

INTELLIGENCE ACTIVITIES—UNAUTHORIZED STORAGE OF TOXIC AGENTS

TUESDAY, SEPTEMBER 16, 1975

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 318, Russell Senate Office Building, Senator Frank Church (chairman) presiding.

Present: Senators Church, Tower, Mondale, Huddleston, Morgan, Hart of Colorado, Baker, Goldwater, Mathias, and Schweiker.

Also present: William G. Miller, staff director; Frederick A. O. Schwarz, Jr., chief counsel; Curtis R. Smothers, counsel to the minority; and Paul Michel, professional staff member.

THE CHAIRMAN. The committee will come to order.

The Senate Select Committee on Intelligence Activities opens its public hearings today with an inquiry into a case in which direct orders of the President of the United States were evidently disobeyed by employees of the CIA. It is the purpose of this hearing, and those which shall follow for the next 2 months, to illuminate the need to make certain in the future that Federal law enforcement and intelligence agencies perform their duties in ways which do not infringe upon the rights of American citizens.

The committee has not held public hearings prior to this time, because of its concentration on charges that the CIA has been involved in assassination plots directed against certain foreign leaders. In that investigation, the committee has taken over 8,000 pages of testimony, interrogated nearly 100 witnesses, examined a vast array of documents, and compiled a record on the assassination issue alone that compares in size to the entire investigation of the Senate Watergate Committee.

Because of the serious damage that protracted public hearings on such a subject could do to the United States in its relations with foreign governments, the committee chose to conduct these hearings behind closed doors, but the committee intends to publish a full and detailed report of its findings within the next few weeks.

It is the right of the American people to know what their Government has done—the bad as well as the good—and we have every confidence that the country will benefit by a comprehensive disclosure of this grim chapter in our recent history.

In examining wrongdoing by such agencies as the FBI and the CIA, the committee in no way wishes to denigrate the importance of their legitimate work. I know, firsthand, the wartime worth of intelligence gathering because I served in the military intelligence as an Army lieutenant in World War II.

Today, as a member of the Foreign Relations Committee, I am fully aware of the great value of good intelligence in times of peace. Without it, an informed foreign policy could not be conducted; without it, nuclear arms controls could not be policed; without it, the United States would be left groping in a dangerous world.

At the same time, we must insist that these agencies operate strictly within the law. They were established to spy on foreign governments and to fend off foreign spies. We must know to what degree they have turned their techniques inward to spy on the American people instead. If such unlawful and improper conduct is not exposed and stopped, it could, in time, undermine the very foundations of freedom in our own land.

So the committee intends to hold public hearings, not only on domestic abuses of the CIA and the FBI, but on improper activities of such other Government agencies as the Internal Revenue Service, the Post Office, and the National Security Agency.

Later in the fall, the committee will hold a series of hearings on proposals for reforming our national intelligence system and for establishing legislative oversight of its activities. New legislation will be needed to preserve for the United States an efficient intelligence apparatus that remains outward reaching, and operates within the law in the service of our legitimate national security needs.

The particular case under examination today involves the illegal possession of deadly biological poisons which were retained within the CIA for 5 years after their destruction was ordered by the President, and for 5 years after the United States had entered into a solemn international commitment not to maintain stocks of these poisons except for very limited research purposes.

The main questions before the committee are why the poisons were developed in such quantities in the first place; why the Presidential order was disobeyed; and why such a serious act of insubordination could remain undetected for so many years.

In exploring these questions, which go to the very heart of our work, I wish to acknowledge the cooperation of the White House, the Defense Department, and those officials who are presently in charge of the CIA, including its Director, Mr. Colby. Upon the discovery of the cache of forbidden toxins, the executive branch immediately came to this committee and indicated that an investigation was underway, the results of which were later reported to the committee. We then conducted our own independent inquiry. The outcome of these two investigations is the matter before the committee today.

Now, before we turn to our first witness, Mr. Colby, the Director of the CIA, I would like to recognize the ranking Republican member of this committee, Senator Tower, of Texas, for such opening remarks as he might care to make.

Senator Tower?

Senator Tower. Thank you.

Mr. Chairman, you have alluded to, and I think it is important for all of us to keep in mind, the comprehensive nature of this committee's task as mandated by Senate Resolution 21. Our assignment to conduct this first full-scale examination of the Nation's intelligence activities in more than 25 years must be viewed as a national determination to come to grips with a wide range of deferred decisions in this vital area.

Since the end of the Second World War, this Nation has haltingly—and with no small degree of ambivalence—sought to insure its survival by recognizing and legitimizing the role of intelligence and clandestine activity. Our ambivalence has been due, no doubt, to the inherent conflicts that are created when an open society faces up to the need for secrecy in the intelligence arena. But it has been an ambivalence sanctioned by decisions of Presidents, Congresses, and our judicial system.

In the discharge of its responsibilities, this committee has avoided—and will continue to avoid—the temptations of political expediency which would lay aside historical perspective and simply point the finger of blame.

When the CIA advised the committee of its discovery of the toxins which are the subject of today's hearings, the Agency was acknowledging its responsibility to affirmatively contribute to the solutions that we all seek.

In making this matter a subject for public hearing, it is my hope that we will, in an atmosphere free of sensationalism, promote a greater public understanding of the full and fair nature of the committee's process while demonstrating our concern—a concern shared by the intelligence community—for the complexity and sensitivity of the task of recommending changes or refinements in this component of our national security structure.

In the coming weeks and months we will hear much of the problems occasioned by such intelligence concepts as compartmentation, limited access and need-to-know. These principles are an inherent part of the very fabric of intelligence. They are not, and may never be, fail-safe. Our task is to examine how well we have done, and to search for methods of doing better within the parameters of a democratic society.

So it is in that spirit that we welcome your appearance here today, Mr. Colby.

The CHAIRMAN. Thank you very much, Senator Tower.

Mr. MICHEL. Exhibit No. 1 is a draft memorandum, prepared February 16, 1970, for Director of Central Intelligence. Subject: "Contingency Plan for Stockpile of Biological Warfare Agents." The document consists of three pages, and on the third page is the indication that it was dictated by N. Gordon.¹

Exhibit No. 2 is a document, "Inventory of Lethal and Incapacitating Agents Found at a CIA Building, Excerpted From CIA Inventory."²

The document consists of six pages and was prepared by the Select Committee staff, and reviewed by Dr. Sayre Stevens of the CIA.

Exhibit No. 3 consists of two documents, each one page long, dated February 18, 1970, and titled "Paralytic Shellfish Poison—Working Fund Investigations."³

Exhibit No. 4 is a press release from the White House dated November 25, 1969, consisting of two pages.⁴

¹ See p. 189.

² See p. 192.

³ See p. 198.

⁴ See p. 200.

Exhibit No. 5 is a press release from the White House dated February 14, 1970, consisting of two pages.⁵

Exhibit No. 6 is a memorandum to Chief, TSD, Subject: MKNAOMI: Funding, objectives, and accomplishments, dated October 18, 1967, and consisting of three pages.⁶

Exhibit No. 7 is a document consisting of three pages, dated November 25, 1969, titled "National Security Council Decision Memorandum, No. 35." It is addressed to the various parties, including the Director, Central Intelligence Agency.⁷

Exhibit No. 8 is a document consisting of one page, dated February 20, 1970, titled "National Security Council Decision Memorandum 44," which includes among its addressees, Director, Central Intelligence.⁸

Exhibit No. 9 is a document consisting of one page, titled "Geneva Protocol of 1925."⁹

Exhibit No. 10 is a document consisting of four pages, titled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction."¹⁰

Mr. CHAIRMAN. Now, Mr. Colby, if you would please stand to take the oath. Mr. Stevens, if you would stand too, in the event that you have any testimony to offer, I will administer the oath to both of you at the same time.

Do you both solemnly swear that all of the testimony you will give in these proceedings, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COLBY. I do.

Mr. STEVENS. I do.

The CHAIRMAN. Mr. Colby, I understand you have a short opening statement, and I invite you to read it at this time.

TESTIMONY OF WILLIAM E. COLBY, DIRECTOR OF CENTRAL INTELLIGENCE, ACCOMPANIED BY SAYRE STEVENS, ASSISTANT DEPUTY DIRECTOR, SCIENCE AND TECHNOLOGY, CIA; AND MITCHEL ROGOVIN, SPECIAL COUNSEL, CIA

Mr. COLBY. I do, Mr. Chairman. I have a prepared statement which has been distributed. I will omit certain elements of it to save a little time. I think I can cover the main points.

Mr. Chairman, this hearing typifies the difficulty of modernizing our approach to intelligence in America. We are resolved that intelligence operations be conducted in America in conformity to our laws and constitutional procedures. This does not mean that intelligence can have no secrets. We have many secrets in America, from grand jury proceedings to the ballot box, where secrecy is essential or the process will not work.

We are engaged, in these investigations, Mr. Chairman, in resolving the dilemma between the necessary secrets of intelligence and the equally necessary exposure of our Government's workings to our peo-

⁵ See p. 202.

⁶ See p. 204.

⁷ See p. 207.

⁸ See p. 210.

⁹ See p. 211.

¹⁰ See n. 212.

ple and their representatives to insure that they respond to the people's will.

In former times, this contradiction was resolved in favor of almost total intelligence secrecy, which is at the base of President Kennedy's remarks that intelligence failures are trumpeted, while the successes go unheralded.

As we lift this veil to open intelligence to the kind of public review and control we Americans want today, we have two problems. One is how far to go, on which we must jointly develop some guidelines and understandings, or we risk seriously and unnecessarily injuring our intelligence.

The other is to insure that our people have an accurate perception of what modern intelligence really is. Without this, an individual act is seen as the norm, in application of Aesop's fable of each blind man describing a whole elephant as only an extension of the part he perceives.

To this committee and its staff to date, we have tried to present the whole of intelligence today, and not just its parts. I hope this will be the basis for the decisions we will reach as to the guidelines and supervision we want to establish for intelligence tomorrow.

I thus ask for a suspension of final judgment until the whole picture of intelligence can be presented in its true proportions—good and bad—while we respond to your requirement of public exposure in this hearing of one portion of it.

With other Government functions, like our Army or our welfare services, the whole is perceived and the individual act and even mistake is seen in proportion. In intelligence, we must modernize our perception of its whole contribution to our country while we insure that it conforms with the standards we Americans expect. I hope we can do both jobs.

The specific subject today concerns CIA's involvement in the development of bacteriological warfare materials with the Army's Biological Laboratory at Fort Detrick, CIA's retention of an amount of shellfish toxin, and CIA's use and investigation of various chemicals and drugs.

The relationship between the CIA and the Army Biological Laboratory at Fort Detrick as an activity requiring further investigation surfaced in late April of this year. It resulted from information provided by a CIA officer not directly associated with the project, in response to my repeated directives that all past activities which might now be considered questionable be brought to the attention of Agency management.

Information provided by him, and by two other officers aware of the project, indicated that the project at Fort Detrick involved the development of bacteriological warfare agents—some lethal—and associated delivery systems suitable for clandestine use.

A search was made for any records or other information available on the project. This search produced information about the basic agreement between the Army and the CIA relating to the project and some limited records covering its activities from its beginning in 1952 to its termination in 1970.

In the course of the investigation, CIA's laboratory storage facilities were searched, and about 11 grams—a little less than half an

ounce—of shellfish toxin, and 8 milligrams of cobra venom, were discovered in a little-used vaulted storeroom in an Agency building.

The White House was notified as soon as the existence of the materials became known, and was kept informed as the investigation progressed. The chairmen of CIA's four oversight committees were alerted immediately to the discovery of the toxin. Records and reports were exchanged with the Defense Department as it began its own investigation of the matter. This committee was notified of our investigation of the program in mid-June, and has been provided all project files and reports of the investigation.

CIA association with Fort Detrick involved the Special Operations Division (SOD), of that facility. This division was responsible for developing special applications for biological warfare agents and toxins. Its principal customer was the U.S. Army. Its concern was with the development of both suitable agents and delivery mechanisms for use in paramilitary situations. Both standard biological warfare agents and biologically derived toxins were investigated by the division.

The CIA relationship with SOD was formally established in May 1952, through a memorandum of agreement with the Army chief chemical officer for the performance of certain research and development in the laboratory facilities of the Special Operations Division of the Army Biological Laboratory at Fort Detrick. The initiative for establishing this relationship was a belief that the special capabilities of the Fort Detrick group, and its access to biological materials of all sorts, provided the Agency access to research and development expertise and capabilities which were appropriate to its function and not otherwise available. The need for such capabilities was tied to earlier Office of Strategic Services World War II experience, which included the development of two different types of agent suicide pills to be used in the event of capture, and a successful operation using biological warfare materials to incapacitate a Nazi leader temporarily.

Through the course of years, Agency objectives in the project became better defined. Thus, a project approval memo of 1967 identified four functional categories of project activity: maintenance of a stockpile of temporarily incapacitating and lethal agents in readiness for operational use; assessment and maintenance of biological and chemical dissemination systems for operational use; adaptation and testing of a nondiscernible microbioinoculator—a dart device for clandestine and imperceptible inoculation with biological warfare or chemical warfare agents—for use with various materials and to assure that the microbioinoculator could not be easily detected by later examination of the target; and providing technical support and consultation on request for offensive and defensive biological warfare and chemical warfare.

In the later years, the activities dwindled to the point of simply maintaining a stockpile of agents and delivery systems for possible Agency use.

From its outset, the project was characterized by extreme compartmentation, or a high degree of secrecy within CIA itself. Only two or three Agency officers at any time were cleared for access to Fort Detrick activities. Though some CIA-originated documents have been found in the project files, it is clear that only a very limited documentation of activities took place.

A major early requirement of the Agency was to find a replacement for the standard cyanide L-pill issued to agents in hazardous situations during World War II. This was the basis on which eventually we discovered the shellfish toxin. The only application of this toxin was in the U-2 flight over the U.S.S.R. in May 1960, during which Gary Powers carried such a device concealed in a silver dollar.

In the Powers case, the grooves of the drill bit were filled with shellfish toxin. He obviously did not use it, and was not instructed to do so; it was offered to him to provide him with the option. The Powers flight was the only time we are aware that the toxin was provided for operational use, although the L-pill was made available for earlier flights.

The primary Agency interest was in the development of dissemination devices to be used with standard chemicals off the shelf. Various dissemination devices, such as a fountain pen dart launcher and an engine head bolt designed to release a substance when heated, appeared to be peculiarly suited for clandestine use. Available records do not indicate that all specific items were developed exclusively for the CIA, as work on similar devices was also done for the Army.

A large amount of Agency attention was given to the problem of incapacitating guard dogs. Though most of the dart launchers were developed for the Army, the Agency did request the development of a small hand-held dart launcher for its peculiar needs for this purpose.

Work was also done on temporary human incapacitation techniques. Technical support elements of CIA received continuing requests for safe, effective, and rapidly acting incapacitating devices.

These related to a desire to incapacitate captives before they could render themselves incapable of talking, or terrorists before they could take retaliatory action.

Work was done in trying to develop the dart system for such purposes, but success was never achieved, since a larger amount of an incapacitating agent is required to safely inactivate a human than of a lethal agent required to kill him.

Work was also done by or for the Agency in the development of materials for sabotage of various materials and facilities. This is clearly related to the Agency's mission. Our records indicate that some of these lethal materials were prepared and furnished for one operation, but we are aware that that operation was not, in fact, completed. Beyond these, however, no record can be found that these materials or devices were used for lethal operational purposes.

By the late sixties, a variety of biological warfare agents and toxins were maintained by the SOD for possible Agency use. Varying amounts of these materials, ranging from 100 grams (about 3.5 ounces) to 100 milligrams (about three thousandths of an ounce) were maintained.

Though specific accounting for each agent on the list is not on hand, Department of Defense records indicate that the materials were, in fact, destroyed in 1970 by SOD personnel, except for the 11 grams of a substance in small medical bottles labeled shellfish toxin, plus the 11 milligrams of cobra venom, which were found on May 20 of this

At the time the toxin was found, the officer responsible for the project in 1970 stated he had no recollection as to how it got there. On the 30th

of June, discussions were held with the retired Agency officer who had provided the initial lead.

This man, who had been the GS-15 branch chief in 1970, stated that the toxin had, in fact, been moved from Fort Detrick and stored in the laboratory. This was done on the basis of his own decision after conversations with the responsible project officer.

He further stated that he made this decision based on the fact that the cost and difficulty of isolating the shellfish toxin were so great that it simply made no sense to destroy it, particularly when there would be no future source of the toxin.

The current branch chief believes this explanation is correct, but still does not recall the actual act of receiving the material from Fort Detrick. Both of these middle-grade officers agree that no one, including their immediate superior, was told of the retention of the shellfish toxin.

The former branch chief recalls that subsequent to the delivery of the shellfish toxin to CIA, he was told by his chief to inform Fort Detrick personally that destruction of CIA materials should take place. He did so, but did not include the shellfish toxin, then in CIA hands, in his instructions.

Discussions with Mr. Helms, Director of Central Intelligence, and Mr. Karamessines, the Deputy Director for Plans in 1970, have established that both were aware of the requirement that such material be disposed of. They recall that clear instructions were given that the CIA stockpile should be destroyed by the Army, and that, in accordance with Presidential directives, the Agency should get out of the biological warfare business.

With the discovery of the shellfish toxin this year, a complete inventory of the vault in which it was found was taken. The inventory consisted of a stock of various materials and delivery systems accumulated over the years, including other lethal materials, incapacitants, narcotics, hallucinogenic drugs, irritants and riot control agents, herbicides, animal control materials, and many common chemicals.

The small size of the vault (about 8 by 10 feet) and the few shelves limit the extent of this stockpile. The materials are, for the most part, the residue of a number of different CIA programs. These involved CIA's effort to keep a close watch on emerging technology—in this case pharmaceutical technology—to insure that we did not encounter an unanticipated threat from hostile intelligence services with which we could not contend.

We also wished to capitalize on new advances which should substantially assist us in our efforts to collect foreign intelligence or in a war-time situation. The narcotics in storage related to CIA's overseas efforts to collect intelligence on the narcotics trade, to help in countering it. We have also supplied tear gas and mace to our officers overseas for use in defensive situations where firearms would not be appropriate.

The threat, as well as the promise, posed by newer types of drugs, particularly the hallucinogenic drugs, made at least exploratory research on them essential. You will recall our concern over the possible role of drugs in the apparent brainwashing of American POW's in Korea, and the haunted eyes of Cardinal Mindszenty as he confessed at a Communist trial.

I might add that we believe that a drug was administered to one of our officers overseas by a foreign intelligence officer within the past year. Those responsible for providing technical support to clandestine operations felt it necessary that they understand the ways in which these drugs could be used, their effects and their vulnerabilities to countermeasures.

In pursuing such concerns as these, many different materials were obtained and stored for provision to contractors who did the actual scientific research involved.

One of the major results of these investigations of the CIA has been to impress upon our employees, and all of us involved in intelligence, the fact that decisions about our programs must be made in the light of today's world. As you are aware, in mid-1973, we tried to identify all questionable activities. We did so for what I believe to be most of them, and issued internal directives to insure that the CIA remain within the bounds of the law.

Repeated emphasis on the importance of this did lead to the identification of our association with Fort Detrick as an activity to be reviewed before we were aware that one of its products had been improperly sequestered. The controls involved in the shellfish case seem to have existed but not to have been applied. The controls that would have prevented or discovered this act were principally those which are the kind of management we must have for the intelligence business.

I am confident that proper management will exist as a result of the changes we are making in our approach to intelligence, to insure its conformity with American values and standards. These will include a better public appreciation of modern intelligence, better guidelines for its proper activities, and better supervision externally to stimulate better supervision internally.

With these, I am confident that such episodes as the shellfish toxin will not be repeated.

Thank you, Mr. Chairman.

[The full text of Mr. Colby's prepared statement follows:]

PREPARED STATEMENT OF WILLIAM E. COLBY, DIRECTOR OF CENTRAL INTELLIGENCE AGENCY

Mr. Chairman: This hearing typifies the difficulty of modernizing our approach to intelligence in America. We are resolved that intelligence operations be conducted in America in conformity to our laws and Constitutional procedures. This does not mean that intelligence can have no secrets—we have many secrets in America, from grand jury proceedings to the ballot box, where secrecy is essential or the process will not work.

We are engaged in these investigations, Mr. Chairman, in resolving the dilemma between the necessary secrets of intelligence, and the equally necessary exposure of our Government's workings to our people and their representatives to ensure that they respond to the people's will. In former times, this contradiction was resolved in favor of almost total intelligence secrecy, which is at the base of President Kennedy's remark that intelligence failures are trumpeted, while the successes go unheralded.

As we lift this veil to open intelligence to the kind of public review and control we Americans want today, we have two problems. One is how far to go, on which we must jointly develop some guidelines and understandings, or we risk seriously and unnecessarily injuring our intelligence. The other is to ensure that our people have an accurate perception of what modern intelligence really is. Without this, an individual act is seen as the norm, in application of Aesop's fable of each blind man describing a whole elephant as only an extension of the part he perceives.

To this committee and its staff to date we have tried to present the whole of intelligence today, and not just its parts. I hope this whole will be the basis for the decisions we will reach as to the guidelines and supervision we want to establish for intelligence tomorrow. I thus ask for a suspension of final judgment until the whole picture of intelligence can be presented in its true proportions, good and bad, while we respond to your requirement of public exposure in this hearing of one portion of it. With other government functions like our Army or our welfare services, the whole is perceived and the individual act and even mistake is seen in proportion. In intelligence, we must modernize our perception of its whole contribution to our country while we ensure that it conforms with the standards we Americans expect. I hope we can do both jobs.

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The relationship between the CIA and the Army Biological Laboratory at Fort Detrick as an activity requiring further investigation surfaced in late April of this year. It resulted from information provided by a CIA officer not directly associated with the project in response to my repeated directives that all past activities which might now be considered questionable be brought to the attention of Agency management. Information provided by him and by two other officers aware of the project indicated that the project at Fort Detrick involved the development of bacteriological warfare agents, some lethal, and associated delivery systems suitable for clandestine use.

A search was made for any records or other information available on the project. This search produced information about the basic agreement between the Army and the CIA relating to the project and some limited records covering its activities from its beginning in 1952 to its termination in 1970.

After the discovery of these project records, verification of this disposition of a stockpile of BW agents and toxins maintained by Fort Detrick for possible Agency use became a major concern. It was not known whether or not these materials had been destroyed along with the Army's BW stockpiles in response to Presidential directives of November 1969 and February 1970. The records indicated that the question had been raised and it was the impression of those who were familiar with the project that the material had in fact been destroyed, although no records confirming it could be found. In the course of the investigation, CIA's laboratory storage facilities were searched and about 11 grams (a little less than half an ounce) of shellfish toxin and 8 milligrams of cobra venom were discovered in a little-used vaulted storeroom in an Agency building.

The White House was notified as soon as the existence of the materials became known and was kept informed as the investigation progressed. The chairmen of CIA's four oversight committees were briefed immediately after the discovery of the toxin. Records and reports were exchanged with the Defense Department as it began its own investigation of the matter. This committee was notified of our investigation of the program in mid-June and has been provided all project files and reports of the investigation.

CIA association with Fort Detrick involved the Special Operations Division (SOD) of that facility. This Division was responsible for developing special applications for BW agents and toxins. Its principal customer was the US Army. Its concern was with the development of both suitable agents and delivery mechanisms for use in paramilitary situations. Both standard BW agents and biologically derived toxins were investigated by the Division.

The CIA relationship with SOD was formally established in May 1952 through a memorandum of agreement with the Army Chief Chemical Officer for the performance of certain research and development in the laboratory facilities of the Special Operations Division of the Army Biological Laboratory at Fort Detrick. The initiative for establishing this relationship was a belief that the special capabilities of the Fort Detrick group and its access to biological materials of all sorts provided the Agency access to research and development expertise and capabilities which were appropriate to its function and not otherwise available. The need for such capabilities was tied to earlier Office of Strategic Services World War II experience, which included the development of two different types of agent suicide pills to be used in the event of capture and a successful operation using BW materials to incapacitate a Nazi leader temporarily.

Through the course of years, Agency objectives in the project became better defined. Thus a project approval memo of 1967 identified four functional categories of project activity.

a. maintenance of a stockpile of temporarily incapacitating and lethal agents in readiness for operational use;

b. assessment and maintenance of biological and chemical disseminating systems for operational use;

c. adaptation and testing of a non-discernible microbioinoculator (a dart device for clandestine and imperceptible inoculation with BW/CW agents) for use with various materials and to assure that the microbioinoculator could not be easily detected by later examination of the target, and

d. provide technical support and consultation on request for offensive and defensive BW/CW.

In the later years the activities dwindled to the point of simply maintaining a stockpile of agents and delivery systems for possible Agency use.

From its outset the project was characterized by extreme compartmentation or a high degree of secrecy within CIA itself. Only two or three Agency officers at any given time were cleared for access to Fort Detrick activities. Though some CIA-originated documents have been found in the project files, it is clear that only a very limited documentation of activities took place.

A major early requirement of the Agency was to find a replacement for the standard cyanide L-Pill issued to agents in hazardous situations during World War II. Work on this problem was done at Fort Detrick and ultimately centered on the coating of a small pin-sized drill with shellfish toxin. In the course of this work shellfish toxin was stored in our laboratory for the purposes of conducting stability tests. A considerable amount of work was done in developing concealment schemes for the drill or pin to be used in the event suicide was necessary. The only application of this effort was in the U-2 flight over the USSR in May 1960, during which Gary Powers carried such a device concealed in a silver dollar. In the Powers case the grooves of the drill bit were filled with shellfish toxin. He obviously did not use it, and was not instructed to do so; it was offered to him to provide him with the option. The Powers flight was the only time we are aware that the toxin was provided for operational use, although the L-Pill was made available for earlier flights.

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A large amount of Agency attention was given to the problem of incapacitating guard dogs. Though most of the dart launchers were developed for the Army, the Agency did request the development of a small hand-held dart launcher for its peculiar needs.

Work was also done on temporary human incapacitation techniques. Technical support elements of CIA received continuing requests for safe, effective and rapidly acting, incapacitating devices. These related to a desire to incapacitate captives before they could render themselves incapable of talking or terrorists before they could take retaliatory action. Work was done in trying to develop the dart system for such purposes, but success was never achieved, since a larger amount of an incapacitating agent is required to safely inactivate a human than of a lethal agent required to kill him.

Work was also done by or for the Agency in the development of materials for sabotage of various materials and facilities. This is clearly related to the Agency's mission. Discussions with those involved indicate that hand-launchers with darts loaded with dog incapacitant were delivered for use in Southeast Asia. One such operation involved the penetration of a facility abroad for intelligence collection. The compound was guarded by watch dogs which made entry difficult even when it was empty. Darts were delivered for the operation but were not used. The guard dogs ate some meat treated with dog incapacitant which was offered by the entry team. Our records indicate that some of these materials were prepared for one operation, but we are aware that that operation was not in fact completed. Beyond these, however, no record can be found that these materials or devices were used for lethal operational purposes.

By the late 1960's, a variety of BW agents and toxins were maintained by SOD for possible Agency use. Varying amounts of these materials ranging from

100 grams (about 3.5 ounces) to 100 milligrams (about 3 thousandths of an ounce) were maintained. Though specific accounting for each agent on the list is not on hand, Department of Defense records indicate that the materials were in fact destroyed in 1970 by SOD personnel, except for the 11 grams of a substance in small medical bottles labelled shellfish toxin, (plus the 8 milligrams of cobra venom) which were found on 20 May of this year.

At the time the toxin was found the officer responsible for the project in 1970 stated he had no recollection as to how it got there. On 30 June, discussions were held with the retired Agency officer who had provided the initial lead. This man, who had been the GS-15 branch chief in 1970, stated that the toxin had in fact been moved from Fort Detrick and stored in the laboratory. This was done on the basis of his own decision after conversations with the responsible project officer. He further stated that he made this decision based on the fact that the cost and difficulty of isolating the shellfish toxin were so great that it simply made no sense to destroy it, particularly when there would be no future source of the toxin. The current branch chief believes this explanation is correct but still does not recall the actual act of receiving the material from Fort Detrick. Both of these middle-grade officers agree that no one, including their immediate superior, was told of the retention of the shellfish toxin.

The former branch chief recalls that subsequent to the delivery of the shellfish toxin to CIA, he was told by his chief to inform Fort Detrick personally that destruction of CIA materials should take place. He did so but did not include the shellfish toxin, then in CIA hands, in his instructions.

Discussions with Mr. Helms, Director of Central Intelligence and Mr. Thomas Karamessines, the Deputy Director for Plans in 1970, have established that both were aware of the requirement that such material be disposed of. They recall that clear instructions were given that the CIA stockpile should be destroyed by the Army and that, in accordance with Presidential directives, the Agency should get out of the BW business.

With the discovery of the shellfish toxin, a complete inventory of the vault in which it was found was taken. The inventory consisted of a stock of various materials and delivery systems accumulated over the years, including other lethal materials, incapacitants, narcotics, hallucinogenic drugs, irritants and riot control agents, herbicides, animal control materials, and many common chemicals. The small size of the vault, about 8 by 10 feet, and the few shelves limit the extent of this stockpile. The materials are for the most part the residue of a number of different CIA programs. These involved CIA's effort to keep a close watch on emerging technology—in this case pharmaceutical technology—to ensure that we did not encounter an unanticipated threat from hostile intelligence services with which we could not contend. We also wished to capitalize on new advances which should substantially assist us in our efforts to collect foreign intelligence or in a wartime situation. The narcotics in storage related to CIA's overseas efforts to collect intelligence in the narcotics trade, to help in countering it. We have also supplied tear gas and mace to our officers overseas for use in defensive situations where firearms would not be appropriate.

The threat as well as the promise posed by newer types of drugs, particularly the hallucinogenic drugs, made at least exploratory research on them essential. You will recall our concern over the possible role of drugs in the apparent brainwashing of American POW's in Korea, and the haunted eyes of Cardinal Mindszenty as he "confessed" at a Communist trial. I might add that we believe that a drug was administered to one of our officers overseas by a foreign intelligence service within the past year. Those responsible for providing technical support to clandestine operations felt it necessary that they understand the ways in which these drugs could be used, their effects and their vulnerabilities to countermeasures. In pursuing such concerns as these, many different materials were obtained and stored for provision to contractors who did the actual scientific research involved. This concern also led to the experiments which led to the unfortunate death in 1953 of Mr. Frank Olson.

In this regard, CIA does very little in-house research. Our laboratories are limited and are principally used to test developed equipment and to tailor it for specific operational uses through concealment or special packaging. We do not have, nor have we had, the facilities to produce or experiment with such lethal materials as the shellfish toxin. For example, we relied upon Fort Detrick to perform the actual work of coating pins or darts with toxin or with dog incapacitant. In similar fashion, we relied on other laboratories or contractors to support us in other fields. Most of the materials held in storage in the vault

were kept there for possible issuance to contractors engaged in various kinds of research.

One of the major results of these investigations of the CIA has been to impress upon our employees and all of us involved in intelligence the fact that decisions about our programs must be made in the light of today's world. As you are aware in mid-1973 we tried to identify all questionable activities. We did so for what I believe to be most of them, and issued internal directives to ensure that CIA remain within the bounds of law. Repeated emphasis on the importance of this did lead to the identification of our association with Fort Detrick as an activity to be reviewed before we were aware that one of its products had been improperly sequestered.

The controls involved in the shellfish case seem to have existed but not to have been applied. The controls that would have prevented or discovered this act were principally those which are the kind of management we must have for the intelligence business. I am confident that this management will exist as a result of the changes we are making in our approach to intelligence, to ensure its conformity with American values and standards. These will include a better public appreciation of modern intelligence, better guidelines for its proper activities and better supervision externally to stimulate better supervision internally. With these, I am confident that such episodes as the shellfish toxin will not be repeated.

The CHAIRMAN. Thank you, Mr. Colby. Mr. Schwarz, our chief counsel, will commence our questioning.

Mr. SCHWARZ. Mr. Chairman, I only have three areas of questioning that relate to marking three documents.

Mr. Colby, at the bottom of page 4 of your statement and running over to page 5, you refer to a project approval memo of 1967, and state that that identified the functional categories of project activity. Would you turn to exhibit 6,¹ the document dated October 18, 1967; subject, "MKNAOMI, Funding Objectives and Accomplishments."

Is that the source that you were referring to?

Mr. COLBY. Yes, it is.

Mr. SCHWARZ. Would you read into the record, Mr. Colby, the four items "a" through "d" under the heading "Objectives in the Exhibit," please?

Mr. COLBY. The objectives:

a. To provide for a covert support base to meet clandestine operational requirements; b. to stockpile severely incapacitating and lethal materials for the specific use of TSD; c. to maintain in operational readiness special and unique items for the dissemination of biological and chemical materials; and d. to provide for the required surveillance, testing, upgrading and evaluation of materials and items, in order to assure absence of defects and complete predictability of results to be expected under operational conditions.

Mr. SCHWARZ. There are some differences between that and what you had in your statement; and in particular, Mr. Colby, there is no mention of defensive purposes, is there?

Mr. COLBY. No. But I think the overall purpose was both for offensive and defensive.

Mr. SCHWARZ. In addition to the shellfish toxin, Mr. Colby, as you identified in your statement, you found other materials in the lab. Would you turn to exhibit 2² which is an inventory prepared from the CIA's inventory, furnished to us, of all of the lethal and incapacitating agents found in the building. Do you accept it as that?

Mr. COLBY. I do.

Mr. SCHWARZ. There are items on it, are there not, in addition to the shellfish toxin?

Mr. COLBY. There are indeed.

¹ See p. 204.

² See p. 192.

Mr. SCHWARZ. And there are lethal items which are in violation of the Presidential order in addition to the shellfish toxin, are there not?

Mr. COLBY. I think that gets into a technical question about whether they are technically in violation or not. But they are certainly lethal, and I think that it is certainly appropriate to say that we have no need for this type of thing at this time.

Mr. SCHWARZ. All right.

Now, as the footnote on exhibit 2¹ indicates, prior to the transfer of the material from Fort Detrick in February 1970, the CIA had in its laboratory already half a gram of the material, did it not?

Mr. COLBY. Yes.

Mr. SCHWARZ. Finally, Mr. Colby, I would like to read to you from the President's order of February 14, 1970 [exhibit 5²].

The President has further directed the destruction of all existing toxin weapons, and of all stocks of toxins which are not required for a research program, for defensive purposes only.

You agree, do you not, that the retention of the shellfish toxin, and probably certain other materials, violated that order?

Mr. COLBY. I think it was in a quantity which certainly is excessive for research purchases.

Mr. SCHWARZ. And, in fact, no research was done on it after it was delivered to the CIA facilities. Is that right?

Mr. COLBY. Right.

Mr. SCHWARZ. And, in fact, it was not for defensive purposes only, was it?

Mr. COLBY. No. I do not think you can say it, although some of it might have been for the use of an agent for a suicide pill.

Mr. SCHWARZ. I have no further questions, Mr. Chairman.

Senator CHURCH. Mr. Smothers, do you have any supplemental questions?

Mr. SMOTHERS. Yes. Maybe we could clarify the point that the chief counsel just raised. Mr. Colby, could you be more clear on the responsibility of the people who are involved with these toxins? Do their jobs relate to any operational needs of the Agency?

Mr. COLBY. Well, they perceived it as a potential operational need. And the fact is that one of the toxins was used on an actual operation; that is, the U-2 flight.

Mr. SMOTHERS. Were these persons involved in any decisionmaking with regard to the use and implementation of these materials?

Mr. COLBY. No. This was a section of a technical support division which did the research and development of the capability. It would then be turned over to one of the other elements of the Agency for the actual operation.

Mr. SMOTHERS. In the course of their duties, would these persons have had the opportunity to employ these substances in any manner against individuals or targets, if you will, that they might have selected?

Mr. COLBY. I do not quite understand the question.

Mr. SMOTHERS. The scientists we are talking about—would they have had the opportunity in the normal course of their duties with the Agency to determine how these materials might in fact be employed?

¹ See p. 192.

² See p. 202.

Mr. COLBY. Oh, they would certainly conduct experiments at Fort Detrick in various forms, but not on people.

Mr. SMOTHERS. Would they be responsible for any employment of these materials beyond experimentation in a laboratory?

Mr. COLBY. Generally, no, although they would probably participate to some degree in the detailed planning of an operation. This will vary from operation to operation. Some operations cannot be established without a very close relationship between the technical people and the operational people. In other cases, the technical people can merely furnish the device, and there is sufficient explanation as to how to use it that they do not need to be informed of the details of the actual operation.

Mr. SMOTHERS. To the best of your knowledge, either during the time of your tenure or that of previous Directors, was there any effort made by any of these persons who had knowledge of the toxins either to urge employment of them or to seek in some manner to use them against persons, or to use them in nonexperimental manner?

Mr. COLBY. There were various suggestions made over time, yes. As a matter of fact, I had a job at one time when the idea was proposed to me, and I turned it down.

Mr. SMOTHERS. Yes; but was it proposed by these persons who had knowledge of the toxins?

Mr. COLBY. It was proposed by an expert. It was not a toxin in that case, but it was a very similar chemical. He was offering a capability, trying to see whether we were interested in using it.

Mr. SMOTHERS. How many people work in this laboratory, Mr. Colby?

Mr. COLBY. This particular laboratory was really a storeroom in recent years, and it is a very small room. The people who had access to it were only the chief and deputy chief and the secretary of that particular section, except that some additional people would sometimes visit it. But it is in the neighborhood of nine, something like that, in that particular branch.

Mr. SMOTHERS. Now, in addition to the lethal substances indicated on the inventory of exhibit 2,¹ were there not, in fact, other substances and materials kept in this storage area?

Mr. COLBY. Yes, there are a number of other materials, and I tried to refer to that in my statement.

Mr. SMOTHERS. Were some of those other materials such benign substances as cough syrups and batteries and various kinds of things that scientists may indeed have inquired into from time to time for a variety of Agency purposes?

Mr. COLBY. Well, it was a storeroom in which various kinds of things were there. It was not restricted to the lethal business. There were lots of different things in there, and a lot of very simple, ordinary products were in there, too.

Mr. SMOTHERS. You mentioned the capability of the Agency with regard to this kind of technical or toxin research. Would this storage facility and the nine people we have talked about here represent a capability for the conducting or the maintaining of expertise with regard to lethal substances?

¹ See p. 192.

Mr. COLBY. Well, the individuals would obviously be technically qualified to discuss and advise with respect to the material in question. But normally, the process by which CIA does its work in technical fields is by contract or by arrangement with someone else to do the actual work. And our officers follow the contract, and receive the results and evaluate the results, though this was not a working laboratory. It was merely a storeroom which had some facilities in it. But these officers—the actual experimentation, the actual research, was done in Fort Detrick in this situation.

Mr. SMOTHERS. Finally, to the best of your knowledge, Mr. Colby, as indicated by both your investigative efforts and any other information you may have, was any unauthorized use made of these materials at any time since their storage in the facility in question?

Mr. COLBY. Not to our knowledge.

Mr. SMOTHERS. Thank you. I have nothing further, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Smothers. Mr. Colby, in your testimony, you emphasized that the amount of shellfish toxin, approximately 11 grams—a little more than 11 grams—translated, represents about half an ounce. I think that since it comes in a small container, we ought to better understand the potency of this particular toxin. Earlier in the week, we had testimony from Carl Duckett of your Agency, and he told us that if that amount of shellfish toxin were administered orally—which is one of the least efficient ways for administering it in terms of its lethality—that quantity was sufficient to kill at least 14,000 people. If it were administered with the sophisticated equipment that was found in the laboratory, that quantity would be sufficient to kill a great many more. Estimates vary upward into the hundreds of thousands.

Now, my first question is, why did the Agency prepare a shellfish toxin for which there is no particular antidote, which attacks the nervous system and brings on death very quickly? Why did the Agency prepare toxins of this character in quantities sufficient to kill many thousands of people—what was the need for that in the first place, long before the Presidential order came down to destroy this material?

Mr. COLBY. I think the first part of the answer to that question, Mr. Chairman, is the fact that the L-pill, which was developed during World War II, does take some time to work, and is particularly agonizing to the subject who uses it. Some of the people who would be natural requesters of such a capability for their own protection and the protection of their fellow agents, really do not want to face that kind of a fate. But if they could be given an instantaneous one, they would accept that. And that was the thought process behind developing the capability.

Now, I cannot explain why that quantity was developed, except that this was a collaboration that we were engaged in with the U.S. Army, and we did develop this particular weapon, you might say, for possible use. When CIA retained the amount that it did, it obviously did it improperly.

The CHAIRMAN. This quantity, and the various devices for administering the toxin which were found in the laboratory, certainly make it clear that purely defensive uses were not what the Agency was limited to in any way. There were definite offensive uses. In fact, there

were dart guns. You mentioned suicides. Well, I do not think a suicide is usually accomplished with a dart, particularly a gun that can place the dart in a human heart in such a way that he does not even know that he has been hit.

Mr. COLBY. There is no question about it. It was also for offensive reasons. No question about it.

The CHAIRMAN. Have you brought with you some of those devices which would have enabled the CIA to use this poison for killing people?

Mr. COLBY. We have, indeed.

The CHAIRMAN. Does this pistol fire the dart?

Mr. COLBY. Yes, it does, Mr. Chairman. The round thing at the top is obviously the sight, the rest of it is what is practically a normal .45, although it is a special. However, it works by electricity. There is a battery in the handle, and it fires a small dart.

The CHAIRMAN. So that when it fires, it fires silently?

Mr. COLBY. Almost silently; yes.

The CHAIRMAN. What range does it have?

Mr. COLBY. One hundred meters, I believe; about 100 yards, 100 meters.

The CHAIRMAN. About 100 meters range?

Mr. COLBY. Yes.

The CHAIRMAN. And the dart itself, when it strikes the target, does the target know that he has been hit and about to die?

Mr. COLBY. That depends, Mr. Chairman, on the particular dart used. There are different kinds of these flechettes that were used in various weapons systems, and a special one was developed which potentially would be able to enter the target without perception.

The CHAIRMAN. And did you find such darts in the laboratory?

Mr. COLBY. We did.

The CHAIRMAN. Is it not true, too, that the effort not only involved designing a gun that could strike at a human target without knowledge of the person who had been struck, but also the toxin itself would not appear in the autopsy?

Mr. COLBY. Well, there was an attempt—

The CHAIRMAN. Or the dart.

Mr. COLBY. Yes; so there was no way of perceiving that the target was hit.

The CHAIRMAN. As a murder instrument, that is about as efficient as you can get, is it not?

Mr. COLBY. It is a weapon, a very serious weapon.

The CHAIRMAN. Going back to my earlier question, Mr. Colby, as to the quantities of this toxin that had been prepared, can you conceive of any use that the CIA could make of such quantities of shellfish toxin?

Mr. COLBY. I certainly can't today, Mr. Chairman, in view of our current policies and directives.

The CHAIRMAN. Well, even at the time, certainly, the CIA was never commissioned or empowered to conduct bacteriological warfare against whole communities; and quantities of poison capable of destroying up to the hundreds of thousands of lives—it seems to me to be entirely inappropriate for any possible use to which the CIA might have put such poison.

Mr. COLBY. I think the fact that we were jointly doing this with the Army, Mr. Chairman, probably led into this kind of a quantitative approach to it. But we were talking about a weapons system, and we developed some of the material.

The CHAIRMAN. Well, who paid for the development of this toxin?

Mr. COLBY. There was a great deal of joint activity. This particular thing we paid for.

The CHAIRMAN. And is it not true that over the years this preparation, which is a costly and lengthy distillation process, from what I understand, costs about \$3 million?

Mr. COLBY. Well, not just this toxin, Mr. Chairman.

The CHAIRMAN. Well, development of guns of this kind.

Mr. COLBY. The total program, from the years 1952 to 1970, did amount to that as a total. But in the later years of the sixties, this dwindled down, as I indicated, to pretty much the maintenance of a stockpile, and not any more development activity.

The CHAIRMAN. In the later years, it was still costing the Agency just for the maintenance of a stockpile, about \$75,000 a year.

Mr. COLBY. Yes; in collaboration with Fort Detrick, that was the sum that was involved.

The CHAIRMAN. Now, there is no question in your mind that Presidential orders were issued directing the CIA to destroy these toxins, in accordance with the national policy and treaty obligation assumed by the United States that such substances would not be retained except for purely experimental laboratories and experimental purposes.

Mr. COLBY. I would like to destroy it. As you know, Mr. Chairman, I must hold it for possible evidence here. I have also been approached by some academic centers to have it transferred to some safe handling, where it can be used in normal research activities, and no longer maintained by CIA. But they asked particularly that it not be destroyed, because of the difficulty in obtaining it for perfectly proper uses in medical research. I would be delighted to concede with that, if the committee agrees with it, and the other people who have a voice in it agree with it.

The CHAIRMAN. But you are not suggesting by that that the CIA retain poisons in this quantity for experimental purposes, are you?

Mr. COLBY. No. But I think this was a little bit the mental processes of the people who actually did retain it.

The CHAIRMAN. During the 5-year period, no experiments were actually conducted?

Mr. COLBY. No, none. But I think the sense of it is it is very difficult to make, and therefore "let us not destroy it," typified the mentality of the people who decided to retain it against the directives given to them.

The CHAIRMAN. And you are not suggesting that the retention of poisons in these quantities did not, in fact, represent a violation of Presidential directive?

Mr. COLBY. I do not contest that, no.

The CHAIRMAN. Now, the committee will follow a 10-minute rule, so that all members have fair opportunity to question the witnesses. My 10 minutes have expired, and I will turn now to Senator Tower.

Senator TOWER. Thank you, Mr. Chairman. Mr. Colby, are you certain that these materials that have been the subject of testimony, specifically shellfish toxin and the cobra venom, currently retain their orig-

inal potency? Is there a chance that over the passage of time their potency has in any way deteriorated?

Mr. COLBY. Senator Tower, I am really not enough of a technical expert to answer that.

Mr. STEVENS. It is possible but unlikely.

Mr. COLBY. It is possible but unlikely.

Mr. STEVENS. That they have lost—

Mr. COLBY. That they have lost some of their potency.

Senator Tower. Mr. Colby, turning to the dart gun, was it ever employed for any purpose by the Agency?

Mr. COLBY. I think merely experiments, Senator Tower. I do not know of any actual use. There is no record of any actual use.

Senator Tower. No actual operational use of it at all?

Mr. COLBY. No.

Senator Tower. Prior to the discovery of the substances this summer, did anyone in the Agency know of the actual quantities on hand?

Mr. COLBY. We did not even really know that we had any quantities.

Senator Tower. You did not even know that you had any on hand?

Mr. COLBY. No, although the individual who kept them obviously knew that there were some there.

Senator Tower. Now have you in fact merely accepted the assertion that the substances are in fact poison? Have you conducted any testing to really identify these substances to make sure that they are the substances described here?

Mr. COLBY. No, we have not tested them. We have rested upon the labels on them and the other records indicating that that kind of a program did exist.

Senator Tower. The only thing you have to go by are the labels and the records?

Mr. COLBY. And the testimony of some of our people.

Senator Tower. And the testimony. But there has been no test to make sure, in fact.

Mr. COLBY. There has not been, Senator Tower, I did not want to risk letting the material out of our hands for a while.

Senator Tower. In trying to locate and identify these materials that have been described, don't you think discretion would dictate that you should make sure that you have indeed located these materials?

Mr. COLBY. Well, I think we have enough to alert us to the need to do something about these materials. Whatever they are, they are labeled. The people say that they recall having sequestered them as that kind of material. And I think that we want to make sure that we are handling this case in the proper form and not being subject to a possible problem of having destroyed them by mistake or anything of that nature.

Senator Tower. At the time of the Presidential order in 1970, did the Agency have responsibility for custody of anything other than laboratory samples of toxins of various types?

Mr. COLBY. Well, we had, as I said, Senator Tower, the actual need in some of our operations for some kinds of chemicals overseas, and I think a legitimate need for a lethal substance certainly for defensive, if not for offensive, purposes.

Senator Tower. Were they not in fact stored at Fort Detrick?

Mr. COLBY. They were indeed stored at Fort Detrick.

Senator TOWER. They were not in your actual possession.

Mr. COLBY. I believe first there was a very small amount brought down to CIA before the 1970 move. But the main depository was certainly at Fort Detrick.

Senator TOWER. Thank you, Mr. Colby.

Mr. COLBY. Thank you, Senator.

The CHAIRMAN. Before I turn to Senator Mondale, I want to observe that Senator Hart of Michigan, who has been a very valued member of this committee, cannot be with us today because he is presently hospitalized. And I just want to express the regrets of the committee that he cannot be here to participate in this hearing because he has been of great service. And we hope that he will soon return to the committee table.

Senator TOWER. Mr. Chairman, if you would yield, let me second your remarks and associate myself with them. Senator Hart has been a valued member of the committee and we hope he has a speedy recovery.

The CHAIRMAN. Thank you. Senator Mondale.

Senator MONDALE. Mr. Colby, in your opening statement you observed that the Agency which you head must operate in a secret environment. I think most of us would accept that fundamental concession and serious concession in a society which is based upon the theory that the American people must know what is going on. But what troubles me is that this record seems to disclose an additional concession, namely, the lack of accountability, so that we not only have a secret agency, but we have an agency about which there is some question as to its accountability to the authority of the President or to the authority of the National Security Council. The record seems to disclose that there is no Presidential or National Security Council order in the first place directing the CIA to establish this program at all.

Second, there appears to be no report by the CIA to higher authority of the existence of these toxins or biological weapons.

Third, there seems to be no evidence that those in charge of the CIA inquired of subordinates as to the existence of toxins or biological weapons, or that following the Presidential order decreeing destruction of such toxins, that any formal order went forth within the CIA to require their destruction.

Moreover, the record seems to support the notion that it was only by chance that the leadership of the CIA became aware some years later of even the existence of these lethal toxins, which were in violation of a direct Presidential order.

In short, the record is a mess and we may never know just exactly what happened. Does it bother you that this kind of record could be available to us and should exist in something as serious as this?

Mr. COLBY. It certainly does, Senator Mondale. And I think we have taken some steps to try to overcome that problem. I think that the existence of the program did stem from the World War II experience and the fact of the Technical Services Division having a role of support for our intelligence activities was reported to various supervisory committees of the time.

I do not think there is any great detail on that in line with the standards of those times. But I think there is no indication that the Agency wanted to defy a Presidential order. There is an indication that the suggestion was made to the Agency management or to some level of it that the material be maintained. But there is no indication that that was approved. There is an indication that the Presidential instruction was passed down the line to the various elements of the Agency. And I think that there are steps that we are taking to prevent this kind of thing happening.

The reason we found out about this was precisely because of the reiterated demands and directives that I issued that we be informed of anything questionable in the Agency's past, that it is precisely this kind of detailed supervision and management that we have to have, and I think that we now have and I think that we will have.

SENATOR MONDALE. Why would it be that after an exhaustive study of this matter by the committee and by your own Agency, we cannot find a single order of any kind inquiring as to the existence of toxins or biological weapons, any order requiring their destruction following the Presidential directive at all? Not a single document exists. Why would that be?

MR. COLBY. Well, the theory of the intelligence operations in the fifties—and that gradually has changed—but at that time, clearly those matters were not made in a great deal of record. There was some severe compartmentation of sensitive matters, things of this nature. This, then, reduced the amount of recordkeeping, the amount of involvement of other people in sensitive activities, and you reduced it down to a very small group who knew anything about it.

I think this then explains the difficulty today of reconstructing some of these matters.

SENATOR MONDALE. But it also apparently created situations where the Agency, or someone in the Agency, pursued a course which violated a fundamental order of the President of the United States and the spirit of a solemn international convention against biological and toxic warfare.

MR. COLBY. There is no question about it that a middle-grade officer made a decision which was wrong.

SENATOR MONDALE. The trouble is we have seen this same phenomenon with respect to other matters that are not before us today, where, if something happened, people at the top did not know about it, or claim they knew about it and said it shouldn't happen. Then someone lower did it, claiming higher authority, not knowing who, no documentation. So, as we seek to reach the issue of accountability in a secret agency, we are left repeatedly with a record which is utterly beyond understanding. And I wonder if that does not go to questions of management and control and Presidential authority in a profound way, as this record discloses.

MR. COLBY. I think it goes to a question of the cultural pattern of intelligence activities and the traditions, the old traditions of how they were conducted. And those are being changed in America and I for one am glad they are.

SENATOR MONDALE. Thank you very much, Mr. Chairman.

THE CHAIRMAN. Thank you, Senator Mondale. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much. Before I direct a few questions to Mr. Colby, I have a brief statement I would like to make with respect to these hearings. They will come as no surprise to you, Mr. Chairman, nor to you, Mr. Vice Chairman, that I think we are making a mistake. I think that we should have started public hearings at the very outset and gone fully into the question of assassinations or whatever else might legitimately come before this committee in the scope of its inquiry. I do not think, Mr. Chairman, Mr. Vice Chairman, that we ought to have an interim report, for instance, on assassinations, because I think it tends to segregate and to emphasize a particular area of our inquiry out of perspective to the totality of the inquiry.

Having said that, Mr. Chairman, I also want to say that I admire you and Senator Tower for the diligence of your effort in bringing us to this point. I do not criticize you for the decision that has been made by a majority of the committee. I simply want to register my disagreement.

I think that particularly on a matter of this sensitivity that has received this much public attention, that if the country is not fully informed, if we do not have a public forum from which they can gain the information they require to make their judgment, that no judgment we make for them will be adequate.

Therefore, I think, Mr. Chairman, that the committee ought to reconsider its determination to conduct its inquiry on assassinations or any other aspect of this matter in secret, in executive session, that we ought to reconsider the matter of filing an interim report, and instead we should have public hearings and forebear an interim report so we have a full report and that the country would then be well served in accordance with rights to know. Having said that, Mr. Chairman, I do have a few questions I would like to put to Mr. Colby.

The CHAIRMAN. Very well.

Senator BAKER. Mr. Colby, it is clear to me from the evidence at hand that somebody authorized the formulation, the development and the retention of these toxic materials. Can you tell me who did it?

Mr. COLBY. The development, the research and development, I think, was begun in the sixties, the early sixties. I cannot tell you specifically who authorized it.

Senator BAKER. Is there a record that would tell us who did it?

Mr. COLBY. The records are very incomplete, as you know, sir.

Senator BAKER. Why are they incomplete?

Mr. COLBY. Some of them apparently have been destroyed.

Senator BAKER. Do you know who destroyed them?

Mr. COLBY. I do. I have a report that one set was destroyed by the Chief of the Division in question before his retirement.

Senator BAKER. Do you know who that was?

Mr. COLBY. Mr. Gottlieb.

Senator BAKER. Is that Mr. Sidney Gottlieb?

Mr. COLBY. Yes.

Senator BAKER. What was his title at the time?

Mr. COLBY. He was Chief of the Technical Services Division.

Senator BAKER. Have you interviewed Mr. Gottlieb?

Mr. COLBY. I have not.

Senator BAKER. Has anyone at the Agency interviewed Mr. Gottlieb as to why these records were destroyed?

Mr. COLBY. There is a memorandum in the Agency between the Director and Mr. Gottlieb at that time.

Senator BAKER. What does that mean? Does that mean yes they have or no they haven't?

Mr. COLBY. That they were destroyed explaining—

Senator BAKER. What I am asking you is, do you know—has anyone at the Agency interviewed Gottlieb as to why the material was destroyed?

Mr. COLBY. We have had one contact with Mr. Gottlieb in recent days. We have pretty much—

Senator BAKER. Is it true that Gottlieb was at the Agency at Langley just a few days ago, going through his records and other material out there?

Mr. COLBY. He was.

Senator BAKER. And did somebody at that time say, "What was it you destroyed, Sidney?" or "how come you did it?"

Mr. COLBY. Senator, we have taken the position with this committee, as we have with the other committees and with the Rockefeller Commission, that we would not go outside the current employees of the Agency to try to run down these stories. We did not want to be subjected to a possible charge that we were somehow cooking their testimony. And, as a result, we have restricted our connections with these people to providing them the information that they had while they were in the Agency.

Senator BAKER. I am not trying to press you, but the way I interpret the totality of those remarks is that no one has interviewed Gottlieb as to why he destroyed the material or what they contained—the records.

Mr. COLBY. No, we have not interviewed him as to the reason.

Senator BAKER. Do you know what documents he destroyed?

Mr. COLBY. We are very unsure as to the total. We do not have an inventory of it.

Senator BAKER. Do you think they might have said who authorized the formulation or the retention of this stuff? Do you have any reason to think it might or might not contain that information?

Mr. COLBY. In this case, I doubt it would have very much, because this case, from the evidence we have at hand—

Senator BAKER. Does it say anything or have any reason to indicate that it might say how, if at all, this material was used in an aggressive way against someone to kill someone?

Mr. COLBY. Well, there may well be some of that in the material.

Senator BAKER. When was the documentation destroyed?

Mr. COLBY. In 1973.

Senator BAKER. It did not happen to be destroyed at the same time as those tapes that the CIA destroyed?

Mr. COLBY. In 1972.

Senator BAKER. In 1972. When in 1972?

Mr. COLBY. November, I believe it was.

Senator BAKER. In November of 1972. Do you have any idea what volume of records were destroyed?

Mr. COLBY. I do not know.

Senator BAKER. Do you know who authorized the destruction, if anyone?

Mr. COLBY. As I said, there was a memorandum of agreement between the Director and Mr. Gottlieb at that time.

Senator BAKER. And the Director at that time was?

Mr. COLBY. Mr. Helms.

Senator BAKER. Mr. Helms is here in this room, I believe, Mr. Chairman, and I take it we will have an opportunity to hear from him?

The CHAIRMAN. Mr. Helms will be our witness at tomorrow morning's hearings. I believe he is the leadoff witness.

Senator BAKER. I will not prolong my opportunity to examine the witness much longer, Mr. Chairman. I understand we are going to try to operate under the 10-minute rule.

May I ask you only this further question, then, in general, Mr. Colby? You have heard of the doctrine of plausible deniability?

Mr. COLBY. Yes, and I have rejected it now, Senator. I say we cannot depend upon that any more.

Senator BAKER. The question I was going to put to you—is that a phrase of art in the intelligence community? Does it have a separate significance that you understand?

Mr. COLBY. It was a rationale used in earlier years.

Senator BAKER. What does it mean?

Mr. COLBY. If the United States could deny something and not be clearly demonstrated as having said something falsely, then the United States could do so.

Senator BAKER. In the case of assassinations, in the case of any other—of domestic surveillance, in the case of the formulation of poisons, under that previous rationale, would the doctrine of plausible deniability have led the Agency to destroy records to conceal evidence or to compartmentalize to the point that it would be—that a committee such as this later would have been unable to establish what really happened?

Mr. COLBY. I think the plausible denial concept was used in the sense of international diplomatic relationships, that our country—

Senator BAKER. Are you saying by that it would not have applied to the formulation of toxic materials?

Mr. COLBY. I would not say it did not have anything to do with it at all, but I think that the basic rationale for the doctrine of plausible denial was so our Nation could deny something and not be tagged with it.

Senator BAKER. Senator Mondale pointed out that in another area which is not being covered here—I take it he meant assassinations—and an area that I think should be covered here—that we run up against a stone wall, that we get so far and leads get fuzzy. You know what we are driving at. You are familiar with our record so far.

Mr. COLBY. I have the same problem.

Senator BAKER. Without going into that, is that an application of the doctrine of plausible deniability?

Mr. COLBY. No; I do not think so. I do not think that would apply to internal records. Plausible denial would be to one's posture vis-a-vis some foreign nation. That is the basic rationale behind it. It does not have anything to do with the keeping or nonkeeping of internal records.

Senator BAKER. Mr. Chairman, I am a little beyond the scope of this inquiry here, but not much and not for that primary purpose. You are familiar, I take it, with the Inspector General's report on the assassination situation?

Mr. COLBY. Yes.

Senator BAKER. As I recall, the first few sentences in that report dealt with the difficulty of reconstructing, finding records, and dealt generally with the question of plausible deniability. Are you familiar with the language I am referring to?

Mr. COLBY. I believe so.

Senator BAKER. Is that the sort of thing that would prevent us from finding records of responsibility and causal connection to this matter of the formulation and retention or the failure to destroy toxic materials?

Mr. COLBY. The effect of it would, but the purpose of the doctrine was certainly not to deprive our Government of any knowledge about our Government's own activities.

Senator BAKER. But it had that effect?

Mr. COLBY. It could have that effect.

Senator BAKER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Baker. Senator Huddleston.

Senator HUDDLESTON. Thank you, Mr. Chairman. Mr. Colby, first, I would like to commend you for the forthright way that you have dealt with this committee. In my judgment, you have made every effort to provide us with the information we needed and have adopted the policy on your own that certainly would tend to eliminate many of the alleged abuses and apparent abuses that occurred in recent years.

I would also reiterate what you said in your own statement, that these particular hearings, this series on biological warfare and toxins, should not be considered as typical of the operation of the CIA, nor should it be considered as unique or unusual. It is simply one piece of a giant jigsaw puzzle that, until we see more of the entire picture, we will have a hard time assessing the total operation.

Mr. COLBY. Thank you, Senator.

Senator HUDDLESTON. I would like to refer you to a memorandum [exhibit 1¹], that was purported to have been prepared by Thomas H. Karamessines, who at the time was Deputy Director for Plans of the Central Intelligence Agency, directed to the Director of CIA at that time. I understand that this memorandum was not signed by Mr. Karamessines, that the person to whom it was directed indicated that he did not, in fact, see it.

However, it sets out very specifically the situation at that time, in 1970, following the President's order to eliminate our activity in bacteriological and toxin warfare. As a matter of fact—let us go through it very briefly.

In the first paragraph it calls attention to the President's order in November 1969, which was to eliminate this program. In the second paragraph, it points out the President's clarification in January of 1970, to state very specifically that this order did, in fact, apply to the CIA. Then, in the third paragraph, it goes on to say, to point out, that the CIA did have at Fort Detrick certain supplies. It then says that this stockpile did not appear on the inventory list.

¹ See p. 189.

Now, does that not indicate to you a specific knowledge on the part of this individual, at least, that the CIA was in violation of the President's order?

Mr. COLBY. Well, it certainly indicates that the material held by CIA did not appear on the Fort Detrick list. That is certainly so. In that respect, it certainly indicates awareness of President Nixon's directive.

Senator HUDDLESTON. And that this inventory should have been included so that the Army could proceed with its plan of destruction, as it had been ordered to do?

Mr. COLBY. I think there is that implication, that it should have appeared.

Senator HUDDLESTON. Further, then, in paragraph 5, this memorandum suggested that if the Director wishes to continue this special capability—now, does that not also indicate that the Director might want to violate outright the President's order?

Mr. COLBY. It certainly gave an option that that particular order would not be followed. Now, that does not indicate that the Director would necessarily do that without consultation with the President.

Senator HUDDLESTON. I recognize that. But someone in the Department, either Mr. Karamessines or his deputy or someone, was suggesting this as an option.

Mr. COLBY. I think the originator of the particular draft memorandum is one of your witnesses, and there is no indication of the level to which the memorandum got beyond him, although it is clear that Mr. Karamessines did not sign it.

Senator HUDDLESTON. Except that what he suggested did, in fact, take place.

Mr. COLBY. Yes; that is right. It in fact took place, according to his account, by his own decision, in violation of the directives he was given.

Senator HUDDLESTON. One more sentence in paragraph 5, "Arrangements have been made for this contingency." Does that indicate that someone in the Agency had already taken action or had made arrangements to specifically violate the order of the President of the United States?

Mr. COLBY. They had arranged for the possible transfer of the materials to a research center, a private research center, in Baltimore. That was what that "Arrangements have been made" referred to.

Senator HUDDLESTON. But the memorandum had already indicated that they recognized that is in violation of the President's order.

Mr. COLBY. A contingency that, if the Director approved, it would be done. And it of course was not. The material was kept in the Agency itself.

Senator HUDDLESTON. Now, that memorandum also lists an inventory, I presume at that time, which differs somewhat from the inventory that you have submitted from the material that has recently been located. Is that correct?

Mr. COLBY. Yes, there are some differences in it. I think a number of those items were actually included in the destruction by Fort Detrick.

Senator HUDDLESTON. Do you know who made the decision and why he selected certain items to retain illegally and allowed certain items to be destroyed?

Mr. COLBY. The only one was the shellfish, which was retained in violation of the directive. Of the remaining material, some of it was not included within the directive and some was and was destroyed. So the story, as we can reconstruct it today, is that this certain officer wanted to save this material because it was very valuable.

Senator HUDDLESTON. Mr. Colby, it has already been established that the cost of this research work and development was in the neighborhood of \$3 million.

Mr. COLBY. I would not apply that only to the shellfish but to the total activity.

Senator HUDDLESTON. You indicated that, as far as you know, there has been only one application, and that was Francis Gary Powers, the U-2 pilot.

Mr. COLBY. Well, of course, that wasn't an application either. There were certain other situations in which clearly some consideration was given to analogous material, if not this material.

Senator HUDDLESTON. Are you saying, for \$3 million we supplied one U-2 pilot with a device with which he might do away with his own life, which he decided not to use, a decision I would say was very wise on his part, personally. Is that correct?

Mr. COLBY. No. I think that is not quite correct, Senator Huddleston. The \$3 million refers to the whole activity and includes the research and the stockpiling, not only of this particular material, but of other materials. And I indicated some of the other materials have been used on other operations, the guard dogs and things of that nature.

Senator HUDDLESTON. Now, most of the material there, the toxic material, was applied by some sort of injection. Consequently, you developed the dart guns and drill bits that you put in silver dollars and whatever. Was there also material there that would be administered in some other way?

Mr. COLBY. Oh, yes; there were various ways you could administer various of these materials, no question about it, both orally and under some kind of a guise and so forth.

Senator HUDDLESTON. And what devices were prepared for that kind of administration?

Mr. COLBY. It was really rather the development—to see what the effect of putting the particular material into another substance, what chemical reactions and stabilities were.

Senator HUDDLESTON. Now, the inventory for the first set of materials that were held at Fort Detrick included an agent that, I presume, was designed to induce tuberculosis.

Is that correct?

Mr. COLBY. Yes. There is that capability.

Senator HUDDLESTON. What application would be made of that particular agent?

Mr. COLBY. It is obviously to induce tuberculosis in a subject that you want to induce it in.

Senator HUDDLESTON. For what purpose?

Mr. COLBY. We know of no application ever being done with it, but the idea of giving someone this particular disease is obviously the thought process behind this.

Senator HUDDLESTON. You mentioned earlier in your testimony that the primary purpose for collecting this material was to induce a temporary situation to prevent harm?

Mr. COLBY. That certainly does not apply to the lethal agents.

Senator HUDDLESTON. I would not think it did.

Mr. COLBY. No.

Senator HUDDLESTON. What about brucellosis, which we are trying to eradicate in Kentucky. It affects cattle. That was also on the inventory. What was the purpose of that?

Mr. COLBY. I think we were talking about an experiment. We were talking about what its capabilities were, what its properties were, what the reactions were, and so forth. I do not think anyone had gone down the trail to a particular use, a particular purpose there. They were dealing as scientists with the different materials available to them.

Senator HUDDLESTON. Was this at the direction of the CIA to develop this or for scientists just looking around trying to find out?

Mr. COLBY. These were CIA officers who were responsible for keeping up with the state of the art in various kinds of technical and pharmaceutical areas to see what applications might be appropriate for intelligence-related purposes.

Senator HUDDLESTON. Thank you. I believe my time has expired, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Huddleston. Senator Goldwater.

Senator GOLDWATER. Thank you, Mr. Chairman. I only have one question, Mr. Colby, but I have a short statement I would like to make to you.

Criticism and analysis are important ingredients in making our democracy work. However, we are now approaching the point where both are being abused to the point of self-destruction. I submit we must get out of the morass of doubt and pessimism into which we have sunk. We must not let the quarrels of the past interfere with building for the future. A tidal wave of criticism has swept over the intelligence community of our country, much of which is mistaken or unwarranted. The damage is severe. If continued, its survival is uncertain.

Before this committee have appeared men of the CIA, both on active duty and retired. All have been impressive because of their dedication and loyalty. Nothing we have heard detracts from the reputation of the CIA as a highly competent organization. The men and women of the CIA are doing a great job under very trying conditions.

And I say to them, as our Nation gets back on course, I believe there will be change for the better. I ask you to hold on until that happens. You were never more needed by this country than right now. And, as one American, I am proud of you.

To those young people who may be looking for careers and who have a desire for public service, I can think of no better way to serve your Nation than as an intelligence officer. Many skills are required to keep the CIA a useful and productive organization, and continuity is vital to America.

Now, Mr. Colby—

Mr. COLBY. Senator Goldwater, if I may, on behalf of our employees, thank you for that statement. They are under a lot of pressure these days, and they will appreciate that.

Senator GOLDWATER. The question I have to ask you, have other countries developed bacteriological warfare ability?

Mr. COLBY. Certainly, Senator; that is one aspect of bacteriological warfare that the President's directive in 1969 and 1970 tells CIA to continue, and that is to follow the activities of other nations. We will see the capabilities and activities of other nations in this field and we have some officers who do follow these activities abroad. And they are quite general. There are some very, very dubious areas where we are just not sure what the actual capabilities are in some respects, but we do follow it indeed and there is extensive effort done by other nations in this line.

Senator GOLDWATER. But you are now prevented from—

Mr. COLBY. No; we can follow the foreign ones, that's no problem.

Senator GOLDWATER. You can follow them, but can you do anything to offset them?

Mr. COLBY. I think that the defensive against those possible things is a matter for the Department of Defense.

Senator GOLDWATER. You feel you are safe in that field?

Mr. COLBY. I think in cooperation with the Department of Defense, and advising the Department of Defense of foreign developments in this area, we are giving them the basis for developing such defense efforts as we need them.

Senator GOLDWATER. Thank you, that is all I have, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Goldwater. Senator Morgan?

Senator MORGAN. Mr. Chairman, Mr. Colby, since this is the first public hearing of this committee, I think we should note that we feel and I certainly feel that the role played by the CIA is a very vital one, and a very important one. I think the fact that you quoted from President Kennedy who said that quite often our failures are trumpeted and our successes go unheralded is appropriate here.

This committee has been told by witnesses that had the CIA existed prior to World War II, Pearl Harbor might never have happened or if it had happened, the loss in deaths and property might have been much less. So I want you to know that we do recognize the role of the CIA. We recognize the fact that we in this country must be able to know in advance what our potential adversaries and potential enemies may be planning so that we can cope with them. So I do think it is important.

Mr. COLBY. Thank you, Senator.

Senator MORGAN. I believe, Mr. Colby, that most of the questions have been asked except that earlier the reference was made to the Presidential order and we alluded to what was in fact, I think, the press release concerning the Presidential order. But as I read the Presidential order, I found this statement. The U.S. bacteriological and the biological programs will be confined to research and development for defensive purposes, immunization, safety measures, et cetera. This does not preclude research into those offensive aspects of bacteriological, biological agents necessary to determine what defensive measures are required.

Now earlier you stated you thought it might have been the mentality of those who made the decision to keep these toxins that they might be needed in order to develop defensive weapons. Do you think if

that was their thinking that it would be in keeping with the Presidential order as I just read it to you?

Mr. COLBY. Well, we looked at that. I think that you might be able to make a case for that, Senator, if you were actively involved and had responsibilities for these defensive measures. But, as I think the chairman pointed out, the quantities maintained by CIA are difficult to defend under that directive.

Senator MORGAN. What was your position with the CIA at that time?

Mr. COLBY. In 1970 I was on detached service. I was assigned to the Department of State in Vietnam.

Senator MORGAN. You had nothing to do with retaining these toxins?

Mr. COLBY. No; I had nothing.

Senator MORGAN. And you knew nothing about them until you made the discovery?

Mr. COLBY. Until we had discovered this in May.

Senator MORGAN. I would commend you, Mr. Colby, again for taking these steps to determine what has happened. I think most men in the CIA, as well as those in the IRS and the FBI, are dedicated public officials that want to do what is right. I think your method of asking for any known violations has been helpful to this committee. I would commend it, Mr. Chairman, to the IRS, to the end that they might ask their field agents if they know of known violations in this area and I would commend it also to the Director of the FBI.

Senator Goldwater mentioned, and I believe the Presidential order directed the CIA to continue to maintain surveillance on the bacteriological and biological warfare capabilities of other states. You say you have done that?

Mr. COLBY. We do so; yes, sir.

Senator MORGAN. Are you in a position to tell this committee whether or not other states and especially potential adversaries, enemies, now have stockpiles of such toxins?

Mr. COLBY. I do not think I can say much about stockpiles but I do know that there are installations which appear to us to be experimental stations of some sort.

Senator MORGAN. Thank you, Mr. Colby.

Mr. COLBY. In the chemical field, certainly there are stockpiles. We are aware of that also.

Senator MORGAN. I have no further questions.

The CHAIRMAN. Thank you, Senator. Senator Mathias?

Senator MATHIAS. Thank you, Mr. Chairman.

Mr. Colby, some of America's greatest victories and some of America's greatest defeats have represented failures of intelligence. Trenton, Antietam, Pearl Harbor, I think all illustrate the vital necessity of intelligence. A year ago, almost exactly a year ago, when Senator Mansfield and I introduced the legislation which has resulted in this investigation, we had that very much in mind. We wanted to be sure that we had the best intelligence system that was available. But I think we also had in mind John Adams' warning that a frequent recurrence to the principles of the Constitution is absolutely necessary to preserve the advantages of liberty and to maintain a free government.

I think the discovery of this toxin raises some interesting questions

which are within the purview of this investigation and which, I think, have to be answered before this committee completes its work and makes its recommendations to the Congress. For example, I accept your statement that this toxin was never used except in the one instance that you described. But I then have to ask you this: If you had used the toxin, what provision in the Constitution would have afforded authority to do so?

Mr. COLBY. I think CIA's operations are certainly overseas operations. They fall under the National Security Act of 1947 and they fall, consequently, under the provisions of the Constitution that call for the national defense and the foreign relations of the United States.

Senator MATHIAS. The use of a toxin of this sort is, of course, the use of force.

Mr. COLBY. It is a weapon; yes.

Senator MATHIAS. It is a weapon, it is a use of force and normally if a force is to be employed against another nation, congressional approval is required, is that not true?

Mr. COLBY. Well, I think we are now in the midst of the War Powers Act, and this activity of course preceded that.

Senator MATHIAS. Yes, it did precede it, but what occurs to me here is that we have an illustration of the use of force in the relations of the United States to other powers in the world, or at least the potential use of force. As you say, it has never been used in this instance, which differs only in degree from covert operations in Laos or other examples that we could think of. And so it seems to me that the discovery of this toxin raises very fundamental questions about the relationship to covert activities of any intelligence agencies, be it the CIA, the FBI, or others, with the constitutional process on which this Government is conducted.

Now I would think, Mr. Chairman, that there is no responsibility greater upon us than to define that relationship as accurately as possible before the close of these hearings. Thank you.

Mr. COLBY. It is, of course, contained within the amendment to the Foreign Assistance Act, passed last December, which now requires that any activity of CIA, other than intelligence gathering abroad, shall be found to be important to the national security by the President and shall be reported to the appropriate committees, and that includes six committees of the Congress at this time. This is a statutory provision which we are in compliance with.

Senator MATHIAS. Let me say, Mr. Colby, that I agree with you. Let me say this imposes responsibilities on the Congress that I do not think have always been discharged very well. I can recall members of Congress who recoiled from the responsibility of knowing what was happening, members of Congress who said, "Don't tell me, I do not want to know." I think that is an indictment of the Congress, just as severe an indictment as those labeled against any of the intelligence agencies.

Mr. COLBY. I would not call it an indictment of the Congress, Senator. I think it rather reflected the general atmosphere, political atmosphere, toward intelligence that was the traditional approach and I think we Americans are changing that. This act is an example of that change, as is this committee.

Senator MATHIAS. I think you are more generous than I am inclined to be. I cannot be that permissive. I do not think climate will excuse what is really a dereliction of duty and if there had not been that dereliction of duty, perhaps we would not be here today.

The CHAIRMAN. I must say, Senator Mathias, I agree fully. We have been victimized by excessive secrecy, not only with respect to failure of Congress in the past to exercise proper surveillance over intelligence activities, but also excessive secrecy has created this kind of mischief within the executive branch. Here we have a case where the very methods of secrecy concealed for 5 years an act of insubordination within the CIA that came to light only by the happenstance that Mr. Colby, the present Director, asked the Agency if they please would tell him what has been going on that is wrong. And as a result, somebody knowing something about this gave him a tip, as a result of which he then conducted investigations that led to this disclosure. So I believe that the internal workings within the Agency itself are a matter that we must look at very closely to be sure that this kind of thing does not happen again and can be prevented. Excessive secrecy may have victimized this Agency as well as the Congress.

Our next Senator in line is Senator Hart.

Senator HART of Colorado. Thank you, Mr. Chairman.

Mr. Colby, can you be absolutely sure that there are not in other vaults any poisons in this town or in this country or in our possession in some part of the world?

Mr. COLBY. I cannot be absolutely sure, no, Senator. We obviously are conducting such investigations and releasing such orders as possible, but I cannot be absolutely sure that some officer somewhere has not sequestered something.

Senator HART of Colorado. Could you concisely as possible state for the committee your understanding of the practice of compartmentation?

Mr. COLBY. Well, the compartmentation process is merely the strict application of the "need-to-know" principle. If an employee in the intelligence business needs to know something in order to do his job, then he has a right to the information. But if he does not need to know that particular information, he does not have a right to the information. And if the information is one which is required for large numbers of employees, then large numbers of employees will be allowed to know it.

If the particular activity is a very sensitive matter and only a very few employees need to know it, then it will be known to only a very few employees. We make a particular effort to keep the identities of our sources and some of our more complicated technical systems restricted very sharply to the people who actually need to work on them. And many of the rest of the people in the Agency know nothing about them.

Senator HART of Colorado. Does that need-to-know principle apply in cases of sensitivity to the Director of Central Intelligence?

Mr. COLBY. Certainly not. It does not with one exception. I do not believe I need to know the name of an agent in some foreign country who is serving us at the risk of his life. I know he is there, I know what kind of a person he is, but I do not need to know his actual name. I have kept that out of my knowledge because I travel and I do not want to know that kind of thing. But that is the only area that I

would apply it to. I am responsible for everything that happens in the Agency, I need to know everything that happens in the Agency.

Senator HART of Colorado. Based upon this case and other matters that we have under consideration and past practices in the Agency, how can you, as the Director of Central Intelligence, be absolutely sure that activities of this kind are not going on within the Agency, shielded from your knowledge by the practice of compartmentation?

Mr. COLBY. I think I have an adequate system today, both in our program review of what the activities of the Agency are, the decisions made about resource levels, personnel levels, things of this nature, devoted to different kinds of projects. I look at results from those commitments to see whether they are compatible with the kind of funds expended on them. I also have an independent Inspector General and we have most recently increased the size of his staff in response to the requirement of the Rockefeller Commission.

We have made certain organizational changes in the Agency to try to break down the former high degree of compartmentation which in some cases was not really based upon a need-to-know principle, but became a little bit identified with the normal bureaucratic processes of developing a small wall between different organizations. This particular office, for instance, was transferred from our operational directorate to the science and technology directorate.

Senator HART of Colorado. But in the final analysis, there is no absolutely certain guarantee that incidents of this type might not occur in the future.

Mr. COLBY. There is a guarantee in the sense that the employees are shown a statement each year and sign it, a set of standards for their activities, and included in those is our requirement that if they know of any questionable activities or activities beyond CIA's charter, that they're instructed to bring it to either me or the Inspector General.

This is a process I have insisted on to my subordinate deputies, that I be subjected to no surprises; and it is the latest one of these particular directives that actually instigated this exposure here, that my subordinates are responsible for bringing to me anything that they find that is sensitive in any fashion and to keep me advised of any such matters going on.

As you say, Senator, it is certainly possible that some person someplace in the world can do an improper thing without my knowledge of it beforehand.

Senator HART of Colorado. Mr. Colby, I think your exposure to this committee is sufficient to know that none of us wishes to question the loyalty or patriotism of any of your employees. What we are trying to do, as the chairman and Senator Mathias and others have stated, is to work with you and your colleagues in preventing the kind of abuses and misconduct that has gone on in the past. In that connection, can you suggest any further guidelines in addition to the statement that you made which would guarantee that this compartmentation does not prevent the knowledge of the command and control officers in the Agency of key activities?

Mr. COLBY. Well, I think, as I did say in my statement, Senator, I believe that intensive external supervision will generate intensive internal supervision. That is a normal working of bureaucracies and I think that that kind of supervision I welcome from both the Executive

and the Congress because I think it will keep our intelligence people absolutely confident that they do not do things that they should not.

Senator HART of Colorado. So you do not find the work of this committee unwelcome?

Mr. COLBY. No; I do not. As I have said to the chairman, I welcome the chance to try to describe to the American people what intelligence is really about today. And it is an opportunity to show how we Americans have modernized the whole concept of intelligence and I hope we can do that.

Senator HART of Colorado. Mr. Colby, one brief line of inquiry in connection with the case under study. Are you familiar with a reported series of so-called vulnerability studies that were conducted probably sometime in the sixties in connection with this program of toxic weapons and so forth?

Mr. COLBY. I think this was a Defense Department activity of determining what possible vulnerabilities our country might have to these kinds of weapons.

Senator HART of Colorado. To your knowledge, were CIA personnel involved in this?

Mr. COLBY. CIA was aware of some of them because they were conducted with Fort Detrick and sometimes there are lessons to be learned from it that were picked up.

Senator HART of Colorado. But to your knowledge, your employees did not participate?

Mr. COLBY. They reported on the activities to us, but it was my impression that they did not actually participate in the experiment itself.

Senator HART of Colorado. And you are familiar with the fact that one of these experiments was conducted in the Food and Drug Administration here in Washington?

Mr. COLBY. I'm aware of a report to that effect; yes, sir.

Senator HART of Colorado. And you are also——

Mr. COLBY. There were other installations around the country that we looked at to determine what possible vulnerabilities large installations would have.

Senator HART of Colorado. Major urban subway systems and so forth?

Mr. COLBY. Yes.

Senator HART of Colorado. Did any of these studies in any way jeopardize human life and safety?

Mr. COLBY. According to my records, they were not conducted with hazardous substances. They were simulated rather than real.

Senator HART of Colorado. So, to your knowledge, no actual jeopardy occurred to any individual during any of these tests?

Mr. COLBY. I do not know of any that were in these studies, I do not know of any. Obviously we did have the problem of the testing of LSD on unwitting subjects. That would fall within the category of your question.

Senator HART of Colorado. I am talking more about the mass——

Mr. COLBY. No, the mass ones, it is my impression that they did not risk the lives and health of the people involved.

Senator HART of Colorado. Thank you, and as far as you know, that one study on the subway system was conducted in New York City?

Mr. COLBY. I have seen a report to that effect. That is all I know about that particular program.

Senator HART of Colorado. There was further indication that some of these toxic elements might have had something to do with the destruction of crops in parts of the world. Do you know if that was ever implemented?

Mr. COLBY. I believe it was not. I know it was considered but it was decided not to do it.

Senator HART of Colorado. That is all I have, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hart. And the Chair now recognizes Senator Schweiker.

Senator SCHWEIKER. Thank you very much, Mr. Chairman.

Mr. Colby, you testified in your opening statement that there were basically 11 grams on the shelf of this toxin, discovered by the CIA in the storage lab in Washington. I take note of the fact that the documents the committee has in front of it also indicate that when the committee, or when the CIA took its own inventory in that unsigned memo [exhibit 1¹] that we were discussing a moment ago, which was dated February 16, it only refers to 5.2 milligrams, so there is obvious discrepancy of almost 100 and some percent between the amount that an internal CIA memo said existed and their inventory from the amount that was finally discovered at the CIA lab, a discrepancy of a very substantial nature. I wonder if you could account for that?

Mr. COLBY. The difference is the amount the CIA had earlier, which was the 5 milligrams, and then the 11 grams which it collected from Fort Detrick. That material was moved from Fort Detrick to CIA, the additional 11 milligrams, or 11 grams, excuse me.

Senator SCHWEIKER. I believe Fort Detrick's inventory only shows some 5 milligrams for CIA, and I also believe—I have an inventory list here [exhibit 1], unclassified from the Army, when they took inventory at the same time that the CIA letter [exhibit 1] was written, February 17, 1970, the Army listed on its inventory 2.8 milligrams. So the logical question is, did in fact the Army also disobey the Presidential order, and did it end up at the same lab? And I think you can take the question one step further, since 5.2 and 2.8 only account for 8 milligrams, did some other person generously cooperate in supplying an inventory of 3 milligrams, or 3 grams, as opposed to milligrams? How do we explain this rather obvious discrepancy, particularly when there was 2.8 grams—I should have said 2,800 milligrams, 2.8 grams, in this regard?

Mr. COLBY. If I may, Senator, consult?

Senator SCHWEIKER. Yes, sure. You are entitled to that.

Mr. COLBY. Senator, we do not know where those other 5 grams came from.

Senator SCHWEIKER. I think it is important for the record to show that, Mr. Colby, and I appreciate your frank answer that the CIA inventory at Fort Detrick showed very clearly there were only 5.2 grams. The Army inventory at Fort Detrick, in the same period of time, showed that Army had 2.8 grams. There is a pretty obvious implication here that somebody at the Army decided they were going to ship their supply up to CIA.

What concerns me more is, we are still unaccountable for 3 grams, and do we, in fact, have three agencies deciding to circumvent a Presidential order: The CIA, the Army, and some unknown supplier. I think that is a very serious question, and I would hope that we would pursue it.

Do we know who authorized the Fort Detrick, CIA to take away that supply? Certainly someone from the Army would have had to authorize the removal of that supply.

Mr. COLBY. We have no record of it, Senator.

Senator SCHWEIKER. We do not know that, so we could not possibly know, then, if the 2.8 grams was also shipped out at that time.

Also, do I understand correctly, Mr. Colby, that in order to locate this—and I want to make clear that it was a CIA discovery, I think that is a significant point, and a fair point to make—but do I understand that in discovering this material, that they had a code name for this material that was not presently available to you as Director?

Mr. COLBY. There was a code name for this particular activity, and the code name was recorded, but I did not know it. It came to the memory of one of our officers. One of the problems we have is that frequently, on sensitive activities, we do not use the real names of the activities. We use these code names, and the code names become a form of second language. I'm sure the code name was available to me, if I had asked specifically about this particular code name.

Senator SCHWEIKER. Does not the Director have, really, somewhere in his command, a roster or a master index of what the ongoing code names mean, and how relevant they are? How could you exercise any command and control?

Mr. COLBY. This is an old code name. We obviously do have a listing from which the code names are chosen for particular activities, and I could have found out about this if I had had the tip. All I needed here was the tip, and we had the tip, and then that led us to the whole story, to the extent that we have records.

Senator SCHWEIKER. Does this not also suggest the possibility that the code name information was in those destroyed records? It seems to me that is a pretty relevant question about why the Director, even though he didn't know the code name, did not have access to the code name immediately. It seems to me that it would very likely be that that access or informational sheet might well have been destroyed too. Do we know that?

Mr. COLBY. The code names are obviously kept in different centers within the Agency, and it is a matter of going through the different centers and selecting which ones to ask for for the particular information, and what the code names are.

Now, there is a procedure by which we can find out what one of these code names refers to, or alternatively, to find the code name applied to a certain activity.

Senator SCHWEIKER. A project that would kill many thousands of people—I would think it would be somewhere immediately at hand, in the Director's drawer, to know what had or had not happened.

Mr. COLBY. Well, this was a project that had been closed out 5 years ago, and the matter had been terminated, and the records were in our records center.

Senator SCHWEIKER. Now, on this same inventory list, again, that the CIA discovered, is another toxin, a fish toxin, and we inventoried that at 3 cubic centimeters, and only 1 milligram of this material apparently is a lethal dose, indicating it is almost as lethal, at least weight-wise, as the shellfish toxin. Why was this also overlooked, and why wasn't the fish toxin destroyed?

Mr. COLBY. Well, the fact here was that the various materials here were not destroyed. I believe there is a technical argument about whether the shellfish toxin is the only one that is directly covered by the President's order. But obviously, we do not have a need for the other kinds of toxins, beyond the research into the possibly defensive uses.

Senator SCHWEIKER. Well, the President's order, Mr. Colby, is very clear and specific. It said research for defensive purposes only. To your knowledge, has any research for defensive purposes been going on with the fish toxin at CIA, or at any other laboratory?

Mr. COLBY. No, Senator. This was put on this shelf, and just left there. It became an old storeroom, and the material was up there and forgotten.

Senator SCHWEIKER. Mr. Colby, you said earlier, if I recall your testimony, that at one point in your career, coming from the covert side, that you had been approached by a technical person about possible use of this substance, and you had turned it down?

Mr. COLBY. Yes.

Senator SCHWEIKER. Why did you turn it down?

Mr. COLBY. Because I did not think it was a good idea. I do not believe in that kind of activity.

Senator SCHWEIKER. I gather, then, from that statement that there was no policy, or no directive, or no written document indicating that whoever approached you was operating out of the framework of a policy of the Agency. Is that not a fair assumption?

Mr. COLBY. I just never got to that question. As far as I was concerned the thought was put, and I turned it down.

Senator SCHWEIKER. And I think the obvious question is, what if the same Technical Service person approached somebody who did not have your judgement, conscience, and standards, and decided that he would accept it? What would have happened then?

Mr. COLBY. Well, today, he would run into very specific directives on that point.

Senator SCHWEIKER. Yes; and I commend you for that.

Finally, I would like to ask a question as far as this memorandum [exhibit 1¹] is concerned. The memorandum that said they wanted to transfer this poison, or toxin—poisons—to a location in Baltimore is unsigned. Is this the original or the carbon that the CIA found?

Mr. COLBY. It is apparently the carbon.

Senator SCHWEIKER. So, as a matter of speculation, one could speculate that the original memorandum, which has never been found, could well have been signed and could have been destroyed.

Mr. COLBY. Normally not. I think the evidence here—there is no typed date on it, and there is no mark that the original had been signed. This is a normal procedure in our machinery that this would be so indicated.

¹ See p. 189.

Senator SCHWEIKER. Is it not abnormal that the carbon turns up, and not the original? It seems to me if Agency records were not destroyed and kept, the first thing would be the original draft or the memo, and not the carbon.

Mr. COLBY. Well, I think the fact that there is an indication that it was not signed made it a bit of a nondocument. Someone may have destroyed the original, since it had not been signed, and was not really a document in that sense.

Senator SCHWEIKER. Of course all we know is the carbon was not signed.

Mr. COLBY. Yes; that's right, but as I say, the indications—

Senator SCHWEIKER. We do not know the original was not signed.

Mr. COLBY. The indications are that the original was not signed. I think the originator is going to be one of your witnesses, and I think you could perhaps get better clarification of that detail there.

Senator SCHWEIKER. That is all the questions I have, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Schweiker.

Mr. Colby, going back to the document [exhibit 1'] that Senator Schweiker has been questioning you about. It purports to be a document that carries the name, though not the signature, of Thomas H. Karamessines, who was Deputy Director for Plans in the CIA, and it purports to have been prepared for the Director himself.

Now, calling your attention to paragraph 5, where the Director is given, in effect, an option not to comply with the President's order, it reads, "If the Director wishes to continue this special capability" which the President had ordered destroyed, "it is recommended that if the above DOD decision is made, the existing Agency stockpile at SO Division, Fort Detrick be transferred to the Huntingdon Research Center, Becton-Dickinson Co., Baltimore, Md. Arrangements have been made for this contingency and assurances have been given by the potential contractor to store and maintain the Agency's stockpile at a cost no greater than \$75,000 per annum." Well, that is a pretty hefty storage cost, but what is really being suggested there is that the President's order be circumvented by taking the material out of the CIA laboratories and storing it with a private firm. Is that not correct?

Mr. COLBY. Out of Fort Detrick?

The CHAIRMAN. Out of Fort Detrick.

Mr. COLBY. And stored at a private firm, which is capable of maintaining it according to the proper standards that you would expect to handle this. But I do not think there is a concealment from CIA involved in that process. The contracting for the storage of the material in a private firm would not necessarily conceal it from CIA, because some records—

The CHAIRMAN. No; but the option was being suggested to the Director of the CIA that the President's order be circumvented by storing these forbidden toxins at a private firm. Is that not correct?

Mr. COLBY. That somehow the President's directive not be complied with, as respect to these toxins, for whatever reason the originator might have thought may be possible. Obviously one of them is a violation of the President's order, but also possible is that some permission—

The CHAIRMAN. It is obvious that the shellfish toxin represents a violation of the President's order? What about the cobra venom?

Mr. COLBY. Some of their others are also included, and I believe there is a technical argument about which ones are and which ones are not. In effect, they are.

The CHAIRMAN. Well, I am informed that 11 grams of shellfish toxin—on the surface, it seems to be a small quantity—actually represents about a third of the total amount ever produced in the world. We have already covered the number of people that could be killed through the application of such quantities. What I would like to get at is this: The President declares it to be the national policy of the United States not to engage in the development of toxins of this kind. The President announces to the world, as a unilateral initiative, which was widely publicized as an indicator of our peaceful intentions, that we would, indeed, destroy such substances, and that we would become part of an international convention to this end. Now, that is rather a major statement of policy, broadcast to the world, and the good faith of the President of the United States and of the Government of the United States is thus on the line. Would you not agree?

Mr. COLBY. I agree.

The CHAIRMAN. Now, we find out 5 years later that the Presidential orders were not, in fact, carried out. Why in a matter of this kind was no written order given to destroy these toxins, in compliance with the President's directive?

Mr. COLBY. I do not know, Mr. Chairman. I think that it is quite obvious that the suggestion was made that they not be destroyed. There is an indication that it was not accepted. The President's directive was obviously passed down and made known to the people who had this facility, and the degree to which a specific order is required, I do not know.

The CHAIRMAN. Why, in a matter of this importance, if no written order were used, why did not the Agency follow up in some way to determine whether or not the President's order had been obeyed?

Mr. COLBY. I think the assumption was that the material was at Detrick, and that it would be destroyed up there. The request was sent to Detrick to destroy the material there. The individual left out the material—

The CHAIRMAN. But no effort was made to obtain a count, no check was made to see whether or not the material had, in fact, been destroyed?

Mr. COLBY. Apparently not, sir.

The CHAIRMAN. Do you not think that is an exceedingly loose way to run an agency, particularly the CIA?

Mr. COLBY. Well, we are going to try to run it tighter.

The CHAIRMAN. Now, you have said that in your opinion the manufacture of these poisons and delivery devices, as you call them, was originally authorized by the law. I would like to ask a question or two about that. The statute in the National Security Act that gives the CIA its basic power sets out the various duties of the Agency and in a well-known catchall provision, which is subsection 5 of section D of the act—that catchall provision reads, "to perform such other functions and duties related to intelligence affecting the national security, as the National Security Council may, from time to time, direct."

Now, first of all, poisons do not normally fall under the category of intelligence, as it is generally understood. That is to say, the gathering of information. Would you agree with that?

Mr. COLBY. Yes. Except to the degree—the tradition of the L-pill, and things of that nature.

The CHAIRMAN. Except as they might be used purely defensively?

Mr. COLBY. Yes.

The CHAIRMAN. And so that the offensive use of poisons would fall within the category that we generally refer to as covert operations?

Mr. COLBY. Yes.

The CHAIRMAN. And based upon all of the testimony and documents that this committee has received thus far, the CIA bases its authority to conduct covert operations on this provision of the law?

Mr. COLBY. Correct.

The CHAIRMAN. All right. I will reread this provision of the law: "to perform such other functions and duties related to intelligence affecting the national security, as the National Security Council may, from time to time, direct." My question is, did the National Security Council direct the CIA to develop these quantities of poison?

Mr. COLBY. No; but the National Security Council certainly expects the CIA to be prepared to conduct paramilitary operations traditionally associated with the covert action area, and in the process of preparing for those kinds of operations, the CIA has developed different weapons, has maintained different stocks of weapons, and I think that this incident came from the thought process that is represented by the development of that capability for the possibility of such covert operations.

The CHAIRMAN. But Mr. Colby, you have already testified that poisons in this quantity exceeded any use that the CIA might contemplate or properly pursue in connection with its covert operations.

Mr. COLBY. In this quantity, yes, Mr. Chairman. But the idea of developing it—

The CHAIRMAN. Yes; and my question is, since these poisons were developed in such quantities, and since the National Security Council gave you no directive to do so, is it not questionable that the CIA was really authorized to develop such quantities of poisons?

Mr. COLBY. I think, Mr. Chairman, we have to get back to what this related to. It was a joint effort between the Army and ourselves about a weapons system, biological and chemical warfare, that were acceptable and accepted up until the time of the President's directives. Therefore, these were weapons which were in the national arsenal, if you will.

Now, I think the idea of the CIA being interested in these weapons for possible intelligence related activities is appropriate under that provision. However, I agree with you that the quantities were excessive.

The CHAIRMAN. Thank you. Senator Tower has some further questions.

Senator TOWER. We have spoken rather extensively here about apparent lack of clear lines of control and authority running downward and of clear lines of responsibility and accountability running upward.

To the best of your knowledge, has there been any pervasive non-compliance in the matter of orders, directives from the President, or orders from the DCI on the part of subordinates? In other words, has this reached a greater proportion than might even have been revealed

here, as a result of our discovery of a very significant instance of insubordination?

If, indeed, it has been pervasive, is there not a need for much tighter controls at the top?

Mr. COLBY. Senator Tower, I believe that we are really—we have in CIA a very tight discipline. I'm not saying it is total, obviously. It did not work in this case. I think with people scattered around the world doing very sensitive work and highly compartmented work, there has been, indeed, a very high sense of discipline in the organization and a high sense of compliance to the regulations and the rules and the directives of the organization. And I think that the leadership of the organization has always felt very much subject to direct Presidential control and responsive to it.

Senator TOWER. So you would say, actually, that this instance is an exception to the rule? Ordinarily, the discipline has been good, that the control has worked, and the accountability has worked in the way it should, according to the proper tenets of good administration?

Mr. COLBY. In the business which we are in, intelligence and covert operations, I think there have been very few cases in which the Agency or its employees has done something they should not have. And in many of the cases which we now question, we find that those activities were approved by the appropriate authorities at that time. The sense of discipline within the organization seems to be quite tight.

Senator TOWER. In the absence of a written order, would a subordinate regard a verbal order as less serious or less emphatic than a written order, or would he regard it just as seriously?

Is it the custom in the Agency to give verbal orders on extremely sensitive matters, where you perhaps may not want something reduced to writing?

Mr. COLBY. Well, I think the effectiveness of an oral order is exactly what a written order is, that the individual is supposed to comply with it. It is clear that in the past there was a time in which various subjects were not written down. The committee has been into one of these, and we now have another one, where very little was actually written down because of the belief of high sensitivity of the activity.

Senator TOWER. Now, isn't the Agency expected to maintain the competence to perform any operation mandated by the President or the National Security Council?

Mr. COLBY. Any operation within the law.

Senator TOWER. Any operation within the law. So in this connection, would specific NSC approval or knowledge be required from the standpoint of experimentation on weapons?

Mr. COLBY. On the experimentation, I would say no. I would say that, if there is an accepted national weapons system, that the intelligence agency can look at it to see if it has intelligence applications, possible applications.

As to the use of such a weapon, either this or another weapons system, then I think it falls clearly within the provision of the memorandum which covers covert operations, which says that I am required to receive the approval for anything major or politically sensitive—and I think certainly this would fall into the category of politically sensitive.

Senator TOWER. Thank you, Mr. Colby. No further questions.

The CHAIRMAN. Thank you, Senator Tower. Senator Mondale?

Senator MONDALE. Thank you very much.

I was wondering if I might ask a few questions of Mr. Stevens.

The CHAIRMAN. Mr. Stevens, would you come to the witness table, please? Just pull your chair up.

Senator MONDALE. Mr. Stevens, as I understand it, you were ordered by the Director to conduct a study of the matter before the committee today, namely, the treatment and destruction of toxic materials.

Mr. STEVENS. That is correct.

Senator MONDALE. How long did that study take?

Mr. STEVENS. Well, it has continued from late April until, essentially, the present time.

Senator MONDALE. You were charged to make a thorough study, and that is what you believe you did?

Mr. STEVENS. A thorough study, within some very important limitations. We investigated the matter to the extent that we wanted to really establish that it was an area that deserved further review, that it was an area apt to be questioned, and so on. But it was not a thorough investigation in the sense that the committee, for example, would conduct.

Mr. COLBY. One thing, for instance, is this rule against interviewing extensively former employees, although in this case we did make contact with one to find something about it.

Senator MONDALE. In other words, one way in which it was inadequate is that former employees were not interviewed?

Mr. STEVENS. Several former employees were interviewed, but only at their volition, and they were under no compulsion to go into anything.

Senator MONDALE. Did you interview Gottlieb, Gordon, Karamessines?

Mr. STEVENS. I interviewed Dr. Gordon.

Senator MONDALE. Karamessines?

Mr. STEVENS. No, sir.

Senator MONDALE. Is there any doubt in your mind that the top leadership in the CIA was aware of the President's order to destroy these toxins?

Mr. STEVENS. No; I think there is clear evidence that they were aware.

Senator MONDALE. That they understood that. Is there any doubt that the persons in the department dealing with these toxins, Mr. Gordon, Dr. Gottlieb, and so on, also were aware of the Presidential order directing the destruction of these toxins?

Mr. STEVENS. They were aware of them.

Senator MONDALE. So there is no question of knowledge here? Then, if they knew the President had ordered the destruction of these toxins, yet the toxins were not destroyed, what happened?

Mr. STEVENS. Well, I think that the question as to what must be done with the Agency stockpile, how it was to be destroyed and so on, was addressed. And I think that the memorandum that you have referred to earlier is the representation of that question being raised. Quite apart from that, the shellfish toxin was brought back on the part of an individual decision.

Senator MONDALE. Yes. But there was no question, as I gather from your response, that anybody in command, from the top to the bottom, was in doubt about the Presidential order directing the destruction of toxin. Your answer to that was, yes, there was no doubt. Yet they were not destroyed.

What happened? Let me ask you about the three options I can think of: (1), somebody deliberately disregarded an order of the President; (2), negligence or inadvertence; (3), a back-channel order that does not show up anywhere, in which higher authority said something else privately to these officials, which was different from the official public order.

Which of these possibilities, or another if you can think of it, is the likely explanation for what was obviously a policy which was different from that recommended or ordered by the President?

Mr. STEVENS. I think, really, none of those. I think what happened was, the instructions were given that the material that was held for the Agency at Fort Detrick, that that be destroyed. Before that was done, some of the shellfish toxin was returned or brought to the CIA and stored there. That was done, I think, by people who were completely enmeshed with the technical aspects of the problem, and were so impressed with the value, the difficulty of extracting that stuff, and so on, they simply could not bear to have it destroyed.

Senator MONDALE. So what you are saying is that, though the President ordered its destruction, people lower in the Agency felt it was of such value that they did not do it?

Mr. STEVENS. That is apparently the case.

Senator MONDALE. So that they deliberately disobeyed a Presidential order?

Mr. STEVENS. And apparently disobeyed orders within the Agency.

Senator MONDALE. So that, in your judgment, based upon your study, there was a decision at a low level to disobey higher orders?

Mr. STEVENS. So far as I could see, that was about it.

Senator MONDALE. Was there any evidence of back-channel orders that was different from the public order?

Mr. STEVENS. I have no evidence whatsoever that that was the case.

Senator MONDALE. Maybe the Director would like to respond to these questions, too.

Mr. COLBY. No. I accept fully Dr. Stevens' answers, and I think that it is quite clear that there was a decision not to destroy it, and various people knew it.

Senator MONDALE. We are not arguing that the President has the duty to find out who had this, and call him personally and plead with him, or anything like that. This was an order that was known, and someone decided to disregard it.

Mr. COLBY. No doubt about its application, I think, or the order. I do not think that not only that there is no indication of any back channel advice not to do it, and don't say anything about it. I think there is an indication in our interviews that no such thing occurred, because I suspect we would have heard about it in the interviews with Dr. Gordon, for example.

Senator MONDALE. Would you say that the proposed memorandum prepared by Dr. Gordon clearly shows that he understood the seriousness of this matter?

Mr. COLBY. I think it clearly indicates that some decision had to be made as to whether to destroy the material in compliance with the President's orders, or not to destroy it, either in violation of the President's order or under some other justification not expressed.

Senator MONDALE. But it is clear in that memo he understood that the President ordered its destruction, and these toxins were included.

Mr. STEVENS. Yes; I think so.

Senator MONDALE. And he went on further to suggest that they therefore be transferred to another private warehouse, but at public expense. So I think it is quite clear from that memo that he knew the seriousness of what he was doing.

This, in my opinion, is the point, Mr. Chairman. I very much believe we need a strong CIA, and we need a strong intelligence capability. There is no doubt about it. I think it has to operate in secret. But what bothers me, based on this evidence—the evidence we have had in other hearings—is this whole issue, not of secrecy, I grant that, but of accountability, this difficulty of finding out what happened, and this gnawing fear that I have that things are occurring in deliberate contravention and disregard of official orders.

That is what bothers me, and I know it bothers you, Mr. Director.

The CHAIRMAN. Senator, in that connection, would you inquire—if you do not, I will—would you inquire whether any of those who failed to obey the President's order are still with the Agency? The Agency has made a careful investigation on its own.

All right, I will put the question. Are any of them still with the Agency?

Mr. COLBY. Apparently, yes. At least one still is.

The CHAIRMAN. What disciplinary action has been taken?

Mr. COLBY. I have not yet taken any. I have that under advisement right now, and I am coming to a decision.

The CHAIRMAN. Would you be sure to report to the committee what action the Agency takes?

Mr. COLBY. I certainly will, Mr. Chairman.

The CHAIRMAN. If it is determined that this individual willfully disobeyed the President's order.

Mr. COLBY. Whatever action I take, I will report.

The CHAIRMAN. Sometimes such people get promoted in our bureaucracy, and we will be interested in knowing what action is taken in this case.

Mr. COLBY. Certainly.

The CHAIRMAN. Yes. Senator Mathias.

Senator MATHIAS. Thank you, Mr. Chairman.

Mr. Colby, in response to Senator Mondale just a minute ago, you said that your investigation had indicated that there was no evidence of any back-channel order in violation of the Presidential command; is that not right?

Mr. COLBY. Right.

Senator MATHIAS. Is it not more than that; did you not find evidence that the official order had been to comply with the Presidential directive?

Mr. COLBY. Yes. There is indication that the instruction was to have material destroyed at Fort Detrick. There was a gap there as to what was to be destroyed at Fort Detrick, and as to what was

physically in the CIA, and that gap was not covered by a specific directive. But also, there is no indication that that gap was covered by any back-channel arrangements.

Senator MATHIAS. I think it is important that the record show that you answer affirmatively if that is the case, that there was a good faith attempt to comply with the Presidential order, if that was your understanding.

Mr. COLBY. I think there was by the Agency itself; yes.

Senator MATHIAS. Now, the chairman has raised the question about the volume, the amount and quality of shellfish toxin. As I understand it, this was not—it seems a prosaic phrase to use for it but it was not an operational supply.

Mr. COLBY. I think it was beyond that quantity, it appears, from what you can see.

Senator MATHIAS. Well, let us establish this in the first place. Fort Detrick was the national biological warfare center?

Mr. COLBY. Yes.

Senator MATHIAS. And CIA had a continuing relationship at Fort Detrick which, in fact, supported the SOD division at Detrick. Is that not true?

Mr. COLBY. Yes.

Senator MATHIAS. And that this was the facility in which experiments were carried out, in which research was done?

Mr. COLBY. Yes. It was not solely supported by CIA. It was also supported by the Army.

Senator MATHIAS. But CIA was one of the principal customers?

Mr. COLBY. Principal participants, yes. It wasn't the principal, but it was a substantial customer.

Senator MATHIAS. It was a principal customer? All right.

Now, when the idea of the shellfish toxin arose, you just do not go to the Boston Cookbook and look up how to make it; is that not true?

Mr. COLBY. No; you do not.

Senator MATHIAS. You have to find out, and that was the job of the SOD division.

Mr. COLBY. Yes.

Senator MATHIAS. And it was a costly, time-consuming process.

Mr. COLBY. Yes, and a very difficult one, I guess.

Senator MATHIAS. And one that probably no one could predict the volumes which would be produced by a given mass of shellfish.

Mr. COLBY. Well, I'm not sure of that. I think that after we found out enough about it, we could probably predict at some point where our quantities would result from a certain quantity of shellfish.

Mr. STEVENS. Production capability, as I understand it, was developed by Fort Detrick. It was produced.

Mr. COLBY. Some of this was of course produced by other Government agencies as well.

Senator MATHIAS. Fort Detrick was not normally a production facility, though, was it?

Mr. COLBY. No. I think this particular material—it is indicated it did come from elsewhere. It was actually produced somewhere else.

Senator MATHIAS. Which was a normal procedure.

Mr. COLBY. Which was, in other words—

Senator MATHIAS. After the techniques were developed at Fort Detrick?

Mr. COLBY. Fort Detrick contracted for the production of this quantity.

Senator MATHIAS. Well, could that explain the discrepancy raised by Senator Schweiker, the fact that Detrick had a certain amount of toxin on hand as a result of experimentation, and that production was then implemented, as in the case of other biological agents?

Mr. COLBY. Well, I think here the inventories indicate that Fort Detrick had a certain quantity available, but we ended up with considerably more. It may have been that there was more derived from elsewhere to make up the total that we finally found.

Senator MATHIAS. Thank you.

The CHAIRMAN. Senator Huddleston?

Senator HUDDLESTON. I just have one question. It has been suggested that one of the reasons for retaining this quantity of toxin was because of its value and its potential research value. During the 5-year period it was stored, is there any evidence that any request from any source, either outside of the Agency or within the Agency, that it be used in any way for experimentation?

Mr. COLBY. No. No, there was none. It was just put away on the shelf, or in the freezer, and eventually was found. There was no indication of any consideration for any purposes.

Senator HUDDLESTON. Whoever was so interested in it as a potential research tool promptly forgot it, or made no suggestion it be used for that purpose?

Mr. COLBY. Yes, although I did say I have a request now from a quite proper research interest not to destroy it, but to make it available to medical research.

Senator HUDDLESTON. But that has come since the public revelation of its existence?

Mr. COLBY. Yes.

Senator HUDDLESTON. Thank you.

The CHAIRMAN. Senator Schweiker?

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Colby, there was a news account, when Gary Powers was shot down, the silver dollar that contained this drill with the shellfish toxin on it was opened by the Russians immediately, and was tested on a dog, and the dog died in 10 seconds. Is that correct?

Mr. COLBY. I have heard that account. I cannot testify to that specifically. I just do not know. Gary Powers might know. It is my impression that he separated the pin from the silver dollar and threw the silver dollar away on his way down, hoping to keep the pin as a less obvious device, and then was captured with the pin on his person.

Senator SCHWEIKER. I understand one of your people did verify that account. I realize you may not know.

Mr. COLBY. Then I accept that. The shellfish toxin is very quick-acting.

Senator SCHWEIKER. That would not be inconsistent with the lethal effect of the shellfish toxin?

Mr. COLBY. It's certainly possible, yes.

Senator SCHWEIKER. The second is that the materials that were in the vault in the storage facility in Washington, I believe some 15

people had access to that vault during this period of time. Is that correct?

Mr. COLBY. Over the years, with the changes in personnel, I think that is a fair total.

Senator SCHWEIKER. Would that not strike you, being as compartmentalized as you are, and limiting things to two and three people—and sometimes one, as we have seen in the case of that unsigned memorandum—would that not be an excessively large number to have access to those deadly toxins?

Mr. COLBY. I do not think it was 15 at any one time. These reflected replacements and so forth, as I recall, and it is just adding up everybody who had access to it over that time, including the secretary, who had the combination to the vault and things like that. No, it is not an excessive number for a highly compartmented thing, because you do need that many people to be involved in a particular activity. Sometimes, you have to have thousands involved in a highly compartmented activity.

Senator SCHWEIKER. Would you have some kind of fail-safe mechanism to make sure that one person could not just go on his own and do it? It seems to me you would have to have some check and balance here.

Mr. COLBY. Well, in this case—

Senator SCHWEIKER. Just like the person that came to you and offered the opportunity for you to use it.

Mr. COLBY. Well, I think in this case, the material was in a locked vault, a safe with a combination lock, three-numbered combination lock. The combination was known to only specific people. It was controlled, in a guarded building. It was quite a safe situation, except from those people who had access to it. Now there, you depend then on the discipline of the people involved, and as you know in this case, it did break down at one point.

Senator SCHWEIKER. Mr. Chairman, I just had a point. I do not know if this is the time to raise it, but I think we should at some point inquire from the Army as to whether they can account for the 6 grams of unknown toxin.

The CHAIRMAN. I agree, Senator, and we will do that. And I think, in connection with your question, it ought to be observed that after Mr. Colby and the present management of the CIA discovered these poisons in the laboratory, that a 24-hour special guard was placed on them, which would indicate that previous security arrangements were not thought to be sufficient. And I think that speaks for itself.

Senator MORGAN?

Senator MORGAN. Mr. Colby, we have referred to Presidents' orders to destroy these stockpiles. The only two orders that I have before me simply renounce the use of the toxins, and also direct the Secretary of Defense to make recommendations about the disposal of existing stocks. Did the Secretary of Defense ever make such recommendations?

Mr. COLBY. I do not know the answer to that. I believe the point that the directive refers to is that the United States will renounce the production or the stockpiling—and we are a part of the United States, as far as I am concerned.

Senator MORGAN. And the next paragraph says, the Secretary of Defense will submit recommendations. And my question is that this

would break down the claim of authority, it seems. Did he ever make any recommendations?

Mr. COLBY. Well, obviously, Fort Dietrick was under instructions to destroy the toxins it had.

Senator MORGAN. Have you seen any recommendations from the Secretary of Defense?

Mr. COLBY. I have not seen them.

Senator MORGAN. Do you have any in your files?

Mr. COLBY. We may, and I will certainly make a search for them and see if I can find them.

Senator MORGAN. Thank you.

The CHAIRMAN. Senator Hart?

Senator HART of Colorado. Mr. Colby, you stated in your opening statement that your awareness of the existence of these materials came after I think what you referred to as repeated directives. Would you describe for the committee what kind of difficulty you encountered in finding out about these toxins yourself?

Mr. COLBY. Well, after we had the suggestion that there was an area that needed to be looked at that was a questionable area, then Dr. Stevens began to look for it. And eventually it was discovered. He did not run into any attempt to conceal or hide at that point, after he began to ask the right questions. The difficulty was that, for a couple of years, starting with Dr. Schlesinger's instruction, and then repeated additional ones, to inform the management of anything questionable, and individual items would keep coming to someone's mind. Then we could follow them up and find the details.

Senator HART of Colorado. What if you did not ask the right questions?

Mr. COLBY. If you do not ask the right questions, you have to depend upon a record search. And sometimes, this then gets into the difficulty of the available records and the cryptonyms, and that sort of thing. That has been a problem. It is a problem we are going to have to resolve.

Senator HART of Colorado. Dr. Stevens, it is my understanding, based upon Mr. Duckett's testimony, that in your efforts to piece all of this together, you inquired of people in the Agency who should have known about this who discounted in 1963 the Inspector General's report about the existence of this capability, and said that it was not really as serious as that report might have indicated. Is that, in fact, what happened the first go-round?

Mr. STEVENS. Generally, yes. I think they were not being untruthful, but they put emphasis on aspects of the program that were not really pertinent, and I think that's really the reason why I failed to follow up on that with more vigor at that time.

Senator HART of Colorado. Mr. Director, you are satisfied that as you pursued the other questions that I asked, that you found out all of the so-called questionable activities? That is, you have asked all of the right questions?

Mr. COLBY. No, I cannot say for absolutely certain. We are still asking the same questions to all of our people, and will continue to do so frequently. And of course, an incident like this then reiterates the necessity of getting our people to come forward. We are dealing sometimes in an area where there is nobody currently in the Agency who

knows anything about it, and we are dealing with people who left the Agency, and we do not have access to them.

Senator HART of Colorado. One final question in regard to vulnerability studies that we discussed earlier. I believe you testified that these experiments or studies were conducted purely for defensive purposes. To your knowledge, was there any indication or any thought in the minds of those conducting the studies that we would make them operational or offensive at some time?

Mr. COLBY. I think the vulnerability studies conducted by the Department of Defense were basically defensive in their thought process. I think the intelligence people were observing them and watching them. I am not sure that they had a totally defensive approach toward the possibility of clandestine implementation of some such idea some day under some circumstances which might warrant it.

Senator HART of Colorado. I think in the memorandum of October 18, 1967 [exhibit 6¹], identified as MKNAOMI, clearly states that anticipated future use of some of these capabilities were certainly intended to be offensive.

Mr. COLBY. We are talking about a weapons system that the United States was developing, and potential applications for it, and through regular military force or through secret methods and during times of war, and some such thing.

Senator HART of Colorado. So it was not purely defensive?

Mr. COLBY. No, I do not think it was purely defensive. I think particularly the intelligence people who were observing it were thinking of possible positive applications when appropriate.

Senator HART of Colorado. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Mondale has one final question, and Senator Mathias has a final question.

Senator MONDALE. Mr. Colby, we have a photograph, which I think you have seen, of the containers in which the shellfish toxin was found. On the top of each of these gallon cans is a label which says, "Dry Muscle Poisons"; and it says, "Do not use unless directed by P600." On the second can, in large handwritten fiber pen letters, it says "P600."

Can you tell me who or what P600 is?

Mr. COLBY. I am afraid I cannot at the moment, Senator. Really, we are trying to find out, but we do not know.

Senator MONDALE. Mr. Stevens, you conducted a study for several months as to what the chain of command and other responsibilities are. Did you look into this question about who P600 is?

Mr. STEVENS. Yes, sir, and we have been unable to find out what that refers to.

The CHAIRMAN. You do not know?

Senator MONDALE. You cannot find out who P600 was?

Mr. STEVENS. My impression is that it is a designation used at Fort Detrick. No one at the Agency is aware of what that refers to, no one with whom I have talked.

Senator MONDALE. Did you check with Fort Detrick to see what P600 meant?

Mr. STEVENS. No, sir, we didn't.

The CHAIRMAN. I think this committee should follow up on that question and see if we can get some information.

¹ See p. 204.

Senator MONDALE. Can you find out who or what P600 is for us?

Mr. STEVENS. We will endeavor to do it, but the Defense Department is in a much better position to talk to former Fort Detrick people than we are.

The CHAIRMAN. We can talk to the Defense Department, I think, and these photographs, of course, will be made public as part of the public hearing today, and now Senator Mathias has the final question.

Senator MATHIAS. Mr. Chairman, your last statement just suggests one other very brief question. So we do not mislead anybody, could you tell us in terms of some simple measure, how much of this toxic substance was involved in teaspoons or tablespoons, for example.

Mr. COLBY. Well, about a half an ounce is what the total is of the 11 grams.

Senator MATHIAS. It would be a couple of tablespoons?

Mr. COLBY. A couple of teaspoons, probably, a couple of teaspoons.

Mr. STEVENS. A couple of teaspoons of sugar would constitute about the same.

Senator MATHIAS. About 2 teaspoons of sugar because these pictures would indicate something much more, because of the bulk of the containers.

Mr. COLBY. Well, each of those bottles is about 4 inches high and, of course, the substance is at the bottom. There's a very small amount of the substance at the bottom of each of these bottles.

Senator MATHIAS. We are dealing with such a highly lethal substance that 2 tablespoons is really what is involved here.

Mr. COLBY. Yes; but it is highly potent.

Senator MATHIAS. Now, what I really began to ask, Mr. Chairman, is this. It is my understanding that the Department of Defense established very, very elaborate procedures for destruction of toxic materials at Fort Detrick, so elaborate, in fact, that they were considered redundant by many scientists. Having destroyed all of the agents once, they went back and did it three or four more times, and much of this was done publicly to impress both the American people and other nations that we had, in fact, renounced this form of warfare.

Did you have any such procedures within CIA or, first of all, were you aware of the Department of Defense procedures?

Mr. COLBY. Well, most of our material is at Fort Detrick, so all the material except for what was pulled away from it, was destroyed up there.

Senator MATHIAS. Now, you were aware of those procedures at that time?

Mr. COLBY. The procedures up there, I cannot say that for sure. I just do not know.

Mr. STEVENS. We have no capability to destroy that kind of material.

Mr. COLBY. We cannot destroy it ourselves.

Senator MATHIAS. Were you aware of the DOD procedures that were established?

Mr. STEVENS. I am sure that the people working in this area were; yes.

Senator MATHIAS. At that time?

Mr. COLBY. At that time.

Senator MATHIAS. But you did not attempt to establish any parallel procedures?

Mr. COLBY. No.

Mr. STEVENS. We would never have destroyed it ourselves, but would have relied on Fort Detrick.

Mr. COLBY. We would have gone to somebody who could destroy it.

Senator MATHIAS. Just as you contracted with Detrick to produce it, you would have contracted with Detrick to destroy it.

Mr. STEVENS. That, in fact, is what happened with most of it.

The CHAIRMAN. You must have been aware because the whole world was made aware by the most elaborate television programs that were intended to inform the world that these substances were, in fact, being destroyed.

Senator MONDALE. I was just going to suggest that if Mr. Stevens could be around this afternoon, I would like to explore some things with him.

The CHAIRMAN. We have a problem I would like to explain at this time which will affect the schedule. Tomorrow morning we will meet again here in this room to continue the public hearings, and our first witness will be Mr. Richard Helms, who was the Director of the CIA during the time in question, and other witnesses whose names have already been made available will then be called as time permits.

The public hearings will be held as they were today between the hours of 10 in the morning and approximately 12:30. We are staying pretty close to schedule, but this afternoon, owing to the fact that one of our scheduled witnesses has invoked a committee rule which I would like now to read, it will be necessary to hold a public hearing, but one that will not be covered by live radio or television, by virtue of rule 6.7 (b) of the committee, which reads as follows:

No witness subpoenaed by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing by radio or television is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lens shall be covered and all microphones used for coverage turned off. So far as practicable, a witness desiring to make such a request shall so inform the Chief Counsel of the Committee at least 24 hours prior to the time that that witness is scheduled to testify.

Now, Dr. Nathan Gordon has so advised the chief counsel yesterday and has invoked this rule. The committee, of course, respects the rule and, for that reason, Dr. Gordon will be the witness this afternoon, and for purposes of this afternoon's session only live television, radio, and photographic coverage will be prohibited. For that reason, I think we should wait to bring back Mr. Stevens, if you wish to bring him back, until tomorrow, but the first witness tomorrow will be Richard Helms, and the committee will now stand adjourned until 2 this afternoon.

[Whereupon, at 12:45 p.m., the committee recessed, to reconvene at 2 p.m. the same day.]

AFTERNOON SESSION

The CHAIRMAN. The hour of 2 o'clock has arrived. The hearing will come to order.

Pursuant to rule 6.7 (b) the lights will be turned off; let there be no light. The live microphones and the television cameras will be turned

off for the testimony that now will be taken by the witness I am about to call, Dr. Nathan Gordon. Dr. Gordon, will you please come forward and take the stand? If you will please stand and take the oath. Would you raise your right hand, please. Do you solemnly swear that all the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GORDON. Senator Church, I do.

The CHAIRMAN. Doctor Gordon, do you have any prepared statement you wish to make at this time?

Mr. GORDON. Senator Church, I do have an opening statement I would like to make at this time.

The CHAIRMAN. I have not seen your statement. Before you begin to read it, I think that you should know of the committee rule in connection with opening statements, which is they should be limited to 10 minutes. If your written statement is longer than that, you may submit your written statement for the record. We would appreciate it if you will then summarize it so that the 10-minute rule is observed.

Mr. GORDON. Thank you very much, sir. I would also request permission to give you a concluding statement.

The CHAIRMAN. Very well; again subject to the same rule with respect to its duration.

Mr. GORDON. I understand, sir.

TESTIMONY OF NATHAN GORDON, FORMER CHIEF, CHEMISTRY BRANCH, TECHNICAL SERVICES DIVISION, CENTRAL INTELLI- GENCE AGENCY

Mr. GORDON. Gentlemen, I am appearing before this select committee freely and willingly. I am here, not as a mystery witness or a secret witness. I acknowledge that I have been served technically with a subpoena, but the record will show that I indicated to staff that I did not necessarily need a subpoena; I would be happy to appear before the closed session and the public testimony of my own free will.

I would like to dispel the myth that has been circulating around with respect to a mysterious or secret witness.

The CHAIRMAN. May I say, Dr. Gordon, that a subpoena was issued by the committee with the understanding that it was necessary.

The rule that has been invoked is based upon the issuance of the subpoena.

Do I understand you to say that you are here as a result of the issuance of the subpoena, or are you here on some other basis? I want you to know your rights under the rule, and I think I should read the rule to you.

Mr. GORDON. Please do.

The CHAIRMAN. The rule is rule 6.7. It has to do with lights and broadcasting. It reads as follows:

A witness may request on grounds of distraction, harrassment or physical discomfort, that during his testimony television, motion picture and other cameras and lights shall not be directed at him. Such request to be ruled on in accordance with Rule 2.4.

Part (b) of the rule reads:

No witness subpoenaed by the Committee shall be required, against his will, to be photographed at any hearing, or to give evidence or testimony while the broad