize, a true need for secrecy in the conduct of government in certain circumstances, including those relating to military personnel, confidential foreign government communications, and candid reports and advice to the President on governmental and military affairs.

Having last week reviewed these affidavits for the first time in several years, I find considerable fault with their wording, although I believe they were factually accurate; and I make no apology for standing by the general principle of greater Executive

Branch disclosure to the Congress and public. But as Director of Central Intelligence, I can assure you that my views and practices would be consistent with the perspectives of that office, with my oath as Director, and with my statutory obligation to insure the effectiveness of our intelligence activity by protecting all sources and methods. I might add, however, that a sensitivity to the dangers of over-classification, and a demonstrated regard for the rights of the public and Congress to be informed, are not in my judgment disqualifications for that office.

I also stated in my affidavits that various classified papers were among the documents that I removed from the White House at the conclusion of my service in February 1964, and I explained that I had simply followed a long-standing practice among White House officials in this regard. That practice was based not only on custom but also on the legislative histories of the Presidential Libraries Act of 1955 and the Federal Property and Administrative Services Act of 1949. As explained to me by GSA at that time, there was unquestioned acceptance of the proposition that White House papers belonged to its occupants when their terms of service ended.

The essential facts respecting the removal of my own papers from the White House, and my subsequent use of those papers, were as follows: Following President Kennedy's death, the GSA arranged

for my files to be removed to its National Archives depository in the Boston area, and for me to select therefrom those papers, including classified papers, that were necessary for the preparation of my book. These selected papers were kept safely in my home, not circulated to others, returned upon completion of my book to GSA, and ultimately donated with all the rest of my White House files to the Kennedy Library. To the best of my recollection, no communications intelligence or documents of a similar classification were included in these papers. No information that I considered classified was reproduced in my manuscript, although I drew on such information for background and context. I took the additional precaution of submitting my manuscript for review and clearance to individuals who were then serving or had previously served in high national security positions in government. To the best of my knowledge, no one has ever suggested that my book revealed any national secrets or disclosed any classified information.

The second matter upon which I owe this Committee a full answer concerns my draft status. The facts are that I registered for the draft upon becoming 18 years of age in 1946, and shortly thereafter expressed the philosophy of non-violence with which I had been reared by two deeply idealistic parents by requesting, not an avoidance of military duty, not an avoidance of hazardous duty, but military service in a non-combatant capacity--preferring, by way of illustration, to serve on the battlefield as a medical corpsman saving lives instead of taking lives. My action was largely

symbolic, inasmuch as our country was not then at war or expected to go to war; nor did I ever see military service, having been ineligible during the Korean War first for physical and then for family reasons. As previously noted, however, I did serve in the U.S. Government as a civilian from 1951-1964, including participation on the National Security Council's Executive Committee during the Cuban Missile Crisis of 1962; and at no time did I or, to the best of my knowledge, any of my colleagues ever feel that my personal preference for non-violence inhibited in any way my advice to the President on his choice of military or other options.

As Director of Central Intelligence, my principal role would be to provide intelligence to the policymakers who are considering the military and diplomatic alternatives available to the United States. I would never have accepted this nomination were I not determined to strengthen our country in every way appropriate to my position and to implement all lawful orders and policies of the President, whatever that may involve, without permitting my private religious and philosophical beliefs to intrude into public policy. I doubt that this qualifies me today for the label of conscientious objector; but I earnestly hope that I will be a conscientious Director of Central Intelligence.

Thank you for this opportunity to set the record straight.

4)

Statement sent to SSCI 14 January 1977

This Statement not read
during Committee hearing.

STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 5 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

January 13, 1977

THEODORE C. SORENSEN

Director-Designate of Central Intelligence

Personal and Financial Data

A. BIOGRAPHICAL

1. Name: Theodore Chaikin Sorensen
2. Addresses:

Residence:

STAT

Mailing: 345 Park Avenue - 29th Floor
New York, New York 10022

3. Date and Place of Birth:

May 8, 1928
Lincoln, Nebraska

4. Marital Status:

Married, Gillian Martin - June 28, 1969

5. Names and Ages of Children:

Eric Kristen - 24 years
Stephen Edgar - 23 years
Philip Jon - 21 years
Juliet Suzanne - 3 years

} by a prior marriage

6. Education:

University of Nebraska
1945-1951
BSL - June, 1949
LLB - June, 1951

7. Employment Record:

Attorney, Federal Security Administration (now Dept. of H.E.W.); 1951-1952; Washington, D.C.
 Staff Member, Joint U.S. Senate - House Committee on Railroad Retirement; 1952; Washington, D.C.
 Assistant, Sen. John F. Kennedy (D-Mass); 1953-1961; Washington, D.C.
 Special Counsel, President of United States; 1961-1964; Washington, D.C.
 Author and Lecturer (self-employed); 1964-1966; Cambridge Osterville, Hyannisport, Mass., and Washington, D.C.
 Editor-at-Large, Saturday Review; 1966-1969; New York, New York
 Partner, Paul, Weiss, Rifkind, Wharton & Garrison; 1966-1977; New York, New York
 Visiting Lecturer, Princeton University; 1966-1968; Princeton, New Jersey
 Commentator on National Affairs, T.V. Channel 5 (Metromedia); 1971-1973; New York, New York

8. Government Experience:

See Item 7 "Employment Record" above

Also:

Member, Temporary State Commission on Constitutional Convention (N.Y.); 1969-1970; New York and Albany, New York

9. Memberships:

Bar of the United States Supreme Court
 Bar of the State of New York
 Bar of the State of Nebraska
 Bar of the District of Columbia
 National Executive Committee, Lawyers Committee for Civil Rights Under Law: 1966-1976 (resigned December 31, 1976)
 Trustee, Medgar Evers Fund: 1969-1976 (resigned December 31, 1976)
 Council on Foreign Relations, Inc.: 1969-1976 (resigned December 31, 1976)
 Member, Board of Overseers, College of the Virgin Islands 1966-1976 (resigned December 31, 1976)
 Member, American Council on Germany, Inc.: 1970-1976 (resigned December 31, 1976)
 Member, National Coalition to Ban Handguns (formerly the National Gun Control Center): 1975-1976 (resigned December 31, 1976)
 Nebraska Bar Association 1951-1977

10. Honors and Awards:

Member, Phi Beta Kappa 1949
 Member, Order of the Coif 1951
 Editor-in-Chief, Nebraska Law Review 1949-1950
 U.S. Junior Chamber of Commerce, one of Ten
 Outstanding Young Men of the Year for 1961
 Brotherhood Award, Massachusetts Committee of
 Catholics, Protestants and Jews 1965
 Honorary Doctorate, University of Canterbury 1966
 Honorary Doctorate, Alfred University 1969
 Honorary Doctorate, Temple University 1969
 Honorary Doctorate, Fairfield University 1969
 Honorary Doctorate, University of Nebraska 1969

Listed in:

Who's Who in America
 Who's Who in American Politics
 Dictionary of International Biography
 Contemporary Authors
 International Authors and Writers Who's Who

11. Published Writings:

(a) Books:

Decision Making in the White House (Columbia
 University Press, 1963)
Kennedy (Harper & Row, 1965)
The Kennedy Legacy (MacMillan, 1969)
Watchmen in the Night: Presidential Accountability
After Watergate (M.I.T., 1975)

(b) Selected Magazine Articles:

→ "Improper Payments Abroad: Perspectives and
 Proposals", Foreign Affairs, July, 1976
 "The Case for Jimmy Carter", Skeptic, September/
 October, 1976
 "Most-Favored-Nation and Less Favorite Nations",
Foreign Affairs, January, 1974
 "Why We Should Trade With the Soviets", Foreign
Affairs, April, 1968
 "Watergate and American Foreign Policy", The World
Today: Journal of Royal Institute of Inter-
national Affairs, Winter, 1974
 "Watergate and the American Foreign Policy",
Deutsche Gesellschaft Fur Auswartige Politik,
 Winter, 1974

(c) In addition to the foregoing, I have written regular columns for Saturday Review from 1966-1969 (while I served as Editor-at-Large of that publication) and occasional columns for The New York Times "Op-Ed" page and other periodicals. Other articles of mine have appeared or been reprinted in numerous other periodicals including those of foreign nations (most recently, England, Brazil, Australia and Denmark).

STAT



STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 23 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Theodore Chaikin Sorensen

Former Special Counsel to the President. Born in Lincoln, Nebraska, on 8 May 1928; son of Christian Abraham and Annis Chaikin Sorensen. B. S. in Law, University of Nebraska, 1949; LL. B., 1951; LL. D., 1969; LL. D., University of Canterbury, 1966, Alfred University, 1969, Temple University, 1969, Fairfield University, 1969. Married Camilla Palmer, September 8, 1949 (divorced August 1963); children: Eric Kristen, Stephen Edgar, Philip Jon; married Sara Anne Elbery, June 3, 1964 (divorced 1969); married Gillian Martin, June 28, 1969. Admitted to Nebraska bar, 1951; New York bar, 1966; D. C. bar, 1971; also U. S. Supreme Court. Attorney, Federal Security Agency, 1951-1952; member of the staff, Joint Com. Railroad Retirement, U. S. Senate, 1952; assistant to Senator John F. Kennedy, 1953-1961; secretary, New England Senators Conference, 1953-1959; Special Counsel to the President, 1961-1964; member of the firm Paul Weis, Rifkind, Wharton & Garrison, New York City; editor-at-large, director of Saturday Review, 1966-1969; commentator on national affairs on Metromedia Channel 5, 1971 to present; Democratic candidate for New York Senate, 1971. Named by Junior Chamber of Commerce as one of ten Outstanding Young Men of the Year, 1961. Member Nebraska Bar Association, Phi Beta Kappa, Order of the Coif. Editor of the Nebraska Law Review, 1950-1951. Author: Decision Making in the White House, 1963; Kennedy, 1965; The Kennedy Legacy, 1969. Office: 345 Park Avenue, New York City 10022

Also listed in Who's Who are two brothers: Philip Chaikin Sorensen, a lawyer who lives in Columbus, Indiana; and Thomas Chaikin Sorensen, listed as a business executive, partner in Sartorius & Company in New York City.

VOLUME 91

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE WM. MATTHEW BYRNE, JR., JUDGE PRESIDING

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 9373-CD-WMB
)	
ANTHONY JOSEPH RUSSO, JR.,)	
DANIEL ELLSBERG,)	
)	
Defendants.)	

REPORTERS' TRANSCRIPT OF PROCEEDINGS

PLACE: Los Angeles, California

DATE: Thursday, March 15, 1973

PAGES: 15,984 - 16,195

ROBERT E. KILLION, CSR
DON MEHLER, CSR
Official Court Reporters
110 U. S. Court House
312 North Spring Street
Los Angeles, California 90012
(213) 688-3280

jm
10/21/73

16,167

1 Sorensen - Direct

2 THEODORE C. SORENSEN,

3 called as a witness by the defendants, having been first
4 duly sworn, was examined and testified as follows:

5 THE CLERK: State and spell your full, true
6 name for the record, please.

7 THE WITNESS: My name is Theodore C. Sorensen,
8 S-o-r-e-n-s-e-n.

9 DIRECT EXAMINATION

10 BY MR. BOUDIN:

11 Q Mr. Sorensen, what is your present occupation?

12 A I'm a lawyer.

13 Q Have you been employed by the Government of
14 the United States?

15 A Yes.

16 Q Would you state when you were first employed
17 by the Government?

18 A In 1951.

19 Q In what capacity?

20 A I was then a counsel for what is now the
21 Department of Health, Education and Welfare.

22 Q And your second period of employment?

23 A I was then a counsel for a congressional
24 committee studying railroad-retirement legislation.

25 Q And your third -- what year was that, sir?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sorensen - Direct

A That was in 19 -- the first was in '51, the second was in '52.

Q What was your next connection with the Government?

A I then was employed in January of 1953 by the Senator from Massachusetts, John F. Kennedy.

Q In what capacity?

A As his legislative assistant.

Q And did you remain working for then-Senator Kennedy until he became President of the United States?

A I did, yes.

THE COURT: What is a legislative assistant?

THE WITNESS: A legislative assistant covers a multitude of duties. I worked with the then-Senator on the preparation of his legislation, on his speeches on domestic and foreign policy, and ultimately in his political campaigns.

1 Sorensen - Direct

2 Q When Senator Kennedy became President of the
3 United States, what position were you given in connection
4 with his office?

5 A I was appointed special counsel to the
6 President.

7 Q What were your responsibilities as special
8 counsel to the President of the United States?

9 A My task was primarily to work with the
10 President on the formulation of his policy and program.
11 That covered a wide range, with special emphasis on domestic
12 policy, because Mr. Bundy was his special assistant on
13 foreign policy, but it also involved foreign policy, not
14 only the speeches, but also participation in meetings of
15 the National Security Council, meetings of the cabinet,
16 meetings with the President alone on the whole range of
17 issues that faced him as President.

18 Q Did the time come when you became involved
19 more actively in defense and foreign policy matters?

20 A Yes. My original emphasis had been on
21 domestic policy, although I was working on the defense
22 budgets, on the foreign aid program, and on other legislative
23 matters.

24 The President had originally assumed
25 that I would be outside the scope of foreign policy activities;

16,170

1 Sorensen - Direct

2 however, after the Bay of Pigs fiasco, which the President
3 agreed that it was, he asked Attorney General Kennedy and
4 myself to take a more active role in foreign policy, because
5 he wanted to have the judgments of those whom he knew very
6 well taking part in that important area of policy making
7 as well.

8 Q Would you indicate to the jury what the
9 Bay of Pigs incident was?

10 A The Bay of Pigs was the occasion when the
11 anti-Castro exiles, supported by the United States and the
12 CIA, attempted to invade Cuba to overthrow Castro and were --
13 and failed.

14 Q Was a committee formed to investigate that
15 matter?

16 A Yes. There was a committee formed to
17 investigate that matter.

18 Q Who were the members of the committee?

19 A It was led by General Maxwell Taylor and by
20 Attorney General Kennedy.

21 Q Did you have any connection with it?

22 A I had no official connection with it, but, as
23 was true of a great many activities in the White House in
24 those days, I was unofficial liaison with that committee
25 as -- and whatever other assignments the President gave to me.

1 Sorensen - Direct

2 Q Did you receive, in the course of your duties
3 as counsel to the President, daily intelligence briefings
4 and other intelligence reports?

5 A Yes. The CIA puts out each day a small
6 summary of all of the important intelligence material which
7 they have produced or collected during the preceding day,
8 and that is put on the desk of each of those in the White
9 House who has responsibility in this area. I was one of
10 those receiving that material.

11 Q Did you have occasion to examine NIE's
12 regularly?

13 A Yes. The NIE's -- National Intelligence
14 Estimates -- put out and coordinated by the CIA also came
15 to me in that capacity.

16 Q Did you attend meetings of the National
17 Security Council?

18 A I attended, after the Bay of Pigs, virtually
19 all of the formal meetings of the National Security Council.
20 I was not a statutory member, but was asked by the President
21 to sit in and observe.

22 I rarely participated actively in those
23 meetings, but was asked by the President to give him my
24 views in informal get-togethers at the end of the day.

25 Q Did you have other meetings with the

16,172

1 Sorensen - Direct

2 President?

3 A Yes. In the course of a day or a week I
4 would see the President a great many times. By that time
5 we had had a relationship of eight to ten --- eventually
6 eleven years, so that we often talked about a wide range
7 of issues, often at the end of the day after his regular
8 schedule was over, and I would drop in on a very informal
9 basis.

10 Q Would you go on trips, foreign trips with the
11 President?

12 A Yes. I accompanied him to Vienna when he met
13 with Soviet Chairman Krushchev, to Paris when he met with
14 General DeGaulle, to London where he met with then Prime
15 Minister MacMillan.

16 I went with him on his trip to Berlin
17 two years later where he made his famous speech, "Ich bin
18 ein Berliner," to Ireland and on other trips.

19 Q Were you involved in the preparation of
20 speeches on foreign policy by President Kennedy?

21 A Yes, I was. That was one of my special
22 responsibilities to take part in those meetings in the White
23 House, which were the basis for major Presidential decisions
24 on foreign policy, and then to put together the evidence
25 and the arguments that were the basis for that decision in

16,173

1 Sorensen - Direct

2 a draft speech for the President to communicate that decision
3 to the American people or to the Congress or to the
4 United Nations, as the case may be.

5 Q Can you indicate several of the matters upon
6 which you worked in connection with preparation of the
7 Presidential speeches?

8 A Yes, of course. The President's inaugural
9 address and his first State of the Union address both bore
10 heavily on foreign policy, and he asked me to help on both
11 of those.

12 I also worked with him on his speech
13 at the time of the Berlin crisis in the summer of 1961, his
14 speech reporting on his meeting with Khrushchev during that
15 same summer, his speech when the Russians resumed nuclear
16 testing in August of 1961, his speech to the United Nations
17 in the fall of 1961, his speech with respect to the
18 United States resumption of nuclear testing in 1962.

19 One of the most important, of course,
20 was the Cuban missile crisis speech to the American people
21 in October of 1962; another important one was the so-called
22 American University speech in June of 1963, which proposed
23 a detente, a getting together with the Soviet Union, and
24 the speech on announcing a nuclear test ban treaty and
25 advocating its approval by the Senate in the fall of that

1 Sorensen - Direct

2 same year.

3 Q Did you attend meetings of the cabinet?

4 A Yes, I did.

5 Q Regularly, frequently, infrequently?

6 A I attended all meetings of the cabinet.

7 Q With respect to the National Security Council
8 meetings, were these meetings at which, invariably, important
9 matters of foreign policy were determined by the National
10 Security Council?

11 A No. President Kennedy, very frankly, regarded
12 the National Security Council formal meetings as something
13 of a formal bore. He preferred to make real decisions on
14 foreign policy in smaller sessions with those officials whom
15 he regarded as being particularly informed and particularly
16 concerned.

17 The National Security Council meetings,
18 therefore, became a kind of formal ratification of what had
19 already been decided in order that it could be communicated.
20
21
22
23
24
25

16,175

1 Sorensen - Direct

2 Q Did you attend a National Security meeting
3 following the Taylor-Rostow report?

4 A Yes. In the fall of 1961 General Taylor and
5 Mr. Rostow returned from a visit to Indochina and made
6 recommendations to the President, and a National Security
7 Council meeting, which I attended, was held on those
8 recommendations.

9 Q Did you attend a National Security Council
10 meeting in October, 1963?

11 A Yes. That followed another meeting -- another
12 trip by General Taylor and Secretary McNamara, and on
13 October 2, 1963, a meeting was held with respect to what
14 Vietnam options lay ahead.

15 Q Is that a meeting that led to the statement
16 with respect to the withdrawal of a thousand men?

17 A That is correct.

18 Q Were you generally involved, during your
19 term of Presidential employment or service, with the subject
20 of Vietnam?

21 A Only peripherally. To be frank with you,
22 this was partly because Vietnam was not a central issue to
23 the President during most of his period in the White House.

24 Berlin, Cuba, even Laos were of much more
25 importance to him in the foreign policy area, and it was

1 Sorensen - Direct

2 partly because, as I said, the formal NSC meetings which
3 I attended rarely took up any of the real substance of
4 Vietnam.

5 Q When did you leave service of the government?

6 A Three months after President Kennedy's death.
7 That was roughly February 22, 1964.

8 Q Did you remain with President Johnson during
9 those several months after President Kennedy's death in the
10 same capacity as counsel?

11 A Yes.

12 Q During the period of your government service,
13 did you do public writings aside from the writings you were
14 doing for the President -- that is, writings in your own
15 name?

16 A I delivered a series of lectures at
17 Columbia University which were published by the University
18 as a small book.

19 Q And the subject?

20 A That was called "Decision Making in the White
21 House."

22 Q In what year?

23 A That was in the fall of 1963.

24 Q After you left the position as counsel to the
25 President, did you do writings on the subject of foreign

1 Sorensen - Direct

2 policy?

3 A I first wrote a book on President Kennedy,
4 and on my years with him, which I -- which was called
5 "Kennedy," and which certainly included a thorough review,
6 I hope, of his actions and attitudes in the foreign policy
7 area.

8 Q When did you write the book?

9 A I wrote it from -- beginning after my
10 departure from the government in early 1964 and completed
11 it in the late summer or early fall of 1965.

12 Q Would you describe the process by which you
13 gathered materials on which the book was based?

14 A When I left the White House, I took with me
15 the sum --

16 MR. NISSEN: I think, your Honor, that there
17 is no relevance to how a book that is not in issue in this
18 case is involved.

19 THE COURT: Sustained.

20 MR. BOUDIN: I refer your Honor to the offer
21 of proof that your Honor has before him.

22 THE COURT: The objection is sustained.

23 BY MR. BOUDIN:

24 Q When you left the White House, did you take
25 with you materials which you yourself had written?

16,178

1 Sorensen - Direct

2 A Yes.

3 MR. NISSEN: Objection; immaterial, your
4 Honor.

5 THE COURT: Overruled.

6 BY MR. BOUDIN:

7 Q Did you take with you materials which other
8 persons had written for the government?

9 MR. NISSEN: Same objection.

10 THE COURT: Sustained.

11 BY MR. BOUDIN:

12 Q Did you take with you materials which bore
13 classification marks?

14 MR. NISSEN: Same objection.

15 THE COURT: The objection is sustained. The
16 line of inquiry --

17 MR. BOUDIN: Your Honor has --

18 THE COURT: -- is --

19 MR. BOUDIN: -- your Honor will consider over
20 the night the offer of proof which I have made in the
21 Sorensen affidavit? u

22 THE COURT: I believe I will resolve it after
23 we are through.

24 MR. BOUDIN: That will be satisfactory. Quite.

25 THE COURT: I think Mr. Sorensen's answer may

1 Sorenson - Direct

2 have been incomplete.

3 You said that first you wrote. Was
4 there some other book that you wrote?

5 THE WITNESS: Thank you. I did write another
6 book entitled "The Kennedy Legacy," which involved the
7 foreign policy attitudes of both John and Robert Kennedy,
8 and I have also written a considerable number of articles
9 on foreign policy which have appeared in the Foreign Affairs
10 Quarterly, the New York Times, the Saturday Review, and other
11 publications.

12 MR. BOUDIN: May the witness be given
13 Exhibit 8?

14 THE COURT: Yes, he may.

15 (Whereupon Government's Exhibit
16 8 was placed before the witness.)

17 BY MR. BOUDIN:

18 Q Mr. Sorensen, will you look at --

19 THE COURT: While that is before the witness,
20 I would like to see counsel at side bar.

21 (The following further proceedings
22 were had at the bench, in the presence
23 and out of the hearing of the jury:)

24 THE COURT: I have a couple of things.
25 Mr. Boudin inquired of my clerk about attempting to finish

16,180

1 Sorensen -

2 Mr. Sorensen this evening so he can return to the East. That
3 possibility, it seems, is nil, I would say at this point.

4 I have suggested that I would go later
5 if it could be done, but I think it does inconvenience the
6 jury very substantially, so we will quit at about the same
7 time.

8 On your offer of proof, it is impossible
9 for me to rule as to the relevance and materiality of all
10 facts that are set forth in this affidavit. I am not
11 sure, Mr. Nissen, if -- I should make the statement, I
12 guess, that counsel has stated that he is making an offer
13 of proof in the affidavit which was filed by Mr. Sorensen
14 in the earlier motion for a hearing on the question of
15 discriminatory prosecution.

16 The offer of proof on that issue is
17 denied, but it is impossible for me to say -- I don't want
18 to be ruling and will not rule that all the facts in that
19 affidavit are immaterial and irrelevant, because some of them
20 may be on varying issues.

21 I will not prejudge it line by line. I
22 am saying, so you will know where to limit your inquiry,
23 that, as to the question of discriminatory prosecution, or
24 broadening it to administrative practice, that that offer
25 of proof is denied, and I will have to rule as we go along.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sorensen -

MR. BOUDIN: Yes. Your Honor can understand my reluctance to press questions when I know that your Honor opposes the line.

THE COURT: I understand.

MR. BOUDIN: I will have to weave my way through that.

1 Sorensen -

2 MR. WEINGLASS: So the record is clear,
3 there is one additional issue to which we offered this
4 proof, and that is the administrative practice respecting
5 the ownership of copies of documents which are in the
6 possession of Government employees when they leave service.

7 Your Honor will recall in my opening I
8 indicated to the jury that the question of the ownership
9 of the Pentagon Papers study, Volumes 1 through 13, was
10 an issue very much in doubt because of the acceptable
11 practice of former Government employees to take copies
12 of the material that were generated in their offices with
13 them when they left Government.

14 I believe this witness would offer affirmative
15 proof of the fact that that was the practice, and, indeed,
16 he engaged in it, and that is in addition to the other
17 areas to which that evidence goes. It goes, as well,
18 to the issue of ownership of the documents.

19 THE COURT: I will consider that an
20 independent offer of proof that you just made. As to
21 that offer of proof, it also is denied.

22 As to the thing that I mentioned -- we might
23 as well complete it now. As to the thing I mentioned on
24 the other witness' offer of proof, if you can, get that
25 to me in the morning so I can generally look at it to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sorensen - Direct

prepare myself.

It will be in camera, Mr. Nissen, until the witness testifies.

MR. WEINGLASS: We will have it.

MR. BOUDIN: How long are we going to go, until 4:30?

THE COURT: 4:30 or a little after.

(The following proceedings were had in open court in the hearing of the jury:)

THE COURT: Excuse me, ladies and gentlemen.

Mr. Sorensen, do you have the document before you?

THE WITNESS: Yes, I do.

THE COURT: Exhibit 8 is before the witness.

BY MR. BOUDIN:

Q Have you read Exhibit 8?

A Yes, I have, Mr. Boudin.

Q Would you mind looking at pages 1 and 2, or, rather, specifically, the second page after the cover, and read the title to the jury?

A "Evolution Of The War, Phased Withdrawal of U. S. Forces, 1962 to 1964."

Q Could you describe briefly the contents of

Sorensen - Direct

1 Exhibit 8 to the jury?

2 A Yes. This book focuses almost exclusively
3 upon a proposal made in 1962 to prepare for the phased
4 withdrawal of American forces from the war in Vietnam and
5 for our ultimate disengagement.

6 This began in the optimism of 1962, when
7 there had been a settlement in Laos, when American advisers
8 were in Vietnam and when the reports, rightly or wrongly,
9 were that all was going well.

10 There was hope that the strategic hamlet
11 situation -- project was a success, that American heli-
12 copters were doing their job --

13 MR. NISSEN: Excuse me here, your Honor.

14 If this is in Volume 8, it would surprise
15 me, and it is --

16 THE COURT: He is testifying to what he
17 believes is in Volume 8. If it is not, you may cross-
18 examine him on it.

19 MR. NISSEN: Is he responding to the
20 question of what is in Volume 8? I don't think so.

21 THE COURT: Do you understand the ques-
22 tion?

23 THE WITNESS: Yes, I certainly do.

24 THE COURT: All right. You may continue.

25

4 1 Sorensen - Direct

2 BY THE WITNESS:

3 A And in that period of optimism, it was
4 Secretary McNamara who proposed at a Honolulu conference
5 that a plan be prepared for the phased withdrawal of
6 American forces beginning in 1964 and drawn down over a
7 period of four years and for a reduction of American aid.

8 During the months that followed, covered
9 by this particular report, a variety of plans and proposals,
10 drafts, models, alternatives, were put forward. All of
11 them were rejected.

12 At first they were rejected as being too
13 slow and too costly, but in the end they were rejected be-
14 cause they were totally unrealistic and had no relation-
15 ship to what was actually going on in Vietnam at that time.

21

16
17
18
19
20
21
22
23
24
25

16,185

1 Sorensen - Direct

2 During this same period there was something
3 of a debate going on inside the Government as to what was
4 the political and military situation in Vietnam, how much
5 progress was being made. Missions were sent out from
6 Washington, and one famous mission came back with such a
7 divided report between the military official on the mission
8 and the civilian official on the mission that President
9 Kennedy said to them at the National Security Council
10 meeting, "Are you sure you two fellows went to the same
11 place?"

12 Finally the situation deteriorated so that it
13 was clear that no plan for phased withdrawal would succeed.
14 Before that time, at the October 2, 1963, National
15 Security Council meeting mentioned earlier, an attempt had
16 been made to surface this idea, and an announcement was
17 released that 1,000 men would be withdrawn from Vietnam
18 by the end of that year. In fact, 1,000 men were with-
19 drawn, but approximately the same number were sent during
20 that period of time, so that it was not much of a with-
21 drawl, and the plan was formally abandoned in the summer
22 of 1964, when it was clear that it had no realistic meaning.

23 BY MR. BOUDIN:

24 Q Do you have an opinion, Mr. Sorensen, whether
25 the information in Exhibit 8, if released in 1969, could

1 Sorensen - Direct

2 have caused injury to the United States?

3 A Yes, I certainly have such an opinion.

4 Q Do you have an opinion as to whether the
5 information in that exhibit, if released in 1969, could
6 have been of advantage to a foreign power in relation
7 to the national defense of the United States?

8 A Yes, I do have such an opinion.

9 Q My first question, incidentally, which I would
10 like to repeat, is, when I asked you about injury to the
11 United States, I was referring to injury with respect to
12 the national defense; you understand that?

13 A Certainly.

14 Q Now, what is your opinion as to whether or not
15 the release of this information set forth in Exhibit 8,
16 if released in 1969, would or would not cause injury to
17 the United States?

18 THE COURT: The form is bad. Rephrase it.

19 MR. BOUDIN: I withdraw that.

20 Q Could the information in Exhibit 8, if released
21 in 1969, have caused injury to the United States with
22 respect to its national defense?

23 A Certainly not.

24 MR. NISSEN: Objection, your Honor. There
25 has been no showing that the witness is qualified to answer

Sorensen - Direct

1
2 such a question.

3 THE COURT: Overruled.

4 MR. NISSEN: Secondly, there is no showing
5 in the question of what is meant by "related to the
6 national defense."

7 THE COURT: Overruled.

8 BY MR. BOUDIN:

9 Q Could the information in Exhibit 8, if released
10 in 1969, have been used to the advantage of a foreign
11 nation with respect to the national defense of the United
12 States?

13 A No.

14 Q Could the information in Exhibit 8, if released
15 in 1969, have been used in a manner prejudicial to the
16 defense interests of the United States?

17 A No, not in my opinion.

18 Q Now, is the basis for the three opinions which
19 you have just given substantially the same?

20 A Substantially, yes.

21 Q Would you state the basis for your opinion?

22 A I'd be very happy to do so. In the first
23 place, you must remember that what this volume deals with
24 essentially is a plan that the United States itself
25 abandoned and never formally adopted, because it was

1 Sorensen - Direct

2 meaningless, because it was unrealistic, because it was
3 out of touch with the events that were taking place in
4 South Vietnam. It talks about a series of drafts, a
5 series of proposals, arguments over the alternatives, but
6 none of them were adopted, and I don't think that they
7 were very meaningful. The United States Government
8 decided they were not very meaningful in 1964, much less
9 later on.

10 But that's really a secondary reason. By 1969,
11 even if it had been meaningful in 1964, it certainly had
12 no real meaning or importance in 1969. It could not have
13 been of advantage to a foreign government, it could not have
14 hurt the defense interests of the United States in 1969
15 to talk about an abandoned plan for troop withdrawals back
16 in 1964, when in 1969 we had over 500,000 men in South
17 Vietnam, compared with 13,000 back in 1964. The leaders
18 in both countries were different, policies were different,
19 even the procedures by which decisions were reached had
20 completely changed by 1969. So in that sense it was meaning-
21 less then.

22 And finally, most of this, the essence of this
23 information, by 1969 had already been public. Some of it
24 was public right away. There are White House press releases
25 in here, congressional testimony, and bulletins issued by

16,190

1 Sorensen - Direct
 2 the Department of State. In addition to that, some
 3 of it came out indirectly at the time, through speeches
 4 that were made by public officials, some of it leaked to
 5 the press, as is inevitable, and a good deal of it has been
 6 discussed in books that I have read, that others have
 7 written, during these last few years.

8 Q We asked you before with respect to the subject
 9 of NIEs, these National Intelligence Estimates. Can you
 10 describe a little more particularly what they are?

11 A Well, a National Intelligence Estimate is
 12 basically an attempt by the intelligence community in
 13 the Executive Branch of the Federal Government to predict,
 14 to guess, to give some kind of judgment, as to what is going
 15 to happen in the near or far future. Some of those guesses
 16 turn out to be right and some of them turn out to be wrong.

17 THE COURT: Excuse me.

18 BY MR. BOUDIN:

19 Q What are the sources for the information that
 20 appears in an NIE? Where does it come from?

21 A It varies widely. Some information in an NIE
 22 comes from public sources; some of it is the opinion, the
 23 judgment, the guesswork, of members of the intelligence
 24 community; occasionally it's based upon hard collections of
 25 hard facts. But those are generally not in NIEs, because the
 NIEs are trying to predict the future, not talk about the past.

16,191

1 Sorensen - Direct

2 Q If you were to look at an NIE reference,
3 that is, simply an NIE, the number, and the date, without
4 any indication as to what the sources were, could you tell
5 what the sources were from the NIE itself?

6 A No, no, of course not. The fact that is
7 says "NIE" means almost nothing. It might be extremely
8 valid and valuable and it might not be worth very much at
9 all.

10 Q Now, you have testified before with respect
11 to meetings of the National Security Council. You have
12 seen the work, the writings, documents, issued by the
13 National Security Council or in its name; have you not?

14 A Oh, yes; many times.

15 Q And do those documents necessarily contain
16 material that is marked top secret or secret or confidential?

17 A I would say it's invariably marked that way,
18 yes.

19 Q Do they contain information which relates
20 to the national defense?

21 MR. NISSEN: Objection. Immaterial,
22 your Honor. We're not talking about the documents here.

23 MR. BOUDIN: Talking about documents gen-
24 erally that are marked with "NSC."

25 THE COURT: Overruled.

16,192

1 Sorensen - Direct

2 BY THE WITNESS:

3 A Would you repeat the question, please?

4 BY MR. BOUDIN:

5 Q Surely. When you see a marking on a docu-
6 ment which indicates that it comes from the NSC --

7 THE COURT: You better reread the question.
8 You're talking about a completely different question. Re-
9 read it.

10 (The question was read.)

11 MR. NISSEN: We object to that question,
12 your Honor.

13 THE COURT: Do you understand the question?

14 THE WITNESS: Yes. And the answer is
15 "Yes."

16 BY MR. BOUDIN:

17 Q And sometimes do they contain information
18 which does not relate to national defense?

19 MR. NISSEN: We object to that as immate-
20 rial.

21 BY THE WITNESS:

22 A Almost everything relates to the national
23 defense.

24 MR. BOUDIN: Withdrawn.

25 THE COURT: The question is withdrawn?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sorensen - Direct

MR. BOUDIN: Withdrawn, your Honor.

THE COURT: All right. The answer, then, is stricken, ladies and gentlemen, and is to be disregarded by you.

Ask your next question.

BY MR. BOUDIN:

Q Would the release of an NIE be of advantage to a foreign nation regardless of its contents?

A Not every NIE regardless of its contents.

MR. NISSEN: Objection as immaterial, your Honor. You can't have an NIE if it doesn't have contents, so it's immaterial.

MR. BOUDIN: No, I said regardless of the nature of its contents.

THE COURT: The objection is sustained. The answer is stricken.

Rephrase your question.

MR. BOUDIN: All right.

BY MR. BOUDIN:

Q Would the release of an NIE, because it is labeled "NIE", be of advantage to a foreign nation no matter what was the nature of its contents?

A Of course not.

Q And would the release of an NSC document

16, 194

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sorensen - Direct

cause injury to the United States, regardless of the nature of its contents, merely because it was an NSC document?

A No.

MR. BOUDIN: Your Honor, I'm prepared to turn to the next exhibit. I await your pleasure on this.

THE COURT: All right. We will take the afternoon recess.

Ladies and gentlemen, we are going to take the afternoon recess now until 8:45 a.m. tomorrow morning. I know it's going to be a little earlier. I'd appreciate it if you can all be here on time, as you have in the past.

Keep in mind, now, the statements that I have made to you before, not to discuss this case among yourselves or with anyone else or not to discuss anything at all about the case or what occurs in the courtroom. Everything that you need and everything that you should have to determine the issues in this case you should read, see, or hear in this courtroom and not anywhere else.

All right. So until 8:45 tomorrow morning you are excused, and I hope you have a very pleasant evening.

You may step down.

THE WITNESS: Thank you.

16,195

1 (The following further proceedings
2 were had in open court, outside the pres-
3 ence and hearing of the jury:)

4 THE COURT: We will be in recess --

5 MR. WEINGLASS: Your Honor, just a minor
6 matter.

7 There is a document marked A-65. That's
8 Witness Adams' personal file. I'd ask Mr. Nissen his
9 position on this. We would like to withdraw it over the
10 night, send a copy of it to Mr. Adams, and return it to
11 the clerk in the morning.

12 THE COURT: Do you have any objection?

13 MR. NISSEN: No, sir; just so long as it
14 is returned to the clerk.

15 THE COURT: All right. See you tomorrow
16 at 8:45. Let me say to you what I said to the jury: Let's
17 all try to be here on time if we're going to run the day
18 that way. Okay.

19 (Whereupon, at 4:30 p.m., an adjournment
20 was taken to reconvene at 8:45 a.m., Friday,
21 March 16, 1973.)

22

23

24

25

VOLUME 92

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

- - -

HONORABLE WM. MATTHEW BYRNE, JR., JUDGE PRESIDING

- - -

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 9373-CD-WMB
)	
ANTHONY JOSEPH RUSSO, JR.,)	
DANIEL ELLSBERG,)	
)	
Defendants.)	

REPORTERS' TRANSCRIPT OF PROCEEDINGS

PLACE: Los Angeles, California

DATE: Friday, March 16, 1973

PAGES: 16,196 - 16,357

ROBERT E. KILLION, CSR
 BEN NEWLANDER, CSR
 Official Court Reporters
 110 U. S. Court House
 312 North Spring Street
 Los Angeles, California 90012
 (213) 688-3280

mm
3/19/73

1 LOS ANGELES, CALIFORNIA; FRIDAY, MARCH 16, 1973; 8:55 A.M.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

(The following proceedings were had in open court, out of the presence and hearing of the jury:)

THE COURT: Bring the jury in.

MR. BOUDIN: Your Honor, may the witness take the stand?

THE COURT: Yes. Mr. Sorensen?

THEODORE C. SORENSEN,

called as a witness by the defendants jointly, having been previously duly sworn, resumed the stand and testified further as follows:

MR. WEINGLASS: Your Honor, may the record show that Exhibit A-65 has been returned to the clerk this morning?

THE COURT: Thank you.

Good morning, Mr. Sorensen.

THE WITNESS: Good morning, your Honor.

(The following further proceedings were had in open court, in the presence and hearing of the jury:)

THE COURT: Good morning, ladies and gentlemen.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sorensen - Direct

Mr. Boudin?

MR. BOUDIN: Would the clerk give Mr. Sorensen Exhibit 9?

THE COURT: Yes.

(Whereupon Government's Exhibit 9 was placed before the witness.)

DIRECT EXAMINATION (Resumed)

BY MR. BOUDIN:

Q Mr. Sorensen, would you be good enough to turn to the second page, which gives the number of the volume in the Pentagon Papers series and the name of it, and state it to the jury?

A Yes. This is Volume IV.B.5, entitled "Evolution Of The War, The Overthrow Of Ngo Dinh Diem, May to November, 1963."

Q Thank you. Have you read that volume, Exhibit 9?

A Yes, I have, Mr. Boudin.

Q Would you describe to the jury very briefly its contents?

A Yes. This exhibit is concerned entirely with the overthrow of Premier Diem of South Vietnam in 1963 and the events which took place between May and November of

1 Sorensen - Direct

2 that year.

3 The increasing remoteness and repression
4 of the Diem regime at that time posed a problem for the
5 United States. It was highlighted on May 8, which was
6 Buddha's birthday, when a Buddhist political demonstration
7 was violently suppressed by the Diem regime, aided and
8 inspired by the Premier's brother, Mr. Nhu, and, for that
9 matter, his sister-in-law, Madame Nhu.

10 As a result, political opposition to
11 the regime began to rise in the country. Student
12 demonstrations occurred; a series of Buddhist monks or
13 priests burned themselves to death, and it was clear to the
14 United States that the political and military situation
15 was rapidly deteriorating.

16 This volume concerns itself with the
17 debate in the United States as to what could be done about
18 it. The fact is that Mr. Diem, the Premier, felt that the
19 United States had no alternative but to go along with him,
20 and so he rejected the advice of Ambassador Nolting, of
21 Ambassador Nolting's subordinate, Mr. Trueheart, when
22 Nolting left, of the new ambassador, Ambassador Lodge, when
23 he came to the scene later that year.

24 The situation continued to deteriorate,
25 and, as a result, the military leaders in South Vietnam felt

1 Sorensen - Direct

2 they ought to take the matters into their own hands and try
3 to bring about a change in government.

4 There were all kinds of plots, all kinds
5 of rumors reaching the ears of the United States officials;
6 there were, indeed, some specific contacts made with
7 U. S. officials which are described in this volume.

8 There was a famous and controversial
9 telegram sent from the administration in Washington --
10 controversial, in part, because the President and others
11 were out of town at the time -- which indicated that the
12 United States would not block an overthrow of the Diem
13 regime. There was no overthrow at that particular time.

14 The debate continued, and this overlapped
15 somewhat with Exhibit 8, which I mentioned yesterday,
16 because the debate concerned not only how good or how bad
17 was the situation in Vietnam, but also what should the
18 United States do about it, and the military and the CIA,
19 General Harkins, General Krulak, and the CIA mission chief
20 in Saigon, were on one side.

21 They said, "We had better go along with
22 Premier Diem. He's all we got. No one has any political
23 power base or program."

24 The State Department, Ambassador Lodge,
25 unlike his predecessor Nolting, and others said, "No; it is

1 Sorensen - Direct

2 impossible with Diem; it is a hopeless cause. If the military
3 wants to try their hand at it, the United States should not
4 stand in their way."

5 After the McNamara-Taylor mission to
6 South Vietnam, a compromise approach was tried in which
7 pressure was put on Premier Diem to get rid of his brother
8 and sister-in-law and try to reform his government and its
9 attitude toward the Buddhists and the students.

10 There was also another alternative that
11 at least crept into the discussion at this point, and that
12 was one introduced by Attorney General Kennedy and by a
13 State Department aide, namely, that if all the alternatives
14 were as hopeless as they sounded, perhaps the United States
15 should consider getting out of Vietnam altogether.

16 Finally, on November 1st, the generals
17 acted. They used their forces to surround the capitol; they
18 overthrew the government of Diem; Diem and his brother
19 escaped into hiding, but, as was well reported in the press
20 at that time, they were eventually captured and killed.

21 The aftermath which is described at the
22 close of this volume tells about the succeeding government.
23 It was weak. The economy of South Vietnam began to
24 deteriorate, and the United States began to find out that
25 the reports it had been receiving from that country were not

Sorensen - Direct

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

altogether accurate, and that the situation was much less
optimistic than they had thought.

Sorensen - Direct

1.1 1
2 Q Thank you. Do you have an opinion, Mr.
3 Sorensen, as to whether the information in this Exhibit
4 No. 9, covering this period May to November, 1963, if it
5 had been released in 1969 could have caused injury to
6 the United States or advantage to a foreign nation in
7 relation to the national defense of the United States?

8 A Yes, I do have such an opinion.

9 Q Do you have an opinion as to whether the
10 information in that volume, if released in 1969, could
11 have been used in a manner prejudicial to the interests
12 of the United States?

13 A I do have such an opinion. Yes.

14 Q Could the information in that exhibit have
15 been used to cause injury to the United States in relation
16 to the national defense, if released in 1969?

17 A No.

18 Q Could the information in that exhibit, if
19 released in 1969, have been used to the advantage of a
20 foreign nation with respect to the defense of the United
21 States?

22 A Certainly not.

23 Q Could the information have been used, if
24 released in 1969, to the prejudice of the defense interests
25 of the United States?

Sorensen - Direct

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A No.

Q Now, with respect to the three opinions which you have just expressed, is the general basis for those three opinions the same?

A Yes, it is, Mr. Boudin.

Q Would you state to the jury and to the court the basis for your opinion?

A I would be very glad to do that.

To an unusual extent, everything -- the essence of what is in this volume was already in public print by 1969. Much of it is concerned with news events, the overthrow of the government, the assassination of a premier, the press statements made by the United States officials at the time, the raids on the Buddhist pagodas, the suppression of the Buddhist demonstrations -- everybody was reading about that in the newspapers at the time. It is pulled together here again (indicating).

Moreover, this was one of those issues which bitterly divided American officials themselves. I recall how bitter it was and how each side would take their case to the newspapers, either through leaks or through direct statements.

This kind of information, the facts upon which their judgments were based, was given to the newspapermen

1 Sorensen - Direct

2 or women who were on their side or who were friendly
3 to them. Anything that wasn't given to the newspapers
4 at the time has long since been given to a variety of
5 books that have been written on this subject, and it is
6 a subject well written about.

7 In fact, the authors of this Pentagon Paper
8 state in the Paper that the best sources about the
9 plotting that went on in South Vietnam and the meetings
10 that took place in the United States Government are the
11 published books.

12 A man named Shaplen, who was on the scene in
13 South Vietnam, has written all about the revolt; Arthur
14 Schlesinger, Roger Hilsman, Tom Meklin wrote books that
15 are regarded by the authors of this as authoritative,
16 which contain the essence of this material, and other
17 books by Halberstam, by Marguerite Higgins, and by others --
18 even my book had some of this same material in it, so it
19 was all very well known long before 1969.

20 Secondly, you want to bear in mind that there
21 is an argument going on here (indicating). That is what
22 is described in this book, an argument about what to do
23 about a premier, who in 1969 was no longer there, what
24 to do about the rumors of a plot, which in 1969 was no
25 longer taking place.

1 Sorensen - Direct

2 There was conflicting advice; there were
3 predictions, judgments made, but those had no applicability
4 to 1969 whatsoever.

5 The governments had changed on both sides;
6 Diem was gone; the government who had succeeded him was
7 gone, and, sad to say, President Kennedy was also gone.
8 The leadership had changed; the policies had changed.

9 The United States relationship with South
10 Vietnam had completely changed, and we had no relationship
11 with any other country in the world anything like the
12 relationship we had with South Vietnam in 1963, so this
13 was not a precedent, had no applicability to anything else,
14 and would, therefore, not be of any real use at all in
15 1969 to another country with respect to the defense of
16 the United States.

17 And I think that is all. I think those are
18 sufficient.

19 Q Were the leaks to which you referred unusual,
20 or were they part of a general practice inside the govern-
21 ment?

22 THE COURT: Excuse me --

23 MR. NISSEN: Objection, your Honor.

24 THE COURT: Sustained.

25 MR. NISSEN: Immaterial.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Sorensen - Direct

MR. BOUDIN: I take it the line to which I

had intended to --

THE COURT: The line is as I mentioned yester-

day at side bar.

MR. BOUDIN: Precisely. I have no further

questions.

THE COURT: All right. Again, Mr. Weinglass,

this is a joint witness?

MR. WEINGLASS: Yes.

THE COURT: Cross examination, Mr. Nissen?

1 Sorensen - Cross

2 CROSS EXAMINATION

3 BY MR. NISSEN:

4 Q What has been the extent of your military
5 service, sir?

6 A I have not served in the military forces
7 themselves.

8 Q How much time have you spent in Vietnam, sir?

9 A In Vietnam?

10 Q Yes.

11 A I have not spent any time.

12 MR. NISSEN: We have no further questions
13 of this witness.

14 THE COURT: All right. Redirect?

15 MR. BOUDIN: No, your Honor, no redirect.

16 THE COURT: All right. Mr. Sorensen, thank
17 you.

18 THE WITNESS: Thank you.

19 THE COURT: Call your next witness -- Well,
20 before you call this next witness, you have filed this
21 document this morning, and I want to take a look at it.

22 Give a copy to the Government, and -- This
23 will be the next witness?

24 MR. WEINGLASS: Yes.

25 THE COURT: Give a copy to the Government.

INDEX

1 Ladies and gentlemen, I am going to have
2 to take a few minutes to read this, so you will get an
3 extra cup of coffee this morning. The schedule is different
4 from what I anticipated, so it will be about five or
5 ten minutes, and then we will have you back in again.
6 Thank you.

7 (The following further proceedings
8 were had in open court, outside the presence
9 and hearing of the jury:)

10 THE COURT: Who is going to examine?

11 MR. WEINGLASS: Mr. Young.

12 THE COURT: Mr. Young, what is your estimate
13 on time?

14 MR. YOUNG: I would say about an hour and a
15 half.

16 THE COURT: All right. We will be in recess
17 until I get a chance to look at this.

18 (Recess taken.)
19
20
21
22
23
24
25

BEST COPY

Available

George

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)

Plaintiff,)

Case No. 9373 (SMB)-CD

vs.)

ANTHONY JOSEPH RUSSO, JR.,)
DANIEL ELLSBERG,)

AFFIDAVIT OF
THEODORE G. SORENSEN

Defendants.)

STATE OF NEW YORK :

: ss.

COUNTY OF NEW YORK :

THEODORE G. SORENSEN, being duly sworn, deposes and says:

1. I am a member of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York.

2. Having served as a lawyer in both the Executive and Legislative branches of the Federal Government from 1951 to 1964, including more than three years as Special Counsel to the President, at which time I held a top security clearance, participated in National Security Council meetings, read classified documents daily, and drafted many such documents to or for the President, I am very familiar with the United States Government's military, diplomatic and intelligence operations, policies and practices, as well as those regarding the classification of various papers in the name of National Security. *I regard myself as a loyally loyal citizen* who is proud of his years of public service and who recognizes the need for a limited amount of secrecy in government.

3. I can flatly state that "top secret" stamps are frequently and routinely applied with only the briefest and loosest consideration of what, if any, direct and concrete injury to the nation's security interests would result if the general public were to be granted access to the information, and, once applied, the tenure of such classifications rarely if ever reflects a thoughtful reconsideration of whether the passage of time and events has altered the original grounds. The public's right to be informed, and the Congress's right to be informed, have not to my knowledge been regarded as important criteria by those determining classifications. Nor is consideration given to the danger of irreparable injury to the national security interest of the United States if the public and Congress are denied facts necessary for an informed judgment, enlightened debate, the correction of mistakes, the discontinuation of invalid policies and strategies, and the prevention of a repetition of past errors.

4. I have frequently read classified documents containing information which was not secret, or the secrecy of which was not necessary for any conceivable purpose related to national security as distinguished from political embarrassment, or which the public and the Congress had every right and reason to know in a democracy. Many such documents contained information which was well known to this country's enemies or adversaries who were involved therein; and thus the only people denied this information as a result of the classification of the documents were the members of the Congress and the general public.

5. During my years in the White House it was not unusual for me or other government officials to have photocopied or otherwise reproduced classified documents or excerpts therefrom; to take such documents home for review; or to quote from them, summarize them, or otherwise utilize them in "off-the-record," "background," or other kinds of sessions with one or more representatives of the news media and occasionally in speeches. No formal authority was sought or obtained for such use, and no investigation or prosecution ensued. On the contrary, the President, Secretary of State, Secretary of Defense, Attorney General, Special Assistant for National Security Affairs, Director of C.I.A. and other members of the National Security Council knowingly and deliberately disseminated such information from time to time in order to advance the interests of a particular person, policy, political party or Department, or the Administration itself or, in their opinion, the national interest. Lesser officials often did the same for these reasons and others -- including the maintenance of friendship with newsmen, a desire to demonstrate how much they knew or how important they were, a desire to undercut a rival official or agency, or a desire to oppose a policy or proposal with which they disagreed. While the President frequently expressed irritation over these "leaks" of classified information and documents, an investigation was rarely ordered and -- even where the originator of the unauthorized dissemination was discovered -- prosecution was never ordered.

6. It was the view of President John F. Kennedy "that the dangers of exclusive and unwarranted concealment of pertinent facts far outweighed the dangers which are cited to justify it ... the President should fear scrutiny of his program. For fear that scrutiny comes understanding, and from that understanding comes support or opposition. And both are necessary ... I have complete confidence in the response and dedication of our citizens whenever they are fully informed ... [G]overnment at all levels must meet its obligation to provide you [the press] with the fullest possible information outside the narrowest limits of national security ..." (Address, American Newspapers Publishers Association, April 27, 1961) Even this speech, in which the President at the height of the Cold War was concerned about the publication of necessarily secret information and appealed to the nation's press to voluntarily and privately consider its own responsibilities in this regard, he refused to propose, much less impose, any form of governmental restraint, and spoke sharply against censorship, concealment, the stifling of dissent and the covering up of mistakes, and urged only self-discipline and self-restraint as the basis for preventing harmful unauthorized disclosures. On the basis of many conversations with the President on this topic, I know that this was consistent with his belief and practice. He stated to me and others his belief that the press erred in withholding the advance information it possessed on the Bay of Pigs invasion, inasmuch as revelation of the real facts would have caused him to abort this ill-considered venture.

7. In the course of working on that speech for the President, and preparing for his subsequent meeting with the nation's top editors on this topic, the Central Intelligence Agency and others directed to my attention a long list of unauthorized disclosures to the press which, in the opinion of the C.I.A., seriously compromised our national security. Some of these examples were summarized in the aforementioned Presidential speech as follows:

"[D]etails of this nation's covert preparations to counter the enemy's covert operations have been available to every newspaper reader, friend and foe alike; that the size, the strength, the location and the nature of our forces and weapons, and our plans and strategy for their use, have all been pinpointed in the press and other news media to a degree sufficient to satisfy any foreign power; and that, in at least one case, the publication of details concerning a secret mechanism whereby satellites were followed required its alteration at the expense of considerable time and money."

Further examples provided to me after this speech included newspaper and magazine stories revealing details on new weapons; on U.S. methods of detecting Soviet missile and other tests; on SAMOS and other reconnaissance satellites; on the U.S. bargaining position in advance of the Test Ban talks in Geneva; on an internal memorandum regarding military strategy from the Secretary of State to the Secretary of Defense; on comparative U.S. and Soviet developments in the use of nuclear propulsion for submarines, carriers, aircraft, rockets and power plants; and on a variety of Soviet weaponry developments, publication of which revealed to the Russians our ability to monitor those

developments. I was also informed that the technical details of a nuclear weapon triggering device had been leaked a decade earlier to Drew Pearson. Being generally familiar with the "Pentagon Papers" which appeared in the press last year, I know of nothing in those documents which compares in any way with the seriousness of some of the above mentioned disclosures. Revelations of past strategy, discussions, considerations, predictions, information, priorities, plans and assessments, unlike the then-current information and technology revealed in some of these cases, cannot compromise current national security. But no prosecution occurred in any of those cases.

8. Classified documents or the information contained therein also reached public view through the books and articles of former government officials. I have many times observed this practice and participated in it. In keeping with the long-standing practice that the papers and files of the President and his top appointees belong to them and may be removed from their offices at the conclusion of their service, I removed 67 cartons of papers, documents and files of all kinds (7 cartons of which were "classified") from my office in the White House upon my departure in February of 1964. I drew upon this material, keeping some of it in my own home, in writing the book KENNEDY, published in 1965. The classified material included copies of the Kennedy-Khrushchev correspondence, the transcript of their summit meeting at Vienna, secret memoranda and directives relating to the Cuban missile crisis, Berlin, Laos & Congo crises, and the Bay of Pigs, as well as other Presidential letters and memoranda of conversations. Although I generally did not

use quotation marks when extracting classified material and submitted portions of the manuscript for informal review to individuals who then or previously served in high national security positions, I did not seek or obtain any formal clearance or approval from the government and was at no time questioned or reprimanded in this regard. The government, speaking through the National Archives, asked me as the lawful owner of these papers to donate them to the United States of America for eventual deposit in the John Fitzgerald Kennedy Library; and the government, acting through the Internal Revenue Service, recognized that these were my property in granting a tax deduction for this gift. The legislative history of the Presidential Libraries Act of 1955 and the Federal Property and Administrative Services Act of 1949 made clear that these were my papers to dispose of as I saw fit, much as Sherman Adams, Samuel Rosenman, Clark Clifford and a great many others had done before me.

9. I also served as unofficial editor of the posthumously published manuscript on the Cuban missile crisis by Robert F. Kennedy entitled THIRTEEN DAYS. That manuscript quoted from previously classified letters of President Kennedy and Soviet Chairman Nikita Khrushchev, summarized a highly classified memorandum to the Attorney General from J. Edgar Hoover, and quoted a variety of extremely confidential conversations. No question was raised with respect to this publication.

10. What all of the above boils down to is this:

The government has always recognized and accepted the fact that arbitrary, inconsistent and indiscriminate over-classification of documents exists; and that consequently large amounts of classified material are passed from the government to the public -- sometimes to the government's embarrassment, occasionally even to its injury -- as part of the system of governing and living in an open society. Because classified labels have come to mean so little in practice, and because the guidelines for classification, declassification and utilization of classified material are so vague and obscure that no one can be certain when they are violated, hundreds of violations of the letter of the law if it is broadly interpreted occur every month. The government has accepted this as an inherent part of our system and has relied on the support of subordinates, on their loyalty, consciences and self-discipline, and occasionally on administrative procedures to deter and correct the dissemination of those state secrets that are actually injurious to the national security.

11. I understand that this affidavit will be submitted by counsel for the defense.

Theodore C. Sorenson
Theodore C. Sorenson

Sworn to before me this

[Signature]
Notary Public
Commission Expires March 2011

~~CONFIDENTIAL~~
Coyne

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	NO. 9373-(WEB)-CD
)	
vs.)	
)	AFFIDAVIT OF
ANTHONY JOSEPH RUSSO, JR.,)	THEODORE C. SORENSEN
DANIEL ELLSBERG,)	
)	
Defendants.)	

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

THEODORE C. SORENSEN, being duly sworn, deposes and says:

1. I am a member of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York.

2. Having served as a lawyer in both the Executive and Legislative branches of the Federal Government from 1951 to 1964, including more than three years as Special Counsel to the President, at which time I held a top security clearance, participated in National Security Council meetings, read classified documents daily, and drafted many such documents to or for the President, I am very familiar with the United States Government's military, diplomatic and intelligence operations, policies and practices, as well as those regarding the classification of various papers in the name of National security. I regard myself as a devotedly loyal citizen who is proud of his years of public service and who recognizes the need for a limited amount of secrecy in government.

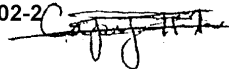
Copy 4-2

3. I can flatly state that "top secret" stamps are frequently and routinely applied with only the briefest and loosest consideration of what, if any, direct and concrete injury to the nation's security interests would result if the general public were to be granted access to the information; and, once applied, the tenure of such classifications rarely if ever reflects a thoughtful reconsideration of whether the passage of time and events has altered the original grounds. The public's right to be informed, and the Congress's right to be informed, have not to my knowledge been regarded as important criteria by those determining classifications. Nor is consideration given to the danger of irreparable injury to the national security interest of the United States if the public and Congress are denied facts necessary for an informed judgment, enlightened debate, the correction of mistakes, the discontinuation of invalid policies and strategies, and the prevention of a repetition of past errors.

4. I have frequently read classified documents containing information which was not secret, or the secrecy of which was not necessary for any conceivable purpose related to national security as distinguished from political embarrassment, or which the public and the Congress had every right and reason to know in a democracy. Many such documents contained information which was well known to this country's enemies or adversaries who were involved therein; and thus the only people denied this information as a result of the classification of the documents were the members of the Congress and the general public.

C. J. R.

5. During my years in the White House it was not unusual for me or other government officials to have photocopied or otherwise reproduced classified documents or excerpts therefrom; to take such documents home for review; or to quote from them, summarize them, or otherwise utilize them in "off-the-record," "background," or other kinds of sessions with one or more representatives of the news media and occasionally in speeches. No formal authority was sought or obtained for such use, and no investigation or prosecution ensued. On the contrary, the President, Secretary of State, Secretary of Defense, Attorney General, Special Assistant for National Security Affairs, Director of C.I.A. and other members of the National Security Council knowingly and deliberately disseminated such information from time to time in order to advance the interests of a particular person, policy, political party or Department, or the Administration itself or, in their opinion, the national interest. Lesser officials often did the same for these reasons and others -- including the maintenance of friendship with newsmen, a desire to demonstrate how much they knew or how important they were, a desire to undercut a rival official or agency, or a desire to oppose a policy or proposal with which they disagreed. While the President frequently expressed irritation over these "leaks" of classified information and documents, an investigation was rarely ordered and -- even where the originator of the unauthorized dissemination was discovered -- prosecution was never ordered.



6. It was the view of President John F. Kennedy "that the dangers of exclusive and unwarranted concealment of pertinent facts far outweigh[ed] the dangers which are cited to justify it ... No President should fear scrutiny of his program. For from that scrutiny comes understanding; and from that understanding comes support or opposition. And both are necessary ... I have complete confidence in the response and dedication of our citizens whenever they are fully informed ... [G]overnment at all levels must meet its obligation to provide you [the press] with the fullest possible information outside the narrowest limits of national security ..." (Address, American Newspapers Publishers Association, April 27, 1961) Even this speech, in which the President at the height of the Cold War was concerned about the publication of necessarily secret information and appealed to the nation's press to voluntarily and privately consider its own responsibilities in this regard, he refused to propose, much less impose, any form of governmental restraint, and spoke sharply against censorship, concealment, the stifling of dissent and the covering up of mistakes, and urged only self-discipline and self-restraint as the basis for preventing harmful unauthorized disclosures. On the basis of many conversations with the President on this topic, I know that this was consistent with his belief and practice. He stated to me and others his belief that the press erred in withholding the advance information it possessed on the Bay of Pigs invasion, inasmuch as revelation of the real facts would have caused him to abort an ill-considered venture.

7. In the course of working on that speech for the President, and preparing for his subsequent meeting with the nation's top editors on this topic, the Central Intelligence Agency and others directed to my attention a long list of unauthorized disclosures to the press which, in the opinion of the C.I.A., seriously compromised our national security. Some of these examples were summarized in the aforementioned Presidential speech as follows:

"[D]etails of this nation's covert preparations to counter the enemy's covert operations have been available to every newspaper reader, friend and foe alike; that the size, the strength, the location and the nature of our forces and weapons, and our plans and strategy for their use, have all been pinpointed in the press and other news media to a degree sufficient to satisfy any foreign power; and that, in at least one case, the publication of details concerning a secret mechanism whereby satellites were followed required its alteration at the expense of considerable time and money."

Further examples provided to me after this speech included newspaper and magazine stories revealing details on new weapons; on U.S. methods of detecting Soviet missile and other tests; on SAMOS and other reconnaissance satellites; on the U.S. bargaining position in advance of the Test Ban talks in Geneva; on an internal memorandum regarding military strategy from the Secretary of State to the Secretary of Defense; on comparative U.S. and Soviet developments in the use of nuclear propulsion for submarines, carriers, aircraft, rockets and power plants; and on a variety of Soviet weaponry developments, publication of which revealed to the Russians our ability to monitor those

~~Copy #2~~

developments. I was also informed that the technical details of a nuclear weapon triggering device had been leaked a decade earlier to Drew Pearson. Being generally familiar with the "Pentagon Papers" which appeared in the press last year, I know of nothing in those documents which compares in any way with the seriousness of some of the above mentioned disclosures. Revelations of past strategy, discussions, considerations, predictions, information, priorities, plans and assessments, unlike the then-current information and technology revealed in some of these cases, cannot compromise current national security. But no prosecution occurred in any of those cases.

8. Classified documents or the information contained therein also reached public view through the books and articles of former government officials. I have many times observed this practice and participated in it. In keeping with the long-standing practice that the papers and files of the President and his top appointees belong to them and may be removed from their offices at the conclusion of their service, I removed 67 cartons of papers, documents and files of all kinds (7 cartons of which were "classified") from my office in the White House upon my departure in February of 1964. I drew upon this material, keeping some of it in my own home, in writing the book KENNEDY, published in 1965. The classified material included copies of the Kennedy-Khrushchev correspondence, the transcript of their summit meeting at Vienna, secret memoranda and directives relating to the Cuban missile crisis, Berlin, Laos & Congo crises, and the Bay of Pigs, as well as other Presidential letters and memoranda of conversations. Although I generally did not

~~CONFIDENTIAL~~

use quotation marks when extracting classified material and submitted portions of the manuscript for informal review to individuals who then or previously served in high national security positions, I did not seek or obtain any formal clearance or approval from the government and was at no time questioned or reprimanded in this regard. The government, speaking through the National Archives, asked me as the lawful owner of these papers to donate them to the United States of America for eventual deposit in the John Fitzgerald Kennedy Library; and the government, acting through the Internal Revenue Service, recognized that these were my property in granting a tax deduction for this gift. The legislative history of the Presidential Libraries Act of 1955 and the Federal Property and Administrative Services Act of 1949 made clear that these were my papers to dispose of as I saw fit, much as Sherman Adams, Samuel Rosenman, Clark Clifford and a great many others had done before me.

9. I also served as unofficial editor of the posthumously published manuscript on the Cuban missile crisis by Robert F. Kennedy entitled THIRTEEN DAYS. That manuscript quoted from previously classified letters of President Kennedy and Soviet Chairman Nikita Khrushchev, summarized a highly classified memorandum to the Attorney General from J. Edgar Hoover, and quoted a variety of extremely confidential conversations. No question was raised with respect to this publication.

~~SECRET~~

10. What all of the above boils down to is this: The government has always recognized and accepted the fact that arbitrary, inconsistent and indiscriminate over-classification of documents exists; and that consequently large amounts of classified material are passed from the government to the public -- sometimes to the government's embarrassment, occasionally even to its injury -- as part of the system of governing and living in an open society. Because classified labels have come to mean so little in practice, and because the guidelines for classification, declassification and utilization of classified material are so vague and obscure that no one can be certain when they are violated, hundreds of violations of the letter of the law if it is broadly interpreted occur every month. The government has accepted this as an inherent part of our system and has relied on the support of subordinates, on their loyalty, consciences and self-discipline, and occasionally on administrative procedures to deter and correct the dissemination of those state secrets that are actually injurious to the national security.

11. I understand that this affidavit will be submitted by counsel for the defense.

Theodore C. Sorensen
 Theodore C. Sorensen

Sworn to before me this

[Signature]

LEWIS A. BROWN
 Deputy Assistant Secretary for
 Administration and Operations
 Department of State

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :

Plaintiff, :

v. :

THE NEW YORK TIMES COMPANY, et al., :

Defendants. :

-----X

Civil Action
71-2662

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

THEODORE C. SORENSEN, being duly sworn, deposes and says:

1. I am a member of the law firm of Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York.
2. Having served as a lawyer in both the Executive and Legislative branches of the Federal Government from 1951 to 1964, including more than three years as Special Counsel to the President, at which time I held a top security clearance, read classified documents daily, and drafted many such documents to or for the President, I am very familiar with the United States Government's practices regarding the classification of various papers in the name of national security.
3. Having read the materials appearing in the New York Times on June 13, 14 and 15, 1971, I am familiar in a general way with the Times' publication of summaries of, excerpts from and documents attached to a historical study of this nation's

deepening involvement in the Vietnam War conducted by the Department of Defense.

4. A determination by the Government or anyone else as to whether our nation's security requires the withholding from public view of any particular document or documents is not a matter requiring military or other highly specialized expertise. The highly individual and frequently arbitrary opinion of the classifying officer is thus entitled to no or little more weight than the opinion of any other informed and concerned citizen. "Top secret" stamps are frequently and routinely applied with only the briefest and loosest consideration of what, if any, direct and concrete injury to the nation's security interests would result if the general public were to be granted access to the information; and, once applied, the tenure of such classifications rarely if ever reflects a thoughtful reconsideration of whether the passage of time and events has altered the original grounds. The public's right to be informed, and the Congress' right to be informed, have not to my knowledge been regarded as important criteria by those determining classifications.

5. The nation's security does legitimately require the withholding from public view for an appropriate period and no longer certain documents, including those which if revealed could endanger or otherwise adversely affect the lives or movements of American military personnel. In addition, foreign governments are ordinarily entitled to expect that their confidential communications to our government will be treated with the same regard for their wishes as they provide for our confidential communications to them; and the President is ordinarily entitled to receive the kind of candid advice and reports from

his top civilian and military subordinates which is possible only if they can be certain that words intended for his eyes alone are not shortly thereafter transmitted to the general public.

6. The question of whether any particular document or documents should remain secret today is thus one of balancing these interests, and the New York Times, a Federal Judge, a Senator or a citizen may be as capable of making that judgment as anyone in the Executive Branch. My own judgment is that, on balance, publication by the New York Times of the documents in question in this case is not injurious to the national security. No current or future military operations or present top government officials appear to be involved in any way. No serious embarrassment to any foreign government appears to be involved. None of the information and opinions revealed appear to have any current facets requiring continued secrecy.

7. On the contrary I believe the national security interests of the United States will be irreparably injured if these documents are suppressed from public and Congressional view; if the United States, on the verge of several fateful decisions in the Middle East, Latin America and Asia, is thereby prevented as a nation from learning the true history of what went wrong in Vietnam; if the same policies of concealment and deception which prevented debate and produced mistakes in this nation's approach to Vietnam are thereby judicially encouraged to continue; if the very purpose of this objective historical study is thereby frustrated, and the cost in time and talent invested in its

evolution wasted, by confining its circulation to a handful of high officials who largely supported the original policy; and if the courts of this country, by enjoining a free press and permitting the concealment of official error, thereby erase still one more important distinction between ourselves and our adversaries.

8. I understand that this affidavit will be submitted in opposition to the motion made on behalf of the Plaintiff for an order enjoining the further publication by the New York Times of this material.

Theodore C. Sorensen

New York, N.Y.

June 17, 1971

Sworn to before me this 17th day
of June, 1971.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :
 :
 Plaintiff, : Civil Action
 v. : 71-2662
 THE NEW YORK TIMES COMPANY, et al., :
 Defendants. :
-----X

STATE OF NEW YORK :
 : ss.
 COUNTY OF NEW YORK :

THEODORE C. SORENSEN, being duly sworn, deposes and says:

1. I am a member of the law firm of Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York.
2. Having served as a lawyer in both the Executive and Legislative branches of the Federal Government from 1951 to 1964, including more than three years as Special Counsel to the President, at which time I held a top security clearance, read classified documents daily, and drafted many such documents to or for the President, I am very familiar with the United States Government's practices regarding the classification of various papers in the name of national security.
3. Having read the materials appearing in the New York Times on June 13, 14 and 15, 1971, I am familiar in a general way with the Times' publication of summaries of, excerpts from and documents attached to a historical study of this nation's

deepening involvement in the Vietnam War conducted by the Department of Defense.

4. A determination by the Government or anyone else as to whether our nation's security requires the withholding from public view of any particular document or documents is not a matter requiring military or other highly specialized expertise. The highly individual and frequently arbitrary opinion of the classifying officer is thus entitled to no or little more weight than the opinion of any other informed and concerned citizen. "Top secret" stamps are frequently and routinely applied with only the briefest and loosest consideration of what, if any, direct and concrete injury to the nation's security interests would result if the general public were to be granted access to the information; and, once applied, the tenure of such classifications rarely if ever reflects a thoughtful reconsideration of whether the passage of time and events has altered the original grounds. The public's right to be informed, and the Congress' right to be informed, have not to my knowledge been regarded as important criteria by those determining classifications.

5. The nation's security does legitimately require the withholding from public view for an appropriate period and no longer certain documents, including those which if revealed could endanger or otherwise adversely affect the lives or movements of American military personnel. In addition, foreign governments are ordinarily entitled to expect that their confidential communications to our government will be treated with the same regard for their wishes as they provide for our confidential communications to them; and the President is ordinarily entitled to receive the kind of candid advice and reports from

his top civilian and military subordinates which is possible only if they can be certain that words intended for his eyes alone are not shortly thereafter transmitted to the general public.

6. The question of whether any particular document or documents should remain secret today is thus one of balancing these interests, and the New York Times, a Federal Judge, a Senator or a citizen may be as capable of making that judgment as anyone in the Executive Branch. My own judgment is that, on balance, publication by the New York Times of the documents in question in this case is not injurious to the national security. No current or future military operations or present top government officials appear to be involved in any way. No serious embarrassment to any foreign government appears to be involved. None of the information and opinions revealed appear to have any current facets requiring continued secrecy.

7. On the contrary I believe the national security interests of the United States will be irreparably injured if these documents are suppressed from public and Congressional view; if the United States, on the verge of several fateful decisions in the Middle East, Latin America and Asia, is thereby prevented as a nation from learning the true history of what went wrong in Vietnam; if the same policies of concealment and deception which prevented debate and produced mistakes in this nation's approach to Vietnam are thereby judicially encouraged to continue; if the very purpose of this objective historical study is thereby frustrated, and the cost in time and talent invested in its

evolution wasted, by confining its circulation to a handful of high officials who largely supported the original policy; and if the courts of this country, by enjoining a free press and permitting the concealment of official error, thereby erase still one more important distinction between ourselves and our adversaries.

6. I understand that this affidavit will be submitted in opposition to the motion made on behalf of the Plaintiff for an order enjoining the further publication by the New York Times of this material.

Theodore G. Sorensen

New York, N.Y.

June 17, 1971

Sworn to before me this 17th day
of June, 1971.

STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 44 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

SUBJECT: Items on Sorensen Confirmation from [REDACTED]
Conversation of 13 January 1977 with [REDACTED]

25X1
25X1

1. General : Sorensen (TCS) likes hard questions, and hard answers. Has tendency to be very, even overly, precise, and is aware of hazard of this. Often very critical in public statements, and is aware of this. Seeks information for use in answering possible questions, rather than texts of answers to use verbatim.

STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 11 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

OCT 9, 1961 P 22



McNamara: The big decisions

General Assembly the following morning. For an hour that night, with Secretary of State Dean Rusk, Cleveland, disarmament experts John McCloy and Arthur Dean, Sorensen went over it all again. Finally, the President closeted himself with Sorensen and about midnight released an eighth version to Miss Toi Bachelder, a White House secretary for nearly 30 years, to be typed. At 3 a.m., even as she worked—and only nine hours before the speech was to be given—Mr. Kennedy had another thought. He added "as peacemakers" to the last sen-

working in shirt sleeves until late in the night, Defense Secretary Robert S. McNamara labored through an avalanche of paper last week in his office in the Pentagon's elite "E" ring. When he finally affixed his left-handed signature to the last document, the scholarly, energetic defense chief had completed a series of "guideline" decisions on 300 major weapons systems and programs that will shape the nation's defense program for the next five years. What McNamara had done, in effect, was to approve in nearly final form the reorganization of the U.S. military establishment into integrated "program packages," a job that has occupied a task force of planners for the past several months (NEWSWEEK, Sept. 11). And these new concepts in military programming will be incorporated in next year's defense budget, now under preparation. Although undoubtedly there will be changes as the budget is tugged and

tailed until new high-speed ships of the air-cushion (or hydrofoil) type can be developed. Such ships would be less vulnerable to enemy submarines, and could move troops and cargo at twice the speed of present-day, 20-knot vessels. McNamara thinks the tradition-trusted surface-ship admirals have been dragging their feet in the development of new high-speed craft. The Air Force: It was authorized to buy 300 Minuteman solid-fuel intercontinental ballistic missiles by 1968, in addition to the 600 now planned; and it will retain the presently scheduled twelve Titan ICBM squadrons of twelve missiles each. No further Atlas ICBM's will be ordered. In spite of powerful pressures for more manned bombers, the Air Force will not be permitted to spend the half-billion dollars voted by Congress for an additional wing of 45 B-52 bombers, or the \$180 million allocated to hurry the B-70 super bomber into production. If



One-horse shay-ride: Mrs. Kennedy with John Jr. (C)

and when the Berlin crisis subsides, middle-aged B-47 bombers will continue to be phased out. The Convair F-106 fighter will be ordered for the Air Defense Command. McNamara selected it over the Navy's McDonnell F-4H. The Army: It will be limited to fourteen combat divisions, instead of the sixteen divisions many Pentagon generals had hoped for. The three elite divisions which now form STRAC (Strategic Army Corps) will be supported by 300 Air Force-piloted Douglas A4D-5 attack bombers, combined in a new joint tactical command.

NEWPORT: Bright I

There was that Newport from the ones Those were dames of A stately desc. J every summer private railroads to join the striped bati beside their Bailey's Beach shipwreck v deder right of course. I But as of derbilt Adair grandes dar Newport est "It's bringin. God knows What Mr the arrival, not quite-pr in the Ob-John Fitzger-Jacqueline, line and Joh United Stat. at the 97-a. smith Farm mother. Mr. closs. (The edly do Small rival itself v of mishap t assume simp people. (Di Their privat tainly not.) touched do

JFK's Sorensen: His 1948 Pacifist Views...

As John F. Kennedy's personal brain-truster, speechwriter, and confidant, Nebraska-born Theodore C. Sorensen has long preferred to remain quietly in the background—hiding a Phi Beta Kappa mind behind a cool reserve. But last week the background of Ted Sorensen, 33-year-old special counsel to the President, was under partisan political attack. The fuss started when Barry Goldwater, Arizona's conservative Republican senator, inserted in the Congressional Record a story by Walter Trohan, the 58-year-old Washington bureau chief of the anti-Administration Chicago Tribune, declaring that Sorensen, "the man behind President Kennedy's rocking chair in a world [filled] with war tensions, escaped military service as a conscientious objector and Korean War service as a father." And Goldwater, a jet pilot and brigadier general in the Air Force reserve, added on his own: "Anyone has a right to claim conscientious objection to com-

batant military service. And I believe as Mr. Trohan points out, that it very often requires more courage to seek this classification [in peacetime, when there is no shooting war] than to serve. However, I can't help but wonder at the thoughts of the fathers and mothers of American boys who right now are being called up for active military service when they learn that one of the President's closest advisers is



... Are Challenged by Washington Critics

an objector because of conscience." Though Sorensen absolutely refused to make any comment on Trohan's story or Goldwater's statement, the facts, according to his Lincoln, Neb., draft board, were these: On Dec. 31, 1948, at the age of 20, Sorensen was classified 1-AO—the classification of one who agrees to serve in the armed forces as a noncombatant (as in the medical corps), but not as a combatant. In August 1950, after the outbreak of the Korean War, Sorensen was automatically reclassified 3-A because he had then married. In January 1952, because he had no children, the board changed his classification back to 1-AO. On the basis of a physical examination (shortly after an operation for removal of a tumor behind his ear), he was classified 4-F. In April 1954, having become a father, Sorensen was again reclassified 3-A. On this record, the director of Selective Service in Nebraska, Maj. Gen. Guy N. Henninger (ret.), pointed out

specifically that Sorensen had never tried to avoid military service and added that he wished all other eligible men "did as well" as he. And Sorensen's brother Philip, a Lincoln attorney who served in the Korean War theater with the Coast Guard, said the family belongs to the Unitarian Church and that there was "nothing in the Unitarian Church" that would require his brother to become a pacifist. "The whole thing seems irrelevant to me," he said. Certainly, Ted Sorensen's 1948 beliefs concerning pacifism might well be irrelevant, and certainly no reasonable person questioned his patriotism. Still the question remained: At a time when the President of the U.S. is stressing the nation's determination to fight, if necessary, for its rights, does one of his chief aides hold pacifist views? Sorensen wasn't talking, but his friends were. "If you believe that," they said, "you're out of your mind. Sure, he believes war is wrong. But as for the rest—well, read what he writes."

Newsweek

October 9, 1961

Congressional Record, Sept 26, 1961
p-21378

VOL 107, PT 16

1961

CONGRESSIONAL RECORD — SENATE

21377

Public Lands Subcommittee bills reported by the full Interior Committee, during 1st sess., 87th Cong.

Bill No.	Title	Land acquisition, development, and operations cost for initial 5-year period	Annual operating cost
S. 77	To establish the Chesapeake & Ohio Canal National Historical Park in the State of Maryland.	\$6,250,000	\$350,000
S. 99	To authorize the Secretary of the Interior to provide water and sewage disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak.	91,000	
S. 478	To establish the Point Reyes National Seashore in the State of California.	22,624,000	451,000
S. 522	To authorize the establishment of the Hubbell Trading Post National Historic Site in the State of Arizona.	533,000	22,935
S. 543	To promote the preservation, for the public use and benefit, of certain portions of the shoreline areas of the United States.	25,860,000	
S. 857	To provide for the establishment of Cape Cod National Seashore Park.	21,800,000	350,000
S. 1018	To authorize the Secretary of the Interior to acquire approximately 9 acres of land for addition to Cumberland Gap National Historical Park, and for other purposes.	30,000	
S. 1063	To amend the act of Apr. 22, 1960, entitled "An act to provide for the establishment of the Wilson's Creek Battlefield National Park in the State of Missouri."	1,050,000	
S. 1156	Authorizing the establishment of the Fort Smith National Historic Site in the State of Arkansas, and for other purposes.	886,000	62,000
S. 1760	To establish the Great Basin National Park in Nevada, and for other purposes.	5,222,660	253,000
S. 1775	To authorize the Secretary of the Interior to expend appropriated funds to acquire approximately 12 acres of land for the Richmond National Battlefield Park, and for other purposes.	7,775	
H.R. 498	To provide additional lands at, and change the name of, the Fort Necessity National Battlefield Site, Pa., and for other purposes.	115,000	
H.R. 560	Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Tex.	1,700,000	
H.R. 5571	To provide for the addition or additions of certain lands to the Ellijay Mounds National Monument in the State of Iowa, and for other purposes.	2,000	
H.R. 5760	To revise the boundaries of the Scotts Bluff National Monument, Nebr., and for other purposes.	15,000	
H.R. 2470	To provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes.	1,000,000	60,000
H.R. 6067	To provide for an appropriation of a sum not to exceed \$35,000 with which to make a survey of a proposed national parkway from the Blue Ridge Parkway at Tennessee Dill or Beech Gap Southwest and running into the State of Georgia.	35,000	
H.R. 6422	To add federally owned lands to and exclude federally owned lands from the Cedar Breaks National Monument, Utah, and for other purposes.	5,400	
H.J. Res. 499	To provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes.	937,000	30,000
	Total	88,172,175	1,578,935

Mr. DWORSHAK. While I do not seriously object to recreational developments in this country, I believe it is entirely inappropriate to continue with this expansion program at a time when our young Americans are being called to military service from the Reserve components of the Armed Forces. I believe the time has arrived when, if we need austerity, if we face a serious situation involving Berlin, which may develop into hot war, and with the impending controversies in the deliberations in the United Nations, the American people will demand that we accept the appeal of the President for greater austerity and put our house in order financially as well as militarily to meet the sinister threat of the Soviet dictators.

INTEGRATION IN THE SCHOOLS

Mr. JAVITS. Mr. President, yesterday, on the occasion of the issuance by the U.S. Civil Rights Commission of its 1961 education report, Senators DOUGLAS, HART, KEATING, and I joined in issuing the following statement which I now ask unanimous consent to have printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

SEPTEMBER 25, 1961.

The U.S. Civil Rights Commission yesterday issued its 1961 education report, in which it concluded emphatically that "the Nation's progress in removing the stultifying effect of segregation in the public elementary and secondary schools—north, south, east, and west—is slow, indeed."

The Commission accordingly made 12 recommendations, all but one unanimous, covering the various aspects of the general problem of school desegregation—timing, information, enforcement, and financing—in public, precollege schooling, higher edu-

cation and libraries, and in areas where schools are attended by dependents of military personnel.

Although some of the recommendations of the Commission have already been introduced as legislation in this Congress, we shall, in view of this new forthright declaration of the Commission, introduced, either at this session or, if time does not remain, at the beginning of the next session, a single omnibus bill on discrimination in education to implement all the Commission's unanimous recommendations.

This declaration of the Commission underlines again what we have consistently maintained during this session—that vigorous administrative action alone is not enough and that new legislation is vitally needed. It is our expectation that this Commission declaration will spur congressional action on these problems as early in the next session as possible.

PAUL DOUGLAS.
PHILIP A. HART.
JACOB K. JAVITS.
KENNETH B. KEATING.

Mr. JAVITS. Mr. President, this morning an editorial in the New York Times entitled "Integration in the Schools" on the Commission's penetrating report urges action to implement the Commission's unanimous proposals. I ask unanimous consent that the editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 26, 1961]

INTEGRATION AND THE SCHOOLS

School segregation remains a widespread evil in this country although 7 years have now passed since the Supreme Court's historic decision declaring such segregation unconstitutional. The number of new school districts annually integrating their children has dropped sharply in the last 2 years as compared with the number complying annually in earlier years subsequent to the

Supreme Court decision. And even where integration has taken place, the number of Negro children affected has often been so small as to be no more than a minimal token. Such are the unhappy conclusions reached by the Civil Rights Commission in its comprehensive study just released.

Most of the Commission's proposals for speeding up school integration should be accepted. Certainly it is reasonable for Congress to require every segregated school district to submit plans for at least initial integration. Equally reasonable are the proposals for laws to speed up court action in integration cases to provide Federal financial aid to school districts complying with the law when such districts are penalized financially by the State. We question the desirability, however, of withholding Federal school or library aid from segregated institutions. To do so would penalize students in no way responsible for the segregation.

If President Kennedy embodies the Commission's recommendations in his proposals to Congress next year, the stage will be set for a major and bitter congressional battle. That battle cannot be avoided if the President wishes to realize the civil rights provisions of the platform on which he was elected.

THE MILITARY DRAFT STATUS OF THEODORE C. SORENSON

Mr. GOLDWATER. Mr. President, in the Chicago Tribune of September 23, Mr. Walter Trohan has written a very interesting article on Theodore C. Sorensen, who serves as Special White House Counsel and adviser to President Kennedy. It says, and I quote:

The man behind President Kennedy's rocking chair in a world with war tensions escaped military service as a conscientious objector and Korean war service as a father. He is boyish and brilliant Theodore Chaikin Sorensen, Presidential alter ego as Special White House Counsel.

Mr. Trohan goes on to explain that Nebraska draft board records show that

21378

CONGRESSIONAL RECORD — SENATE

September 26

Mr. Sorensen was classified, on December 31, 1948, as a "conscientious objector" available for noncombatant military service only. When the Korean war broke out, according to Mr. Trohan, Mr. Sorensen was first classified as III-A, extreme hardship deferment, or registrant with a child or children. Later, on January 8, 1952, he was reclassified I-AO, a conscientious objector, and still later, on February 4, 1952, as IV-F, physically unfit because of a tumor operation, according to the Tribune story.

Mr. President, anyone has a right to claim conscientious objection to combatant military service and I believe, as Mr. Trohan points out, that it very often requires more courage to seek this classification than to serve. However, I cannot help but wonder at the thoughts of the fathers and mothers of American boys who right now are being called up for active military service when they learn that one of the President's closest advisers is an objector because of conscience.

I ask unanimous consent that Mr. Trohan's article be reprinted in the Record at this point in my remarks:

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Daily Tribune, Sept. 23, 1961]

REPORT FROM WASHINGTON
(By Walter Trohan)

WASHINGTON, September 22.—The man behind President Kennedy's rocking chair in a world with war tensions escaped military service as a conscientious objector and Korean war service as a father. He is boyish and brilliant 33-year-old Theodore Chaiklin Sorensen, Presidential alter ego as special White House Counsel.

Sorensen heads the parade of men close to the President in "The Kennedy Circle," a series of intimate portraits in depth on New Frontiersmen by Washington correspondents. Of the tall, slightly stooped and bespectacled young man's military record the book reports:

"Too young for World War II, Ted also escaped Korean war service; he had just had a tumor removed from behind his ear when the Korean war broke out, and draft authorities wanted to be sure it wasn't serious."

This doesn't quite square with the facts in draft records. The Sorensen record which is on page 6 of the year of birth 1928 book under the numbers 25, 67, 28, 164. The 25 is for his native Nebraska, 67 the number of the board in Lincoln, 28 the year of his birth and 164 the order in which he registered.

RECLASSIFIED AS CONSCIENTIOUS OBJECTOR

The records show that he was born May 8, 1928, and that his questionnaire was mailed to him September 27, 1948. On December 31, 1948, he was classified I-AO, a conscientious objector available for noncombatant military service only. It frequently requires more courage to seek this classification than to serve, especially in peace time. Sorensen was married September 8, 1949.

On August 18, 1950, after the outbreak of the Korean war, Sorensen was reclassified as III-A, extreme hardship deferment, or registrant with a child or children. On November 20, 1951, his status was reviewed by the board and he remained in III-A.

On January 8, 1952, he was reclassified I-AO, a conscientious objector, and ordered to report for physical examination. He took

the physical February 4, 1952, and was reclassified IV-F, physically unfit. This was after the tumor operation.

On April 13, 1954, he was reclassified III-A. A notation at the end of the line on the book states: "Liable for service until 35 years old."

Although Sorensen is concerned chiefly with domestic problems, he branches out into foreign affairs regularly. President Kennedy has described Sorensen as "One of my very keymen," adding that "He gets work done, he is extremely bright, and I have confidence in him. As my responsibilities grow so do his."

TURNING MORE CLOSELY TO OLD AIDS

Sorensen was frequently the first man the President saw in the morning and the last man he saw at night during the close presidential campaign. Although this is not quite true today, the President has turned more closely to the men he trusted before his campaign since the Cuban fiasco, the Lao setback, and the Berlin crisis.

Sorensen, as the man who did the research and some of the work on "Profiles in Courage," the Kennedy best seller, and does considerable ghostwriting on speeches, is among the most trusted of the New Frontier brain trust. Still he remains considerable of a man of mystery, so much so that his name is frequently spelled with a "son."

He is of Danish descent on his father's side. His father, C. A. Sorensen, was a Progressive Republican, following the late Senator George Norris, of Nebraska. The elder Sorensen served as Nebraska's attorney general from 1928 to 1932. Sorensen's mother was an able and dedicated feminist who was accused of pacifist and radical sympathies in World War I. In 1921 she married the attorney who defended her against these charges.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hickey in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOSCOW ATTACKS ON SENATOR SMITH OF MAINE

Mrs. SMITH of Maine. Mr. President, sometimes the effectiveness of a statement can be measured by the severity of the attacks on the statement and the identity of the attacker.

In 1949 the Russian Communist press called me a poison pen artist. In 1955 the Russian Communist press called me an Amazon warmonger hiding behind a rose.

And now again in 1961 the Russian Communist press attacks me on my Senate speech of September 21, 1961, as it accuses me of having had "another attack of cannibal instinct." Such was the charge made by Radio Commentator I. Arlov in a Moscow broadcast.

Apparently my speech cut deeply in view of the severity of the Communist denunciation of me.

Apparently my message on the will of the American people got through to Khrushchev clear and loud.

Mr. GOLDWATER. Mr. President, I may say that my distinguished friend

from Maine has joined the very select fraternity—or I might say sorority, in this case—of those who have been attacked by the Russian press. The greatest pride that I have rests in the occasional attacks on me by the press of Russia, calling me a warmonger.

I again commend the Senator's speech to which the Russian press has referred. The distinguished Senator from Maine performed a needed and very useful service in calling to the attention of this body statements that we would use the weapons that were used in World War II and ignoring the one type of weapon that Khrushchev respects, the nuclear weapon.

As a lifelong student of the military, I congratulate our good friend from Maine on her speech, because it was long overdue. While we recognize that we need a mix of weapons, we must not overlook the fact that we have strong weapons and will use them.

The fact that the Senator's speech provoked the distinguished Senator from Missouri [Mr. SYMINGTON] to state that the President was firm in his position of using these weapons, and the fact that last Sunday the President's brother, the Attorney General, reaffirmed this firmness, justify the words that she used and justify the increasingly important position that the Senator from Maine occupies in the eyes of Americans all over the country. As an American, I thank her for what she has said.

Mrs. SMITH of Maine. Mr. President, I thank my good friend and able colleague, the distinguished junior Senator from Arizona, for the very generous words he has spoken, and also for his observations yesterday concerning my speech of September 21.

LEGISLATIVE REPORT TO THE SENATE

Mr. MANSFIELD. Mr. President, I take this opportunity to fulfill one of the traditional responsibilities of the majority leader—to report to the Senate, and to the country, on the progress of the legislative program during this session of the Congress. As I do so I am aware of my kinship with those who have occupied this position in the past, and who offered similar reports on the achievements of other sessions. I am sure they felt, as I do, a mixture of emotions: satisfaction over the real accomplishments of the session; disappointment over its frustrations; gratitude for the hard work that went into the making of each law, and for the courtesy and spirit of accommodation shown him by his colleagues; and simple relief that an appropriate time for adjournment had come.

This has not been an ordinary session of Congress, if indeed there is such a thing. There was, to begin with, a change of administration, as well as a change in the leadership of the Senate. Inevitably such changes bring with them a number of errors, a certain amount of confusion; but such is the elasticity and vitality of our system that these errors

CURRENT BIOGRAPHY 1961

SNOW, C. P. *Continued*
blooded novelist; and the hardshell technique of a successful businessman . . . he is a jolly personality who takes a schoolboyish delight in his plans for presenting a new politico-scientific hounding which is going to rattle the Establishment more than somewhat."

- References*
- Author's & Writer's Who's Who (1960)
 - International Who's Who, 1961
 - Twentieth Century Authors (First Supplement, 1955)
 - Who's Who, 1961

SNOW, SIR CHARLES PERCY See Snow, C. P.

SORENSEN, THEODORE (CHAIKIN)
May 8, 1928. United States government official; lawyer
Address: b. The White House Office, Washington, D.C.; h. 3000 Spout Run Parkway, Arlington, Va.

Few officials in the new administration are more concerned with the policies and programs of John F. Kennedy than Theodore Sorensen, the Special Counsel to the President of the United States. The youngest official in the Kennedy administration, he is the President's chief writer of speeches, braintruster, political confidant, and, along with Lawrence E. O'Brien, one of his chief legislative aides. Although he bears a modest title, Sorensen, who has been called "chief of staff for ideas," is one of the most important and influential men in Washington.

Theodore Chaikin Sorensen was born on May 8, 1928 in Lincoln, Nebraska to Christian Abraham and Annis (Chaikin) Sorensen. He has three brothers: Thomas, Robert, and Philip Sorensen, and a sister, Mrs. Ruth Singer. Born of Danish parents in a prairie sod house, his father rose to become state attorney general of Nebraska and a Republican in the tradition of Senator George Norris' liberalism. He went to Europe on Henry Ford's peace ship, served as counsel to the women's suffrage movement in Nebraska, and wrote the law that enabled public bodies to acquire private utility companies. His mother, of Russian-Jewish background, was an ardent feminist and pacifist who gave her maiden name as a middle name to all the five Sorensen children.

Christian Sorensen often took his son Ted to meetings on public utilities, and he sometimes had the child address the audience with a "few words" from the platform. Cluttered with liberal magazines and books, the Sorensen household was a congregating place for progressive friends who debated current issues, particularly those of the New Deal of Franklin D. Roosevelt's administration. Another influence upon the boy was the family's Unitarianism.

In 1945 Ted Sorensen graduated from Lincoln High School, where he had been active in drama and debate, in the band, and in the YMCA. That fall he entered the University of Nebraska on a Regents scholarship, studying the arts and sciences in a prelaw curriculum. In 1949 he was granted a B.S.L. degree with election to Phi Beta Kappa. As an undergraduate, Sorensen had served as chairman of the campus constitutional convention and of the mock United Nations convention. He had also been president of the university YMCA and a member of the debating team, the drama club, and the band.

With the help of a Donald Miller scholarship, Sorensen entered the College of Law at the University of Nebraska in 1949. He became editor in chief of the *Nebraska Law Review* and was awarded the Order of Coif. In his spare time he served as a chief lobbyist in the state legislature for the groups that favored a Fair Employment Practices Committee law. In 1951 Ted Sorensen stood first in his graduating class when he received his LL.B. degree. His father wanted him to practise law in Lincoln, but feeling that his home town was too restrictive, Sorensen headed for Washington, D.C., where he would be relatively unknown.

In 1951 Sorensen became an attorney for the Federal Security Agency, later the Department of Health, Education and Welfare. Through a lawyer whom he had met at a convention of Americans for Democratic Action, Sorensen became a staff researcher for the joint Congressional subcommittee on railroad retirement, which had been set up to study revision of the Railway Retirement System. When the subcommittee finished its work, Senator Paul Douglas of Illinois was so impressed with Sorensen's performance that he recommended him for a job as administrative assistant to the newly elected Senator from Massachusetts, John F. Kennedy.

Reportedly, John F. Kennedy gave Sorensen two five-minute interviews a day or two apart before he hired him. In the first session Kennedy interviewed Sorensen; in the second session Sorensen questioned Kennedy. Drawn together by their mutual love of books and politics, the two men worked together efficiently and harmoniously. With his remarkable analytical ability, Sorensen soon showed a special knack for studying bills, drafting "quick study" memoranda, and conducting research for speeches and magazine articles. That first year, in 1953, Sorensen was mainly concerned with the problems of New England. In 1954 he became secretary to the New England Senators' Conference and held the post through 1959.

While John F. Kennedy was recovering from a back injury in 1955, Sorensen did the research for Kennedy's *Profiles in Courage* (Harper, 1956), a collection of biographical sketches about American legislators who exercised independent judgement in the face of pressures from their constituents. At first Drew Pearson attributed the Pulitzer Prize-winning book to Sorensen as its ghost writer, but the documentary evidence of Sorensen's research notes, Kennedy's drafts in his own handwriting, and

the help of a lawyer, later led

A friend of the two men, Charles E. Young, created the Kennedy Library to try for the Democratic nomination in the year he was re-elected. In election returns, considerations should be taken from a Democratic religion, and needed Kennedy Catholics to the almost got the

On January 20, 1961, Kennedy announced that he would be the Democratic President. He has been described as a political campaigner in every state, court cases of the real up delegates for Convention in La. a card file of all active in Democratic extensive in the

Just before the quished his organizer's brother, Robert Kennedy, out the primary television debates. F. Kennedy's chief While the Senator Sorensen would be covering the street. Sorensen seemed Among others, he defended Kennedy onslaughts by Kennedy said: "I was wherever I go in somebody whom

Now that John Kennedy's major preoccupation to make him re-elected Presidents. When he helped to draft becoming Special Counsel to the United States, time in drafting messages and speeches, aide in writing the message, and he Kennedy's speech crisis on July 25, closely approximated John F. Kennedy

Sorensen now tradition of Colorado and Sherman Adams that cut across reportedly, he will be in the field of force had concentrated inheritors of this come embroiled in

an Lincoln
in drama
YMCA.
Nebraska
arts and
1949 he
election to
te, Soren-
campus
the mock
also been
a mem-
club, and

scholarship,
aw at the
te became
Review
if. In his
ivist in the
favored a
ce law. In
graduating
gree. His
n Lincoln,
was too
ashington,
known.

ey for the
Department
Through a
vention of
Sorensen
joint Con-
retirement,
sion of the
the sub-
ator Paul
essed with
commended
stant to the
ssachusetts,

e Sorensen
two apart
ession Ken-
he second
ly. Drawn
books and
efficiently
able analy-
a special
quick study"
earch for
first year,
rned with
1954 he
d Senators'
h 1959.

ering from
he research
(Harper,
I sketches
used inde-
pressures
w Pearson
book to
documen-
h notes,
ang, and

the help of Clark Clifford, a Washington lawyer, later led Pearson to retract the charges.

A friend has said that from the beginning of the two men's association, Sorensen had set himself one goal—to get John F. Kennedy elected President. In 1956 he urged Kennedy to try for the Vice-Presidential nomination at the Democratic Convention in Chicago. In the same year he prepared the widely circulated memorandum, based on analyses of national election returns, that argued that political considerations should not keep a Roman Catholic from a Democratic national ticket for reasons of religion, and that the Democratic ticket needed Kennedy to bring back defecting Roman Catholics to the Democratic camp. Kennedy almost got the nomination.

On January 2, 1960 John F. Kennedy announced that he was a candidate for the Democratic Presidential nomination. What followed has been described as one of the most successful political campaigns ever waged in the United States. Sorensen and Kennedy traveled through every state, courting politicians, making estimates of the real sources of power, and lining up delegates for the 1960 Democratic National Convention in Los Angeles. Sorensen built up a card file of about 30,000 names of people active in Democratic politics, one of the most extensive in the hands of any man.

Just before the primaries, Sorensen relinquished his organizational duties to the Senator's brother, Robert F. Kennedy. But throughout the primaries, the whistle stops, and the television debates, Sorensen remained as John F. Kennedy's chief strategist and policy maker. While the Senator was giving one speech, Sorensen would be writing another. Journalists covering the strenuous campaign reported that Sorensen seemed to thrive on the pressure. Among others, he prepared those speeches that deflected Kennedy's Roman Catholicism from onslaughts by Protestant fundamentalists. Kennedy said: "I want to keep Ted with me wherever I go in this campaign. You need somebody whom you can trust implicitly."

Now that John F. Kennedy is in office, a major preoccupation of Theodore Sorensen is to make him remembered as one of the greatest Presidents. When Kennedy was President-elect, he helped to draft the inaugural address. Since becoming Special Counsel to the President of the United States, he has spent much of his time in drafting and writing Presidential messages and speeches. He was Kennedy's major aide in writing his first State of the Union message, and he helped in the preparation of Kennedy's speech to the nation on the Berlin crisis on July 25, 1961. Perhaps no one has so closely approximated the speech rhythms of John F. Kennedy as Theodore Sorensen.

Sorensen now stands in the White House tradition of Colonel House, Harry Hopkins, and Sherman Adams. He handles situations that cut across government departments. Reportedly, he will be given more responsibilities in the field of foreign relations; previously, he had concentrated on domestic affairs. Like other inheritors of this tradition, he has already become embroiled in controversy.



Wide World

THEODORE SORENSEN

In the autumn of 1961 Senator Barry Goldwater, the conservative Republican Senator from Arizona, read into the *Congressional Record* a story by Walter Trohan, chief of the Washington bureau of the *Chicago Tribune*. Trohan asserted that "the man behind President Kennedy's rocking chair in a world with war tensions, escaped military service as a conscientious objector and Korean War service as a father."

According to Sorensen's draft board in Lincoln, Nebraska, at the end of 1948 Sorensen was classified 1-AO. He had, in other words, agreed to serve in the armed forces as a non-combatant (as in the medical department). Reclassified to 3-A in August 1950 because he had married, Sorensen was reclassified to 1-AO in January 1952 because he had no children. After an operation for a tumor behind the ear, he was classified 4-F. In April 1954 he was reclassified 3-A, since he had become a father.

Theodore Sorensen married Camilla Palmer on September 8, 1949, just before he entered law school. They live in Arlington, Virginia with their three boys: Eric Kristen, Stephen Edgar, and Philip Jon. Sorensen once won a silver dollar from his parents for having reached maturity without having smoked or taken a drink. Although he indulges in an occasional sherry before dinner or in a daiquiri (to which he was introduced by John F. Kennedy), he still avoids tobacco and never drinks coffee.

Sorensen's frugality, abstemiousness, and Puritanism result from his rearing, not from financial necessity. This asceticism extends to his appearance. He is a sparely built man, six feet and one-half inch in height and 175 pounds in weight, with brown hair and brown eyes and a square and determined face that usually wears a sober expression. Strangers

CURRENT BIOGRAPHY 1961

SORENSEN, THEODORE—Continued
often mistake his glacial reserve for coldness instead of recognizing the underlying shyness that may be its cause. When not under pressure, he can be charming. To relax, he plays softball with his sons. He is a member of the Nebraska Bar Association and a Unitarian.

Max Freedman, the Washington correspondent of the *Manchester Guardian*, has written that "Mr. Sorensen, in John Morley's phrase, has the glory of words. But he is much more than a literary craftsman; he is also a master of political philosophy and political strategy. It is not the language of eulogy but a demonstrable truth to say that he combines the political sagacity of James Farley with the literary graces of Judge Samuel Rosenman."

References

- Democratic Digest p35 Ja-F '61 por
- N Y Post Mag p1 O 3 '60 por
- Time 76:18 N 21 '60 por

SPORBORG, MRS. WILLIAM DICK
July 11, 1879-Jan. 2, 1961 Civic leader and clubwoman; headed New York City and State Federations of Women's Clubs, National Council of Jewish Women, and Women's Voluntary Participation Defense Council; consultant with United States delegation to the United Nations at San Francisco in 1945. See *Current Biography* (November) 1947.

Obituary

N Y Times p29 Ja 3 '61

STACE, W(ALTER) T(ERENCE) Nov. 17, 1886- Philosopher; author
Address: 986 East Ave., Mantoloking, N.J.

One of the leading philosophers of the English-speaking world is W. T. Stace, a naturalist who nevertheless admits the validity of religious experience. A British subject, Stace served in the British colonial ranks in Ceylon for twenty-two years, some of them as mayor of Colombo and as chairman of the Colombo municipal council. In 1932 Stace accepted a teaching position at Princeton University, where he taught until his retirement in 1955.

Stace has written ten books on philosophical questions. His *Destiny of Western Man*, an attempt to defend the "rightness" of democracy against totalitarian systems, won the Reynal & Hitchcock Prize in 1941 as the best nonfiction book for the general reader written by a member of an American college or university staff. In 1959 he was one of ten scholars who received \$10,000 prizes for distinguished scholarship in the humanities from the American Council of Learned Societies.

Walter Terence Stace was born on November 17, 1886 in London, England to Edward Vincent Stace and Amy Mary (Watson) Stace. He is the great-grandson of General William Stace, who fought at the Battle of Waterloo. His father was a lieutenant colonel in the British

Army; and one of his brothers, Ralph Edward Stace, is a retired lieutenant colonel of the Royal Engineers. It is this family background of Army and civil service that later induced Stace to enter the British colonial administrative ranks in Ceylon. Stace's other brother, Henry Watson, is deceased. He also has a sister, Hilda (Mrs. Maurice Swabey).

Stace was educated at Bath College and Fettes College in Edinburgh around the turn of the century. He then attended Trinity College at Dublin University, where he majored in philosophy and from which he received his B.A. degree in 1908. Two years later, in 1910, he joined the British Civil Service in Ceylon. He remained there for twenty-two years, serving at various times as district judge, private secretary to the Governor, land settlement officer, member of the legislative council of Ceylon, member of the governor's executive council, and, finally, as mayor of Colombo and chairman of the Colombo municipal council. In 1915, while Stace was serving as police magistrate of Kandy, serious riots took place between the Buddhists and Mohammedans in Ceylon. On one occasion, Stace, who was responsible for suppressing the disturbances, refused to let the police fire into an unarmed crowd, an action unusual enough to cause much controversy at the time.

In 1932, as a result of government changes in Ceylon, many civil servants were offered retirement, and Stace decided to leave the country. He sent a résumé of his published writings to several British and American universities and accepted the best offer—a three-year lectureship at Princeton University. He was Stuart Professor of Philosophy from 1935 until his retirement in 1955.

Stace had never done any formal graduate work, but in 1929 he received a Litt.D. degree from Dublin University in recognition of the scholarly contribution he made in his book *The Philosophy of Hegel* (Macmillan, 1924; Dover, 1955). "The primary object of this book," Stace noted in his preface, "is to place in the hands of the philosophical student a complete exposition of the system of Hegel in a single volume. No book with a similar purpose, so far as I know, exists in our language. . . . The difficulty of Hegel's writings is notorious. . . . Therefore, I have aimed especially at lucidity. The student . . . will find here, I hope, all Hegel's essential thoughts stated as easily and simply as is possible." This effort to convey philosophical essentials in understandable terms marks the bulk of Stace's work.

Since the publication of his first book, *A Critical History of Greek Philosophy* (Macmillan, 1920), Stace has written on several major areas of philosophical thought. In *The Meaning of Beauty* (Richards & Toulmin, 1929), he advances a theory of aesthetics. *The Nature of the World* (Oxford, 1940) is an essay in phenomenalist metaphysics (philosophical phenomenalism holds that phenomena are the only objects of knowledge). *The Theory of Knowledge and Existence* (Oxford, 1933) was praised by *New Statesman and Nation* reviewers for showing "clear exposition

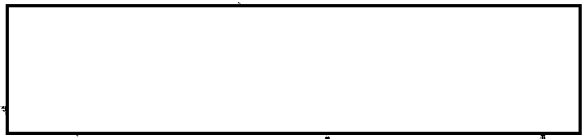
and
pa
adm
plan
most
The
sent
1957
not b
hoped
tion
perso
(1942
cock
level
ideolo
of life
Acc
divid
fulfil
with
stituti
over
ends.
For t
Greek
decided
stituted
Bec
superi
person
moral
set of
growth
forth
nature
democ
natural
Each
as inh
pathen
equally
bodies
guaran
law for
the in
safety,
prevail
thus be
in whi
the fa
the av
that s
one th
In g
doctri
and m
only:
He fee
natural
such a
of ext
he occ
tribute
the Al
the na
from
Stac
religion
and E

To Ted

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

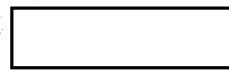
1-17-77

From



Note relevant passages

re STAT DTCS



94TH CONGRESS
1st Session

SENATE

REPORT
94-407

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

Asked if he had ever been told anything about CIA efforts to assassinate Castro, Richard Goodwin, Assistant Special Counsel to the President, replied, "No, I never heard of such a thing." (Goodwin, 7/18/75, p. 13)¹

Theodore Sorensen, who said that his "first-hand knowledge" of Cuban affairs was limited to the post-Bay of Pigs period, stated that his general opinion, based on his close contact with President Kennedy, was that

*** such an act [as assassination] was totally foreign to his character and conscience, foreign to his fundamental reverence for human life and his respect for his adversaries, foreign to his insistence upon a moral dimension in U.S. foreign policy and his concern for this country's reputation abroad and foreign to his pragmatic recognition that so horrendous but inevitably counterproductive a precedent committed by a country whose own chief of state was inevitably vulnerable could only provoke reprisals and inflame hostility. *** (Sorensen, 7/21/75, p. 5)

Sorensen stated that President Kennedy "would not make major foreign policy decisions alone without the knowledge or participation of one or more of those senior foreign policy officials in whose judgment and discretion he had confidence." (Sorensen, 7/21/75, p. 6)

Sorensen concluded his testimony with the following exchange:

Q. Would you think it would be possible that *** the Agency, the CIA could somehow have been under the impression that they had a tacit authorization for assassination due to a circumspect discussion that might have taken place in any of these meetings?

SORENSEN. It is possible, indeed, I think the President on more than one occasion felt that Mr. Dulles, by making rather vague and sweeping references to particular countries was seeking tacit approval without ever asking for it, and the President was rather concerned that he was not being asked for explicit directives and was not being given explicit information, so it is possible. But on something of this kind, assassination, I would doubt it very much. Either you are for it or you are not for it, and he was not for it. (Sorensen 7/21/75, pp. 32-33)

(4) *The Question of Whether Assassination Efforts Were Disclosed in Various Briefings of Administration Officials.*

a. Briefing of the President-Elect

In the latter part of November 1960, after the Presidential election, Dulles and Bissell jointly briefed President-elect Kennedy on "the most important details with respect to the operation which became the Bay of Pigs." (Bissell, 6/9/75, p. 34) Bissell testified that he did not believe the ongoing assassination efforts were mentioned to the President-elect at that meeting. (Bissell, 6/9/75, pp. 27, 35-36) Bissell surmised that the reasons he and Dulles did not tell Kennedy at that initial meeting were that they had "apparently" thought it was not an important matter,² and that they "would have thought that that was a matter of which he should be advised upon assuming office

¹ Goodwin did hear about assassination on two occasions. One involved a meeting between the President and reporter Tad Szulc in November 1961 (see discussion pp. 138-139) and the other involved the Special Group (Augmented) meeting of August 10, 1962. (See pp. 164-165)

² This reason was also given by Bissell in response to the Committee's questioning of his assumption that Dulles probably told President Eisenhower about the assassination operation: "*** the Mafia operation was not regarded as of enormous importance and there were much more important matters to talk about with the President." (Bissell, 7/17/75, p. 25)

rather than in
ment led to the

The CHAIRMAN.
hand (as) a Pre
the details conce
told about an onc
Mr. BISSELL. I
The CHAIRMAN.
briefing the man
tant as a planned
time in addition to
nate the leader o
matter and not the
Mr. BISSELL. W
something about a
characters for this
belief is that had
terms and that ne
(Bissell, 6/9/75, p.

However, Bis
trine of "plausi
might be "emba
pp. 5-6)

b. Discussion

Sometime earl
with Bundy a "c
included various
leaders, includin
not tell Bundy e
of Executive A
7/11/75, p. 41)
Lumumba might
of "research" int

c. Taylor/Ken

Following the
neddy convened a
[the] failure" of
Kennedy, Genera
Burke comprised
1961 after the par
no mention of the
Bissell was que
General Taylor c
ment official in th
more knowledgeable
self from the pla
(Taylor, 7/9/75, p.

Bissel said he h
Kennedy Board a
First, "the questi
about the operatio

¹ The evidence conce
was said, is discussed ex

McManus disagreed with Helms' perception, stating that "it never occurred to me" that Kennedy's exhortation included permission to assassinate Castro. Nor did the spirit of the meeting as a whole leave McManus with the impression that assassination was either contemplated or authorized. (McManus, 7/22/75, pp. 9-10) ¹

E. GENERAL LANSDALE'S MONGOOSE PLANNING TASKS

On January 18, 1962, Lansdale assigned 32 planning tasks to the agencies participating in MONGOOSE. In a memorandum to the working group members, Lansdale emphasized that "it is our job to put the American genius to work on this project, quickly and effectively. This demands a change from the business as usual and a hard facing of the fact that we are in a combat situation—where we have been given full command." (Lansdale memorandum, 1/20/62)

The 32 tasks comprised a variety of activities, ranging from intelligence collection to planning for "use of U.S. military force to support the Cuban popular movement" and developing an "operational schedule for sabotage actions inside Cuba." ² In focusing on intelligence collection, propaganda, and various sabotage actions, Lansdale's tasks were consistent with the underlying strategy of MONGOOSE to build gradually towards an internal revolt of the Cuban people.

Lansdale transmitted a copy of the tasks to Attorney General Kennedy on January 18, 1962, with a handwritten note stating: "my review does not include the sensitive work I have reported to you; I felt you preferred informing the President privately." Lansdale testified that this sensitive work did not refer to assassinations and that he "never took up assassination with either the Attorney General or the President." He said that he could not precisely recall the nature of this "sensitive work" but that it might have involved a special trip he made under cover to meet Cuban leaders in Florida to assess their political strengths. (Lansdale, 7/8/75, p. 30)

In a memorandum to the Attorney General on January 27, 1962, Lansdale referred to the possibility that "we might uncork the touch-down play independently of the institutional program we are spurring." (Memo, Lansdale to Attorney General, 1/27/62) Lansdale

¹ There was a great deal of evidence showing that Cuba had a high priority in the Kennedy Administration, and the very existence of a high-level group like the Special Group (Augmented) further demonstrated Cuba's importance. McNamara stated that "we were hysterical about Castro at the time of the Bay of Pigs and thereafter." (In the same context, McNamara stated, "I don't believe we contemplated assassination.") (McNamara, 7/22/75, p. 93) Similarly, General Lansdale informed the members of his interagency committee that MONGOOSE "demands a change from business-as-usual and a hard facing of the fact that you're in a combat situation where we have been given full command." (Lansdale Memo, 1/20/62)

On the other hand, Theodore Sorensen testified that "there were lots of top priorities, and it was the job of some of [us] to continually tell various agencies their particular subject was the top priority" and although Cuba was "important" it was "fairly well down on the list of the President's agenda." (Sorensen, 7/21/75, p. 12) For example, when President Kennedy was told that his first letter to Khrushchev in the secret correspondence which lasted two or three years would be "the single most important document you will write during your Presidency." President Kennedy said, "Yes, we get these every day over here." (Sorensen, 7/21/75, p. 12)

² Parrott sarcastically characterized Lansdale's plans as follows: "I'll give you one example of Lansdale's perspicacity. He had a wonderful plan for getting rid of Castro. This plan consisted of spreading the word that the Second Coming of Christ was imminent and that Christ was against Castro (who) was anti-Christ. And you would spread this word around Cuba, and then on whatever date it was, that there would be a manifestation of this thing. And at that time—this is absolutely true—and at that time just over the horizon there would be an American submarine which would surface off of Cuba and send up some starshells. And this would be the manifestation of the Second Coming and Castro would be overthrown * * * Well, some wag called this operation—and somebody dubbed this—Elimination by Illumination." (Parrott, 7/10/75, pp. 49, 50)

testified that the phrase referring to a Cuban re- Castro's assassination. such plays cited in the America and Cuba," wo elements," or "families indication of assassinat 1/27/62, p. 1)

On January 19, 1962, assigned on January 18 Cuban sugar workers C fare means. Lansdale chemicals to sicken Cuba fields for a 24-48 hour initially approved for would require "policy c study showed the plan t being submitted to the S Minutes, 1/30/62, p. 1)

The SGA approved January 30, 1962. (SG Lansdale detailed a six- culminate in October, 19 Communist regime." (I of the operations for thi on the cadre of the regim p. 151) Lansdale's plan s

This should be a "Specia provide the best recruitme gence] officials. (Id., p. 151)

¹ The testimony was as follow The CHAIRMAN. What prec dependently of the institutional General LANSDALE. Well, I v and—in tasking, and finding h more concerned that they kept types of actions rather than to have them undertake actions. To me, the touchdown play that we had gotten into the I was concerned about that.

Senator BAKER. In the same to get rid of Castro or his re that might have been used for th General LANSDALE. Yes.

Senator BAKER. All right, here?

General LANSDALE. Well, it that would break down the p of power and to do that, ther ganda action cells, and ever country in a safe place for a would eventually move into H Lansdale's memorandum des "It may be a special effort workers in Latin America and has an untapped action poten element in Latin America and with the families through the of social justice by the Comm tracks the top echelon of th Lansdale to Attorney General. 1

² An earlier reference to us randum for the SGA on Janua 32 tasks (which called for pl the CIA memorandum noted upon an appeal made inside t along with other groups as po

1962, the Special Group (Augmented) ordered a halt to all sabotage operations. (Lansdale Memo for the record, 10/30/62)¹

Theodore Sorensen, a member of the Executive Committee established to deal with the Missile Crisis, testified that Cuba was the "No. 1 priority" during the Crisis. He said that although "all alternatives, plans, possibilities were exhaustively surveyed" during that time, the subject of assassination was never raised in the National Security Council or the Executive Committee. (Sorensen, 7/21/75, p. 11)

(3) EVIDENCE BEARING ON KNOWLEDGE OF AND AUTHORIZATION FOR THE ASSASSINATION PLOT, PHASE II

As discussed below, both Helms and the high Kennedy Administration officials who testified agreed that no direct order was ever given for Castro's assassination and that no senior Administration officials, including McCone, were informed about the assassination activity. Helms testified, however, that he believed the assassination activity was permissible and that it was within the scope of authority given to the Agency. McCone and other Kennedy Administration officials disagreed, testifying that assassination was impermissible without a direct order and that Castro's assassination was not within the bounds of the MONGOOSE operation.

As DDP, Helms was in charge of covert operations when the poison pills were given to Rosselli in Miami in April 1962. Helms had succeeded to this post following Bissell's retirement in February 1962. He testified that after the Bay of Pigs:

Those of us who were still [in the Agency] were enormously anxious to try and be successful at what we were being asked to do by what was then a relatively new Administration. We wanted to earn our spurs with the President and with other officers of the Kennedy Administration. (Helms, 7/17/75, p. 4)

A. HELMS' TESTIMONY CONCERNING AUTHORITY

Helms testified that he doubted that he was informed when Harvey gave poison pills to Rosselli and that he did not recall having authorized Castro's assassination by that means. He said, however, that he had authorized that assassination plot because "we felt that we were operating as we were supposed to operate, that these things if not specifically authorized, at least were authorized in general terms." (Helms, 6/13/75, p. 61)

(1) Helms' Perception of Authority

Helms testified that the "intense" pressure exerted by the Kennedy Administration to overthrow Castro had led him to perceive that the CIA was acting within the scope of its authority in attempting

¹ Harvey testified that he had a "confrontation" with Robert Kennedy at the height of the Missile Crisis concerning Harvey's order that agent teams be sent into Cuba to support any conventional U.S. military operation that might occur. Harvey stated that Robert Kennedy "took a great deal of exception" to this order and, as a result, McCone ordered Harvey to stop the agent operations (Harvey, 7/11/75, pp. 80-81). Elder, McCone's assistant at the time, similarly described this incident and stated that, although Harvey had attempted to get guidance from top officials during the Missile Crisis, Harvey "earned another black mark as not being fully under control." (Elder, 8/13/75, pp. 34-35)

Castro's assassina
ordered.¹ He said

I believe it was t
was one of the thin
what was expected.
I remember vivid
(Helms, 6/13/75, p. 2

Helms stated t
Operation MONC
(Helms, 6/13/75,
extent of the mea
too." (Helms, 6/13

Helms recalled t
abundantly clear *
desire was to get ri
the point was that
7/17/75, pp. 16-17)

Senator MATHIAS.
Beckett was proving t
me of this man. He di
will rid me of this man,
Mr. HELMS. That is a
Senator MATHIAS. Ye
Mr. HELMS. I think it
Senator MATHIAS. AN
which might be taken b
ization to go forward?

Mr. HELMS. That is
grows up in [the] trad
found it very difficult t
just think we all had th
the Oval Office.

Senator MATHIAS. Ye
transmitted, that that w
Mr. HELMS. Yes, and it
been unhappy. (Helms, 6

Helms said that he
(Helms, 7/17/75, p. 13

No member of the Ken
tion] was proscribed, [or
said that [assassination]

Helms said that the
"with all the other thing
within the permissible par
the things we were tryin
human lives that were bein

² The extent to which pres
cussed in detail in the section
strategy of causing an intern
trol system established by the
collection and sabotage activi
³ Helms testified: "In my 2
I was working within a "thor
proper authority and when I
be the legitimate business of t
6/13/75, pp. 30-31)

⁴ Helms elaborated: "...
lost their life at the Bay of
before the wall and shot." (Hel

During one appearance before the Committee, Helms was asked by the Chairman:

The CHAIRMAN. Since he [Kennedy] was on the phone to you repeatedly did he ever tell you to kill Castro?

Mr. HELMS. No.

The CHAIRMAN. He did not?

Mr. HELMS. Not in those words, no. (Helms, 7/17/75, p. 13)¹

Helms testified that he had never told Attorney General Kennedy about any assassination activity. He assumed that "he wasn't informed by anyone," and added that "Harvey kept phase 2 [the Rosselli plot] pretty much in his back pocket" (Helms, 6/13/75, pp. 57-58). Helms also said that the Attorney General had never told him that assassination was ruled out. (Helms, 7/17/75, p. 13) He added that he did not know if Castro's assassination would have been morally unacceptable to the Attorney General, but he believed that Robert Kennedy "would not have been unhappy if [Castro] had disappeared off the scene by whatever means." (Helms, 7/17/75, pp. 17-18)

(4) *Helms' Testimony as to Why he Did Not Obtain a Direct Order*

Helms testified that assassination "was not part of the CIA's policy" and was not part of its "armory." (Helms, 6/13/75, pp. 87-88) Helms said that he "never liked assassination," and banned its use five years after he became Director of Central Intelligence. (Helms, 6/13/75, p. 166) Helms also testified to his "very grave doubts about the wisdom" of dealing with underworld figures when Harvey proposed contacting Rosselli to see if gangster links to Cuba could be developed. (Helms, 6/13/75, p. 33; 7/18/75, p. 31)

Despite these reservations, Helms did not seek approval for the assassination activity. He said this was because assassination was not a subject which should be aired with higher authority. (Helms, 7/18/75, pp. 31-32) Specifically, he said he did not seek SGA approval because:

I didn't see how one would have expected that a thing like killing or murdering or assassination would become a part of a large group of people sitting around a table in the United States Government. (Helms, 7/17/75, p. 14)

His unwillingness "to embarrass a President of the United States [by] discussing the assassination of foreign leaders in his presence" has already been noted. (Helms, 6/13/75, p. 29)

Helms gave additional testimony in response to questions concerning his failure to seek explicit authorization for assassination activity.

Senator HUDDLESTON. * * * it did not occur to you to inquire of the Attorney General or of the Special Group or of anyone that when they kept pushing and asking for action * * * to clarify that question of whether you should actually be trying to assassinate?

Mr. HELMS. I don't know whether it was in training, experience, tradition or exactly what one points to, but I think to go up to a Cabinet officer and say, am

¹ Helms immediately reiterated that his perception of authority for Castro's assassination derived from the pressure exerted by the Administration against Castro. The exchange between the Chairman and Helms continued as follows:

The CHAIRMAN. Well, did he ever tell you in other words that clearly conveyed to you the message that he wanted to kill Castro?

HELMS. Sir, the last time I was here [before the Committee], I did the best I could about what I believed to be the parameters under which we were working, and that was to get rid of Castro. I can't imagine any Cabinet officer wanting to sign off on something like that. I can't imagine anybody writing something in writing saying I have just charged Mr. Jones to go out and shoot Mr. Smith." (Helms, 7/17/75, pp. 13-14)

I right in assuming that you want me to assassinate Castro or to try to assassinate Castro, is a question it wouldn't have occurred to me to ask.

Senator HUDDLESTON. * * * [because assassination has such serious consequences] it seems to fortify the thought that I would want to be dead certain, I would want to hear it from the horse's mouth in plain, simple English language before I would want to undertake that kind of activity." (Helms, 7/17/75, pp. 51-52)

"Senator MORGAN. In light of your previous statement that this is a Christian country and that this Committee has to face up to the prime moral issue of whether or not killing is * * * acceptable * * * don't you think it would have taken affirmative permission or authority to kill, rather than just saying it was not eliminated from the authority or you were not restricted * * * ?

"Mr. HELMS. * * * killing was not part of the CIA's policy. It was not part of the CIA's armory * * * but in this Castro operation * * * I have testified as best I could about the atmosphere of the time, what I understood was desired [and] that this was getting rid of Castro, if he had been gotten rid of by this means that this would have been acceptable to certain individuals * * * I was just doing my best to do what I thought I was supposed to do." (Helms, 6/13/75, pp. 87-88)

When asked why he had not sought clarification from the Special Group, its members, or Robert Kennedy as to whether it was "in fact, the policy of the Government to actually kill Fidel Castro," Helms answered,

I don't know * * * There is something about the whole chain of episodes in connection with this Rosselli business that I am simply not able to bring back in a coherent fashion. And there was something about the ineffectuality of all this, or the lack of conviction that anything ever happened, that I believe in the end made this thing simply collapse, disappear. And I don't recall what I was briefed on at the time. Maybe I was kept currently informed and maybe I wasn't, and today I don't remember it * * * But I do not recall ever having been convinced that any attempt was really made on Castro's life. And since I didn't believe any attempt had been made on Castro's life, I saw no reason to pursue the matter further. (Helms, 7/18/75, pp. 31-32)

(5) *Helms' Perception of the Relation of Special Group Controls to Assassination Activity*

Helms stated that the SGA's control system for MONGOOSE was not intended to apply to assassination activity. (Helms, 7/18/75, p. 21) Helms stated that the SGA's decision on March 5, 1962, that major operations going beyond the collection of intelligence must receive advance approval referred to "rather specific items that the Special Group had on its agenda" from the outset of MONGOOSE (Helms, 7/18/75, p. 21) Helms said that since assassination was not among those items, the SGA would not have expected assassination activity to come within its purview. (Helms, 7/18/75, p. 21) As to the SGA's stated desire to "keep its hands tightly on preliminary actions" leading towards sabotage and other covert activity, Helms characterized it as the kind of injunction "that appears in all kinds of governmental minutes of meetings." (Helms, 7/18/75, pp. 16-17)

Helms stated that although there were "no limitations" on actions to remove Castro during MONGOOSE, there were restraints on sabotage operations. He did not understand the absence of specific limitations to authorize more drastic actions, such as committing the United States military to an invasion of Cuba. (Helms, 7/18/75, p. 9)¹

¹ Helms testified that, although loss of life was implicit in the MONGOOSE operations. "I think there was an effort made not to take facts that would recklessly kill a lot of people and not achieve very much. I think there was an effort, if you had a sabotage operation, not to throw a lot of hand grenades into a city, but rather take out the power plant which would actually damage the economy of the country. There was an effort made to find devices that would seem to have a useful end." (Helms, 7/17/75, pp. 63-64)

B. HA

(1) *Harvey's Perception of the SGA's Role in the Assassination of Castro*
Harvey stressed the SGA's role in the assassination of Castro. He pointed out that the SGA's role in the assassination of Castro was not the primary role of the agency came from the CIA.

[A]t no time during the assassination of Castro did I have any feeling that I was involved in any activity that was not properly approved, administered, or had no involvement at that point my presence was not the Director's concern.

Harvey stated that the SGA's role in the assassination of Castro was not the primary role of the agency. He was DCI. He was the Director of the CIA. On the question of the SGA's role in the assassination of Castro, Harvey stated that the SGA's role was not the primary role of the agency.

The CHAIRMAN. The SGA had knowledge of the assassination of Castro. It runs in the land.

Mr. HARVEY. No, the SGA did not have knowledge of the assassination of Castro. (Harvey, 6/25/75, p. 10)

(2) *Harvey and the SGA's Role in the Assassination of Castro*

During the MONGOOSE meetings as the SGA formed the SGA's role in the assassination of Castro. Harvey stated that the SGA's role in the assassination of Castro was not the primary role of the agency. He was DCI. He was the Director of the CIA. On the question of the SGA's role in the assassination of Castro, Harvey stated that the SGA's role was not the primary role of the agency.

Early in 1962, the SGA's action arm was formed. In April 1962, Harvey testified that the SGA's role in the assassination of Castro was not the primary role of the agency. He was DCI. He was the Director of the CIA. On the question of the SGA's role in the assassination of Castro, Harvey stated that the SGA's role was not the primary role of the agency.

**** this was one of the SGA's actions in toto *** the actual assassination was covered the whole range of small craft related to assassination activity.

The SGA expected the SGA's role in the assassination of Castro was not the primary role of the agency. He was DCI. He was the Director of the CIA. On the question of the SGA's role in the assassination of Castro, Harvey stated that the SGA's role was not the primary role of the agency.

"Upon the return of the SGA to Washington, information on the SGA's role in the assassination of Castro was not the primary role of the agency. He was DCI. He was the Director of the CIA. On the question of the SGA's role in the assassination of Castro, Harvey stated that the SGA's role was not the primary role of the agency.

On April 26, 1962, Harvey testified that the SGA's role in the assassination of Castro was not the primary role of the agency. He was DCI. He was the Director of the CIA. On the question of the SGA's role in the assassination of Castro, Harvey stated that the SGA's role was not the primary role of the agency.

This meeting and the SGA's role in the assassination of Castro was not the primary role of the agency. He was DCI. He was the Director of the CIA. On the question of the SGA's role in the assassination of Castro, Harvey stated that the SGA's role was not the primary role of the agency.

Contrary to the opinion expressed by other witnesses, Gilpatric testified that "it was not unusual" for the President and the Attorney General to deal directly with people at various levels in the Executive Branch. (Gilpatric, 7/8/75, p. 58) He described Robert Kennedy as the "moving spirit" of MONGOOSE (Gilpatric, 7/8/75, p. 11) whose role was "principally to spur us on, to get going, get cracking." (Gilpatric, 7/8/75, p. 47.) Although Robert Kennedy frequently complained that the plans of the CIA and MONGOOSE were not "massive enough," and that "we should get in there and do more," Gilpatric said that the Attorney General was not urging specific proposals, and that he had desired only "to limit the Castro regime's effectiveness." (Gilpatric, 7/8/75, p. 47)

Dean Rusk served as Secretary of State throughout the Kennedy Administration and participated in a number of SGA meetings during the MONGOOSE operation. (Rusk, 7/10/75, p. 7)

Rusk testified that he had never been informed of any Castro assassination plans or undertakings and had no knowledge of any such activity. (Rusk, 7/10/75, p. 52) He found it "very hard to believe" that in the course of urging action against Castro, President Kennedy or Robert Kennedy would have sanctioned any measure against Castro personally.¹ He believed that while it was "possible" that someone might have thought that specific courses of action were authorized by the emphasis in SGA meetings, permission to commit an assassination could not have been reasonably inferred.

It would have been an abuse of the President and the Attorney General if somebody had thought they were getting that without confirming that this was, in fact, an official, firm policy decision. (Rusk, 7/10/75, pp. 97-98)

Rusk testified that he could not imagine the President or the Attorney General having circumvented the SGA by going directly to Helms or Harvey about assassinating Castro.²

Theodore Sorensen served as a Special Assistant to President Kennedy during the entire Kennedy Administration. He was a member of the National Security Council Executive Committee that dealt with the Missile Crisis, but was not involved with MONGOOSE.

Sorensen testified that in all his daily personal meetings with the President and at NSC meetings he attended, there was "not at any

¹"Senator HUDDLESTON: * * * [Do] your contacts with Robert Kennedy or President Kennedy, indicate to you that they were agitated to such an extent about Cuba and MONGOOSE progress that in a conversation with someone urging them to get off their rear end and get something done that they might convey the message that they meant anything, go to any length to do something about the Castro regime?"

Mr. RUSK: I find it very hard to believe that Robert Kennedy standing alone, or particularly Robert Kennedy alleging to speak for President Kennedy, would have gone down that trail * * *." (Rusk, 7/10/75, p. 96.)

²"Senator MONDALE: * * * We asked General Taylor yesterday whether he thought something of informal, subterranean, whatever kinds of communications from the highest level to Helms would have been possible without his knowledge, and he said he felt that was incredible, he didn't think it was possible.

Do you think that it would be likely that an informal order around channels, say to Helms or to Harvey—

The CHAIRMAN: Over a three-year period.

Senator MONDALE: Over a three-year period would have been possible without your being informed?

Mr. RUSK: Theoretically, Senator, one would have to say it is possible.

Senator MONDALE: But based on your experience?

Mr. RUSK: In terms of practicality, probability and so forth, I don't see how it could have happened.

You know those things, in these circles we were moving in could not be limited in that way. You know the echoes would come back." (Rusk, 7/10/75, p. 99)

time any mention—mu
U.S.-sponsored plan to
7/21/75, p. 4)

(4) THE AUGUST 10,

The question of liqui
of the SGA on August
Harvey to include in a
an option for the "liqui

At the outset, it shou
about the meeting ind
August 10 was unrelate
Harvey and Rosselli, o
Castro. The Inspector (

The subject (of a Castro
10 August 1962, but is unrel
result in a MONGOOSE a
action for planning liquidati

This finding of the l
chronology of the Castr
Harvey. Harvey gave R
(and shortly thereafter v
three months before the
assassination activity dur

Harvey attended the A
tion of a Castro assassin
sination discussion was
(Harvey, 7/11/75, pp. 4
SGA discussion as autho
"the authority, as I unde
back long before the form

A. THE CO

(1) Lansdale's August 13

Lansdale's August 13
the other members of La
Memorandum stated:

In compliance with the desi
meeting on Operation MONG
Course B for submission.

I believe the paper need co
implementing activities. The
Intelligence, Political, Econ

¹ Lansdale sent copies of his r
General Benjamin Harris (Defen
formation Agency).

When General Harris testified,
Working Group in the Defense I
document listed a number of ste
MONGOOSE program that might
step was "assassinate Castro and
was "not out of the ordinary in
things you look at." (Harris, 8/1
was distributed outside the Defen

time any mention—much less approval by [the President]—of any U.S.-sponsored plan to assassinate any foreign leaders." (Sorensen, 7/21/75, p. 4)

(4) THE AUGUST 10, 1962 SPECIAL GROUP (AUGMENTED) MEETING

The question of liquidating Cuban leaders was raised at a meeting of the SGA on August 10, 1962. On August 13, 1962, Lansdale directed Harvey to include in a proposed plan for Phase II of MONGOOSE, an option for the "liquidation of leaders."

At the outset, it should be noted that the documents and testimony about the meeting indicate that the discussion of assassination on August 10 was unrelated to the assassination activity undertaken by Harvey and Rosselli, or to any other plans or efforts to assassinate Castro. The Inspector General's Report states:

The subject (of a Castro assassination) was raised at a meeting at State on 10 August 1962, but is unrelated to any actual attempts at assassination. It did result in a MONGOOSE action memorandum by Lansdale assigning to CIA action for planning liquidation of leaders. (I.G. Report, p. 118)

This finding of the Inspector General is supported by both the chronology of the Castro assassination efforts and the testimony of Harvey. Harvey gave Rosselli the poison pills for use against Castro (and shortly thereafter was informed that the pills were inside Cuba) three months before the August 10 meeting. There was no Castro assassination activity during the remainder of 1962.

Harvey attended the August 10 meeting and recalled that the question of a Castro assassination was raised. He testified that the assassination discussion was not related to his activities with Rosselli. (Harvey, 7/11/75, pp. 48-50) He said that he did not regard the SGA discussion as authorization for his Rosselli operation because "the authority, as I understood it, for this particular operation went back long before the formation of the SGA." (Harvey, 7/11/75, p. 49)

A. THE CONTEMPORANEOUS DOCUMENTS

(1) *Lansdale's August 13, 1962 Memorandum*

Lansdale's August 13 memorandum was sent to Harvey and to the other members of Lansdale's interagency working group.¹ The Memorandum stated:

In compliance with the desires and guidance expressed in the August 10 policy meeting on Operation MONGOOSE, we will produce an outline of an alternate Course B for submission.

I believe the paper need contain only a statement of objectives and a list of implementing activities. The list of activities will be under the heading of: Intelligence, Political, Economic, Psychological, Paramilitary, and Military.

¹ Lansdale sent copies of his memorandum to Robert Hurwitch (State Department), General Benjamin Harris (Defense Department) and Donald Wilson (United States Information Agency).

When General Harris testified, he identified a document drafted by the MONGOOSE Working Group in the Defense Department shortly before the August 10 meeting. The document listed a number of steps that could be taken in the event of an intensified MONGOOSE program that might involve United States military intervention. One such step was "assassinate Castro and his handful of top men." General Harris stated that this was "not out of the ordinary in terms of contingency planning * * * it's one of the things you look at." (Harris, 8/18/75, p. 37) There was no evidence that this document was distributed outside the Defense Department's MONGOOSE Working Group.

s killing him. In a situation wherein
 t what they seemed to say or may not
 should not be surprised if their oral
 s intended.

superiors and their subordinates
 Castro context.¹ McCone, in a
 flected as follows:

was discussed in terms such as "dis-
 off Castro," etc., and this meant the
 in Cuba and the replacing of it with
 above appear in many working papers,
 stated, all refer to a change in the

erience as a covert operator, gave
 e same words, interpreting them
 ion.

e felt that explicit authorization
 of Castro in the early 1960's, but
 intense pressure from President
 y to assassinate anyone. As Helms
 the pressure to prevent Allende
 than the pressure to remove the
 ad already made up my mind that
 at business when I was Director."
 Helms who were subjected to simi-
 ted the thesis that implicit author-
 from the strong language of the
 he had believed that "formal and
 l for assassination, and Helms' as-
 hat "it never occurred to me" that
 General could be taken as authoriz-
 ceptions may have resulted from
 aining. Neither Bissell (an acade-
 e six years before he became DDP
) nor McManus (who had concen-
 -ork) were experienced in covert

cy officials that assassination was
 vity was reinforced by the continu-
 ions against Cuba that were sanc-

ple from history. When Thomas Becket was
 ng said, "who will rid me of this troublesome
 im". He said, "who will rid me of this man."

the problem.
 = generations and the centuries?

he kind of thing which might be said, which
 ody else as presidential authorization to go

r to that, I realize that one sort of grows
 any of us would have found it very difficult
 the U.S. I just think we all had the feeling
 t of the oval office.

memorandum was prepared several years
 =paper article alleged CIA involvement in

l too far. In the Lumumba case, for example,
 officials with no covert operation experience,
 assassination, while other persons who were

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 FAIL-
 URE 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 AD-
 MINISTRATIONS 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 INDICA-
 TIONS 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 inexcus-
 able in light of the gravity of assassination. The Committee finds that
 the failure of Agency officials to inform their superiors was reprehen-
 sible, 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 con-
 cerning whether officials of the CIA sufficiently informed their su-
 periors in the Agency or officials outside the Agency about their
 activities.

(i) *Castro*

The failure of Agency officials to inform their superiors of the assas-
 sination 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 in-
 form 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. Not only did Edwards, who had that the operation had not been approved by the Attorney General that he learned that the Attorney General had not informed McCone of the plot in a manner which indicated that McCone became Director. Helms was involved in an assassination operation. Rusk's inquiries was, as Helms

When Helms briefed President Kennedy, he apparently described the act in previous administrations but did not do so until 1965. Helms was a member of the Commission of the plots because

Helms told the Commission that the operation with McCone or because of the sensitivity of the project had been previously characterized of the Kennedy Administration. Castro regime led him to believe even though he did not receive the information. He added that he had never believed it would "go anywhere."

Helms' reasons for not having made a special effort are unacceptable; in fact, he should have specifically raised the issue. As Helms himself testified, assassination was a high priority activity. Administration policymakers furnished by the Agency that successors to Castro might be identified, the Special Group (August 1959) actions against Cuba be submitted to the Administration was exerting something about Castro and the CIA to have undertaken so drastic an action that there was full and unequivocal approval.

William Harvey, the officer in charge of the underworld figures to assassinate Castro, discussed the plot with McCone or Helms because he believed that it was the previous Director, because he was confident of succeeding, and because he believed that higher authorities would approve.

Nonetheless, the Commission of the plots was incumbent on Harvey to have reported to the Attorney General. As head of Task Force W-3, Helms was responsible for covert operations in Cuba. Helms, Lansdale and the Special Group

¹ John McCone was Director of the CIA during the Warren Commission's inquiry into the assassination of President Kennedy. Allen Dulles was on the Warren Commission. Helms informed the members about the plots that had occurred

old figures, but that they did
ter contact had been made
ffered for Castro's death.
nk with Dulles at an earlier
give "thorough considera-
es in December 1959.

aised the issue of assassina-
Eisenhower or Kennedy Ad-
he was under Dulles in the
ve had no duty to discuss the
inistration officials, and that
umlocutiously" spoken with
ut the operation. These rea-
o withhold such information
policy on the unverified as-
umlocutiously" informed by

icials or to make certain that
particularly reprehensible in
occasions on which Bissell
ure to do so was misleading.
inistration, Bissell met with
f an assassination capability
Bissell did not mention that an
way. Bissell appeared before
which was formed to report
d the Cuban situation, but he
rd of the assassination opera-
o concerned with clandestine
i frequently met with officials
inistrations to discuss Cuban
y sought. He did not tell them
to assassinate Castro, and did
the effort. He was present at
t Kennedy at which the new
in Cuba, but neither Dulles
n operation that was under-
ys been candid. On December
thorough consideration to the
ne Special Group in a meeting
ve in mind the quick elimina-
ed to enable responsible opposi-

losures to policy-makers con-
elms was DDP. Helms' failure
rld operation (when it was re-
ills were sent to Cuba) was a
excuses are unpersuasive. In
told that the CIA's involve-

d that Dulles understood the nature of
all not to have briefed Dulles in plain
assumption that Dulles told the Pres-
use Bissell "guessed" they would have
was being attempted."

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.

270

(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 Don... The minutes of that... memorandum for "high... could be made for a su... clear recollection as to... unable to recall wheth... tempted by the disside... whether the new membe... Bissell's assessment tha... stroke against Trujillo... tion at that meeting of a

On February 15 and... President by Secretary... tively. Although both t... information concerning... if possible, neither mem... disclaimed any knowle... Trujillo until shortly b... personal awareness of th...

Bissell's February 17... had informed the CIA... be implemented if they... sives, and remote contro... fied that supplying arms... "non-targeted" use for t... Trujillo which had long... was the favored approa... visioned assassination b... trol. But the memorand... explosive devices might... recipients of the briefin... of action" or the uses... tended.)

The passage of the ca... March 31, 1961. Althou... the Dominican Republi... bines, he was requeste... tion to State Departme... with that request. Accor... White House was aware... there was no contempor... to the State Departmen... that machine guns had... diplomatic pouch.

A memorandum prep... official from whom the... guns, states that "on cro... was to assassinate Truji... (Berle, Memorandum of... states that he informed... have anything to do w... time." The CIA official... though on the previous... CIA cable which would

"fussing" with assassination, and that assassination was not a sound policy. (Bundy, 7/11/75, p. 142)

Bundy said that it was not unusual to assess the implications of a foreign leader's death, and named Stalin and De Gaulle as examples. In the case of Castro, Bundy said he felt it was only prudent to attempt to assess a post-Castro Cuba since Castro was such a "dominant figure." (Bundy, 7/11/75, p. 145)

c. The Standing Group's Discussion of United States Policy Toward Cuba

The Standing Group's documents indicate it continued to assume the desirability of harassing Cuba, but recognized that there were few practical measures the United States could take to achieve Castro's overthrow.

In his April 21 memorandum on "Cuban Alternatives" Bundy identified three possible alternatives: (1) forcing "a non-Communist solution in Cuba by all necessary means," (2) insisting on "major but limited ends," or (3) moving "in the direction of a gradual development of some form of accommodation with Castro." (Bundy Memorandum, 4/21/63, p. 3) These alternatives were discussed at the Standing Group meetings on April 23 and May 28, 1963.

Sorensen participated in these meetings. He testified that the "widest possible range of alternatives" was discussed, but that "assassination was not even on the list." (Sorensen, 7/21/75, p. 4) He said that options such as forcing "a non-Communist solution in Cuba by all necessary means"

*** could not have included or implied assassination. Instead, it expressly referred to the development of pressures and gradual escalation of the confrontation in Cuba to produce an overthrow of the regime, including a willingness to use military force to invade Cuba. Such a course was obviously not adopted by the President, and in any event expressed an approach far different from assassination. (Sorensen affidavit, 7/25/75)¹

The record of the first Standing Group discussion of Bundy's memorandum shows that a number of alternatives (none of which involved assassination) were considered but no conclusions were reached.

The Standing Group again met on May 28, 1963. McCone argued for steps to "increase economic hardship" in Cuba, supplemented by sabotage to "create a situation in Cuba in which it would be possible to subvert military leaders to the point of their acting to overthrow Castro." (Summary Record of NSC Standing Group Meeting, 5/28/63) McNamara said that sabotage would not be "conclusive" and suggested that "economic pressures which would upset Castro" be studied. Robert Kennedy said "the U.S. must do something against Castro, even though we do not believe our actions would bring him down." (*id.*) Bundy summarized by stating that the task was "to decide now what actions we would take against Castro, acknowl-

¹The Bundy memorandum also used the phrase "all necessary measures" to describe the steps the American Government was willing to take to "prevent" a direct military threat to the United States or to the Western Hemisphere from Cuba. Sorensen explained the meaning of this phrase in the context of the April 23 discussion of Kennedy Administration policy. "[this phrase] could not by any stretch of semantics or logic have included assassination or any other initiative. It reflected the purely defensive posture implemented six months earlier when long-range missiles and other offensive weapons were placed in Cuba." (Sorensen affidavit, 7/25/75)

edging that the overthrow." (*id.*)

d. The Special Group Against Cuba

During the first year of the Kennedy administration, the Standing Group, the Special Group, and the Special Group, which sought to carry out covert action programs in the spirit of resistance to the regime, defections and other activities.

After initial approval, the plan was submitted to the President on October 3, 1963, the Special Group, which involved sabotage operations at an oil refinery, and the Special Group, which involved sabotage operations into Cuba.

e. The Diplomatic

As early as January 1963, the possibility of a "gradual development" among policy alternatives on June 3, 1963, to explore the possibility of communication with Cuba, 6/6/63)

In the fall of 1963, the United States Delegation to Cuba, Ambassador Atwood, until November 1963, Cuban Ambassador Atwood said that a "gradual development" among policy alternatives on June 3, 1963, to explore the possibility of communication with Cuba, 6/6/63)

At an April 3, 1963 meeting, the effort was underway because the sabotage program was to include: (1) electric power; (2) highway transportation and (3) a CIA-controlled Cuban force to complement a similar effort to carry out sabotage." (*id.*)

l protection on their pro-
table, 5/2/61)
No plot was discussed at a
1961, there is no indication
Inter-Agency Task Force
ring for Cuba, the Domin-
er authority the assassina-
"cross-examination." The
and noted the President's
initiate the overthrow of
ment would succeed him.
Action was approved by
record indicating whether
members of the National
lethal intent of the dissi-
ow of Trujillo.

ives of the CIA were con-
clear that President Nixon
office, even if that required
le. Nor did White House
cluding as a first step kid-
en unacceptable as a matter
ther White House officials
uity to weigh such matters
policy-making judgments
that up to October 15 they

re disputed post-October 15
On the one hand, Karame-
house contact in the critical
Schneider on October 22.
memoranda in CIA files—
randa describing contacts
- 15 and October 15—may
on the part of the CIA
e part of the White House.
itself suggest a view that
d for top-level policy dis-
ssible, without any further
ruction to prevent Allende
sent to Chile and delivered
f middle level CIA officers
ficer in charge of the pro-
in the action of the middle
lt necessarily establishes
n outside the CIA for the
ests an unduly lax attitude
uperiors. Further, this case
iving an agency a "blank
at specifying which actions
out adequately supervising

(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.

¹The 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... contributed to the... was a permissible... At a Special Group... chant inquired whether... positive action" against... Cabell replied that... have left the meeting... out of bounds. Lan... Group in January 1... of the Communist... on the cadre of the... stated that "this sh... ster elements might... police * * *." Altho... aggressive action co... from several Specia... sible removal of Cas...

On several occasi... the presence of sen... consented to actual... that assassination w...

In early 1961, Mo... described as the dev... raised no objection a... firmative.² Bissell st... authorization for the... underway. But the f... assassination capabi... approved by the Wh... eral perception that...

Documents receive... Attorney General Ke... information that the C... Castro which include... figures. The various o... tine efforts," and "pla... tually "pay off." Th... Hoover and the Attor... CIA operation, altho... The Committee believ... failure to do so was a c...

Documents indicate... was told that the CL... Bay of Pigs. Accordi... briefing, the Attorne... lack of consultation r...

¹The Inspector General's... quoted Bissell as saying to... such as capability."
²Bundy, as the National S... President of such a grave m... assassinate. His failure to do...

Lumumba, an "extremely strong
ightforward action," and a refusal
ht contribute to "getting rid of"

astro took place in an atmosphere of
d Kennedy Administration officials
stro regime. Shortly after Castro's
directed that "thorough considera-
of Castro. Richard Helms recalled

was very intense. And therefore, when
of nutty schemes there and those nutty
of the pressure. And we were quite

Administration was extremely sensitive about
they felt, on the U.S. at the Bay of Pigs,
of getting rid of Castro.

hat sometime in the Fall of 1961

in the White House by both the President
at it, sitting on his ass and not doing any-
= Castro Regime.

agencies cooperating in Operation
ombat situation where we have been
of Defense McNamara confirmed
astro at the time of the Bay of Pigs

discussed and often approved contem-
a. The operation which resulted in the
itary onslaught that had the approval
ials, including the two Presidents.
Kennedy vehemently exhorted the Spe-
solution to the Cuban problem today
time, money, effort—or manpower is

Operation MONGOOSE involved
tions aimed toward spurring a revolt
Castro. Measures which were consid-
cluded incapacitating sugar work-
ase of chemicals; blowing up bridg-
ing merchandise in third countries—
States—prior to its delivery to Cuba;
land. Programs undertaken at the ut-
ded intensive efforts to recruit and ar-
ds on plants, mines, and harbors. Con-
se measures may understandably have
olent actions were an acceptable means
ectives.

personal interest in the recruitment and de-
on recommending Cubans to the CIA as
ad Florida with Cuban exiles active in the

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 Mer-
chant 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 * * *. Gang-
ster 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 "pos-
sible 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 af-
firmative.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 gen-
eral 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 in-
formation 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," "clandes-
tine efforts," and "plans" which were still "working" and might even-
tually "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

¹The Inspector General's Report states that Harvey's notes (which no longer exist)
quoted Bissell as saying to Harvey: "The White House has twice urged me to create
such a capability."
²Bundy, 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 oper
order against eng
by McCone if, as
assassination.

5. PRACTICES CURRE
OCCURRED WERE F
FUSION, RASHNES
CLARITY AND SOB

Various witness
the assassination
by the custom tha
sented to the high
view the following

(1) The expansi
intended purpose o
other countries into
and hence responsi

(2) The use of
matters—such as a
made clear.
(3) The theory t
grams is sufficient t
the passage of weapo

(4) The theory t
by one DCI or one
without the necessari
officials.

(5) The creation
authorization by po
ilities, once created

(a) The danger inh

The original conce
covert actions in a m
if the actions were e
at times a snare. It w
ship of actions as big
The Committee's inv
closures which preced
States resorted to cl
exposed. We were par
risks and consequenc

We find that the l
creased when policy
revealed. Whatever c
plausible denial—a p
involvement from the
the internal decision
Any theory which, as
the periphery of the c

277

General told the CIA
in the future.

(mentioned) in August 1962,
Ray, Robert McNamara
whether the assassination of
General Lansdale issued an
task of preparing con-
n leaders. While McCone
clear that assassination
ey's testimony and docu-
te that Harvey may have
ected to the use of assas-
d that the subject not be
no further. He issued no
assassination within the

General Lansdale by the De-
gram was entitled "Opera-
fflets in Cuba offering re-
leaders. Although the plan
sons in agencies other than
t be permissible.

on officials does not excuse
or justify their failure to
played an insufficient con-
tributed to the perception
in accomplishing the Gov-

ht guidelines issued by the
Operation MONGOOSE,
n the CIA requiring prior
d covert operations against

on was promulgated until
ltering the number of times
dministration officials were
ivity.

on occasions on which CIA
eriors of the assassination
isleading manner, were also
als paradoxically may have
on was permissible.

Bundy about an Executive
te that an actual assassina-
failed to rule out assassina-

was misleadingly told about
e Bay of Pigs, but not about
e Attorney General, however,
per.

aised the question of whether
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 CON-
FUSION, 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 pre-
sented 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 pro-
grams 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 capa-
bilities, 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 spon-
sorship of actions as big as the Bay of Pigs invasion could be concealed.
The Committee's investigation of assassination and the public disclo-
sures 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 in-
creased 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 authorizing one administration or director to reaffirm authority inhibits responsible action. If the circumstances may change or judgments differ, there is no opportunity to review significant proposals.

(e) *The problems connected with "Capability"*

The development of a new capability is a necessary step. Having a capability to engage in certain activities increases the probability that the activity will occur. It is a tool available for use. There is no reason to object to the creation of a capability for the mere creation of a capability, or for permitting its use without requiring a specific authorization. Finally, an assassination capability is a necessary step.

version of democratic govern-
-ountability.

ution" and "Euphemism"

ension of "plausible denial" to
use of circumlocution and
and other senior officials.

ns its absurdity. On the one
ld be shielded from the truth
truth comes out. On the other
icials must be told enough, by

As a consequence, the theory
ly increases the risk of mis-
ld describe their proposals in
age; superiors are entitled to,

1 preferred—not because of
sons involved could not bring
t they intended to do: In some
- have assumed, rightly or
I not want the issue squarely
rder" and "kill" are words
ar. They describe acts which
plotted. Failing to call dirty
e increased the risk of dirty

zed instructions

on the basis of general ap-
llende from assuming office,
onsibility and accountability.

subordinates may take steps
the policymakers had been
ymakers might intentionally
sponsibility for embarrassing

between the general policy
rtaken to achieve them was

ow the manner in which their
when the activities are sensi-
iny.

7 Authorization"

Helms and William Harvey
he use of underworld figures
their assertion that the proj-
e's predecessor, Allen Dulles,
necessary, at least until the
age.

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.

282

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 of the CIA's own review of prior "questionable activity," Colby stated:

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

C. THE NEED FOR A STATUTE

Commendable and welcome as they are, these CIA directives are not sufficient. Administrations change, CIA directors change, and someday in the future what was tried in the past may once again become a temptation. Assassination plots did happen. It would be irresponsible not to do all that can be done to prevent their happening again. A law

is needed. Laws express might be tempted to ignore who want to resist the tempo

The Committee recommends a criminal offense for persons in the United States (1) to conspire, with or without a foreign official, to assassinate a foreign official; (2) to conspire, with or without a foreign official, to assassinate a foreign official; or (3) to assassinate a foreign official.

Present law makes it a crime for a foreign official or foreign official to assassinate a foreign official in the United States. (18 U.S.C. 1116-1117) It is a crime to assassinate a foreign official in the United States. The Committee's proposal is to amend the law.

Subsection (a) of the proposed statute would apply to persons within the United States; subsection (b) would apply to persons outside the United States. Subsection (c) would create a loophole which would otherwise be closed by the proposed United States and conspire to assassinate a foreign official; (c) would make it an offense to conspire to assassinate a foreign official outside the United States.

Subsections (a), (b), (c), and (d) would make it an offense for an "officer or employee of the United States" to engage in conduct which punishes conduct by a foreign official or employee of the United States as well as conduct by private citizens. Subsection (a) covers conspiracies within the United States to assassinate a foreign official, "regardless of whether the conduct is by one or more persons," regardless of whether the conduct is by a citizen, and to officers or employees of their citizenship. Criminal offenses would apply to persons who are not American citizens and to employees of the United States in the United States.

"Foreign official" is defined as a person who is an officer or employee of a foreign government, an insurgent force, an unrecognized government, or a political party. The Committee's investigation of political assassinations has shown that officers and employees of foreign governments are targets for assassination.² Killings of foreign officials would be punishable and motivated. Political motivation would be a factor in the definition of "foreign official" because of their political activities.

The definition of "foreign official" would require that such person must be an officer or employee of a foreign government "with which the United States is at war or against which a declaration of war or against which

¹ The recommended statute is printed in the Committee's report. ² For example, Lumumba was not an official of the Republic, held no official governmental position, and was not a member of the government.

nothing like that secret * * *.
r, he might go to a newspaper
not a practical alternative, it

u are going to try by this kind
going to take his place running
as a matter of practice when
u I think a very solid example
ent Diem was eliminated from
e ministers after that for quite
e Government at a time in its
thing but a caretaker govern-
turned out to the disadvantage

all the experience I have had
his day. It isn't because I have
simply is because I don't think
these days.

Helms—I agree with what you
practical side, apart from the
come out, when they do, they
States in the world at large?
d themselves in political assass-
ve a better prospect of keeping
since these secrets are going to
do serious injury to the good

reserve to ourselves the preroga-
reciprocal action from foreign
ive to do so, it is their preroga-
at least invite with this kind of

78)

assinations because:

ent of the U.S. Government and
5. p. 15)

ASSASSINATION

d internal CIA orders ban-

that CIA engages in assassina-
and Agency policy has long been
direct that no such activity or
by any of our personnel * * *

at the CIA's own review of

duce, assist or suggest to others
Deputy Directors, 8/29/73)

STATUTE

these CIA directives are not
Directors change, and some-
ast may once again become a
en. It would be irresponsible
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 statute¹ 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 assas-
sinate 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), respec-
tively, 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 em-
ployees 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 move-
ment "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.)

The Committee does not represent the real America which have given the people for a better, fuller, fairer aberrations.

The United States must be as important as ends. Our restraints that make men free means we use are wrong, our free, is lessened.

Despite our distaste for this country. The story is to hear the story and to learn confront our mistakes and we will decline; but, if we of our past.

or situations pursuant to
ion." This definition makes
the introduction of United
ar Powers Resolution, the
their political views would

witnesses, while strongly
assassination should abso-
usual national emergency.
course, the cases which the
- character. Indeed, in the
true national danger con-
not even considered and, if

a limited power to act, not
th his own responsibilities
ion. As the Supreme Court
le pact." (*Kennedy v. Men-*

Abraham Lincoln claimed
preserve the nation :

the best of my ability, imposed
sable means, that government—
organic law. Was it possible to
? By general law, life and limb
utated to save a life; but a life
measures, otherwise unconstitu-
pensable to the preservation of
a nation * * *. (*The Complete
Nicolay and Hay, Eds. 1894.*)

own constitutional powers,
itutional system that those
ess, including the impeach-
action taken by a President
ad in apparent conflict with
ly then can Congress judge
Lincoln's phrase, an "indis-

s extraordinary actions to

so far, done what he has deemed
wn judgment, perform yours.
ial 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.

(285)

ADDITIONAL VIEWS OF SENATOR ROBERT MORGAN

Our Nation needs a strong, secure, and effective intelligence community. Our memory of Pearl Harbor and testimony taken in hearings with regard to that catastrophe as well as testimony taken during these hearings clearly establish the need for a central intelligence agency to coordinate the intelligence gathered by our various agencies of Government. If the United States had had a coordinating intelligence agency in 1941, the disaster at Pearl Harbor would, in my opinion, have been averted. That we have now, and continue to have, such an agency is essential if we are to avert any future threats to our national security. Our national security is, after all else, of paramount importance.

We must recognize, however, that our national security can be subverted by overzealous governmental action as well as antagonistic domestic or foreign agents. Our Nation cannot remain intact if we ourselves subvert our own ideals; consequently, it is as important for our government to abide by them. In the words of U.S. Supreme Court Justice Louis Brandeis:

Decency, security, and liberty alike demand that governmental officials shall be subjected to the same rules of conduct as the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy. To declare in the administration of [a democracy such as ours] the end justifies the means * * * would bring terrible retribution. Against that pernicious doctrine, [we] resolutely set [our] face.

It is argued, and in many cases justifiably so, that in dealing with our national security, and especially with hostile or adversary forces abroad, extraordinary means are necessary. So long as the Soviets maintain KGB agents around the world, we must maintain an effective intelligence gathering capability. However, this report deals with a particular activity of the government, which in the absence of armed conflict, would, if true, shock the conscience and morals of most Americans. That this investigation was necessary was unfortunate, but it was made so by the broadly circulated and printed reports of alleged assassination plots, some of which were given credence by public statements by various officials. It was my belief in the beginning, and still is, that it would be far better to ascertain the truth as far as possible, and clear the air, to the end that our intelligence agencies could get back to their assigned tasks.

I have weighed in my own mind for many days and nights how much of the information contained in this report should be made available to the American public and thus to the world, including our potential adversaries. That the public has a right to know is incontrovertible,

SECRET

Argon E. Mang. (13)

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

*DCI
Confirmation*

Executive Registry
76-5796

8 December 1976

OLC#76-3593

MEMORANDUM FOR: See Distribution

SUBJECT : Briefing Format for a New DCI

1. In order to organize ideas for the briefing of any new DCI, it would be helpful if each of you would prepare a list of those subjects on which a formal briefing would be desirable. Your submission should include the subject, the briefer(s), and the length of time required. The subjects should be listed in the order of lessening priority and note should be taken of any related visits to installations controlled by the offices within your directorates.

2. For your guidance, I have attached the summary material prepared for briefing Mr. Bush and it should be kept in mind that any new DCI will probably read the Functional Summary Data which you served up late last month.

[Redacted Signature]

Executive Secretary

STAT

Attachment

cc: DDCI wo/att
SA/DCI wo/att

Distribution:
D/DCI/IC
D/DCI/NI
DDS&T
DDI
DDA
DDO
GC
LC
IG
Comptroller

Regraded Unclassified when separated from Secret attachment(s).

SECRET

E2 IMPDET

[Redacted]

STAT

~~SECRET~~

SCHEDULE OF BRIEFINGS

Senate Comm.
1. command & control
2. accountability -

<u>Date</u>	<u>Time</u>	<u>Location</u>	<u>Subject</u>	<u>Briefer</u>
Monday 22 Dec	11:00-12:00	Rm 179, EOB	Agency Intelligence Publications	Edward W. Proctor Deputy Director for Intelligence
	3:00-6:00	Rm 179, EOB	Investigations of CIA by House and Senate	Scott Breckenridge Chief, STAT Review Staff Hank Knoche, Associate Deputy, Intelligence Community Staff <i>Review Staff</i>
Tuesday 23 Dec	8:30-9:30	Residence	Administrative Services Provided to the DCI; Other Personal Arrangements	John F. Blake Deputy Director for Administration
	9:45-10:45	Residence	Legal Authorities Relating to the DCI	John S. Warner General Counsel
	11:00-12:00	Residence	Agency Congressional Relations	George L. Cary, Jr. Legislative Counsel
	2:00-3:00	To Be Confirmed	Agency Relations with the Media; Agency Information Policy	Angus M. Thuermer Assistant to the Director
	4:15-5:30	To Be Confirmed	Background of Recent Agency Problems ("Family Jewels"), and Remedial Directives	Donald F. Chamberlain Inspector General
Wednesday 24 Dec			Open for re-scheduling of above briefings, or for additional briefings you select.	

*IF you should
come to this one
advise them you
will attend*

*JF make this
EOB*

~~SECRET~~

~~SECRET~~

Beginning Monday, 29 December, we will provide three briefings on the general subject: "The DCI as Head of the Intelligence Community." Each briefing will take approximately two hours,

Subject

Briefer

The Intelligence Community and the Role of the DCI; the United States Intelligence Board (USIB) and Its Committees

Lt. Gen. Samuel V. Wilson
Deputy to the DCI for the Intelligence Community

Current Studies of the Possible Re-Organization of the Community

Richard Lehman
Director, Office of Strategic Research
Directorate of Intelligence

The National Intelligence Officers: Their Functions, Including Their Role in the Production of National Intelligence Estimates

George A. Carver, Jr.
Deputy to the DCI for National Intelligence Officers

- - - - -

After these three briefings have been completed, a series of six briefings, each taking approximately two hours and concerned with the general subject "The DCI as Head of the CIA," will be arranged:

CIA Programs, Budget, and Manpower; CIA Relations with OMB

John D. Iams, Comptroller

Organization of the DCI's Office and Its Functions

Benjamin C. Evans, Executive Secretary

The Directorate of Intelligence, Organization and Functions (Including Intelligence Support to the White House and the NSC)

Edward W. Proctor
Deputy Director for Intelligence

The Directorate of Science and Technology, Organization and Function (Including Special Projects and the NRO)

Carl E. Duckett
Deputy Director for Science and Technology

The Directorate of Administration, Organization and Function (Including Special Proprietaries)

John F. Blake
Deputy Director for Administration

The Directorate of Operations, Organization and Function (Including WSAG and 40 Committee)

William E. Nelson
Deputy Director for Operations

Detailed briefings of subordinate elements of CIA, including visits to Agency installations as well as visits to other elements of the Intelligence Community, then will be arranged.

~~SECRET~~

~~SECRET~~
 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
Recommended Briefing Schedule
for Mr. Bush

<u>Date/Time</u>	<u>SUBJECT</u>	<u>BRIEFER</u>	<u>25X1</u>	<u>TIME REQUIRED</u>
2 Feb. Mon 10:00-12:00	SALT: Monitoring and Compliance	Edward W. Proctor, Deputy Director/Intelligence [redacted]	[redacted]	60 minutes
	Technical Intelligence Studies in Support of SALT	[redacted] Chief, CIS SALT Support Staff Carl Duckett, Deputy Director/ S&T, Ernest Zellmer, Director, Office of Weapons Intelligence	[redacted]	60 minutes
5:00-5:30 5:30-6:00	[redacted]	[redacted]	[redacted]	[redacted]
6:30-7:00	Support for DCI's Substantive Briefings (Congress, NSC, WSAG)	[redacted] Chief, [redacted] sentation and Publication, NIO	[redacted]	30 minutes
6 FEB/Friday 4:00-4:45	The Defense Intelligence Agency	Lt. Gen. Eugene F. Tighe, USAF, Acting Director, DIA	[redacted]	60 minutes
10 FEB/Tues 1000-1200 25X1	CIA R&D Program - DDS&T	Dr. Sayre Stevens, Deputy Director, DDS&T	[redacted]	60 minutes
	CIA Exploratory R&D Program - DDS&T	Donald Haas, Director, Office of Research and Development	[redacted]	60 minutes
	[redacted]	Lesley C. Dirks, Director, Office of Development and Engineering	[redacted]	60 minutes

~~SECRET~~

SECRET

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

<u>Date/Time</u>	<u>SUBJECT</u>	<u>BRIEFER</u>	<u>TIME REQUIRED</u>
	USIB: Committee on Imagery Requirements and Exploitation (COMIREX)	[Redacted] Chairman 25X1	30 minutes
	CIA Imagery Exploitation (DDS&T) (Visit to National Photographic Interpretation Center - NPIC)	John Hicks, Director, NPIC	3 hours
25X1	[Redacted]		3 hours
	USIB - Human Resources Committee (HRC)	Lt. Gen. Sam Wilson, USA, Acting Chairman, HRC/ Deputy to DCI for the Intelligence Community	45 minutes
	CIA Annual Personnel Plan (APP) and Personnel Development Program (PDP) - DDA		30 minutes
	Equal Employment Opportunity - O/DCI	Omega Ware, Director, EEO	30 minutes
	[Redacted]		
17 Feb./Tues 1030-1130	Electronic Surveillance (pre-briefing) (in preparation for Electronic Surveillance Panel, under Chairmanship of DCI to be held on 18 Feb.).	Lt. Gen. Sam Wilson RAdm. Donald M. Showers, Deputy Chief, Collection and Processing Assessment Division, IC Staff	25X1
	USIB - Signals Intelligence (SIGINT) Comm.	[Redacted] (USAF-Ret.), Chairman	30 minutes
	CIA SIGINT Program (DDS&T)	James Hirsch, Director, Office of ELINT	60 minutes
	[Redacted]		

SECRET

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

SECRET

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

<u>Date/Time</u>	<u>SUBJECT</u>	<u>BRIEFER</u>	<u>TIME REQUIRED</u>
	The Soviet Union and Eastern Europe - NIO	[Redacted] NIO, USSR	45 minutes
	[Redacted]	[Redacted] Ass't NIO, USSR	60 minutes
	[Redacted]	[Redacted] Chief, Soviet Bloc Division (SE)	[Redacted]
	[Redacted]	[Redacted]	[Redacted]
	The Middle East - NIO	[Redacted] NIO/ME	45 minutes
	[Redacted]	[Redacted] USAF	[Redacted]
	USIB - Joint Atomic Energy Intelligence Committee (JAEIC) - Note 19 Feb. Joint Committee on Atomic Energy Briefing by DCI	Dr. Seaborn A. Newton, Chairman, JAEIC	45 minutes
	[Redacted]	[Redacted]	25X1
	Covert Action - DDO	[Redacted]	[Redacted]
	Paramilitary Capabilities - DDO	[Redacted]	60 minutes

SECRET

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

SECRET

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

25X1

Date/Time

SUBJECT

BRIEFER

TIME REQUIRED

25X1

China - NIO

James R. Lilley, NIO/CH
Theodore G. Shackley, Chief
East Asia Division

[Redacted]

Counterintelligence - DDO

[Redacted] Chief, 25X1
Counterintelligence Staff

60 minutes

USIB - Weapon and Space Systems Intelligence Committee (WDDIC)
Conventional Forces - NIO

Richard E. Hineman, Chief,
WDDIC

45 minutes

[Redacted] 45 minutes
NIO/CF

Soviet Military Expenditures - DDI

[Redacted] Ass't NIO/CF 25X1
[Redacted] Deputy Dir 25X1
Office of Strategic Res.

45 minutes

Mon, 9 Feb
10-11

Soviets in Indian Ocean and Diego Garcia - DDI

[Redacted] OSR 25X1
[Redacted] 25X1

15 minutes

South and Southeast Asia; Africa - NIO

[Redacted] NIO/
SSEAA; [Redacted] Ass't
NIO/SSEAA

45 minutes

USIB - Economic Intelligence Committee (EIC)

Maurice Ernst, Chairman, EIC
(also Director, Office of
Economic Research, DDI)

45 minutes

Economics and Energy - NIO

[Redacted] NIO/Economics; 45 minutes
[Redacted] Ass't NIO 25X1
Economics

Special Activities - NIO

[Redacted] NIO/SA
[Redacted] ss't NIO/SA 25X1

45 minutes

SECRET

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

SECRET

<u>Date/Time</u>	<u>SUBJECT</u>	<u>BRIEFER</u>	<u>TIME REQUIRED</u>
	CIA Retirement Program Office of Finance Office of Personnel		30 minutes
	USIB - Scientific and Technical Intelligence Committee (STIC)	[redacted] Chairman	25X1 45 minutes
	Foreign Technology Studies - DDS&T	STIC Karl H. Weber, Director, Office of Scientific Intelligence	60 minutes
	CIA/Net Technology Assessment Program	Ernest Zellmer, Director, Office of Weapons Intelligence	60 minutes
	Office of Finance - DDA (Monetary Function)		30 minutes
	Western Europe - NIO	[redacted] NIO/WE [redacted] Ass't NIO/WE	25X1 45 minutes 25X1
	Latin America - NIO	[redacted] NIO/LA [redacted] Ass't NIO	25X1 45 minutes 25X1
	Technical Support to Clandestine Operations - DDS&T	David S. Brandwein, Director, Office of Technical Services	60 minutes
	Japan and the Pacific Area - NIO	[redacted] NIO/JP [redacted] Ass't NIO/JP	25X1 45 minutes 25X1

SECRET

STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

ole
OLC RECORD COPY

Confirmation

OLC 76-3613

(14)

9 December 1976.

MEMORANDUM FOR: Executive Secretary
FROM: Legislative Counsel
SUBJECT: Briefing for a New DCI
REFERENCE: Exec. Sec. Memo dtd 8 Dec 76
Subject: Briefing Format for
a New DCI

In response to your request, I would recommend a one hour
briefing on the subject of Agency congressional relations.
This briefing would be conducted by me.

George L. Cary
Legislative Counsel

Distribution:
Original - Addressee
1 - OLC Subj
1 - OLC Chrono
OLC/GLC:ndl (9 Dec 76)



Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
THE DIRECTOR OF CENTRAL INTELLIGENCE

23 December 1976

Mr. Theodore Sorensen

New York City

Dear Ted:

Enclosed is some unclassified reading which you might find useful. I will be in touch with you 3 January to work out a proposed schedule of briefings.

Sincerely,

*Best of
luck!*

[Handwritten Signature]
George Bush

DCI
Confidential
Registry
76-4559
(5)
OLC#76-3763

STAT

TO MR. THEODORE SORENSEN

Hearing Before the Committee on Armed Services, United States Senate,
on Nomination of George Bush to be Director of Central Intelligence - 15
and 16 December 1975

Hearing before the Select Committee on Intelligence, United States Senate,
on Nomination of E. Henry Knoche to be Deputy Director of Central Intel-
ligence - 23 June 1976

Letter to Chairman of the House Armed Services Committee dated 30 April
1976 commenting on H.R. 12006, a bill which would amend the National
Security Act of 1947

S. Res. 400

Federal Register: The President - United States Foreign Intelligence
Activities (Executive Order 11905)

The Organization of American Intelligence - 12 August 1976

Guide to Central Intelligence Agency Statutes and Law

Report to the President by the Commission on CIA Activities Within the
United States - June 1975

Two unclassified brochures on the Central Intelligence Agency

National Basic Intelligence Factbook - January 1976

Foreign and Military Intelligence (Book I-VI)

Biographies on DDCI, D/DCI/IC, and Deputy Directors

STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

16

CIA OPERATIONS CENTER

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Date. 29 Dec
Item No. 2
Ref. No.

Sorenson
CA Standard

NEWS SERVICE

44a094

DISTRIBUTION II

R A CIZBYVUIV
FPM-CABINET; TWO TAKES; 470-590

SI. SIMONS ISLAND, GA. (AP) - MEMBERS OF PRESIDENT-ELECT CARTER'S CABINET ARE SHYING AWAY FROM MAKING SPECIFIC COMMITMENTS FOR THE NEW ADMINISTRATION.

SEVERAL MEMBERS OF JIMMY CARTER'S CABINET; WHO ARE MEETING WITH HIM AT THIS GEORGIA RESORT; WERE INTERVIEWED FOR AN ABC-TV "GOOD MORNING AMERICA" PROGRAM BROADCAST TODAY.

ASKED WHAT CARTER ADVISERS ARE PROPOSING IN WAY OF A TAX CUT; CHIEF ECONOMIC ADVISER CHARLES SCHULTZE SAID; "IT'S TOO EARLY TO SAY."

SCHULTZE SAID THE ADVISERS ARE TRYING TO GIVE CARTER A NUMBER OF OPTIONS FOR HIS CONSIDERATION.

SECRETARY OF HEALTH EDUCATION AND WELFARE-DESIGNATE JOSEPH CALIFANO SAID REALIZATION OF CARTER'S GOALS FOR WELFARE REFORM MAY DEPEND ON THE FUTURE OF THE ECONOMY.

AND; SECRETARY OF DEFENSE-DESIGNATE HAROLD BROWN; ASKED ABOUT CARTER'S CAMPAIGN PLEDGE TO REDUCE PENTAGON SPENDING BY \$5 BILLION TO \$7 BILLION; SAID THAT THE DEFENSE BUDGET MUST BE STUDIED; AND "AN EQUITABLE CONCLUSION CAN BE REACHED."

CARTER HIMSELF EXPRESSED CONFIDENCE THAT "THE THINGS WE HAVE PROMISED DURING THE CAMPAIGN CAN BE DELIVERED."

CALIFANO SAID THAT "REFORMING WELFARE IS RELATED TO INCREASING THE PRODUCTIVITY OF THE ECONOMY. IT'S VERY DIFFICULT UNLESS YOU CAN SAY WE'RE GOING TO PROVIDE BETTER AND MORE FUNDS FOR PEOPLE WHO NEED THEM."

BROWN AND SECRETARY OF STATE-DESIGNATE CYRUS R. VANCE BOTH SAID THEY HAD MADE MISTAKES WHEN THEY SUPPORTED THE VIETNAM WAR DURING THE JOHNSON ADMINISTRATION.

"WE MISJUDGED THE SUPPORT THE SOUTH VIETNAMESE GOVERNMENT HAD FROM THE PEOPLE . . . AND WE MISJUDGED THE DETERMINATION OF THE NORTH VIETNAMESE;" VANCE SAID.

THEODORE SORENSON; WHOM CARTER HAS NAMED TO HEAD THE CIA SAID HIS REFORM EFFORT THERE WOULD NOT GO SO FAR AS TO BAN COVERT OPERATIONS.

"COVERT OPERATIONS ARE A SMALL PART OF ITS RESPONSIBILITY. BUT I DO NOT THINK IN AN UGLY WORLD THAT WE CAN ABOLISH THEM ALTOGETHER. THE COVERT OPERATIONS CAPABILITY SHOULD BE UTILIZED ONLY IN EXTRAORDINARY CIRCUMSTANCES;" HE SAID.

SORENSON SAID THOSE CIRCUMSTANCES WOULD HAVE TO INCLUDE A DETERMINATION THAT VITAL AMERICAN INTERESTS WERE AT STAKE; THAT AN OVERT OPERATION WOULD NOT WORK; THAT THE COVERT OPERATION HAD A HIGH CHANCE OF SUCCESS; AND THAT THE PRESIDENT KNEW FULLY ABOUT THE OPERATION AND SUPPORTED IT.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

over

Dec Conf (01)

Journal - Office of Legislative Counsel
Monday - 3 January 1977

Page 2

6. (Confidential - GLC) LIAISON I called Bill Miller, Staff Director, Senate Select Committee on Intelligence, and told him that I had talked to the Director regarding hearings we have scheduled for him before he leaves [redacted] I mentioned to Miller that the Director had asked when Theodore Sorensen's nomination would be taken up and I had said I didn't think it would be until after 20 January when the new President sends the appointment to the Hill. I also said that I had spoken with Tony Lapham, General Counsel, about financial holdings for Sorensen and assumed Miller would want the usual letter from the General Counsel regarding his holdings and possible conflicts of interest. Miller said yes and that Sorensen should be prepared with answers to the same questionnaire that Mr. Knoche filled out. Mr. Miller said he wanted to make sure that the material [redacted] was reviewed by today or tomorrow. I told him I would make certain [redacted] was on top of this. I said that Mr. Knoche and I would like to get together with Miller [redacted] and that I would get back to him on a time for the meeting.

25X1

25X1
25X1
25X1

25X1

7. (Confidential - GLC) LIAISON Received a call from Frank Sullivan, Staff Director, Senate Armed Services Committee, who wanted to alert us to the fact that Chairman John Stennis (D., Miss.) may call the Director to ask him to come down and privately talk to him about the estimate problem. He also asked for a copy of the transcript of Mr. Bush's appearance before "Face the Nation" on 2 January.

Sullivan later called to alert us to the possibility that the Committee will want to have a preliminary world wrapup briefing by the Director on Wednesday, 5 January 1977. After checking with the Director's office, I called Sullivan and told him that the Director had gone for the day but that his schedule looked as though there might be a possibility he could appear but that I would want to check with the Director in the morning and be back in touch. Sullivan agreed. [redacted] Center for Policy Support/DDI, has been advised.

25X1

INTERNAL USE ONLY

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

DCI Cont

(12)

Journal - Office of Legislative Counsel
Tuesday - 4 January 1977

Page 6

19. (Unclassified - GLC) BRIEFING I called Frank Sullivan, Staff Director, Senate Armed Services Committee, and told him that the Director could do the world wrapup briefing tomorrow morning. I told him that our people were going to work around the clock and might be short on graphics but we would do our best and asked him if things were firm for tomorrow. He said he couldn't be sure at this point but we should plan on going tomorrow and he will be back in touch to confirm it.

Sullivan later called back and said the briefing scheduled for tomorrow has been cancelled and asked if Thursday morning was alright. After checking with the Director's office, I told him that Mr. Bush was unable to meet with Chairman John Stennis (D., Miss.) on Thursday and suggested Monday, 10 January 1977. Sullivan said he thought the Chairman would be unable to do it but would check. I told Sullivan I would bring it up with the Director tomorrow.

I also mentioned to Sullivan Mr. Sorensen's confirmation hearings and said I thought the agreement reached during Mr. Knoche's confirmation also applied to Mr. Sorensen's and Sullivan agreed that the Senate Select Committee on Intelligence would conduct the hearings.

20. (Unclassified - GLC) LIAISON Called Bill Miller, Staff Director, Senate Select Committee on Intelligence, and said I was getting some flak through OGC from people in Monroe Leigh's, Department of State, office who want to get together with our committees on the Case Act reporting problem. I told Miller I had also talked to Jack Brady, Chief of Staff, House International Relations Committee, as well as the House Armed Services Committee people. Brady shares our concern about security handling of these things. They have different problems under House Rule XI. I said I had not talked to anybody in the Senate Foreign Relations Committee about it. I asked Miller if he would have time or occasion to put a bee in Pat Holt's, Chief of Staff, Senate Foreign Relations Committee, bonnet--then they have a chance to talk to Senator Clifford Case (R., N. J.). Miller said it seems wisest to talk it out with Senator Case and he thinks Holt would prefer it that way.

INTERNAL USE ONLY

DCI Conf (14)

Addendum to Journal - Office of Legislative Counsel
Wednesday - 5 January 1977

Page 2

4. (Confidential - GLC) LIAISON I talked to Bill Miller, Staff Director, Senate Select Committee on Intelligence, regarding the financial holdings statement for Mr. Sorensen and told him that I hadn't had a chance to meet with him yet. Miller said that yesterday Mr. Sorensen met with Chairman Daniel Inouye (D., Hawaii) and he was supposed to give the financial questionnaire to Mr. Sorensen. Miller mentioned that there may have to be some changes made in connection with Mr. Sorensen's relation with his law firm.

[Redacted]

25X1

We also discussed the proposed Memorandum of Understanding with the Committee. Miller said they had a bit of a problem with one of the phrases concerning protection of sources and methods from unauthorized disclosure and suggested that it read: "information which has been classified under established security procedures including sources and methods." I told him that I would get back to him or have [Redacted] do so.

25X1

[Redacted]

[Redacted]

25X1

GEORGE L. CARY
Legislative Counsel

- cc:
- O/DCI Comptroller
- O/DDCI NIO
- Ex. Sec.
- DDI DDA DDS&T
- Mr. Lapham
- Mr. Falkiewicz
- SA/DO/O
- IC Staff

Joseph Kraft

Sorensen at the CIA

Much of this city and at least some of the country has been puzzled by the designation of President Kennedy's top domestic aide, Theodore Sorensen, as Jimmy Carter's Director of Central Intelligence. Doubt about the reasons for the choice has created a vacuum for the circulation of vicious slanders.

So the true story of how the nomination was made is worth telling. If nothing else it will provide a fair basis for measuring Mr. Sorensen's worth.

Before recounting the story I must acknowledge that I have known Sorensen for many years. I worked for him as a speechwriter in the 1960 campaign and kept in touch thereafter.

We discussed the CIA job, and I volunteered the view that he would be crazy to leave a lucrative and interesting New York law practice for such a thankless task. He was certainly not in sharp disagreement with that appraisal. For—and this is the first canard that needs to be crushed—he did not seek the intelligence job.

The person who tapped, not to say fingered, Sorensen for that position was Prof. Richard Neustadt of Harvard, an aide to President Truman and adviser to Presidents Kennedy and Johnson. Neustadt has been helping the Carter people during the transition period by defining the qualities required for certain critical posts, including that of the Director of Central Intelligence.

In describing the job, Neustadt started with the proposition that the CIA was in trouble. He felt it lacked the confidence of the public, of the Congress and of the incoming administration.

He further felt that it was absolutely essential that the agency be rebuilt. He assumed that the rebuilding should be supervised by a person in whom the President-elect had complete confidence; who knew his way around both the executive branch and the Congress; who was sensitive to issues of civil liberty; who was familiar with the needs of the ultimate consumer of intelligence, the President himself; and who was bright and experienced enough to penetrate any self-serving project the CIA might try to put over.

On those assumptions Neustadt then cast around for an appropriate person. Sorensen came to mind. Neustadt felt that he had strong analytic powers. Also that he had unparalleled experience following the abortive Cuban invasion

of 1961 and in working with the agency thereafter, especially during the Cuban missile crisis. Without even telling him, Neustadt recommended him for the job. When Neustadt later checked with Sorensen, Sorensen said he would not take the post.

The Neustadt definition of the job, plus the recommendation of Sorensen, went to Carter's chief transition official, the Atlanta lawyer Jack Watson. Watson was deeply impressed and passed the job specification and recommendation on to Carter with his own support. He also subsequently informed Sorensen, who again said he would not take the job.

Carter, however, was totally persuaded. He asked Sorensen, who had been looking for another job, to take the intelligence post. Sorensen accepted.

At that time, however, Sorensen indicated—and this should put an end to the canard that he is somehow out to do in the agency—that he did not want to make any advance judgments as to the organization of the intelligence community. In particular, he was not committed, as Vice President-elect Walter Mondale apparently is, to stopping all covert activities. Nor does he have any advance commitment to the proposition that the Director of Central Intelligence should withdraw himself from the CIA and supervise all parts of the intelligence community. On those questions Sorensen wants to wait and see.

No doubt the designation of Sorensen is unorthodox. He is an avowedly political man, not the kind of antiseptic poohbah usually picked to build public confidence. Unlike most previous directors, his primary experience has not been in foreign policy—certainly not in fighting the cold war. Neither does he have vast administrative experience nor special knowledge of intelligence.

But Sorensen undoubtedly has other qualities. He is intelligent, experienced and honest. He has been a "President's man" and knows what a President needs. He does have the complete confidence of Jimmy Carter.

So there is room for some debate about the Sorensen choice. His qualities can be balanced against his deficiencies. But nobody has to obscure the serious issue by inventing malicious stories about a post that has already been blackened and a man who has suffered not a little.

NY 43

INTELLIGENCE
BY RICHARD PYLE

SSI Sorenson confirmation set

WASHINGTON (AP) - THE SENATE INTELLIGENCE COMMITTEE ANNOUNCED TODAY THAT IT WILL BEGIN HEARINGS NEXT MONDAY ON THE NOMINATION OF FORMER KENNEDY ADMINISTRATION AIDE THEODORE C. SORENSEN AS DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

SORENSEN, 48, IS EXPECTED TO BE QUESTIONED ON WHAT HE KNEW OF CERTAIN ACTIVITIES OF THE CIA DATING BACK TO THE ADMINISTRATION OF PRESIDENT JOHN F. KENNEDY, WHOM HE SERVED AS A SPECIAL COUNSEL AND SPEECH WRITER.

A COMMITTEE SPOKESMAN SAID A LIST OF WITNESSES TO TESTIFY AT THE HEARING HAS NOT BEEN SETTLED UPON, BUT SEVERAL ORGANIZATIONS AND AT LEAST ONE INDIVIDUAL HAVE INDICATED INTEREST IN APPEARING.

REQUESTS FOR PERMISSION TO TESTIFY HAVE BEEN RECEIVED FROM THE SOCIALIST WORKERS PARTY, THE AMERICAN LABOR PARTY, AND COMMON CAUSE, THE CITIZENS LOBBY, A COMMITTEE SOURCE SAID.

THE SOCIALIST WORKERS PARTY HAS BEEN THE TARGET OF GOVERNMENT SURVEILLANCE IN THE PAST, ACCORDING TO PUBLISHED ACCOUNTS. THE AMERICAN LABOR PARTY HAS INDICATED IT PLANS TO TESTIFY AGAINST SEVERAL OF PRESIDENT-ELECT CARTERS NOMINEES FOR HIGH OFFICE.

EDWARD KORRY, FORMER U.S. AMBASSADOR TO CHILE, SAID DURING AN APPEARANCE AT ANOTHER CONFIRMATION HEARING, THAT OF SECRETARY OF STATE-DESIGNATE CYRUS R. VANCE, THAT HE WOULD REQUEST AN OPPORTUNITY TO TESTIFY IN THE SORENSEN HEARING AS WELL.

KORRY TOLD A TELEVISION INTERVIEWER SUNDAY THAT HE WANTED TO TELL WHAT HE KNOWS ABOUT ABOUT U.S.-CHILEAN RELATIONS IN THE 1960S AND EARLY 1970S, NOT TO OPPOSE SORENSENS NOMINATION BUT TO ASK THE QUESTIONS THAT THESE MATTERS BRING TO ... THE PUBLIC MIND.

HE SAID THAT AS FAR BACK AS 1964, THE U.S. GOVERNMENT TRIED TO PREVENT THE ELECTION OF DEMOCRATIC MARXIST SALVADORE ALLENDE AS PRESIDENT OF CHILE. ALLENDE WAS ELECTED IN 1968 AND LATER WAS KILLED IN A RIGHTIST COUP. SUBSEQUENT EVIDENCE HAS SHOWN THE CIA WORKED ACTIVELY TO UNDERMINE HIM AND STRENGTHEN HIS POLITICAL FOES.

COMMITTEE SOURCES SAID THE SORENSEN HEARING IS EXPECTED TO TAKE ABOUT A DAY AND A HALF.

SCHEDULING OF THE HEARING NEXT WEEK FORCED POSTPONEMENT OF ANOTHER INQUIRY PLANNED BY THE INTELLIGENCE COMMITTEE, A PROBE OF REPORTS THAT THE CIA CONDUCTED ELECTRONIC SPYING ON OFFICIALS REPRESENTING A MOVEMENT TO GAIN INDEPENDENCE FOR PORTIONS OF THE U.S. PACIFIC TRUST TERRITORY IN MICRONESIA.

THE MICRONESIA INVESTIGATION IS EXPECTED TO FOLLOW IMMEDIATELY THE SORENSEN HEARING.

INTERNAL USE ONLY

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

DCI
WTF
(25)

Journal - Office of Legislative Counsel
Monday - 10 January 1977

Page 4

13. (Unclassified - BAA) LIAISON Chris Cowart, Senate Armed Services Committee staff, called and requested a biography on Mr. Sorensen. I told her I would send her one.

~~_____~~



STAT

J GEORGE L. CARY
Legislative Counsel

cc:
O/DCI
O/DDCI
Ex. Sec.
DDI DDA DDS&T
Mr. Lapham
Mr. Falkiewicz
SA/DO/O
IC Staff
Comptroller
NIO



United States of America

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Confirmation 7D-35 HDQS. (23)

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS, FIRST SESSION

Vol. 123

WASHINGTON, MONDAY, JANUARY 10, 1977

No. 3

House of Representatives

The House met at 12 o'clock noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WRIGHT) laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,

Washington, D.C., January 10, 1977.

I hereby designate the Honorable Jim Wright to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

The hour cometh and now is when the true worshippers shall worship the Father in spirit and in truth.—John 4:23.

We thank Thee, our Father, for the renewing worship of yesterday and for the coming of a new day in which we pray that we may follow Thee more fully and serve our Nation more faithfully. Direct us, O Lord, in all our doings, with Thy most gracious favor and further us with Thy continual help, that in all our works, begun, continued, and ended in Thee, we may glorify Thy holy name and make Thy kingdom more real in our time; through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Heiting, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced

that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 1. Concurrent resolution to provide for the joint session to hear the President; and

H. Con. Res. 2. Concurrent resolution to provide for a Committee on Inaugural Arrangements.

KORRY CHARGES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I hope some of my distinguished colleagues managed to stay awake after watching the Super Bowl, or "Super Bore." If they switched channels, as I did, they heard and saw sensational charges made against the Kennedy administration by former U.S. Ambassador to Chile, Edward Korry, on CBS's "Sixty Minutes."

Korry charged that the late Robert F. Kennedy, while Attorney General of the United States, "integrated" members of an American group of multinational corporations into "the covert operations of the United States." Thus, said Korry, Kennedy "legitimized the multinationals' passing money to foreign politicians, to bribing foreigners. * * * This is long before the Lockheed scandal."

Korry also charged that the Kennedy administration improperly used money from the Agency for International Development to stop the election of Salvador Allende and that the Vice-President-elect WALTER MONDALE has been "less than honest" about his knowledge of events in Chile.

Mr. Speaker, these are serious charges. Korry will seek to testify at Senate hearings on the nomination of Theodore C. Sorensen to be head of the Central Intelligence Agency, to tell what he knows.

I sincerely hope Mr. Korry gets his chance. His charges are most serious and deserve the closest scrutiny, for the reputation of a former President and Attorney General of the United States are at stake.

One thing puzzles me, however: I have yet to hear any of my distinguished Democratic colleagues discuss Korry's charges. Perhaps they are still drowsy from the after-effects of the Super Bowl.

When they recover they will, I hope, join with me, in calling for full open investigation of Korry's charges.

SETTING THE RECORD STRAIGHT

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO. Is it the implication of our good friend in the well that such activity did not take place under the Eisenhower administration, prior to Attorney General Kennedy?

Mr. MICHEL. I am not saying that at all.

Mr. RONCALIO. I just want to make sure what the gentleman said.

Mr. MICHEL. This ought not to be confined to the present.

Mr. RONCALIO. We just want to make sure what the gentleman said, Mr. Speaker.

COMMUNICATION FROM THE CLERK OF THE HOUSE

Mr. SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,

January 7, 1977.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:00 P.M. on Friday, January 7, 1977, and said to contain a message from the President wherein he transmits the sixth special message under the Impoundment Control Act of 1974 for fiscal year 1977.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, JR.,
Clerk, House of Representatives.

REPORT OF FOUR ROUTINE DEFERRALS UNDER IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95-32)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which

Det (R4) Conf

Addendum to Journal - Office of Legislative Counsel
Monday - 10 January 1977

7. (Confidential - DFM) LIAISON Talked to Bill Miller, Staff Director, Senate Select Committee on Intelligence, several times during the day. I told Miller the Agency would now prefer to testify [redacted]

[redacted] and Miller said that would be fine and we agreed to a 10:00 a.m. start. He estimated the Committee's session with Agency spokesmen would last no more than two hours. I told him the Agency's witnesses would be the Director, Ted Shackley, A/DDO, and Tony Lapham, General Counsel. I asked if he anticipated the Committee would call any other Agency witnesses and he replied he didn't think so, but there was a chance the Committee would call [redacted]

I suggested that if this was the case, that [redacted] accompany the Director and Miller said that would be fine.

[redacted] The Committee will also hear from spokesmen from Department of the Interior, Department of State [redacted] and perhaps from the National Security Council. Miller said he would forward me a witness list when it was final.

In connection with the CBS "60 Minutes" segment with former Chilean Ambassador Edward M. Korry, I mentioned to Miller that it was stated on the program that the Select Committee was reconsidering its decision not to release his testimony. Miller said this wasn't really accurate; that in fact, a number of Korry's statements were not accurate. Miller said the testimony had not been released because of objections from CIA and State Department which the Committee would continue to honor. However, Miller said the Committee had not completely dismissed the option of trying to release non-sensitive portions of the testimony. I asked Miller if he would be in touch with us before any such moves were made and he assured me that the Committee would be.

Regarding other Committee hearings, Miller said he would try to schedule a covert action hearing for sometime next week. He will let me know the date.

Regarding Mr. Sorensen's confirmation hearings, Miller said he had not received a firm request from the Carter transition people to commence Select Committee action before President-elect Carter's inauguration. Miller said he would have to call a Mr. Coffey, on the transition staff, again on that matter.

I told Miller that the Director had agreed to meet with him on 13 January at 4:00 to discuss his reflections on his year at CIA and views for the future. Miller was most appreciative of the opportunity to meet with Mr. Bush.

Finally, Miller asked for full reports on the 9 January 1977 Washington Post article alleging that CIA had provided swine virus to anti-Castro Cubans, which had been smuggled into Cuba, and for a report on the 31 December 1976 Jack Anderson column about Agency activities vis-a-vis the Alaskan pipeline. I told Miller a preliminary inquiry into the swine virus allegation indicated the charges were baseless, but that a full search was underway and we would have a complete report by [redacted]

SECRET

DeLanfer (S)

Journal - Office of Legislative Counsel
Tuesday - 11 January 1977

Page 2

5. (Secret - THW) BRIEFING Fran Williams, in the office of Senator Lawton Chiles (D., Fla.), called to cancel our appointment set up to brief the Senator [redacted] The briefing was rescheduled for Monday, January 17 at 3:00 p.m.

25X1

6. (Secret - THW) BRIEFING I accompanied [redacted] OSR, to a briefing of Senator Dewey F. Bartlett (R., Okla.), on the military situation in Europe. Also present at the briefing was Fred Ruth, on the staff of Senator Bartlett. After the briefing had been going for 30 minutes Senator Bartlett invited Don Cotter and Don Sanders, Office of the Secretary of Defense, into the briefing. Apparently, they had been scheduled to brief the Senator after our briefing but because our briefing started a little late the Senator decided to get the opinions of both [redacted] and Mr. Cotter in the same session. This procedure apparently upset Mr. Cotter but on balance the briefing went fairly well.

25X1

25X1

7. (Unclassified - DFM) LIAISON In the absence of Bill Miller, Staff Director, Senate Select Committee on Intelligence, talked with Audrey Hatry, Select Committee staff, about the Committee's plans for Mr. Sorensen's confirmation hearings and she told me that Anne Karalekas, also of the Committee staff, would be handling the details for the Committee. I subsequently talked to Ms. Karalekas and she agreed to meet on 12 January 1977 to discuss Committee plans.

8. (Unclassified - PLC) ADMINISTRATIVE DELIVERIES Delivered to Audrey Hatry, Senate Select Committee on Intelligence staff, notes that Walt Ricks, Committee staff, had taken [redacted] a classified letter dated 8 January 1977 prepared by IC Staff to Senator William D. Hathaway (D., Maine) concerning the thrust and scope of NFIP; a paper outlining Headquarters offices and functions for Mike Epstein, of the Committee staff; and a Memorandum of Understanding and a Nondisclosure Agreement for [redacted] of the Select Committee staff

25X1

25X1

25X1

SECRET

DCT (26)
Confirmation

Addendum to Journal - Office of Legislative Counsel
Tuesday - 11 January 1977

Page 2

5. (Confidential - GLC) LIAISON Mike Madigan, Minority Counsel, Senate Select Committee on Intelligence, called and said as part of the preparation for the Sorensen confirmation hearings, some people from the Committee will be going up to the Kennedy Library to review documents and there may be some bureaucratic clearance problems apparently with regard to some of the National Security papers and he would like something saying they met the Agency's requirements for security clearance. I told Madigan I would check on this but I thought that on the basis of present arrangements, if asked we would state that the staffers were cleared by the Committee but the investigations met the requirements of DCID 1/14. I emphasized, however, that the Agency would not want to become "the ham in the sandwich" in this exercise.

6. (Confidential - GLC) BRIEFINGS Frank Sullivan, Staff Director, Senate Armed Services Committee, called and I told him we had gotten word from the Director that the White House had approved our briefing the Committee on NIE 11-3-8 and the B Team report.

I also discussed with Sullivan the possibility of the Director giving the Committee a worldwide wrap-up briefing on Thursday, 13 January from 1:30 to 3:30 p.m. and said this was the only time the Director was available. Sullivan said he would check on this and be back in touch.

Later in the day, Sullivan called and said Chairman John Stennis (D., Miss.) would like to schedule an executive session hearing on NIE 11-3-8 and the B Team report for tomorrow morning at 10:00 a.m. After checking, I told Sullivan the briefers would be Richard Lehman, NIO, and Howard Stoertz, NIO/SP.

25X1



~~SECRET~~

DCI (S) Confirmation

INTERNAL USE ONLY

ADDENDUM TO JOURNAL
OFFICE OF LEGISLATIVE COUNSEL

Tuesday - 11 January 1977

1. (Secret - GLC) LIAISON I called Ralph Preston, House Appropriations Defense Subcommittee staff, to give him a general review of the Director's meeting of yesterday morning with Chairman George Mahon (D., Texas). (See Memorandum for the Record.)

2. (Unclassified - GLC) LIAISON Henry Guigni, Administrative Assistant to Senator Daniel Inouye (D., Hawaii), called saying that the Senator wanted to talk to Mr. Sorensen. After checking with [redacted] of the DDCI's staff, I called Guigni and told him Mr. Sorensen had received word to call the Senator immediately.

25X1

25X1

3. (Unclassified - GLC) LIAISON HEARING Bill Miller, Staff Director, Senate Select Committee on Intelligence, called and said the Committee would begin the confirmation hearings of Mr. Sorensen on Monday, 17 January at 10:00 a.m. in the Caucus Room. Miller said they would need all of the documentation pertinent to the hearings as soon as possible. He said they would also like a financial statement on Mr. Sorensen's campaign for Congress and a list of his foreign clients. [redacted] Miller also said that the questionnaire Chairman Daniel Inouye (D., Hawaii) had given to Mr. Sorensen at their meeting was not the one they wanted him to have and it was agreed that someone from our office would stop by today and pick up the modified one.

25X1

4. (Unclassified - GLC) LIAISON Ed Schallert, in the office of Representative Les Aspin (D., Wis.), called and requested a copy of "A Dollar Cost Comparison of Soviet and U.S. Defense Activities, 1966-1976." I told him I felt sure that the Congressman would be getting a copy from the House Armed Services Committee, but I would check and be back in touch.

After checking with Bill Hogan, Counsel, House Armed Services Committee, I called Schallert and said a copy had been delivered to their office. Schallert thanked me for the call and said they had just received it.

~~SECRET~~

INTERNAL USE ONLY

GROUP 1 EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

CONFIDENTIAL

101
conf
22)

Addendum to Journal - Office of Legislative Counsel
Tuesday - 11 January 1977

25X1 8. (Confidential - GLC) HEARINGS Called Bill Miller, Staff Director, Senate Select Committee on Intelligence, and told him that Mr. Sorensen would be in the building this evening to work on his prepared statement for the confirmation hearing on Monday and that we would get it to him by Thursday. I also told him that we had been in touch with [redacted] of Mr. Sorensen's staff, who is working on Mr. Sorensen's financial holdings, and they are now running it through the computer but Mr. Sorensen said he wants to look everything over before it goes to the Committee. I asked Miller about the information they wanted on Mr. Sorensen's association with foreign clients and whether this meant just Mr. Sorensen's clients or the whole law firm. Miller suspected that both would be requested but that it would be kept confidential.

25X1 Miller said since the confirmation hearings would be held on Monday, 17 January, they were rescheduling [redacted] hearings for [redacted] and he understood that the Director would not be there and wanted to know if Mr. Knoche would be there. I said he would.

I also told Miller that the Director had gotten the necessary approval to brief the Committee and staff on NIE 11-3-8 and the B Team report and mentioned that we were also dealing with the Senate Armed Services Committee on this subject. I told Miller I would get back to him.

25X1 9. (Unclassified - LLM) LIAISON Called [redacted] DIA, explaining we were fearful of some erosion and hoped that we would all stick to the policy that unless staffers are on the committee payroll they shouldn't have access to compartmented information. He agreed wholeheartedly and mentioned the only place we might run into some difficulty is with the Senate Armed Services Committee where five personal staff members have been cleared by DOD.

10. (Unclassified - LLM) LIAISON Larry Callahan, Department of Justice, called concerning the lack of votes for the House Select Committee on Assassinations to get the two-thirds approval under suspension of the rule. Justice still does not have the Committee's Memorandum of Understanding on clearances and the Committee is not getting access to classified information.

He also mentioned a request from the Senate Select Committee on Intelligence for a copy of Mr. Sorensen's testimony in the Ellsberg case.

CONFIDENTIAL

FCC's reaction extremely cautious. Apparently, the Commission has gone overboard in trying to protect the interests of the existing networks which, of course, are highly profitable and not in need of protection from the Federal Government.

Recent revelations have even raised doubts about the effectiveness of the regulatory system for the banking industry. Today, the Federal Reserve Board, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration simultaneously look after the regulation of our Nation's banking system. The result of having all of these agencies is what Arthur Burns has called "a jurisdictional tangle that boggles the mind." The effect is that financial institutions are required to report to a multitude of agencies, yet important problems somehow manage to fall between the cracks. With the recent failure of the Franklin National Bank and with the disclosures that even the First National City Bank and the Chase Manhattan Bank are having difficulties, we must attempt to streamline the regulatory agencies to insure that problem areas are identified early so that solutions can be found.

Through most of their history, Federal regulatory agencies have labored in relative obscurity. Only recently have the American people become aware of the substantial impediment to our free enterprise system which these agencies have caused. Indeed, we still have a substantial number of people and spokesmen who demand that the noose be tightened further with additional restrictions and controls. Thus, I believe it is now time for the Congress to review in depth the functions of the regulatory agencies so that all of our people are aware of the tremendous impact that these agencies have on the personal lives of our citizens. This task will be difficult, but I feel it is of the utmost importance if we are to maintain the free enterprise system and the enormous productive power of the American economy. I would urge my colleagues to act expeditiously to pass this legislation.

LAWDALE WOMEN OF THE YEAR

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, the City of Lawndale, Calif., has named Mrs. Christine Gardinier, a truly outstanding lady, as Woman of the Year for 1976. It is appropriate that this friendly person, who gives so unselfishly of herself, her time, and her talent whenever the need arises, be recognized and honored in the records and annals of the U.S. Congress.

Married to Robert Gardinier for 24½ years, they have worked side by side in business in Lawndale and have reared three fine sons, David, Paul, and Steven. To some this would seem a sufficient accomplishment, but Mrs. Gardinier has

through her many activities and honors.

Debilitating disease fund drives have always received her eager and enthusiastic help. For over 6 years she was area coordinator for the Cancer Fund, receiving an award for outstanding services. She has given effort to the Multiple Dystrophy drive, the March of Dimes, American Red Cross, the Mobile Chest X-ray program, and the Heart Fund, which earned her the title of Queen of Heart Drives.

Mrs. Gardinier coordinated the City Hall Dedication Committee, worked tirelessly for the Youth Day Parade, participated in the Lawndale Memorial Wall dedication, was a member of the Bicentennial committee for the city and chaired the Prayer Breakfast. For 5 years, she participated in the Lawndale Christmas Pageant and served on the Women's Committee of the Chamber of Commerce. She sewed the queen's robe for the local beauty pageant, was co-chairman of the Angel Tree, helps with Christmas baskets for over 500 needy people each year, and for 2 years hosted a Japanese exchange student, as well as a teacher from England on a group study exchange program.

Christine Gardinier has been extremely active with the YWA, the Fine Arts Association, the Rotary Annex, Lawndale Women's Club, and the Monday Eves—the junior membership of the Women's Club. She is a charter member of the South Bay "25" Club and a charter member of the Soroptimist Club and through these organizations, she has become a guiding light, inspiring others to help their fellow citizens willingly, always with cheerfulness and unselfish devotion to others.

Many have attested to how deeply she is loved by all residents of the community. And so I am singularly proud to bring her many accomplishments to the attention of the Nation on this day as we pause in our business to recognize Christine Gardinier as Woman of the Year in Lawndale for 1976—an accolade she most truly deserves.

SHOULD A CONSCIENTIOUS OBJECTOR BE THE NEW CIA CHIEF

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 1977

Mr. ASHBROOK. Mr. Speaker, Human Events has done a service in bringing back to light that Theodore Sorensen, Carter's choice for CIA chief, was a conscientious objector during the Korean war. I seriously wonder how this country will be served by having a conscientious objector heading the Central Intelligence Agency.

In the words of Human Events, Carter has selected as chief of the CIA—the agency upon which the President must depend for making crucial foreign policy and defense decisions—a conscientious objector, an early booster of George McGovern and a backer of "massive" defense cuts.

and this barely serves as qualifications for Director of the CIA.

At this point I include the text of the article from Human Events of January 8, 1977. I commend it to the attention of my colleagues:

SHOULD A CONSCIENTIOUS OBJECTOR BE THE NEW CIA CHIEF?

What Jimmy Carter was thinking about when he selected Theodore Sorensen to head up the Central Intelligence Agency is anybody's guess, but many in the intelligence community are completely flabbergasted by the choice. The appointment "seems absolutely appalling," says one knowledgeable national security source.

Carter has selected as chief of the CIA—the agency upon which the President must depend for making crucial foreign policy and defense decisions—a conscientious objector, an early booster of George McGovern and a backer of "massive" defense cuts. As John F. Kennedy's "ghost" and key aide, Sorensen was part of an Administration that helped bring us two of America's greatest foreign policy setbacks: the Bay of Pigs and the no-win war in Vietnam.

His advice during the Kennedy years was almost invariably soft and disastrous. While he contends in his book, *Kennedy*, for instance, that he had only a hint of the Bay of Pigs operation before it was executed, he vigorously defended JFK's decision to block any direct U.S. participation in a Cuban invasion, even while acknowledging that the decision permitted "the disaster that occurred." But Sorensen argued that it helped prevent "a far greater" disaster, intervention of a nature "contrary to our traditions and to our international obligations."

If we had eliminated Castro with direct U.S. intervention, Sorensen said, the results "would have been far more costly to the cause of freedom throughout the hemisphere than even Castro's continued presence." (If the U.S. Navy and Air Force had been "openly committed," he viewed with alarm at another point, "no defeat would have been permitted. . . ." In other words, the worst of all possible worlds for Sorensen was not defeat, but a "commodious" victory.)

During the Cuban missile crisis, as David Halberstam discloses in *The Best and the Brightest*, Sorensen took a "potentially soft" position that was actually covered up by Kennedy himself.

While he went along with the Vietnam War initially, he opposed any effort to really take the war to the enemy and abandoned the cause after Kennedy's assassination. Indeed, he is extremely defensive and apologetic about JFK's role in expanding the war, invariably suggesting that the "Pentagon" or Eisenhower somehow forced Kennedy to take a questionable course of action.

Sorensen is credited with coining some of JFK's "Cold War" rhetoric, but the Kennedy Administration, as James Reston liked to point out, frequently "spoke like Churchill and acted like Chamberlain." Nowhere was this more true than in the field of disarmament. The gradual decline of American nuclear superiority can be traced to the deliberate, unilateral disarmament policies pursued by the Kennedy Administration.

Indeed, Defense Secretary Robert S. McNamara disclosed in a famous interview in the Dec. 1, 1962, *Saturday Evening Post* that it was the Administration's hope—to avoid nuclear war, he said—that the Soviets would develop an invulnerable strategic offense, "the sooner, the better." With such a defense posture, he suggested, the Soviets would feel more secure and less likely to jump the gun in times of rising East-West tension.

Sorensen's own role in pushing this policy was disclosed in a March 30, 1961, dispatch filed by Thomas Ross of the *Chicago Sun-Times*.

Following his stint with JFK, Sorensen

emerged as a more open door than for the U.S. Senate from New York in 1970 on a leftist platform. He was now totally opposed to American involvement in Vietnam, said he was inclined to back someone like George McGovern for President in 1972 and issued a position paper calling for "massive cuts in defense spending." He also assailed one of his primary opponents, Richard Ottinger, for being a "big stockholder in major defense contractors."

A week after he received the backing of the Democratic State Committee for the nomination, Sorensen launched his campaign by traveling to Moscow to meet with Soviet big shots.

What causes particular fear and trembling within the intelligence community is that Sorensen appears totally unqualified for the job, lacking managerial experience, a deep knowledge of the intelligence field and the proper temperament (because of his pacifist background).

In a critical editorial, the Washington Post sarcastically suggested that Sorensen's most noted attribute for the job was his "soaring rhetoric contributed to the speeches of assorted political figures." He doesn't have "much administrative experience—and if the CIA has demonstrated a need for any particular talent, it is a need for tight, sound management. As a lawyer, he has been the legal agent of several African governments; it is not clear how that would help prepare him to preside over the U.S. government's espionage agents."

Sorensen, moreover, is hardly in a position to bring a new, "moral" tone to the agency that is so ardently desired by some. To much of the left, Sorensen is forever tainted, having been so closely identified with the Kennedy Administration, whose covert activities against foreign nations have been furiously assailed in certain liberal quarters.

To the right, Sorensen is recalled as the one who cynically ghosted Teddy Kennedy's post-Chappaquiddick TV script—full of dishonest and misleading statements—alibing for Teddy's decision to let Mary Jo Kopechne stay at the bottom of a pond for nine hours before informing the proper authorities.

But it is Sorensen's pacifist background that may be the most disturbing of all. In the Sept. 23, 1961, Chicago Tribune, Walter Trohan, then the paper's Washington bureau chief, disclosed that Sorensen's Nebraska draft board records revealed that on Dec. 31, 1943, "he was classified I-AO, a conscientious objector available for noncombatant military service only." On Aug. 18, 1950, after the outbreak of the Korean War, Sorensen was "reclassified as III-A, extreme hardship deferment, or registrant with a child or children. On Nov. 20, 1950, his status was reviewed by the board and he remained in III-A.

"On Jan. 8, 1952, he was reclassified I-AO, a conscientious objector."

If Sorensen had repudiated his pacifist inclinations in any vigorous manner, it has not come to our attention or the attention of a wide number of people in the intelligence community. Indeed, he made a curious but relevant comment on his draft status in the March 26, 1967, New York Times Magazine. Back in the late 1940s, he said, he had "registered with the draft board for noncombatant service as a pacifist." He went on to say that he was "not sure" that he would do that again.

But why was he "not sure" if he had rejected pacifism as a philosophy? Did Sorensen mean that he still held a pacifist position as late as 1967?

Clearly, defense-oriented senators must closely scrutinize Sorensen when he comes before them for confirmation. Judging from what we know now, we hope the Senate will not entrust the fate of the CIA to this curious Carter choice.

HAROLD JINKS, NEARING 70, IS STILL VERY MUCH "ALIVE"

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 1977

Mr. ALEXANDER. Mr. Speaker, one person that I have come to rely on greatly for counsel since I came to Congress is Harold Jinks of Piggott, Ark. This tireless ball of fire, who is nearing 70 and who shows no signs of letting up, is a public-spirited citizen who is a credit to his community, to our State, and to our Nation.

Recently, the Arkansas Gazette carried a well-deserved and long overdue tribute to this Arkansan that I would like to share with my colleagues:

HAROLD JINKS, NEARING 70, IS STILL VERY MUCH "ALIVE"

(By Leroy Donald)

Piggott—Two postmen, politicians and elderly and patriotic groups who know Harold Jinks for his work know that he once stood before the American Legion, a .38-caliber pistol strapped to his belt, to defend the right of conscientious objectors for flying Old Glory.

Jinks was postmaster at Piggott for 10 years; served four years as a regional director for the Democratic National Committee, served four years as director of the Postmasters and Rural Carriers Division; was a special assistant postmaster general; is a member of the Mid-America Synod of the United Presbyterian Church; nationally active in all veterans groups; a leader for the American Association of Retired Persons and the National Retired Teachers Association, and just finished a nationwide drive selling 300,000 patriotic booklets he compiled and edited.

He's a fast talking, indefatigable, transplanted Texan who knows how to bargain with the biggies and is proud of the rounds he has won under fire as a public servant.

NEARING 70.

He's nearing 70 and enjoys staying around the house tending his gardens better than traipsing across the country mending political fences and dedicating postoffices as he once did.

But he wants the world to know: "Harold Jinks is still alive."

A midwife ushered him into this world February 11, 1906, near New Waverly, Tex., because a fierce thunderstorm had driven the doctor to spend the night in a barn. (He says his father paid the doctor 60 cents in yellow yams for his troubles.)

REARED ON FARM

He was reared on a tenant farm, moving by covered wagon to Bay City, Tex., when he was 6 years old. He studied at Texas A and M in a work-for-an-education program that his father, whose own education only went to the third grade, insisted.

His roving during the Depression brought him to Northeast Arkansas, where he obtained a job with the Soil Conservation Service and, by attending night school at then Arkansas State College, obtained an "equivalent degree" so he could have professional status under the civil service regulations.

During these years he met and married Wilma Lehman, a Piggott native, and called Piggott his home, no matter where he later resided.

"Every place I spoke and every register I signed, I signed it Harold Jinks, Piggott."

Washington, D.C., because this was his theme," he says.

SENT TO MAGNOLIA

With World War II approaching and the draft proceeding bullishly, Jinks, because of his own church work, was sent to Magnolia to be superintendent of a camp for conscientious objectors on the Southern State College campus.

This camp was for those who objected to the war on religious grounds, mostly such historically antiwar groups as the Mennonites and Quakers. Jinks believed there were some in the camp who didn't want to be targets for ammunition, but he believed in the right of legitimate objectors.

When the camp was started, he recalled, the town liked the idea because of extra income. The war began and two National Guard companies, one from the town and one from the college, marched off to fight, and feelings changed. There was bitterness.

One day the American Legion ordered the camp to lower the American flag, Jinks continued.

Jinks went to the college president and asked him for his views. The president was in agreement that the flag should fly.

"So I had a meeting with the American Legion," Jinks said.

As a United States marshal, he could carry a pistol, and carried one to the Legion meeting. He also took with him the American Legion oath.

"I read it to them and told them that that was my flag flying out there," Jinks recalls. "I told them I worked for the government that passed the laws and set up the appropriations funds and set up the guidelines a conscientious objector would have to meet to be there."

"I told them that we were doing a good work in building farm roads and farm reservoirs, planting pine tree seedlings. And that as long as the government kept me there, I would continue to work these boys."

"But I'd continue to fly that flag," he added.

LEGION OATH READ

He then read to the Legionnaires their own oath and told them it was their duty to uphold it because the oath supported the Constitution.

"I told them that I'd appreciate their cooperation, but if I didn't get it—and putting my pistol—I told them I had not only the right to wear this thing, I could shoot it, too."

The flag flew. Years later, the Columbia County Veterans Organization would ask him to return as guest speaker. He would receive a standing ovation.

After defending the rights of war defectors, Jinks went into active service, with the Navy Air Force. He taught at Naval air stations, then became involved with the B.A.T., the first guided missile, which was used mostly on Japanese shipping in open seas.

At age 40, and with the rank of first class aviation ordnance man gunner, he worked his way out of the service and back home, somewhat disturbed by certain aspects of the growing military complex.

During his last days in the Navy Air Force, his plane was hit and had to make a wheels up landing on coral rock. His spine was ruptured and he spent four years in a cast. This meant retirement from his government job with the SCS.

This "retirement" led to the automobile business, in which he sold Kaisers, jeeps and farm equipment and termed a success. But the long hours he put in prompted his doctors to tell him to quit. So he sold out.

JOINS CIVIL SERVICE

About this time, United States Representative E. E. (Took) Gathings approached him about becoming postmaster here. These post-

(30)

Inside Washington

The Sorensen Pick: Carter's First Scandal?

Jimmy Carter's reason for choosing Ted Sorensen as CIA chief could be the President-elect's first major scandal. The New York *Times* last week reported that the AFL-CIO's Lane Kirkland, George Meany's heir apparent, told Carter at his home in Plains, Ga., on December 17 that labor was dead-set against the Sorensen selection. Carter, however, supposedly replied: "I'm in a bind. I had no options." He then went on to explain that Sorensen, a New York lawyer, had been "the first to raise money for me in New York and the first to come out for me."

What the *Times* story clearly implies is that Carter's main reason for picking the next head of the CIA—the intelligence agency upon which America's national survival depends—was grounded in political rather than national security considerations.

As we reported last week, Sorensen has virtually no qualifications for the critical post he has been appointed to, a job that demands a solid background in management and/or intelligence. Moreover, there is considerable unease within the intelligence community concerning the fact that Sorensen was classified as a conscientious objector with his draft board both in 1948 and in 1952, when the Korean War was still raging.

What continues to astonish those who have looked into Sorensen's background, are his far-left actions and pronouncements. Kirkland, for instance, is said to have opposed Sorensen largely because of his supposed support in the February 8 election of rebel Edward Sadlowski over Lloyd McBride for president of the Steelworkers.

While Kirkland's opposition, on the surface, may appear petty, it is interesting to note that a lot of left-wing activists, including Jane Fonda and the Communist *Daily World*, are feverishly backing Sadlowski.

The 40-year-old Sadlowski has, in fact, bought much of the far-left's mythology. Not only does he revel in the class struggle—he is eager to break the Steelworkers' "no-strike" agreement with management—but he boasts that "I am not a capitalist." Echoing some old, Socialist rhetoric, he suggests that steelworkers are being exploited by money-hungry management. He claims there are "poets and doctors" who are operating cranes, but they have been forced to become steelworkers because of the system. Sadlowski wants to control profits and massively redistribute the nation's wealth.

In a recent *Penthouse* interview, he also disclosed his vigorous opposition to the AFL-CIO's hardline foreign policy. "On foreign affairs," he said of Meany, "he's been simply terrible." Sadlowski also assailed the FBI and the CIA—who see "Communist organizers in every saloon"—and the "multi-billion-dollar defense" budget.

Sadlowski has also directly cozied up to the American Communist party. In early 1975, Sadlowski sponsored a dinner at Chicago's Pick-Congress Hotel honoring a long-time Communist, Ernest DeMaio, who was retiring as an official of the left-wing United Electrical Workers. DeMaio was leaving to become the chief delegate at the United Nations for the Soviet-controlled World Federation of Trade Unions (WFTU), a Moscow-run network of Communist unions operating out of Prague.

In October 1976, Sadlowski's name appeared in a newspaper ad supporting the right of the avowedly Marxist professor, Paul Nyden, to retain his position in the Sociology Department at the University of Pittsburgh.

The Daily World, the official organ of the Communist party, reported in its Oct. 7, 1976, issue that Sadlowski, at a campaign rally in Cleveland, "was also vigorous in denouncing racism and Redbaiting. . . . He said he favored elimination of the anti-Communist clause from the union's constitution. 'There is no clause like that in the U.S. Constitution,' he said, 'and it shouldn't be in our union constitution either.'"

If elected head of the Steelworkers, Sadlowski would sit on the AFL-CIO's important policy-making body, the executive council, and thus could help to undermine Meany's stand against the Soviets.

Though Sorensen's name has been repeatedly linked with the Sadlowski campaign in labor circles and in labor columns by Victor Kiesel and Harry Bernstein, Sorensen now denies he is backing the rebel labor leader.

But Sorensen, in fact, may be almost as far to the left as Sadlowski. In his 1969 book, *The Kennedy Legacy*, he discloses he cast a delegate vote for George McGovern at the 1968 Democratic convention in Chicago and helped draft the unsuccessful, dovish platform on Vietnam.

He also strongly suggests we should begin to soften up the Soviets through generous acts of appeasement, including unilateral disarmament and trade. We should not, he insists, "return to our Cold War posture... of interpreting every adverse move as preparation for world domination."

Sorensen indicates that the Soviets have abandoned their world domination goals and that it is U.S. policy that has been more provocative than Moscow's. "Indeed," he argues at one point, "our bombing of a Communist capital allied with Moscow would appear to be a more daring risk than any that the Soviets have taken recently."

"Their new missile buildup may well be nothing more than a logical response to—and an effort to catch up with—our own missile buildup in the early 1960s...."

The Sorensen book is replete with such reassuring observations. The Communist bloc, says Carter's incoming intelligence chief, not only is no longer monolithic, but is no longer "seeking our destruction...." Western policy "should recognize now that a Soviet invasion of the West is no longer a clear and present danger...."

In the face of what he acknowledged was a Soviet buildup in 1969, however, he called for unilateral concessions on our part, condemning President Nixon's decision to go ahead with the construction of a thin, anti-ballistic missile system.

At one point, he seemed to suggest that the United States stop building any more strategic weapons at all. "Surely, as Robert McNamara has written," said Sorensen, "we have reached that point where we cannot effectively increase our security by acquiring still more military hardware."

Sorensen insists that the U.S. must restrain its own actions, lest they be misinterpreted in the Kremlin. The Soviets may follow a belligerent course and initiate new rearmament moves, Sorensen indicates, "in order to prevent what they might regard as a new imperialist offensive by the United States, linking to this theory not only our intervention in Vietnam and the Dominican Republic, but also the Israeli attack on Egypt, the establishment of new anti-Communist regimes in such nations as Indonesia and Brazil, and our development of an increased capacity to send large numbers of American troops quickly to any spot on the globe."

While Sorensen does not flatly say it, the above passage suggests he believes that virtually any setback to the Soviets is "provocative" and risks unnecessary confrontation with the Russians.

In fact, he says at another point, the U.S. must assure the Soviets we have no intention of threatening them or their empire. We must do everything possible, Sorensen says, to avoid confirming "the fears and charges of Kremlin hawks...." We should "help convince the Soviet Union... that the western borders of her 'Socialist Commonwealth' are not in danger of armed attack...."

We should offer the Soviets trade, he mentions, because it "gives us an opportunity to demonstrate that our aim is not the eradication of all Communist states, that non-military avenues can lead to progress, and that two competing powers can work together on common objectives."

One wonders: will Sorensen's counterpart—the head of the KGB—be quite so solicitous of America's feelings?

Intelligence Community Alarmed at Carter Choices

The intelligence community is becoming increasingly alarmed at the type of people Jimmy Carter and his aides are putting into key jobs dealing with this country's national security. "Judging from the appointments," said one observer, only half-jokingly, "the hardliners will soon be fondly recalling Henry Kissinger as a hawk."

The most disturbing selection so far has been that of ex-JFK ghostwriter, Ted Sorensen, as head of the CIA (for more on Sorensen, see page 3). Aside from having been classified as a conscientious objector by his draft board, Sorensen has written several statements strongly suggesting that our foreign and defense policies have been unduly provocative toward the Soviet Union. He has also been a supporter of McGovern and an advocate of unilateral disarmament measures.

Carter's pick for secretary of state, Cyrus Vance, blossomed into a major dove himself over the past few years, even to the extent that he now looks benignly upon the entrance of Communists into coalition governments in NATO-allied countries such as France and Italy. Vance is stocking his bailiwick with a number of left-of-center advisers and personnel, the most astonishing being ex-League of Women Voters President Lucy Benson. (Her selection as Under Secretary for Security Assistance, the *New York Times* noted last week, "came as a surprise to State Department insiders since she has had no experience in the highly technical field.")

Vance has also installed a dove in the Deputy Under Secretary for Management spot, the key administrative position in the State Department. He is Richard M. Moose, who was staff director for the Foreign Relations Subcommittee on Foreign Assistance when Sen. J. W. Fulbright (D.-Ark.), himself an extreme proponent of detente, was chairman of the Committee on Foreign Relations.

Two other extreme doves, Anthony Lake and Richard Holbrooke, are almost certain to wind up with important State Department positions under Vance. HUMAN EVENTS has also been told by well-informed sources that Sol Linowitz—who favors normalization of relations with Castro and the relinquishing of U.S. sovereignty over the Panama Canal—has an inside track for a top Latin affairs post under Vance.

For foreign policy hardliners, there was more distressing news last week.

Zbigniew Brzezinski, Carter's choice to be his principal White House adviser on national security affairs, has apparently selected another dove, David Aaron, a former aide to Vice President-elect Walter Mondale, to be his chief deputy. (Mondale, as most of our readers know, sported one of the most left-wing voting records in the national security field while he was in the Senate.) Moreover, Aaron, according to knowledgeable insiders, has been instrumental in cleaning out some of the harder-line members of the National Security Council staff during the transition period.

Aside from the Sorensen selection, perhaps the biggest jolt to the hardliners in recent weeks has been the meetings between Vance and Paul Warnke, who is under consideration for a top-level Administration post, most probably as director of the Arms Control and Disarmament Agency.

The head of ACDA will almost certainly have a heavy influence on our strategic weapons policy. ACDA is not only responsible for advising the President on arms control negotiations, but it participates in choosing the American negotiating team and provides various back-up services to our negotiators. Hence, the selection of Warnke could prove critical.

What disturbs the national security community about Warnke is that he is an ardent advocate of unilateral disarmament. As a memorandum now be-

ing circulated to the Carter people by hardline Democrats argues:

"Simply stated, it is hard to see how the American side in SALT can be effectively upheld by someone who advocates, as Warnke does, the unilateral abandonment by the United States of every weapons system which is subject to negotiation at SALT (as well as many others which are not under discussion)."

Warnke, in fact, was the principal adviser to Sen. George McGovern (D.-S.D.) on national security issues during the 1972 presidential campaign. The "Alternative Defense Posture," a campaign paper which presented McGovern's defense budget proposals, and which was strongly defended by Warnke, advocated, among other things, noted the memorandum, "discontinuation of deployment of MIRVs, Minuteman III, and any other steps to upgrade U.S. ICBMs; dismantling of all Titan ICBMs; cessation of conversion of Polaris to Poseidon submarines; halting the development of a B-1 prototype; cessation of deployment of the Safeguard system; and cutting by more than half the Army's surface-to-air missile capability and the Air Force's interceptor force."

A supplemental document, the "Report of the McGovern Panel on National Security," which Warnke led, also opposed U.S. MIRV programs, the B-1, improvements in missile accu-

continued

racy and the development of hard-target capability, the cruise missile, the ABM and bomber defense.

As the memorandum stresses: "*At no time in the SALT negotiations have the Soviets advocated, even as a bargaining position, such sweeping cuts in American forces.*" (Emphasis in original memo.)

In analyzing the McGovern defense proposal, Dr. William R. Kintner, a well-known defense expert, stressed in the *Freedom at Issue* publication of July/August 1972 that the plan was "a fiscal formula for unilateral disarmament. This could only satisfy the Soviet Union, upon whose benign sentiments we and our allies would then depend, because the McGovern budget would leave us no other choice."

Warnke's preference for "unilateral" initiatives on our part has not diminished. In the Spring, 1975, issue of *Foreign Policy*, Warnke proceeds to blame the arms race on the United States and the liberals' favorite punching bag, Richard Nixon.

"As its only living superpower model," states Warnke, "our words and our actions are admirably calculated to inspire the Soviet Union to spend its substance on military manpower and weaponry. Ex-President Nixon asserted repeatedly that he could not negotiate effectively if he went to the bargaining table with the Soviet Union as the world's second strongest military power."

In short, the U.S. has provoked the Soviets in assuming its current posture. "I would not like to see the SALT talks stop," he went on. "But if we must accept the insistence that the momentum of our strategic weapons programs must be maintained in order to bargain effectively, the talks have become too expensive a luxury. . . ."

"Insofar as formal agreements are concerned, we may have gone as far as we now can go. . . ."

"We should, instead, try a policy of restraint, while calling for matching restraint from the Soviet Union. . . ."

"The chances are good. . . that highly advertised restraint on our part will be reciprocated. The Soviet Union, it may be said again, has only one superpower model to follow. To date, the superpower aping has meant the antithesis of restraint. . . ."

"It is time, I think, for us to present a worthier model. . . . We can be the first off the treadmill."

Despite these astonishing opinions, however, the Carter people have been seriously thinking of putting people just like Warnke in key national security positions.

OLC #77-0121

15 January 1977

MEMORANDUM FOR: Legislative Counsel

FROM : S. D. Breckinridge
Deputy Inspector General

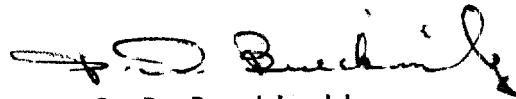
SUBJECT : Classification of Testimony of Mr. Sorensen on
21 July 1975, his Affidavit of 25 July 1975,
and Three 1963 NSC Memoranda

1. On the afternoon of Friday, 14 January 1977, I met with representatives of the Directorates of Operations and Administration. We reviewed simultaneously copies of the testimony of Mr. Sorensen on 21 July 1975, his affidavit of 25 July 1975, and the three memoranda as follows: 21 April 1963 memorandum by McGeorge Bundy; a record of a meeting of the NSC Standing Group on 23 April 1963, written by Bromley Smith; and, a 29 April 1963 agenda for a meeting, prepared by McGeorge Bundy.

2. We have agreed that there was no information in Mr. Sorensen's testimony or affidavit that should, of itself, be considered classified as of this date. All of the subject matter has been covered in great detail in the Interim Report of the Senate Select Committee on Alleged Assassination Plots.

3. It is noted that the three memoranda cited above were all classified Top Secret in the White House at the time they were written. They are all referred to in the SSC Interim Report of Alleged Assassination Plots, although they are not reproduced therein in full. A case can be made at this time for stating that the classifications they bear are no longer applicable, but a case can also be made that in their entirety they may still require classified handling. In any event, they were not classified by this Agency and the practice, during the recent investigations, has been to obtain White House concurrence for agreement to declassify.

4. It is noted that while we can speak properly as to whether the contents of the testimony and affidavit warrant classification, we are in no position to address the conditions under which Mr. Sorensen gave his testimony in July 1975. Presumably the Senate Committee would like to address this question, even if it is only a formality.

A handwritten signature in black ink, appearing to read "S. D. Breckinridge". The signature is written in a cursive style with a prominent initial "S" and a long, sweeping tail.

S. D. Breckinridge

25X1

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 2 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

TENTATIVE WITNESS LIST, CONSIDERATION OF THE NOMINATION OF MR. THEODORE C. SORENSEN
TO BECOME DIRECTOR OF CENTRAL INTELLIGENCE, COMMENCING JAN. 17, 1977:

The witnesses in support of Mr. Sorensen's nomination will include:

Ambassador Averill Harriman

Mr. Clark Clifford

Judge Simon Rifkind

Admiral Elmo Zumwalt

Witnesses commenting on the issue of the nomination:

Common Cause - Mr. David Cohen, President

The witnesses in opposition to Mr. Sorensen's nomination will include:

Congressman Larry P. McDonald (7th Dist. Georgia)

The Conservative Caucus - Mr. Howard Phillips

The Conservative Caucus - Mr. Larry Uzzell

American Conservative Union - Mr. Francis J. McNamara

Committee for the Survival of a Free Congress - Mr. Charles Moser

Fusion Energy Foundation - Dr. Morris Levitt

Center for National Security Studies - Mr. John Marks

Liberty Lobby - Mr. Robert M. Bartell

U.S. Labor Party - Ms. Susan Kokinda

Mr. E.C. "Mike" Ackerman

Ambassador Edward M. Korry

Dr. Stefan Possony

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 114TH CONGRESS)

WASHINGTON, D.C. 20510

TENTATIVE WITNESS LIST, CONSIDERATION OF THE NOMINATION OF MR. THEODORE C. SORENSEN
TO BECOME DIRECTOR OF CENTRAL INTELLIGENCE, COMMENCING JAN. 17, 1977:

The witnesses in support of Mr. Sorensen's nomination will include:

Ambassador Averill Harriman

Mr. Clark Clifford

Judge Simon Rifkind

Admiral Elmo Zumwalt

Witnesses commenting on the issue of the nomination:

Common Cause - Mr. David Cohen, President

The witnesses in opposition to Mr. Sorensen's nomination will include:

Congressman Larry P. McDonald (7th Dist. Georgia)

The Conservative Caucus - Mr. Howard Phillips

The Conservative Caucus - Mr. Larry Uzzell

American Conservative Union - Mr. Francis J. McNamara

Committee for the Survival of a Free Congress - Mr. Charles Moser

Fusion Energy Foundation - Dr. Morris Levitt

Center for National Security Studies - Mr. John Marks

Liberty Lobby - Mr. Robert M. Bartell

U.S. Labor Party - Ms. Susan Kokinda

Mr. E.C. "Mike" Ackerman

Ambassador Edward M. Korry

Dr. Stefan Possony

25X1

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 11 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

STATEMENT

THEODORE C. SORENSEN

DIRECTOR-DESIGNATE OF CENTRAL INTELLIGENCE

BEFORE

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

17 JANUARY 1977

Mr. Chairman, Members of the Committee:

I am grateful for this opportunity to share with you my views on President-elect Carter's decision to nominate me for the post of Director of Central Intelligence, and to answer the scurrilous and unfounded personal attacks which have been anonymously circulated against me.

I did not seek or lightly accept this assignment, and some of my friends have suggested that anyone agreeing to take the job lacks either the sanity or the judgment necessary to fulfill it. I recognize that the successes of the Intelligence Community are largely unspoken while its errors are roundly assailed; that it is often accused of deeds that it never committed or that it undertook at the request of higher authority; and that the Agency and its employees are rarely able to defend themselves publicly against these attacks. In recent days, I have had the same experience.

But I do not intend to be intimidated by those who wish to strike at me, or through me at Governor Carter, by personal attacks on my integrity and probity, grossly distorting the facts and maliciously twisting my words. I prize both my country and my honor too greatly to desert this post under that kind of cloud; and I am here to appeal to the sense of fairness of the Members of this Committee.

I recognize that some of you have legitimate questions concerning my qualifications. But before dealing with those questions, I must as a matter of personal privilege respond to the personal attacks upon my character which my nomination has suddenly stirred.

1. First, it has been said that I leaked or otherwise conveyed classified information for political or personal purposes. That charge is totally false. In the White House, I drew upon classified materials in backgrounding the press only when I was specifically directed to do so by the President, who clearly had such authority; and I took documents home for review only in those rare instances when I would otherwise have spent 24 hours a day in that office.

I have never compromised the national security of this country, or approved of anyone else doing so. My affidavits in the lawsuits brought against the New York Times and Daniel Ellsberg regarding publication of the Pentagon Papers accurately described the practices then prevalent in Washington -- not as they should have been but as they were. Almost identical affidavits were submitted by a former Assistant Secretary of State, a former State Department Legal Adviser and a former Ambassador. During my White House service I received the highest security clearances from the CIA; and I received them again in the last few weeks. I have something of a reputation for guarding secrets, whether they be those of my government, my clients, or my friends. No one has ever charged me with conveying classified information to others or mislaying classified materials.

2. Second, it has been said that I improperly took classified documents with me from the White House when I left government service, improperly used them in writing my book on President Kennedy, and improperly obtained a tax deduction for donating them to the John F. Kennedy

Library. Those charges are totally false. Upon the announcement in early 1964 that I was leaving the White House, I was visited by the Assistant Archivist of the United States, an official in the General Services Administration. He informed me that the papers in my files that I had created and accumulated during the period of my service in the White House were regarded by both law and historical precedent as my personal property; and further, that I was entitled to make any use of those papers that I deemed appropriate, whether selling them as some former White House aides had done, writing books based on them as other former aides had done, or donating them to an appropriate educational institution -- with a tax deduction on the value of the gift -- as still others had done.

Upon my signing on February 14, 1964, a Letter of Intent to donate my papers to the Kennedy Library, the Archivist's Office sorted and packed my files, presumably leaving behind anything that was not mine, transferred them to a GSA depository in the Boston area. The GSA then sent to my home certain of those papers which I had selected as necessary background materials for my book. It collected them from me upon completion of my manuscript, and the entire lot of my papers was then transmitted to the John F. Kennedy Library, to which I donated them.

Naturally there were classified papers among them (although no communications intelligence reports), just as there were classified documents among the papers taken upon their departure from the White House by the principal aides of every President at least since Woodrow Wilson, including Col. House, Samuel Rosenman, Harry Hopkins, Sherman Adams,

McGeorge Bundy and many, many others. Like most of those named, I reviewed my papers, including classified papers, in preparing a book on my experiences, just as Gerald Ford at his confirmation hearing acknowledged drawing upon Top Secret documents in his possession when writing his book on the Warren Commission. In the decade since my book was published, no one has suggested that security was in any way breached by anything in my book, and it was in fact submitted for clearance in advance to the National Security Adviser to the President, to his former deputy, and to the former Deputy Secretary of Defense. My handling of classified information was at all times in accordance with the then-existing laws, regulations and practices.

Upon donating my papers to the Kennedy Library (instead of selling them individually for a far larger amount), I received the tax deduction to which I was entitled by law, just as many former government officials did over the years -- including, in addition to some or all of those already mentioned, former Ambassador Galbraith, former White House aide Arthur Schlesinger, and former Governor and Ambassador Adlai Stevenson.

No doubt arguments can be made against the practice begun by George Washington of White House occupants taking their papers with them -- John Eisenhower has recently stated, for example, that his father inherited from Truman and left to Kennedy no papers other than the instructions on nuclear attack procedures -- but at the time I took my papers in 1964, that was clearly the accepted view of the law.

No doubt arguments can also be made against permitting tax deductions on the donation of papers by former government officials -- and such arguments were made when the law was changed in 1969 -- but that was nevertheless the law prior to that time.

All of the above actions were taken with the full knowledge and approval of the government, and were publicly described in the well-publicized affidavits which I filed in the New York Times case and subsequently in the Ellsberg case. Those two cases involved important First Amendment issues, including the public's right to know the tragic history of the Vietnam War. Whatever improvements might have been made in the wording of my affidavits, I make no apology for having responded to the requests of counsel in both cases to attest to the inconsistencies and anomalies of government classification practices.

3. Third, it has been said that I avoided military service as a pacifist during World War II and the Korean War. This charge is totally false. I have never sought to avoid military service, hazardous or otherwise, in wartime or any other time. I have never advocated for the United States a policy of pacifism, non-resistance to attack or unilateral disarmament. The facts are that I registered for the draft upon becoming 18 years of age in 1946, a year after World War II ended, and shortly thereafter expressed the philosophy of non-violence with which I had been reared by two deeply idealistic parents by requesting, not an avoidance of military duty or hazardous duty, but military service in a non-combatant capacity (classification IAO) --

preferring, by way of illustration, to serve on the battlefield as a medical corpsman saving lives instead of taking lives. This status was granted. My action was largely symbolic, inasmuch as our country was not then at war or expected to go to war. I have never, in my service on the Executive Committee of the National Security Council during the Cuban Missile Crisis or at any other time, permitted my preference for personal non-violence to inhibit in any way my advice to the President on the military and other options available as a matter of national policy. I would not have accepted Governor Carter's designation to be Director of Central Intelligence were I not prepared to carry out every lawful order of the President conceivably connected with this post.

4. Fourth, it has been said that my legal representation of multinational corporations and foreign governments poses a conflict of interest in undertaking this assignment. This charge is patently absurd. Over the years, the highest national security officials in our country have frequently represented such clients before taking office -- including Messrs. Dulles, Acheson, Rogers, McCloy, Stevenson and a host of others -- but no one challenged their right to serve or later claimed that their actions were prejudiced by those earlier ties. My only representations of foreign governments were the brief occasions on which I represented the Governments of Iran, Zaire, Sierra Leone and Newfoundland in commercial disputes or negotiations. In no country did I have any connection with or first-hand knowledge of any activities of either their intelligence agencies

or our own; nor do I have now any obligations or prejudices regarding any foreign country which would interfere with any official duties.

5. The fifth and final charge is the suggestion that I must have been somehow involved in Kennedy White House plots to assassinate foreign leaders. That charge is totally false. I have previously testified under oath, and I do so again today, that I knew nothing of such plots; and no one who did has ever stated or ever could state, nor did your predecessor committee find or suggest, that I was informed or involved in any way. The record is equally clear that I had no advance knowledge or involvement of any kind in the Bay of Pigs or in any CIA covert operations.

Mr. Chairman, far more than any job or title, I value my good name. I resent this reckless scattering of baseless personal accusations in order to suppress a different point of view. I respectfully ask this Committee, whatever the fate of my nomination, to consider the evidence submitted today and previously submitted to your staff, and to make it clear that these personal charges are wholly false and without foundation and not the basis for the Committee's view of my nomination.

With these personal charges out of the way, we can turn now to the question of my qualifications -- to legitimate questions raised by those with whom I respectfully disagree but who are entitled to raise what they regard as valid questions. There are basically two such questions:

First is the question of my experience in intelligence. I was an observer at National Security Council meetings and a reader of intelligence reports in the White House, and worked closely with the CIA and other national security officials during the Cuban Missile Crisis. I have since leaving the White House written and lectured widely on international affairs, and engaged in negotiations with dozens if not hundreds of top foreign officials. I was requested by the Ford White House a year ago to provide advice and consultation on its reorganization of the intelligence effort. My qualifications for this post have been endorsed by John McCone, Clark Clifford, Averell Harriman, Admiral Elmo Zumwalt, General James Gavin, and others who know of my work. Most importantly, I was chosen by the President-elect as someone sufficiently in his personal trust and confidence to bring him the hard unvarnished facts, and to reject any improper orders whatever their source; as someone who possessed the integrity necessary to continue the task of restoring public trust and confidence in the CIA, and earning that trust and confidence by keeping the Agency accountable and free of abuse; and as someone with the degree of intellect and independence required to protect the integrity of the intelligence process from outside pressures and politics.

But I recognize that there are those, inside and outside of the intelligence establishment, who disagree with the Murphy Commission recommendation that an outsider always be named to this post; who refuse to recognize the totally non-partisan leadership provided

by George Bush despite earlier concerns about his partisan background; or who see no value for this post in a lawyer's sensitivities to civil liberties and lawful conduct. These people believe that only someone from inside the military or intelligence establishment has the experience necessary for this job. I disagree.

Second is the question of my views. Although as previously indicated I am not a pacifist, I do favor a foreign policy that prefers where possible the risks of peace to the risks of war. Although as previously indicated I fully recognize the need for legitimate government secrecy, which is in fact weakened by over-classification, I do believe in the right of the Congress and public to receive far more information than they presently do from all government agencies, including the CIA. I believe in the application of moral and legal standards to national security decisions, including the limitation of covert operations to extraordinary circumstances involving the vital national interests of our country, with timely review by the appropriate Congressional Committees and written authorization by the President and his senior Cabinet officials.

There are those who disagree with these views and regard them as incompatible with the duties of a Director of Central Intelligence. Paying little heed to the fact that the Director's real responsibility is to provide leadership to the Intelligence Community and objective intelligence not policy to the President and his policymakers, these

critics prefer to view this post as part of the national security decision-making apparatus and prefer in that post someone with policy commitments more like their own.

Obviously I disagree with that view as well.

STATEMENT

THEODORE C. SORENSEN

DIRECTOR-DESIGNATE OF CENTRAL INTELLIGENCE

BEFORE

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

17 JANUARY 1977

Mr. Chairman, Members of the Committee:

I am grateful for this opportunity to share with you my views on President-elect Carter's decision to nominate me for the post of Director of Central Intelligence, and to answer the scurrilous and unfounded personal attacks which have been anonymously circulated against me. *largely anonymously.*

I did not seek or lightly accept this assignment, and some of my friends have suggested that anyone agreeing to take the job lacks either the sanity or the judgment necessary to fulfill it. I recognize that the successes of the Intelligence Community are largely unspoken while its errors are roundly assailed; that it is often accused of deeds that it never committed or that it undertook at the request of higher authority; and that the Agency and its employees are rarely able to defend themselves publicly against these attacks. In recent days, I have had the same experience.

But I do not intend to be intimidated by those who wish to strike at me, *or my politics* through me at Governor Carter, by personal attacks on my integrity and probity, grossly distorting the facts and maliciously twisting my words. I prize both my country and my honor too greatly to desert this post under that kind of cloud; *and despite the prejudgments voiced against me* and I am here to appeal *by some* to the sense of fairness of the Members of this Committee. *Members of this Comm. before have been heard.*

I recognize that some of you have legitimate questions concerning my qualifications. But before dealing with those questions, I must as a matter of personal privilege respond to the personal attacks upon my character which my nomination has suddenly stirred.

1. First, it has been said that I leaked or otherwise conveyed classified information for political or personal purposes. ^{or ignore or evade the law.} That charge is totally false. In the White House, I drew upon classified materials in backgrounding the press only when I was specifically directed to do so by the President, who clearly had such authority; and I took documents home for review only in those rare instances

when I would otherwise have spent 24 hours a day in that office. ^{Judging from the remarks of some members of this country, some have never leaked} I have never compromised the national security of this country, ^{any classified info. I comment them.} or approved of anyone else doing so. ^{Questions} My affidavits in the lawsuits brought against the New York Times and Daniel Ellsberg regarding

publication of the Pentagon Papers accurately described the practices then prevalent in Washington -- not as they should have been but as they were. Almost identical affidavits were submitted by a former Assistant Secretary of State, a former State Department Legal Adviser and a former Ambassador. During my White House service I received the highest security clearances from the CIA; and I received them again in the last few weeks. I have something of a reputation for guarding secrets, whether they be those of my government, my clients, or my friends. No one has ever charged me with conveying classified information to others or mislaying classified materials.

2. Second, it has been said that I improperly took classified documents with me from the White House when I left government service, improperly used them in writing my book on President Kennedy, and improperly obtained a tax deduction for donating them to the John F. Kennedy

*Question: please put affidavits in record
Sorenson: o.k.
though showed them
Ellsberg
B-NY Times*

Library. Those charges are totally false. Upon the announcement in early 1964 that I was leaving the White House, I was visited by the Assistant Archivist of the United States, an official in the General Services Administration. He informed me that the papers in my files that I had created and accumulated during the period of my service in the White House were regarded by both law and historical precedent as my personal property; and further, that I was entitled to make any use of those papers that I deemed appropriate, whether selling them as some former White House aides had done, writing books based on them as other former aides had done, or donating them to an appropriate educational institution -- with a tax deduction on the value of the gift -- as still others had done.

Upon my signing on February 14, 1964, a Letter of Intent to donate my papers to the Kennedy Library, the Archivist's Office sorted and packed my files, presumably leaving behind anything that was not mine, transferred them to a GSA depository in the Boston area. The GSA then sent to my home certain of those papers which I had selected as necessary background materials for my book. ^{GSA} It collected them from me upon completion of my manuscript, and the entire lot of my papers was then transmitted to the John F. Kennedy Library, to which I donated them.

Naturally there were classified papers among them (although no communications intelligence reports), just as there were classified documents among the papers taken upon their departure from the White House by the principal aides of every President at least since Woodrow Wilson, including Col. House, Samuel Rosenman, Harry Hopkins, Sherman Adams,

*This was the
I had conveyed
to me by the
Archivist of the
U.S.*

McGeorge Bundy and many, many others. Like most of those named, I reviewed my papers, including classified papers, in preparing a book on my experiences, just as Gerald Ford at his confirmation hearing acknowledged drawing upon Top Secret documents in his possession when writing his book on the Warren Commission. In the decade since my book was published, no one has suggested that security was in any way breached by anything in my book, and it was in fact submitted for clearance in advance to the National Security Adviser to the President, to his former deputy, and to the former Deputy Secretary of Defense. My handling of classified information was at all times in accordance with the then-existing laws, regulations and practices.

Upon donating my papers to the Kennedy Library (instead of selling them individually for a far larger amount), I received the tax deduction to which I was entitled by law, just as many former government officials did over the years -- including, in addition to some or all of those already mentioned, former Ambassador Galbraith, former White House aide Arthur Schlesinger, and former Governor and Ambassador Adlai Stevenson. *plus.*

No doubt arguments can be made against the practice begun by George Washington of White House occupants taking their papers with them -- John Eisenhower has recently stated, for example, that his father inherited from Truman and left to Kennedy no papers other than the instructions on nuclear attack procedures -- but at the time I took my papers in 1964, that was clearly the accepted view of the law.

No doubt arguments can also be made against permitting tax deductions on the donation of papers by former government officials -- and such arguments were made when the law was changed in 1969 -- but that was nevertheless the law prior to that time.

All of the above actions were taken with the full knowledge and approval of the government, and were publicly described in the well-publicized affidavits which I filed in the New York Times case and subsequently in the Ellsberg case. Those two cases involved important First Amendment issues, including the public's right to know the tragic history of the Vietnam War. Whatever improvements might have been made in the wording of my affidavits, I make no apology for having responded to the requests of counsel in both cases to attest to the inconsistencies and anomalies of government classification practices.

3. Third, it has been said that I avoided military service as a pacifist during World War II and the Korean War. This charge is totally false. I have never sought to avoid military service, hazardous or otherwise, in wartime or any other time. I have never advocated for the United States a policy of pacifism, non-resistance to attack or unilateral disarmament. The facts are that I registered for the draft upon becoming 18 years of age in 1946, a year after World War II ended, and shortly thereafter expressed the philosophy of non-violence with which I had been reared by two deeply idealistic parents by requesting, not an avoidance of military duty or hazardous duty, but military service in a non-combatant capacity (classification IAO) --

preferring, by way of illustration, to serve on the battlefield as a medical corpsman saving lives instead of taking lives. This status was granted. My action was largely symbolic, inasmuch as our country was not then at war or expected to go to war. I have never, in my service on the Executive Committee of the National Security Council during the Cuban Missile Crisis or at any other time, permitted my preference for personal non-violence to inhibit in any way my advice to the President on the military and other options available as a matter of national policy. I would not have accepted Governor Carter's designation to be Director of Central Intelligence were I not prepared to carry out every lawful order of the President conceivably connected with this post.

4. Fourth, it has been said that my legal representation of multinational corporations and foreign governments poses a conflict of interest in undertaking this assignment. This charge is patently absurd. Over the years, the highest national security officials in our country have frequently represented such clients before taking office -- including Messrs. Dulles, Acheson, Rogers, McCloy, Stevenson and a host of others -- but no one challenged their right to serve or later claimed that their actions were prejudiced by those earlier ties. My only representations of foreign governments were the brief occasions on which I represented the Governments of Iran, Zaire, Sierra Leone and Newfoundland in commercial disputes or negotiations. In no country did I have any connection with or first-hand knowledge of any activities of either their intelligence agencies

or our own; nor do I have now any obligations or prejudices regarding any foreign country which would interfere with any official duties.

5. The fifth and final charge is the suggestion that I must have been somehow involved in Kennedy White House plots to assassinate foreign leaders. That charge is totally false. I have previously testified under oath, and I do so again today, that I knew nothing of such plots; and no one who did has ever stated or ever could state, nor did your predecessor committee find or suggest, that I was informed or involved in any way. The record is equally clear that I had no advance knowledge or involvement of any kind in the Bay of Pigs or in any CIA covert operations.

Mr. Chairman, far more than any job or title, I value my good name. I ^{deeply} resent this reckless scattering of baseless personal accusations in order to suppress a different point of view. I respectfully ask this Committee, whatever the fate of my nomination, to consider the evidence submitted today and previously submitted to your staff, and to make it clear that these personal charges are wholly false and without foundation and not the basis for the Committee's view of my nomination.

With these personal charges out of the way, we can turn now to the question of my qualifications -- to legitimate questions raised by those with whom I respectfully disagree but who are entitled to raise what they regard as valid questions. There are basically two such questions:

First is the question of my experience in intelligence. I was an observer at National Security Council meetings and a reader of intelligence reports in the White House, and ^I worked closely with the CIA and other national security officials during the Cuban Missile Crisis. I have since leaving the White House written and lectured widely on international affairs, and engaged in negotiations with dozens if not hundreds of top foreign officials. I was requested by the Ford White House a year ago to provide advice and consultation on its reorganization of the intelligence effort. My qualifications for this post have been endorsed by John McCone, Clark Clifford, Averell Harriman, Admiral Elmo Zumwalt, General James Gavin, and others who know of my work. Most importantly, I was chosen by the President-elect as someone sufficiently ^{with complete} in his personal trust and confidence to bring him the hard unvarnished ^{and complete} facts, and to reject any improper orders whatever their source; as someone who possessed the integrity necessary to continue the task of restoring public trust and confidence in the CIA, and earning that trust and confidence by keeping the Agency accountable and free of abuse; and as someone with the degree of intellect and independence required to protect the integrity of the intelligence process from outside pressures and politics.

But I recognize that there are those, inside and outside of the intelligence establishment, who disagree with the Murphy Commission recommendation that an outsider always be named to this post; who refuse to recognize the totally non-partisan leadership provided

and
by George Bush despite earlier concerns about his partisan background; or who see no value for this post in a lawyer's sensitivities to civil liberties and lawful conduct. These people believe that only someone from inside the military or intelligence establishment has the experience necessary for this job. I disagree.

Second is the question of my views. Although as previously indicated I am not a pacifist, I do favor a foreign policy that prefers where possible the risks of peace to the risks of war. Although as previously indicated I fully recognize the need for legitimate government secrecy, which is in fact weakened by over-classification, I do believe in the right of the Congress and public to receive far more information than they presently do from all government agencies, including the CIA. I believe ^{as well} in the application of moral and legal standards to national security decisions, including the limitation of covert operations to extraordinary circumstances involving the vital national interests of our country, with timely review by the appropriate Congressional Committees and written authorization by the President and his senior Cabinet officials.

There are those who disagree with these views and regard them as incompatible with the duties of a Director of Central Intelligence. Paying little heed ^{apparently} to the fact that the Director's real responsibility is to provide leadership to the Intelligence Community and objective intelligence not policy to the President and his policymakers, these

ILLEGIB

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

CONCLUDING STATEMENT OF THEODORE C. SORENSEN

But it is now clear that a substantial portion of the United States Senate and the intelligence community is not yet ready to accept as Director of Central Intelligence an outsider who believes as I believe on these two legitimate questions. It is equally clear that to continue fighting for this post, which would be my natural inclination, would only handicap the new Administration if I am rejected, or handicap my effectiveness as Director if I am confirmed.

It is, therefore, with deep regret that I am asking Governor Carter to withdraw my designation as Director of Central Intelligence. My regret stems not from my failure to get this post but from my concern for the future of our country.

I return to private life with a clear conscience. When my nomination was announced on Christmas Eve, my youngest son said to me: "Now you will have to do some things you don't want to do"; and I replied: "I never will." I have never compromised my conscience, and I am unwilling to do so now in order to assure my nomination.

I want to thank you, Mr. Chairman and Members of the Committee, for hearing me out and for the courtesies you have extended to me over the past few weeks. I will be glad to answer any questions you think necessary, and to answer those of the press immediately after the conclusion of this hearing.

UNCLASSIFIED

INTERNAL USE ONLY

CONFIDENTIAL

SECRET

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

(35)

SUBJECT: (Optional)

FROM:

George L. Cary
Legislative Counsel

EXTENSION

NO.

DATE

18 January 1977

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

[Redacted]

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

Attached for your information is a copy of the transcript of Mr. Sorensen's confirmation hearing and the impromptu press conference following the session.

George L. Cary

STAT

RADIO TV REPORTS, INC.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Circular

4435 WISCONSIN AVENUE, N.W., WASHINGTON, D.C. 20016 244-3540

7-11-66
(36)

FOR PUBLIC AFFAIRS STAFF

PROGRAM The Today Show STATION WRC TV
NBC Network

DATE January 19, 1977 7:00 AM CITY Washington, D. C.

SUBJECT An Interview with William Colby *ABOUT Sorensen NOMINATION*

TOM BROKAW: The big political story in Washington this week has been the withdrawal of Ted Sorensen as the nominee of Jimmy Carter to be Director of the Central Intelligence Agency. And there's a fair amount of confusion about the story. You may recall that on Monday of this week, Vice President-elect Mondale and Hamilton Jordan, two men who are close to Jimmy Carter, were on the "Today" program, saying that they expected Carter to fully back Mr. Sorensen. Less than an hour later, Mr. Sorensen voluntarily withdrew his own name. The question, of course, was: how soon did Mr. Carter know that Mr. Sorensen was going to pull himself out of contention.

Well, last night a source close to the President-elect told NBC News that Mr. Carter knew on Saturday of this past week. And as for Sorensen's reaction to all of it, well, one of his close friends questioned him about how Mr. Carter had supported him. Sorensen reportedly said he didn't put a noose around my neck, but he kicked the chair out from beneath me. So that's a story that will be banging around Washington for the next ten days or so, as President-elect Jimmy Carter now tries to decide on a new nominee to head the Central Intelligence Agency.

With us this morning is a man who got a great deal of attention when he was the Director of the Central Intelligence Agency, William Colby, who has since left the agency, has now resumed the practice of law here in Washington, D. C.

Mr. Colby, do you think the criticism of Ted Sorensen was justifiable made by some of the senators for the publication of classified material?

OFFICES IN: NEW YORK • LOS ANGELES • CHICAGO • DETROIT • AND OTHER PRINCIPAL CITIES

Material supplied by Radio TV Reports, Inc. may be used for file and reference purposes only. It may not be reproduced, sold or publicly demonstrated or exhibited.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

-2-

WILLIAM COLBY: Well, I think that Mr. Sorensen's views about the fact that we need less of our intelligence material classified are appropriate. I think that's true myself. I've always believed that. Some people say maybe that's why I got fired too. But nonetheless, I think that our intelligence has to serve the constitutional process, and that means that it has to be made available to our Congress and to our people so that they can make good decisions about foreign policy.

Nonetheless, I think we do have some secrets that we need to protect. And I think drawing the line between what should be made public and what should remain secret is going to require a continuing effort. I think that the way to answer this is to go through a hearing and look into it carefully, get the comments of the individual involved and then make a judgment as to whether they're appropriate. I thought Mr. Sorensen's defense was quite eloquent on this.

TOM PETTIT: Mr. Colby, Mr. Sorensen said that the intelligence community did not seem quite ready to accept him. What did you do to prevent his nomination going through?

COLBY: I did nothing. Somebody called me and asked me to participate in an effort to block his nomination, and I refused to do so.

PETTIT: Who called you, sir?

COLBY: I really would rather not say.

PETTIT: A person in the agency today?

COLBY: No. No. A person outside the agency entirely.

PETTIT: In the Senate?

COLBY: Political figure.

PETTIT: In the Senate?

COLBY: And I just decided that I wasn't going to participate in that kind of an effort.

BROKAW: On what grounds did they want you to oppose his nomination?

COLBY: They didn't really go into it in any depth. I had seen some of the published material about his being a conscientious objector and things of that nature. But I think that the problem really is that the President ought to be able to nominate his own man. But the Senate committee ought to look very carefully into his qualifications. My own confirmation

-3-

hearings took a number of days. I was called just about every name in the book by a lot of people. And I answered those questions, and eventually enough of the Senate voted for me to approve me.

PETTIT: Did you think Mr. Sorensen was qualified to head the CIA?

COLBY: I think he had a number of qualifications that were quite impressive. I think his experience in the White House as a user of intelligence, his ability to put words together and get conclusions I think is one of the most challenging problems of intelligence.

PETTIT: In short, you would have approved his going into that office.

COLBY: Yes, certainly.

PETTIT: There is a bit of a controversy going on about intelligence estimates concerning the Russian military build-up, or so-called build-up. How much of a problem is there in coordinating the CIA and the Pentagon?

COLBY: Well, there's not a problem. There're obviously different views. I mean some of these issues don't have any pat answers, and there're a lot of different opinions. I think intelligence, the process, is one of gathering together all those different views and trying to search the best answer. We made a particular effort to include differing, dissenting opinions in intelligence estimates. And as I understand the process this year, they called in an outside group to criticize the results of the professional assessment.

BROKAW: But that was done clearly for political reasons, don't you think?

COLBY: No, I don't think so. I think that this was a process that we had discussed sometime ago, making sure that these important estimates get an adversary process, that they be attacked and the people have to defend why they come to these opinions.

BROKAW: Can you make a judgment about the critical question involved in those analysis, whether the Soviet Union is attempting to achieve military superiority?

COLBY: I think that's a little bit of a false issue, quite frankly. I think the question isn't what the intention of the people in the Kremlin this moment is. I think the question is where are we headed in the future, what is the likely shape of the world in the next ten years.

-4-

Clearly the Soviet Union's a superpower. Clearly they've built up not only their nuclear strength, but particularly their conventional strength. I think that they have the intention of certainly protecting themselves against invasion, as they were subjected to, and continuing to build their strength. And if their predictions that the West is going to fall apart come true, then they will inherit the world. They have that belief as part of their religion, you might say.

PETTIT: Mr. Colby, based on your own experience at the CIA, can you tell us that the Russian military build-up began in 1973, as both intelligence agencies, the Pentagon and the CIA, are telling us now?

COLBY: No, I don't think it began in 1973. It began long before that. Obviously after the Cuban Missile Crisis of 1962 they were resolved to increase their nuclear strength where they had been shown to be totally inferior. And they have built up to parity in nuclear strength. They have also, however, modernized their army, extended their navy so that it now sails all the seas of the world, as distinct from being a small coastal defense force.

BROKAW: Very briefly, Mr. Colby, Mr. Carter is now making a decision about who he nominates next. You came up through the ranks, so to speak, in the intelligence community. Do you know think, in reflection, that it's important to have an outsider head the agency at this time?

COLBY: Even when I was in there in that job, I said that I believed that it's probably best that the intelligence community have an outside chief. I think that enables him to operate. One of our best directors was John McCone, who was an outsider. And I think he was independent of the activities of the agency, could make decisions and use it to serve the country in the best way.

BROKAW: William Colby, former Director of the Central Intelligence Agency.

Walter
DCI Confirm

Charles Bartlett

What did in Sorensen

Theodore Sorensen's failure to be confirmed is a warning that Congress will not balk at resuming a familiar tug-of-war to affect the tilt of President Carter's foreign policy.

Charges that Sorensen improperly handled classified material were the nub of the case against him. Sorensen was actually a tight-mouthed official, extremely loyal and circumspect in all matters relating to national security. If he left the White House in 1964 with some classified papers, it was because he was rushing to write an embroiling history of the Kennedy years.

But these charges sufficed as a handle for the many who felt for other reasons that Carter had made a bad choice. Sorensen was basically beaten by people who had worked with him, people who remembered him as much admired but rarely liked, as a loner whose gifts of intelligence did not include the ability to work easily with people.

Sorensen was Carter's first friend in the Kennedy circle and the Georgian was plainly struck by the wit and acumen of this unusual man. Carter's mistake was to let this impression divert his examination of warnings that Sorensen was a taut, testy personality who could be extremely haughty in arguing his positions. Carter failed to note that he was plainly not a figure

likely to mend the agency's political and administrative fences.

As Sorensen himself wrote in 1963, "personalities play an intangible but surprisingly important role" in government councils. Those who didn't like him could be alarmed by his pacifist leanings. John Kennedy counted Sorensen a key adviser in crisis situations, but he always took pains to keep the public from learning that Sorensen was involved, because he did not want it said that one of his advisers had declined to engage in combat.

The implications of Sorensen's draft status gained weight in many minds from the militancy of the pacifist stance which he subsequently adopted in New York politics. As he testified this week, he would clearly have been prepared to "carry out every legal order" given him by President Carter. But his background threatened to leave the CIA more vulnerable to elements anxious to reduce it to a public library.

It will be necessary for American presidents to have staunch figures as secretaries of State and Defense, NSC adviser and CIA director so long as the Soviets are perceived as a threat. Sorensen was the only appointment of the four in which Carter seemed to have compromised with those bent on taking more precipitous

gambles in pursuit of peace.

Among these people, there exists a fierce hostility toward the CIA. This sentiment has many expressions. It was apparent in the eagerness of the committee that was headed by Sen. Frank Church, D-Idaho, to prosecute a former CIA director, Richard Helms, for covering the agency's small part in the overthrow of Chile's Communist government. These pressures attest a readiness to embarrass the nation and do grave injustice to one man in order to spank the CIA.

The sentiment also surfaces in hostile articles which replay Communist accusations against the CIA. A recent one, widely published, revived a two-year-old charge by a Cuban agriculture minister that the CIA had spread disease among Cuba's pigs. Such stuff is calculated to diminish the public's trust in its intelligence. It warns that those who see the need for an intelligence system will have to stay alert.

Against these threats, the agency requires a leader who will be a strong supporter. George Bush came into the agency on the heels of the reformers and began the task of piecing together morale. He has adapted the agency to its new restraints while he warded off those who would cripple it further. The next director must wage the same struggle.

January 20, 1977

CONGRESSIONAL RECORD—Extensions of Remarks

E 275

(38) DCI Sorensen Confirmation file

if the oil is in small particles, droplets, or tarry lumps, [. . .] and that much of it settles quickly below the surface. As we shall see, oil films and droplets near the surface and DDT and other oil-soluble chlorinated hydrocarbons may have combined effects on the high seas which may do serious damage to open ocean ecosystems.

MODES OF HYDROCARBON REMOVAL FROM THE OCEANS

Hydrocarbons in the sea are diluted and dispersed by natural mixing and eventually disappear by microbial or physical oxidation, evaporation, and burial in the bottom sediments.

Hydrocarbons dissolved or suspended in the water column are eventually destroyed by bacteria, fungi, and other microorganisms. Some workers have found that the most toxic compounds are also the most refractory to microbial destruction, though the evidence is somewhat conflicting on this point.

No single microbial species will degrade any whole crude oil. Bacteria are highly selective and complete degradation requires numerous different bacterial species. Bacterial oxidation of hydrocarbons produces many intermediates which may be more toxic than the hydrocarbons; therefore, organisms are also required that will further attack hydrocarbon decomposition products.

The oxygen requirement in marine bacterial oil degradation is served. Complete oxidation of one gallon of crude oil requires all of the dissolved oxygen in 400,000 gallons of air-saturated seawater at 60°F. (This is equivalent to a layer of water one foot deep covering 1.2 acres.) Oxidation may be inhibited in areas where the oxygen content has been lowered by previous pollution, and the bacterial degradation may cause additional damage through oxygen depletion.

The rate of oxidation is strongly affected by the temperature of the water, being at least ten times slower at 40°F than at 80°, and much slower still when the water is near freezing temperature.

REBECCA REID OF DALLAS—
MISS TEENAGE AMERICA

HON. JAMES M. COLLINS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1977

Mr. COLLINS of Texas. Mr. Speaker, Rebecca Ann Reid was chosen in December as Miss Teenage America for 1977. Rebecca is the daughter of Mr. and Mrs. Robert H. Reid of Dallas, Tex. She is a straight-A high school senior, a talented pianist and singer, 17 years old, 5 feet and 7 inches, 120 pounds.

Miss Teenage America was selected on her "positive image" from 20,000 entries. It's more than beauty, as this recognition is based on the girl with an all-around outlook. Miss Reid is attractive, gracious, charming, talented, and poised. I am mighty proud to have Rebecca Reid as a neighbor in the Third District of Texas.

The Dallas Times-Herald reported Rebecca's answers from a Press Conference at the National Pageant:

On women's lib. "Every woman should be free to pursue the career of her choice. She should have the same advantages and disadvantages as men. And if she wants to be a homemaker, she should have that right, too, and be proud of her accomplishments."

On premarital sex. "I can only answer for myself. I've been raised to believe that sex

belongs only in marriage and I could never have premarital sex."

On drug abuse. "I go to a school (W. T. White High School) where a lot of students use drugs. It's their individual choice, but I don't think they'll find the answers to their problems there. I have never used drugs and feel it's not right for me."

On the future. "After my year as Miss Teenage America, I will go to SMU or Baylor to study piano pedagogy—playing and teaching piano. After I graduate, I would like to get married and have a family, and I feel that teaching piano is a profession that I could do with a family."

SORENSEN EVADES ISSUES OF SUBSTANCE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1977

Mr. McDONALD. Mr. Speaker, in an overwrought, highly emotional statement made before the Senate Select Committee on Intelligence Monday, Theodore C. Sorensen complained of "personal attacks on my integrity." However, Mr. Sorensen was appearing to make his statement before any witnesses were heard either on his behalf or in opposition to his nomination as Director of the Central Intelligence Agency and had not been the subject of any personal attack. But he was by then well aware of the evidence developed from his public acts and statements which proved his unsuitability for the post.

On Tuesday, January 18, Mr. Sorensen appeared on a national television program, and in the course of an interview said that those who opposed his nomination were "able to seize upon events in my life, which were totally innocent, and to distort them and to lie about them and spread these false accusations."

Making no attempt at refutation, Mr. Sorensen continued by making an attack on unnamed Members of the Senate saying,

There is a different standard for Senators who are permitted to leak, permitted to have conflicts of interest, permitted to utter the most hypocritical statements, regardless of truth, and dissemble in other ways.

As one who respects our Senate, and also as one who vocally opposed the nomination of Mr. Sorensen, I believe that the record should be set straight, and his statement, a well-crafted exercise in evasion and innuendo, briefly analyzed.

First, Mr. Sorensen said that it was "totally false" that he had leaked classified information for political purposes. He then admitted that he had leaked classified materials to the press when directed to do so by the President. He admitted that he had removed classified material from the White House while he worked there and had taken it home. This is an exceedingly lax practice, yet Mr. Sorensen did not say whether in reflection he now considered that improper. It is not only improper, but indicative of those who feel that by virtue of high office they are above the law.

This arrogance is further demonstrated in Mr. Sorensen's sworn statement filed in 1971 in the case *United States against The New York Times Co.* in which he said:

A determination by the Government or anyone else as to whether our nation's security requires the withholding from public view of any particular document or documents is not a matter requiring military or other highly specialized expertise.

Mr. Sorensen went on to say that his affidavits in the Pentagon Papers cases "accurately described the practices then prevalent in Washington." He also said he never "approved of anyone" who "compromised the national security of this country." Yet his affidavits were in support of the theft and dissemination of top secret Defense Department documents by Ellsberg and Russo, and his affidavits implied his own actions were somewhat similar.

Sorensen denied he improperly took classified and other Government documents with him when he left White House employment in 1964, but he went on to admit that although some of the documents had been produced by him, many of them had been produced by other people or had been made available to him only because of his White House employment. In the recent controversy over Secretary Kissinger's files, Mr. Kissinger had only claimed ownership of material he had produced.

Sorensen then went on to an involved attempt to justify his removal of an admitted 76 cartons of documents which indicates his double standard of public morality. He specifically stated that no "communications intelligence" documents were among the 76 cartons he removed from the White House. Yet among the documents in the two volumes among very many of the Pentagon papers which Sorensen specifically declared to be "innocuous" were communications which had been transmitted in our top codes marked "Top Secret—for the eyes of the President only." A foreign intelligence agency, by comparing the clear text with the coded transmission, can be aided greatly in breaking our cryptographic techniques. By his specific denial that he had removed communications intelligence documents for his own use, Sorensen shows clearly that he does understand the significance of communications intelligence documents to an enemy intelligence service: Why then did he defend Ellsberg's theft of the same sort of classified material?

When questioned by the press in a news conference immediately following his statement, Sorensen was asked as to whether he would condemn Ellsberg's actions now. He refused to answer saying that it was irrelevant in 1977 even though his support of Ellsberg was a major factor in his own unsuitability for high office.

In his attempt to shift his personal responsibility for the removal of White House and classified documents onto others, Sorensen stated that a General Services Administration official had informed him that the documents Sorensen had created and accumulated were his personal property. This appears to be a

brandnew function for GSA, whose authority over building maintenance Mr. Sorensen would increase to include declassification of documents classified by other and duly authorized Government agencies.

Mr. Sorensen admitted that after using those documents to write a book for his personal profit, he donated them to the National Archives and took a tax deduction reported in the New York Times as being \$231,000.

Sorensen stated with regard to his two affidavits for the defense in the Pentagon papers cases:

I make no apology for having responded to the requests of counsel in both cases to attest to the inconsistencies and anomalies of government classification practices.

But Mr. Sorensen was not testifying about Government classification procedures.

Mr. Sorensen was testifying about the wanton violation of those classification procedures by persons taking advantage of their closeness to the President to avoid punishment for their actions. These people demonstrated they had no respect for the procedures instituted to protect our country's secrets. And in the New York Times Pentagon papers publication case, Sorensen testified he felt the release of the secret documents a benefit to the United States.

Further, as most of my colleagues who are lawyers by profession well know, in defending a criminal trial, the defense counsel is particularly careful as to what questions are asked of a friendly witness and how they are asked. In the Ellsberg case, Mr. Sorensen was cooperating with Leonard Boudin, for decades a member of the Communist Party's foremost legal bulwark, the National Lawyers Guild, whose firm has been the representative of the brutally repressive Communist regime of Fidel Castro in Cuba since 1961.

Both in his statement to the Senate Select Committee on Intelligence and on television, Mr. Sorensen made reference to his pacifist views and his former conscientious objector status as reasons for anonymous attacks on him.

Mr. Speaker, my statements regarding Mr. Sorensen's conscientious objector status and its implications were certainly not anonymous, and were clearly identified in the press and on the wire services as being made by me. Let me reiterate, I do not believe that the Director of the CIA, some of whose employees daily risk their lives in the service of their country, should be a conscientious objector. Mr. Sorensen registered as such 4 years before the outbreak of the Korean war; he made sure that he was not compelled to serve when that war broke out. Mr. Sorensen spoke of preferring service on the battlefield as a medical corpsman saving lives instead of taking lives but he performed no such service.

Mr. Sorensen also said that while he sought conscientious objector status for himself, he was quite prepared to advise the President to use his military options, in other words the lives of other men, in the furtherance of U.S. foreign policy. I maintain that it is the height of hypocrisy to be willing to send other men to

do what you say you find personally repugnant.

With regard to Mr. Sorensen's work for foreign principals, Mr. Sorensen stated on December 22, 1976, at a Plains, Ga., press conference that he had never registered as a foreign agent because there is an exemption for legal services under the Foreign Agent Registration Act. Yet in his Senate Intelligence Committee statement, Mr. Sorensen admitted that he had represented Iran, Zaire, Sierra Leone, and the Canadian province of Newfoundland in commercial disputes or negotiations. Under the law and as a matter of professional ethics, Theodore Sorensen should have registered as a foreign agent.

After asserting that all of these points about his past public activities—which, contrary to logic, Mr. Sorensen insisted were private, Mr. Sorensen said there were only two legitimate questions which could be raised about his qualifications: "my experience in intelligence" and "the question of my views."

Mr. Sorensen stated in his Ellsberg affidavit that he had, during his employment by President Kennedy as White House Special Counsel, participated in National Security meetings. In his testimony for the defense in the trial of Daniel Ellsberg and Anthony Russo, Mr. Sorensen further stated:

I attended, after the Bay of Pigs [April 17, 1961], virtually all of the formal meetings of the National Security Council. I was not a statutory member, but was asked by the President to sit in and observe.

President Kennedy, very frankly, regarded the National Security Council formal meetings as something of a formal bore. He preferred to make real decisions on foreign policy in smaller sessions with those officials whom he regarded as being particularly informed and particularly concerned.

Mr. Speaker, it should be noted that I am only referring to the Russo/Ellsberg trial, a matter on which Mr. Sorensen complained at the Senate Intelligence Committee hearing, because Mr. Sorensen himself made no mention of any association with the National Security Council in his New York Times Pentagon Papers publication affidavit.

The transcript of a Plains, Ga., press conference on December 22, 1976, quotes Mr. Sorensen as saying,

I did serve on the Executive Committee of the National Security Council under President Kennedy.

Again, under oath, Mr. Sorensen spoke to the Senate Intelligence Committee of my service on the Executive Committee of the National Security Council.

The difference between being a non-participating observer and service on the Executive Committee is considerable; and this play with words was, I believe, indicative of Mr. Sorensen's imaginative skill to which I made reference in the testimony I prepared on his nomination. See CONGRESSIONAL RECORD, Jan. 17, 1977, E190-191.

As he made clear in his Ellsberg testimony, Mr. Sorensen was not involved in setting policy. He was a White House speechwriter, responsible for articulating policies developed by others and explaining them to the press and public. Speechwriter to the President is a honorable

position, but in no way can the reading of the daily CIA summaries and back-grounders provided to the White House be considered experience in intelligence.

Mr. Sorensen stated as part of his qualifications that he has written and lectured widely on international affairs. Again, that does not make Mr. Sorensen an expert in the principles of intelligence gathering. I would also note that among his lectures were speeches in 1967 and 1968 before businessmen's associations in which he advocated increased trade with the Soviet Union despite Russian equipping and sponsoring the North Vietnamese Communists who were killing U.S. servicemen in Vietnam. Mr. Sorensen stated he had met with Soviet Foreign Trade Minister Nikolai S. Patolichev who also, of course, supported U.S. sales of high technology items to the U.S.S.R. But Mr. Sorensen did not tell his audience that he was then representing American business interests seeking to expand their sales to the Soviet Union, and that an increase in such trade would be of direct financial benefit to him and his firm.

With regard to his views, a topic he feels is legitimate, Mr. Sorensen stated that he is not a pacifist. But I believe I have already sufficiently discussed the hypocrisy of a man who states he has been ready to risk other men's lives in military actions he personally finds morally repugnant.

Equally serious is Mr. Sorensen's statement that he would virtually abolish clandestine CIA activity. In his 1975 book, "Watchmen in the Night," Sorensen wrote:

The covert political and paramilitary operations of the CIA (as distinct from its foreign intelligence and analysis functions) still occupy too much of its budget and personnel. * * * The continuing value of these clandestine operations and their effect on U.S. foreign relations should be critically reexamined. * * * In the light of progress toward detente, developments in international and constitutional law, the new technology of intelligence collection and analysis, and the demonstrated ineffectiveness of any foreign operations, overt or covert, which are not backed by a broad national consensus.

In his Senate statement, Sorensen said he favored a foreign policy that prefers where possible the risks of peace to the risks of war and that believed in:

The application of moral and legal standards to national security decisions, including the limitation of covert operations to extraordinary circumstances involving the vital national interests of our country, with timely review by the appropriate Congressional Committees and written authorization by the President and his senior Cabinet officials.

Here we have Mr. Sorensen advocating policies also pressed by groups reflecting the policies of Moscow and Havana such as the Institute for Policy Studies, Center for National Security Studies and Center for Defense Information, which hold that the United States should restrict its intelligence agency to mere collection of publicly available documents—a joke in Communist countries, and the long-range technical collection of information such as satellite photos and the monitoring of radio broadcasts.

Under these rules the United States may not develop another General Pen-

January 20, 1977

CONGRESSIONAL RECORD — Extensions of Remarks

kovsky or use any other person as a covert intelligence agent; nor can the United States provide any covert assistance, financial, technical or whatever, to any free world ally, whether country, group or individual, who is fighting Communist subversion.

We have heard from representatives of the American Civil Liberties Union which is working closely with the above-named groups the bizarre morality used to condemn covert operations—that anything covert requires a cover story and that a cover requires deception, deception requires lies, and therefore all covert activities are “immoral” and must be abolished.

It is a perversion of morality to argue that in 1977, faced with the activities of hostile intelligence agencies in the service of aggressive totalitarian regimes who have vowed our ultimate destruction, the United States must forswear any secret methods of finding out what our enemies intend and of aiding our friends.

In commenting on the Senate Intelligence Committee hearing for the benefit of a TV audience Tuesday, Mr. Sorensen said,

I worry about a country in which an individual who has done no wrong, who had not even been heard yet in his own defense, could be condemned and prejudiced on the basis of these false, anonymous accusations.

But it was apparent that Mr. Sorensen's statement and withdrawal from the nomination last Monday, and his press statements since have been designed to prevent the facts from being aired. He was not questioned by the Members of the Senate Committee; nor were those prepared to testify to the facts concerning him given the opportunity.

Mr. Sorensen acted so that only his own self-serving statements would appear on the hearing record; however, the Senate Select Committee on Intelligence did enter into the hearing record the affidavits Mr. Sorensen had made in the Ellsberg and New York Times Pentagon Papers cases.

THE SORENSEN AFFIDAVITS

Mr. Speaker, herewith are the full texts of the affidavits which Theodore C. Sorensen submitted in the two Pentagon Papers cases, United States against New York Times Company, et al., and United States against Russo and Ellsberg:

[In the U.S. District Court, Southern District of New York, Civil Action 71-2662]

UNITED STATES OF AMERICA, PLAINTIFF, V. THE NEW YORK TIMES COMPANY, ET AL., DEFENDANTS

STATE OF NEW YORK,
County of New York, ss:

Theodore C. Sorensen, being duly sworn, deposes and says:

1. I am a member of the law firm of Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York.

2. Having served as a lawyer in both the Executive and Legislative branches of the Federal Government from 1951 to 1964, including more than three years as Special Counsel to the President, at which time I held a top security clearance, read classified documents daily, and drafted many such documents to or for the President, I am very familiar with the United States Government's practices regarding the classification

of various papers in the name of national security.

3. Having read the materials appearing in the New York Times on June 13, 14 and 15, 1971, I am familiar in a general way with the Times' publication of summaries of, excerpts from and documents attached to a historical study of this nation's deepening involvement in the Vietnam War conducted by the Department of Defense.

4. A determination by the Government or anyone else as to whether our nation's security requires the withholding from public view of any particular document or documents is not a matter requiring military or other highly specialized expertise. The highly individual and frequently arbitrary opinion of the classifying officer is thus entitled to no or little more weight than the opinion of any other informed and concerned citizen. “Top secret” stamps are frequently and routinely applied with only the briefest and loosest consideration of what, if any, direct and concrete injury to the nation's security interest would result if the general public were to be granted access to the information; and, once applied, the tenure of such classification rarely if ever reflects a thoughtful reconsideration of whether the passage of time and events has altered the original grounds. The public's right to be informed, and the Congress' right to be informed, have not to my knowledge been regarded as important criteria by those determining classifications.

5. The nation's security does legitimately require the withholding from public view for an appropriate period and no longer certain documents, including those which if revealed could endanger or otherwise adversely affect the lives or movements of American military personnel. In addition, foreign governments are ordinarily entitled to expect that their confidential communications to our government will be treated with the same regard for their wishes as they provide for our confidential communications to them; and the President is ordinarily entitled to receive the kind of candid advice and reports from his top civilian and military subordinates which is possible only if they can be certain that words intended for his eyes alone are not shortly thereafter transmitted to the general public.

6. The question of whether any particular document or documents should remain secret today is thus one of balancing these interests, and the New York Times, a Federal Judge, a Senator or a citizen may be as capable of making that judgment as any one in the Executive Branch. My own judgment is that, on balance, publication by the New York Times of the documents in question in this case is not injurious to the national security. No current or future military operations or present top government officials appear to be involved in any way. No serious embarrassment to any foreign government appears to be involved. None of the information and opinions revealed appear to have any current facets requiring continued secrecy.

7. On the contrary I believe the national security interests of the United States will be irreparably injured if these documents are suppressed from public and Congressional view; if the United States, on the verge of several fateful decisions in the Middle East, Latin America and Asia, is thereby prevented as a nation from learning the true history of what went wrong in Vietnam; if the same policies of concealment and deception which prevented debate and produced mistakes in this nation's approach to Vietnam are thereby judicially encouraged to continue; if the very purpose of this objective historical study is thereby frustrated, and the cost in time and talent invested in its evolution wasted, by confining its circulation to a handful of high officials who largely supported the original policy; and if the courts of this coun-

try, by enjoining a free press and permitting the concealment of official error, thereby erase still one more important distinction between ourselves and our adversaries.

8. I understand that this affidavit will be submitted in opposition to the motion made on behalf of the Plaintiff for an order enjoining further publication by the New York Times of this material.

THEODORE C. SORENSEN.

NEW YORK, N.Y., June 17, 1971.

[U.S. District Court for the Central District of California, No. 9373-(WMB)-CD]

UNITED STATES OF AMERICA, PLAINTIFF, VS. ANTHONY JOSEPH RUSSO, JR., DANIEL ELLSBERG, DEFENDANTS

STATE OF NEW YORK,
County of New York, ss:

Theodore C. Sorensen, being duly sworn, deposes and says:

1. I am a member of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York.

2. Having served as a lawyer in both the Executive and Legislative branches of the Federal Government from 1951 to 1964, including more than three years as Special Counsel to the President, at which time I held a top security clearance, participated in National Security Council meetings, read classified documents daily, and drafted many such documents to or for the President, I am very familiar with the United States Government's military, diplomatic and intelligence operations, policies and practices, as well as those regarding the classification of various papers in the name of national security. I regard myself as a devoutly loyal citizen who is proud of his years of public service and who recognizes the need for a limited amount of secrecy in government.

3. I can flatly state that “top secret” stamps are frequently and routinely applied with only the briefest and loosest consideration of what, if any, direct and concrete injury to the nation's security interest would result if the general public were to be granted access to the information; and, once applied, the tenure of such classifications rarely if ever reflects a thoughtful reconsideration of whether the passage of time and events has altered the original grounds. The public's right to be informed, and the Congress's right to be informed, have not to my knowledge been regarded as important criteria by those determining classifications. Nor is consideration given to the danger of irreparable injury to the national security interest of the United States if the public and Congress are denied facts necessary for an informed judgment, enlightened debate, the correction of mistakes, the discontinuation of invalid policies and strategies, and the prevention of a repetition of past errors.

4. I have frequently read classified documents containing information which was not secret, or the secrecy of which was not necessary for any conceivable purpose related to national security as distinguished from political embarrassment, or which the public and Congress had every right and reason to know in a democracy. Many such documents contained information which was well known to this country's enemies or adversaries who were involved therein; and thus the only people denied this information as a result of the classification of the documents were the members of the Congress and the general public.

5. During my years in the White House it was not unusual for me or other government officials to have photocopied or otherwise reproduced classified documents or excerpts therefrom; to take such documents home for review; or to quote from them, summarize them, or otherwise utilize them in “off-the-record,” “background,” or other kinds of sessions with one or more representatives of the news media and occasionally in speeches. No

formal authority was sought or obtained for such use, and no investigation or prosecution ensued. On the contrary, the President, Secretary of State, Secretary of Defense, Attorney General, Special Assistant for National Security Affairs, Director of C.I.A. and other members of the National Security Council knowingly and deliberately disseminated such information from time to time in order to advance the interests of a particular person, policy, political party or Department, or the Administration itself or, in their opinion, the national interest. Lesser officials often did the same for these reasons and others—including the maintenance of friendship with newsmen, a desire to demonstrate how much they knew or how important they were, a desire to undercut a rival official or agency, or a desire to oppose a policy or proposal with which they disagreed. While the President frequently expressed irritation over these "leaks" of classified information and documents, an investigation was rarely ordered and—even where the originator of the unauthorized dissemination was discovered—prosecution was never ordered.

6. It was the view of President John F. Kennedy "that the dangers of exclusive and unwarranted concealment of pertinent facts far outweigh [ed] the dangers which are cited to justify it . . . No President should fear scrutiny of his program. For from that scrutiny comes understanding; and from that understanding comes support or opposition. And both are necessary . . . I have complete confidence in the response and dedication of our citizens whenever they are fully informed . . . [G]overnment at all levels must meet its obligation to provide you [the press] with the fullest possible information outside the narrowest limits of national security . . ." (Address, American Newspapers Publishers Association, April 27, 1961.) Even this speech, in which the President at the height of the Cold War was concerned about the publication of necessarily secret information and appealed to the nation's press to voluntarily and privately consider its own responsibilities in this regard, he fused to propose, much less impose, any form of governmental restraint, and spoke sharply against censorship, concealment, the stifling of dissent and the covering up of mistakes, and urged only self-discipline and self-restraint as the basis for preventing harmful unauthorized disclosures. On the basis of many conversations with the President on this topic, I know that this was consistent with his belief and practice. He stated to me and others his belief that the press erred in withholding the advance information it possessed on the Bay of Pigs invasion, inasmuch as revelation of the real facts would have caused him to call off that ill-considered venture.

7. In the course of working on that speech for the President, and preparing for his subsequent meeting with the nation's top editors on this topic, the Central Intelligence Agency and others directed to my attention a long list of unauthorized disclosures to the press which, in the opinion of the C.I.A., seriously compromised our national security. Some of these examples were summarized in the aforementioned Presidential speech as follows:

"[D]etails of this nation's covert preparations to counter the enemy's covert operations have been available to every newspaper reader, friend and foe alike; that the size, the strength, the location and the nature of our forces and weapons, and our plans and strategy for their use, have all been pinpointed in the press and other news media to a degree sufficient to satisfy any foreign power; and that, in at least one case, the publication of details concerning a secret mechanism whereby satellites were followed required its alternation at the expense of considerable time and money."

Further examples provided to me after this speech included newspaper and magazine

stories revealing details on new weapons; on U.S. methods of detecting Soviet missile and other tests; on SAMOS and other reconnaissance satellites; on the U.S. bargaining position in advance of the Test Ban talks in Geneva; on the internal memorandum regarding military strategy from the Secretary of State to the Secretary of Defense; on comparative U.S. and Soviet developments in the use of nuclear propulsion for submarines, carriers, aircraft, rockets and power plants; and on a variety of Soviet weaponry developments, publication of which revealed to the Russians our ability to monitor those developments. I was also informed that the technical details of a nuclear weapon triggering device had been leaked a decade earlier to Drew Pearson. Being generally familiar with the "Pentagon Papers" which appeared in the press last year, I know of nothing in those documents which compares in any way with the seriousness of some of the above mentioned disclosures. Revelations of past strategy, discussion, considerations, predictions, information, priorities, plans and assessments, unlike the then-current information and technology revealed in some of these cases, cannot compromise current national security. But no prosecution occurred in any of those cases.

8. Classified documents or the information contained therein also reached public view through the books and articles of former government officials. I have many times observed this practice and participated in it. In keeping with the long-standing practice that the papers and files of the President and his top appointees belong to them and may be removed from their offices at the conclusion of their service, I removed 67 cartons of papers, documents and files of all kinds (7 cartons of which were "classified") from my office in the White House upon my departure in February of 1964. I drew upon this material, keeping some of it in my own home, in writing the book "Kennedy," published in 1965. The classified material included copies of the Kennedy-Khrushchev correspondence, the transcript of their summit meeting at Vienna, secret memoranda and directives relating to the Cuban missile crisis, Berlin, Laos and Congo crises, and the Bay of Pigs, as well as other Presidential letters and memoranda of conversations. Although I generally did not use quotation marks when extracting classified material and submitted portions of the manuscript for informal review to individuals who then or previously served in high national security positions, I did not seek or obtain any formal clearance or approval from the government and was at no time questioned or reprimanded in this regard. The government, speaking through the National Archives, asked me as the lawful owner of these papers to donate them to the United States of America for eventual deposit in the John Fitzgerald Kennedy Library; and the government, acting through the Internal Revenue Service, recognized that these were my property in granting a tax deduction for this gift. The legislative history of the Presidential Libraries Act of 1955 and the Federal Property and Administrative Services Act of 1949 made clear that these were my papers to dispose of as I saw fit, much as Sherman Adams, Samuel Rosenman, Clark Clifford and a great many others had done before me.

9. I also served as unofficial editor of the posthumously published manuscript on the Cuban missile crisis by Robert F. Kennedy entitled "Thirteen Days." That manuscript quoted from previously classified letters of President Kennedy and Soviet Chairman Nikita Khrushchev, summarized a highly classified memorandum to the Attorney General from J. Edgar Hoover, and quoted a variety of extremely confidential conversa-

tions. No question was raised with respect to this publication.

10. What all of the above boils down to is this: The government has always recognized and accepted the fact that arbitrary, inconsistent and indiscriminate over-classification of documents exists; and that consequently large amounts of classified material are passed from the government to the public—sometimes to the government's embarrassment, occasionally even to its injury—as part of the system of governing and living in an open society. Because classified labels have come to mean so little in practice, and because the guidelines for classification, declassification and utilization of classified material are so vague and obscure that no one can be certain when they are violated, hundreds of violations of the letter of the law if it is broadly interpreted occur every month. The government has accepted this as an inherent part of our system and has relied on the support of subordinates, on their loyalty, consciences and self-discipline, and occasionally on administrative procedures to deter and correct the dissemination of those state secrets that are actually injurious to the national security.

11. I understand that this affidavit will be submitted by counsel for the defense.

THEODORE C. SORENSON

A DISTINCTIVE APPROACH TO ELECTORAL COLLEGE REFORM

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1977

Mr. VANDER JAGT. Mr. Speaker, with the convening of the 95th Congress and the 1976 contest for the Presidency behind us, we are once again hearing appeals for amending the constitutional mechanics of Presidential and Vice Presidential elections. Predictably, the proposal to establish a direct popular election in lieu of the Electoral College procedures is the focus of most discussion.

However, we should bear in mind the fact that while direct popular election is the most democratic means of selecting our highest officials, it is not the only approach which would overcome the perils of current practice. There are alternatives which would meet the problems of which astute observers every 4 years give warning, yet respect basic tenets of the American constitutional system.

In the event it goes forward in this area, whatever route Congress takes should eliminate the opportunity for electors to violate the wishes of their States' voters and by casting their electoral votes for someone other than their States' winners in the popular contests. The "faithless elector" poses unacceptable uncertainty in our election system. We can achieve a correction to the faithless elector problem by eliminating the Presidential electors as such, even while retaining the electoral votes and the positive values which they accord in our national political experience.

Also, we should seek to overcome the distortion of the national popular vote totals which commonly occurs within the Electoral College as a result of the "winner-take-all" nature of the States' procedures for choosing electors. Terminat-

Sorensen Was Just Right for the CIA

By ARTHUR SCHLESINGER JR.

Our new President delivered a very nice inaugural sermon, and we must all wish him well in the months ahead. He appears to have had a shorter honeymoon than most new Presidents, however, and was even in trouble with Congress before he took his oath of office, which seems hardly fair. One reason for this, I suppose, is that few members of Congress know him well. Another is that even fewer feel they owe their election to any efforts of his on their behalf. So legislators, including many in the President's own party, are in a wary and independent mood.

No doubt the success of the Senate in forcing the withdrawal of President Carter's nominee for CIA director will make Congress more assertive than ever. This was an extraordinary, perhaps unprecedented, humiliation to inflict on a newly elected President. Cabinet nominations have been rejected from time to time, but generally much later in a term; never, so far as I can recall, before a new President has actually been sworn in.

One wonders why Mr. Carter, with a 3-2 Democratic margin in the Senate, did not make a fight of it. Certainly his personal intervention could have changed enough Democratic votes on the committee to bring the nomination to the floor. But he evidently felt that he had only a limited amount of political capital for confirmation fights, and he obviously preferred to invest that in Griffin Bell.

Instead of seeing the Sorensen nomination as a test that would define his future relations with the Senate, Mr. Carter chose to cave in. He should not have nominated Mr. Sorensen unless he was prepared to fight for him. The Senate is now left with the impression that the new President is an easy man to scare. In time, I imagine, the legislators will be disabused. Meanwhile Mr. Carter has created some unnecessary problems for himself.

The reasons alleged against Mr. Sorensen were patently spurious. The senatorial expressions of horror over the use of classified documents in a serious historical work come implausibly from a body so given to bouts of oratory about the sins of overclassification and the importance of the people's right to know. As one who had the same unspeakable traffic with classified documents in my own memoir of the Kennedy administration, I must declare an interest. But everyone in Washington knows there is nothing sacred about SECRET stamps. Investigation after investigation has shown the abuse of classification by government agencies. Congress has waited for years about its need to have the information necessary for informed judgment on questions of foreign policy.

Classified Documents

The fact is that Mr. Sorensen used his classified documents with the utmost circumspection. No one has ever charged a breach of security against his excellent "Kennedy" (or against "A Thousand Days," for that matter). All the episode shows is that Mr. Sorensen has the capacity to distinguish between secrets that ought to be kept and information that ought to be disclosed. This is exactly what one would want, I would think, as head of CIA.

Then there was the notion that he was a moralist, as if that were a grievous fault. I can only say that no one who worked with Ted Sorensen in the White House thought

fearful alarms, especially around budget time. The notorious "missile gap," about which the Air Force shouted so much in 1959-61, is typical. The CIA, then and now, has taken a more sober view and, as in the case of the missile gap, has generally turned out to be right in the end.

History provides no reason to think that soldiers are more reliable on these matters than civilians. Rather the contrary: as Lord Salisbury, the British Foreign Secretary, reproached the Viceroy of India a century ago: "You listen too much to the soldiers. No lesson seems to be so deeply inculcated by the experience of life as that you never should trust in experts. If you

Board of Contributors

By choosing to cave in on the Sorensen nomination, Mr. Carter has created some unnecessary problems for himself.

of him particularly as a moralist. He is a sharp, clear-headed, incisive and entirely practical man who would have been, I am confident, a first-class head of CIA.

The agency would not have tried to slip things by him, as the FBI has so often slipped things by the hapless Clarence Kelley; or at least it would not have tried twice. He would have cast a cold eye on CIA projects and would have had to be shown. From what we know of CIA aspirations, that would have been a healthy thing for the agency. But he would also have been an excellent judge of what CIA could profitably do and a most persuasive advocate of the agency's interest within the government and before Congress.

If only Mr. Sorensen, instead of writing an invaluable work in contemporary American history, had spent his time planning napalm attacks against Vietnamese peasants, the Senators would doubtless have confirmed him by acclamation. But what they evidently feared, underneath the nonsense about his book, was that he might really do what they have long pretended they wanted done—reform the intelligence community.

It has been speculated that the overthrow of Mr. Sorensen was one of the few recent CIA successes in the field of covert action. If my information is correct, the opposition came much more from the Defense Department than from the CIA. General Daniel Graham, recently retired from the Defense Intelligence Agency, was reported in the corridors of the Senate whispering baleful thoughts to key legislators.

The hot argument in the intelligence community these days is over the estimates of Soviet military strength and in-

10/2

SORENSEN

believe the doctors nothing is wholesome; if you believe the theologians nothing is innocent; if you believe the soldiers nothing is safe. They all require to have their strong wine diluted by a very large admixture of insipid common sense."

The CIA recently took a rather non-alarmist view of the Soviet military posture. Then the President's Foreign Intelligence Advisory Board proposed that the CIA's raw evidence be turned over to an outside group. The generally sensible George Bush, the retiring CIA director, was gulled into accepting the idea that the outside group be made up of men, otherwise estimable, who were committed hard-liners. It was rather like dispatching Typhoid Mary to stop a typhoid epidemic. Naturally the outsiders found in the evidence just what they wanted to find. Their review came down heavily on the side of the Defense Department.

Sorensen's Concern

This is no doubt why the Defense Department was so concerned about the possible appointment of Mr. Sorensen as head of CIA. For Mr. Sorensen would presumably have backed his own analysts and would have been able to argue their case with incomparable skill in the councils of the administration. It was this concern, it would appear, that accounted fundamentally for his downfall.

All this leaves the Senate Committee on Intelligence Activities in dubious light. Ever since Watergate, the Senate has been proclaiming its steely and unflinching determination to deal with the intelligence community. Faced with the opportunity of appointing a man who might do exactly that, the Senators panicked. Does the Sorensen episode indicate what Senate oversight of the intelligence community will amount to? Is this a watchdog committee? It seems to be the sort of watchdog that nuzzles up to the burglar in the night and licks his hand. As George McGovern said in an eloquent intervention, its performance really was a shameful moment in the recent history of the Senate.

President Carter now faces the question of a new CIA appointment. The same pressures that defeated the Sorensen nomination are doubtless arguing for an intelligence professional, if not for someone positively acceptable to the Pentagon. I trust the President does not go down this road.

Intelligence is not like nuclear physics. It is not so arcane a business that only a professional can master it. And the professionals, who have lived so long in an isolated and hallucinatory world, tend to lose any sense of accountability to Congress and the people. There was much criticism of George Bush's appointment on the ground that he was a politician. I argued at the time—and I think events have vindicated the argument—that that is precisely what was required. Given our recent experience with intelligence agencies, those agencies surely need most of all leadership schooled in the principles and procedures of accountability to the democratic process. President Carter's next choice for the CIA will be an interesting test of his own sense of these problems.

Mr. Schlesinger is Albert Schweitzer Professor of the Humanities at the City University of New York, winner of Pulitzer Prizes in history and biography and a member of the Journal's Board of Contributors.

DA Confir
Comments

(40)

FOR PUBLIC AFFAIRS STAFF

em
TK
9

PROGRAM

STATION

DATE

CITY

SUBJECT Transcript of:

[Good Morning America, WMAL TV, ABC Network. December 29, 1976
at 7:00 AM. Interview With Theodore Sorensen]

OFFICES IN: NEW YORK • LOS ANGELES • CHICAGO • DETROIT • AND OTHER PRINCIPAL CITIES

DAVID HARTMAN: We're back. Of all Jimmy Carter's nominees Ted Sorensen may be the best known. He was a top advisor to President Kennedy, wrote many of Mr. Kennedy's most memorable speeches. Since the Kennedy time he's been practicing law. He's been an activist in many areas and Mr. Sorensen is now the designate for head of the CIA.

Good morning Ted.

THEODORE SORENSEN: Good morning, David.

HARTMAN: And Margaret Osmer is sitting with me.

MARGARET OSMER: Good morning.

HARTMAN: First of all, how did he happen to pick you for this job?

SORENSEN: I've been trying to find out the answer to that question, David, and when I get my hands on the fellow who -- no, really, I don't know. It happened very suddenly. Ten or eleven days ago I was happily and busily emerged in the practice of law and here I am. It all happened very quickly.

HARTMAN: Are you glad about it?

SORENSEN: Well I have mixed feelings because I'm obviously taking on a very, very difficult assignment with very heavy responsibilities. It's not an assignment which I sought. But it is a challenge, it is a job that needs to be done and I did not see how I could turn down the President-elect.

HARTMAN: Right.

OSMER: In your mix, what are your concerns about taking on this job?

SORENSEN: Well I am concerned about the ability of anyone in a democracy to successfully conduct an intelligence activity which of necessity must be largely secret.

OSMER: You say largely secret, that brings up a number of questions. You've talked about making the budget public, you've ...

SORENSEN: Making the totals public, yes. I think that in a democracy accountability is absolutely essential, and most of the abuses that have taken place in the past with the various intelligence operations have occurred, in my opinion, because they were not accountable, not even in some cases to the President and certainly not to the Congress. I would hope to change that.

HARTMAN: Is it possible, though, is it possible to run an intelligence agency of this sort given that it's awfully hard

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
to keep anything secret anymore? I mean leak has become, you know, the big word over the last several years. Is there any way of keeping all that private and still, you know, accountable but still private and run the agency?

SORENSEN: That depends upon one's evaluation of the Congress and of the key members of Congress who will be privy to this kind of information. They can keep secrets, and I have confidence that they will. If they do not, if the country suffers as a result, then that's a path they will have deliberately chosen. I don't think that the CIA or any other agency can assume all the wisdom and virtue in itself and say, we don't trust the Congress, they won't keep secrets, therefore we are not going to be accountable to them.

HARTMAN: You've said that you want to cut back on -- excuse me, Margaret -- you want to cut back on covert activities or on underground activities. Can you do that and still -- can the CIA still get their job done?

SORENSEN: Bear in mind that the Central Intelligence Agency is exactly that. Its primary responsibility is that of collecting and analyzing intelligence and giving the President and the National Security Council the best information and estimates possible on which to make foreign policy decisions.

Covert operations are another small part of the agency's responsibility. And those operations have been the source of abuse in the past. And while I do not think in a somewhat ugly world we can abolish that capacity altogether, I do not think the United States must respond only with combat troops or nuclear weapons whenever there is some threat to our security. I do think that the covert operation capability should be utilized only in those extraordinary circumstances where the vital interests of the United States are truly at stake, where an open operation would not be successful, where the probability of success is relatively high and where the operation itself is known to and approved by the President and the key members of Congress.

OSMER: But you were with President Kennedy and his liaison with the CIA and you reportedly were not aware of the Bay of Pigs Operation. How could that happen?

SORENSEN: That's correct. But I was not -- the President was aware of it. It's simply in my responsibilities at that time I was not in a National Security position, that occurred afterwards.

OSMER: But considering that information and other information that's come out under other administrations that hasn't been followed, what happens when intelligence information is passed on and a President chooses to ignore it?

SORENSEN: The people of the United States elected the President because they have confidence in his wisdom and judgment. The best that the intelligence agency can do is to provide the facts and estimates as we see it and it's up to the President to decide what policy to apply and what decisions to make.

HARTMAN: Most people say the CIA has gotten out of hand, that it would be impossible to really bring it back into control. Do you really think you have a shot at accomplishing that so that the CIA can also continue to perform its function and its mission?

SORENSEN: Of course I think I could or I wouldn't be taking on this job. I think most of those abuses have already been cleaned up. I think nearly everyone, if not everyone now at the CIA is a dedicated career servant who wants to serve the foreign policy interests of the United States. I think the lack of control is largely and maybe hopefully entirely a thing of the past. So I think we're going to do our job.

OSMER: What about your accountability? Who do you feel mostly accountable to?

SORENSEN: I am accountable to the President and to the National Security Council and I am also accountable to the several committees of the Congress who have oversight jurisdiction.

OSMER: But primarily to the President?

SORENSEN: He's the man who appointed me and I've got to do my job for him.

HARTMAN: Ted Sorensen, thank you very much. Naturally best wishes on your new job.

SORENSEN: Thank you.

HARTMAN: Thanks, Margaret.

Stenographic Transcript Of

HEARINGS

Before The

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

NOMINATION OF THEODORE C. SORENSEN

TO BE THE DIRECTOR OF CENTRAL INTELLIGENCE

January 17, 1977

Washington, D. C.

(FRED WARD ASSOCIATED WITH)

Alderson Reporting Company, Inc.

Official Reporters

300 Seventh St., S. W. Washington, D. C.

554-2345

C O N T E N T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATEMENT OF:

PAGE

Theodore C. Sorensen

30

The Honorable George McGovern,
A United States Senator from
the State of South Dakota

54

The Honorable Howard Metzenbaum, A
United States Senator from
the State of Ohio

60

Exhibit

Page

Exhibit A

33

Exhibit B

33

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
NOMINATION OF THEODORE C. SORENSEN

TO BE THE DIRECTOR OF CENTRAL INTELLIGENCE

- - -

Monday, January 17, 1977

- - -

United States Senate,

Select Committee on Intelligence,

Washington, D. C.

The Committee met, pursuant to notice, at 10:05 o'clock a.m., in Room 318, Russell Senate Office Building, the Honorable Daniel K. Inouye (Chairman of the Committee) presiding.

Present: Senators Inouye (presiding), Bayh, Hathaway, Huddleston, Biden, Morgan, Hart, Garn, Case, Thurmond, Hatfield, Goldwater, Mathias, Stafford and Baker (ex officio).

Also present: Senators Leahy and Metzenbaum.

Also present: William G. Miller, Staff Director; Michael Madigan, Minority Counsel; Howard Liebengood, Minority Staff Director; Audrey Hatry, Clerk of the Committee; Tom Moore, Ted Ralston, Anne Karalekas, Martha Tally, Charles Kirbow, Sam Bouchard, Jean Evans, Martin Gold, Stan Taylor, Elliot Maxwell, Mark Gitenstein, Michael Epstein, Walter Ricks, Tom Connaughton and Edward P. Levine, Professional Staff Members.

- - -

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Chairman. The Senate Select Committee on Intelligence begins hearings today on the nomination of Mr. Theodore C. Sorensen to be Director of Central Intelligence.

The post of Director of Central Intelligence is one of the most important in the United States Government. Intelligence is our first line of defense and a major means of preserving the peace. The United States has created an intelligence system which consists of a number of major agencies employeing tens of thousands of highly skilled and dedicated men and women. The position of Director of Central Intelligence requires the ability to manage, set priorities, allocate resources, and direct the activities of highly complex organizations in the national intelligence community, such as the National Security Agency, elements in the Department of Defense as well as the CIA, the Defense Intelligence Agency, the counterintelligence activities of the FBI, and the intelligence functions of the Department of State.

The Director of Central Intelligence has the duty to provide to the President and to the national leadership, both in the Executive and Legislative branches, the best information and analysis of that information available to the United States Government. The difficult task of serving both the President and the Congress is one that requires wisdom and tact and the trust of both branches of government. The analytic

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
abilities, mature judgment, and the independence of mind
2 required, are qualities indispensable to the task of the
3 Director of Central Intelligence.

4 In addition to the firm managerial talent and the
5 highest degree of informed knowledge and analytic ability,
6 there must be confidence on the part of our citizens, our
7 departments and agencies, our Congress, and our allies that
8 the Director of Central Intelligence is a man of intellectual
9 integrity, proven accomplishment and discretion, worthy and
10 suited to the task of guiding the secret activities of the
11 United States Government and protecting the valid secrets of
12 the United States Government.

13 There has been great controversy in the past decade about
14 the proper role of secret activities carried out by the United
15 States Government which has shaken the structure of our
16 intelligence system. This concern was aroused by the Vietnam
17 war, sharpened by the revelations of Watergate, and heightened
18 by the investigations of intelligence agency abuses of the past
19 years. We are now rebuilding, under the Constitution and the
20 law, an effective intelligence system designed to protect and
21 enhance the liberties of all Americans. The creation of the
22 Select Committee is one step in that rebuilding process. The
23 appointment of a new Director of Central Intelligence sensitive
24 both to the need for the best possible intelligence and to the
25 need to protect the rights of our citizens, is another important

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
step.

2 We seek the best possible Director for our national
3 intelligence system. We have a deep awareness of the critical
4 importance of this appointment and of the qualities that are
5 required. It is in this spirit that the hearings upon the
6 nomination of Mr. Sorensen are being held.

7 The Chair recognizes the Vice Chairman of the Committee.
8 Senator Garn. Thank you very much, Mr. Chairman.

9 I want to welcome Mr. Sorensen to these hearings. I want
10 him and all present to know that this Committee and the
11 Senate consider this hearing to be of the utmost importance.
12 The Director of Central Intelligence is the President's chief
13 advisor on intelligence matters, and supervises vast, expensive
14 intelligence system whose work is of critical importance to
15 the security of this nation.

16 We have on this Committee Senators who have widely varying
17 views about the intelligence community. We have a diversity
18 of opinion as to what legislative actions we should take, but
19 we are united on at least one key point, the security of this
20 nation is affected by the quality of the information the
21 intelligence community provides.

22 We do not live in a trouble-free world. We need an
23 intelligence system which will protect the interests of this
24 country throughout the world, and as the Director of Central
25 Intelligence, we need a man who has the total confidence not

1 only of the people of this country, but of the countries
2 throughout the world with which the United States must deal.

3 It is with the serious recognition of this great responsi-
4 bility that we as a Committee begin these hearings on the
5 President-elect's nomination of the Director of Central
6 Intelligence. I think I can speak for every member of this
7 Committee when I say that we have begun and will continue to
8 carry out these responsibilities carefully and thoroughly.

9 In addition, I want to add that I am impressed with the
10 way all fifteen members of this Committee have undertaken this
11 task without the slightest hint of partisanship. I strongly
12 believe that pure partisan interests should not have any role
13 to play in our oversight of the intelligence community.

14 In that regard, I want to state that I fully recognize
15 President-elect Carter's right to designate his own choice
16 for Director of Central Intelligence and to hope that his
17 choice will be confirmed by the Senate.

18 This Committee has approached today's hearings with that
19 right of the President-elect in mind. We will support the
20 nomination if it is possible to do so when these hearings are
21 concluded. The purpose of these hearings is to assess Mr.
22 Sorensen's qualifications to occupy this important position.
23 We are not here to decide how liberal/or conservative he is.
24 We are not here to decide whether we approve or disapprove
25 of Mr. Sorensen's past friendships or associations, nor, in

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 fact, are we even here to decide whether or not Mr. Sorensen's
 2 education, experience have prepared him fully for this job.
 3 If the truth were known, probably no Director of Central
 4 Intelligence, after once taking office, has ever felt fully
 5 prepared to assume these large responsibilities.

6 We are here to determine whether or not Mr. Sorensen in our
 7 view possesses those values and attitudes and views which will
 8 prompt him to act wisely and objectively, which will cause
 9 those thousands of Americans in the intelligence community to
 10 accept and respect his leadership, which will elicit the
 11 trust of Congress and the confidence of the President and the
 12 respect of all Americans.

13 It is only fair to say that in preparing for this hearing,
 14 doing the research, this Committee has come across information
 15 which has raised more questions than it has answered. Some
 16 of this information is very disturbing, if not dequalifying.
 17 I have been especially concerned about some of the questions
 18 that have been raised, and I have expressed those concerns to
 19 Mr. Sorensen personally, and to representatives of Mr. Carter.

20 The major purpose of this hearing today is to give Mr.
 21 Sorensen the opportunity to respond to these questions for all
 22 of us to hear. His answers will have a direct bearing on how
 23 I and others will vote on this nomination. Perhaps much of
 24 this information would not be so disturbing if we were consider-
 25 ing Mr. Sorensen for a position other than the Director of

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
Central Intelligence. The Director of Central Intelligence \

2 must be the keeper of the nation's most sensitive secrets. He
3 must deal at arm's length with the heads of intelligence services
4 throughout the world and he must command the complete and total
5 confidence and trust of those with whom he will work.

6 And so it is with great concern that I approach these
7 hearings. I am confident that we will conduct them on a high
8 level, one that is fair and yet very probing. All members of
9 the Committee appreciate the responsibility that we have.

10 When these hearings are concluded, I hope the American people,
11 President-elect Carter and Mr. Sorensen will be able to say that
12 this Committee has discharged their responsibility evenhandedly,
13 carefully and fairly.

14 Thank you, Mr. Chairman.

15 The Chairman. Thank you very much.

16 The Chair has been advised that Senators Hathaway,
17 Huddleston and Mathias would like to make opening remarks, and
18 Senator Bayh.

19 The Chair recognizes Senator Bayh.

20 Senator Bayh. Mr. Chairman, I am anxious to hear the
21 Witness, and so my remarks will be very short.

22 I have known the witness over a long period of time. I
23 want to say it up front, and I am proud of the kind of contri-
24 bution he has made to our country under very difficult circum-
25 stances. There can be no question of the contribution he has

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
made.

2 He is now being proposed by President Carter for a
3 different role at a different time. All of us are painfully
4 aware of the activities that have been disclosed about the
5 Agency that is he now being called upon to head, that have
6 had a significant role in the slow erosion of confidence on the
7 part of the people of this country.

8 As the Subcommittee Chairman being asked by our distinguished
9 Chairman to chair the Subcommittee that has the responsibility
10 of looking into the area of the Rights of Americans, I feel
11 that our Subcommittee will be particularly concerned about
12 Mr. Sorensen's answers to some of the questions that will be
13 raised. We will be particularly anxious to hear his -- how
14 shall I say it -- in light of his experience, how we as a
15 Congressional body can work with an intelligence gathering
16 body to prevent the kind of abuses which have occurred in the
17 past.

18 Having said that, Mr. Chairman, I am anxious to yield and
19 get on with the Witnesses.

20 The Chairman. Senator Hathaway?

21 Senator Hathaway. Thank you, Mr. Chairman. I have just
22 a few remarks I would like to make before listening to the
23 Witness testify.

24 Mr. Sorensen , I know you appreciate that the questions
25 that will be asked with respect to the classification of

1 documents are going to pose a terribly troublesome issue for
2 all of us here today, troublesome in my judgment because I have
3 admired your record in government, because you represent so
4 many thousands of Americans, the vision, the idealism, and
5 the intellectual excellence which were the hallmarks of some
6 very special years in American government and American history.
7 And I credit President-elect Carter for recognizing that the
8 restoration of faith in our intelligence community requires those
9 very qualities if our nation is to maintain the respect and
10 confidence of people throughout the world.

11 It also seems clear to me, however, that in order for our
12 intelligence agencies to best perform their very grave,
13 solemn and often dangerous tasks, we have a special responsi-
14 bility to ensure that the top leadership enjoys the total
15 respect, trust and confidence of the hundreds of dedicated
16 men and women who are the unsung heroes of this work, the
17 people to whom our government has entrusted one of its most
18 important and significant missions, that of ensuring the safety
19 and the security of our nation.

20 I don't know how these people will view the events which
21 we will discuss here today, your candid admission in the past
22 that the rules and methods designed to protect our country's
23 most important secrets may not really be so inviolable after
24 all. I do know that from my recent travels for this Committee
25 that there is no greater concern to the intelligence agents of

1 our nation that we here at home be cognizant of the risk that
2 they undertake in our behalf, and that they will never take
3 any steps which would ever expose them to any greater danger
4 than they already knowingly and willingly face. And I am
5 concerned about exactly what it is that has happened over the
6 years that has brought about this state of affairs: is it only
7 a new post-Watergate morality and someone has changed all the
8 rules, and is that the plane of dialogue upon which this
9 issue should be discussed here today, or does the question
10 really involve what you will suggest, Mr. Sorensen, a day
11 in and day out breach of our nation's system for securing its
12 secrets? And if this is so, is it not the role and indeed the
13 responsibility of this Committee to look long and hard at the
14 facts and circumstances which have brought about this state
15 of affairs.

16 So if we are a nation of laws and not of men, and under
17 our form of government and in order for our system to work
18 effectively, individuals may not take it upon themselves to
19 separately determine which laws should be obeyed and which
20 ones may be ignored. I think that the task of changing bad
21 law is for the Congress, and to this end, I have and I know
22 many other members have also introduced bills in recent years
23 to change our classification procedure, realizing that it is
24 archaic, that it is out of date, that it needs to be
25 modernized.

1 Nevertheless, at the time that you were involved with
2 classified materials, the law was archaic, to be sure, but the
3 question in my mind is -- and I anxiously await your answer
4 to this broad question -- is whether or not any individual
5 can take it upon himself to declassify, in effect, documents
6 without following the regular procedure, and if such a person
7 should do something like that, is that person the kind of
8 person that we want to have as head of our national intelligence
9 community?

10 Thank you, Mr. Chairman.

11 The Chairman. Senator Mathias?

12 Senator Mathias. Mr. Chairman, so we can get on with
13 the hearing, I would like to submit my statement for the
14 record and say just very briefly that I think it is clear that
15 our present system for conducting secret activities, indeed,
16 for limiting secrecy itself, is faulty. The affidavit
17 submitted by Mr. Sorensen in the Ellsberg case is a very
18 important document, I think, that illustrates the problem that
19 faces the country.

20 There has been overclassification of information, and
21 without question, the rationale of national security has been
22 used to conceal unwise and improper actions by high officials.
23 At the same time, every recent administration has either
24 withheld or disclosed information using standards which at
25 best would be called arbitrary, and I think we have to face

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 the plain fact that our classification system is so faulty that
2 information the public should know has been withheld, that
3 injustices can take place, and that some improper disclosures
4 have resulted in harm to the country.

5 And Mr. Sorensen in his affidavit submitted in the
6 Ellsberg case has described a pattern of behavior which has
7 been too common in government. Other officials have given
8 statements that confirm Mr. Sorensen's perception of the
9 practice. But I think everyone should agree that strict
10 standards requiring the maintenance of secrets cannot apply
11 to some who serve in the United States Government and not to
12 others, and yet this is the situation that we are now in.

13 And a rigorous examination and reform of the classifica-
14 tion system I think is an absolute necessity. The nomination
15 of Mr. Sorensen presents the opportunity to face these issues
16 that must be faced in the fullness of their complexity, and I
17 would add with some compassion for and awareness of the
18 human mistakes of the past.

19 (The prepared statement of Senator Mathias follows:)

20
21
22
23
24
25

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 The Chairman. Thank you very much.

2 It is now my pleasure to present to the Committee a very
3 distinguished American who has served this nation as a most
4 effective voice -- I'm sorry. Before proceeding, Senator
5 Huddleston?

6 Senator Huddleston. Mr. Chairman, in the interest of
7 time and I think the important thing is to hear our witness,
8 of course, today, the designate of the President to be
9 Director of Central Intelligence, I would just like to join
10 the Committee members in welcoming Ted Sorensen to this
11 hearing, and point out that I feel very strongly that this is
12 a very important occasion, not only for this Committee, but
13 for the Congress of the United States. This is the first time
14 that our Select Committee, which in turn, is the first Committee
15 ever to have jurisdiction over all of the national intelligence
16 activities of the United States, the first time we have had an
17 opportunity to review the background and the qualifications of
18 an official whose jurisdiction mirrors our own. The Congress,
19 I think, and the public have a right to see this as a test not
20 only of Mr. Sorensen, but of Congressional oversight of the
21 intelligence community.

22 As members have already indicated, there are areas in
23 which we have a particular concern, and of which I think
24 rightly this Committee and the Congress has a particular
25 concern in developing the qualifications of a person who is to

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 assume this very importnat post, with all of the responsi-
2 bilities that it entails to the security of this nation.

3 Mr. Chairman, I would submit my statement for the
4 record at this time, and permit the Chairman to go ahead with
5 the presentation of the Witness.

6 The Chairman. Without objection, the statement will be
7 made part of the record.

8 (The prepared statement of Senator Huddleston follows:)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 The Chairman. Senator Biden?

2 Senator Biden. Mr. Chairman, I have a brief opening
3 statement which could be either now or at the beginning of the
4 questioning, whichever would be appropriate in the Chairman's
5 mind.

6 The Chairman. What is your wish, sir?

7 Senator Biden. It doesn't matter, whatever the Chair
8 would like.

9 The Chairman. Would you like to give it now?

10 Senator Biden. Okay.

11 Mr. Chairman, these hearings on the nomination of Mr.
12 Theodore Sorensen to be Director of the Central Intelligence
13 Agency are the first, in my opinion, the first great test
14 this Committee and the Congress will have to test its will
15 to conduct an objective and thorough oversight on hearings with
16 regard to the intelligence community.

17 The days which I have spent preparing for these hearings
18 have been for me, and I am sure for many members of the Committee
19 as well, a most sobering experience. I consider Ted Sorensen
20 to be a friend of mine. He is a nominee of the President-elect,
21 a man of my party, whom I enthusiastically supported for that
22 job. However, these facts cannot and will not affect my
23 participation in these hearings in the process of considering
24 the nomination.

25 I view the Office of Director of Central Intelligence, of

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 the Director of the Central Intelligence Agency as the most
2 sensitive position in the government. It demands a person of
3 excellent managerial skill, a person of intelligence, a person
4 of great discretion, but above all, a person who understands
5 his responsibilities, the limitations of his authority under
6 our laws and Constitution, a person who believes fervently in
7 the rule of law.

8 I know Mr. Sorensen and I know that he has many if not all
9 of these qualities.

10 The hearings thus far have concentrated upon one document
11 which in many respects focuses upon several of these issues.
12 I am referring to the so-called Ellsberg Affidavit. This
13 affidavit in my opinion raises two fundamental questions with
14 respect to Mr. Sorensen's qualifications: can he effectively
15 balance the equally important competing interests of secrecy
16 and the right of the people to know what their government is
17 doing? Second, does he respect and understand the rule under
18 which he will serve?

19 These are two questions I would ask any candidate for
20 the DCI, and these are two questions I will ask Mr. Sorensen,
21 regardless of -- and would have asked regardless of the
22 so-called Ellsberg Affidavit.

23 In the case of the affidavit, both issues are intimately
24 interrelated. The affidavit and Mr. Sorensen's testimony
25 today create a very explicit record on his position on the

1 relative importance of secrecy and the public right to know.

2 On this question we are not far apart. Mr. Sorensen
3 says in essence that there is a need for secrecy, and that
4 overclassification is dangerous and counterproductive. As
5 Justice Stewart in the Pentagon Papers case said, when
6 everything is secret, nothing is secret, and I am not disturbed
7 by that position taken by Mr. Sorensen.

8 However, the question of how we formalize our process
9 of classifying and declassifying the information, and then
10 the general question of what laws or regulations were or
11 were not violated by Mr. Sorensen does disturb me. In the
12 past two years, reports of intelligence community abuses,
13 critics of the intelligence agency, of which I am surely
14 probably perceived as one, have made much of the evidence of
15 lawlessness that has taken place within that agency.

16 We criticized Presidents for claims of inherent authority
17 to act outside the law governing ordinary citizens. We
18 criticized professionals in the intelligence agencies who
19 have candidly admitted that they gave little if any
20 consideration to the lawfulness or constitutionality of their
21 actions.

22 I believe that a very strong case can be made that Mr.
23 Sorensen did not violate any statutes in the actions he took.
24 I believe the argument with respect to the various executive
25 orders on classification may be closer, but quite honestly, I

1 am not sure whether or not Mr. Sorensen could be indicted or
2 convicted under the Espionage statutes, or fired from his
3 White House job if that were the issue.

4 The real issue is whether Mr. Sorensen intentionally took
5 advantage of ambiguities in the law, or carelessly ignored the
6 law. If he did so, can he now bring the activities of the
7 intelligence community within the strict limits of the law?

8 We expect that in the future intelligence agencies, and
9 we will hold the Director accountable in that way. If that is
10 to be the case, then we must hold the Director, DCI, accountable
11 as well.

12 If in the end I decide that Mr. Sorensen was either
13 careless in his role as Special Counsel to the President with
14 respect to the laws and executive orders in question, or if I
15 think that he intentionally evaded the law, I will vote against
16 his confirmation. I must say that I will do so even though I
17 believe that the current laws and executive orders are
18 ambiguous and indeed opaque.

19 I will and I hope that the Congress generally will hold
20 the next DCI to a very high standard. That is a standard that
21 we as critics of the intelligence community held other DCI's
22 and Directors of the FBI for past illegalities. We cannot
23 use a different standard for Mr. Sorensen.

24 In conclusion, let me say that regardless of what happens
25 to Mr. Sorensen, I believe that the ultimate responsibility

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 for the state of affairs in this is the Congress. The fact
2 that neither the Committee nor Mr. Sorensen can say with
3 certainty whether the activity he described is illegal is
4 our responsibility. Congress is ultimately responsible for
5 the fact that the Espionage statutes are so vague that they
6 permit informal leaking, that they are so outdated, as the
7 Church Committee pointed out, that they permit focus on
8 modern espionage not contemplated when the current law was
9 drafted in 1917, that they are so vague that they permit
10 gross overclassification of information, thereby undermining
11 the people's right to know about government activity.

12 The espionage statute is a threat to national security
13 and to civil liberties. If we rake Mr. Sorensen over the
14 coals on this question, and we will, and if we reject Mr.
15 Sorensen's nomination, as we might, and if at the same time
16 we do not rewrite our espionage and secrecy laws, we will be
17 a bit hypocritical.

18 And lastly, Mr. Chairman, I think the question of the
19 confidence that Mr. Sorensen would be able to generate from
20 the members of the intelligence community, both our own and
21 those with whom we deal, is a question that will be considered
22 by me and I hope will be considered by the remainder of the
23 Committee.

24 Thank you very much.

25 The Chairman. Thank you very much.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 I am pleased to recognize the distinguished Minority
2 Leader of the United States Senate, Mr. Baker.

3 Senator Baker. Mr. Chairman, I thank you very much.

4 It is a special privilege for me to have the opportunity
5 to appear today with this Committee and to sit here as I do
6 in the most junior seat on the Committee that I helped to
7 create.

8 After my election as Republican leader of the United
9 States Senate, as Minority Leader, it was brought quickly to
10 my attention that one of the provisions we wrote into the
11 statute that was adopted was that the Majority and Minority
12 Leader would both be ex officio members of this Committee but
13 not voting members, which seemed like a better idea at the
14 time we drafted the statute than it does now.

15 (General laughter.)

16 Senator Baker. But notwithstanding, Mr. Chairman, as
17 you know because of our relationship in the past, I have a
18 deep and continuing interest in the general field of intelli-
19 gence activities for the government of the United States. And
20 I hope it is not superfluous for me to say that I have a
21 genuine concern for the efficiency and the integrity of the
22 intelligence apparatus of this government. And that I say,
23 notwithstanding that on occasion I have been at least among
24 the most severe critics of the CIA and the intelligence
25 community, going back to the time of another hearing in this

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 room, the late, lamented Watergate hearings, when I filed a
2 separate report which came to be known as the Baker Report,
3 examining whether or not the CIA might have been involved in
4 the Watergate affair. Incidentally, I concluded while I was a
5 member of the Church Committee, and so stated in my separate
6 views, that I found no evidence that the CIA as an institution
7 was involved in Watergate. I felt, having first raised that
8 question, that I owed an obligation to put that period at the
9 end of the sentence, so I did that.

10 But I supported with great optimism and effort the
11 creation of the Church Committee, which I became a member of,
12 to examine further into the charges and allegations of mis-
13 conduct of the CIA and the intelligence community, particularly
14 relating to the charges of assassination plots, many of them
15 during the Kennedy Administration when Mr. Sorensen served
16 in the White House, and many of them against Premier Castro of
17 Cuba.

18 I tried as hard as I could to participate fully in those
19 proceedings, and to contribute to the deliberations of that
20 Committee. And then to become a member of this Committee after
21 its creation as the first intelligence oversight function of the
22 Senate was to me a signal opportunity and a great responsibility.

23 And so it is with great reluctance that I now assume the
24 role of an ex officio member of this Committee and a non-voting
25 member.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 But being a non-voting member, maybe it also creates
2 certain other opportunities that I would not have had in a
3 more judicious, hopefully in a more judicious role as a voting
4 member of the Committee sitting in judgment on this nomination.
5 Maybe I can be a little more straightforward and frank than I
6 would be if I were going to vote on it in this Committee. Maybe
7 I would not say that I think this is a bad nomination, but I
8 do think that, not necessarily because I think Mr. Sorensen
9 is unqualified. I think he is a very qualified American, and
10 loyal and dedicated citizen, but because I think in view of the
11 extraordinary difficulty that the intelligence community has
12 been through in the last few years, the beating and the
13 battering that it has taken, partly at my behest, to investi-
14 gate these charges and allegations, because of the extraordinary
15 difficulty of the recent past with the intelligence community
16 I think that a good nominee for Director of Central Intelli-
17 gence ought to be someone who is beyond reproach and above
18 criticism, and would immediately and instantly engender the
19 confidence of the intelligence community of this country, of
20 other countries, and of this government and the Congress of
21 the United States.

22 And it is with reluctance, but candor, I trust, that I
23 say I don't think this nomination is -- fits that prescription.

24 And Mr. Chairman, if I were a member of the Committee
25 with a vote, I would say and do precisely what the members on

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 both sides of the aisle have done here today, and that is hear
2 and judge the proof rather than express the opinion that I have
3 just expressed as an ex officio and non-voting member of the
4 Committee.

5 And I reserve the right to change my mind. And I will
6 study these hearing records, I will listen carefully, and I
7 will reserve the right to change my mind.

8 But my great concern, Mr. Chairman, is that in the recent
9 past there has been so much controversy, there has been so
10 much suspicion, so much uncertainty, so many answered and
11 unanswered questions about the function and the propriety
12 of the intelligence apparatus in this country, so much debate
13 about the future of intelligence, the necessity or absence of
14 a necessity for covert action, the propriety of classification,
15 the question of Presidential knowledge or plausible deniability,
16 of the involvement of Presidents or the absence of involvement
17 of Presidents in assassination plots, not one or two, but
18 50 or 60 perhaps, in administrations going back to the '50s.
19 There has been so much controversy that I had very much hoped
20 that the President-elect would send us a nominee who was
21 beyond controversy and above suspicion.

22 And I reserve the right to change my mind, but Mr.
23 Chairman, I felt that I ought to say that I am concerned for
24 this nomination and I will look with great interest at these
25 hearings.

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 The Chairman. . Are there any further remarks?

2 Senator Morgan. I reserve any further remarks to a
3 further time.

4 The Chairman.. Thank you.

5 It is my pleasure now to welcome to the Committee a
6 very distinguished American, who has served with great
7 distinction as our voice and as our Representative in the
8 United Nations. He now serves us, and serves the people of
9 New York, as its voice. I am certain he will be a fine
10 representative of the people of New York.

11 Senator Moynihan has asked the Committee to be given the
12 opportunity and the privilege to present to us the nominee,
13 Mr. Theodore Sorensen.

14 Mr. Sorensen, I think you are most fortunate to have
15 Mr. Moynihan presenting you, sir.

16 It is now my pleasure to recognize the junior Senator
17 from the state of New York, Mr. Moynihan.

18 Senator Moynihan. Thank you, Mr. Chairman, and may I
19 say I am more than sensible of the honor to appear before this
20 Committee and to you, sir and to the members of the Committee.

21 I now have the honor to introduce to the Committee Mr.
22 Theodore C. Sorensen of New York who is the designee of the
23 President-elect for the post of Director of Central Intelli-
24 gence.

25 I introduce him, of course, only in the formal sense of

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 presentation. There will not have been a single member of
2 this Committee who, upon learning of the President-elect's
3 intended nomination did not instantly recognize the name and
4 immediately associate the man with a still shining moment in
5 American history, the Presidency of John F. Kennedy.

6 For my part, I will always remember him standing in the
7 hallway of the West Wing of the White House on that afternoon
8 of November 22, 1963 when silently, somehow, the knowledge
9 passed among us that the President was dead. And with that,
10 for me, and I expect for many there, the further realization
11 came that of all who would be stricken, none apart from
12 the President's own family would feel the hurt more deeply
13 or bear the pain longer than Ted Sorensen.

14 When, minutes later, Hubert Humphrey arrived to be with
15 us, we young men of the Kennedy moment in what was in so
16 many ways our last time together, he embraced Ralph Duncan
17 and exclaimed in anguish: "What have they done to us?" And
18 again, one thought of Ted Sorensen.

19 Well, they did not break us, no more than they did
20 Hubert Humphrey. But just as surely, much ended that day, not
21 least the sense of ordained security of innate invincibility
22 which permeated the consciousness of even those among us most
23 sensible of the dangers which America and American ideals
24 faced in an increasingly hostile world. Somehow, we had
25 thought it would all come out right in the end. We really

1 had thought that, notwithstanding what we said or how we acted.

2 Well, it didn't, of course. Not for us. And the lesson
3 of danger, of concealed threat, of ambush, of tragedy, mark
4 us, even now, I dare to say, as a kind of generation.

5 None learned this lesson more profoundly than Theodore
6 C. Sorensen. It was surely this fact, combined with his
7 formidable and undiminished powers of analysis and exposition,
8 these qualities in him which prompted Governor Carter to
9 offer him the post of Director of Central Intelligence, just
10 as we may also feel certain it was Mr. Sorensen's sense of the
11 present and prospective dangers faced by the American republic
12 which prompted his agreement to return to the public service,
13 a return which President Johnson in a parting letter thirteen
14 years ago predicted would one day come, for government would
15 necessarily turn once more to this extraordinary man before
16 too many years had passed.

17 Unhappily in the interval since that time, the atmosphere
18 of public service in the nation's capital has not improved.
19 I have been pained to hear questions raised concerning Mr.
20 Sorensen's qualifications owing to personal convictions which
21 he has, or had, concerning the taking of human life.

22 Surely, we are not about to impose religious qualifica-
23 tions for public service at this late date, when persons of
24 conviction have become so few as to make the issue
25 increasingly moot.

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 I would then respectfully urge the committee to direct
2 its concerns, as I know it will, Mr. Chairman, to the issues
3 of competence and of integrity, of vigilance and of loyalty,
4 which are of large and proper concern to you all. Here, it
5 seems to me the thing speaks for itself. In the formulation
6 of the common law, *res ipsa loquitur*.

7 Intelligence will breed intelligence. Theodore Sorensen
8 will carry on in the tradition, too brief but already produc-
9 tive stewardship of George Bush. The Agency and the Presidency
10 and the Nation will be well-served.

11 I feel certain that the members of this } Committee will
12 share with me the conviction that in making this appointment,
13 the President must also be concerned that the interests and
14 sensibilities of the intelligence community -- of the men and
15 women who make up this community will also be taken into
16 consideration.

17 I have had the honor, Mr. Chairman, to serve in the
18 subcabinet or cabinet of four presidents. In the course of
19 that service, I have come to hold the men and women of the
20 Central Intelligence Agency in particular in the highest
21 possible regard. As professional analysts, as government
22 servants and if you will not mind the term, as patriots, they
23 have no equal as a corps.

24 Theodore Sorensen is a man who will understand them and
25 who will know that they have not -- and in whom they will see --

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 not merely a channel for their work into the innermost
2 policy circles of the American government, but an advocate of
3 their work as well.

4 Mr. Chairman, on Friday last, fourteen members of the
5 New York State delegation in the House of Representatives
6 sent to Governor Carter a letter commending him for the
7 nomination of Mr. Sorensen to this post. With your kind
8 permission, I would ask that this letter be made part of
9 the record of this hearing.

10 I thank you, Mr. Chairman, for the privilege of intro-
11 ducing my friend, Theodore Sorensen.

12 (The letter referred to follows:)

13
14
15
16
17
18
19
20
21
22
23
24
25

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 The Chairman. Thank you very much, Senator Moynihan.

2 Mr. Sorensen, will you please rise and raise your hand?

3 Do you, Theodore Sorensen, swear that the testimony you

4 are about to give is the truth, the whole truth and nothing

5 but the truth?

6 Mr. Sorensen. I do.

7 The Chairman. Mr. Sorensen, welcome to the Committee,

8 sir.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 TESTIMONY OF THEODORE C. SORENSEN

2 Mr. Sorensen. Mr. Chairman, members of the Committee, I
3 am grateful for this opportunity to share with you my views
4 on President-elect Carter's decision to nominate me for the
5 post of Director of Central Intelligence and to answer the
6 scurrilous and unfounded personal attacks which have been
7 circulated against me, largely on an anonymous basis.

8 I did not seek or lightly accept this assignment, and
9 some of my friends have suggested that anyone agreeing to take
10 the job lacks either the sanity or the judgment necessary to
11 fulfill it. I recognize that the successes of the Intelligence
12 Community are largely unspoken while its errors are roundly
13 assailed; that it is often accused of deeds that it never
14 committed or that it undertook at the request of higher
15 authority; and that the Agency and its employees are rarely
16 able to defend themselves publicly against these attacks.
17 In recent days, I have had the same experience.

18 But I do not intend to be intimidated by those who wish
19 to strike at me or my policies or through me at Governor
20 Carter, by personal attacks on my integrity and probity,
21 grossly distorting the facts and malicious twisting my words.
22 I prize both my country and my honor too greatly to desert
23 this post under that kind of cloud, and despite the prejudgments
24 already voiced by some members of the Committee before I have
25 been heard, I am here to appeal to the sense of fairness of

1 of the members of this Committee.

2 I recognize that some of you have legitimate questions
3 concerning my qualifications, but before dealing with those
4 questions I must, as a matter of personal privilege, respond
5 to the personal attacks upon my character which my nomination
6 has suddenly stirred.

7 First, it has been said that I leaked or otherwise
8 conveyed classified information for political or personal
9 purposes, or took it upon myself to declassify documents, or
10 ignore or evade the law. That charge is totally false.

11 In the White House, I drew upon classified materials in
12 backgrounding the press only when I was specifically directed
13 to do so by the President, who clearly had such authority;
14 and I took documents home for review only in those rare
15 instances when I would otherwise have spent twenty-four hours
16 a day in that office.

17 Judging from some opening comments of some members of
18 this Committee, they have never leaked secret information to
19 the press, and I commend them for that unique standing, but
20 speaking for myself, I have never compromised the national
21 security of this country or approved of anyone else doing so.
22 My affidavits in the lawsuits brought against the New York
23 Times and Daniel Ellsberg regarding publication of the
24 Pentagon Papers accurately described the practices then
25 prevalent in Washington, not as I thought they should have

1 been, but as they were.

2 Senator Case. Mr. Chairman, are those affidavits in
3 the record?

4 The Chairman. Yes, sir.

5 Senator Case. I wonder if it should be done now, so
6 there would be no question; in Mr. Sorensen's testimony he has
7 referred to them. That is why I raise the matter.

8 The Chairman. Can you wait until he is finished?

9 Senator Case. We can, but he has referred to papers
10 that are not in the record. That is the reason I thought --
11 he may want to put them in himself.

12 Mr. Sorensen. I would be very glad to do that, Mr.
13 Chairman. I would ask that the affidavits filed in the case
14 against the New York Times be submitted as well as the
15 affidavits submitted in the case against Daniel Ellsberg.
16 For some strange reason, all of the anonymous attacks have
17 referred only to the Ellsberg affidavits, not to the New York
18 Times affidavits.

19 Senator Case. Thank you, Mr. Chairman.

20 The Chairman. Mr. Sorensen, I will, in compliance with
21 the requests made, I will show you an affidavit in the case
22 of United States of America versus Anthony Joseph Russo, Jr.
23 and Daniel Ellsberg, Defendants, State of New York, County of
24 New York, and dated the 30th day of June, 1972.

25 Mr. Sorensen, this is a typed copy of the original, and

1 I will show this to you, sir.

2 I also have another affidavit in the case of The United
3 States of America versus the New York Times Company. This is
4 dated June 17, 1971. I show you this also.

5 The affidavits in the case of the United States of
6 America versus Russo and Ellsberg, is that an affidavit which
7 was submitted by you, sir?

8 Mr. Sorensen. I assume it is a copy of the original,
9 yes, sir.

10 The Chairman. In the case of United States versus the
11 New York Times, is that also an affidavit that was submitted
12 by you in this case?

13 Mr. Sorensen. I am assuming it is a copy of the original,
14 yes, sir.

15 The Chairman. Without objection, the Ellsberg affidavit
16 will be placed on the record as Exhibit A and the New York
17 Times affidavit as Exhibit B.

18 (The documents referred
19 to were marked as
20 Sorensen Exhibits A and
21 B.)

22
23
24
25

1 The Chairman. Please proceed, sir.

2 Mr. Sorensen. I will repeat my last sentence. My
3 affidavits in the lawsuit brought against the New York Times
4 and Daniel Ellsberg regarding publication of the Pentagon
5 Papers accurately describe the practices then prevalent in
6 Washington, not as I thought they should have been, but as
7 they were.

8 Almost identical affidavits were submitted by a former
9 Assistant Secretary of State, a former State Department Legal
10 Advisor, and a former Ambassador. During my White House
11 service, I received the highest security clearances from the
12 CIA; and I received them again in the last few weeks.

13 Indeed, I have something of a reputation for guarding
14 secrets, whether they be something of my government, my
15 clients, or my friends. No one has ever charged me with
16 conveying classified information to others, or mislaying
17 classified materials.

18 Second, it has been said that I improperly took
19 classified documents with me from the White House when I left
20 government service, improperly used them in writing my book
21 on President Kennedy, and improperly obtained a tax deduction
22 for donating them to the John F. Kennedy Library. Those
23 charges are totally false.

24 Upon the announcement in early 1964 that I was leaving
25 the White House, I was visited by the Assistant Archivist of

1 the United States, an official of the General Services
2 Administration. He informed me that the papers in my files
3 that I had created and accumulated during the period of my
4 service in the White House were regarded by both law and
5 historical precedent as my personal property; and further,
6 that I was entitled to make any use of those papers that I
7 deemed appropriate, whether selling them as some former White
8 House aides had done, writing books based on them as other
9 former aides had done, or donating them to an appropriate
10 educational institution -- with a tax deduction on the value
11 of the gift -- as still others had done.

12 This was the law conveyed to me by the Archivist of the
13 United States.

14 Upon my signing, on February 14, 1964, a Letter of Intent
15 to donate my papers to the Kennedy Library, the Archivist's
16 Office sorted and packed my files, presumably leaving behind
17 anything that was not mine, and transferred them to a GSA
18 depository in the Boston area.

19 The GSA then sent to my home in Massachusetts certain
20 of those papers that I had selected as necessary background
21 materials for my book. The GSA collected them from me upon
22 completion of my manuscript, and the entire lot of my
23 papers was then transmitted to the John F. Kennedy Library,
24 to which I donated them.

25 Naturally there were classified papers among them,

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 although no communications intelligence reports, just as
2 there were classified documents among the papers taken upon
3 their departure from the White House by the principal aides
4 of every President at least since Woodrow Wilson, including
5 Colonel House, Samuel Rosenman, Harry Hopkins, Sherman Adams,
6 McGeorge Bundy, and many, many others.

7 Like most of those named, I reviewed my papers, including
8 classified papers, in preparing a book on my experiences, just
9 as Gerald Ford at his confirmation hearing acknowledged
10 drawing upon Top Secret documents in his possession in writing
11 his book on the Warren Commission. In the decades since my
12 book was published no one has suggested that security was
13 in any way breached by anything in my book and it was, in
14 fact, submitted for clearance in advance to the National
15 Security Advisor to the President, to his former Deputy,
16 and to the former Deputy Secretary of Defense.

17 My handling of classified information was, at all times,
18 in accordance with the then-existing laws, regulations and
19 practices.

20 Upon donating my papers to the Kennedy Library -- instead
21 of selling them individually for a far larger amount -- I
22 received the tax deduction to which I was entitled by law,
23 just as many former government officials did over the years,
24 including, in addition to some or all of those already
25 mentioned, former Ambassador Galbraith, former White House

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 aide Arthur Schlesinger, and former Governor and Ambassador
2 Adlai Stevenson.

3 No doubt arguments can be made against the practice
4 begun by George Washington of White House occupants taking
5 their papers with them -- John Eisenhower has recently stated,
6 for example, that his father inherited from Truman and left
7 to Kennedy no papers other than the instructions on nuclear
8 attack procedures -- but at the time I took my papers in
9 1964, that was clearly the accepted view of the law.

10 No doubt arguments can be made against permitting of tax
11 deductions on the donation of papers by former government
12 officials -- and such arguments were made when the law was
13 changed in 1969 -- but that was, nevertheless, the law prior
14 to that time.

15 All of the above actions were taken with the full
16 knowledge and approval of the United States government and
17 were publicly described in the well-publicized affidavits
18 which I filed in the New York Times case and subsequently
19 in the Ellsberg case.

20 Those two cases involved important First Amendment
21 issues, including the public's right to know the tragic history
22 of the Vietnam War. Whatever improvements might have been
23 made in the wording of my affidavit, I make no apology for
24 having responded to the requests of counsel in both cases to
25 attest to the inconsistencies and anomalies of government

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
classification practices.

2 Third, it has been said that I avoided military service
3 as a pacifist during World War II and the Korean War. This
4 charge is totally false. I have never sought to avoid military
5 service, hazardous or otherwise, in wartime or any other
6 time. I have never advocated for the United States a policy
7 of pacifism, non-resistance to attack or unilateral disarm-
8 mament.

9 The facts are that I registered for the draft upon
10 becoming eighteen years of age in 1946, a year after World
11 War II ended, and shortly thereafter expressed the philosophy
12 of non-violence with which I had been reared by two deeply
13 idealistic parents by requesting, not an avoidance of military
14 duty or hazardous duty, but military service in a non-combatant
15 capacity (classification 1AO) preferring, by way of illus-
16 tration, to serve on the battlefield as a medical corpsman
17 saving lives instead of taking lives. This status was granted.

18 My action was largely symbolic inasmuch as our country was
19 not then at war, or expected to go to war. I have never, in
20 my service on the Executive Committee on the National Security
21 Council during the Cuban Missile Crisis or any other time,
22 permitted my preference for personal nonviolence to inhibit
23 in any way my advice to the President on the military and
24 other options available as a matter of national policy.

25 I would not have accepted Governor Carter's designation

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 to be Director of Central Intelligence were I not prepared
2 to carry out every lawful order of the President conceivably
3 connected with this post.

4 Fourth, it has been said that my legal representation
5 of multinational corporations and foreign governments poses
6 a conflict of interest in undertaking this assignment. This
7 charge is patently absurd.

8 Over the years, the highest national security officials
9 in our country have frequently represented such clients before
10 taking office, including Messrs. Dulles, Acheson, Rogers,
11 McCloy, Stevenson and a host of others -- but no one
12 challenged their right to serve or later claimed that their
13 actions were prejudiced because of those earlier ties.

14 My only representations of foreign governments were the
15 brief occasions on which I represented the Governments of
16 Iran, Zaire, Sierra Leone and Newfoundland in commercial
17 disputes or negotiations. In no country did I have any
18 connection with or first-hand knowledge of any activities
19 of either their intelligence agencies or our own; nor do I
20 have now any obligations or prejudices regarding any
21 foreign country which would interfere with any official duties.

22 The fifth and final charge is the suggestion that I
23 must have been somehow involved in the Kennedy White House
24 plots to assassinate foreign leaders. That charge is totally
25 false.

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
I have previously testified under oath, and I do so
2 again today, that I knew nothing of such plots; and no one
3 who did has ever stated or ever could state, nor did your
4 predecessor committee find or suggest, that I was informed
5 or involved in any way.

6 The record is equally clear that I had no advance
7 knowledge or involvement of any kind in the Bay of Pigs or
8 in any CIA covert operations.

9 Mr. Chairman, far more than any job or title, I value
10 my good name. I deeply resent this reckless scattering of
11 baseless personal accusations in order to suppress a different
12 point of view. I respectfully ask this Committee, whatever
13 the fate of my nomination, to consider the evidence submitted
14 today and previously submitted to your staff director, and to
15 make it clear that these personal charges are wholly false
16 and without foundation and not the basis for the Committee's
17 view of my nomination.

18 With these personal charges out of the way, we can turn
19 now to the question of my qualifications -- to legitimate
20 questions, raised by those with whom I respectfully disagree,
21 but who are entitled to raise what they regard as valid
22 questions.

23 There are basically two such questions.

24 First is the question of my experience in intelligence.
25 I was an observer at National Security Council meetings and a

1 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
reader of intelligence reports in the White House, and I
2 worked closely with the CIA and other national officials
3 during the Cuban Missile Crisis. I have, since leaving the
4 White House, written and lectured widely on international
5 affairs, and engaged in negotiations with dozens if not
6 hundreds of top foreign officials.

7 I was requested by the Ford White House a year ago to
8 provide advice and consultation on its reorganization of
9 the intelligence effort. My qualifications for this post have
10 been endorsed by John McCone, Clark Clifford, Averell
11 Harriman, Admiral Elmo Zumwalt, General James Gavin, and others
12 who know of my work.

13 Most importantly, I was chosen by the President-elect
14 as someone sufficiently in his personal trust and confidence
15 to bring him the hard, unvarnished unpleasant facts, and to
16 reject any improper orders whatever their source; as someone
17 who possessed the integrity necessary to continue the task of
18 restoring public trust and confidence in the CIA and earning
19 that trust and confidence by keeping the Agency accountable
20 and free of abuse, and as someone with a degree of intellect
21 and independence required to protect the integrity of the
22 intelligence process from outside pressures and politics.

23 But I recognize that there are those, inside and outside
24 of the intelligence establishment, who disagree with the
25 Murphy Commission recommendation that an outsider always be

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 named to this post; who refuse to recognize the totally
2 non-partisan leadership provided by George Bush as DCI,
3 despite earlier concerns about his partisan background; or
4 who see no value for this post in a lawyer's sensitivities to
5 civil liberties and lawful conduct. These people believe
6 that only someone from inside the military or intelligence
7 establishment has the experience necessary for this job.
8 I disagree.

9 Second is the question of my views. Although as
10 previously indicated, I am not a pacifist, I do favor a
11 foreign policy that prefers, where possible, the risks of
12 peace to the risks of war. Although, as previously indicated,
13 I fully recognize the need for legitimate government secrecy,
14 which is in fact weakened by overclassification, I do believe
15 in the right of the Congress and public to receive far more
16 information than they presently do from all government
17 agencies, including the CIA.

18 I believe as well in the application of moral and
19 legal standards to national security decision, including the
20 limitation of covert operations to extraordinary circum-
21 stances involving the vital national interests of our country,
22 with timely review by the appropriate Congressional Committees
23 and written authorization by the President and his senior
24 Cabinet officials.

25 There are those who disagree with these views and who

20 Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 regard them as incompatible with the duties of a Director
2 of Central Intelligence. Paying little heed, apparently,
3 to the fact that the Director's real responsibility is to
4 provide leadership to the Intelligence Community and
5 objective intelligence, not policy, to the President and his
6 policymakers. These critics prefer to view this post as a
7 part of the national security decision-making apparatus and
8 prefer in that post understandably someone with policy
9 commitments more like their own.

10 Obviously, I disagree with that view as well.

end tascione

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 But it is now clear, Mr. Chairman, that a substantial
2 portion of the United States Senate and many members of the
3 intelligence community are not yet ready to accept as Director
4 of Central Intelligence an outsider who believes as I believe
5 on these two legitimate questions. It is equally clear that
6 to continue fighting for this post, which would be my natural
7 inclination, would only handicap the new administration if I
8 am rejected, or handicap my effectiveness as Director if I am
9 confirmed.

10 It is therefore with deep regret that I am asking
11 Governor Carter to withdraw my designation as Director of
12 Central Intelligence. My regret stems not from my failure to
13 get this post, but from my concern for the future of our
14 country. I return to private life with a clear conscience.

15 When my nomination was announced on Christmas eve, my
16 youngest son said to me, "Now you will have to do some things
17 you don't want to do," and I replied, "I never will." I
18 have never compromised my conscience, and I am unwilling to
19 do so now in order to assure my nomination.

20 I want to thank you, Mr. Chairman and members of the
21 Committee, for hearing me out, and for the courtesies you have
22 extended to me over the past few weeks. I will be glad to
23 answer any questions you think necessary, and to answer those
24 of the press immediately after the conclusion of this hearing.

25 The Chairman. Mr. Sorensen, needless to say, this was not

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 expected. The Committee was prepared to proceed.

2 I know that this has been a difficult time for you, and
3 may I say that it has been a difficult time for the members
4 of my Committee. But knowing Theodore Sorensen, I am certain
5 that this painful episode will not in any way dampen his
6 interest and concern in the well-being of this country, because
7 I am certain your love for your country will continue.

8 We are all aware of your great service to this country
9 since 1951, and I think it would be a great loss to us if you
10 decided not to continue this tradition of service. I am
11 certain you will not fail us.

12 If it is of any consolation to you, sir, this Committee
13 has received a report from an agency of the intelligence
14 community, incidentally, one of the toughest agencies, one
15 that is required to clear all nominees, the Federal Bureau of
16 Investigation. The Federal Bureau of Investigation has
17 given you a four-star rating, consider you loyal, patriotic,
18 and should be considered for any classified position.

19 I am sorry that I cannot make that report part of the
20 record because it is not a type of report that can be made
21 part of the record, but I can tell you as Chairman of this
22 Committee, having seen the report, and I welcome all the
23 members of my committee to look at it, you have been given a
24 four-star rating.

25 Mr. Sorensen, I hope that you will not leave this room

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 with bitterness, although there is justification for that.

2 I hope you will leave this room knowing that we have tried to
3 do our best as members of the United States Senate and as
4 members of this Committee.

5 I thank you for having considered this nomination, and
6 as Chairman of the Committee, I await the pleasure of the
7 President of the United States.

8 Senator Garn. Thank you, Mr. Chairman.

9 I would just like to say that I had the opportunity this
10 week to visit with Mr. Sorensen at quite great length on
11 two different occasions, and I would like to say publicly
12 what I said to Mr. Sorensen on Friday, that I had great
13 respect for his ability and his intelligence, that at no time
14 did I feel that he had deliberately or with any intent taken
15 classified material that would harm this country. I told him
16 that personally; I say it publicly.

17 I also told him in that particular meeting that in the
18 research that we had gone into in great detail, that he was
19 an extremely moral man, finding in personal notes and so on
20 that he had written when he was in the White House, even turning
21 down the offer of a couple of theatre tickets because he did
22 not feel that it was proper in his position to accept a couple
23 of seven or eight dollar theatre tickets.

24 So, Mr. Sorensen, I wanted to say that to you publicly,
25 not just privately. You know I had some concerns about the

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 nomination, not to your honesty or your integrity or your
2 ability, but I used the phrase I felt the wrong man for the
3 wrong position, and that Secretary of HUD, HEW or someplace
4 else, that you would be an extreme asset to the new President
5 of the United States.

6 I know this has been a difficult decision for you. I
7 personally have appreciated the opportunity of getting to know
8 you this week, and I wish you well in the future.

9 The Chairman. Senator Biden?

10 Senator Biden. Mr. Chairman, I think it should also be
11 pointed out that at least in the preliminary memorandum done
12 by my staff and members of the staff, that the questions which
13 I was going to raise about the espionage law, as to whether or
14 not they were violated, the conclusion of staff was there
15 was no violation, and in fact, there is no evidence that any
16 law has ever been violated by Mr. Sorensen, and I am sorry
17 that it is not going to be made part of the record in terms of
18 being able to flesh out this entire area so that it would aid
19 us further in formulating a revision of those unclear laws.

20 But I should say that it is emphatically clear in my
21 opinion, and I think in the tentative opinion of the staff
22 memorandum, that there was no violation of any law, and I would
23 also like to point out that, Ted, you are one of the classiest
24 men I have ever run across in my whole life.

25 The Chairman. Senator Hart?

1 Senator Hart. Mr. Chairman, much is said in these
2 halls about presumptions attaching to nominations by the
3 President of the United States, and it seems to me in light
4 of what has happened here today, that if we are serious about
5 honoring those nominations and those recommendations, it would
6 be well for Committees of the Congress, and particularly the
7 Senate which have the obligation of confirmation, to honor
8 that presumption and at least let a hearing go forward before
9 all members or a majority of the members of those Committees
10 make up their mind as to how they intend to vote. Otherwise,
11 it seems to me to make mockery of the hearing and confirmation
12 process, and I for one am extremely saddened by what has
13 occurred. I don't believe Mr. Sorensen has received his day
14 in court, and I am afraid his case was prejudiced at the outset.

15 The Chairman. Senator Hatfield.

16 Senator Hatfield. Thank you, Mr. Chairman.

17 Mr. Sorensen, I think you know that I have been a long
18 time admirer of yours, and I applaud your statement here today,
19 not that I had to hear your statement today to be fully
20 convinced of the rather exaggerated claims made under the
21 charges.

22 But I do feel that your statement today again affirms in
23 my mind, and should affirm in the total public's mind, the
24 integrity of your personal character, your marvelous public
25 record, even before it was necessary to do so publicly.

1 I want to applaud you, salute you and say that in no way
2 has this incident ever diminished my opinion, my high regard
3 for your person.

4 The Chairman. Senator Morgan?

5 Senator Morgan. Mr. Sorensen, I say to you that you have
6 made a very excellent presentation this morning and Senator
7 Moynihan has made one on your behalf.

8 On the few occasions on which you and I talked, I think
9 you will recall that I expressed to you my reservations about
10 your appointment to this particular job, but also the esteem
11 in which I held you and the work that you have done in the
12 past.

13 I must say to you that as I flew to Raleigh last night
14 with the briefing book, and read in that briefing book the
15 proposed statement to be made before this Committee by at
16 least two organizations, if not more, I was -- I found myself
17 somewhat in a dilemma, because many of the remarks in those
18 statements were so intemperate that I hesitated to even be
19 associated with any sort of opposition whatsoever.

20 I hope you understand that my reservation about your
21 particular appointment to this job was not for the purpose of
22 suppressing a different point of view, but was reservation
23 founded on what I believed to be real reason.

24 The Chairman. Senator Bayh.

25 Senator Bayh. Mr. Chairman, Mr. Sorensen, I am distressed

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 at the turn of events. It is rather obvious that some of

2 these political, personal references to you were the ultimate
3 in political poppycock, efforts to desecrate your character.

4 I think anybody who had studied the case knew it wasn't a
5 question of laws being violated, of a man in high public
6 trust intentionally undertaking to do damage to the country.

7 And you quite accurately pointed out, sir, never, in publishing
8 of your books and speeches and articles, never has anyone
9 laid a charge on you of damaging the security of this country.

10 The concern that I had, very frankly, were concerns that
11 came from your own mouth or pen, the disclosures in the affidavit,
12 the recognition that one of the major responsibilities that
13 you had was, as I recall you said this morning, the task
14 of restoring public trust and confidence.

15 Now, I was hopeful, frankly, I was confident that in the
16 hearings as we heard about past practices, as we had a chance
17 to read into the record for all the world to know, as some
18 of us had known, your personal sensitivity to these problems,
19 that this matter would be laid to rest, and that the problem of
20 confidence restoring could be proceeded with.

21 I must say, I think what you have done is a rather gutsy
22 thing.

23 The Chairman. Senator Huddleston?

24 Senator Bayh. Well, could I just -- it was a rather
25 gutsy thing. I was hoping that this Committee could take

1 advantage of your presence here -- and now, perhaps, Mr.
2 Chairman, it is inappropriate -- not only to move ahead with
3 the restoring of confidence with you as the Director of CIA,
4 but to take advantage of this rather unique experience you
5 have had of past classification, past practices, to advise
6 us as we proceed with our mandate, not only of oversight, but
7 of drafting wiretap legislation, mail opening, surreptitious
8 entry, the charters that our Subcommittee and this Committee
9 as a whole has to put together. I would hope, if this is
10 not the appropriate time, that we could get your assurance to
11 let us have the benefit, what information should be kept
12 secret.

13 You are in a unique position to tell us that.

14 And one last thought, Mr. Chairman, I have already
15 said more, I guess, than in the time is appropriate. It is
16 hard to separate one's personal feelings from one's responsi-
17 bilities, but I have to confess to you that one of the reasons
18 I was hoping we could put this matter to rest and proceed with
19 you as Director of the CIA is that I am painfully aware, as
20 I am sure you are, and hopefully most of this Committee is,
21 that some of the people are out to get you, not because of
22 what you said in that affidavit, but because they don't want
23 a clean broom at CIA.

24 And this Committee is going to have a clean broom and a
25 Director that can bring objectivity into that important post.

1 The Chairman. Senator Hathaway?

2 Senator Hathaway. Just 30 seconds if I may, Mr. Chairman.
3 I don't want to keep Mr. Sorensen here any longer, knowing
4 how he must feel after having made the statement he just
5 made. I just want to say that I respect your decision, respect
6 your decision, respect your judgment, and say that you were a
7 big man when you entered this room and you are going out an
8 even bigger man.

9 Thank you very much.

10 The Chairman. Senator Huddleston.

11 Senator Huddleston. Mr. Chairman, as one who developed
12 some concern about this nomination, I, too, would like to say
13 that never in my consideration of this designee was there any
14 question in my mind about his loyalty, about his integrity,
15 his dedication to this country, and his intelligence, or even
16 in his ability to administer the job in which he was designated
17 for.

18 I voted against George Bush for that position. As a
19 member of the former Committee on investigations of our
20 intelligence, I felt that Mr. Bush did not have the sufficient
21 background to fill that job. I was wrong on that vote. I think
22 George Bush did become a very effective and competent
23 administrator of our Central Intelligence.

24 I would just like to say that I have never been persuaded
25 one ounce by those who I think had a personal axe to grind

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 in relation to the nomination of Ted Sorensen.

2 I came to this Committee hearing with an open mind. I
3 came seeking and hoping for reassurances, and I am sorry that
4 we don't have an opportunity to receive those reassurances.

5 Thank you, Mr. Chairman.

6 The Chairman. Thank you.

7 The Chair has received requests from two Senators who are
8 not members of the Committee to make brief remarks. I am
9 certain there will be no objection.

10 I would like to recognize at this time Senator McGovern.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2 Senator McGovern. Mr. Chairman, I am deeply distressed
3 at what has happened here today. I was not aware that Mr.
4 Sorensen was going to withdraw his name, but I have a brief
5 statement which I would like to give to the Committee, as I
6 had prepared it, because as far as I am concerned, nothing has
7 changed about these judgment.

8 I have known all of the Directors of the Agency during the
9 past 20 years, and I am convinced that Ted Sorensen is as
10 well qualified, if not better, to head this agency than any
11 of those predecessors. His experience, his judgment, his
12 reliability, his intelligence are all stronger than we are
13 accustomed to in this office. I have known him as a friend,
14 as an associated, as a dedicated public servant, as a
15 Presidential confidante, and as an eminent attorney, and he
16 is a man of intense patriotism who can be relied upon absolutely
17 to put the national interest first and foremost at all times.

18 It is because I know his qualities of mind and character
19 so well that I deeply resent the scurrilous attacks that were
20 unleashed against him this past weekend. I think they are a
21 disgrace to decency and to justice. Certain, for the most
22 part unidentified, people have leaked a variety of stories
23 to the press designed to prejudice the nomination of this
24 man, and I think that is the real reason this withdrawal took
25

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
place this morning.

1
2 The campaign waged against him has not been equalled since
3 the days of the late Joe McCarthy.

4 Now, what is being said of Ted Sorensen? They say first
5 that he doesn't have experience. The truth is that he has more
6 experience in both national and international affairs than
7 the President-elect who nominated him. The Director of the
8 CIA does not need to be an experienced spy or an experienced
9 break-in artist. If on the job experience in such activities
10 were needed in the Director's office, we should be seeking out
11 H. L. Hunt or James McCord or J. Gordon Liddy, but these
12 experienced CIA men have all been sent off to jail, which is
13 one way of reminding us that what the CIA now most needs is a
14 director of sound moral character with a knowledge of American
15 legal and constitutional principles, and a clear sense of the
16 national interest.

17 Ted Sorensen has all of these qualities. Talk about
18 experience. He was the White House Counsel under the late
19 President Kennedy. He was a trusted aide of John Kennedy during
20 all of his years in the Senate. He traveled the length and
21 breadth of this land during his long four year bid for the
22 Presidency, and in the White House he was the principal
23 drafter of the great messages President Kennedy delivered to
24 the Nation and the world.

25 But beyond this, he was a trusted advisor in every area

1 of government, including many matters involving the intelligence
2 function.

3 He saw first hand the operation of the governmental
4 process, and Mr. Chairman, I think few if any men ever to serve
5 as Director of the CIA brought to that office the wide ranging
6 experience of Mr. Sorensen. It is said that he took government
7 papers, including classified papers, with him when he left the
8 White House, but this is not something that he has concealed.
9 The Committee has these affidavits because they were volunteered
10 by Mr. Sorensen at the time of the public trial of Daniel
11 Ellsberg. He gave this affidavit as a means of demonstrating
12 a fact of life, which is that it is customary for White House
13 aides to take their files with them when they leave government
14 service.

15 It is said that he leaked classified information, but
16 he has assured this Committee, as he has others who have asked
17 him about it, that he never released classified information
18 except when ordered to do so by the President of the United
19 States, nor has anyone demonstrated how anything he ever
20 released under Presidential order damaged this nation in the
21 slightest.

22 If certain Senators are so incensed about the practice of
23 leaking, how do they explain their own conduct in anonymously
24 leaking reports about Mr. Sorensen, and why don't they get more
25 incensed about the persons who in recent days have leaked the

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 classified CIA estimates of Soviet military strength relative
2 to American military strength? What about the constant
3 leaking by the Pentagon of classified information on weapons
4 systems?

5 One unnamed Senator was quoted in yesterday's Post
6 as follows: "The job requires a man of authority, a man who
7 can control the entire intelligence community, a Jim Schlesinger,
8 not a Sorensen. The Director of the largest intelligence
9 service in the world is a leaker. \ It undermines the whole
10 intelligence effort. It raises questions about his judgment."

11 I submit, Mr. Chairman, that a statement like that raises
12 questions not about Mr. Sorensen's judgment, but about the
13 judgment of the anonymous Senator. That Senator appears
14 to be more accomplished at leaking than at judging.

15 If he regards leaking as the most serious offense of the
16 CIA, what does he think about the Agency's record of attempted
17 but bungled assassination efforts, its working alliance with
18 the criminal underworld, its crude efforts to subvert inde-
19 pendent governments, its secret wars, its shabby, un-American
20 performance for so many years in so many places? It is these
21 shameful, self-defeating practices that jeopardize the CIA
22 and that must be brought under control if that Agency is not
23 to continue discrediting the good name of the United States.

24 Finally, Mr. Chairman, Mr. Sorensen is the kind of man
25 who would know what his Agency is supposed to do well, and what

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 it was not supposed to do, and I sincerely had hoped for the
2 sake of this country that he would be confirmed in the
3 imporant assignment for which President-elect Carter has
4 selected him.

5 On the basis of what I know about this nomination, and
6 on the basis of what I have heard said about it in the press
7 this past weekend, I can only conclude that if it is being
8 rejected, we can mark it down that the ghost of Joe McCarthy
9 still stalks the land.

10 And Mr. Chairman, I can't tell you how deeply distressed
11 I am personally and as one who loves this country, at the
12 shameful experience we have come through this past weekend. I
13 think it is a dreadful beginning for a new Administration to
14 be dealt a blow of this kind. I deeply resent it and am
15 deeply concerned for what it forebodes for this country.

16 The Chairman. Thank you very much.

17 I believe I owe it to the Committee and to the members
18 of the staff to address myself to the suggestion that we
19 have leaked information to the press. I can say without
20 reservation that the members of this Committee, the members
21 of the staff have not leaked any information to the press.
22 The documents in question, the two affidavits, were not
23 classified material to begin with. They were matters of public
24 record.

25 As one member of the Committee, I can assure you that no

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 member of the press ever got to me. I would like to express
2 my apologies now for not answering the telephone. It was a
3 miserable day this weekend, yesterday and the day before.

4 But I don't wish the record to show without any response
5 that we have been responsible for leaks. As Chairman of this
6 Committee, I am proud to serve in this capacity, and I can
7 say that this Committee has done its best during this eight
8 months, and I am certain the members of the press will concur
9 with us that this is one Committee where leaks are almost
10 nonexistent, and I hope that we continue in this fashion.

11 Senator Metzenbaum.

12
13
14
15
16
17
18
19
20
21
22
23
24
25

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
STATEMENT OF THE HONORABLE HOWARD METZENBAUM, A
UNITED STATES SENATOR FROM THE STATE OF OHIO

1
2 Senator Metzenbaum. Mr. Chairman, I came to this
3 Committee today because I had sort of felt building up a kind
4 of pressure against the confirmation of Mr. Sorensen and because
5 I have known Mr. Sorensen over a period of many years, and
6 because I was predisposed to support his nomination, I said
7 I had to hear for myself what the evidence was, that I could
8 not really believe Mr. Sorensen, with his distinguished record
9 of public service over a period of many years could really
10 have been "guilty" of some of the scurrilous things that have
11 been said about him in recent weeks.

12 I think it is a sad day when a man is nominated, as has
13 been Mr. Sorensen, and that before the evidence is in, before
14 any evidence is heard, that his reputation, his personal
15 reputation is put in the kind of aura that has occurred with
16 respect to Mr. Sorensen.

17 I think Mr. Sorensen withdrawing his nomination bothers
18 me much. It bothers me for him, but it bothers me more for
19 the country because it means to me that other men who don't
20 fit the necessary mold of those who think they know who should
21 be the head of the CIA, or who should hold a particular
22 position in government, will be able to build up a climate of
23 public opinion making it necessary for the nominee to withdraw
24 his name.

25 I think the individual loses, but I think the country

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

1 suffers far more, not alone with respect to the one individual
2 who withdraws his name, and I empathize with Ted Sorensen
3 in that respect, but with all of those other individuals who
4 are unwilling to submit their names because they too may suffer
5 the same kind of castigation without justification, without
6 cause.

7 I think the country has suffered a great loss today, and
8 I am sorry Mr. Sorensen saw fit to withdraw his name from
9 consideration of this Committee and the United States Senate.

10 The Chairman. Senator Baker?

11 Senator Baker. Mr. Chairman, I thank you very much.

12 I would express the same surprise that the Chairman did
13 when he indicated that he had not expected Mr. Sorensen to
14 withdraw his nomination. In a way I am sorry, I am genuinely
15 sorry that we did not know of that situation ahead of time. It
16 might have been possible to handle this situation in a different
17 way, with greater sensibilities, greater respect for the
18 sensibilities, but that was not the case.

19 I think Mr. Sorensen has done a brave and generous thing
20 today. I think it was brave in that it required a degree of
21 personal determination and careful searching of his own
22 situation, his own viewpoints and ideas in this respect, a
23 generous thing in that it has I believe avoided a conflict
24 which was sure to ensue, which would have created an unfavorable
25 and probably an unpleasant, certainly an unpropitious beginning

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 for a new administration during inaugural week.

2 So I think that what Mr. Sorensen did today was not only
3 electrifying, but it was brave and generous, and I commend
4 him for it.

5 I would only add this, Mr. Chairman, if I may. I under-
6 score what you said previously, I know of no leak of any
7 information, certainly no significant information from this
8 Committee, either members or staff, and I don't say that by
9 way of defense, but rather because I think that the integrity
10 of this Committee and its reputation for being able to keep
11 secret those things with which it is dealing is imperative if
12 the Committee is to function as an effective oversight
13 Committee.

14 So I thoroughly agree with you. I know of no such leaks.
15 I personally would represent to you, Mr. Chairman, which I
16 believe needs no representation, that as far as I am concerned,
17 there have been no leaks of any information, classified
18 or otherwise, that has come into the possession of this Committee.

19 I suppose the final thing I should say is that it is in
20 the nature of the American Congressional and political
21 system that there should be a nomination and a testing; that
22 is clearly so regardless of the power that is in the White
23 House, the party that is in the White House. It is often
24 misunderstood by foreign observers, our friends in the foreign
25 press in particular, but it is well understood in the United

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2
1 States, intuitively and instinctively by our citizenry and
2 certainly by our press, that while politics may not be an
3 adversary proceeding, at least it is a system of testing,
4 and Congress is the only place to test. There is no minority
5 President. There is only a minority in the Congress.

6 And I think that the best interests of the minority, the
7 best interests of the country, and indeed, the best interests
8 of the Administration are best served by frank and open and
9 candid appraisal of the situation as it occurs.

10 I personally am sorry, Mr. Sorensen, for this situation,
11 and for the distress I am sure it has caused you, but I am
12 personally certain that you and others understand the necessity
13 for the testing.

14 And I commend you again. I reiterate, it was a brave
15 and generous thing you did today, and I think it will
16 auger to your credit and your future reputation.

17 Thank you.

18 The Chairman. Mr. Sorensen, in behalf of the Committee,
19 I thank you for your presence here this morning, and I wish
20 you well, sir.

21 The hearing is adjourned.

22 (Whereupon, at 11:41 o'clock a.m., the Committee
23 recessed subject to the call of the Chair.)

24 - - -

CONCLUDING STATEMENT OF THEODORE C. SORENSEN

But it is now clear that a substantial portion of the United States Senate and the intelligence community is not yet ready to accept as Director of Central Intelligence an outsider who believes as I believe on these two legitimate questions. It is equally clear that to continue fighting for this post, which would be my natural inclination, would only handicap the new Administration if I am rejected, or handicap my effectiveness as Director if I am confirmed.

It is, therefore, with deep regret that I am asking Governor Carter to withdraw my designation as Director of Central Intelligence. My regret stems not from my failure to get this post but from my concern for the future of our country.

I return to private life with a clear conscience. When my nomination was announced on Christmas Eve, my youngest son said to me: "Now you will have to do some things you don't want to do"; and I replied: "I never will." I have never compromised my conscience, and I am unwilling to do so now in order to assure my nomination.

I want to thank you, Mr. Chairman and Members of the Committee, for hearing me out and for the courtesies you have extended to me over the past few weeks. I will be glad to answer any questions you think necessary, and to answer those of the press immediately after the conclusion of this hearing.

Portion of Sorensen Press Conference After Conclusion of Senate Hearings

Reporter's question was garbled...

Sorensen: "I would not want to characterize the intelligence community as a whole. The people with whom I have been working at the Agency have been extremely supportive of both my views and my qualifications."

Mr. Sorensen was asked if he withdrew his nomination "because of the oppositions' elements within the intelligence community...."

Sorensen: "No, I didn't say that, I didn't say that... First of all let me say that I have not condemned, and will not condemn the intelligence community as a whole. That's a grave mistake. I met out there some of the brightest and ablest and most dedicated people I have ever met anywhere in government. I work extremely well with them. I found them very much compatible with my views and attitudes on covert operations, on the role of intelligence in American society, on the kind of role America should play in world affairs..."

STAT

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2

Next 11 Page(s) In Document Exempt

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100090002-2