

COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES
Washington, DC 20500

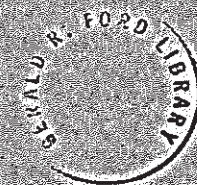
Nelson A. Rockefeller,
Chairman

March 8, 1975

David W. Belin,
Executive Director

John T. Connor
C. Douglas Dillon
Erwin N. Griswold
Lane Kirkland
Lyman L. Lemnitzer
Ronald Reagan
Edgar F. Shannon, Jr.

MEMORANDUM TO: David W. Belin
FROM: Ernest Gellhorn
SUBJECT: CIA Activities Within The United States



After careful consideration, I have concluded that the Executive Order establishing the Commission obliges it to investigate CIA activity within the United States in support of alleged assassination attempts.

The Commission's charter specifies, without functional limitation, that it shall "ascertain and evaluate any facts relating to activities conducted within the United States by the Central Intelligence Agency which give rise to questions of compliance with the provisions of 50 USC 403."

The activities allegedly involved in support of the assassination attempts included CIA recruitment of non-CIA personnel (including known criminal elements) in the United States for the purpose of developing and carrying out this plan. Contacts were initiated, plans were formulated, payments were made, etc., all within the United States. Each step was a domestic activity. Each step violated United States law (which Section 403 does not authorize) in that it is a crime to conspire to kill some one whether the killing takes place in this country or elsewhere.

Assuming arguendo that the CIA is authorized to carry out assassination attempts in foreign countries (a question not free from doubt), that does not justify these alleged United States activities; they hardly fall within the ambit of legitimate or expected "support activity" which might otherwise not be within this Commission's responsibilities. The essence of the President's concern, also reflected in his Statement accompanying his Executive Order is summarized in the following

Rockefeller Commission - Parallel File, b1, b5, b7C, Assassination Materials (2) A-1 (g)

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portion: "It is essential in this Republic that we meet our security requirements and at the same time avoid impairing our democratic institutions and fundamental freedoms. Intelligence activities must be consistently with both objectives." Making payments in the U. S. to criminal elements and others not employed by the CIA is precisely the kind of activity that the President seeks to assure either has not occurred or is exposed and stopped.

It is in fact difficult to imagine a greater threat to individual liberty or national security than arming or funding lawless elements for the purpose of killing others. The geographic location of the planned assassination seems irrelevant and does not immunize the domestic activity from scrutiny. I profoundly believe that the Commission must investigate these serious charges if it is to satisfy its lawful responsibilities pursuant to the President's order and if it is to satisfy its solemn pledge to the American people. The failure to do so would, I fear, not only impair the credibility of the Commission's other findings, it could also have a damaging impact on the effectiveness of the Agency. The clear lessons of recent political history must be that attempts to hide past mistakes or misdeeds, even if the only reason they are now questioned is the emergence of a new set of stricter public standards, are unlikely to succeed and can only destroy those who tread this path.



WBI Rockefeller Commission, Memo Ernest Callahan (Counsel to Commission) -
David Belin (exec directed)

Re Commission's responsibility to investigate assassinations

March 8, 1975

SOURCE: FBI