

INTELLIGENCE ACTIVITIES

SENATE RESOLUTION 21

HEARINGS

BEFORE THE

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

OF THE

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

VOLUME 1

UNAUTHORIZED STORAGE OF TOXIC AGENTS

SEPTEMBER 16, 17, AND 18, 1975



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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 p. 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 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 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 Mindzenty 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.

The primary Agency interest was in the development of dissemination devices, to be used with standard chemicals off the shelf. Such dissemination devices 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.

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 of 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 slip their supply up to CIA.

¹ See p. 189.

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 1¹] 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?

¹ See p. 189.

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 INTELLIGENCE 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-

casting 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 and television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. As far as practicable, a witness desiring to make such a request shall so inform the Chief Counsel for the Committee at least 24 hours prior to the time that the witness is scheduled to testify.

So, the rule that we have invoked has to do with a witness subpoenaed by the committee.

Now you have been subpoenaed by the committee?

Mr. GORDON. Yes, I have, sir.

The CHAIRMAN. Do you stand on that subpoena?

Mr. GORDON. I accept the subpoena.

The CHAIRMAN. You accept the subpoena?

Mr. GORDON. Yes.

The CHAIRMAN. You accept your rights as a subpoenaed witness, sir?

Mr. GORDON. Yes.

The CHAIRMAN. All right.

Mr. GORDON. May I continue?

The CHAIRMAN. Now you may continue.

Mr. GORDON. Let me start from the beginning, please, if I may.

I am appearing before this select committee freely and willingly, to describe my involvement in a classified project known as MKNAOMI.

I wish to state that I was a CIA employee, specifically, a chemist, charged with the function of supporting and servicing operational requirements of the DDP—Deputy Director for Plans. Currently, I believe the designated title, since the date of my retirement from the Agency, September 30, 1972, it is the DDO—Deputy Director for Operations.

It was, and is, my belief that the Agency's policy in this field of behavioral materials was to maintain a potential capability—I emphasize, gentlemen, the phrase "potential capability"—in the event the need should arise to use these materials, biological and/or chemical, operationally.

I shall also attempt to explain, in the course of this testimony, our interpretation of the White House announcements on the subject of renouncing all offensive preparations for, and any use by the United States of biological or bacteriological agents and weapons, to include toxins in war. I would emphasize the word "war."

I shall also attempt to explain why we, in TSD/CIA—TSD being Technical Services Division—made the decision to accept the shellfish toxin in February 1970 from the Special Operations Division of the U.S. Army Biological Laboratories at Fort Detrick, Md.

I would also like to emphasize that to the best of my knowledge there was never a CIA directive, or any directive to my knowledge, that impinged on the CIA to destroy biological agents or toxins.

This concludes my opening statement, gentlemen.

The CHAIRMAN. Very well, Mr. Gordon. I will ask our counsel, Mr. Schwarz, to commence the questioning.

Mr. SCHWARZ. Mr. Gordon, as of 1970, what was your job at the CIA?

Mr. GORDON. I would like to counter that, if I may, by telling you a little bit about the history of my employment with the CIA if the committee would indulge me.

The CHAIRMAN. Can you answer the question and then tell us?

Mr. GORDON. It would be a little more logical, Senator Church, if you will allow me to give the history of my employment with the CIA.

The CHAIRMAN. Very well, if in doing so you will answer the questions.

Mr. GORDON. Of course.

I joined the TSD/CIA in October 1967, as the Deputy Chief of the Biology Branch of TSD. A few months later, in February 1968, when my predecessor retired from the Agency, I assumed the function of the Chief of the Biology Branch of TSD.

In February of 1968, then, as Chief of the Biology Branch—I continued in that capacity through February of 1969, 1 year later. In my judgment, and in my Division Chief's judgment, we decided that the Biological Branch—which was a two-man operation, myself and Mr. David Boston, a project officer, plus a technical consultant, Dr. Alex Batlin, who would consult with us roughly once a week on all matters pertaining to our interests in the Biological and Chemistry Branches, because in February 1969, we merged the Biology Branch into the then existing Chemistry Branch. And as of that particular day, February 1969, I assumed the function of Chief, Chemistry Branch.

I held that position until April 1970. At all times I also wore another hat; that was entitled program manager of the behavioral activities program.

In April of 1970 I reverted to the full-time occupation of wearing a single hat; that of program manager for behavioral activities. I held that particular position within the Chemistry Branch until the date of my retirement from the Agency, which was September 30, 1972.

Now I hope that I have not neglected to come back to the point that Mr. Schwarz made, and I will now be ready to answer it.

First, I would appreciate, after the few minutes of my discussion, would you repeat your question, sir.

Mr. SCHWARZ. What was your job in 1970 with the CIA?

Mr. GORDON. What part of 1970?

Mr. SCHWARZ. Let us take February 1970.

Mr. GORDON. February 1970 I was Chief of Chemistry Branch and program manager of behavioral activities.

Mr. SCHWARZ. At that time was the chain of command running from yourself to a Deputy Director of the TSD, then to Dr. Gottlieb, then to Mr. Thomas Karamessines, who was the Deputy Director for Plans, then from him to the Director of the Agency, Mr. Richard Helms?

Mr. GORDON. That is correct, sir.

Mr. SCHWARZ. Do you remember being examined under oath by deposition by the staff on Saturday?

Mr. GORDON. Yes, sir.

Mr. SCHWARZ. I am just going to read a couple of answers to you, and ask whether they are your testimony. You were asked this question: "Were you ever told that either the Director of the Central Intelligence Agency, or the Deputy Director for Plans, instructed that the CIA stock of biological warfare agents be destroyed?" Answer: "No."

Is that your testimony?

Mr. GORDON. That is correct, sir.

Mr. SCHWARZ. Did you further testify in the afternoon session as follows, from page 1—excuse me, page 2, of the afternoon session, as follows: “There was never, to my knowledge, a CIA directive, or any other directive that impinged upon the CIA to destroy biological agents or toxins.”

A further question, “When you say a CIA directive, what do you mean?” Answer: “A directive prepared from the Director of the CIA to the troops.” That is also your testimony?

Mr. GORDON. That is correct, sir.

Mr. SCHWARZ. I would like to follow with you a moment, very briefly, two problems. Some material that was in the laboratory before transferring material to Fort Detrick, and the other material that came down from Fort Detrick.

Starting with the laboratory material—that is, the material that was already there. I will read to you from the morning session, your answer with respect to your knowledge—I am not going to use the precise name of the laboratory: I am just going to call it “the laboratory,” Dr. Gordon, if that is acceptable to you?

Mr. GORDON. Surely.

Mr. SCHWARZ.

Question. You did not know the specific materials. You did know the general nature of what was in the laboratory, is that not what you said?

Mr. GORDON. Yes.

Question. The general nature included materials that had been of interest as incapacitants or lethal agents.

Mr. GORDON. At one time or another.

Is that right?

Mr. GORDON. I would address at this particular moment in time the part relating to incapacitants as being the query to which I have replied. I see in the record it says, “one time or another,” which includes both incapacitants and lethal.

Subsequent in the testimony, I believe we will find that I was not knowledgeable, to the best of my knowledge, prior to the time of receiving the shellfish toxin of lethal agents, chemical agents in a lethal category, our G agents—these are nerve gases—V agents, also nerve gases. The mode of action differs in that G agents are being volatile when inhaled cause death, and V agents are systemic, absorbed, to the same effect. These are categories of chemical warfare agents. There was never, to my knowledge, any of these kinds of materials in the laboratory during my 5 years.

Biological agents, I am not aware of the existence of any lethal biological agents in the laboratory during my particular tenure up until the time I accepted the Agency’s stockpile of five grams in February of 1970.

The CHAIRMAN. Five grams of shellfish toxin.

Mr. GORDON. Let me explain that, Senator Church. I would welcome a few minutes time, if I may—if the Chief Counsel would indulge me—to dwell a few minutes on what I feel is apparently a critical point in this particular testimony—

Mr. SCHWARZ. Are you going to turn to the transfer from Fort Detrick? Because I would like to ask you one more question on the laboratory before we get to that.

Mr. GORDON. Surely.

Mr. SCHWARZ. You testified, and I take it it is still your testimony, that you did not search the laboratory in 1970?

Mr. GORDON. In 1970, sir, I did not search the laboratory. I might also add that in my capacity as Chief of the Chemistry Branch in 1970, up through April of 1970, I relied upon Mr. Boston and the project officer to carry on with the everyday, if you will, details of any particular matters pertaining to that particular laboratory.

I again repeat, I am not aware of any lethal agents, either chemical or biological, in the laboratory prior to the time that we accepted the CIA Agency stockpile of 5 grams of shellfish toxin.

Mr. SCHWARZ. By the laboratory—by those answers, you mean the CIA facilities here in Washington, D.C.?

Mr. GORDON. Yes.

Mr. SCHWARZ. You testified this afternoon, as you testified on Saturday, that you did not receive an order from the Director of Central Intelligence, or anyone else, to search out and destroy the CIA's stocks of biological agents.

Mr. GORDON. That is correct.

Mr. SCHWARZ. I am going to read to you now, Mr. Gordon, from page 20 of the p.m. session, commencing on line 21, a question directed to you—of what you would have done with respect to the south laboratory if there had been an order from the Director of Central Intelligence, and the question and answer read as follows:

Question: "Had there been from the Director of the CIA an order that said search out and destroy any biological agents, would you, under those circumstances, have searched the south laboratory?" Answer: "Very likely, very likely. Yes; I would have been a darned fool if I did not."

And then you went on to give your explanation for the interpretation of the order which we are going to come to.

But your testimony is, Dr. Gordon, is it not, that first, there was no order transmitted to you from higher authority to search out and destroy CIA stock of biological agents. Second, had there been so, you would have searched the laboratory because you would have, as you said, been a darned fool if you did not.

Mr. GORDON. To answer the first part of your question, it appears to me—one moment please.

[Pause.]

To the best of my knowledge, I never was aware of any CIA directive to search out and destroy any biological agents and/or chemical agents at that particular laboratory.

On the second part of your question, I would repeat that if such an order had been brought to my attention by the chain of command, I would have been—I have been too long, I feel, a devoted team player, civil servant, if you will, dedicated to my responsibilities and work. I would never, never have ignored such a directive.

Mr. SCHWARZ. Mr. Chairman and members, as you know, exhibit 2 is a CIA inventory which indicates that, in fact, in the laboratory there were several lethal substances, including some of the shellfish toxin, before the transfer from Fort Detrick occurred.

Now you did know that there was some kind of a Presidential order; did you not, Dr. Gordon?

Mr. GORDON. May I be given, if the chief counsel and Senator Church would indulge me, a 5-minute period to develop on that particular subject of the White House announcements in my own way?

The CHAIRMAN. Yes; of course, Dr. Gordon. Just proceed, and then we will follow your explanation with further questions.

Mr. GORDON. Thank you. I appreciate that, Senator Church.

On November 25, 1969, the White House Press Secretary released actually two releases. I have copies of both here, and they are, I believe, exhibits 4 and 5 among your papers. I became aware of the substance of those announcements by reading an editorial in the Washington Post which expressed, in essence, the gist of exhibits 4 and 5. Both appeared on the same day.

They pertained to the remarks of the President—the President meaning President Nixon at that time—on announcing the chemical and biological defense policies and programs. The other release of the same date [exhibit 5¹] is simply entitled “A White House Statement by the President.” In that particular sheet or announcement or instruction, under the category biological research program, it specifically states that DOD—Department of Defense—has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons.

It also, on the back page, indicated—and I think very properly—the sentence, “Our intelligence community will continue to watch carefully the nature and extent of the biological programs of others.” I particularly relate to that particular statement because of my previous 15 years’ experience in Army intelligence as Chief of the Chemical Corps Intelligence Agency, first as Director of Technical Operations, subsequently as Chief of the Atomic, Biological, and Chemical Division when the Army was reorganized. In 1962, it became a part of the U.S. Army Foreign Science and Technology Center.

So I had a keen, particular and satisfying feeling when I read that statement in that sentence. Because it showed that, even though—and obviously, we saw the handwriting on the wall here—our country saw fit, unilaterally as they did, to give up the biological warfare weapons system, military system, there was an element at the White House, hopefully in Congress, that felt that certainly the intelligence capabilities and/or intentions of any potential enemy in the field of biological warfare weapons systems should be followed and never stopped.

On February 14, 1970, a few short months after that particular announcement, an addendum to the original November 25 announcement was prepared by the White House. And in this particular announcement, they referred to the November 25, 1969, announcement wherein the President renounced all offensive preparations for and any use by the United States of biological or bacteriological agents and weapons in war—and I emphasize again the phrase, in war—since that decision at the direction of the President, the comprehensive review of the U.S. policy on military programs—I emphasize the phrase, military programs—concerning toxins has been in progress.

It goes on to describe what toxins are, and here we enter a gray area which I will get back to in a moment, if I may. Within the remaining parts of the text, such phrases as method of warfare, military programs, biological methods of warfare, are used throughout the tenure of the second, or February 14, announcement.

I urge strongly that this select committee please consider the February 14, 1970, announcement as a direct appendage to the Novem-

¹ See p. 202.

ber 25, 1969, announcement. Because if this is not done—repeat—if this is not done, it is simply looking at the subject of toxins out, if you will, in left field, without any direct bearing or relationship to the original announcements on biological or bacteriological agents and weapons.

Toxins are indeed a controversial subject. I am sure, in the course of this public testimony, you will deem fit—I feel I do not know—to call in an expert, certainly with far more expertise scientifically in the field of toxins than myself. Those of us who are chemists, and myself—

The CHAIRMAN. I might say, Dr. Gordon, we will have an expert on toxins.

Mr. GORDON. Very good, sir. I applaud you for that.

The Chemistry Branch, sir, comprised of myself—a chemist—my project officer, a chemist, and a technical consultant, also a microbiologist/biochemist, all in discussions which I am sure will shortly come out by chief counsel, looked upon specifically the shellfish toxin as a chemical entity, a chemical substance, not of bacterial origin. Toxins, indeed, are chemical substances, not living organisms, and are so regarded by the Secretary General of the World Health Organization. That is a statement right in the February 14, 1970 announcement.

This is a crucial point I make in this particular testimony. Because of their consideration, we felt—myself, my project officer and technical consultant—that we were, indeed, considering a chemical substance, not a biological agent, not a biological toxin, when the offer of retaining and obtaining, and storing in a secure vault area, our own Agency stockpile of 5 grams of shellfish toxin was made to us during the latter part of February of 1970.

Parenthetically, may I please get into the record that everything I am talking about is relying on no notes, but 5½ years ago, hitting my memory banks to the fullest extent, and it has been agonizing. I will rest.

The CHAIRMAN. Mr. Schwarz, will you take up the questioning?

Mr. SCHWARZ. I am not quite sure where we are. Let us talk about MKNAOMI quickly, and the decision to move the stuff down to CIA facilities. You were aware, were you not, that Fort Detrick was a center involved in biological warfare, right?

Mr. GORDON. Yes, sir.

Mr. SCHWARZ. Not chemical?

Mr. GORDON. Its mission was not chemical—essentially biological warfare. I parenthetically add, they were doing experimentation in what I personally consider, my project officer and technical consultant, to be considered gray areas. These are the shellfish toxins.

I might also take this opportunity to indicate that at the Edgewood Arsenal, the chemical laboratory, a substance known as polytoxin was being researched, and they are still in research at this time, I am aware, though I am away from the field for a 3-year period. Polytoxin and its insidious properties were being looked at; were derived, not from a bacteria or a virus or a fungi, but a little sea animal known as the sea anemone, that clings to the coral rock. And it is in fact collected, extracted, and isolated.

An attempt at purification is made to get out and isolate an active component, chemical component; extremely complex protein chemistry is involved here. Again, I am sure—I will rest on that one. You will hear at some future time in the next 2 days, 3 days, from an expert who

I am sure will know fully and much more about it than myself, about the intricacies of this type of research.

Mr. SCHWARZ. After you read about the President's initial order in the newspapers, did you go and talk to Dr. Gottlieb?

Mr. GORDON. November 25, 1969, after I obtained, by requesting a copy of the White House press release from our administrative people, I did go and talk to Dr. Gottlieb, to indicate to him that, in my opinion, we were seeing the beginning of the demise of the military biological warfare weapons system.

Mr. SCHWARZ. Did he tell you, in effect, to wait and see what happens?

Mr. GORDON. To the best of my knowledge, that is an agreement that we both had; yes, sir.

Mr. SCHWARZ. After you read about the President's order of February 14, 1970, also in the newspapers, did you again go and see Dr. Gottlieb?

Mr. GORDON. After I read about that particular addendum in the newspapers, if you will, I then proceeded to follow the same route, and requested an actual copy that I have here as exhibit 5¹, which I describe in this testimony on the subject of toxins, and went to see Dr. Gottlieb to indicate to him—now, as a result of conversations back between my project officer, technical consultant and myself. I might add parenthetically that this was a very small, closely held technical group, and I must say, over the years, we had a fine working relationship among each other. While we would disagree among each other, eventually a consensus would be beaten out, and we would act accordingly on some technical matter. Coming back to Dr. Gottlieb, in our discussion after that particular announcement, I proposed—and I suspect we collectively proposed and came up with the same concept—that we better study some options as to what we want done with that particular classified project, MKNAOMI. Because this indicated to us, really, deepening the handwriting on the wall for the demise of all biological agents and biological toxin research at the U.S. Army Biological Laboratories at Fort Detrick, Md.

We then determined—and I did—that I would prepare a memo for Dr. Gottlieb, and that is, I believe, exhibit 2.

Mr. SCHWARZ. The exhibit numbers have been changed. Let me help you out on that. You prepared a memo for Dr. Gottlieb himself, but that no longer exists. Is that right, as far as you know?

Mr. GORDON. Fine. Let me develop that; you are right.

I prepared a memo for Dr. Gottlieb, and indicated to him, upon showing it to him, that this was a suggested option to consider.

Mr. SCHWARZ. By this, you mean the transfer? I think I can help you along, Dr. Gordon. By this as an option, do you mean transferring the material from Fort Detrick to a private company that would hold it for the account of the CIA? Is that correct?

Mr. GORDON. Correct.

Mr. SCHWARZ. Did Dr. Gottlieb ask you, after you discussed that matter with him, to prepare a memorandum to that effect from Mr. Karamessines to Mr. Helms?

Mr. GORDON. That is correct.

Mr. SCHWARZ. Did you do so?

¹ See p. 202.

Mr. GORDON. That I proceeded to do. As I indicated to you the other day after the closed session, working my memory banks over the weekend, I indicated to both you and Mr. James Johnston of your staff that a piece of the memory bank seemed to have fallen rather heavily, as I thought this thing through very carefully subsequent to our conversation. Now it appears to me—and I may be wrong—but it really sincerely appears to me that after Dr. Gottlieb received the memos now prepared for Mr. Karamessines' signature to the Director of the CIA, then Mr. Helms, that a day later—to the best of my recollections, now—Dr. Gottlieb indicated that he would not elect to send that memo forward for Tom Karamessines' signature. But instead, he right then and there—probably the next day, February 19—is making the decision that we would not go for the option of transferring those materials to a private laboratory.

But instead, we would—and I concurred at that particular point—get out of the classified project known as MKNAOMI. Which meant, a day or two later, I proceeded to go up to the—

Mr. SCHWARZ. Before we get to that, could we put in the record as exhibit 1,¹ the draft letter from Karamessines to Helms. This includes the paralytic shellfish poison as an item that you were covering, and that you knew that the Army was about to destroy.

Mr. GORDON. Yes.

Mr. SCHWARZ. Did you then go there?

Mr. GORDON. I obtained approval to go up there in a day or so—I do not remember—but shortly thereafter, and met with the Commanding Officer of the U.S. Army Biological Laboratories and the chain of command, to include the Chief of the Special Operations Division, the project officer for MKNAOMI at the Army, and inform the people gathered on that particular day that it was our desire to cease operating the classified project MKNAOMI as of that particular day; which meant that we would terminate the project that day, and all holdings that they were holding for us as our Agency stockpile would revert to the Special Operations Division or the Biological Warfare Laboratories, to do with whatever they saw fit at their particular discretion.

Mr. SCHWARZ. Did someone from that laboratory—and if someone did, please give his name—thereafter telephone you on the subject of the shellfish toxin?

Mr. GORDON. Yes. Some days later, I did receive a call—again, to the best of my recollection—from the project officer, Mr. Charles Senseney, who indicated that they were making the following offer before listing our stockpile for destruction, which was now a mandatory DOD requirement, implemented as a result of the White House announcements to the Department of Defense, to destroy biological stocks and biological toxins. The offer was made to us, would we want to retain for our own potential agency use, whether it be suicide pills or any other particular application of shellfish toxin, the 5 grams of the agency stockpile? I indicated at that particular time that I thanked them for the offer, I would be consulting with my small staff, and get back to them.

Mr. SCHWARZ. Did you get back to them and accept the offer?

¹ See p. 189.

Mr. GORDON. After the consultation with my project office and technical consultant, we agreed that the offer was valid for a number of factors. We knew that many years of hard, costly research had gone into the development of shellfish toxin and that those particular quantities, 5 grams or more, were realistic quantities for purposes of experiment, research and development, because if one had to really, in effect, study immunization methods for diseases vis-a-vis—who knows, cancer, anything of that particular ilk, it would take a considerable amount of this particular antigenic material to develop immunization. So that we know that was a reasonable quantity for that kind of purpose.

It certainly was not a reasonable quantity for, as it turned out in my tenure, any operational requirements or needs during my tenure with the agency. However, I might add that that particular quantity of 5 grams of shellfish toxin had been on a list of material held for us at Special Operations Division in Fort Detrick for many years before I ever entered the picture. And in retrospect, I can see clearly now that our project officer just continued, including myself, to continue the listing, shellfish toxin being one of the listing of about a dozen or more different materials, never questioning the quantities that were being held.

Mr. SCHWARZ. Did you do any research after it was brought down to the CIA laboratory?

Mr. GORDON. No, sir.

Mr. SCHWARZ. Did you do any research before it was brought down to the CIA laboratory?

Mr. GORDON. No, sir, I never opened—I am speaking for myself now. Let me go back a minute. I did not quite finish.

I believe the agreement was made among my small staff that, considering that we were looking at a chemical substance or entity, and since we did, in our considered judgment, make that judgment that shellfish toxin was a chemical, we elected to say yes to the offer. And subsequently, it was hand-carried down to our laboratory.

We did not feel at that particular time, we did not feel the necessity, because we were thinking in terms of a chemical substance, not a biological warfare agent or bacterial toxin. We did not feel the necessity or need to inform our higher chain of command individual. We simply had it placed in our secure vaulted laboratory, in a freezer, in the original containers that were brought down to us, thinking, in all good faith, at the particular time of delivery that we would be given our Agency stockpile quantity of 5 grams of shellfish toxin. At that point, I might add, we did not have any idea as to the purity of that particular material, except comments like, "It is good stuff."

Mr. SCHWARZ. You in fact not only got your material but more than 5 additional grams that belonged to someone else. Is that correct?

Mr. GORDON. That is right. I learned of that in May or early June of this particular year.

Mr. SCHWARZ. Did they belong to the Army?

Mr. GORDON. The additional grams, by deduction, belonged to the Special Operations Division of Fort Detrick Army Biological Laboratories.

Mr. SCHWARZ. Did you tell any of your superiors within the Agency that you had retained this material?

Mr. GORDON. No, sir.

Mr. SCHWARZ. I have nothing further, Mr. Chairman.

Mr. GORDON. Because of the explanations I hope I amplified and clarified.

The CHAIRMAN. Mr. Smothers, do you have any supplementary questions before we go to the members?

Mr. SMOTHERS. Yes, Mr. Chairman. Dr. Gordon, to the best of your knowledge, what kinds of substances were kept in this laboratory we have talked about, the laboratory you worked in?

Mr. GORDON. My predecessors—I suspect, Mr. Smothers, we are going back about 10 years prior to my joining, so roughly, we are talking, maybe, in the middle or late fifties—I suspect had a penchant of a person who could be considered as a collector—

Mr. SMOTHERS. When you are speaking of your predecessor, are you speaking of Dr. Treichler?

Mr. GORDON. Treichler was my immediate predecessor. And to the best of my knowledge, it could have involved others also. But to get back to your question, Mr. Smothers, the kinds of materials were, in my opinion, considered as interesting samples of candidate chemical substances that had been experimented with for some years at the U.S. Army Chemical Warfare Laboratory at Edgewood, Md., things of an incapacitant nature or some behavioral aspects. Some of the things that interested us in the nature of incapacitating agents would be, in effect, under the broad category of behavioral effects.

What were the physiological reactions? There are certain substances that can give you a real severe case of the “tummy’s,” as we know it. This has a potential application in the field. If we want to, in effect, put an individual, shall we say, indisposed at a particular evening, at a particular place, and any other scenario that you want to mention along those lines.

Essentially, these were the kind of materials, to my recollection and knowledge. I never called for an inventory of the materials at the laboratory. Frankly, I assumed that responsibility, or laid it on, if you will, to the project officer. This was not carried out, because this was not a research or testing laboratory. This was a storeroom, a secure, safe vault storeroom. All substances behind glass containers, sliding door panels were under lock and key. We were the custodians of the key.

Mr. SMOTHERS. You never inventoried the vault?

Mr. GORDON. That is correct, sir.

Mr. SMOTHERS. Did you have any reason to believe that there were lethal substances in the vault?

Mr. GORDON. No, sir.

Mr. SMOTHERS. Was there any information in the transfer of control to you from Dr. Treichler that should have put you on notice as to the presence of lethal substances?

Mr. GORDON. None to my recollection, sir.

Mr. SMOTHERS. Are you saying that you would not have any reason to tell your superiors in the Agency that this would be a likely place for the presence of lethal substances?

Mr. GORDON. May I have that question again, please?

Mr. SMOTHERS. Are you saying that you would have had no reason to tell your superiors in the Agency, even after knowledge of the

Presidential order, that this would be a likely place to search for lethal substances?

Mr. GORDON. For lethal substances? Considering what I just indicated to you, to the best of my knowledge that there were no lethal substances, I would not indicate any point in searching for a lethal substance, on the basis of my knowledge at that time.

However, if such an order came down, I would be possibly a little bit foolish if I did not go through at least the steps of opening that door, myself and my project officer, of taking a good hard look at what was in that laboratory, something that I had never done and, I suspect in retrospect, my project officer had never done.

Mr. SMOTHERS. Did you from time to time receive substances from Fort Detrick? Were they transported from Fort Detrick to your facility?

Mr. GORDON. Is that a general question?

Mr. SMOTHERS. Any substances?

Mr. GORDON. Yes. My project officer at the time had a project which pertained to a dart tranquilizer for animals, specifically dogs. There were certain substances of a temporary paralyzing nature, a chemical. CS 4640, for example, has this kind of an effect.

Prior to my joining, a very simplified, if you will, field dart disseminating device had been developed, the purpose of which was to use along with such a physical incapacitant chemical substance. And I suspect some tests—and I am not sure of this, and I believe it did happen before 1967—some tests had been conducted under controlled conditions on dogs, and, I believe, successfully.

This is parallel to the kinds of military efforts that were going on at the Chemical Warfare Laboratories. I might add that our own interest, being charged with the responsibility of maintaining at all times a technical interest, from the point of view of services support for any future possible operational needs within the Agency, our interests were parallel to what was going on at chemical warfare and biological warfare laboratories at all times.

The liaison had been established and maintained. We were invited in to attend classified briefings from time to time. In effect, Mr. Smothers, what I am indicating to you is that we were making every sincere attempt to stay abreast technically of the state of the art.

Mr. SMOTHERS. Dr. Gordon, you knew of the existence of lethal substances, did you not? You knew of the existence and the development of lethal biological and chemical agents?

Mr. GORDON. To an extent, certainly. To a full extent, possibly not.

Mr. SMOTHERS. Did you have any knowledge of where these agents were being kept, stockpiled or stored?

Mr. GORDON. We are talking about chemical agents and biological agents?

Mr. SMOTHERS. Yes; we are.

Mr. GORDON. To my knowledge, during the tenure that I served with Army Intelligence in chemical and biological warfare, yes, sir, I was aware of locations, classified locations of military and biological agents and chemical agents.

Mr. SMOTHERS. Were these materials being stored by the Army or the Department of Defense?

Mr. GORDON. These materials were being stored by the Army/DOD.

Mr. SMOTHERS. Did you have any reason to believe that stockpiles were being stored by the CIA?

Mr. GORDON. No, sir.

Mr. SMOTHERS. The laboratory we alluded to or elsewhere?

Mr. GORDON. Lethal agents?

Mr. SMOTHERS. Yes.

Mr. GORDON. There were no lethal agents going into the laboratory until we agreed to accept our own Agency's stockpile of 5 grams or subsequently, now, it turns out to be 11 grams of shellfish toxin, in our judgment, again, a chemical entity, a chemical substance.

Mr. SMOTHERS. Was it your belief, then, that if the Department of Defense had complied with its own directive, that, with the exception of the shellfish toxin you received, all other stockpiles of lethal agents, even those belonging to the CIA, would have been destroyed?

Mr. GORDON. I think I did not get your question, could you repeat it? Are you making a statement or a question, sir?

Mr. SMOTHERS. I can do either one. It was your testimony that you believe that all the lethal agents being held for the CIA were being held by the Department of the Army or DOD, as you said. My question then, was it your belief at the time that, with the exception of the shellfish toxin which you received from Fort Detrick, all other stockpiles of lethal agents would be destroyed?

Mr. GORDON. Lethal biological agents.

Mr. SMOTHERS. Or a chemical?

Mr. GORDON. No, sir, lethal biological agents.

Mr. SMOTHERS. Lethal biological agents?

Mr. GORDON. There is nothing in the record indicating destruction of chemical agents.

Mr. SMOTHERS. All lethal biological agents would be destroyed as a result of the Executive order.

Mr. GORDON. Yes, sir.

Mr. SMOTHERS. At the time that you had agreed or you proposed the retaining of this material, did you have occasion to indicate to anyone higher than your laboratory that there had been some discussion with the Army regarding CIA retaining the Army stockpiles?

Mr. GORDON. Mr. Smothers, because we consider shellfish toxin as a chemical material and not as a biological material and/or bacterial toxin we felt we are simply looking at a highly lethal chemical agent which would be secured in a maximum security vault.

The CHAIRMAN. Dr. Gordon, I find your testimony rather astounding. You say that you and your fellow scientists decided to retain the shellfish toxin and indeed to accept additional quantities of it from the Army.

Mr. GORDON. Unbeknownst to me, sir. That is a fact, it happened.

The CHAIRMAN. It is a fact, it happened?

Mr. GORDON. Correct.

The CHAIRMAN. You and your associates decided to retain this toxin although you knew that it might very well have been a violation of the President's order because by your own testimony you have just told us that you asked, you discussed with Mr. Gottlieb and Mr. Gottlieb was going to prepare for Mr. Karamessines a memorandum to the Director in which this very question was raised and an option was given to the Director to store it with a private firm. So it must have been in

your mind that this toxin was highly questionable in view of the order that the President had given.

Mr. GORDON. That is not correct in my interpretation, sir.

The CHAIRMAN. If it is not correct, why raise the question and suggest the option to the Director?

Mr. GORDON. At that particular time, we had considered the option of whether we wanted to keep all of the agency's stockpile, including the shellfish toxin. There were a dozen or so biological agents and a few other kinds of toxins. We wanted to consider the option as to whether or not we should retain our own materials which were not going to be placed on a Department of Defense destruction list. They were being held for us. If the decision was made by higher authorities, and eventually Sid Gottlieb elected to make the decision, that he would not go for the option if a decision had been made by higher authorities to move that stockpile, I would have had no compunction to have done so.

The CHAIRMAN. According to your testimony, you did not give authorities a chance to make that decision because Mr. Gottlieb and you and your associates decided to do it on your own.

Mr. GORDON. Senator Church, I have prepared and you have a copy of the memorandum [exhibit 1¹] with Dr. Gottlieb's approval for that memorandum to be signed by Mr. Karamessines to the Director. And Dr. Gottlieb's judgment—to the best of my recollection, he determined that it did not need to go forward. He would make a decision and he elected not to take that option and indeed that we would once and for all get out of the classified project at the Special Operations Division at Fort Detrick.

The CHAIRMAN. You would retain the poisons and tell no one?

Mr. GORDON. Negative. That particular sequence, Senator Church, with all respect, is a consequence which occurred after the fact. At that particular time it was our intention simply to have Fort Detrick, as I indicated, terminate that project and take all the materials that they wanted. When the phone call—

The CHAIRMAN. Let us not get into a discussion of points in time because before this proceeding was over you got a phone call from the Army. They made suggestions and you finally decided to keep the stuff and not tell higher authorities about it. Is that not true?

Mr. GORDON. Because it was not considered, in our judgment at the branch level, anything but a chemical poison.

The CHAIRMAN. That is very curious because everybody else we have talked to including the experts are of the opinion that it clearly was of a kind of biological poison or toxin that came within the Presidential order.

Mr. GORDON. Do you know where the material that was used for Gary Powers' suicide weapon came from? It came from Edgewood Arsenal.

The CHAIRMAN. What does that have to do with the question?

Mr. GORDON. It means that it is a chemical considered substance that was utilized and obtained from a chemical warfare laboratory. This is the kind of thing—excuse me Senator Church—this is the kind of thinking that chemists have used. I indicated earlier in testimony that we are getting into a gray area. Admittedly, it is a gray area.

¹ See p. 189.

The CHAIRMAN. If it is a gray area?

Mr. GORDON. Yes, sir.

The CHAIRMAN. If you, by your own admission, say it is a gray area, why then, in view of the Presidential order, did you take it upon yourselves to decide to set this poison aside?

Mr. GORDON. The Presidential order, Senator Church, as I indicated earlier, in our judgment, did not pertain to the CIA. It pertained to the Department of Defense.

The CHAIRMAN. That is not the judgment of the Directors of CIA.

Mr. GORDON. I understand that, sir, but we are talking in terms of February of 1970.

The CHAIRMAN. Is it not true, Dr. Gordon, that you disagree with Mr. Nixon's order?

Mr. GORDON. No, sir.

The CHAIRMAN. Well—

Mr. GORDON. I was not a Department of Defense employee. I did not feel under the obligation, Senator Church, to be responsible for the DOD directive, indicating destruction of bacteriological agents or bacteriological toxins.

The CHAIRMAN. I call your attention to your testimony given under oath on Saturday, page 50 of that testimony from the morning record, if you would go to line 24 on page 50. Our counsel, Mr. Schwarz, asked you the following question.

"Let us be clear what we are talking about. President Nixon had decided that the United States should destroy biological toxins. Right?"

And you answered, "right." Then Mr. Schwarz said, "The matter you discuss that some new President or administration official might come along and say, we would like to have such stuff in order to kill people. Is that right?"

And you answered, "that is right."

"But again, this is conversation in the philosophical category, that is all."

Mr. GORDON. I do not see anything wrong with a group of people like myself, my project officer and technical consultant—by the way, Senator Church, I would appreciate if you do not already have the testimony of my technical consultant, Dr. Alex Battin, you should get in the record his viewpoint as to whether shellfish toxin is considered a chemical substance. I think he considers it such. In our discussions we are certainly—

The CHAIRMAN. Senator Mondale has a point to raise on that very question.

Senator MONDALE. I would like to point out that the whole reason for the February 14 memo from the President was to solve the issue that you continue to raise. I quote from the President's announcement [exhibit 5¹] of February 14, he said, "Moreover though toxins of this type useful for military purposes could conceivably be produced by chemical synthesis in the future the end products would be the same and their effects would be indistinguishable from toxins produced by bacteriological or other biological substances."

It continues, "the President has further directed the destruction of all existing toxins." Moreover, by the National Security memorandum

¹ See p. 202.

44, the Secretary of Defense will submit recommendations concerning the disposal of existing stocks of toxins, weapons, and agents.

No. 1, "the United States will renounce the production, for operational purposes, stockpiling, and the use in retaliation of toxins produced either by bacteriological or biological processes or by chemical synthesis." In other words, the whole reason for the February 14 memo was to settle the dispute which you continually raised as a defense and that memo was directed, among others, to the CIA. That is the whole reason.

Mr. GORDON. I have never been aware of that memo. The only thing I alluded to—

Senator MONDALE. What about the public statement? Were you aware of that?

Mr. GORDON. No, sir. The only thing I am alluding to is what I have indicated to you and the testimony, both in closed session and public, and I have it in front of me and furthermore it says in that same February 14, 1970, directive that the United States will confine its military programs for toxins.

I think that really the point is being pushed in my humble opinion to include the CIA in this particular category of a Department of Defense responsibility.

The CHAIRMAN. Well, Dr. Gordon, if you viewed it as merely a Department of Defense responsibility, why did you accept from the Department of Defense toxins that clearly should have been destroyed?

Mr. GORDON. The toxins that we accepted at that particular time, thinking that it was our own Agency stockpile, 5 grams to be held all those years for us, was considered as a chemical substance, Senator Church, in our judgment. And that is the reason.

The CHAIRMAN. You knew the Army was going to destroy it, did you not?

Mr. GORDON. The Army has still retained for experimental purposes, I read, a little bit over 4 grams.

The CHAIRMAN. You know they gave you this toxin so it would not be destroyed. If they had not given it to you, they would have destroyed it pursuant to Presidential order. You knew that.

Mr. GORDON. I could not speak for what they would have done or not. They asked if we wanted our particular stockpile, and after careful deliberation and consideration among our staff and I indicated this to you, this is the particular rationale that we opted for in taking it and considering it as an ordinarily highly lethal chemical agent. And I wish—

The CHAIRMAN. This is the other outstanding part of your testimony. When a second Presidential order was issued just to clear up any question about the inclusion of this shellfish toxin in the directive that none of these directives were passed down through the Agency to you and that you testified about your knowledge of the Presidential directive on the basis of what you read in the newspaper. That is your testimony, is it not?

Mr. GORDON. That is my testimony and I repeat that I never saw—

The CHAIRMAN. I did not say that is your fault, but that is an astounding thing.

Mr. GORDON. That is so.

The CHAIRMAN. That is so. Senator Tower?

Senator TOWER. You received no direct order to destroy the substance. Is that a fact or is it not?

Mr. GORDON. That is a fact, sir.

Senator TOWER. In fact, you asked the DCI for permission to retain and store these substances.

Mr. GORDON. I did not seek additional guidance or consent from any of the chain of command higher than myself as chief of the chemistry branch to obtain and store the highly lethal shellfish toxin, which we in our technical judgment, considered as a chemical agent, sir.

Senator TOWER. What about Gottlieb? Did anyone propose to the DCI that this material be retained?

Mr. GORDON. Dr. Gottlieb was not informed, Senator Tower, that the lethal shellfish toxin was being offered, received and stored in a secure vault in the laboratory, since we in the branch, myself, project officer and technical consultant made the judgment that we were considering shellfish toxin as a chemical agent, highly lethal, but a chemical agent.

Senator TOWER. Are you saying that you never had any indication of Helms rejecting the notion of retaining the substance?

Mr. GORDON. This specific substance?

Senator TOWER. Yes.

Mr. GORDON. He could not in my humble opinion have made that kind of a statement because of the fact, as I indicated, Senator Tower, we did not, considering we were talking in terms of a lethal chemical, we did not in our judgment feel that we, we were in need of informing anyone.

Senator TOWER. You were aware that you were not to retain lethal chemicals?

Mr. GORDON. I am not aware of any directives indicating that a lethal chemical could not be retained or stored.

Senator TOWER. Do we not normally classify a chemical and a biological agent together?

Mr. GORDON. No, sir. That is a separate and distinct entity. There is a chemical warfare laboratory which still today does research in chemical agents. There is a munitions system still under development for chemical agents. There is a stockpile in the military for chemical agents, both incapacitating and lethal.

Senator TOWER. Were you not aware that the order category included both chemical and biological agents?

Mr. GORDON. No, sir. We made a distinct distinction, if I may put it that way, between the fact that in our judgment this shellfish toxin was a lethal, highly lethal, chemical agent. And we took the proper steps to put it in our freezer, secure it, store it. I must say, over the years, Senator Tower, we have never had to my knowledge, in the period 1967 through 1972, any call for those kinds of materials.

That was in essence an example of maintaining to the best of our technical ability, maintaining the technical capability in behavioral materials in the event that the need should arise to use these materials one day.

Senator TOWER. Let me ask you whether a substance is classified as generically chemical or generically biological, can they not be applied to achieve the same kind of results. They are both a specific means to a common end, are they not?

Mr. GORDON. Senator Tower, I have to say yes; and I have to qualify it. I must say I still feel the sharpness somehow of some of the questions, and properly so, of Senator Church, and, Senator Tower, may I indicate to you that technically that we always make a distinction between chemical and biological agents. Now there are gray areas and this toxin, this particular substance, in our judgment, falls into a gray area, depending on who you will be talking to in the public testimony in the next 3 days, depending on his viewpoint, I feel certain that you will find the testimony being given to indicate both sides of the question.

Senator TOWER. If indeed this falls into a gray area or could be construed as falling into a gray area, was there not a certain responsibility on your part to inquire as to whether or not that was included within the purview of the order to destroy these chemical substances?

Mr. GORDON. Again, relying upon discussions with my project officer and technical consultant, both technical people in the field of biological, chemical warfare, including my own knowledge and judgment, we made the decision at that particular level. Senator Church has asked who made the decision. We made the decision at the particular branch level that we were indeed considering and looking at a lethal chemical agent. We were not aware of any particular ban on lethal chemical agents and in all good conscience, in all good conscience and judgment we elected to retain that particular kind of material as a lethal agent in our laboratory in a secure vault condition at all times. In the event that one day we would be called upon to prepare supplies of suicide pills and/or any other uses that could be considered from a higher level of authority than my own, certainly, for operational use of these materials.

Senator TOWER. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Mondale.

Senator MONDALE. Dr. Gordon, the National Security Decision Memorandum No. 44 [exhibit 8¹], dated February 20, 1970, says:

The President has decided that: the U.S. will renounce the production for operational purposes, stockpiling and use in retaliation of toxins produced either by bacteriological or biological processes or by chemical synthesis.

The public announcement on February 14 entitled "U.S. Policy on Toxins" says among other things:

The President has decided that the United States will confine its military programs for toxins, whether produced by bacteriological or other biological methods or by chemical synthesis, to research for defense purposes only, such as to improve techniques of immunization and medical technology. The President has directed destruction of all existing toxin weapons.

In light of that National Security memo—

Mr. GORDON. Excuse me, Senator Mondale, I have a question in that particular last paragraph, sir, where the words—Is that the same paragraph that I am looking at, sir, if you will indulge me. Does it read the United States will confine its military programs for toxins?

Senator MONDALE. Right.

Mr. GORDON. Military programs, sir.

Senator MONDALE. That is right. Had you ever heard of either one of those paragraphs, either in the National Security memo or the President's public announcements?

¹ See p. 210.

Mr. GORDON. I have a copy.

Senator MONDALE. Did you at the time? Were you aware of the formulation of the President's orders which specifically settled the issue of chemical or nonchemical basis for toxins?

Mr. GORDON. Are you referring to the National Security Memorandum?

Senator MONDALE. Either one. Both say the same thing. The toxins would be defined as toxins whether created biologically or chemically. Were you aware that that policy decision settled the question that you seem to be raising?

Mr. GORDON. In our interpretation, we did not put the emphasis that you have just placed on that particular paragraph, sir.

Senator MONDALE. What emphasis?

Mr. GORDON. In our judgment, we put consideration for that the shellfish toxin was indeed to be considered in the category of a chemical substance or a chemical entity, regardless of how it was derived.

Senator MONDALE. So you would say that because you did so, it did not come within the meaning of either the National Security memo or the President's announcement.

Mr. GORDON. I felt it did not come in the purview of the President's announcement of February 1970 and I cannot address myself to that National Security memo. I have never seen it.

Senator MONDALE. Since the President had decided to reduce the programs, both biological and chemical, how do you arrive at the position that the shellfish toxin does not come in that definition?

Mr. GORDON. Senator Mondale, we were not in a military program—

Senator MONDALE. I understand the chemical thing. We were taking your second defense, the military. I want to know whether you are still sticking with the chemical defense, even though the Presidential directives clearly settled that issue? If so, how?

Mr. GORDON. All I can say to respond to that particular query is that we saw, in our own judgment this particular substance as a chemical lethal agent.

Senator MONDALE. Did you further decide that because you saw it in that light, that it does come within this order, even though the order says, toxins produced by chemical synthesis. If so, how could you conclude that?

Mr. GORDON. Because we tied it in with the previous statement that the United States will confine its military program for toxins.

Senator MONDALE. All right. We will set aside our chemical argument, because really you are basing your defense on the grounds that it is not a military program. Is that right?

Mr. GORDON. This was a part of our consideration.

Senator MONDALE. Can we then set the chemical argument aside?

Mr. GORDON. No, sir.

Senator MONDALE. Why?

Mr. GORDON. Because we felt strongly, and continue to feel, that this was a chemical substance.

Senator MONDALE. I know that is what they said, by biological or chemical synthesis.

Mr. GORDON. Shellfish toxin is not, in the truest sense of the term, a synthesis. It is a complicated process, starting with an algae and clams.

Senator MONDALE. When you say it is a chemical substance—

Mr. GORDON. A chemical substance, sir.

Senator MONDALE. The second paragraph of the Presidential public announcement says, "Toxins are chemical substances, not living organisms and are so regarded by the U.N. Secretary General of the World Health Organization" That being true, is it not clear that the President intended it to mean such things as shellfish toxins derived from a chemical synthesis or substance?

Mr. GORDON. I would have to say, in listening to your detailed explanation, Senator Mondale, that that is true. I also have to say that—and it has been some time, as you know, since we examined this particular thing—I am trying to restructure it at some length, and in detail. Our thinking here—we were swayed, it would appear to me, by the phrase, military programs.

Senator MONDALE. Let us turn to that defense, and I will not go into this, but I think the reading of the proposed Karamessines memo clearly reflects—and I believe that was prepared by you; was it not?

Mr. GORDON. Yes, sir.

Senator MONDALE. Clearly reflects that you understood this toxin to be included in the Presidential order. In any event, another defense you have for not destroying the toxin is that it was not a military program; is that correct?

Mr. GORDON. That is correct, sir.

Senator MONDALE. What is it, then?

Mr. GORDON. It was a substance which we felt being in the category of a chemical could be used at some future time for whatever operational need or desire on the part of higher authorities within the CIA, and we know that it had an application in the preparation of previously prepared suicide weapons or devices.

Senator MONDALE. It says it can only be retained for research or defensive purposes, such as improving techniques in immunization and medical therapy.

Mr. GORDON. Again, applied to military programs.

Senator MONDALE. So it does not come within that exception. It comes within the military exception; is that right?

Mr. GORDON. In our opinion, Senator Mondale.

Senator MONDALE. So what the CIA was involved in was not military?

Mr. GORDON. The CIA is not a military organization. It is not, nor has never been charged with the functions of the Department of Defense. Yes; it is not a military organization.

Senator MONDALE. Would you say that your memorandum proposed for Mr. Karamessines reflects this viewpoint that you are not covered?

Mr. GORDON. At the particular time of that memorandum, a discussion on this particular point had never taken place. That particular memorandum was described as an option which we had considered between Dr. Gottlieb and myself as one for consideration. And as I indicated earlier, that option was decided against, and at a subsequent point in time, the offer was made to receive the shellfish toxin.

Senator MONDALE. That means something, and it indicates that you had a hot item that you did not want to destroy. The National Security memo—

Mr. GORDON. That is not my opinion, sir.

Senator MONDALE. I recognize that. It was directed to the CIA, as well. As far as I'm concerned, based upon your testimony, the only conceivable way that the President could have his order executed was to have you over for dinner and plead with you.

Mr. GORDON. If there was a CIA directive that did not exist at that particular time, implementing the White House directive for the Department of Defense, I have no doubt, at that particular instance, the proper steps would have been taken, and this day, there would not be a discussion of the subject of shellfish toxins, Senator Mondale.

Senator MONDALE. Thank you, Mr. Chairman.

The CHAIRMAN. In effect, you say it was a failure of higher authority within the CIA to properly direct you that led you to the decision?

Mr. GORDON. I cannot place the blame on Mr. Helms' shoulder.

The CHAIRMAN. Where does the blame lie? You say it does not lie with you? If you say it does not lie with Mr. Helms, where does the blame lie?

Mr. GORDON. You asked the question, who in the CIA made the decision. Now you know that it was the Chemistry Branch Chief, the project director, and his technical consultant.

The CHAIRMAN. The blame lies with you?

Mr. GORDON. The blame lies with the group I have just specified.

The CHAIRMAN. Very well. Senator Mathias.

Senator MATHIAS. Thank you, Mr. Chairman.

Dr. Gordon, I think you testified that you had been to Fort Detrick?

Mr. GORDON. Yes, sir.

Senator MATHIAS. Did you go there frequently?

Mr. GORDON. I would say, Senator Mathias, during the course of a year—and this is somewhat tenuous—certainly less than a dozen times a year.

Senator MATHIAS. Did you know Dr. Housewright, for example?

Mr. GORDON. Yes; I did, sir.

Senator MATHIAS. Did you have occasion to talk with the Detrick staff by telephone on occasion, in addition to your visits?

Mr. GORDON. At times, sir.

Senator MATHIAS. In other words, you had a working relationship with the Detrick organization?

Mr. GORDON. My project officer more than I, sir, at that particular point in time. I am sorry to overuse that particular phrase.

Senator MATHIAS. Were you aware that, following President Nixon's decision of November 25, 1969, an interagency group was assembled to consider the very question of the definition of toxins?

Mr. GORDON. No; I was not, sir.

Senator MATHIAS. That this Valentine's Day memorandum did not issue just out of the goodness of President Nixon's heart on Valentine's Day, but it was the considered judgment of a number of scientists in the Federal establishment?

Mr. GORDON. I will agree to that, sir. Yes, sir.

Senator MATHIAS. You did not know that at the time?

Mr. GORDON. I did not know that at the time.

Senator MATHIAS. Even with your relationship with the people at Fort Detrick, this never came to your attention?

Mr. GORDON. No, sir. Again, Senator Mathias, I would like to repeat, hopefully not ad nauseum, that in our judgment we considered this particular announcement directed only at the Department of Defense.

Senator MATHIAS. Again, I do not think either of us gain anything by repeating arguments already made. As Senator Mondale pointed out, this was a decision that was lifted from your shoulders. This was a decision that had been made Government-wide, after an interagency study by Presidential order.

Mr. GORDON. May I point out something, Senator Mathias? I think that it is somewhat unfair to take this February 14 announcement in and by itself without always looking back to the November 25, 1969, announcement, because the February 14 announcement, as you put it, sir, the Valentine's Day announcement, is a natural extension of the November 25 announcement, which includes the sentence "I have ordered the Defense Department to make recommendations about the disposal of existing stocks of bacteriological weapons."

This, I think, is, again to our judgment, a clear mandate, and again, the other version of the November 25 announcement—that the DOD has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons. The toxins, again, in our judgment, despite Senator Mondale's explicit pointing out to me the statement about the chemical synthesis, and so on—I think these have to be put into a package for any discussion and consideration, because, again, this is the only way we make a judgment, by putting these papers together, examining them carefully, agonizing over them, disagreeing, agreeing, and finally, making the conclusion that, indeed, we were looking at a lethal chemical agent, no different than any of the other highly toxics, but certainly, to be respected as a V agent, or a G agent.

Senator MATHIAS. You see, Dr. Gordon, this is exactly what I think is concerning the members of the committee. We do put the Valentine's Day announcement in context with the November 25 announcement. We take into consideration the fact that there is an interagency study, created by order of the President of the United States. We take into consideration the high office that you held, as one of the principal officers of the CIA, charged with knowledge and responsibility in this area, and you come to us, and you tell us that you have not even heard of the existence of the interagency group.

Just let me finish. You will have plenty of time. I want to make this point, because this may not reflect on you, giving the thing the best gloss you can give it. I have spent a good many years in the Navy, and I know there is always somebody who does not get the word, and apparently you were that guy in this instance. That is the best gloss we can put on it. That is enormously concerning to us.

Let us leave Dr. Gordon out of it as an individual. Let us talk about people. When somebody does not get the word, serious problems can arise, in the course of any operation, and one of the objects of this committee is to try to find out where these short circuits were, why they occurred, how we can prevent them occurring again. Because obviously, when they occur at the high level of responsibility that you occupy at this time, they can have serious national consequences.

Mr. GORDON. Thank you, Senator Mathias. I would like to state, with all due respect to the description that you have placed upon my particular function, at that particular time that I was a chief of a branch,

a chemist, who had the technical responsibility of performing a support and service function for the Technical Services Division, in response to any possible future use, operational requirements, if you will, of the DDP. Certainly, I agree, I was not in a policy position. Certainly I would agree—and I do not think that you would expect me to be privy to a National Security memorandum, or any other possible highly placed documents of that particular sort.

Senator MATHIAS. Just to refresh your recollection, the Valentine's Day press release from the White House, which was issued at 6 p.m. that day from the press office at Key Biscayne said in part, "the President has further directed the destruction of all existing toxin weapons."

Mr. GORDON. Within the DOD—yes, sir, that is correct. As a—

Senator MATHIAS. It was not so limited. We have been over that.

Mr. GORDON. Right, sir. Exactly.

Senator MATHIAS. Let me ask you this question—

Mr. GORDON. Yes, sir.

Senator MATHIAS. Was the transfer an idea that originated with you, or did the Army suggest it to you?

Mr. GORDON. The Special Operations Division of the Biological Laboratories, Fort Detrick, Md., suggested it, sir.

Senator MATHIAS. What did they actually say to you, to the best of your recollection?

Mr. GORDON. Would we consider taking, in effect, in the repository of our own, the CIA stockpile of, as I understood it, 5 grams from our old listings, of the shellfish toxin, and the reason being because—and I think it was generally agreed—we all had a keen appreciation of the extreme cost, resources, material, personnel that had gone in over a 10-year period for these materials.

I would like to add that since this has become publicized, I have read in the newspapers Dr. Ritchie's comment from Yale University. I suspect that it was in the nature of a plea to this committee in considering the final disposition of these materials whether or not it could be considered—and that is a considerable quantity, now, 11 grams, to go back into the medical science research.

Senator MATHIAS. I am aware of that.

One further question, Dr. Gordon. I want to be fair to you. I want you to understand that I am trying to put myself into your shoes and into your mind and try to understand the motivations which caused you to take the acts that you did. But I did say earlier, and I meant it, that this is a problem that could have arisen because we used to say, someone did not get the word.

The other possibility which is not as happy a one was suggested by a statement that you made earlier this afternoon, when you described your reaction to learning of the November 25, 1969, decision of President Nixon, when you, as I recall your words, you said, you turned to Mr. Gottlieb and you said, you realize that this is the beginning of the demise of the military biological warfare system.

Mr. GORDON. From the point of view of any parallel interests, sir, that we might have in the field, there was nowhere to go to, to stay abreast of a BW capability. Fort Detrick, as you know, Senator Mathias, subsequently was closed down and converted to the National

Cancer Institute. This, I believe, if my memory serves me correctly, was 1971-72, or thereabouts.

Senator MATHIAS. It took that long to get done. That is something else.

Mr. GORDON. Again, as I recall, it was over a year from the time that they said it would be done, and then, finally, it did get done. Let me rest there.

Senator MATHIAS. Having recalled to you your words, the only question that I raise is whether or not you had, in fact, a visceral reaction which perhaps clouded your judgment in order to preserve from disruption at least one small corner of this area of enterprise?

Mr. GORDON. Senator Mathias, I appreciate the way you put that. I really do. I want to use this opportunity for my response, to repeat once again—please bear with me, Senator Church—that our judgment was collectively made, and we considered it as a lethal chemical agent. If that was not the decision at that particular time, we never would have gone back to accept and say yes to the offer of our own stockpile of 5 grams, sir.

Senator MATHIAS. My time is up, and I will only say that I cannot understand why your decision which was so agonizingly made—and I accept that it was agonizingly made, as you described it, why a decision so agonizingly made, and in the full consciousness of the difficulties under which you were operating was not referred to higher authority within the Agency for some confirmation, before you went through with it.

That is all, Mr. Chairman.

Mr. GORDON. Thank you, Senator Mathias.

The CHAIRMAN. Senator Huddleston.

Senator HUDDLESTON. Thank you, Mr. Chairman.

I do not wish to belabor the point, but I do think it is quite important, as to what your understanding was at the time, back in February of 1970 on why this decision was made. I find it very difficult to reconcile what you are saying now about the concern that you had at that time as to the true nature of shellfish toxin.

Shellfish toxin is a toxin, is it not? There is no question about that?

Mr. GORDON. That is correct, sir.

Senator HUDDLESTON. It is also a weapon. You mentioned a moment ago it could be used as a weapon, against oneself as a suicide weapon, or against somebody else.

Mr. GORDON. We would consider it, I think, certainly, as a weapon, but the tactical description for that, Senator Huddleston, would be as an agent in a weapons system, our weapons system being any means.

Senator HUDDLESTON. It is a potential weapon or a part of a weapon.

Mr. GORDON. Exactly.

Senator HUDDLESTON. In the first paragraph of the memorandum which you prepared for Mr. Karamessines, you point out that in the November 26 memorandum of the President or the order of the President and then you put in parentheses that on February 14, 1970, the Valentine's order, he included all toxic weapons. There seems to me no doubt that at that time you understood precisely what the President said.

Mr. GORDON. As it applied to the Department of Defense that is correct, Senator.

Senator HUDDLESTON. If you felt at this time that this just applied to the Department of Defense, I am wondering why you felt it necessary that Mr. Karamessines make a determination as to whether or not the CIA should move to protect its supply. It seems to me it would be perfectly clear that he would not have to take any action if it were perfectly clear that this would apply only to Department of Defense.

Mr. GORDON. This was tied in with the relationship that we had with the Special Operations Division and, for that matter, the rest of the Army Biological Warfare Laboratory with respect to staying abreast of the state of the art.

Again, intuition indicated to us at that particular time that before too long, as Senator Mathias said, if it took too long the Biological Warfare Research Laboratories would no longer exist. There would be no sense in continuing to support a project, and I might add—and this has not been brought out by me—I have never had a question with that respect. We were, in effect, piggybacking or giving some additional dollar technical support to Special Operations Division, who were being funded by the Army component, namely, the Special Forces, for purposes which interested us and we wanted to stay with the developments as time proceeded.

Senator HUDDLESTON. I do not see that there is anything that would have clouded your perception based on your own words and recommendations here that this toxin was, indeed, part of the order that the President had issued. Let me make one other point, again relying on your own memorandum dated February 1970, when you list for the Director those items that would be in jeopardy if some action were not taken by the President's order. You do, in fact, list paralytic shellfish poison.

Mr. GORDON. Which was part of the inventory being held, yes, sir. At that particular time, the other option, which is what we exercised a day or two later, February 19 or 20, was to, as I indicated, let the Special Operations Division of the Army Biological Laboratories know that we no longer would support them and terminate the project and for them to do with what they saw fit with all the stocks.

It was subsequent, and only subsequent, that we rethought the matter of the shellfish toxin. When the telephone call came down to us with respect to the offer of retaining and considering for retaining the shellfish stocks, at that time after careful deliberation we determined that in our judgment, knowing we were in a gray area, going through the same testimony, and deciding it was a chemical agent.

Senator HUDDLESTON. You have changed your perception then from what it originally had been, which seems to be crystal clear here, to raise the question as to whether or not there might be a slight loophole through which you might—

Mr. GORDON. We rethought the question of shellfish toxin.

Senator HUDDLESTON. That was subsequent to this memorandum, which, at that time, seemed very clear and precise?

Mr. GORDON. Right, that is correct, Senator.

Senator HUDDLESTON. As to what the problem was and how it might be avoided by the Director, if he wanted to take this action?

Mr. GORDON. That is correct.

Senator HUDDLESTON. Just one other question. As I mentioned this morning to Mr. Colby, included in that inventory, were agents that were designed to induce tuberculosis in an individual. Were you involved in that experimentation?

Mr. GORDON. No, sir.

Senator HUDDLESTON. What about the one for brucellosis?

Mr. GORDON. We were not involved in any experimentation.

Senator HUDDLESTON. Do you have any knowledge of these agents and what they were used for?

Mr. GORDON. From the nomenclature of those particular ones you described, they would be the causative agents to produce that kind of a disease. Those are biological agents.

Senator HUDDLESTON. Did you ever have instructions from your superiors to develop this kind of capability?

Mr. GORDON. No, sir; not during my tenure.

Senator HUDDLESTON. How do you propose they were included in the CIA inventory?

Mr. GORDON. I surmise that my predecessor or predecessors, that over the years in their wisdom and judgment and with the expertise of the people at the laboratories that determined in the event of some need or use of these kinds of materials it would be technically feasible to be considered and used. Hence, certain quantities were attributed as grams or whatever they may be in their listing to those particular organisms and toxins. That is the way the list, I suspect, was developed and simply transferred from year to year to year.

Senator HUDDLESTON. From your personal knowledge and experience, you had no contact with these agents.

Thank you, Mr. Chairman.

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

Senator SCHWEIKER. Thank you, Mr. Chairman. Dr. Gordon, can you shed any light on the designation of P600 that appeared on the cans he received in the lab?

Mr. GORDON. No; I cannot, sir. As of this moment, I do not recollect any of the information that appeared on the cans. Are you referring, Senator Schweiker, to the cans of the shellfish—containers of shellfish toxin?

Senator SCHWEIKER. Yes. The ones in this picture, I assume.

Mr. GORDON. No, sir, I cannot. What does P600 mean?

Senator SCHWEIKER. That is what I am trying to find out.

Mr. GORDON. I think I could suggest who might give you the answer, sir.

Senator SCHWEIKER. I thought you would be in a good position to tell us. It says, "Do not use unless directed by P600." How can you store a quantity of poison in your lab in a vault and lock it up, when it says do not open unless you have permission of so and so, and you do not even know so and so?

Mr. GORDON. Is "P600" a person?

Senator SCHWEIKER. It is your code.

Mr. GORDON. That particular label—we are on the subject of labeling, Senator Schweiker, was prepared at the Special Operations Division, Biological Laboratories.

Senator SCHWEIKER. At Fort Detrick?

Mr. GORDON. They would be in a position to give you that answer. I'd like to know it myself.

Senator SCHWEIKER. The second part of my question is, you keep mentioning 5 grams in your testimony here with the other Senators. Yet it is clear from Director Colby's testimony that, in fact, there were 11 grams. The picture shows 11 grams. Can you account for the 6-gram discrepancy?

Mr. GORDON. When I received, or we received, the containers of the shellfish toxin, it was our best understanding that we received what was the Agency stockpile of shellfish toxin in the amount of 5 grams, and we put it away in the freezer, and never, at least during my tenure, had occasion to ever open those containers, did not want to open those containers unless there was a need, and that is the way it sat and got forgotten about over the years, because no queries—obviously, no applications—

If I may continue, in May or June of this year—and I am told this by my project officer at that time, Mr. David Boston—he was asked by the present Director, Mr. Colby of the CIA, as part of an agency-wide query, to look into particular matters or things that he, Mr. Colby, should know about. This is secondhand information. My understanding is, as a result of that particular memo, directive—call it what you will—Mr. Boston then proceeded to then very carefully look into that particular freezer, and he called me, and asked, did I remember that there was shellfish toxin and I most certainly remembered that there was shellfish toxin containers. Then he proceeded to open it, the containers, laid the vials out, as I understand, added up the figures, and then informed me that there was not 5 grams, but close to it. I do not know the exact figures. It is 3 in decimal points, but 11 grams.

The inference, the only inference in my mind is that the Special Operations Division, in their wisdom, or lack of it, decided to send along the 6 grams that were in their particular repository.

Senator SCHWEIKER. Dr. Gordon, the part I have trouble comprehending, in view of your testimony is that labels on these cans are stuck on the top of the cans. You could not possibly pick a can up and put it in a file, without reading the label. One label says very clearly 5 grams of stockpile, manufactured in Ohio, which is probably very directly the 5 grams we have been talking about. The interesting label on the other can—this may clear up the 6 gram mystery—it says paralytic shellfish toxin, working fund investigation Northeast Shellfish Sanitation Center. Then it says, USPHS—you do not have to be James Bond to figure out that means U.S. Public Health Service, Narragansett, R.I. And my question is why the U.S. Public Health Service is producing a deadly poison for this country, and who is paying for it, and you could see that by just reading the label on the can, so why all the mystery about where these 6 grams came from?

Mr. GORDON. Senator Schweiker, I do not recollect—and I saw what you are referring to in closed testimony as two exhibits—and I was asked in closed testimony, closed session, that, did I recall seeing those particular exhibits that you are referring to. I honestly do not remember seeing those.

Insofar as the Public Health Service or—as being a source of the shellfish toxin material, this reflects a program that had been going

on for some years. This is part of the cost in resources and value intrinsic in the quantity of shellfish toxin that was expended by those two particular Government agencies for many years for the purposes of developing possibly—again, I am summarizing this, an immunization therapy or technique against this very deadly shellfish toxin.

Senator SCHWEIKER. If it was developed for that purpose, why did they not keep it for that purpose, instead of giving it to you?

Mr. GORDON. They gave it to the Special Operations Division at Fort Detrick Biological Laboratories. How that was obtained, the mechanism, the purchase, acquisition, I have no knowledge about. I can only reflect that they were holding for us year after year, from the time that I entered the TSD, 5 grams of paralytic shellfish toxin. It was on the Agency's stockpile list.

Senator SCHWEIKER. Your testimony is that we have, in fact, been receiving deadly poison manufactured by the U.S. Public Health Service and delivered, indirectly at least, to Fort Detrick. It came to your hands, but first of all to Fort Detrick. And I am wondering whether our House subcommittee that appropriates money for health research is really aware that that is exactly where our health funds have been going.

Mr. GORDON. I understand your question, Senator. I do not have a response to it.

Senator SCHWEIKER. I have a great deal of difficulty understanding why you could not size up the two cans, one being the stockpile from the CIA and Fort Detrick and the other coming from Narragansett, R.I. There's a discrepancy. Does this not ring any bell, or do you not recollect a thing?

Mr. GORDON. I honestly have to say no, sir. I do not understand. In trying to reconstruct events, I just do not remember seeing those particular listings. All I can indicate to you, the materials—by the way, are you saying those listings were attached to the labels?

Senator SCHWEIKER. They were not only attached; they were on top of the can. You could not possibly pick a can up without seeing the text, that is, 5 grams and 6 grams, and the manufacturer, U.S. Public Health Service.

Mr. GORDON. I admit, Senator, I do not have any recollection of that particular photograph or object.

Senator SCHWEIKER. You testified earlier, Dr. Gordon, that someone called from Fort Detrick asking if you would receive or accept these toxins; is that correct, in essence?

Mr. GORDON. Shellfish toxin?

Senator SCHWEIKER. Shellfish toxin.

Mr. GORDON. Yes.

Senator SCHWEIKER. What was the rationale or reason by which he said you should accept it? Why was he not reporting? Because he did report, Fort Detrick did report some 3 grams, as was testified to, that they inventoried and got approval from the National Security Council. I am sure you are well aware of that procedure, yet you elect not to go the accountability route. You elected to follow his suggestion to go the other route?

Mr. GORDON. The Agency's stockpile of all those materials was not on a reported destruction list at Fort Detrick. They were being held

separate and apart, to the best of my understanding. They were being held separate and apart from their own military or Army holdings.

Senator SCHWEIKER. The memo we have from the Army indicates that they reported through official channels, and apparently received National Security Council approval to keep the 3 grams for research purposes.

Mr. GORDON. May I make a surmise, sir? I do not believe—I may be wrong, but I do not believe, that that was the Special Operations Division, or the Biological Laboratories that made that request. I believe that it was another component, research component, separate and apart from the Special Operations Division of the Biological Laboratories that made that request to retain the quantities—that is what I read myself in the newspapers the other day—and apparently received the approval for experimental and R & D purposes, a very legitimate request, in my opinion.

Senator SCHWEIKER. There are two things that I think this committee has to ascertain. First, after the order was issued, did someone make a decision at Fort Detrick to send back your 5 grams. Also, did someone make a decision to include the U.S. Public Health Service quantity that probably momentarily was up in Narragansett, R.I., and throw that in.

Mr. Chairman, I have here a number of requests. As well as the Army, we are going to have to call the Public Health Service to find out why they were producing deadly poison, why they were a part of this whole thing.

Mr. GORDON. I believe, sir, Senator Schweiker, if I could have a moment—

Senator SCHWEIKER. Yes.

Mr. GORDON. I can surmise, sir, for what it is worth. I believe the U.S. Public Health Service—I cannot address myself to the mechanism of how it arrived from the Public Health Service to Fort Detrick, specifically the Special Operations Division.

Senator SCHWEIKER. That is what we want to know, and that is our job to find out, Dr. Gordon.

Mr. GORDON. I believe the Public Health Service—and I say this sincerely—I think, it is injustice, if I may say this, that the Public Health Service was raising or cultivating or making shellfish toxin for the purpose of a poison, per se; in my humble opinion, they were making these quantities to study defensively immunization techniques against the shellfish toxin.

Senator SCHWEIKER. If they had kept it there, Dr. Gordon, and used it for that purpose, I would not be questioning that either. It looked like they were producing a supply of far more than they needed at somebody's expense.

Mr. GORDON. I follow your rationale.

Senator SCHWEIKER. Thank you, Mr. Chairman.

The CHAIRMAN. I follow your view that there is a suggestion here that the committee will have to fully inquire into whether other departments of the Government in addition to the CIA undertook to circumvent the Presidential order by depositing this toxin in this particular cache. And we will look into that, because we want to really get to the root of the whole question presented here. Senator Morgan.

Senator MORGAN. Dr. Gordon, as I understand your testimony, you take responsibility, along with the two of your colleagues for retaining the toxins that we are talking about.

Mr. GORDON. Because of the rationale that I indicated earlier.

Senator MORGAN. That rationale was first, that the National Security Decision Memorandum of February 20 [exhibit 8¹]¹—and I believe you refer to also the 1969 order—

Mr. GORDON. The press releases of November 25, 1969, and February 14, 1970.

Senator MORGAN. You referred to military programs, wherein since the February 20 order, which is actually the National Security Council order—

Mr. GORDON. Which I have not seen.

Senator MORGAN. The memorandum that you have been referring to, or the document that you have been referring to is February 14, was actually the press release—that the memorandum itself was dated February 20.

Mr. GORDON. I understand that.

Senator MORGAN. That reads, following the review of the United States military programs for toxins, the President has decided—so that, part of your rationale was, it applied to military programs?

Mr. GORDON. That is correct.

Senator MORGAN. And you contended that shellfish toxin was not a biological weapon?

Mr. GORDON. In a true sense of the definition, sir—and again, parenthetically, we recognized and admit to a gray area here. Also parenthetically, that both chemical warfare laboratories and biological warfare laboratories, both groups worked on this particular substance, sir. I would like to throw in that there is a chemical, or was a chemical agent program, polytoxin, at, and only at the chemical warfare laboratories.

Senator MORGAN. Dr. Gordon, I see some faults with your rationale, especially with regard to the toxin part. I must say I do not attribute any bad faith or motives at your having arrived at that decision, but let me ask you further—you say you have never seen any memorandum from the President or from the Director of the CIA, with regard to disposal of these toxins?

Mr. GORDON. That is correct, Senator Morgan.

Senator MORGAN. Your decision not to destroy these was based on your rationale, without any guidelines from the Department of Defense, the National Security Council, or anyone else?

Mr. GORDON. That is correct, based on the announcements that I alluded to in this testimony.

Senator MORGAN. Since you originally made that decision, have you, at any time, ever seen a memorandum, even since this matter came up, which later set forth any guidelines for the destruction of biological or bacteriological toxins?

Mr. GORDON. Within the Department of Defense?

Senator MORGAN. The Department of Defense, or the CIA?

Mr. GORDON. I have never seen anything along those lines in the CIA, because in my judgment, again, I am repeating myself, I know—because, in my judgment, these particular press releases, and including

¹ See p. 210.

the National Security memorandum, referred to military programs, and was directed only to the Department of Defense.

Senator MORGAN. Dr. Gordon, as I read the memorandum of November of 1969 and February 20, 1970, or the press release of February 14, the President instructed the Secretary of Defense to make recommendations concerning the disposal of existing stocks of toxins, weapons, or agents. To my knowledge I will state to you, Dr. Gordon, that these recommendations have not been promulgated. I have not been shown a copy of them.

As a matter of fact, I refer to a document dated January 25, 1973, a memorandum for the President, made by a committee of the National Security Council, and has been classified Top Secret. I understand, Mr. Chairman, I would have to have permission from the White House to quote from it.

The CHAIRMAN. Very well; I am told by staff that that is correct.

Senator MORGAN. In this memorandum, Dr. Gordon, dated January 25, 1973, the Committee reports to the President as follows: "No procurement or production of offensive weapons was undertaken during the period under review. Within the framework of applicable environmental legislation, disposal or demilitarization of unneeded stockpiles of chemical weapons has continued."

Then, let's get down to the second paragraph, the main part, and still classified, "All research and development of biological weapons has been terminated. Programs for disposal of stocks of these weapons is now virtually complete." Does that not indicate to you—that as of January 25, 1973, the program for the disposal of biological weapons had not been promulgated?

Mr. GORDON. Within the Department of Defense, Senator?

Senator MORGAN. This is a memorandum from a committee of the National Security Council to the President.

Mr. GORDON. In my judgment, I construe that as pertaining to the Department of Defense only.

Senator MORGAN. It goes on to say, "The laboratory quantities of agents (not weapons) will be retained to support defensive research." Does this not indicate that as late as January 25, 1973, the President knew that biological weapons still existed and that some biological weapons would be retained for research? Is that not a logical conclusion to you?

Mr. GORDON. Within, again, the Department of Defense; yes, sir.

Senator MORGAN. Referring to the Department of Defense—

Mr. GORDON. I agree. I put it in the context of my judgment, Senator Morgan, that it applies to the Secretary of Defense, and the Defense Department. I keep repeating that.

Senator MORGAN. If the Secretary of Defense had promulgated regulations at the request of the President for the destruction of biological weapons, do you not think it would have applied to all of them, all agencies?

Mr. GORDON. In my opinion, this is the directive promulgated by the Secretary of Defense for his particular responsibilities, echelons within the Defense Department, ultimately.

Senator MORGAN. I am not reading a document of the Department of Defense. What I am saying, Dr. Gordon—you may not understand

me—I think the President understood that there would be some problems in the disposal of biological and bacteriological weapons, and I think he must have understood that there would be some need to retain some for research, and I think this is why he asked the Secretary of Defense, who is on the National Security Council, to promulgate some guidelines for doing this very thing.

And according to this memorandum to the President, it appears to me that as of as late as January 25, 1973, these guidelines had not been promulgated. I think what I am saying, Dr. Gordon, is that somebody is trying to tree you, and I think we are treeing the wrong one. I think the fault lies at a higher level.

Mr. GORDON. Senator Morgan, I would appreciate some clarification as to how you see the Agency's role in that particular directive, sir.

Senator MORGAN. I think the Agency role would have been to follow whatever guidelines the President and National Security Council may have set up after receiving recommendations from the DOD. I think you exercised your judgment, perhaps wrongly, but exercised it, based on the fact of what you understood it to mean—from what I read, what I have here, something else may turn up later on. The way I read this, as late as 3 years after the original order there had been no program devised or prepared or promulgated for the disposal of these bacteriological or biological drugs, and it was the responsibility of the President to enunciate this program.

I have 1 minute left. If I could ask you one question. What quantity of shellfish toxin was considered to be adequate for laboratory purposes?

Mr. GORDON. For experimental laboratory purposes, from the point of view of immunization, serving, defense, I am informed—and it is not too unreasonable—by my technical consultant, Dr. Batlin, that the 2, 3, 4 gram—that range is not unreasonable.

Senator MORGAN. Thank you, sir.

Mr. GORDON. Thank you, sir.

The CHAIRMAN. Senator Baker.

Senator BAKER. Mr. Chairman, I was necessarily absent from the hearing room. Therefore, I will relinquish my rights at this time for questioning.

The CHAIRMAN. Senator Hart.

Senator HART of Colorado. Mr. Gordon, if you had been the President of the United States in 1970, and you had wanted to order the destruction of highly toxic material that the CIA had had produced by the Department of the Army, what kind of language would you have used?

Mr. GORDON. Wow. Senator Hart, with all due respect, I do not think I could possibly put myself into the position of the President of the United States. I do not know how to answer that question, Senator.

Senator HART of Colorado. Was there no language, as far as you were concerned as an operating officer in the CIA, that would have conveyed to you the proper meaning, that you and Dr. Gottlieb should have destroyed that material? You could not devise that language in your mind, other than to say "Now, Dr. Gordon, Dr. Gottlieb, I understand you have some material over there. I want it destroyed, along with everything else."

Mr. GORDON. Senator Hart, with all due respect, if we are going to build this scenario, I would be happy to participate in a scenario that

follows. If I were the President of the United States, and it bothers me to say this—in what way, it appears to me possibly that the National Security Council representatives—the Director of the CIA being one of them, might have been asked in some manner whether or not these kinds of materials were materials that were of interest at any one time, current interest—if so, a report on that whole subject matter, pursuant to the White House announcement possibly could have been requested from the CIA. If such a report had been requested, I think much of this would have surfaced undoubtedly, in my mind, at that time.

Senator HART of Colorado. Following up on that point, if the Director of the CIA had asked you whether to your knowledge the CIA possessed, either in its own facilities, or someplace else, materials falling under the Presidential order, would you have responded affirmatively or negatively?

Mr. GORDON. Affirmatively.

Senator HART of Colorado. Is that with hindsight?

Mr. GORDON. Let me think this thing through, Senator Hart. If at that particular time, the Director, through the chain of command had indicated by memo or by some indication of a request which reached me, to search and report and inventory—for that matter, I suspect any behavioral materials, whether they be lethal, incapacitating, of a biological and/or chemical nature, or in the case of toxins, the grey area of both, that would have immediately been complied with.

Senator HART of Colorado. If you had used the language that the President had used, would you have printed these materials on the list?

Mr. GORDON. The President's language in the public announcements?

Senator HART of Colorado. Would you please put these materials on your list, if the Director of the CIA, Mr. Helms, had asked you to list all of the materials that you knew of that fall within the description of the statement of the President?

Mr. GORDON. Yes; I would have so indicated that a stockpile of these particular materials were being held at the Special Operations Division of the Army Biological Warfare Laboratories, Fort Detrick.

Senator HART of Colorado. Contrary to what opinions you may have formed this afternoon, this committee is not prosecutorial. Our function is remedial and not one to find out who was wrong in the past but prevent any wrongdoing from happening in the future. Based on the hindsight that you now possess, what kinds of guidelines would you suggest that this committee recommend or would you recommend directly to the CIA to prevent misunderstanding of this kind arising in the future?

Mr. GORDON. I do not see how this kind of a thing could ever occur again within the Agency.

Senator HART of Colorado. Why is that?

Mr. GORDON. Because of the fact of the discussions, testimony that you have heard here from myself and will hear from others that there was a loose control existing, established by my predecessors and continued to be established because of the nature of that particular vault, that of a storeroom. In hindsight and I am not at all sure on hindsight, I do not know whether or not a storeroom is really ever inventoried because there is no in or out traffic, Senator Hart.

Senator HART of Colorado. I am talking about the breakdown of communications between mid-level and higher level officials, not just this particular vault.

Mr. GORDON. If, in your judgment, Senator, of the policy of the highest level, if they felt that these particular directives were applicable to Agency policies and actions I suspect that there is a case to be made, Senator Hart, that some implementation for Agency consideration and interest should then have come down as a directive through channels.

Senator HART of Colorado. You are suggesting as a remedial step, that under circumstances such as this, not identical but such as this, that the Director and his deputies send down orders spelling out what the CIA's obligations are.

Mr. GORDON. I think that is a reasonable statement, sir.

Senator HART of Colorado. How about information flowing up? What if they have no idea that this kind of capability exists; how are they supposed to find out?

Mr. GORDON. Correct. I think that it is a two-way street. I think periodically and I suspect to some degree at the time, I do not know the depth because I cannot speak past my particular position, conversations were held. I am not aware of anything in writing, but I suspect that conversations were periodically held; to what depth I have no idea, sir.

Senator HART of Colorado. In your career in the CIA, were you ever aware of events or facts that you thought the Director or his immediate staff did not want to be aware of or did not want to know?

Mr. GORDON. Could I have that question again, sir?

Senator HART of Colorado. In your career in the CIA were you ever aware of a set of facts or a set of circumstances that you thought that the Director did not want to know about and it was made clear to you that you were not to convey up?

Mr. GORDON. No, sir.

Senator HART of Colorado. That is all. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hart has suggested, Dr. Gordon, that perhaps you are overly generous in assuming for you and your immediate associates the blame for what has happened here. I would like to put this one question to you and then Senator Mathias has a final question.

If you had been shown the memorandum of the National Security Council, dated February 20, 1970, and had read it, and had been told that it applied to the CIA and had read the first paragraph of the memorandum, which reads: "The United States will renounce the production for operational purposes, stockpiling and use in retaliation of toxins produced either by bacteriological or biological processes or by chemical synthesis;" would you have read that and understood that to mean the shellfish toxin?

Mr. GORDON. Senator Church, if I had seen such a directive from the top management levels of the CIA, I seriously doubt whether I or my little staff would have moved—in our judgment—I seriously doubt whether we would have not been triggered by such an announcement and certainly would have had a different kind of discussion which would have rendered a different kind of a decision.

The CHAIRMAN. What you are saying is, had you been told of such a directive and had it come down properly through channels to you, that you would not have taken the action that you did in fact take?

Mr. GORDON. I believe that is correct, sir.

The CHAIRMAN. Senator Mathias?

Senator MATHIAS. Mr. Chairman, it seems to me that this phone call that Dr. Gordon received from Fort Detrick raising the question of retention of the shellfish toxin may be of some importance in our investigation, as apparently it was in his thinking, because he testified that is really where the idea originated. Dr. Gordon, were you aware of what was happening at Fort Detrick at about the time you received the call?

Mr. GORDON. With respect to?

Senator MATHIAS. Let me be more specific: Were you aware that the Army had set up an elaborate system of procedures, a very complicated and dramatic procedure by which they were destroying the existing biological warfare stockpiles?

Mr. GORDON. That this was to occur, Senator, yes indeed.

Senator MATHIAS. You were aware of that at the time of the call?

Mr. GORDON. As of the DOD directive and program, hence the two announcements.

Senator MATHIAS. I do not believe you told me from whom the call came.

Mr. GORDON. I believe I did, sir. I believe, to my recollection, it was from the project officer, a Mr. Senseney, in the Special Operations Division of Fort Detrick, Md., Army Biological Warfare Laboratories.

Senator MATHIAS. On whose payroll was he?

Mr. GORDON. Biological Laboratories payroll, the Army project officer, to my recollection.

Senator MATHIAS. He was a Detrick employee and not an Agency employee?

Mr. GORDON. That is correct, sir.

Senator MATHIAS. Now, since he was a Detrick employee, and since he was presumably speaking for the Army, did you read anything special into his message?

Mr. GORDON. No, sir, because I suspected his consideration for salvaging the shellfish toxin was no different than the considerations that we had expressed earlier of the extreme amount of time, money, and resources that have gone into getting the shellfish toxin in those quantities to the particular component.

Senator MATHIAS. You recounted the conversation. You said he merely called up and said, "If you want to, come get it."

Mr. GORDON. That is correct.

Senator MATHIAS. Did he imply that this procedure had been considered or discussed by anyone in the Army or was this just his own idea?

Mr. GORDON. Procedure meaning the offering?

Senator MATHIAS. Yes; the offering.

Mr. GORDON. I have to simply indicate in retrospect that he was representing the feelings of the Special Operations Division to offer—Mr. Senseney being, in my opinion, the spokesman, for I suspect some conversation had taken place at the Special Operations Division.

Senator MATHIAS. The conversation did not reflect either that the retention of the toxin would or would not be violative of the President's order or that it would or would not be within the exceptions that might have been created for research purposes.

Mr. GORDON. No, sir.

Senator MATHIAS. Thank you.

The CHAIRMAN. Senator Mondale?

Senator MONDALE. I believe that you just testified that Mr. Senseney of the Department of Defense in his conversation with you suggested a transfer of their stocks to CIA. Did I understand that correctly?

Mr. GORDON. Our stocks, the Agency's holdings.

Senator MONDALE. Let me understand, would it be that you would accept control of the DOD toxin, shellfish toxin?

Mr. GORDON. All these years they had been holding in their repository, Senator Mondale, the Agency's stockpile—is all that was being offered, and again for the record, to the best of my recollection—and I indicated this earlier in closed session—I use the name of Mr. Senseney as the project officer. I do not have any documentation. The phone call could have been made by his superior but it was the Special Operations Division representative—but it was our particular Agency stockpile, Senator Mondale, that was being offered back to us. We never had it as a repository. Now, it is being offered back to us to maintain in our secure safe vault.

Senator MONDALE. As I understand it, in the same vault there were some CIA stocks of shellfish toxin at the Fort Detrick facility and there were also some DOD-owned stocks.

Mr. GORDON. It appears that way.

Senator MONDALE. Both the DOD- and the CIA-owned stocks were returned to Washington and placed in the warehouse here, is that correct?

Mr. GORDON. In a secure safe.

Senator MONDALE. Were you aware that these stocks which were transferred then to the warehouse in Washington contained toxins formerly owned by the DOD?

Mr. GORDON. No, sir.

Senator MONDALE. You did not know that?

Mr. GORDON. No, sir. I thought in all good faith I was to be given the Agency stockpile of five grams. I read, of course—I just do not recall the exhibit shown to me with the specific listings of the contents of those cans.

Senator MONDALE. As I understand it, as the testimony developed today, your final judgment was that the order to destroy shellfish toxin was directed at the Department of Defense and not CIA?

Mr. GORDON. That is correct, sir.

Senator MONDALE. All right. That decision was made by you, Dr. Gottlieb, and who else?

Mr. GORDON. Let me, if I may, refer back to the conversation that I indicated here, where after the memorandum outlining the options, the possibility of transferring our stocks to the private laboratory was turned down. I was informed by Dr. Gottlieb and I hastened to comply and I went up to Fort Detrick to terminate our particular project and told them that all the Agency holdings were to revert to their own particular repository, to do whatever they pleased with. That was the extent, to the best of my recollection, of the conversation.

Senator MONDALE. The decision was that the CIA stocks need not be destroyed because they were owned by the CIA and not the mili-

tary and that the order was directed to the military, not the CIA, is that correct?

Mr. GORDON. Senator Mondale, after that conversation from Fort Detrick subsequent to going up there, the particular stockpile was to be theirs for their use in the disposition. The only subject that then became a topic for conversation was shellfish toxin, not anything else.

Senator MONDALE. Right. Listening to your testimony today I thought what you were telling us was this: that the reason that it was fundamentally determined that you need not destroy the toxin was that the order ran to the Defense Department, not the CIA.

Mr. GORDON. That, plus the consideration that we, in our judgment, considered this as a chemical entity.

Senator MONDALE. All right. In urging that consideration, you, Dr. Gottlieb, and who else decided it?

Mr. GORDON. Dr. Gottlieb was not informed at the time that a small group made the decision to receive the shellfish toxin. Dr. Gottlieb was not in the picture, Senator Mondale.

Senator MONDALE. It was you and others in your shop who made the decision that because you were not in the military, the order of destruction did not apply to you.

Mr. GORDON. That is correct.

Senator MONDALE. You are all technicians, chemists, biologists, and so on. What led you to believe that you had the authority to make what is essentially a legal judgment?

Mr. GORDON. We did not look at it in that light. We looked upon it as a technical consideration.

Senator MONDALE. How could you do that? This is a consideration of the order as to whether you were technically in the reach of the Presidential decree to destroy these toxins. You decided that you were not because you were not in the military. Did you assume that you had the authority to make that legal judgment?

Mr. GORDON. I can only repeat that I never, in our conversations among ourselves, ever considered or talked about, not being lawyers, any legal considerations or implications, sir. We worked on the subject matter strictly from the point of view of a chemist. Was this substance something that had definite, interesting, highly lethal qualities as a chemical agent? The answer collectively after much discussion apparently was yes, and we made the decision on that basis. Because the decision was rendered as, in our judgment, as a chemical agent, we felt that this was an ordinary, highly lethal agent to be kept in a safe, secure storage area, and proceeded to do so.

Senator MONDALE. We have gone far enough.

The CHAIRMAN. It never even occurred to you to raise the question with legal counsel as to the scope or direction of the Presidential order, and how it would apply to you? Do you think that is a judgment that scientists are competent to make?

Mr. GORDON. I have to answer candidly. It did not occur to us at that particular time that we were in violation of a particular directive that we had referred to the White House announcements and again, in our judgment, based upon earlier consideration, the course of events was made and followed, sir.

Senator MONDALE. It seems to me that when we press the defense that this was not practicable within the meaning of the order because

it was a chemical, we hear the military defense and when we press the military, we get a chemical defense. There is no way to get an answer.

The CHAIRMAN. Senator Schweiker has asked for a final question and Senator Hart will follow.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Dr. Gordon, when you received these two cans of material, did you log them in in any way?

Mr. GORDON. No; we did not, sir. We did not have a practice of logging. We did not have a practice in that small, secure laboratory of logging in material because the degree of activity was practically nil. We did not look at it as a use laboratory, Senator Schweiker. It was essentially, in effect, a storage, secure storage area—in the event that it would ever be needed for an operational need, pill, or any other application.

Senator SCHWEIKER. Here is a toxin that could kill thousands of people. If you walk into the CIA building you have to be logged in. I do not know why we do not log a toxin that could kill many thousands of people.

Mr. GORDON. I would like to make a comment with respect to what has been in the press a number of times. The only way admittedly, and unequivocally, that is a large amount of material for any purposes of applying it in a lethal form to people—the only way that you could kill those large numbers of people as related to the quantity of stockpile, is, in my humble opinion, to put some of them in one long line and inoculate each and every one.

Senator SCHWEIKER. My next question is, did you take periodic inventories of your laboratory?

Mr. GORDON. We did not, sir. I indicated, we did not ever take inventory during my stay. I relied upon my project officer for that kind of thing and I myself did not take inventory.

Senator SCHWEIKER. Is it true throughout the whole CIA that you do not take inventory of the assets you have, the investment you have made, and the materials on hand? Is that a normal policy throughout the organization?

Mr. GORDON. I do not understand that.

Senator SCHWEIKER. It is hard for me to understand. That is, I thought the CIA pretty much had to OK everything that went in or out or had any money attached to it whatsoever. Do I understand we had no policy for this, none at all, no recordkeeping at all?

Mr. GORDON. I can only address myself to the specific laboratory or secure vault area. We did not, in my particular period, even run an inventory on those materials. They were simply there as they would be in storage. If one were to inquire whether compound A was in the facility, I would simply ask my project officer to go down and inspect the holdings and tell me or tell someone whether that substance existed. In retrospect, and I concur, we should have had an inventory.

Senator SCHWEIKER. The other question I had—basically you testified earlier that you asked a scientific colleague of yours whether the directive issued by the President covered shellfish toxin; is that correct? You asked someone their opinion?

Mr. GORDON. My project officer and technical consultant and myself were the people concerned in the discussion.

Senator SCHWEIKER. Did you ask the General Counsel of CIA for his legal opinion about the order?

Mr. GORDON. No; I did not, Senator. We did not ever in our discussions, not being lawyers, think in those particular terms—of legal counsel or legal opinion, sir.

Senator SCHWEIKER. Not being a lawyer, Doctor, it seems the first person to call is a lawyer to find out what the legal parameters are of the problem.

Mr. GORDON. We looked upon this as a technical consideration only. Hence, I have to indicate to you, Senator, that we did not think—or as a result of not thinking—we did not ask for any legal opinion or counsel.

Senator SCHWEIKER. That is all I have, thank you.

The CHAIRMAN. Senator Hart?

Senator HART of Colorado. One final question, Dr. Gordon. Is it your view that, had you to do it all over again, you would have swallowed these poisons?

Mr. GORDON. No, sir.

The CHAIRMAN. Senator Huddleston?

Senator HUDDLESTON. One question. You said that Dr. Gottlieb was not a party to this decision. Is that correct?

Mr. GORDON. That is correct.

Senator HUDDLESTON. Was he subsequently advised?

Mr. GORDON. No; he was not.

Senator HUDDLESTON. Was any person higher than you?

Mr. GORDON. No; the only people informed among our own low group was myself, my project officer, and technical consultant.

Senator HUDDLESTON. For what purpose did you conceive that you were storing this and retaining it?

Mr. GORDON. I will answer that and then before I close this session, Senators, I would appreciate if I could have the opportunity of a concluding statement?

The CHAIRMAN. Yes; of course.

Mr. GORDON. We felt that we would retain this material first of all because of an extremely high cost in resources that had gone into it as we knew it at that time—into the preparation and accumulation of this kind of material in that amount.

Second, we knew that this was information that I became aware of following discussion with my technical consultant, that this material was a kind of material that was used in the suicide device that was issued to U-2 pilots.

Senator HUDDLESTON. How did you perceive that this might be utilized for this purpose and that the individuals who had a responsibility for making that decision did not know that it existed?

Mr. GORDON. If we were asked from the highest level on down what substances we would recommend for the kind of purpose to supersede the cyanide pill which was the state of the art. I would then undoubtedly, after informing my colleagues, my project officer, and technical consultant, making our decision—this is hindsight—that we would have informed those who had a need, that we had these materials and we could service their requirement.

Senator HUDDLESTON. You just kept it as a hedge against a possible order or instruction?

Mr. GORDON. Operational need.

Senator HUDDLESTON. Thank you.

The CHAIRMAN. You would then be in the position to say, "We have good news. In a little corner here, we have some of these poisons, and we have not said anything about them until now, and you have asked us. We just happen to have a supply available."

Mr. GORDON. One of the things I indicated, Senator Church, over the years, my predecessor—or predecessors, if you will—accumulated many chemical agents that have been experimented with for a variety of purposes in the physically incapacitating or mentally incapacitating area. These are the things that became physical objects, if you will, in those particular areas.

The CHAIRMAN. That was before the President issued his order directing the elimination?

Mr. GORDON. Much before.

The CHAIRMAN. All right.

You have asked to make a concluding statement, Dr. Gordon. Would you please proceed?

Mr. GORDON. Thank you, Senator Church. I appreciate the opportunity to make this concluding statement.

I thank the committee and staff for the close attention they have given me during the course of this public testimony. Finally, I believe sincerely that our action at the Technical Services Division was in the interest of the Agency's policy in the field of behavioral materials, both biological and/or chemical, to maintain a potential capability—I emphasize potential capability—in the event that the need should arise to use these materials operationally one day. Thank you, sir.

The CHAIRMAN. Thank you very much, Dr. Gordon.

The committee will meet at 10 o'clock tomorrow morning. Our first witness will be Ambassador Richard Helms, who was Director of the Agency at the time under examination this week.

This hearing is adjourned until 10 o'clock tomorrow morning.

[Whereupon, at 4:40 p.m., the committee recessed, to reconvene at 10 a.m., Wednesday, September 17, 1975.]

WEDNESDAY, SEPTEMBER 17, 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, Mathias, and Schweiker.

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

The CHAIRMAN. The hearing will please come to order.

Our first witnesses appearing today are Mr. Richard Helms, who was the Director of the CIA during the period in question, and Mr. Thomas Karamessines, who was the Deputy Director for Plans (operations) during that period.

They are appearing together at the witness table, and gentlemen, I ask you to stand now to take the oath. Do you solemnly swear that all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Ambassador HELMS. I do.

Mr. KARAMESSINES. I do.

The CHAIRMAN. Before I ask counsel to commence with the questions, since I understand that you do not have an opening statement—

**TESTIMONY OF AMBASSADOR RICHARD HELMS, FORMER DIRECTOR
OF CENTRAL INTELLIGENCE AGENCY, ACCOMPANIED BY THOMAS
KARAMESSINES, FORMER DEPUTY DIRECTOR FOR PLANS, CENTRAL
INTELLIGENCE AGENCY**

Ambassador HELMS. That is correct, Mr. Chairman.

The CHAIRMAN. I have a letter I would like to read that came to me this morning from Mr. Colby, the present Director of the CIA. It reads as follows:

Dear Mr. Chairman: At the proceedings of your Committee on the morning of 16 September 1975, I may have conveyed an impression which I did not intend. If by chance you, or other members of the Committee, got a similar impression, it is important that I clarify the record now, since it might affect your line of questioning of future witnesses.

When I was being questioned as to the destruction of certain CIA records I was thinking of the question in its broadest context; namely, drugs, bacteriological agents and chemical agents. I thus answered that there were indications of record destruction in November 1972.

I realize that most listeners might have inferred that I was indicating that records relating to the CIA-Fort Detrick relationship—in particular, records relating to Project MKNAOMI—were destroyed.

The facts are these: records relating to CIA's drug program in general were destroyed in January 1973, but there is no evidence that records of Project MKNAOMI or of the CIA-Fort Detrick relationship were destroyed, other than possibly as included in the general group in January 1973. I would appreciate it if you would advise the other members of the committee to this effect.

I also referred mistakenly to a memorandum between former DCI Helms and Dr. Gottlieb regarding the destruction of records. This was based on a misunderstanding which occurred during my hurried consultation with Dr. Stevens. We have no knowledge of any such memorandum.

And it is signed by William E. Colby.

Now Mr. Schwarz, would you please commence the questioning?

Mr. SCHWARZ. Mr. Helms, without going through your pedigree in the CIA, is it correct to say that you started at the OSS? You were with the CIA from its beginning?

You were at the covert side. You became head of the Deputy Directorate of Plans. You stayed in that position until approximately 1966 when you became Deputy Director of the Agency. You became Director of the Agency in 1967 until you left in 1973.

Ambassador HELMS. No, sir, that is not quite correct. The positions are correct, but I became Deputy Director in 1965, and Director, I believe around June 30, 1966.

Mr. SCHWARZ. All right.

And Mr. Karamessines, you were at the Agency in the covert side for your entire career, is that correct?

Mr. KARAMESSINES. That is correct, sir.

Mr. SCHWARZ. And in 1970 you were Deputy Director for Plans?

Mr. KARAMESSINES. Yes, I was.

Mr. SCHWARZ. Mr. Helms, were you aware that the CIA had a capability to use bacteriological and chemical weapons offensively?

Ambassador HELMS. Yes, I was aware of that. If one has in one's possession or under one's control bacteriological or chemical weapons, they can be used both defensively and offensively.

Mr. SCHWARZ. And Mr. Karamessines, you also were aware of that as of 1970 and before, were you not?

Mr. KARAMESSINES. Yes.

Mr. SCHWARZ. And by use offensively, we mean to include killing people, is that right?

Ambassador HELMS. Well, they have the capacity to kill people, if they were used in that way.

Mr. SCHWARZ. Did you connect the CIA's biological capability with the Fort Detrick Army facility?

Ambassador HELMS. I'm not certain I know what you mean by the word "connect," but the biological weapons, as you refer to them, which the Agency was experimenting with were kept at Fort Detrick. This was a joint program between the two organizations—the U.S. Army facility at Fort Detrick and the CIA. I believe we paid Fort Detrick for that part of the facility and that part of the materials which we used.

Mr. SCHWARZ. Did you know, Mr. Helms, one way or the other, whether the Agency also had in its possession and in its own facilities certain quantities of lethal biological or chemical materials?

Ambassador HELMS. It was always my impression that the bacteriological warfare agents and things of that kind were kept at Fort Detrick. I realize that the Agency had in its possession in Washington, and in some cases at overseas stations, things like L tablets and K tablets which certainly were lethal, but which had limited uses.

Mr. SCHWARZ. Recognizing it is difficult to be sure of a negative, let me ask you the question, nevertheless.

Did you know that the only location of CIA biological weapons was at Fort Detrick, or was the possibility in your mind that there were such weapons located within CIA facilities themselves?

Ambassador HELMS. I thought they were all at Fort Detrick.

Mr. SCHWARZ. Mr. Karamessines, did you have any different understanding?

Mr. KARAMESSINES. I also understood that they were at Fort Detrick with the modification that there might be a small amount of some of these chemicals within the custody of the Technical Services Division.

Mr. SCHWARZ. In a CIA facility?

Mr. KARAMESSINES. Yes.

Mr. SCHWARZ. Ambassador Helms, at some point did you learn that President Nixon had concluded that the United States should renounce biological warfare and should destroy stocks of biological weapons?

Ambassador HELMS. Yes, I was aware of this. In fact, I was aware that the matter was under study from the early days of President Nixon's administration, because I attended a National Security Council meeting at which he announced that he intended to have this study made.

Mr. SCHWARZ. And Mr. Karamessines, did you at some point become aware that President Nixon wished to have such materials destroyed?

Mr. KARAMESSINES. Yes.

Mr. SCHWARZ. What did either one of you do, if anything, to make sure that such material in the possession of the CIA—Mr. Karamessines—or in the possession of Fort Detrick—Mr. Helms—should be destroyed?

Ambassador HELMS. Are you directing the first question to Mr. Karamessines and the second one to me, or—

Mr. SCHWARZ. Why don't you take the first, Mr. Ambassador, and Mr. Karamessines the second?

Ambassador HELMS. My recollection is that, when the order was issued to do away with these bacteriological agents and toxins, that Mr. Karamessines and I agreed that we had no choice but to comply. And, in fact, when I say no choice, I do not mean to indicate that we wanted any other choice, I just meant that we had understood that this was an instruction that we were to abide by, and we agreed to terminate the program.

Mr. SCHWARZ. And by terminate the program, you mean terminate the program with Fort Detrick?

Ambassador HELMS. At Fort Detrick, yes.

Mr. SCHWARZ. What was your understanding of what was done, Mr. Karamessines?

Mr. KARAMESSINES. Precisely the same.

Mr. SCHWARZ. Now, Mr. Karamessines, with respect to your answer that you did know that TSD had in its own possession certain biological agents, did you do anything to have those destroyed?

Mr. KARAMESSINES. Yes. It was my understanding with Dr. Gottlieb that not only would our program be terminated, but whatever materials of this nature that might be in the custody of the Agency, or were in the custody of the Agency, would be returned to Fort Detrick for destruction.

Mr. SCHWARZ. Did you instruct Dr. Gottlieb to accomplish that?

Mr. KARAMESSINES. Yes, I did; but I want to elaborate on that comment, lest I leave the impression that there was some reservation on the part of Dr. Gottlieb. There is no question in my mind about the fact that Dr. Gottlieb, Mr. Helms, and I were of one mind as to what we should do with the program and the materials—they should be gotten rid of—and instructions were accordingly issued to Dr. Gottlieb.

Mr. SCHWARZ. In that conversation, was Mr. Helms made aware of the fact that there were materials in the possession of the CIA itself?

Mr. KARAMESSINES. I can't recall.

Mr. SCHWARZ. Would you both look at the document previously marked as exhibit 1,¹ which purports to be a draft memorandum from Mr. Karamessines to the Director of Central Intelligence?

Have you both seen that document previously?

Mr. KARAMESSINES. Yes; and I would like to make a comment with respect to that document if I may, Mr. Schwarz. The comment relates to a story in the Evening Star yesterday. It was a mistaken story, but it does say that the committee provided the Star—or made available—a copy of this memorandum, "written by me." Now, I did not write that memorandum.

The CHAIRMAN. I might say, Mr. Karamessines, that that memorandum was made available to all newspapers as a result of the public hearing which was featured yesterday.

Mr. KARAMESSINES. I'm sure it was. Thank you, Senator.

I never saw this memorandum; I never wrote the memorandum; I never signed such a memorandum; and I was unaware of the contents of the memorandum.

Mr. SCHWARZ. And, Ambassador Helms, you never saw such a memorandum?

Ambassador HELMS. No, Mr. Schwarz.

Mr. SCHWARZ. All right. Now, Mr. Ambassador, I want to follow one line with you and then my questioning will be finished.

Relating to your comment that you heard early that the President—that is, President Nixon—was interested in getting rid of biological weapons—

Ambassador HELMS. Biological weapons in war. I think we ought to appear pretty precise about this, because he was trying to do away with the use of bacteriological and chemical agents in wartime. In other words, to destroy populations and so forth, and this was the general thrust of this whole—of that whole investigation.

Mr. SCHWARZ. Are you trying to take the same position that Dr. Gordon did yesterday? That the President's order did not apply to the CIA?

Ambassador HELMS. No; I was just trying to correct what you were saying. You were far too general in your statement of what President Nixon had in mind, that is all.

¹ See p. 189.

Mr. SCHWARZ. Is it your understanding that the President's order did apply to the CIA?

Ambassador HELMS. Certainly.

Mr. SCHWARZ. After the subject was first raised by President Nixon, was there a study group formed up by the National Security Council?

Ambassador HELMS. I would have assumed so because when matters were taken under advisement at the National Security Council, some staff mechanism went into effect to draft the papers and the options and so forth so that the President could make a final decision.

Mr. SCHWARZ. Did you, yourself, disclose to such a body, such a group, the fact that the CIA had, and had had, stocks of biological weapons?

Ambassador HELMS. I do not recall having divulged to this group—in fact, I do not think that under normal circumstances we would have divulged a secret activity of this kind to this particular study group.

Mr. SCHWARZ. Did you divulge such activity to Mr. Kissinger, who was then the Secretary of the NSC?

Ambassador HELMS. I do not recall having discussed it with Dr. Kissinger.

Mr. SCHWARZ. Did you disclose such activity to President Nixon?

Ambassador HELMS. Well, the existence of the activity in the Agency, and similar activities, I am sure were known to proper authorities over a period of time.

In the particular context of this event that you are speaking about—in other words, that the President decided to make a study of this, I do not recall mentioning this to him, or conveying the information to him in that context.

Mr. SCHWARZ. Let's be quite precise in connection with that answer, Mr. Ambassador. Did you disclose to President Nixon, from the time he took office and thereafter, the fact that the CIA had a program which included the offensive use, capability to use offensively, biological devices in order to kill people?

Ambassador HELMS. I don't recall having briefed President Nixon on that, or several other programs, but you will recall, Mr. Schwarz, that he was once Vice President for 8 years and was privy to a lot of things that were going on in the Agency then which he carried over to the Presidency. So that the degree to which he was aware of this program, I simply do not know.

Mr. SCHWARZ. But that is the point. You do not know, do you, Mr. Helms, based upon his prior service as Vice President, whether or not he was aware of the Agency's program?

Ambassador HELMS. No; I don't.

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

The CHAIRMAN. Mr. Smothers, do you have any supplementary questions at this time?

Mr. SMOTHERS. I have none at this time, Mr. Chairman.

The CHAIRMAN. Mr. Helms, I am puzzled somewhat. It has been established by your testimony that the CIA had in its possession biological toxins that were subject to the President's order that they should be destroyed.

You have testified that a special study group was set up by the NSC pursuant to that order, and that that study group was not notified of

the possession of these materials. And you have said that you did not think it was appropriate to give them that kind of information.

Since this was a study group of the NSC, and since, under the statute you are to take your directions from NSC in covert operations, why wasn't it appropriate to tell this study group of that particular capability?

Ambassador HELMS. Yes, sir, it is true that the statute reads that the Director of Central Intelligence reports to the National Security Council, which, in effect, is reporting to the President when they report National Security Council. They do not necessarily report to the National Security Council staff.

Many of these study groups that were put together on a whole variety of matters over the years would not have been made privy to secret intelligence information unless there was some specific request on the part of Dr. Kissinger, or someone, that they should be so briefed. So this was the custom, not an exception to the rule.

The CHAIRMAN. Was it also the custom not to inform the Secretary of State or the President who indicated his interest that these materials should be destroyed?

Ambassador HELMS. Well, sir, you know, I think that, in fairness, when the President indicated that he wanted this matter studied, he had not, at that time, made the decision. This National Security Council staff group studied the matter and then made a recommendation to him, and it was after that that he made the decision that they should be destroyed. He had not made it before.

The CHAIRMAN. Well when he made the decision that they should be destroyed, it was given great publicity. And then a memorandum, which appears in your notebook—would you please locate it?

Ambassador HELMS. This National Security Council Decision Memorandum.

The CHAIRMAN. Right. I call your attention to this Decision Memorandum 44, [exhibit 8¹] which is dated February 20, 1970. It is directed to you, the Director of the Central Intelligence Agency, along with the others—the Vice President, Secretary of State, and the Secretary of Defense. The subject of the memorandum is U.S. Policy on Toxins. I read the first part to you:

Following a review of U.S. Military programs for toxins, the President has decided that, one, the United States will renounce the production for operational purposes, stockpiling and use in retaliation of toxins, produced either by bacteriological or biological processes, or by chemical synthesis.

Now, yesterday, when Dr. Gordon testified, he said that he had never received, at any time, any instructions from you or from Mr. Karamessines, or from any one of his superiors in the CIA, to carry out this order. He also testified that he had never seen the order, and, that had he been shown the order, he would have destroyed the toxins. I think that is a fair summation of his testimony.

He further testified that he read about the President's policy in the newspapers, and attempted to interpret the meaning of that policy from the way it was carried in the newspapers.

Now why wasn't this order given to him in the form of a directive to make certain that the President's policy was implemented?

¹ See p.210.

Ambassador HELMS. Well in the first place I was under the impression that when I had asked to have the program terminated and the President's instructions abided by, that Dr. Gottlieb would have issued the necessary orders to his people to see that this was done.

In the second place, since it was my understanding that these toxins and so forth were at Fort Detrick, that is the place they would have been destroyed.

And, third, as far as this document itself is concerned, I noticed that it is classified secret. And, under the requests of the White House at that time, top secret and secret documents were restricted in their dissemination in the Agency quite rigidly. These documents came to me in the first instance. This one I am sure I would have passed to Mr. Karamessines. Whether the document itself would have gone further than that I do not know, but I would not think so. So that explains the fact that Dr. Gordon never physically saw the document.

The CHAIRMAN. Certainly you are not testifying that a document of this character cannot go to the very people to whom it is directed, in effect, the people who had custody of the very toxins that the President had ordered destroyed?

Ambassador HELMS. Well, sir, I am sorry—

The CHAIRMAN. Some directive to implement the President's order based upon this memorandum—

Ambassador HELMS. Yes, sir, I agree.

The CHAIRMAN [continuing]. Should have been sent down to the people who had charge of the toxins.

Ambassador HELMS. And I thought Dr. Gottlieb had done this.

The CHAIRMAN. Did you follow up, since this was national policy that had been given worldwide publicity, to see that your order was complied with?

Ambassador HELMS. I never went and searched facilities, but I had been given to understand the program had been terminated, so I accepted that. These were employees with whom I had been associated with for many years. I had no reason to believe that they would mislead me or misguide me.

The CHAIRMAN. Who told you that the toxins had been destroyed?

Ambassador HELMS. I read about it in the newspapers, in addition to everything else. [General laughter.]

Mr. KARAMESSINES. May I make a comment on that Senator?

The CHAIRMAN. Yes, Mr. Karamessines.

Mr. KARAMESSINES. After the instructions were given to Dr. Gottlieb, instructions with which he was in full accord, he went off to carry them out. As I testified a week ago, he came back and reported to me that the instructions had been carried out and he was happy to be able to tell me further that, because Fort Detrick was going to be permitted to continue to do defensive research in these areas, he had established an arrangement with one of the scientists at Fort Detrick who would keep the Agency posted on the state of knowledge and developments in the defensive area. He was happy to tell me this and I was happy to hear it. And, that, as far as I was concerned—and I am sure as far as Mr. Helms was concerned, to whom I reported this—put a period to it.

The CHAIRMAN. Then aren't you shocked to discover 5 years later that your orders were not carried out and that not only were 5 grams

of shellfish toxin retained, but also additional quantities have been discovered in a CIA laboratory?

Mr. KARAMESSINES. Not shocked, no, sir. Disappointed, perhaps, but not shocked.

The CHAIRMAN. Disappointed that your orders were not carried out and that national policy was not implemented?

Mr. KARAMESSINES. That is correct.

The CHAIRMAN. But not shocked?

Mr. KARAMESSINES. No, not shocked.

The CHAIRMAN. Why not shocked?

Mr. KARAMESSINES. I think Dr. Gordon answered that in his testimony as I read it in the newspapers.

The CHAIRMAN. Well, Dr. Gordon's testimony was that he had great difficulty with the order and that he and his associates decided not to comply with it.

Mr. KARAMESSINES. Well, sir, you use the word shocked and it has been used many times in connection with many of the activities of the Agency and I think it is conveying a misleading impression and I would rather say that my own reaction when I heard of this was surprise and disappointment. But to tell you, since I am under oath, that I was shocked, I do not shock easily, sir.

The CHAIRMAN. Apparently not.

Senator Tower.

Senator Tower. Thank you, Mr. Chairman.

Mr. Helms, it has been established that although you became aware of a Presidential directive to destroy biological and chemical weapons stockpiles, you did not issue a written directive to Agency personnel transmitting such instructions to subordinates. It has been shown, however, that compliance was directed orally and may have taken the form of a direction to Mr. Karamessines to veto suggestions for CIA maintenance of chemical and biological weapons after issuance of the order. Now, what is unclear is whether your order would have or could have been applicable to such substances stored for the CIA at Fort Detrick or other locations by the DOD, as well as any quantities, however small, of such agents, which may have been in possession of the CIA itself. Now, what should a reasonably prudent Director of the CIA have done under the circumstances?

Ambassador HELMS. Well, Senator Tower, I must say that I always regarded myself as a reasonably prudent Director of the CIA, at least I tried to behave in that regard and in that way.

Senator Tower. I did not intend to infer otherwise.

Ambassador HELMS. I understand, but I had to start my statement somewhere.

Senator Tower. Perhaps a little reconstruction would help you.

Ambassador HELMS. I was dealing here with Mr. Karamessines, and Dr. Gottlieb, both gentlemen and officers that I had known in the Agency for many years. I do not know of any more trustworthy individuals in the United States than these two individuals, at least based on my long experience with them, patriotic, trustworthy, and loyal, so when we had a discussion about this, this was as good as writing it in letters of blood as far as I was concerned. I have never known Mr. Karamessines to fail to do what I asked him to do or to come back and report to me why he was unable to do it. And I think that when the

Chairman a moment ago was referring to our surprise that these toxins showed up in a vault many years later, I share with Mr. Karamesines my own disappointment. Because, frankly, Senator Tower, we always regard the Agency as a very well disciplined group of people.

I remember that when Vice Admiral Rufus Taylor, who was my deputy for 2 or 3 years, left the Agency, he wrote a letter to President Johnson. And I remember in that letter he had words to the effect that he had never seen a more disciplined outfit in his life, including the United States Navy. After all, Admiral Taylor was a Naval Academy graduate and a career member of the Naval Service and once Director of Naval Intelligence. So, I felt that that was a compliment from an outsider, if you like, one who had not spent his life or his career with the Agency.

So, when we learned about this, or when I learned about it, I really was frankly surprised because it was one of the few instances I knew of in my 25 years where an order was disobeyed.

Senator TOWER. Was it the usual practice for you to give oral orders or instructions to your subordinates?

Ambassador HELMS. Constantly.

Senator TOWER. On extremely important matters or perhaps especially on very sensitive matters, is it policy not to transmit these things in writing?

Ambassador HELMS. Sir, when the day comes that in an intelligence organization, particularly a secret organization, everything has to be put in writing, it is going to come to a resounding halt, I am afraid.

Senator TOWER. Now, yesterday there was evidence produced regarding both the toxins and the delivery systems. And we were shown a device resembling a GI .45 pistol. In a staff interview on September 10, you were asked about these dart guns. I would like to read from your testimony of September 10, where we find the following comment. Mr. Michel asked the question :

Were you aware of something that could be fairly characterized as being a dart gun as having been among the devices developed in stockpiling in this program?

Mr. HELMS. I think over the years I have heard of dart guns in a variety of contexts. I do not recall particularly in connection with the toxins. I have heard of dart guns with poison on the end, you know. The natives use them in Latin America. I believe the Agency had things of that sort, you know. You fire them with rubber bands or something of this kind. I have no doubt you know, there was quite an arsenal of peculiar things developed by TSD over the years for use in one context or another.

Now, during your tenure as Director, did you ever consider employing this dart gun or similar weapons against a human target?

Ambassador HELMS. No, sir, I do not recall ever having considered it, let alone authorize it. It might interest you, Senator Tower, to know that when that gun was put on the table in front of the chairman yesterday, that was the first time I had ever seen it.

Senator TOWER. So these kinds of things actually remained within TSD and were not something that you were familiar with in detail.

Ambassador HELMS. I certainly could have seen them if I had chosen at any time. I never chose and they were never brought to me and so I simply state the simple fact that by chance I had never seen that dart gun until yesterday.

Senator TOWER. I have no further questions, Mr. Chairman.

The CHAIRMAN. Senator Mondale.

Senator MONDALE. Mr. Helms, yesterday I believe you sat through the hearings at which Mr. Gordon and Mr. Colby testified and heard Mr. Gordon, in effect, defend the actions of his office in not destroying the toxins on two grounds. One, that they were not chemical or biological toxins, within the meaning of the Presidential order requiring destruction. And, two, in any event the order for destruction ran to the Department of Defense and not to the CIA. In your judgment, are either justifications valid?

Ambassador HELMS. Well, sir, I do not want to characterize Dr. Gordon's perceptions of things at the time and which was proper and which was improper. I did listen to him yesterday afternoon and I thought that he made a very articulate case of what he had in his mind at the time and I have no interest whatever in criticizing him.

I just simply want to say, in order to clarify this matter a little bit, that as I was listening to him yesterday, I realized that not being either a chemist or a biologist and having no competence in either of these areas, I would not have known how to write a directive that would have encompassed everything that he was talking about yesterday.

So, I simply cannot contribute to this except to say that it was my impression, and I say impression because I am not an expert, that we were supposed to get rid of those things and that is why I ordered the program terminated and these things were everything that I thought you could draw a circle around as applying to the President's directive. But when a scientist comes to draw in the circle, he would probably draw it differently than I would.

Senator MONDALE. In other words you are testifying that in your judgment there is doubt as to whether these were toxins within the meaning of the Presidential order.

Ambassador HELMS. Like I say, I do not know, sir.

Senator MONDALE. Even today do you have doubts?

Ambassador HELMS. I have heard no expert witness except Dr. Gordon. I do not know whether some other witness would support him or not. I understand that you have a distinguished witness here who developed these things in the first place and who is going to testify before you. And whatever he would say, I would be prepared to accept. That is the way I have had to do these things.

Senator MONDALE. What of the defense that the order to destroy toxins, if included within the order, did not run to the CIA?

Ambassador HELMS. Well, Senator Mondale, I do not think that I want to take refuge in that kind of an argument. My understanding of what the President wanted was that he wanted these things got rid of and whether they were in the Army or the CIA, he wanted them disposed of. I was not, in other words, taking a legalistic position on this, I was just trying to abide by what I thought were his wishes.

Senator MONDALE. But the other day when we had our off-the-record discussions, you indicated that what had happened was "a very serious breach of their instructions." Would you still stand with that description?

Ambassador HELMS. That is the way I felt, sir. But I had not, at the time I made that statement, heard Dr. Gordon's explanation. I have not communicated with Dr. Gordon in many, many years, if ever, so that I did not know what he had on his mind. I simply made that

statement because that is based on the facts as I knew them at that time. That was what I thought this was.

Senator MONDALE. In any event, at the time, it is your clear recollection that it was your understanding that the toxins within the control of the CIA were to be destroyed. You ordered, orally, their destruction through Mr. Karamessines, and later you were surprised to find out that they had not been destroyed.

Ambassador HELMS. Not only later, some 5 years later.

Senator MONDALE. That is correct. But in any event, this was a breach of your instructions to destroy the toxins.

Ambassador HELMS. It seems so to me.

Senator MONDALE. What authority does the CIA have for developing this chemical and toxic capability? I am now asking the question in the context of the pre-Presidential order. Where do you draw your authority to develop such a capability?

Ambassador HELMS. Sir, these activities, as I recall it, Senator Mondale, started back in the early fifties. I do not remember whether they started when General Smith was the Director or when Allen Dulles was the Director. Nor do I recall under what rubric at that time they made the decision to go ahead with these things. I must confess that when I became Director I do not recall going back into the legislative or legal history of it. I simply had accepted the fact over the years that the Agency was expected to maintain defensive capabilities and be in the vanguard of these exotic things for the simple reason that a good intelligence organization would be expected to know what his adversaries were doing and to be in a position to protect himself against the offensive acts of his adversaries.

During the fifties and sixties, there were occasional incidents which reminded us that we must be very careful and stay involved in this kind of activity. For example, I think it was in the year 1957, and I want to say here that I have been trying to refresh my memory in the last 24 hours about these events and, so if I get some dates wrong or some names wrong, I hope the committee will forgive me. I am not intending to mislead or falsify, but I think it was some time around 1957 a Russian KGB agent, named Stachinsky, came to Munich. And, using some kind of a poison spray or dart or weapon of this kind, killed one of the leaders of a Ukrainian dissident movement that was located at Munich, Germany, by the name of Leo Rebet. A couple of years later the leader of that Ukrainian movement, Bandera, was killed by a similar assault by the same man using poison materials, as I recall it. If it wasn't poison materials and there was a dart with poison on it, I am sure that the records of the West German Government will show this.

But, in any event, there were two people that were murdered. And it is not that we assume this. Mr. Stachinsky subsequently defected to the West German Government and confessed these things and I believe was convicted and served some kind of a sentence or other. So, it is in the public record that this occurred.

In the sixties, a West German Government technician, an audio technician, was sweeping. And for the benefit of those who are not technicians, there is a device whereby one can go over a room to find out if there are any listening or audio devices having been planted in the room. Having swept the West German Embassy in Moscow,

he came across various microphones and other audio installations in the Embassy and obviously they were pulled out and the work of the KGB or whoever put them in was obviously brought to naught.

This poor fellow one Sunday went on a train ride up to some monastery outside of Moscow and in the process of this holiday of his he was sprayed with mustard gas or some similar poison substance on the legs, the result of which he lost the use of his legs for the rest of his life.

These exotic matters are seldom in the hands of the ordinary citizen, so one would have to assume that this was a KGB or GRU operation.

With these things recurring constantly in life, the Agency obviously felt it had to keep up to speed on these, not only to protect our own people against such attacks, but, if worst came to worst, and we were ever asked by the proper authority to do something in this field, we would be prepared to do so.

Senator MONDALE. Mr. Karamessines, could you tell us what you think happened which resulted in the countermanding of your order to destroy the toxins?

Mr. KARAMESSINES. Sir, of my own knowledge, I do not know what happened which resulted in the countermanding of the order. I do not think there was a countermanding of the order, Senator Mondale. I think there was a failure on the part of someone to carry out an instruction that he had been given. At least that is the impression I get from what I have read in the newspapers of some of the testimony.

Senator MONDALE. However, it is defined, you issued an order to destroy the toxins, and in fact, they were not destroyed.

Mr. KARAMESSINES. Mr. Helms, I, and Dr. Gottlieb jointly agreed that this program had to come to an end, and Dr. Gottlieb took off with that instruction.

Senator MONDALE. And were you surprised, then, to find out that the toxins had not, in fact, been destroyed?

Mr. KARAMESSINES. Yes, sir.

Senator MONDALE. One final question—who or what is P600?

Mr. KARAMESSINES. I never heard of it before.

Senator MONDALE. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Mondale.

Senator Baker.

Senator BAKER. Thank you, Mr. Chairman.

Mr. Helms, I have reread now the letter from Director Colby to the chairman dated September 16, in which he indicates that he may have misspoken of the situation with respect to the destruction of records. It is my summary of Mr. Colby's letter that he says that when he was being questioned—and I assume that was my question to Mr. Colby—about the destruction of certain CIA records, he was thinking of the question in its broadest context, namely, drugs, bacteriologic agents, and chemical agents. "I thus answered that there were indications of record destruction in 1972." To me, that sentence says that there was a destruction in November of 1972, but it was not the records that you think, or that may have been inferred from my testimony.

You were Director of Central Intelligence at that time; were you not?

Ambassador HELMS. In 1972; yes, sir.

Senator BAKER. Yes, sir; in November of 1972. Can you give us any further information in that respect? What records might Mr. Colby be speaking of that were destroyed in November of 1972?

Ambassador HELMS. I do not know of any records that were destroyed in November of 1972. There were some records on the drug testing program, which have nothing to do with bacteriological or chemical agents. It was an entirely different thing, I think, in 1973, just before I left the Agency.

Senator BAKER. But there were none destroyed, that you know of, in 1972?

Ambassador HELMS. No, sir.

Senator BAKER. Mr. Chairman, I would ask either that Mr. Colby return or that he give us a further supplement to his letter in that respect, because the second paragraph of the letter would suggest to me that something was destroyed in November of 1972, and it is not clear from the record, what; and in view of this witness' testimony, I think that becomes important.

The CHAIRMAN. I think the committee will follow up in an appropriate way.

Senator BAKER. Thank you, sir.

In the third paragraph, Mr. Helms, Mr. Colby says that "I realize that most listeners might have inferred that I was indicating that records relating to the CIA-Fort Detrick relationship, in particular records relating to Project MKNAOMI, were destroyed," MKNAOMI being the code word for chemical, bacteriological warfare agents.

Ambassador HELMS. At Fort Detrick, that whole project.

Senator BAKER. Mr. Colby continues, "The facts are these: Records relating to CIA's drug program in general were destroyed in January of 1973, but there is no evidence that records of Project MKNAOMI or of the CIA-Fort Detrick relationship were destroyed, other than possibly as included in the general group in January of 1973." During the Watergate hearings, you and I jostled a little about what was destroyed in January of 1973, I'm sure you recall, as I do.

Ambassador HELMS. Yes; I do, Senator Baker.

Senator BAKER. I will not belabor that point, except to say that I would appreciate any further information you could give me about the documents that might have been destroyed relating in general to the drug program in January of 1973.

Ambassador HELMS. Sir, I do not understand Mr. Colby's wording there, quite frankly. I have testified before the committee members this week about what I understood has been destroyed in connection with an entirely separate drug testing program. I wish you would read my testimony. But as far as MKNAOMI is concerned, and this bacteriological and chemical business, I know of no destruction.

Senator BAKER. I think that probably is where we are going to end up in this line of questioning. Would you now testify, or do you now testify, Mr. Helms, that you have no knowledge of the destruction of any records at any time about MKNAOMI?

Ambassador HELMS. That is correct, Senator Baker. I have no recollection of any such.

Senator BAKER. Thank you, Mr. Chairman. I do not mean to press the point. In view of the implications of the letter, I do respectfully request that we ask for a further clarification of the point; that is to

say, what, if any records were destroyed by the CIA relating to their drug program, relating to MKNAOMI, with respect to the January 1973 destruction, and with respect to the November 1972 destruction. What I am after is to find out what records were destroyed, why, and on whose authority.

Ambassador HELMS. Senator Baker, may I ask your indulgence that when this information is acquired from the Agency, if there is anything about it that runs counter to my recollection, would you be kind enough to advise me?

Senator BAKER. I will, indeed, Mr. Helms, and I fully understand the difficulties that you have, not only in trying to recall with specificity the events of that period, but also to travel back and forth between here and Iran, where you are our Ambassador. I remarked to the chairman previously, it seems like every time we run out of something to do, we call Dick Helms back from Iran to testify. But if there is any conflict, most certainly I will see that you have an opportunity to elaborate on it.

Ambassador HELMS. Thank you very much, sir.

Senator BAKER. Thank you, sir.

The CHAIRMAN. Senator Baker, your request is a matter of record, and I instruct the staff of this committee to pursue this matter, so that the necessary answers and information is received by the committee.

Senator BAKER. Thank you.

The CHAIRMAN. I agree with you that that question of the destruction of records needs to be cleared up.

Senator BAKER. Thank you, Mr. Chairman. I do not allege that there was a destruction of records, but it seems to me that, in view of the testimony yesterday, the letter today, and the testimony of this witness, that the whole question needs to be clarified, and it can be done in a number of ways, and I appreciate your help in that respect.

The CHAIRMAN. Very well.

Senator Huddleston.

Ambassador HELMS. Good morning, Senator Huddleston.

Senator HUDDLESTON. Good morning, Ambassador; Mr. Karamessines; Mr. Chairman.

In reference to Senator Mondale's question to Mr. Karamessines about P600, Mr. Helms did not have an opportunity to respond to that. Have you ever heard of, or do you have any knowledge about P600?

Ambassador HELMS. No, Senator Huddleston, I do not. And when I was listening to the questioning of Dr. Gordon, I obviously was wondering about this, and then, suddenly, I realized—am I not correct, that label was written by somebody at Fort Detrick? In other words, by an employee of the U.S. Army, and not by an employee of the Agency, and therefore, it possibly did not have to do with the tricky words, rubrics, code words, and so forth that we use. But in any event, I have never heard of it.

Senator HUDDLESTON. It is quite possible. I do not believe we have established yet just who did place that label on this merchandise.

You said you were surprised, or that you had never before seen, the dart gun that was displayed here yesterday. You were surprised, but not shocked to find that this material had been retained, contrary to the President's order. Would you be surprised or shocked to learn that that gun, or one like it, had been used by agents against either watchdogs or human beings?

Ambassador HELMS. I would be surprised if it had been used against human beings, but I'm not surprised it would have been used against watchdogs. I believe there were various experiments conducted in an effort to find out how one could either tranquilize or kill guard dogs in foreign countries. That does not surprise me at all.

Senator HUDDLESTON. Do you know whether or not it was used, in fact, against watchdogs?

Ambassador HELMS. I believe there were experiments conducted against dogs. Whether it was ever used in a live operational situation against dogs, I do not recall.

Senator HUDDLESTON. Mr. Karamessines, what is your knowledge?

Mr. KARAMESSINES. I have no recollection of the actual use of any of the materials we have been discussing, sir, operational use, I mean. I was never asked to approve an operational use of any of these materials, to my very best recollection.

I want to add this. In fairness, I am not sure I would have been asked, if it were a question of putting out a watchdog in connection with a border-crossing operation in Southeast Asia or somewhere. I am not sure I would have been asked, but in any case, I have no recollection of having been asked, and I have no knowledge whatever of the actual use of any of these materials against a human being.

Senator HUDDLESTON. Let me put it this way, then. How low in the echelon of command within the CIA would an individual be that would have the ability to give permission for use of any of these weapons in any kind of circumstance?

Mr. KARAMESSINES. They would have to come to me, and needless to say, I would not feel justified in giving a yes or a no on my own authority. I would take it to Mr. Helms.

You are speaking now about using one of these operationally against a human being—is that correct, Senator?

Senator HUDDLESTON. That is correct; yes, sir.

Mr. KARAMESSINES. Well, I would take it, without any question, to Mr. Helms, if I entertained it at all. I would recommend against it. And my guess is that Mr. Helms would take it further, but that is a guess.

I want to add one thing. Mr. Helms and my other associates at the Agency have known—my close associates have known for years that I would not continue in the Agency if there were a requirement for the killing of a human being.

Senator HUDDLESTON. Just to set the record straight, was there ever, at any time, a discussion between you two gentlemen, or between you, either of you with Dr. Gottlieb, or any other person in the organization, a question of whether or not shellfish toxin did, in fact, come under the jurisdiction of the President's order?

Ambassador HELMS. Sir, if I may answer the question first. I do not remember any discussion of shellfish toxin, as such, and I certainly do not remember a discussion of whether or not it came under the President's order. And as I, Senator Huddleston, was saying when I was addressing myself to Senator Mondale's question, I am not a technician, so I would not have even been able to debate the matter.

Senator HUDDLESTON. But you never discussed it?

Ambassador HELMS. No, not that I recall.

Senator HUDDLESTON. Mr. Karamessines.

Mr. KARAMESSINES. Well, sir, if discussion—if you are including in the word discussion the fact that we agreed to get rid of this program—if that is what you mean by discussion, well, we agreed to get rid of the program.

Senator HUDDLESTON. But in that agreement, arriving at that agreement, did you ever consider whether or not shellfish toxin, or any other material that you had, might not be included in the order?

Mr. KARAMESSINES. No material was identified to me by that name, sir. It was a question, really, of dangerous chemicals.

Senator HUDDLESTON. Now, we have had a great deal of testimony from you gentlemen and from others in the organization that referred “to my understanding that certain orders were given”, or “my understanding that the orders were carried out,” or “I had an understanding that we had approval from higher authority to do certain things.” This has come up a number of times, in other phases of our inquiry. Mr. Helms, you said that it was not unusual for you to give verbal orders, presumably to be transmitted on down the line. Are we to infer that that not only is not unusual but that was a standard operating procedure, regardless of the nature of the order?

Ambassador HELMS. Well, it was certainly, Senator Huddleston, a standard operating procedure to give oral instructions. The question of the sensitivity of the matter might have something to do with it. If it was inordinately sensitive, there was every chance that the discussion would have been entirely oral.

Senator HUDDLESTON. Looking at this particular matter—and I recognize we are looking at it in hindsight—does it not have a certain sensitivity in reverse? That is to say that, recognizing that this was a policy of the U.S. Government, which was being enunciated by the President for consumption around the world, and that at some future date, when some foreign country might have cause to question whether or not the United States was sincere in this order, and whether it did, in fact, carry it out, would it not be very helpful under those circumstances, to have written instructions from an agency such as the CIA and all of the Government agencies that did, in fact, implement that order?

Ambassador HELMS. Yes, I think it would have been helpful, sir. As a matter of fact, I noticed in this National Security Council Decision Memorandum that the Secretary of Defense was given the charge of carrying out this affair. I do not recall any correspondence from him with regard to it.

I think that maybe several other memorandums from various people might have been helpful in this situation, including a definition of exactly what a toxin was, if Dr. Gordon was as bothered about it as he indicated yesterday.

Senator HUDDLESTON. Let me say that also in our inquiry there have been at least indications that in other instances in which the CIA was involved, and in which the various embassies of various countries were very much concerned, and also our National Security Council, great pains have been taken to prepare minutes and instructions in writing, and that those minutes and instructions be very carefully devised so that they would indicate precisely what the actions were, what the American position was—now, why, in a matter this important, that involved a change in policy of the U.S. Government, was it not felt

that here, again, it would be important to have incontrovertible evidence—that can only be done in writing, and even then, there is often some question—that your Agency did, in fact, implement the instructions of the President of the United States?

Ambassador HELMS. Senator Huddleston, I cannot help saying that if I had various things to do over again, I would have done them differently, and I think in light of what has transpired here, if I had known then what I know now, I certainly would have issued a directive in writing.

Senator HUDDLESTON. In light, too, sir, of your present position as Ambassador to Iran, how serious would you judge this kind of action if it were discovered that an agency of the Federal Government had, in fact, contravened, or failed to carry out, an instruction of the President on a matter of international concern?

Ambassador HELMS. Well, sir, I agree that when it is isolated as a particular instance in time, that it can be made to assume large and significant proportions. I would like to remind you that the Agency activity was a very modest one. It had nothing to do with vast bacteriological and chemical substances, large in quantity and large in scope. In addition, I have to say that all of us in the Federal Government, for better or for worse, have many decisions on many things that we are obliged to do every day, and I cannot say at the time that this particular Presidential order, of which there were many every week, loomed as large as you make it seem to loom. That is all I can say.

Senator HUDDLESTON. But the President went to great lengths, this country went to great lengths, if I recall correctly, to make quite a public relations display of this fact, and even to the extent of publicizing the destruction of some of this material.

Ambassador HELMS. I realize that, sir. And I testified earlier, I thought the material had been destroyed, and did not give it another thought. And I must say that when it showed up, as I understand it, some days later, its existence in the Agency vault was unknown to me, and it is a little bit hard to look for something that you do not expect to find.

Senator HUDDLESTON. Just one more question. In the matter of oral instructions versus written instructions, was it assumed that when an oral instruction was given by you as head of the Agency to Mr. Karamessines, who in turn would give the instruction, in this case, presumably to Dr. Gottlieb, that this would prevail all the way down the line; that all of the communication would be simply by words?

Ambassador HELMS. Yes, sir, and this happened constantly.

Senator HUDDLESTON. And it was always carried out, but in spite of this discipline that the organization has—and I have no reason to question it—Dr. Gordon testified yesterday that he had never seen any instructions within the CIA for him to dispose of these lethal weapons.

Ambassador HELMS. I believe that was his testimony.

Senator HUDDLESTON. That is correct. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Huddleston. Senator Mathias?

Senator MATHIAS. Thank you, Mr. Chairman.

A few minutes ago, Senator Baker commented on the very heavy demands that we have put on Mr. Helms; the number of times we have asked him to come back from Iran, and I think that is certainly

true. And the committee owes him a debt for the cooperative way in which he has attempted to assist us. But I might offer him, in consolation, what we might call a Bicentennial thought on that subject.

James Madison, in contemplating the kind of structure of Government that was set up 200 years ago, said of these hearings that the right of freely examining public characters and measures is the only effective guardian of every other right. And I think that puts the testimony which Ambassador Helms gives this morning, and that which Mr. Colby and others gave yesterday, in the kind of context in which it ought to be. This is a very important process of Government, and I think it underscores the suggestion made by Senator Baker yesterday that we need to have more public hearings which help to inform the public as to exactly what this is all about. This is no secret rite which is conducted by high priests behind the screen. This is everybody's business, and I think it is important that everybody understand exactly what it is all about.

Mr. Helms, you know, I think, that I feel that the case that we are considering is an illustrative one. I think it is more important in what it tells us about how the CIA works than perhaps on its own merits. With that thought in mind, I wonder if you could tell us exactly how, in a mechanical way—just a pedestrian, mechanical way—orders from the President of the United States are received by the CIA and how they are carried out by the CIA.

Ambassador HELMS. Well, sir, I will do my best.

Formalistically, Presidential orders are sometimes received in the form of National Security Decision Memoranda.

Senator MATHIAS. These would come from the National Security Council?

Ambassador HELMS. That's right, and they would be signed by the Executive Secretary of the National Security Council. I would like to point out that the terminology I'm using is the terminology that derives from President Nixon's administration. These were not called National Security Council Decision Memorandum in President Johnson or President Kennedy's administration. They were called something else. But it is a written directive promulgating, if you like, the decision of the National Security Council.

Those normally came to me, particularly if they were highly classified, in my capacity as the Director. And I made a decision as to which ones of my colleagues should be informed about the contents of the decision. There were times when we met together to decide how the decisions ought to be carried out.

There was another kind of Presidential order, and that is the kind that would be issued via his Assistant for National Security Affairs, be it Dr. Kissinger or be it McGeorge Bundy, or whoever was acting in that capacity. He might call on the telephone, on the secure phone, and give an instruction that the President wanted carried out, a request for information.

Obviously, I would then do whatever I thought was appropriate to either get the answer to the question or to pass the order down the line.

Obviously, there was a third kind, in which the President himself might request something. He might call on the telephone himself, or he might call one into his office, and he would decide upon what you were supposed to do. And then, the Director would go back to the Agency and attempt to carry it out.

Senator MATHIAS. Would that third kind of category be in the crisis situation, the Cuban missile crisis, that kind of—

Ambassador HELMS. It might be in a crisis situation, or interestingly enough, it might be in a dead calm situation. I do not think that the President, at least in my experience, particularly calculated whether they were putting the request in writing, or whether they were making it orally. It just was the fact that on a certain day, they wanted something done, and took whatever measure there might be to see that it was done.

I want to say that generally, at least Presidents Kennedy, Johnson and Nixon, for whom I worked most closely, usually left it to me as to how the order was to be carried out within the Agency. I do not think that any of them have ever gone to the pains to find out exactly what the Agency hierarchy was, or who would be the next fellow to learn about it. So they left that judgment to me. But these did come in at least these three ways.

Senator MATHIAS. And then what would you do to transmit these orders into action within the Agency?

Ambassador HELMS. Well, I like to think that I was an orderly executive, and I would normally call in the Deputy Director who was in charge of the particular activity, where I thought this request fitted. If it involved two of the Deputy Directors, I would call the two of them in. In other words, I would get into my office all of those individuals that, it seemed to me, would be helpful in carrying out whatever instruction we had been given.

Senator MATHIAS. Now, you say you would call in the ones who were involved in the execution of the policy that the President had directed?

Ambassador HELMS. Senator Mathias, may I—maybe not for your benefit, certainly, because I realize you know these things, but maybe for the benefit of others—the Agency was divided into directorates, and there were four of them, and they had rather specific functions. There was a support directorate which had within it the various elements that supported the operations and the existence of the administration of the Agency.

There was a Directorate for Intelligence, which did the collation and analysis on the various intelligence studies, current and otherwise. There was a Deputy Director for Plans in my time, who was in charge of covert operations, and there was a Deputy Director for Science and Technology who had both operational and analytic capabilities in the science and technology field. So, I would have to judge exactly into which one of these categories the instruction fell, or under which two or three categories it fell.

Senator MATHIAS. Now, were these Directorates segregated very carefully from each other, or was there intercommunication between them?

Ambassador HELMS. The Deputy Director of Plans is segregated in the building from other Directorates. In fact, there are signs in the halls indicating when you got into that part of the building. As for the rest of it, they were not so particularly segregated. There was a lot of visiting back and forth.

Senator MATHIAS. So that that was a watertight compartment. But there might be intercommunication elsewhere.

Ambassador HELMS. In Navy terms, sir, far from watertight integrity, I want to tell you. But nevertheless, there was effort made to segregate it.

Senator MATHIAS. Well, if there was this compartmentation, did that inhibit understanding of a Presidential directive which came down through you, through whoever was Director? Was it desirable that knowledge of a Presidential directive or direction was widespread throughout the Agency, or was it desirable to have it only known by the people who were immediately involved in executing it?

Ambassador HELMS. Well, it was generally, sir, the latter, particularly if it was on a sensitive matter. But I do not think in this particular case that would have entered our minds. I think that in the case of the toxins and the bacteriological weapons that we would have gone to the man who had this under his aegis, in this case Dr. Gottlieb, and ask him to carry out the instruction.

I must say that, in hindsight—I say even in hindsight—this looks like a fairly simple matter. And the fact that it has been so complicated with the passage of time is a great surprise to me.

Senator MATHIAS. How did you normally carry out the oversight in the execution of a Presidential order?

Ambassador HELMS. I suppose that there is no good, clear-cut answer to that, because Presidential orders and instructions were of such variety. If the instruction, for example, were to produce some evidence or a document, then that was the answer, and that was the follow-through. In certain other categories of things, we had an inspector general system that ran various checks through all elements of the Agency, or almost all elements of the Agency, periodically, in an effort to find out if there was compliance with directives, and arrangements for covert agents and all kinds of things of that sort.

In other words, we thought it was what was an orderly procedure; to make sure, in these farflung field stations, for example, people were doing what they were supposed to be doing in keeping with the regulations.

I want to say that, in this particular case, I realize that there was no followup that found these toxins. But I have been scratching my head ever since I heard about this as to what would have been a normal practice in a situation where you did not know that something existed. I mean, I had genuinely thought these things had been destroyed at Fort Detrick.

Senator MATHIAS. If, just as a matter of organization, and I am thinking now of the kind of recommendations this committee will ultimately have to make—if, as a matter of organization, there had been less compartmentation, more sharing of information, might a situation of this sort have come to light?

Ambassador HELMS. I do not want to seek refuge in that, Senator Mathias. I do not think so. I do not think that compartmentation in this case was at fault. Maybe human communication was at fault, but not compartmentation.

Senator MATHIAS. Of course, if there is greater communication, then you have a wider participation, wider knowledge, wider sharing of an oversight capacity, rather than falling into the kind of trap that is described by the old saw: Who is taking care of the caretaker's daughter when the caretaker is busy taking care?

Thank you, Mr. Chairman.

The CHAIRMAN. All right, Senator Mathias. Thank you.

Senator Hart?

Senator HART of Colorado. Gentlemen, you both testified that you were generally aware that the CIA had some relationship with Fort Detrick's Special Operations Division to investigate toxic capabilities. Is that correct?

Ambassador HELMS. Well, I knew that we had an arrangement with Fort Detrick in this general field, yes, sir.

Senator HART of Colorado. That is my question.

In connection with this investigation, I would like to cite three experiments or studies that were conducted, to see or to test your recollection and knowledge of those experiments. First of all, I will quote from a June 1, 1969, study report done by Fort Detrick on this toxic experimentation. Quoting from that report, one study that was conducted:

The General Services Administration and Fort Detrick entered into a cooperative project to investigate the vulnerability of drinking water in Federal buildings to covert biological attack. After consultation with the design engineers in the GSA, the Food and Drug Administration Building in Washington, D.C., was selected for investigation. The engineers assured us that the drinking water system is typical of that installed in modern multistory buildings.

They then proceeded to conduct two tests, one to eliminate chlorine in the water. The second test was a simulated covert test. A coliphage was introduced into the system by back pressure . . ."

Ambassador HELMS. A what?

Senator HART of Colorado. C-o-l-i-p-h-e-e-d. I think it is a non-toxic chemical of some kind. I am just laying out the background so you will understand the nature of the question.

. . . was introduced into the system by a back pressure technique at a drinking fountain. This is a technique a saboteur might use. Neither the building occupants nor operating personnel were advised that such a test was planned. We were not challenged, and apparently undetected.

The final quotation from the study:

From limited consultation with design engineers, it should be possible to develop simple guidelines for planning an attack on a group of people that work in a building constructed with the circulating chilled drinking water system.

The question to both of you is, were you aware of this experiment?

Ambassador HELMS. Senator Hart, I was not.

Mr. KARAMESSINES. I never heard of it. This is the Department of Defense and GSA, did you say, sir?

Senator HART of Colorado. That is right, at Detrick; Special Operations.

Mr. KARAMESSINES. Well, whoever it was, I never heard of it.

Senator HART of Colorado. Do you know whether or not CIA personnel were involved in this study?

Ambassador HELMS. I did not hear of the study, sir, so I do not know whether they were involved.

Senator HART of Colorado. But you have no knowledge as to this experiment or vulnerability study that your personnel were involved?

Ambassador HELMS. Not that particular one.

Senator HART of Colorado. Let me cite another, with the same questions. This is quoting from an internal CIA document, which is dated October 18, 1967, Technical Services Division.

In anticipation of a future need for information, and to establish a capability, a study on the vulnerability of subway systems to covert attack and development of a method to carry out such an attack was conducted. The suitability of the system was assessed and evaluated covertly, utilizing the New York City subways as the trial model. The result provided information on distribution and concentrations of organisms which are obtained. I do not know what that means.

The data provided the means of assessing the threat of infection to subway passengers. The study provided a threat model and information on ease of dissemination and methods of delivery which could be used offensively.

Now, because of the fact that this is a memorandum originating in the CIA, I would ask if either of you were aware of this vulnerability study for the development of this defensive capability.

Ambassador HELMS. Excuse me, Senator Hart. Did you say who had written the memorandum to whom?

Senator HART of Colorado. It is my understanding we have been requested by the CIA not to divulge the name of the individual. It was a middle-level officer in the Technical Services Division of the CIA, and the date was October 18, 1967.

Ambassador HELMS. I do not recall the study.

The CHAIRMAN. I would suggest, Mr. Helms, that you take a look at this memorandum. It might be placed before you.

Ambassador HELMS. That would be helpful.

The CHAIRMAN. It is exhibit 6.¹ So you can examine the document itself before replying.

Ambassador HELMS. Thank you, Mr. Chairman.

Senator HART of Colorado. Now, to repeat the question, were either or both of you aware that this study or experiment was conducted?

Ambassador HELMS. I was not, sir.

Mr. KARAMESSINES. I was not.

Senator HART of Colorado. Would it be your assumption, based upon this memorandum, that CIA personnel were involved in this study?

Ambassador HELMS. I cannot tell from the wording of the memorandum whether these CIA people were involved, or whether it was other people involved, and we were riding piggyback.

Senator HART of Colorado. Quoting from the same document, page 2, paragraph 7:

Three methods and systems for carrying out a covert attack against crops and causing severe crop loss have been developed and evaluated under field conditions. This was accomplished in anticipation of a requirement which later developed but was subsequently scrubbed just prior to putting into action.

Were you aware of this study or experimentation?

Ambassador HELMS. Well, I do not know whether I was aware of this particular one, Senator Hart. But I know that at one time in this Government—and it was not only in the CIA; it was other places as well—there was a great deal of attention given to what wheat rust or rice rust would do to crops in various parts of the world. And I know there were studies undertaken by someone to try to ascertain how destructive this particular disease was.

It is my distinct recollection that nothing was ever done about it, but I know there were studies being conducted, and I would not have been at all surprised if the Agency was involved in those studies.

¹ See p. 204.

Senator HART of Colorado. Would you accept that answer, Mr. Karamessines?

MR. KARAMESSINES. Yes. I am not sure we were involved in the studies, but it would be my guess that we received the benefit of such studies. In other words, we were kept posted through the liaison that is reflected in this memorandum.

Senator HART of Colorado. Now, gentlemen, I apologize for pursuing this at some length, but the record we have developed so far has to do largely with a defensive capability. That is, a lot of this toxic experimentation was going on so that we could be prepared to counter any threat posed by any other country and that we had to conduct these experiments just to be on the safe side, to know whatever we could find out about them. But in each of the cases I have cited, there is strong reason to believe—in fact, the language in two of the passages that I have cited specifically states that we were preparing in these areas offensive capabilities.

Now, my question, to conclude this line of interrogation, is, if we were preparing that kind of offensive capability, why did not individuals of your stature in the Agency know about this?

Ambassador HELMS. Well, Senator Hart, I would have said, in connection with the Fort Detrick study, there was no reason why we should have known about it. And in connection with the other matters, the ongoing responsibilities of these various elements were to make such studies.

The question that I think is most important, however, is that we never gave any authorization for any offensive use of these things. And I think that, in the end, is the important question.

MR. KARAMESSINES. I would simply add, Senator Hart, that one of these is described, in part at least, as a vulnerability study. That would suggest that the idea here was to—from those who are conducting the experiments or studies, their purpose, at least in part, was to see what effect the use of these methods against us would have and how we could counter the use of such methods.

Senator HART of Colorado. I understand that.

MR. KARAMESSINES. And this is a recurring theme, as a matter of fact, throughout all of the work of the Technical Services Directorate. When letter bombs became fashionable 3 or 4 years ago and were popping off in various offices here and abroad, it was the TSD and the kind of work that is reflected in the matters we have been discussing, that was in a position to provide the rest of the Government, including the FBI, with the solution of the proper defusing of letter bombs. It was they who analyzed the letter bombs and found how to deal with it. This is the kind of work we expected TSD to be carrying on constantly, to be in a position to use the method to counter it if called upon.

Senator HART of Colorado. Was it also within their mandate, and would you expect it to be within their mandate, to go ahead and produce offensive operating capabilities without instructions from above?

MR. KARAMESSINES. Well, that depends on what you mean by offensive operating capabilities.

Senator HART of Colorado. I think the language in the passages that I have cited clearly indicate that we were preparing, in the case of

sabotaging the drinking supply of buildings, of subway systems, and crops, to be able to do this to somebody else.

Mr. KARAMESSINES. Yes; I think it would have been within TSD's purview to be in a position to do this if they were directed to do so by proper authority, and I would assume that could only be the President. And I cannot describe the circumstances under which that would happen, because I do not know.

Senator HART of Colorado. Well, both of you gentlemen have already testified that you were surprised, although not shocked, that your understanding and direction was not followed in the matter of the destruction of the toxic materials. Is it a possibility that those same midlevel people who disobeyed the understanding of the highest levels in the Agency might also have taken it upon themselves to implement these operating capabilities under some circumstances?

Ambassador HELMS. Do you know of any case, Senator Hart?

Senator HART of Colorado. We have been studying that subject for 8 months.

Ambassador HELMS. I think you are drawing a very long bow and, may I say, an unfair one.

Senator HART of Colorado. I am asking a question. I am asking a question.

Ambassador HELMS. Would you rephrase the question?

Senator HART of Colorado. The question is, based upon your surprise that your understanding and what you thought were your orders were not carried out as to destruction of these toxic materials, what guarantees would you have that the capabilities being developed in the studies and experiments that I have described might not be carried out by some people without proper authorization?

Ambassador HELMS. I think in human life it is always possible that something may happen that one does not expect, but I know of no cases in this category.

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

The CHAIRMAN. Thank you Senator Hart.

Senator Schweiker.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Karamessines, when you were at the Agency and running your operation and critical or dangerous materials came to your charge, either directly or through one of your subordinates, would it have been normal procedure under your administrative procedures to log them in?

Mr. KARAMESSINES. To log them in.

Senator SCHWEIKER. Yes. In other words, if you received critical or dangerous materials—

Mr. KARAMESSINES. I did not receive critical or dangerous materials. A component under my overall jurisdiction, one component out of a considerable number, would have received these dangerous materials, and that was the Technical Services Division.

Senator SCHWEIKER. Would it have been normal procedure, forgetting this particular case now, to log them in?

Mr. KARAMESSINES. Probably, but I am not sure they did. I do not know that they did, how they handled them. They were the best judges. I could not try to tell a technician, a specialist in a certain field, how to do his job.

Senator SCHWEIKER. How about taking inventory? Did you periodically take inventory of whatever assets you had under your control and command?

Mr. KARAMESSINES. No; I did not.

Senator SCHWEIKER. You did not?

Mr. KARAMESSINES. I personally did not, sir. I assumed, however, that this was in the records of the Technical Services Division.

Senator SCHWEIKER. Did you sign spending vouchers or authorizations for money spent through you?

Mr. KARAMESSINES. I would either sign—I might have signed. I more probably recommended the signature, but I might have signed, too. I do not recall that.

Senator SCHWEIKER. I was under the impression that, lacking oversight by Congress, that there was a very tight internal auditing procedure where each department head and agency head within CIA had to put his name on the line, because we lacked these controls. Is that not correct?

Mr. KARAMESSINES. It is correct.

Senator SCHWEIKER. Well, then, in terms of spending money for shellfish toxin, this normally would have come under your purview as the job you held, even though it might have been two or three levels below you. Is that not correct?

Mr. KARAMESSINES. Yes; that is correct.

Senator SCHWEIKER. Now, we were trying to identify yesterday from where some 6 grams, which was 60 percent of the whole supply that was found there, came. Can you shed any light on this at all?

Mr. KARAMESSINES. No, sir, none at all.

Senator SCHWEIKER. Overnight, I found out that instead of being one Public Health Service laboratory involved, which, at that point, was Narragansett, R.I., the other can also come from a Public Health Service lab, which name was not clear on the can but was clear on the label itself, the Taft Center at Cincinnati, Ohio. Were you aware that money was going from your department to the Public Health Service in both cases for shellfish toxin research?

Mr. KARAMESSINES. I am not aware of that; no, sir, as I sit here today. That is not to say that I was not aware of it at the time in recommending approval or signing off on expenditures for these activities.

Senator SCHWEIKER. But somebody did have to sign for it. Normally, it would have been you. You are just saying you do not recollect that it occurred?

Mr. KARAMESSINES. Well, these approvals for expenditures of funds were based on the written record.

Ambassador HELMS. Senator Schweiker, may I—

Mr. KARAMESSINES. And the written record should show what the story is. You are asking me something now that my memory simply cannot throw light on.

Ambassador HELMS. Senator Schweiker, may I interrupt to ask a question of fact? Has it been ascertained that the Agency paid for the research that was going on in the Public Health Service at Narragansett and Cincinnati?

Senator SCHWEIKER. You are anticipating my next question, Mr. Helms. That is exactly my next question. I was going to direct it to

either one of you, whether in fact the Public Health research labs were paid from the CIA directly, or whether contracts were issued from the Army to the Public Health Service stations involved.

Mr. KARAMESSINES. The only one I was aware of was the Fort Detrick arrangement. I did not know about the others that you have mentioned.

Senator SCHWEIKER. So you are not certain whether or not the CIA contracted directly or whether only indirectly, with the Army being the prime contractor?

Mr. KARAMESSINES. That is correct.

Senator SCHWEIKER. I do have knowledge now that there was a \$194,000 contract on at least one of the instances between the Army and the Taft Center at Cincinnati, Ohio.

Mr. KARAMESSINES. How does that relate to the CIA, sir?

Senator SCHWEIKER. Well, because that produced some of the toxin that you ended up with at the CIA laboratory. So that was the point I was making yesterday; that somewhere along the line, we used the Public Health Service to produce deadly biological toxins and weapons.

Mr. KARAMESSINES. Are they biological or chemical, sir?

Senator SCHWEIKER. They are toxins. You can argue it either way.

Mr. KARAMESSINES. Biological sounds so terrible. Chemical sounds a little better.

Senator SCHWEIKER. Would you think that is a normal——

The CHAIRMAN. No matter how you describe shellfish toxin, it does not sound good.

Mr. KARAMESSINES. It's deadly, no question about it, sir.

Senator SCHWEIKER. As it came up the other day, 10 seconds and the dog is dead. I do not think it is much of a question whether it is a chemical or a biological weapon, sir.

Mr. KARAMESSINES. It is not as bad as the atom bomb, sir, and we have quite a few of those around here.

Senator SCHWEIKER. Going back to the issue at hand, you are completely unaware, then——

The CHAIRMAN. Mr. Karamessines—excuse me, Senator.

Senator SCHWEIKER. Yes.

The CHAIRMAN. I just think we ought not to begin to get flippant in this hearing. Obviously, we have atom bombs. Obviously, the President has not ordered them destroyed. We are discussing a failure to carry out a Presidential order on a matter of national policy that was widely publicized to the world. So let us not get off the subject.

Senator SCHWEIKER. I think it means an evasion, obviously, of the question at hand, and it to me indicates a little bit of the attitude in this situation.

Going back to the case at hand, the slips that were on top of the two cans that came into the CIA lab indicated that they were both stored in the same safe at Fort Detrick, in room 202. So both cans, the 5-gram can, which corresponds to the CIA inventory, and the 6-gram can, of which we do not know the origin, were both stored in the same safe at Fort Detrick. During the course of your discussions about destroying materials and about the question of whether you would retain stocks, was any mention made at all of additional material, possibly, that was in this same safe up at Fort Detrick?

Mr. KARAMESSINES. No, sir.

Senator SCHWEIKER. You had no discussion at all about Army surplus stocks or other surplus stocks that might be commingled with yours in the same safe up at Fort Detrick?

Mr. KARAMESSINES. No, sir.

Senator SCHWEIKER. Would you think, Mr. Karamessines, that this is a proper and appropriate use of the Public Health Service, as far as the CIA and Army are concerned? What is your professional opinion, as a retired CIA officer, whether in fact the Public Health Service should be utilized for this kind of chemical research, if you want to call it that, but deadly toxin research?

Mr. KARAMESSINES. I would assume, sir, that the Public Health Service would have a very vital interest in keeping abreast of developments in the field of toxins. And if the Public Health Service was participating in such an activity, I would not find that unusual, because it is part of their job to protect the country, isn't it, against this type of thing? So I would not find that unusual.

Senator SCHWEIKER. Well, it is part of their job, certainly, to protect the people. I am not sure that making poison that kills tens of thousands of people is protecting anybody, and I think, really, that may be a normal judgment of yours, but I happen to think this is a perversion of the U.S. Public Health Service to use it for this purpose. And I guess that is what this hearing is all about; is it not, the difference of opinion here?

Ambassador HELMS. Senator Schweiker, may I interrupt just a moment, please? I am not aware of any relationship between the CIA and the Public Health Service in this matter. If you say it is so, I will accept your word, but I have never been told before this morning.

And, second, I believe that I have read in the paper that a scientist had said that shellfish toxin has a very real value in development of immunization and possibly in the treatment of disease. So I think that it is rather difficult for me to accept the fact that we are being cavalier and that the Public Health Service is being cavalier and various people are being subverted and suborned here, when I do not think that is the case at all. And I am sorry, but I just feel I must speak this way.

Senator SCHWEIKER. I think there are two points, Mr. Helms, to keep in mind. No. 1, we do now know there was a contract, at least from the Army, to the Taft Center in Cincinnati, Ohio. That is a very direct, specific relationship with the biological arm of our intelligence agencies to the Public Health Service.

Ambassador HELMS. I believe the biological arm belongs to the Department of Defense, not to the Central Intelligence Agency.

Senator SCHWEIKER. By the same token, you folks financed it. You know, whether the money went from A to B to C or A to C is immaterial. You were financing that program, so I think it is a very—

Ambassador HELMS. We were financing a part of that program which applied to the Agency, but not the entire program.

Senator SCHWEIKER. And the second thing I question is that this is a normal occurrence for the U.S. Public Health Service to spend \$3 million of Government money to get all of these toxins. Obviously, it was not just an offshoot or byproduct of research going on at Public Health Service's laboratories or you would not have had to spend

\$3 million. You had to distill it, you had to compile it, you had to separate it, and the Public Health Service was doing this.

And I think it gets to the heart of the question of whose service some of the Government services are serving. And I think it is a very direct issue, and I realize that you differ with me on it. But that is what this is all about. That is why we are here, that is why we got to this state of debate between the intelligence community and the rest of the Government and the people.

That is all I have, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Schweiker. I believe Senator Morgan is now to get a chance to ask questions.

Ambassador HELMS. Good morning, Senator Morgan.

Senator MORGAN. Mr. Chairman, Mr. Helms, I apologize for not being here earlier but I had a hearing on a bill that I had introduced that was in the Banking Committee.

Mr. Helms, yesterday I asked Mr. Colby whether or not the CIA had ever received any instructions from the President or the National Security Council with regard to disposing of the toxins in carrying out the President's announced orders on February 1970 and in November, I believe, 1969. Do you recall ever receiving any instructions from the National Security Council or the President with regard to the toxins?

Ambassador HELMS. Sir, we received the National Security Council Decision Memorandum on the subject of toxins and the Presidential policy to include those in the ban that he had issued earlier in November.

Senator MORGAN. You say now you received those memorandums. Is that the memorandum of February 20?

Ambassador HELMS. May I check, sir, to see?

Senator MORGAN. Yes.

Ambassador HELMS. February 20, yes, sir.

Senator MORGAN. Also the one on November 5, 1969?

Ambassador HELMS. Yes, sir, I believe that is the one just in front, yes, sir.

Senator MORGAN. Now, in both those memorandums, the Secretary of Defense was instructed to submit recommendations concerning the disposal of existing stocks of toxin weapons and/or agents. Now, as of yesterday, I have not been able to find any report to the National Security Council that that had been done. As a matter of fact, I introduced into the record yesterday parts of a memorandum from a committee of the National Security Council to the President, dated January 25, 1973, in which it was reported that the destruction of chemical weapons was being carried out and then it made this statement.

All research and development on biological weapons has been terminated. Programs for disposing of stocks of these weapons are now virtually complete.

Now this clearly indicates to me that they were reporting to the President as late as January of 1973, that they were still working on the program for how to go about disposing of the toxins. And the next sentence is, "laboratory quantities of agents will be retained to support defensive research."

Now, to your knowledge, was the CIA ever requested to give an inventory to the National Security Council of any toxins that it held?

Ambassador HELMS. No, sir, and I do not recall, Senator Morgan, ever having received any communication from the Secretary of Defense as such or the Department of Defense on this subject.

Senator MORGAN. It is clear to me, Mr. Helms, from the memorandum of the National Security Council that it was intended that the Department of Defense would devise methods and ways of destroying these toxins and also to determine the amounts to be retained for laboratory purposes. And I find no evidence that it was ever promulgated to any agency other than interdepartmental agencies.

This morning I have been handed a memorandum from the Secretary of Defense addressed to the Deputy Secretaries and to the Chairman of the Joint Chiefs of Staff, to various other officials within the Defense Department on the subject of implementation of the President's decision on chemical warfare and the biological research programs. It was not addressed to the CIA or any other agency outside of the Defense Department. Did you ever have any knowledge of this having come up in the National Security Council?

Ambassador HELMS. I have no recollection of this memorandum and I do not think I have ever seen it, Senator Morgan. It is not familiar to me as I sit here now.

Senator MORGAN. Well, in all fairness to you, Mr. Helms, I find no reason why you should have seen it. It was not addressed or directed to you. Now, in this same package of materials, and I quite frankly have not had the time to go through all of them, at various places it designates the amount or quantities that are to be retained or deemed necessary to complete current research in support of public health requirements and for future work in the defensive research department. There they list 1.53 milligrams of shellfish toxin. Under another section that lists, for commodity development and engineering laboratory, 2 grams of shellfish toxin: shellfish toxin A redried, 1 gram; shellfish toxin A clam, 1 gram; and in another place I have noticed or observed where the Secretary of Defense apparently was saying what was deemed necessary. You never had any indication whatsoever with regard to any shellfish toxin you may have had?

Ambassador HELMS. Not that I recall, Senator Morgan. May I, sir, ask you a question since you seem to be most familiar with this whole problem? I read somewhere recently that the end of this year was the terminal date for the destruction of all of these materials. Is that correct? In other words, was there a period of 5 years during which they were all to be got rid of?

Senator MORGAN. Mr. Helms, I do not know and I am quite frankly afraid and I doubt that we have—

The CHAIRMAN. May I just respond to that, Senator Morgan?

Our next witness is Ambassador James Leonard and he will describe for the committee the particular provisions of the convention and I believe that that will answer the point that you have raised.

Ambassador HELMS. Thank you, thank you, Mr. Chairman.

Senator MONDALE. I think the situation is this. The President ordered the immediate destruction of our toxins, but under the international agreement, all countries, including the United States, must have destroyed their toxins by the end of this year.

Ambassador HELMS. I see, thank you, Senator Mondale.

The CHAIRMAN. Yes; I believe that is the situation.

Senator MORGAN. I think, Mr. Helms, as I read the President's memorandum to the National Security Council of February 20, 1970, it looks to a further directive as to how to destroy these and I think any logical reading of it would lead to that interpretation. And quite frankly, I have found no followup. It seems to me somewhere along the way someone did not follow up and surely from this National Security Council memorandum to the President, or from a committee to the President, as late as January 25, 1973, the President himself was advised or should have been advised that programs for the disposal had not then been completed.

Ambassador HELMS. Yes, sir.

The CHAIRMAN. Any further questions?

Senator Mondale?

Senator MONDALE. Mr. Helms, you have spent your whole life virtually, all of your adult life, in OSS intelligence services. There is absolutely no one, I think, who is better equipped by experience at all levels to help this committee understand what this evidence means and what policy implications it might have for the Congress and for future command and control directions, restrictions, and the rest affecting these kinds of matters.

As I try to piece together what we have heard, it seems to me the evidence is somewhat as follows. First, in late 1969 we had a Presidential decree ordering the destruction of biological weapons and substances. Then, because there was confusion as to whether toxins of all kinds were included within that order, a followup order was issued on February 14, 1970, specifically directing the destruction of all forms of toxins, whether biologically or chemically created. And that order was issued on February 14. There seems to be no evidence to contradict what you and Mr. Karamessines have said; namely, that the two of you orally ordered the destruction of those toxins in pursuance of the President's order.

But what seems to have happened is that once that February 14 order came out, there was a good deal of activity and discussion at the lower level where these toxins were held and controlled. Among other things, a proposed memorandum was developed for Mr. Karamessines which he apparently never saw, suggesting that these toxins should not be destroyed, but in effect, what you might call lateralled into a private warehouse to be leased. As a result of the need for public funds, that was turned down. Then the fact of what happened was that these toxins were transferred, both those owned by the CIA at Fort Detrick and those owned by the Department of Defense at Fort Detrick, except for a modest amount retained for research. They were all transferred to a warehouse in Washington under the control of the CIA. And higher authorities were not alerted to this transfer because the day they were transferred or thereabout, an inventory was prepared that went up, that did not list the toxins, as Senator Morgan has pointed out.

I would not say that that inventory is a fraud, but I think it comes close to it because they waited until the toxins were gone and then they prepared an inventory which said they were not there. So, on the basis of that, these memorandums were then prepared to the President, to the National Security Council, for the head of the CIA, and the rest, saying we have done our job. When in fact, all he did was hide the stuff.

So we are at this point where a formal and profound, much debated public policy was determined by the President of the United States and by the National Security Council to get rid of poisonous toxins, except for modest amounts needed for research, but instead, lower level employees in the Department of Defense, possibly the CIA or both, decided to keep them.

Now I suppose we could get personal about it, but I had some sympathy for Dr. Gordon because he seemed to be saying he spent his whole life developing these things. He had spent all of this money on it. He thought we might need it sometime later and therefore, because of his interest in serving this country, kept them anyway. Now, what do we do about it?

Ambassador HELMS. Senator Mondale, I do not know. I think that your understanding of Dr. Gordon's position is very decent because, as I listened yesterday afternoon, it seemed clear that not only Dr. Gordon but several other scientists who had been familiar with the work on shellfish toxin had rather conspired, if you like, or colluded or whatever the most pleasant legal word is, to find someplace that they could put this material where it would be safe, secure, would not hurt anybody but would be there in case it were ever needed. I can only assume that the reason that they came to this conclusion was that they had enormous difficulty acquiring the clams, or whatever it is in the first place, and that the process of extracting the toxin is extraordinarily difficult and that maybe some of them had thoughts about immunization and other things, or treatment of disease where it might be useful.

And I think that they were yielding to that human impulse of the greater good. That is the only way I can explain this because, as I listened to Dr. Gordon yesterday, I did not listen to a man, it seemed to me, who was doing something criminal or dirty or anything else. He seemed to be inspired by perfectly decent motives.

Senator MONDALE. And we can understand that. But in fact, what he was doing was deliberately disobeying a serious Presidential order which had profound implications in terms of international relations and which raises questions about the whole process of command and control in an institution which, I think, must be secret but which, I think, cannot be unaccountable. So, what do you believe are the public policy implications of this record?

Ambassador HELMS. Sir, I find it enormously difficult to suggest a solution to an aberration, something that happened once to my knowledge and I realize that the point you make about the command and the control over the employees and so forth. I have attempted to say that I thought we were an extraordinarily well disciplined organization and I just do not know how you legislate against the odd mistake or the odd disobeying of orders or the odd aberration.

Senator MONDALE. We have been through many other issues, not in public, and we always seem to end up with the same kind of fuzzy record. Something happened and nobody did it. And I want to see a secret agency. But, in order to have one that is accountable to the public and to the President, it must be an agency that first of all obeys orders, whether oral or written, and second, that is accountable in case we want to find out what happened. And that is what bothers me, Mr. Helms.

Ambassador HELMS. Senator Mondale, I have no problem with your statement. I think you state the case accurately and I think in 1975 there are new national perceptions of these matters, if I may say so, at least they are different than they were 10 years ago or 20 years ago. I do not know how different. I am not here enough to know what exactly all the shifts have been, but I would certainly agree that in view of the statements made by all of you distinguished gentlemen, that some result from this has got to bring about a system of accountability that is going to be satisfactory to the U.S. Congress and to the American people.

Now, exactly how you work out that accountability in a secret intelligence organization, I think, is obviously going to take a good deal of thought and a good deal of work and I do not have any easy ready answer to it because I assure you it is not an easy answer. In other words, there is no quick fix.

Senator MONDALE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Morgan has a final question.

Senator MORGAN. Mr. Chairman, I would like to make this observation that I think this very clearly points up the dilemma in which we find ourselves, as Senator Mondale has pointed out, and that is the unaccountability of anyone in the CIA. Now, as I heard Dr. Gordon yesterday afternoon, I heard him distinctly say that had he had an order from the Director to destroy the toxins, he would have carried that order out. And I think I heard him say he did not have an order and as I understand it this morning, you have testified and so has Mr. Karamessines that both of you orally directed him to destroy it.

The dilemma in which we find ourselves is that the manner in which the Agency has been conducted is such that we cannot find the truth. We have conflicting testimony. Senator Mondale is perfectly reasonable in drawing the conclusion that he drew. I could draw the same conclusion. I could draw another conclusion that Dr. Gordon did not know and would have carried out the orders had they been given him. It seems to me that this points out very clearly an area which should be looked into so that in the future there will be an area of accountability or a degree of accountability and it seems to me, Mr. Chairman, this may be another area where we find plausible denial coming in.

The CHAIRMAN. Senator Morgan, I concur in your observations and in those that Senator Mondale has made. And I simply want to underscore the fact that this is not the first time that this dilemma has faced the committee. We have faced it again and again in the course of our deliberations, investigations of the whole assassination issue. And that will become clear when the committee issues its report in which the evidence taken will be laid out in careful detail. But it goes to the heart of the reason for this investigation and I hope that we conduct it in such a way that by the time we are finished we will have found some answers.

Are there any further questions of these two witnesses?

Senator MONDALE. I have a comment. I think we found out what P600 is.

Ambassador HELMS. Good.

The CHAIRMAN. If you found out, let us hear it.

Senator MONDALE. We are told by Robert Andrews, a Defense Department official, who is with us today, that he thinks it is a working

fund number, work relating to CIA funds, and he thinks it is a reference to an account number.

The CHAIRMAN. We will pursue that further because, as I recall the labels on the containers, "Do not use, unless directed by P600." That does not sound like a system of accounts or an account ledger.

Senator MONDALE. I know it but—

The CHAIRMAN. Well, we will track that down.

Senator MONDALE. Could we ask them to give a full report?

The CHAIRMAN. Yes; of course we will track it down. If there are no further questions of these two witnesses I would like to move on to Ambassador Leonard.

Thank you, gentlemen.

Ambassador HELMS. Thank you, Mr. Chairman. Thank you, gentlemen.

Mr. KARAMESSINES. Thank you.

The CHAIRMAN. Ambassador Leonard, if you would please come forward at this time. Because of the confusion here, we will take a 5 minute recess so we can get back to order. Mr. Ambassador, if you would come forward and take your place at the witness stand during the recess I would appreciate it.

[A brief recess was taken.]

The CHAIRMAN. The hearing will please come back to order.

Mr. Ambassador, would you stand and take the oath, please.

Do you solemnly swear that all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEONARD. I do.

The CHAIRMAN. Thank you.

I understand that you have some opening remarks you would like to make, and I invite you to make them now.

TESTIMONY OF JAMES LEONARD, PRESIDENT, U.S. UNITED NATIONS ASSOCIATION

Mr. LEONARD. Thank you, Mr. Chairman.

This is not a prepared statement; I simply would like to state briefly for the record, my relationship to this question which you are looking at.

My name is James Leonard. I am, at the present time, the President of the United Nations Association in New York. I left the U.S. Government in 1973, after 25 years in the State Department, and for the last 4 of those years, I was on loan from the State Department to the Arms Control and Disarmament Agency as an Assistant Director, and I wore a second hat during that period.

I was also the head of the U.S. delegation to the Disarmament Conference in Geneva, known as the CCD—the Conference of Committee on Disarmament. That was in 1969, 1970, and 1971. And in 1971, basically between March and September, we negotiated at that conference, the Treaty on Biological Weapons.

That convention was then discussed in the General Assembly in the fall of 1971, and it was commended by the General Assembly by a vote of 110 to nothing. There was one delegation that abstained, and one that did not participate in the voting.

And the treaty was then opened for signature in April of 1972. It was ratified by the United States after appropriate advice and consent of the Senate, and brought into force only in March of this year—March 25, 1975. So that treaty became binding on us only in March.

The treaty has been signed by something over 100 nations, and the last count I had, had been ratified by 40 to 50.

This question of chemical and biological warfare had gotten a high place on the international agenda along in 1967 and 1968, and there had been a proposal in 1968 from the United Kingdom that the two questions of biological warfare and chemical warfare should be separated. And that the question of biological warfare should be dealt with first as a more simple, and in some respects, though not all respects, a more urgent question.

The matter was placed under study very early in 1969—early in the Nixon administration—in the spring and summer of 1969. I did not participate actively in the process within the U.S. Government in Washington here, since I left for Geneva in July of 1969 and was there in Geneva during the principal part of the period during which these decisions were being taken.

The decisions were, of course, reached and reflected in the President's press conference on November of 1969. The subsequent year—I'm sorry. When I came back from Geneva in the latter part of 1969, I found that the process of weighing what sort of a decision should be made about chemical and biological weapons was really very far advanced, and my memory is not precise on this, but just about the time I got back in November, a memorandum was sent from the Defense Department—from the Secretary of Defense, Mr. Laird, to the White House suggesting a course of action with regard to chemical and biological weapons. And that memorandum from the Defense Department essentially became the decision which Mr. Nixon approved and issued late in November.

The CHAIRMAN. In other words, Mr. Ambassador, the action taken by President Nixon was a unilateral action.

Mr. LEONARD. That is correct.

The CHAIRMAN. That preceded the treaty.

Mr. LEONARD. That is correct.

As a part of that, he decided that we would support the British proposal that there be a separate treaty on biological weapons.

The CHAIRMAN. So that the President took a position which was a kind of initiative, was it not?

Mr. LEONARD. That is correct.

The CHAIRMAN. You wanted to say to the world, the United States not only favors this, but we are going to do it unilaterally before a treaty itself is negotiated.

Mr. LEONARD. That is correct. That was the essence of his decision that was publicly announced. It was not a secret decision.

The CHAIRMAN. It was a gesture for decency and a gesture for peace.

Mr. LEONARD. That is correct.

Basically, the President decided on Mr. Laird's recommendation that it was in our interests to get out of the BW business—to get totally out of it—whether other people did so or not. We were better off out of that business. This country was safer, in fact, without biological weapons than with them.

And having taken that position, the President then directed that the State Department and the Arms Control Agency attempt to persuade others of that and put this in treaty form.

The CHAIRMAN. And that decision that we get out of this business for the reasons that you stated was a decision that was concurred in by the Defense Department.

Mr. LEONARD. Mr. Laird, in fact, advanced the original—took the initiative.

The CHAIRMAN. In fact, the recommendation that we get out of this business was one that came from the Secretary of Defense.

Mr. LEONARD. That is correct.

Now that decision taken in November of 1969 did not clearly deal with the problem of toxins, and it became necessary, as you know from your investigations, to have a further quick study of the toxin problem, which then produced a further National Security Decision Memorandum in February of 1970, and which did, in fact, include toxins within the scope of the renunciation—the unilateral renunciation—that we had taken on ourselves and proclaimed.

As a consequence of that, we also suggested to the British—and, of course, they agreed—that toxins should also be included in the treaty which was to be negotiated.

The proposal that we negotiate a treaty on this really did not go anywhere in particular during 1970. We were engaged in negotiating a different treaty at that time, known as the Sea Bed Treaty, and we were attempting to persuade other governments that our approach to this question of chemical and biological weapons was a correct one; that we should separate the two categories of weapons and deal with biologicals first.

And that was not readily accepted by other governments. It was not accepted by the Soviet Union, nor was it accepted, in general, by other nonaligned countries. It was accepted by our allies—our NATO allies, in general.

Nevertheless, during 1970, the President's order to get out of this business unilaterally was moved forward and the process of destruction was planned—carefully planned—and it is my understanding, was actually begun in 1970; certainly production of these was halted during 1970.

There was no question in my mind—the question was never raised as to whether CIA was in the business of producing or dealing with these matters. That simply was not, from our point, something that we even thought about to the best of my recollection at this time.

Well, we finished up this Sea Bed Treaty, and it became clear that chemicals and biologicals was the next thing on the agenda. And we went back to Geneva in early 1971 and did, at that point, succeed in scoring a breakthrough, so to speak.

We persuaded the Soviet Union to alter its position and to join us in agreeing to take care of the biological question first, and deal with chemicals later. And that was done, then, during the spring and summer of 1971. The treaty was drafted and brought back to New York and agreed upon in its final form, as it stands today.

Just one comment on this whole diplomatic effort. I think it is clear that what we were doing was basically a British-American way of handling the chemical and biological problem. It was very much

criticized by most other countries. They felt it was improper to separate biologicals because then nothing would be done about chemicals, which they were far more concerned about, really.

And they tended to downplay the importance of biological weapons. We argued the other way, of course. When they did agree to this, it was basically as a concession to us because they wanted to move the whole question of disarmament forward, and if this was the way we preferred to do it, well and good, let's do it that way. Then we would turn to chemicals. So it is particularly unfortunate that this event—a treaty of which we were the principal sponsors—should have been handled in the way that it evidently has been handled in this particular circumstance.

The CHAIRMAN. Let me ask you a question on that very point.

From what you have said, the President, acting unilaterally, and in an attempt to make a gesture of decency and peace, and in compliance with a recommendation that came to him from the Defense Department itself, announced to the world that we would not stockpile, or use, bacteriological weapons.

Then, on the——

Mr. LEONARD. Could I, Senator, just on that point.

We had already renounced the use of chemical and biological weapons, not in treaty form, but by our repeated assertion in international forums, that we would abide by the principles and objectives of the Geneva Protocol which deals with the question of use.

We later, as you know, have ratified that and become a formal party to that agreement. But use was not really in question. We already had excluded the use of biological weapons before Mr. Nixon even announced it.

The CHAIRMAN. But the President went further in his announcement. He said we would not stockpile them, and further, we would destroy them.

Mr. LEONARD. That is correct. Absolutely. But that we would simply not possess these weapons.

The CHAIRMAN. Then we initiated a treaty to secure an international agreement that other countries would do it likewise.

Mr. LEONARD. That is correct.

The CHAIRMAN. And now we find that toxins were preserved in violation of the President's orders. And it has taken us 5 years to make that discovery.

Now what do you think went wrong?

What do you think should be done about it to protect against failures of this kind in the future?

Mr. LEONARD. Well I would like to offer a few thoughts if I could on that.

Let me just say first, however, that in terms of the international implications of this I would not want to exaggerate the impact that I think this particular discovery will have on the attitudes of other governments.

I think that it will not discourage them from entering into further arms control agreements with us, and that sort of thing, for reasons which I believe are quite obvious—that this was not a deliberate evasion of the treaty by the highest levels of the U.S. Government at all.

The CHAIRMAN. And we have assumed throughout that the Presi-

dential order was honestly given and that there was no back-channel communication by the President, or anyone in a policymaking position, to disregard the public announcement. The public announcement did, in fact, represent national policy.

Mr. LEONARD. I believe that to be the case, and I think others will believe that to be the case.

I think there will be something troublesome in all of this, in that in the future when assertions are made that it is not necessary to write particularly complicated provisions for oversight and enforcement in the treaties, other governments may be somewhat more exigent, more demanding, of us than has been the case in the past when our simple assertion that you would know we will comply with that, you could not be in any doubt about that, would generally have sufficed. And that is a disadvantage, but I think it is a secondary one in this whole context.

On the question of what might be done to prevent analogous difficulties in the future, I would think there are a couple of what one might speak of as administrative measures that would be obviously appropriate. And several of you Senators have, in fact, referred to them this morning and perhaps yesterday, although I was not here yesterday.

It seems to me that in a matter of this sort it is very desirable to have a clear written record; a written record that runs from the top down, and that then comes from the—I will not say the very bottom, but at least the middle levels of the Government back up, so that the order comes down in a written, unambiguous form, which no one could possibly misinterpret, and it has attached to it some sort of a certificate, if you like, that the official has read and understood this instruction, and that he, to the best of his knowledge, he, and everyone in his office, and everyone—every office of which he has any direct knowledge, is in compliance with this obligation.

I am told—I cannot say this is my own knowledge, but I have been told that something of this sort was done in the Defense Department in connection with quite a different treaty—the Treaty Against Prohibiting Antiballistic Missiles, or limiting them. And that they did, in the Army, in the area concerned with antiballistic missile defense—

The CHAIRMAN. There has been so much testimony about secrecy and the highly secret nature of these compounds and toxins, yet there was nothing secret about this at all, was there?

In fact, the President gave great publicity to the order. It was known at the time that he gave the order that the Government was in possession of certain toxins of this kind, and he ordered them destroyed.

Mr. LEONARD. That is correct.

The CHAIRMAN. So that there was no reason whatever in view of the circumstances that a direct written order shouldn't have gone right through any agency of the Government that may have possessed such forbidden substances.

Mr. LEONARD. That is correct, Mr. Chairman. And an unclassified, written order. I see no reason it should have been classified.

The CHAIRMAN. Yes. There was no need to classify it in any sense. That should have been a public order and a written order in order to

make certain that the Government itself was in compliance with the President's directive.

Mr. LEONARD. I think that should go, obviously, not simply to the top levels who have this supervisory bureaucratic responsibility, but down far enough in an organization so that one can be sure that the people who really know what is being done are aware of what their guidance is; that it comes from the top.

The second thing, I would think, is of a somewhat different character that might be done. It seems to me that there is a debate that goes on within the Government of a more philosophical character which it would be well to clarify. And that is, what sort of things are legitimate and what sort of things are not legitimate.

And this is quite a confused area. There are many people in this country who feel that if somebody else, some other government is doing certain things, then that means it is legitimate for us to do those things. And, in fact, there is a general rule, I believe, in international law that something that is not prohibited is permitted.

It is not an invariable rule, but it is a general sort of principle that one goes by. I would think it very desirable for the President of this country at least to lay down some more unilateral rules as to what we are constrained not to do and what officials of this Government are constrained not to do. That can get rather philosophical, but I think we have a President whose character, whose ability to distinguish between right and wrong, is very widely respected. And I would like to see him take stands on these issues and make it perfectly clear where he stands and where he expects other officials to stand on what is permitted and what is prohibited to agents of the U.S. Government, in the broad sense in which all of us, who at one time or another, draw a Government salary, are agents.

And then there is a third area which is obviously much more complicated, it seems to me, than simply issuing directives. And that is this question of what I might call the span of control in an organization of the sort that we are dealing with here.

And here it does seem to me that a very real question is raised, and it has been rather differently illustrated by the testimony of Mr. Helms and Mr. Karamessines.

These are very large organizations in which the senior officials are dealing with an enormous number of totally diverse problems, and it is difficult for them to really be confident that they know what is going on down in one or another small part of an organization that is as large as that.

And it seems to me that there is, therefore, since not everything could be reduced to writing, not everything could be put—the guidance cannot always be laid out in categorical and legal form. It certainly could have been here, but the question of dividing an agency as large as the CIA is really a legitimate area of discussion.

It seems to me that the functions there are quite disparate; for any large agency performing a wide variety of functions.

The CHAIRMAN. When you say dividing it, you mean taking an agency of this size and breaking it up?

Mr. LEONARD. Breaking it up.

I would certainly not want to see the CIA abolished. As a person who spent a good deal of time in arms control, I am very conscious of the

contributions that the CIA has made to arms control. We just simply could not have the kind of arms control we have got today, the kind of agreements on strategic weapons that we have with the Soviet Union if it were not for the intelligence that the CIA provides. And I certainly would not want to see that capability impaired in any way. But I do not think that is necessarily inherent in the present structure of the Agency. I do not think it necessarily would be impaired, and I can even imagine that, in fact, command and control might be somewhat improved if these were less ponderous, less huge, organizations than the one we presently have.

The CHAIRMAN. Well, it is certainly true that the organization has grown very large, and that may complicate the question of command and control. Your suggestion is it might be broken into several component parts, over which more effective command could be established by virtue of their—

Mr. LEONARD. More compact and more homogeneous nature.

The CHAIRMAN. Of a more compact, more homogenous nature.

Mr. LEONARD. Precisely, Mr. Chairman.

The CHAIRMAN. Have you anything further to say in the way of opening remarks, Mr. Ambassador?

Mr. LEONARD. No. Thank you, Mr. Chairman.

The CHAIRMAN. All right. I think we can go to questions, then. I would turn first to Senator Mondale.

Senator MONDALE. Mr. Leonard, you spent, I think, over 20 years in the Foreign Service and were assigned in a whole range of assignments in a host of countries where you could see the operation of the CIA, particularly covert operations, in action. It has been my belief as we have gone through these hearings, most of them in private, that one of the problems with covert activities is that they are usually decided and determined in a way that does not fully appreciate the possible damage and cost to this country should it fail or should it become known, and that the failure to consider that part of CIA covert activities often encourages our operatives to undertake projects which are very foolish, very costly, and often bear a cost far disproportionate to any kind of return that we could conceive. Is that a fair conclusion?

Mr. LEONARD. I think it is a fair conclusion, Senator, although I would not want to seem to be levying some sort of a blanket charge against the CIA and its people abroad of general irresponsibility or being out of control in some fashion or another, because my experience with them is precisely to the contrary. They are not. But there is, as you suggest, this possibility there, in the covert character of some of the things they have to carry out, and in the problems of insuring and oversight of those activities that is not somehow involved or committed to the activity that is being contemplated.

Senator MONDALE. I understood that you were of the impression that one step which might be taken is to separate the covert action side of the CIA from the receiving or collecting of information and intelligence-gathering side, separate them into separate institutions. Is that correct?

Mr. LEONARD. There seems to me two kinds of covert action, and the covert gathering of intelligence, simply finding out what is going on, I think, sometimes does have to be done in a covert fashion. It cannot be carried out in public. I think the need for that sort of intelligence can be exaggerated.

Basically, most of what the U.S. Government needs to know about foreign countries comes to it either through the press or through State Department channels. The contribution from CIA intelligence, in many situations, is really quite marginal. But there are situations in which it is extremely important, and I would not want to see that thrown away.

But I would distinguish that sort of covert activity from covert action that is directed at some sort of having an effect on the political life of another country, whether it is by removing individuals or providing money to individuals, or in some fashion or other warping or skewing or diverting the course of political life in that country from the direction it's going to take on its own, so to speak.

Senator MONDALE. You think it makes sense to take that function out of the CIA and put it into some other institution?

Mr. LEONARD. I would renounce it totally, Senator. I would not take it out of the CIA and put it somewhere else. I do not think we have any business being in this, if I may call it, covert action, operational action, whether one labels it offensive or whatever. I just do not think the United States needs that capability. I think we can give it up unilaterally, just as securely and safely and benefit from giving it up, the way we benefited from giving up biological warfare, biological weapons.

Senator MONDALE. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Mathias.

Senator MATHIAS. Thank you, Mr. Chairman.

I would like to ask a hypothetical question relating to our commitment to destroy the biological weapons that we had created and stockpiled. The Department of Defense, in response to the President's order did, as I understand it, develop very elaborate procedures for the destruction of these toxic substances. Would it have complied with our international commitment had these substances, instead of physically being destroyed, had been destroyed as far as purpose was concerned, by making them available for scientific purposes to medical schools and research laboratories in this or any other country?

Mr. LEONARD. Well, it would not, strictly speaking, have been in compliance with the treaty to do that, if the quantities involved were larger than was necessary for the purposes involved: the treaty is quite clear on that. And at the time, both in its negotiation, we made that quite clear on the record, and I believe in the document transmitted to the Senate for advice and consent that was also made quite clear.

There is a paragraph in this small publication which underlines that point:

The treaty allows the Government to retain only quantities that have a justification for prophylactic, protective, or other peaceful purposes, and not quantities in excess of that, even if the intent eventually may be to direct them in that fashion.

Senator MATHIAS. My thinking is not directed only at this shellfish toxin that we are considering today, but really on the whole biological arsenal at Fort Detrick, in which the American people have invested hundreds of millions of dollars, which may have been of some importance to the scientific community in view of the fact that medical schools all over the country very actively participated in the creation

of that facility and in the continuation of its work. But that hypothetical question does have some practical impact at the moment, because as has been testified here, there has been a request made by various medical schools for this toxin that is in point, for research purposes. Now, would it be possible for the appropriate authorities, without violating any international commitment, to make this toxin available for medical research?

Mr. LEONARD. It would be quite legitimate to do so, if the quantities are appropriate. If the quantities are clearly in excess, then it is not legitimate.

Senator MATHIAS. It might be in excess for a single medical school, but if it were divided up for research purposes among several, would that be within your interpretation of what is permissible?

Mr. LEONARD. Oh, yes; there is no question.

Senator MATHIAS. As long as no single agent received more than was actually physically required for its research work?

Mr. LEONARD. Well, the question really is one of intent, Senator. If the intent is honestly and clearly to use these for these research prophylactic purposes, then there is no question the quantity such as is appropriate to that. But if the intent is otherwise, if the intent is to hold them as a contingency reserved for some other possible use, then that is not legitimate.

Senator MATHIAS. But if they were exposed, and the whole world knew where they went and in what quantities, and for what purposes, you would find no objection?

Mr. LEONARD. I would not. I cannot really imagine that a foreign government would charge us for a violation for that sort of action.

Senator MATHIAS. Thank you, Mr. Chairman.

The CHAIRMAN. This is a very important subject that Senator Mathias raises, because when this committee was first established Senator Mansfield, the majority leader, and Senator Scott, the minority leader, advised the CIA and other agencies that we will be investigating, not to destroy anything for obvious reasons, and when this cache of toxins was discovered, the Agency quite properly came to us to ask for a release, because it may very well be that the executive branch will now want to destroy these toxins.

One possibility for using them for proper purposes is the point of Senator Mathias' inquiry, though, clearly, other testimony has shown that the quantities that have been found in this particular cache go far beyond the experimental and legitimate needs to which this particular poison could be put.

But if there is a purpose that can be served that comes within the treaty, so that the United States does not violate its commitment, then it is important for us to know that, it is important for the executive branch to know that, in determining what disposition to make of this particular cache.

Senator Huddleston.

Senator HUDDLESTON. Thank you, Mr. Chairman.

Amplifying somewhat on the need for information from the CIA, particularly foreign intelligence, and expanding somewhat on the statement that you have already made, would you say that it would be virtually impossible, or at least somewhat unwise, for this country to enter into agreements involving armaments decreases or many other

subjects without information that is gathered and supplied by the CIA?

Mr. LEONARD. Senator, there are clearly agreements that it would be very unwise to enter into without knowing what is being done on the other side. There are others, such as the biological treaty, where in fact we entered into it knowing that we could not know and be reconciled to the fact that we could not know, as illustrated, of course, we could not know about our own situation, much less about some foreign government.

Senator HUDDLESTON. But it would not be prudent for us to set our country on a particular course without having information upon which we can totally rely or information that has been gained by our own devices, rather than relying on what might be supplied to us by another country?

Mr. LEONARD. That, Senator, would depend, really on the weapons that we are talking about controlling or disarming. Some, obviously, one needs a high degree of certainty with, and others, one can make do with a good deal less accurate detailed, current information. It depends, really, on the risks that this Government would run, as a consequence of a violation unknown to us of the agreement that we had entered into.

Senator HUDDLESTON. Another example, and somewhat in a different area is the joint space venture between this country and the Soviet Union. Would you say that would be highly improbable or perhaps imprudent for us to engage in that kind of an operation without information that would be supplied by the CIA relative to the Soviet Union's real capability in that field?

Mr. LEONARD. I honestly cannot see the relevance to that enterprise of information the CIA would supply. It seems to me it is up to the Soviets themselves to supply us with the information that we need to be confident of the safety of our astronauts, or whatever is involved.

Senator HUDDLESTON. Are you suggesting that we should rely upon the information that they supply, or should we rely on information that we may have gathered ourselves?

Mr. LEONARD. I think we would rely upon the information they would supply, because they would supply it in a form that would be utterly unambiguous. Our technicians would be looking at the Soviet instruments, satisfying themselves that they work the way they are supposed to. I just do not think the CIA capability is relevant.

Senator HUDDLESTON. Back to the particular treaty and our involvement with the toxins and biological warfare agents, subsequent to this agreement, did other countries, to your knowledge, undertake a destruction program of their biological weapons and toxins?

Mr. LEONARD. To my knowledge, I do not know of any, to my own knowledge. No other country acknowledged publicly and formally, to the best of my memory, that they had any stockpiles of biological weapons, and therefore, there was no acknowledgment by them that they had an obligation in conformity with article 2 to carry out any destruction procedures.

Senator HUDDLESTON. But there was no effort by anyone to verify whether other countries in fact did have a stockpile?

Mr. LEONARD. Quite the contrary, Senator. The intelligence services of this Government have been trying for many years to gain informa-

tion about the stockpiles of other countries, but given the nature of the weapons, it is just extremely difficult and I think one of the clearest lessons from all of the study of chemical and biological weapons that went on, 1967, 1968, on through the present time, is that it is extremely difficult to know what another country is doing, especially a large country.

Senator HUDDLESTON. Do you know whether or not any question has been raised in any international forum subsequent to this treaty, as to whether or not the various countries' signatures were complied.

Mr. LEONARD. I do not, Senator. I've been out of the Government during this period.

Senator HUDDLESTON. Would you say that in a matter of an international treaty and the question of whether or not this country complies to it, that it would be a reasonable standard operating procedure emanating perhaps from the White House or at least from the Department of State, that any agency of this Federal Government that has any responsibility for implementing any part of an international agreement should have a written record of all actions taken which were taken for the purpose of implementing that treaty?

Mr. LEONARD. I think the general principle is a sound one, but to make it absolutely categorical, applying to all treaties, all situations, all agencies, could get one, I think, into very complicated problems which I honestly have not thought through. I think in the case of an arms control treaty of this sort, it is important that the agencies that might possibly have something which is prohibited should be required to make it clear that they do not, but we have an enormous range of treaties with other countries, economic character, consular character, all sorts of things, and that is another matter, I think.

Senator HUDDLESTON. There could hardly be any harm, in the case of international treaties, which are seldom secret in nature to start with, in having some tangible proof that this country did, in good faith, attempt to implement that treaty, and did issue whatever necessary instructions or orders might be to implement that treaty.

Mr. LEONARD. That is very desirable, yes.

Senator HUDDLESTON. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Huddleston.

Senator MATHIAS. Mr. Chairman, I am wondering if the next Senator would yield for just one observation at this point.

The CHAIRMAN. Would you ask him?

Senator SCHWEIKER. I would be delighted to.

Senator MATHIAS. Thank you.

I do not think the record ought to remain in the state in which I now perceive it to be. We are in a state of innocence and ignorance about the activities of other nations in this field. There is a great deal that is known about what other countries are doing in biological and chemical warfare and paradoxically, some of that information comes from the cooperative efforts of scientists.

When Fort Detrick was in full bloom, they had some difficulty in developing strains of Tubercine and they obtained strains from the Soviet Union, and that kind of scientific exchange went on during the depths of a cold war, so that a great deal is known, and I do not think the record should reflect that we are in complete ignorance of what is happening on the international scene.

Mr. LEONARD. Could I just comment on that, if you please, Mr. Chairman. I did not want to imply that I was addressing myself simply to the question of stockpiles, stockpiles in the chemical and biological area. Those are particularly difficult to gain knowledge of, whether it is overtly or covertly.

The CHAIRMAN. But having made a very careful study of the question, the Department of Defense evidently decided that for purposes of protecting the United States, it was not necessary for us to stockpile such weapons, regardless of what other countries did.

Mr. LEONARD. That is correct, Mr. Chairman.

The CHAIRMAN. And therefore, that decision became a unilateral decision, made in advance of the treaty, which we then advocated and initiated; is that correct?

Mr. LEONARD. That is correct, that we are best protected by defensive measures, prophylactic measures against this, not by the threat to retaliate in kind. If you hit us with biological weapons, we will hit you—that was not the way to go, and that was what Mr. Laird and Mr. Nixon saw very clearly and decided in terms of.

Senator MATHIAS. I think one of the elements of that decision is, of course, the availability of these weapons to any primitive society. Any society that has the capability of brewing beer has the capability of creating a biological weapon. So the dangers involved are very, very great.

Mr. LEONARD. Senator Mathias' point, I think, is very valid. I think we have learned more through peaceful cooperation with other countries than we have by attempting to spy on their defense laboratories.

The CHAIRMAN. Perhaps we have already placed the shellfish market in jeopardy. I don't know whether we should extend that to beer. I do think, though, that when our expert witness comes on he will make clear that this particular toxin takes a great deal of synthesis and concentration and that ordinary shellfish are very healthy and can be eaten without serious dangers to anyone's health. We have got problems enough in this committee without beginning to affect the markets for various products.

Senator Schweiker.

Senator SCHWEIKER. Mr. Chairman, I have no questions.

The CHAIRMAN. Very well.

Senator Hart?

Senator HART of Colorado. Mr. Leonard, I have three factual questions. Based upon the President's statement of November 25, 1969, it is my understanding that the CIA or its representatives participated in the working groups or study groups that led up to the U.S. position with regard to biological warfare. Is that correct?

Mr. LEONARD. That is correct.

Senator HART of Colorado. During those working sessions or study groups did the CIA representatives ever indicate, to your recollection, the need to stockpile a supply of toxic materials for experimentation or whatever?

Mr. LEONARD. Senator, I honestly do not think I can testify on that. I was not personally involved in those discussions.

Another officer of the Arms Control Agency was our representative in the meetings and I simply was not involved. I had only second- or

third-hand knowledge of the discussions that went forward and saw really what came out of them.

Senator HART of Colorado. So, based upon the discussions and the record with which you are familiar, you do not know whether this subject ever arose in those discussions?

Mr. LEONARD. I really do not know, Senator.

Senator HART of Colorado. Mr. Chairman, those are the only questions I have.

With the indulgence of my colleagues and with reference to a comment I made to you at the break, I make an observation out of context and outside the scope of the work of this committee.

We got into the question of the purity of Dr. Gordon's motives and the good intentions that he may have had in disobeying orders. It occurred to me in that connection that if purity of motives were a sufficient reason to disobey orders and rules, thousands of young American men would now be walking the streets who, out of conscience, disobeyed draft orders for Vietnam.

The CHAIRMAN. Thank you, Senator.

Mr. LEONARD. May I just make a brief comment on that question of motives. And it gets back to this area of what is permitted and what is prohibited. It seems to me this illustrates the desirability of some sort of categorical ruling-out of whole areas of activity, so that a person like Dr. Gordon, whose testimony I did not hear, could not be in any doubt that so-called offensive uses of the material that he had was not legitimate, was not within the permitted area of U.S. Government activities. It seems to me that it has got to be a very broad prohibition. But it is only in that fashion that these various complex doubts and questions can really be resolved in a categorical fashion.

The CHAIRMAN. Well, I might say to you, Mr. Ambassador, that we have found in our investigation to date that ambiguity seems to plague the CIA and when you suggested, as you did a few minutes ago, that it would be well for Presidents to begin to get very precise about what agencies must not do, it was a very good suggestion indeed. If previous Presidents had been a great deal more precise about what the CIA must not do it is possible that we would not now be investigating the Agency.

All of that will come out in due course, but, nevertheless, I want to say that this recommendation I take to be a very good one. And I hope that Presidents in the future deal with the Agency and all departments of the Government in such a way as to make it very clear the kinds of activities that they are not to engage in.

Mr. LEONARD. I think, Mr. Chairman, it should be clear that the kind of activities that we are talking about is not prohibited. It is prohibited to kill people with toxins today because of the treaty. But it is not prohibited to entertain the idea of killing people. There is no, to my knowledge, directive. I am very pleased to hear Mr. Karamessines say that he personally would never, that he would resign from the Agency sooner than approve that. But that was his personal policy. That was a matter of his individual moral character. It was not a national policy and to the best of my knowledge it is not a national policy today.

The CHAIRMAN. That depends upon how national policy is defined. Today there are directives, two directives, that have been issued by

the Director, one by Mr. Helms, when he was Director, and one by Mr. Colby, which do, for the first time clearly declare that no one in the Agency is to be involved in assassination plots or assassination attempts or any other activity related to assassination.

However, I agree with you that a matter of this seriousness should not be left to the Director of the Agency or to an administrative order that can be changed as Directors are changed, but ought to be a matter of law. And this committee will have recommendations to make when it completes its investigation of that particular issue.

If there are no more questions of this witness, thank you very much, Mr. Ambassador.

We will complete our hearings on this subject tomorrow morning when our first witness will be Dr. Edward Schantz, who is an expert on these toxins and was at Fort Detrick. Our second witness will be Mr. Charles Senseney, who was a Fort Detrick official to whom Dr. Gordon referred yesterday afternoon and to whom Dr. Gordon said that he had offered the toxins.

Perhaps some of the unanswered questions can be cleared up in tomorrow's testimony. That will complete the public hearings on this particular subject.

The hearing is adjourned until 10 o'clock tomorrow morning.

[Whereupon, at 12:50 p.m. the hearing recessed to reconvene the following morning at 10 a.m.]

THURSDAY, SEPTEMBER 18, 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 10:05 a.m. in room 318, Russell Senate Office Building, Senator Frank Church (chairman) presiding.

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

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

The CHAIRMAN. The hearing will please come to order.

This is the third and final day that the committee will devote to the puzzlement of the poisons, and our first witness this morning is Dr. Edward Schantz. Dr. Schantz, would you please come to the witness table. And Dr. Schantz, if you would just remain standing for a moment for the oath, please.

Do you swear that all of the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. SCHANTZ. I do.

The CHAIRMAN. Thank you, Dr. Schantz. Please be seated.

Do you have any opening remarks you would care to make at this time?

**STATEMENT OF DR. EDWARD SCHANTZ, PROFESSOR, UNIVERSITY
OF WISCONSIN**

Dr. SCHANTZ. None, other than to say that I am now a professor at the University of Wisconsin, and I am in the Department of Food Microbiology and Toxicology.

I have spent about 30 years of my professional life studying the microbiological toxins, mainly those that are problems in food poisoning, such as shellfish poisoning, the poison itself, clostridium botulinum toxins, the staphylococcal enterotoxins and the like.

The CHAIRMAN. You are one of the foremost experts on this subject, are you not?

Dr. SCHANTZ. Well, that's what people tell me. I don't know.

The CHAIRMAN. Well, I want to congratulate you on the brevity of your opening statement. Let us go directly to questions. First, I will turn to our chief counsel, Mr. Schwarz.

Mr. SCHWARZ. Doctor, prior to going to the University of Wisconsin, were you at Fort Detrick?

Dr. SCHANTZ. Yes; I was.

Mr. SCHWARZ. And for how long a period of time were you there?

Dr. SCHANTZ. Twenty-eight years.

Mr. SCHWARZ. And during that time, you did research, as you say, on a number of matters, including shellfish toxin. Is that right?

Dr. SCHANTZ. That is correct.

Mr. SCHWARZ. While you were there, Doctor, were you aware that the CIA had a relationship with Fort Detrick?

Dr. SCHANTZ. Well, I did not know that directly. Now, there would be good reason to guess that, but I did not know it at the time.

Mr. SCHWARZ. So you were working on the shellfish toxin, but you did not know that the CIA also had an interest in shellfish toxin?

Dr. SCHANTZ. That is correct.

Mr. SCHWARZ. All right. Would you turn to exhibit 8,¹ which is National Security Decision Memorandum No. 44.

Dr. SCHANTZ. Yes.

Mr. SCHWARZ. The document dated February 20, 1970.

Dr. SCHANTZ. I have it.

Mr. SCHWARZ. You heard Mr. Helms say yesterday that such a document was so secret that it could not be shown to lower level employees in the CIA, including the very persons who were involved in biological warfare matters. Were you shown this document at the Defense Department?

Dr. SCHANTZ. I can't say that I saw this actual document. I saw, spelled out for us, essentially this very same statement.

Mr. SCHWARZ. Did you hear Dr. Gordon's testimony the other afternoon?

Dr. SCHANTZ. Yes; I did.

Mr. SCHWARZ. Do you read this order as covering shellfish toxin?

Dr. SCHANTZ. Yes; I do.

Mr. SCHWARZ. There is no doubt about that, is there?

Dr. SCHANTZ. That's correct; there's no question whatsoever.

Mr. SCHWARZ. What proportion of the amount of shellfish toxin ever produced in the history of the world is 11 grams?

Dr. SCHANTZ. My estimate would be about one-third.

Mr. SCHWARZ. How lethal is shellfish toxin?

Dr. SCHANTZ. It is considered an extremely lethal substance.

Mr. SCHWARZ. If it is administered intramuscularly, such as with a dart, how much does it take to kill a person?

Dr. SCHANTZ. The answer to that question can only come from animal experimentation, extrapolated to humans. I would estimate that probably two-tenths of a milligram would be sufficient.

Mr. SCHWARZ. Three-tenths of a milligram?

Dr. SCHANTZ. Two- or three-tenths.

Mr. SCHWARZ. Two- or three-tenths of a milligram?

Dr. SCHANTZ. That is correct.

¹ See p. 210.

Mr. SCHWARZ. Could you translate that into the number of people killed per gram?

Dr. SCHANTZ. Well, if it was two-tenths of a milligram, it would be sufficient for 5,000 people.

Mr. SCHWARZ. Per gram. And if you had 11 grams, that would be 55,000 people?

Dr. SCHANTZ. Yes; that is correct.

Mr. SCHWARZ. In addition to the ability to kill people, are there more benign uses for shellfish toxin, such as in hospitals?

Dr. SCHANTZ. Well, in Public Health there is; yes.

Mr. SCHWARZ. And what are those uses?

Dr. SCHANTZ. There are—well Public Health has several applications for this. One is the standardization of the bioassay to control shipments of shellfish poison or shellfish in commerce that may contain poison, and that was an important point, and still is, with the Food and Drug Administration.

Mr. SCHWARZ. And are there other benign uses?

Dr. SCHANTZ. Yes. We anticipate that there are many applications in medicine where the knowledge of the structure of shellfish poison could be applied. One is development of an antidote for shellfish poison, which we do not have at the present time. And the medical profession would need this, or needs this for cases that might occur along the coast, where they most generally have shellfish poisoning problems.

Mr. SCHWARZ. All right. Now, whatever benign uses there are, obviously they cannot be realized if it is sitting in a CIA vault?

Dr. SCHANTZ. Well, that is true; yes.

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

The CHAIRMAN. Mr. Smothers, do you have questions?

Mr. SMOTHERS. Yes, Mr. Chairman. Dr. Schantz, during the period of your employment at Fort Detrick, did you work primarily in the Public Health aspects of this toxin?

Dr. SCHANTZ. A lot of my work was with the Public Health Service; yes.

Mr. SMOTHERS. Were you not, in fact, retained for the purpose of assuring the purity of the shellfish toxin for Public Health purposes?

Dr. SCHANTZ. Yes. That was one application.

Mr. SMOTHERS. Did you, during the period of your tenure, receive from a separate branch, other than the one you worked for, requests for this toxin? Did you receive such requests specifically from the Special Operations Division?

Dr. SCHANTZ. If I understand your question properly, I furnished to SO Division, that was Special Operations Division, toxin as I had purified it, and as they asked for it.

Mr. SMOTHERS. Approximately how much of this toxin did you furnish to the Special Operations Division?

Dr. SCHANTZ. I cannot answer that accurately, but I would assume that over the years from—as it was prepared, I furnished them probably 10 or 15 grams.

Mr. SMOTHERS. To the best of your knowledge, did the Special Operations Division receive shellfish toxin from other sources, other than that which you furnished them directly?

Dr. SCHANTZ. There was some prepared, of course, too, by the Public Health Service, which was supplied to the SO Division.

Mr. SMOTHERS. When you say prepared by the Public Health Service, are you referring to the Public Health Service facilities at Taft and at Narragansett?

Dr. SCHANTZ. That's correct.

Mr. SMOTHERS. Did these facilities provide toxin directly to the Special Operations Division?

Dr. SCHANTZ. Yes; they did.

The CHAIRMAN. Mr. Smothers, just for clarification, Special Operations Division was located at Fort Detrick. It was the Army Bacteriological Warfare Division.

Dr. SCHANTZ. Yes; it was one of the divisions at Fort Detrick.

The CHAIRMAN. Thank you.

Mr. SMOTHERS. Dr. Schantz, during your tenure at Fort Detrick, did you also supply shellfish toxin to persons outside the Government?

Dr. SCHANTZ. Yes; I did. And after the project was cleared by the Army for this purpose, I sent toxin to many laboratories throughout the country, and to other countries, except to those behind the Iron Curtain, which I was not allowed to send to. And the poison was for physiological studies, and it was soon learned what the mechanism of action was from these studies, and also it was a very valuable tool for the study of nerve transmission in medical work.

Mr. SMOTHERS. How were these poisons physically transferred from Fort Detrick to the recipients?

Dr. SCHANTZ. At SO Division it was mainly directly. They came and got it from me, or I took it to them.

Mr. SMOTHERS. How was it transferred to the scientists and other organizations that received it?

Dr. SCHANTZ. When it was sent off from Fort Detrick to laboratories, we conferred with the Post Office Department how to safely do this. They suggested we put it in a glass vial, pack it in cotton, put it in a metal container which was sealed. The metal container went into a cardboard mailing carton, and it was sent in that form.

The CHAIRMAN. Did it survive the Post Office treatment? [General laughter.]

Dr. SCHANTZ. Yes; it did. I have no reports of broken vials.

Mr. SMOTHERS. Dr. Schantz, was there further Government control of this substance after it was transferred to the recipients outside of Fort Detrick?

Dr. SCHANTZ. Well, Public Health had their interest, and they also had some control of this. There was an arrangement made between the Chemical Corps Chief, and the Surgeon General of the Public Health Service, for a cooperative study, and of course, there was some control there, too.

Mr. SMOTHERS. As a final inquiry, going back again to the time mentioned by the chief counsel earlier, after the Presidential order had come down on destruction of these materials, did there come a time when you requested of Special Operations Division that they return to you any shellfish toxin which they had on hand?

Dr. SCHANTZ. Yes. That is correct. When SO Division was closing out, I went to Chief of SO Division and asked if I could have, for Public Health work, the poison that they did not use in their research.

Mr. SMOTHERS. And how much did they indicate to you they had on hand at that time?

Dr. SCHANTZ. Well, they did not tell me, but a short time later, they gave me 100 milligrams, and I assumed that this was it.

Mr. SMOTHERS. Based on the supplies that you had turned over to SO Division, would it have been, or was it at the time, your expectation that they would have had more than 100 milligrams on hand?

Dr. SCHANTZ. Well, I had no way to know, because, although I had a top secret clearance, I did not know all of the things that they were using the poison for.

Mr. SMOTHERS. But you did transfer to them, over a period of time, more than 15 grams, or approximately 15 grams, of the substance?

Dr. SCHANTZ. It could have been that much.

Mr. SMOTHERS. Thank you, Mr. Chairman. I have no further questions.

The CHAIRMAN. Thank you, Mr. Smothers.

Dr. Schantz, how is this shellfish toxin manufactured or created?

Dr. SCHANTZ. Well, it is created by marine dinoflagellate. And shellfish become poisonous only when the marine—this poisonous marine dinoflagellate happens to grow out in the water. Shellfish consume, all the time, the dinoflagellates and other microorganisms in the water for food. Now, when a poisonous dinoflagellate happens to grow out which is very often or usually a rare circumstance, the mussels, clams, and other plankton-consuming shellfish bind that poison in the body and they become very poisonous, and when the dinoflagellate has run its course in the ocean and other dinoflagellates come in, usually not poisonous, the shellfish excrete this poison within a matter of a few weeks. So then they are safe to eat again, and this is often a sporadic occurrence. You cannot predict it, and so that is the reason so many people get poisoned, and so on.

The CHAIRMAN. In order to develop the toxin, does that take a great many infected shellfish? Is it a long and difficult process to develop this highly potent toxin?

Dr. SCHANTZ. The purification procedure, that is, getting the poison out of the shellfish and purifying it, was a difficult procedure to work out, and it took us several years study in order to do this. And much of the poison, as we were purifying it, went back into research to improve the method of purification. But it was not an easy matter to do this. It is easy now, of course. It is not so difficult.

And I worked out with my co-workers and various well-known chemists throughout the country—we developed this procedure, and it is published in the Journal of the American Chemical Society.

The CHAIRMAN. I suppose what I am driving at is that our discussion of this particular toxin and the way that it has been developed ought not to be misunderstood by the public as meaning that people should be wary of eating shellfish.

Dr. SCHANTZ. That is an important point. I think that everyone should understand that shellfish going on the commercial market is going carefully screened by the Food and Drug Administration and this poison, now, the purified poison, has established an accurate assay and has helped the Food and Drug Administration greatly in controlling the commercial fisheries, so that none of this, no poisonous shellfish get on the market. And I would like to make that very clear.

The CHAIRMAN. Thank you.

Once you had developed the toxin itself, how long does it remain potent?

Dr. SCHANTZ. I have—well, the material that we have purified, and I had Public Health back in 1954 or 1955, I have assayed within the past year, and it is every bit as potent as it was the day I prepared it. And I would imagine that it will last 100 years, and so on.

The CHAIRMAN. It has lost no potency at all in 20 years?

Dr. SCHANTZ. That is correct.

The CHAIRMAN. So there is no question in your mind that this cache that has been discovered, about which we are conducting this particular hearing, consisting of about 11 grams, which you say represents about one-third of all the toxin ever manufactured, still is as potent as it was when it was developed?

Dr. SCHANTZ. I would expect it to be every bit as potent today as it was the day it was made.

The CHAIRMAN. Just one final question, Dr. Schantz. I think, since you have been present at the earlier hearings that you know that this committee has been asked to lift a ban that applies generally to all the agencies we are investigating against the destruction of any material that they may have in their possession. In order that a proper disposal can be made of the 11 grams of this shellfish toxin that have been discovered, I would like some guidance from you.

We have entered into a treaty in which we have undertaken to destroy substances of this kind, except in such amounts as may be usefully used in laboratories for benign and decent purposes. Would it be your recommendation that part of this particular cache of shellfish toxin be distributed to medical schools and laboratories that are engaged in this work, within the limits of the treaty, or is there any special need to consider that use? I have in mind possible medical uses that might help us in solving some of the problems of disease and any other good and decent purpose.

Dr. SCHANTZ. At the present time, we have in the biochemistry department at Madison, a NIH grant to study shellfish poison. Within the past year, we have determined the chemical structure of it, and this is now published in the Journal of the American Chemical Society. We are now in the process of altering the molecule to determine whether we can produce substances of medical interest.

One such example might be the possibility of developing local anesthetics from this molecule, and we are much in need of toxin for this purpose. There are many physiologists throughout the country and one, of course, we are working with is Dr. Ritchie, at Yale University. And I know laboratories like his and others would appreciate very much getting material.

I have usually kept the supply of toxin and have supplied it to many laboratories throughout the world, as I have mentioned before. I would continue to do that, if I had the supply. And I must assure everyone that we are putting it to good medical use, and are not doing anything else with it, other than medical applications.

The CHAIRMAN. Thank you, Dr. Schantz. Senator Tower?

Senator Tower. Dr. Schantz, did you serve as the custodian of the Physical Sciences Division stockpile of toxin?

Dr. SCHANTZ. Yes; I did.

Senator TOWER. Were you also custodian for the amounts that were transferred to SOD?

Dr. SCHANTZ. No; I was not.

Senator TOWER. To the best of your knowledge, did anyone keep an accounting of the toxin that was kept on hand by SOD?

Dr. SCHANTZ. I do not know, but after it was transferred to SOD, I had nothing more to do with it.

Senator TOWER. What was the formal procedure for the acquisition of shellfish toxin?

Dr. SCHANTZ. By whom?

Senator TOWER. By anyone.

Dr. SCHANTZ. By anyone?

Senator TOWER. Yes.

Dr. SCHANTZ. Well, it was in the Army. We passed it just back and forth, and I do not know as there was any formal—

Senator TOWER. No written requests or anything like that? No formal procedures at all?

Dr. SCHANTZ. No. If they needed it, we gave it to them. But any material that was sent outside of the Army was done by permission of headquarters at Fort Detrick. And whenever I had a request for poison—let us say from a physiological laboratory that wanted to investigate the mechanism of action—I first would make sure that this man was a competent investigator, and that the university wanted the poison used in their laboratory.

If that were ascertained, then I filled out a little form designed by Fort Detrick stating who it was to go to, how much they wanted, and whether or not I recommended that they get it. This went to headquarters; it would come back to me, usually approved. And then I would send out some material packaged as mentioned before.

Senator TOWER. Did you keep records of the amount of toxin that you gave to the Special Operations Division?

Dr. SCHANTZ. No; I did not really.

Senator TOWER. What accounting records were kept by you, or by your office?

Dr. SCHANTZ. Well, I must say this about turning it over to SO Division, that when I first prepared toxin—and I think it was in 1954—we had about 20 grams then, and this was passed on up to headquarters to be distributed. And I assume that SO Division got a portion of this.

Senator TOWER. Did the Army levy a charge to any scientist or organization that received this toxin?

Dr. SCHANTZ. I do not quite understand, Senator Tower.

Senator TOWER. Did they place any conditions? Did they try to mandate what the parameters of its use were?

Dr. SCHANTZ. Well, do you mean that they defined—who could get it, or what their qualifications—

Senator TOWER. And what they could use it for.

Dr. SCHANTZ. Oh, yes. That was my responsibility; to recommend to headquarters that these are competent people to handle this.

Senator TOWER. But after it left your hands, you actually had no control?

Dr. SCHANTZ. That is correct, except I used to check at times. And often these universities that had investigated it would send me letter

reports on what they had found out, and often reprints of papers they had published on the use of the shellfish poison.

Senator TOWER. Were there any reports required from the scientists or the organizations or institutions to whom this toxin was given? I notice quite a number of foreign establishments—University of Glasgow, University of Leeds, Norwegian Defense Research Establishment—that looks a little ominous—Italy, Japan, and so forth.

Dr. SCHANTZ. There was no particular report required.

Senator TOWER. In other words, they did not have to report to you periodically what they were doing with this stuff?

Dr. SCHANTZ. That is correct.

Senator TOWER. In response to Mr. Smothers' question earlier, you indicated a direct relationship between Public Health and SOD. Now, could you explain the nature and extent of any agreement or working procedure between Public Health and SOD?

Dr. SCHANTZ. Well, SOD, as I understand it, made the contract agreement with Public Health Service, and the first one was at the Taft Center in Cincinnati, to prepare toxin.

Now I had nothing to do with setting up the contract; I do not know how much money it was and so on. But I was sent to Cincinnati on occasion to help them get the purification procedure underway, and I also checked samples of the poison that supposedly were purified. And I checked it to make sure it was up to standards, so to speak.

Senator TOWER. Thank you, Dr. Schantz.

Mr. Chairman, I ask unanimous consent that a list be placed in the record of recipients of the toxin.

The CHAIRMAN. Without objection, that will be done. [Exhibit 11.1]

The CHAIRMAN. Senator Mondale?

Senator MONDALE. Thank you, Mr. Chairman. I think you testified earlier, Dr. Schantz, that you had seen orders come down to destroy toxin in language that was identical to the language appearing in the National Security Decision Memorandum.

Dr. SCHANTZ. That is correct.

Senator MONDALE. Was there any doubt in your mind that that Presidential order of destruction of toxins included shellfish toxin?

Dr. SCHANTZ. No question whatsoever.

Senator MONDALE. Do you believe there could be any reasonable doubt in the mind of a chemist or a technician working in this field, other than the one you had, concerning the applicability of the Presidential order to these shellfish toxins?

Dr. SCHANTZ. Well, this shellfish toxin is a chemical of high potency, that is highly lethal, of biological origin, and I do not know how else you could classify it. It is a biological product.

Senator MONDALE. And thus, in your opinion, at that time, when you saw the Presidential order, there was utterly no doubt in your mind but that this included shellfish toxins.

Dr. SCHANTZ. Absolutely. Yes.

Senator MONDALE. First of all, I would ask the staff to provide Dr. Schantz with two documents: One dated February 17, 1970, entitled "Special Operations Division's Toxin Inventory," and another, dated February 18, 1970, entitled "Paralytic Shellfish Poison Working Fund Investigation."

¹ See p. 216.

As I understand it, Dr. Schantz, at the time these inventories were prepared, you were still with the Government working on these shellfish toxins at Fort Detrick.

Dr. SCHANTZ. That is correct.

Senator MONDALE. Can you help us understand these two inventories? The first dated February 17, entitled "Special Operations Division Toxin Inventory" reports to higher authority that only small quantities of shellfish toxin remain in their inventories. Is that correct?

Dr. SCHANTZ. Well, when I asked them for the toxin, at the time the Division was being dissolved, they presented me with 100 milligrams—

Senator MONDALE. I'm not trying to get to that, Dr. Schantz. I am trying to establish that we have inventories prepared only a day apart which differ dramatically in the amount of shellfish toxin in their inventories.

Dr. SCHANTZ. Yes, I see that.

Senator MONDALE. The one on the 17th of February reports very modest quantities remaining, quantities I would think appropriate for research purposes: 0.2 grams of paralytic shellfish toxin; redried toxin, .01 grams; shellfish toxin, clam, .01 grams. Then, on the following day, on February 18, there is an inventory, and on top of it it says "U.S. Public Health Service, Taft Center, Ohio," and it lists, on the two pages, a total of 5.9—or 10.9 to 7 grams, which is an enormous quantity of shellfish toxin. Can you help us to understand the difference between these two inventories?

Dr. SCHANTZ. I really can't. I don't know anything about them.

Senator MONDALE. You see, what worries me is this: The Defense Department was ordered to destroy a massive quantity of shellfish toxin which could be used for offensive purposes under the Presidential order. They had substantial quantities of this toxin at Fort Detrick. But when the inventory came forth, it showed that practically all of that toxin had disappeared somewhere.

Dr. SCHANTZ. It looks that way, yes.

Senator MONDALE. So I am very suspicious that whoever did it, instead of following a Presidential order, sneaked the stuff out the back door, and then prepared an inventory for higher authorities which suggested that it had all been destroyed. But I gather that you are not in a position to help us understand these inventories.

Dr. SCHANTZ. I cannot explain this at all.

Senator MONDALE. Thank you, Dr. Schantz. Thank you, Mr. Chairman.

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

Senator BAKER. Thank you, Mr. Chairman.

Doctor, I really do not know that I can cover any ground that you have not already covered except to ask you if you could tell me what sort of recordkeeping you did do. Was there a manufacturing record as you formulated a batch of shellfish toxin? Did you make a record of how much the yield was?

Dr. SCHANTZ. Oh yes. That is in our notebooks. It could be located, I suppose.

Senator BAKER. Have you tried to locate it?

Dr. SCHANTZ. Well, I haven't, no.

Senator BAKER. Do you know whether anyone has tried to or not?

Dr. SCHANTZ. No, I really don't.

Senator BAKER. Would that notebook say how much had been manufactured in toto by the Department of Defense or the Public Health Service or by anyone else in Government?

Dr. SCHANTZ. I imagine that a complete examination of all of the notes over the years—one could get a good estimate of what actually was produced.

Now, I know that in 1954, or along in there somewhere, I cannot pin a specific date to it, but we had about 20 grams.

Senator BAKER. In 1954?

Dr. SCHANTZ. About 1954 or 1955, along in there. And this was, as I mentioned before, passed onto Headquarters for distribution. And I retained some for research and some for the Public Health Service.

Senator BAKER. You estimated that about 10 to 15 grams were at Fort Detrick at one time or another.

Dr. SCHANTZ. That is correct.

Senator BAKER. How much material did you handle in the course of your professional lifetime? Could you give us some estimate of that?

Dr. SCHANTZ. Well, I prepared directly approximately 20 grams. I was involved in helping, or assisting, Public Health in the preparation of, I figure, maybe another 10 or 15 grams.

Senator BAKER. Do you know of any records that were ever destroyed in this connection, Doctor?

Dr. SCHANTZ. Well, none of mine were ever destroyed that I know of. Now, when Detrick was closed, I guess these notes and everything went to Kansas City, we were told—I know nothing about them after that.

Senator BAKER. So you have no personal knowledge of it, but you have no reason to think that any records were destroyed?

Dr. SCHANTZ. I do not know why they should have been destroyed.

Senator BAKER. Do you know what else was in the cache of material that was found at the CIA facility in Washington besides the shellfish toxin? I remember there was cobra venom and a few other things there, too.

Dr. SCHANTZ. Well, I had other toxins on hand which were destroyed.

Senator BAKER. Do you know the material I am referring to? The material that was found—what do they call it?

Dr. SCHANTZ. You mean the cobra venom? I never worked with that, and I don't know.

Senator BAKER. What else did you work with?

Dr. SCHANTZ. Clostridium botulinum toxins, staphylococcal enterotoxins mainly, and of course shellfish poison.

Senator BAKER. If there are records extant from the Fort Detrick operation, can you give us any clue as to who has them or where we might locate them?

Dr. SCHANTZ. Well, we were told that after a certain length of time all reports that we wrote at Detrick went to a depository, I think in Kansas City. I am not sure about that, but it seems to me that was it.

Senator BAKER. Really, all I'm reaching for is this, Doctor. I want to know whether or not you have any reason to think that any records of this program were ever destroyed.

Dr. SCHANTZ. I know of none.

Senator BAKER. Thank you, sir. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Baker.

It hardly needs to be stressed that this is a very serious subject, but Senator Tower asked that I include a list in the record of all of those who have received this toxin, presumably for laboratory and medical purposes. And I have just been looking through the list, and I find on the second page a listing of someone who is said to have been associated with the department of pharmacology at Georgetown University Medical School, and his name is Lieutenant James Bond.

[General laughter.]

Dr. SCHANTZ. Well, I see this—

Senator MONDALE. Do you notice his zip code number is 20007?

[General laughter.]

Dr. SCHANTZ. I'm sorry I missed that.

Senator MONDALE. There is also a Dr. Covert who gets it.

The CHAIRMAN. Do you know any of these gentlemen? Do you know James Bond?

Dr. SCHANTZ. I'm sorry, I do not know any of them. I knew Dr. Covert.

The CHAIRMAN. Senator Huddleston?

Senator HUDDLESTON. Thank you, Mr. Chairman. Since we have raised a specter of 007, do you have any knowledge or information about who P600 is?

Dr. SCHANTZ. P600? Well, if that was at Fort Detrick, I would be inclined to say it is a building number.

Senator HUDDLESTON. Are buildings able to give instructions?

Dr. SCHANTZ. For authorization to do something with it.

Senator HUDDLESTON. From a certain building?

Dr. SCHANTZ. That would be my guess. Now, I did not see anything with that on it, but we often used that around Detrick. P would be for a permanent building, and T was for temporary buildings.

Senator HUDDLESTON. I recall those myself back in my Army days. Well, does the building P600 identify anything for you? Did that house—

Dr. SCHANTZ. I don't remember.

Senator HUDDLESTON. You do not remember?

Dr. SCHANTZ. No.

Senator HUDDLESTON. Dr. Schantz, was the shellfish toxin stored in liquid form or powdered form?

Dr. SCHANTZ. You can store it any way. It should be—normally, it is stored in an acidic solution, and it would be in a solution such as that. I have no reason to believe that it would not be always stable.

Senator HUDDLESTON. I would like to determine the amount that would be required to render a lethal dosage to an individual. Would, for instance, dipping a pen or the point of a dart into this liquid, and then injecting it into an individual, be enough to kill him?

Dr. SCHANTZ. It might be. There are specially-designed things that hold enough to—that I'm sure would kill a human being.

Senator HUDDLESTON. In your research, did you involve yourself with these kinds of delivery systems?

Dr. SCHANTZ. No; not at all. But on occasions, SO Division had showed me some of them.

Senator HUDDLESTON. We were talking about how a manufacturing process took place. Can you tell us how many shellfish would be required to produce, say, 1 gram of toxin?

Dr. SCHANTZ. I think we said—and I am only making an estimate now—probably, well, 100 pounds.

Senator HUDDLESTON. 100 pounds? How many actual fish would that be, do you think?

Dr. SCHANTZ. Well, you caught me off guard on that. It would be several thousand shellfish.

Senator HUDDLESTON. Shellfish are not very large, are they, generally?

Dr. SCHANTZ. They would weigh, probably—a butter clam, the meat would weigh 100 grams or so, something like that, which would be a quarter of a pound.

Senator HUDDLESTON. What arrangements did you have for securing these large numbers of shellfish?

Dr. SCHANTZ. In securing them?

Senator HUDDLESTON. Yes.

Dr. SCHANTZ. Well, at one time, of course, we worked with people at the University of California Medical Center in San Francisco, and they would watch the toxicity of clams or mussels along the coast. And when the toxicity rose to a good level, about a dozen of us, mostly from the University of California Medical Center, would all go out and, at low tide, collect mussels. And this was our starting material for isolation.

Senator HUDDLESTON. Were there any other institutions you worked with that would supply you with the—

Dr. SCHANTZ. Well, now, one problem was the scarcity of it along the California coast, and we had heard rumors from the Canadians that this material, or the butter clams in Alaska, were very toxic at times. We went up there and worked with the Alaska Experimental Commission. They were very cooperative in helping us collect clams. We used their boat, we used their help, and we collected many hundreds of pounds of these clams' siphons for this purpose.

Senator HUDDLESTON. What kind of security did you work under at Fort Detrick?

Dr. SCHANTZ. Well, I had a top secret clearance. The project was classified "secret" in the early stages, and I do not remember the date that it was declassified. But I think it was along in 1956 or 1957.

Senator HUDDLESTON. It was declassified at that time?

Dr. SCHANTZ. Yes, it was declassified to "restricted," which meant that it was not published in the newspapers.

Senator HUDDLESTON. Were you required to report to any individual on the state of your experimentation in this field?

Dr. SCHANTZ. A report every quarter of the year.

Senator HUDDLESTON. And to whom did that report go?

Dr. SCHANTZ. Now, over the years—I think in the beginning they went to a Dr. Hill, who was chief of, I think they called it the Basic Sciences Division then. These were passed on up, of course, to Dr. Wopert, who was Director at Fort Detrick, and to the commanding officer.

Senator HUDDLESTON. I believe you have stated to the committee that when the Special Operations Division was closing down, you obtained from its laboratory a small quantity of shellfish toxin.

Dr. SCHANTZ. That is correct.

Senator HUDDLESTON. From whom did you obtain this, and under whose authority?

Dr. SCHANTZ. Well, I obtained it from—I do not know who actually handed it to me, but I talked to the Director at that time, and his name was Andy Cowan.

Senator HUDDLESTON. Did you obtain this for a specific purpose?

Dr. SCHANTZ. Yes.

Senator HUDDLESTON. Did you indicate to him what that purpose was?

Dr. SCHANTZ. Yes. I told him it was for Public Health.

Senator HUDDLESTON. And you did then turn that over to the FDA, is that correct?

Dr. SCHANTZ. That is correct, and it was used in making up these standards for the shellfish poison assay.

Senator HUDDLESTON. Do you know whether anybody else in the world is producing shellfish toxin at this time?

Dr. SCHANTZ. Not that I know of.

Senator HUDDLESTON. Dr. Schantz, while you were at Fort Detrick, were you aware of programs and experimentation in drugs or poisons that would produce tuberculosis or brucellosis?

Dr. SCHANTZ. Poisons that would produce these?

Senator HUDDLESTON. Well, bacteria or whatever that would produce tuberculosis.

Dr. SCHANTZ. Well, I know about it. I do not know specifically.

Senator HUDDLESTON. Did you participate in any of those experiments?

Dr. SCHANTZ. Really not, but I knew a great deal about them. There was a big program on brucellosis.

Senator HUDDLESTON. Do you know what the objective was, what they were seeking to accomplish?

Dr. SCHANTZ. Well, at Fort Detrick, we were interested in how you handle an enemy's attack with one of these agents, supposing—well, the brucellosis organism—there was experimentation going on in aerosolizing these micro-organisms, and we studied symptoms of disease produced in this manner, and mainly to learn how to combat these if it was used against us.

Senator HUDDLESTON. It was your understanding that the objective was to develop defenses against the use of this material?

Dr. SCHANTZ. Yes. But to develop a defense, you first of all had to—what the agent would do—

Senator HUDDLESTON. How it might be used?

Dr. SCHANTZ. And I think that was in line with policy of this country—defensive.

Senator HUDDLESTON. I believe my time is up. Thank you, Mr. Chairman.

The CHAIRMAN. And I might say, it is still in line with the policy of the country, because nothing we have undertaken to do in the treaty deprives us of continuing to develop defensive means to protect against these poisons.

Dr. SCHANTZ. Yes.

The CHAIRMAN. Senator Mathias?

Senator MATHIAS. Mr. Chairman, I perhaps, from a parochial point of view, have had to take notice of the fact that, as Dr. Schantz has

described the sources of toxic shellfish, he has referred exclusively to the west coast of the United States, and not to one mussel, one clam, or one oyster from the Chesapeake Bay. [General laughter.]

Dr. SCHANTZ. I must say that—[General laughter.]

Senator MATHIAS. You are ahead now, Dr. Schantz. Do not—

Dr. SCHANTZ. But in the last 3 or 4 years, along the coast of New England, there has been considerable trouble in the shellfish industry with the poison dinoflagellates growing and causing toxic shellfish. And we have had quite a problem, and the Food and Drug Administration is quite involved, and the local food and drug agencies in the States up along there are very concerned.

Now, in the Chesapeake Bay, we have never discovered any poison dinoflagellates that I know of, so you should feel safe.

Senator MATHIAS. Well, we thank you very much for that endorsement, and I am sure that all of the watermen of the Chesapeake Bay will be very glad to get that assurance.

Dr. SCHANTZ. I must add, too, that the Food and Drug Administration is checking those, too.

Senator MATHIAS. Dr. Schantz, we all had a chuckle at the expense of Mr. Bond at the Georgetown School of Pharmacy, but I would like to make sure that the record is clear with respect to what went on in the exchanges of scientific knowledge at Fort Detrick. Now, in the 28 years that you were at Detrick, did you observe that Detrick was a very secure Army installation? Was there a high awareness of security precautions?

Dr. SCHANTZ. I felt so, yes.

Senator MATHIAS. There was both an inner and outer fence?

Dr. SCHANTZ. Yes.

Senator MATHIAS. And very elaborate arrangements when anyone visited Fort Detrick? Is that not so?

Dr. SCHANTZ. I thought there was, yes.

Senator MATHIAS. And yet, at the same time, there was a constant exchange with medical schools and research institutions, was there not?

Dr. SCHANTZ. Well, with shellfish poison.

Senator MATHIAS. Well, I am talking generally at Fort Detrick.

Dr. SCHANTZ. Oh, yes, there was. That is true. There were many programs that extended to universities around the country.

Senator MATHIAS. Harvard Medical School?

Dr. SCHANTZ. That is correct.

Senator MATHIAS. Baylor in Houston, Tex., other medical institutions that are world-famous all sent representatives to Detrick. Is that right?

Dr. SCHANTZ. That is correct, yes.

Senator MATHIAS. And was there a program at Detrick which encouraged the materials for research purposes, bacteriological samples for example, and other scientific materials?

Dr. SCHANTZ. Well. I don't know as there was a special group for this.

Senator MATHIAS. I do not mean a special group, but did it happen? What I am asking you is—

Dr. SCHANTZ. Yes; it did. I always felt that the Army was very cooperative with medical institutions around the country, and if we

had something of value to medicine, that this was commuted to them, within the limits of security.

Senator MATHIAS. And this was not limited to scientific institutions in the United States? In fact, there was an exchange with many institutions in various parts of the world?

Dr. SCHANTZ. Well, the only ones—well, yes, of course. Britain, which has an establishment like ours, and Canadians, for instance, too; there is close coordination between Canadians, the British laboratories, and our own laboratory.

Senator MATHIAS. And did this exchange of people and materials result in any scholarly publications which were not classified and which were therefore available to the scientific community throughout the world?

Dr. SCHANTZ. I would say yes. One example would be that the Englishman by the name of Dr. Evans was the first to discover the mechanism of action of shellfish poison. He was at the agricultural research council at Cambridge.

Senator MATHIAS. So that what is illustrated in connection with the exchange of these toxins is not an isolated or an unusual or a unique example of what was happening at Fort Detrick?

Dr. SCHANTZ. That is right; yes.

Senator MATHIAS. Thank you very much.

The CHAIRMAN. Thank you.

Senator HART?

Senator HART of Colorado. Dr. Schantz, one question. Were you at Fort Detrick when the Special Operations Division was closed down?

Dr. SCHANTZ. Yes; I was.

Senator HART of Colorado. Were there discussions among you and your colleagues in regard to the distribution of the toxins?

Dr. SCHANTZ. Well, I had to give a report on what I had on hand and I suppose that that was for—well, it was for decisions up in headquarters.

Senator HART of Colorado. Were you involved in discussions with the people around you, or that you worked with, about how to avoid complete destruction of these toxins?

Dr. SCHANTZ. Well, I had no such authority at all.

Senator HART of Colorado. It is not a question of your having authority. The question is whether there was discussion among you and your colleagues as to how to avoid destroying these toxins?

Dr. SCHANTZ. No.

Senator HART of Colorado. It is not a question of your having thought in discussions with staff members that you were involved in complicated procedures.

Dr. SCHANTZ. Yes.

Senator HART of Colorado. Did those procedures have to do with the destruction of these toxins or with the avoidance of the destruction of these toxins? What were those complicated procedures?

Dr. SCHANTZ. Well, I do not exactly know what you mean. The procedures for destruction were clear enough to me. There is no question about that. Later they were clarified and did not apply to materials for research or for public health and so forth and that was what I meant by complicated.

Senator HART of Colorado. Well, did toxins that might have had destructive, wartime, or offensive capabilities suddenly become benign, medically oriented materials that everyone could reorient for different research purposes?

Dr. SCHANTZ. Yes; that is true.

Senator HART of Colorado. All of a sudden everybody began to think of other noncombative or nonoffensive purposes that these highly toxic materials could be used for. Is that not the case?

Dr. SCHANTZ. I think that is a natural thing to do. But shellfish poison was set aside for the Public Health Service and the Food and Drug Administration many years before this order was issued.

Senator HART of Colorado. But materials at Fort Detrick were not for medical research purposes. This was a Defense Department installation experimenting with these materials presumably for some activities that the Department of Defense undertakes. The Department of Defense is not the Public Health Service. It has a different mandate I think all would agree.

Dr. SCHANTZ. Well, now the material I had in Public—at Fort Detrick was held for the Public Health Service and I was custodian of this material. They asked that I keep it there, but it was done so under the auspices of the Public Health Service.

Senator HART of Colorado. But I think you have testified, just to clarify the record, that there were discussions of materials, let us say held by other people with whom you were working.

Dr. SCHANTZ. Yes.

Senator HART of Colorado. Materials which might be made available for nonmilitary purposes and thus avoid the destruction order.

Dr. SCHANTZ. Yes, I think that is indicated in these documents that you handed to me.

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

The CHAIRMAN. Thank you, Senator Hart. Senator Schweiker.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Dr. Schantz, which department were you working with at Fort Detrick? Were you in SOD?

Dr. SCHANTZ. I was in what was called Physical Sciences Division.

Senator SCHWEIKER. And were you with them most of the 28 years or all of the 28 years?

Dr. SCHANTZ. Through the years the name of the Division changed. I think it started out as the Basic Sciences Division and there were some other changes in names, but it ended Physical Sciences Division when Fort Detrick closed down.

Senator SCHWEIKER. As I understand it, originally the work that you did on this area of shellfish poison was primarily with the Physical Sciences Division and then at some point in time the Special Operations Division, or SOD, really became the primary interest and Physical Sciences Division either lost interest or did not pursue it much further. Is that correct and when did that occur?

Dr. SCHANTZ. Generally, sir, that is correct; yes.

Senator SCHWEIKER. What was the initial purpose of the work when you first started it there in Physical Sciences as far as shellfish toxin was concerned?

Dr. SCHANTZ. It was started off in early discussion right after the war. The chemical corps was looking for new toxic substances and

I suggested to them, "Well, why not look at some of the biological poisons that are produced?" And I suggested this problem with the shellfish that we might—maybe we could isolate this, get its structure, and, from that knowledge, devise new chemical agents.

Senator SCHWEIKER. You indicated, I believe, that you were aware of an inventory of 20 grams in 1954 and your work was affiliated with that quantity indirectly or directly?

Dr. SCHANTZ. Yes. Except that I had to turn most of this over to the headquarters at Fort Detrick.

Senator SCHWEIKER. Meaning SOD?

Dr. SCHANTZ. No, meaning headquarters, Fort Detrick.

Senator SCHWEIKER. Now, of the 20 grams, about how much of that came from the U.S. Public Health Service centers, either at Narragansett—

Dr. SCHANTZ. None of it. That was another preparation.

Senator SCHWEIKER. None came from either the Taft Center or Rhode Island?

Dr. SCHANTZ. Well, the material from Taft Center and from Rhode Island was not included in this 20 grams. It was 10 or 15 grams prepared by them which was passed, as I understand it, directly to SOD.

Senator SCHWEIKER. Well, did the 20 grams, was that made in-house by the Fort Detrick people then?

Dr. SCHANTZ. That is correct.

Senator SCHWEIKER. So 20 grams was made in-house at Fort Detrick, about 10 grams came from the U.S. Public Health Service labs?

Dr. SCHANTZ. I would say that is approximately correct, but I do not have the exact figures for that.

Senator SCHWEIKER. Were there any other U.S. Public Health Service offices involved that you worked with or communicated with besides those two?

Dr. SCHANTZ. Well, there was a Public Health liaison officer at Fort Detrick.

Senator SCHWEIKER. Any other physical location other than Cincinnati and Narragansett that you tested the material with?

Dr. SCHANTZ. No; not that I know of.

Senator SCHWEIKER. And the relationship was a contractual relationship between the Army and the Public Health Service and I believe we cited a \$194,000 contract between the Army and the Taft Center. Is that right?

Dr. SCHANTZ. That is what I heard, yes.

Senator SCHWEIKER. Do you have any idea how many grams that \$194,000 would be accountable for or not?

Dr. SCHANTZ. I have no idea.

Senator SCHWEIKER. Now, when the FDA came into it, were they in any way involved in the part that Fort Detrick was interested in or the CIA was interested in or were they involved in what phase of it?

Dr. SCHANTZ. They were only interested in making sure that commercial shellfish contain no poison.

Senator SCHWEIKER. Strictly on that basis?

Dr. SCHANTZ. That is right, that is as far as I know.

Senator SCHWEIKER. You have no knowledge of other contracts beyond the Taft Center contract or are you saying that is the only one you know, but there might be others?

Dr. SCHANTZ. That is the only one I know of that produced poison. Now we had contracts with Northwestern University, for instance, and the University of California.

Senator SCHWEIKER. For what purpose?

Dr. SCHANTZ. To help in developing the purification procedure.

Senator SCHWEIKER. So were they then producing the poison toxin?

Dr. SCHANTZ. They were not.

Senator SCHWEIKER. The testing and chemical procedures?

Dr. SCHANTZ. Well, they were developing procedures for purification with us.

Senator SCHWEIKER. Purification is a bit of a misnomer, it sort of means how deadly it is, does it not? I mean, we take a contamination, we try to make it pure, but we are really talking about how effective or deadly it is. Is that correct?

Dr. SCHANTZ. Essentially, yes, because the more pure you would have it, the higher the specific potency would be.

Senator SCHWEIKER. By a rough count of the list that we saw, there are 184 dispersals of some kind of toxin or poison, and about 63 were related to shellfish. Does this list show the operations where you were dispensing these toxins for medical, medicinal, or research purposes?

Dr. SCHANTZ. Is that from the Department of the Army or from Fort Detrick?

Senator SCHWEIKER. Right. And a typical dispersal would amount to how many milligrams?

Dr. SCHANTZ. Yes, it would be—it could be one milligram or sometimes it was 25, 30, depending upon—

Senator SCHWEIKER. Well, would you give us a rough estimate of how much toxin was involved in these 63 dispersals?

Dr. SCHANTZ. Well, if I took an average of 10 milligrams for each one, I would have 600 milligrams, and that is a little over a half a gram.

Senator SCHWEIKER. OK, a little over half a gram total.

Dr. SCHANTZ. Yes.

Senator SCHWEIKER. So, in essence, we have a picture where there are 30 grams U.S. production of which one-half of 1 gram is used for medical, medicinal, health or environmental research. Is that an accurate proportion?

Dr. SCHANTZ. Yes; that was sent out to laboratories not connected with Fort Detrick or the Public Health Service.

Senator SCHWEIKER. We are not sure about James Bond though, are we?

Dr. SCHANTZ. No.

Senator SCHWEIKER. Incidentally, if you are relieved, he did not get the shellfish toxin, he got the botulism pills, according to the list anyway.

The other P600 designation, could you tell us who the highest ranking officer headquartered in P600 was? In other words, you said that was a building at Fort Detrick. Who would be the highest officer that was located in building P600 of Fort Detrick?

Dr. SCHANTZ. Well, I said that I thought it was a building number.

Senator SCHWEIKER. Were you aware of what safe those toxins were stored in, or what building, or what vault, those two cans?

Mr. SCHANTZ. I do not know anything about those two cans.

Senator SCHWEIKER. When you want to get your supply that you dispensed, where did you get it from?

Dr. SCHANTZ. That I dispensed from my laboratory, where I kept it.

Senator SCHWEIKER. You kept it in the vault, your own vault?

Dr. SCHANTZ. Well, I kept it in my laboratory which was locked.

Senator SCHWEIKER. What was the largest quantity that you would keep there?

Dr. SCHANTZ. Well, I had several grams. I do not remember exact amounts.

Senator SCHWEIKER. So you are saying you do not know where the other vault or storage place was located that might have contained these 11 grams? Would that be correct?

Dr. SCHANTZ. No; I really do not, none whatsoever.

Senator SCHWEIKER. Using the Public Health Service for this purpose troubles me as a Senator because it looks to me as if we have the tail wagging the dog. At some point we were doing legitimate research to protect our people from the red tide and from the contamination of shellfish poison. But then at some point we decided that it was a biological weapon or toxic weapon and went all out in this regard. And I really do have great doubts that we should be using the U.S. Public Health Service whose function, by my concept as ranking member of the Health Committee, is to prevent people from getting poisons and toxins and to prevent the spread of disease instead of manufacturing it.

It is a little bit like saying you are going to stop the plague, but in stopping the plague they research enough of the plague bacteria and pass it out to people who can use it to kill other people for the plague. Does this not trouble you a little bit, this usage, getting away now from the pure research and the other aspects which nobody is questioning and, as you have documented it here, probably is a legitimate usage?

Dr. SCHANTZ. Well, I do not know why the contracts were established with the Public Health Service but I can understand why the Cincinnati laboratory would be interested in this material and also the Narragansett laboratory. The laboratory at the Taft Center is involved in the food poisons, and shellfish poison is one of these. The Narragansett laboratory is a national shellfish laboratory and I can see their interest in this. And I think that they just felt that here is a chance to gain some experience in shellfish, poisonous shellfish and I suppose that the money of the contract looked good to them.

Senator SCHWEIKER. Well, again I can understand if all of the 30 grams were being used for that purpose but with a half a gram being used for that and 29.5 being used as an obvious weapon of war, it just seems to me we sort of have the tail wagging the dog.

Dr. SCHANTZ. Well, now several grams have gone into Public Health.

Senator SCHWEIKER. Well, in addition to the three now, because they obviously kept some there, did they not keep some of their own labs for that research at Narragansett?

Dr. SCHANTZ. I imagine they did, yes, but I have furnished and I have on hand—well let us see—when we were developing the standard assay for shellfish poison I furnished Public Health a considerable amount of poison.

Senator SCHWEIKER. How much?

Dr. SCHANTZ. Well, it probably took a gram or two just to develop this standardized assay and then after that I have to keep up a supply on hand to put up in these little vials that are sent out to laboratories that assay shellfish poison, and so I still have an obligation with the Food and Drug Administration to have a supply on hand for them. I am still custodian of the toxin for them and whenever they need these for distribution in the assay. I prepare the vials for them and I standardize them and make sure they are what they are supposed to be.

Senator SCHWEIKER. That's all I have, Mr. Chairman, thank you.

The CHAIRMAN. Dr. Schantz, since you are the foremost expert in the country on this shellfish toxin and have given us the benefit of your testimony and have responded to the questions that have been asked by the committee, I think that we are prepared now, on the basis of your testimony, to reach a committee decision with respect to the request that has been made of us to lift the application of the general ban against the destruction of documents, substances or materials with respect to the particular poisons that we have been inquiring about.

And so I have prepared a letter to Mr. Colby and I would like to read it to the members of the committee and then ask the committee's approval. The letter has been prepared for my signature as Chairman and for the signature of John Tower as Vice Chairman of the committee and it reads as follows. I ask the attention of the members. It is dated September 16 addressed to Mr. William E. Colby and reads as follows:

Dear Mr. Colby. Last January, when the Select Committee was created, Senator Mansfield and Senator Scott asked that the Central Intelligence Agency not destroy any material that would relate to the Committee's investigation.

The biological toxins that are the subject of the Committee's first public hearings are subject to the ban on destruction. The purpose of this letter is to inform you that at the completion of the Committee's investigation into the improper retention by the CIA of these deadly toxins, the Committee votes to approve the destruction of the toxic materials in your possession.

However, before the CIA proceeds to destroy these toxins, we would direct your attention to the attached testimony. If adequate safety and security cautions could be taken, the Committee believes that it might be appropriate for the CIA to consider donating these toxins, consistent with our treaty obligations to properly supervised research facilities which can use these poisons for benign uses, such as curing such debilitating diseases as multiple sclerosis.

It is fitting that out of an admitted wrongdoing some benefit might be had. It is hoped that in this particular instance the Committee and the Executive Branch can rectify past abuses and reach a mutual solution for the disposal of these lethal poisons that will be directed toward bettering the lives of our citizens.

Senator TOWER. Mr. Chairman, I move the authorization of the letter.

The CHAIRMAN. It has been moved that the letter be authorized by the committee. Is there any discussion?

Senator BAKER. Mr. Chairman, I have a question I would like to ask.

The CHAIRMAN. Senator Baker.

Senator BAKER. This is the first time I have seen the letter and it appears to be satisfactory to me. I think I will have no objection to it; but as a matter of clarification, I take it that the tone of the letter is that we no longer as a committee have any objection to the destruction of the material but we invite your attention to its usefulness for other purposes. We make no effort to direct the Agency to do that.

The CHAIRMAN. That is correct.

Senator BAKER. After all that is an executive branch decision to be made with the President and by the CIA. But this is our suggestion.

The CHAIRMAN. That is correct, Senator. That is exactly what the letter says; it is the responsibility of the executive branch to make the decision. But we suggest that the CIA and the executive branch examine these possible benign medical and decent uses to which this poison could be put in limited quantities. The balance, I assume, should and would be destroyed.

Senator BAKER. Thank you, Mr. Chairman.

The CHAIRMAN. Any further discussion?

Senator Hart?

Senator HART of Colorado. Mr. Chairman, like Senator Baker this is the first indication I have heard of this letter. I for my part would like to withhold a vote on this at the present time, just my own vote.

The CHAIRMAN. Very well. The committee will not proceed to a vote at this moment in view of the objection of Senator Hart. But I would like to pass the letter down for the examination of each member. And later this morning we might reconsider the taking of a vote. And we will have further consultation.

The reason that the letter was prepared and presented was in order to bring an end to the impasse that has existed for some months. And I would hope that the committee could reach a vote this morning. The letter will be made available to all members and we will proceed with the remaining witnesses.

I want to thank you, Dr. Schantz, very much.

Dr. SCHANTZ. You are very welcome.

The CHAIRMAN. For your testimony this morning. And I will call a 5 minute recess during which I would like to ask Mr. Charles Senseney if he would come forward and take his position at the witness table.

The committee is recessed for 5 minutes.

[A brief recess was taken.]

The CHAIRMAN. The committee will please come back to order.

Mr. Senseney, would you please take the oath?

Do you solemnly swear that all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SENSENEY. I do.

The CHAIRMAN. Thank you.

Mr. Senseney, do you have an opening statement you would like to make at this time?

**TESTIMONY OF CHARLES A. SENSENEY, DEPARTMENT OF DEFENSE
EMPLOYEE, FORMERLY IN THE SPECIAL OPERATIONS DIVISION
AT FORT DETRICK**

Mr. SENSENEY. Not really. Let us proceed.

The CHAIRMAN. All right. Then I will ask Mr. Schwarz to commence the questioning.

Mr. SCHWARZ. In February 1970, were you employed at Fort Detrick?

Mr. SENSENEY. Yes, sir.

Mr. SCHWARZ. Had you been there for a while beforehand?

Mr. SENSENEY. Since 1948.

Mr. SCHWARZ. And you worked in the Biological Warfare Section of Fort Detrick?

Mr. SENSENEY. I was hired in the Physical Defense Division in 1948 and transferred to the SO Division in about 1953.

Mr. SCHWARZ. Do you know a Dr. Nathan Gordon?

Mr. SENSENEY. I do.

Mr. SCHWARZ. Have you been made aware of his testimony about you in this proceeding.

Mr. SENSENEY. I read it this morning.

Mr. SCHWARZ. All right. I will read to you just one of several answers he gave referring to you and stating:

I got a call from Charlie SENSENEY. In effect, the nature of the phone call was that the stocks of the shellfish toxin that they had at the SO Division facility would be destroyed in the near future, in implementation of the directive telling DOD to destroy these materials, and did we want to think in terms of accepting the particular quantity of material to keep in store at our own CIA storage laboratory.

Did you make that suggestion to Dr. Gordon?

Mr. SENSENEY. I didn't, but I think it possibly was at a higher level.

Mr. SCHWARZ. A higher level of what?

Mr. SENSENEY. The Division. I was just an employee in the Division. I was a member of the Development Branch. I had nothing to do with policy or making decisions.

Mr. SCHWARZ. Is it your understanding that the suggestion to retain the material came from the Army or the CIA in the first instance?

Mr. SENSENEY. I think it would go this way. The materials in the stockpile were theirs, and the question was what to do with it. So they were called to see what they wanted to do with what they owned. It was theirs; they had bought it.

Mr. SCHWARZ. And your understanding is that they said—

Mr. SENSENEY. It was not offered. It was just—what do we do with it?

Mr. SCHWARZ. And your understanding is that someone at the CIA said, yes, we want it?

Mr. SENSENEY. Well, it had to be, I think.

Mr. SCHWARZ. All right.

Mr. SENSENEY. Let me stress I was in the hardware section and not the agent section. I do not know really much about the agent part of this.

Mr. SCHWARZ. So that makes Dr. Gordon's testimony—first, you deny his testimony, right?

Mr. SENSENEY. I think that he was contacted, but not by me.

Mr. SCHWARZ. Do you deny his testimony, as far as you are concerned?

Mr. SENSENEY. I do.

Mr. SCHWARZ. All right.

I just have one further question.

Were you aware that the CIA was working with Fort Detrick?

Mr. SENSENEY. After a while. Not when I first went with the SO Division, but it became apparent later.

Mr. SCHWARZ. Did the CIA people use a false name to describe themselves?

Mr. SENSENEY. Staff Support Group.

Mr. SCHWARZ. And that was a false name; was it not?

Mr. SENSENEY. And it was also—you asked another question earlier this morning, at least someone did, P600 was their funding citation.

Mr. SCHWARZ. P600 was their funding citation? And the Staff Support Group was a false name? And who was it designed to mislead?

Mr. SENSENEY. I don't know.

Mr. SCHWARZ. Is that a name that sounds like an Army group?

Mr. SENSENEY. Well, you would have thought so to begin, because the first two that I was aware of were a colonel in the Air Force and a colonel in the Army. It looked like an Army support group of some sort at the start.

Mr. SCHWARZ. So both the name and the personnel made it look as if it was an Army group, even though, in fact, it was CIA personnel?

Mr. SENSENEY. That's right.

Mr. SCHWARZ. I have nothing further, Mr. Chairman.

The CHAIRMAN. Mr. Smothers.

Mr. SMOTHERS. Mr. Chairman, just one brief line of inquiry.

Mr. SENSENEY, you indicated that you were in the hardware business. Was a part of your hardware business the development of a dart launcher?

Mr. SENSENEY. I was the project engineer of the M-1 and following on micro-organism projectiles and so forth.

Mr. SMOTHERS. Is this a device that looks roughly like a .45-caliber pistol with a sight mount at the top?

Mr. SENSENEY. This was a follow-on. It was to replace the M-1 projectile to go into the Army stockpile. It did look like a .45.

Mr. SMOTHERS. Let me then ask you a question regarding your testimony before the members of this staff on September 9, when you were asked about that M-1 dart launcher.

Reading from the transcript, Mr. Snider was questioning you:

Did the CIA people ever receive any of the M-1 dart launchers to fire human darts?

Your response:

They had some, but they did not have agents, to my knowledge. They had them just, for instance, to fire the projectile, the bare projectile, to see whether it could go through human clothing, that type of thing. I do not recall them ever having or asking for one that was coated.

Now, by the reference here, the one that was coated, are you talking about the projectiles that this dart launcher would have fired?

Mr. SENSENEY. Yes.

Mr. SMOTHERS. Is it then your testimony that the Agency neither had nor requested from you or from Detrick, to your knowledge, coated materials for use in this dart launcher?

Mr. SENSENEY. They had some.

Now, let me say it this way. I do not know how many they took, but they had some for surveillance purposes. They were going to conduct heat, moisture tests, cold tests, and so forth, to see what would happen to the projectile in its coated state. These were returned.

And what happened was that there was a reaction between the agent and the metal, to the point that it cemented the projectile inside the cartridge, and there was no way this could be used at that time.

Now, this was good information to us, because it told us that we should change that metal. And we did. We changed it from what it was originally to platinum. Platinum was something that was—that seemed to be OK with the use of muscle poison.

Mr. SMOTHERS. Is it your testimony, then, that the only darts they had were tested by the Agency and then returned to you?

Mr. SENSENEY. That is correct.

Mr. SMOTHERS. Is it your further testimony that they did not subsequently ask you for a stockpile of poison darts?

Mr. SENSENEY. Not of that type.

Mr. SMOTHERS. Well, then, did they have, Mr. Senseney, the wherewithal to utilize this dart launcher against humans?

Mr. SENSENEY. No. They asked for a modification to use against a dog.

Now, these were actually given to them, and they were actually expended, because we got all the hardware back. For a dog, the projectile had to be made many times bigger. It was almost the size of a .22 cartridge, but it carried a chemical compound known as 46-40.

Mr. SMOTHERS. And their interest was in dog incapacitants?

Mr. SENSENEY. Right.

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

The CHAIRMAN. Were you aware of the amount of shellfish toxin belonging to the CIA that was in the custody of the Army SOD?

Mr. SENSENEY. I knew it had to be between, say, 1 and 10 grams, in that area somewhere.

The CHAIRMAN. Actually, we are told that it was 5 grams. But when the laboratory in which it was stored was discovered a few months ago and opened up and the cache was examined, it turned out that there was an additional 6 grams, approximately 6 grams. No one has yet been able to tell us where the additional 6 grams may have come from. Do you know?

Mr. SENSENEY. No, I can't tell you. I did not have access, or I did not know the record keeping for the agent part of the house.

The CHAIRMAN. I have no further questions. Senator Mondale, do you have any questions?

Senator MONDALE. Mr. Senseney, what do you do now?

Where do you work?

Mr. SENSENEY. I work for the Department of Defense. I am now with Edgewood Arsenal, Director of Engineering Development, Biological Protection Branch. I am currently on temporary duty in England, in a collaborative effort with the United Kingdom.

Senator MONDALE. Do you recall any discussions about the disposal of these shellfish toxins at the time of the Presidential order and the delivery of these toxins to the CIA warehouses here in Washington?

Mr. SENSENEY. Well, I would look at it this way. We were prepared to actually destroy everything. However, much of the material that was stored in the SO Division was being stored there for another agency. It did not belong to the Department of Defense.

Senator MONDALE. It belonged to the CIA?

Mr. SENSENEY. That is correct.

Senator MONDALE. Now, did you participate in discussions as to how that should be dealt with?

Mr. SENSENEY. No.

Senator MONDALE. Did you participate in discussions as to what should happen to the DOD-owned toxins?

Mr. SENSENEY. Not really. I really do not know what happened.

Senator MONDALE. What do you mean by "not really?" Did you participate in any discussions, did you listen in on discussions, concerning the disposition of those toxins?

Mr. SENSENEY. For instance, Dr. Schantz said he got 100 milligrams. I did not even know that happened, but it certainly did.

Senator MONDALE. Did you participate in or listen in on or were you aware of any discussions about the dispositions of these toxins, either those on assignment from the CIA or the toxins, shellfish toxins, owned by the DOD?

Mr. SENSENEY. Well, at that time—I guess this is getting close to 1970—at that time, there were very few people left in the SO Division. I was one of them that happened to be there. The Division Chief, Dr. Cowan, and the agent side of the thing, either Mr. Leonard Thompson or Mr. Wally Pannier—we were in the midst of an RIF at that time, so people were coming and going rather quickly. It had to be one of those two last persons mentioned that were in the agent category or in the agent area.

And the only thing that I can say is, I just have to suppose that, having been told to maintain the sort of show and tell display of hardware that we had on sort of stockpile for them, these were not items that could be used. They were display items like you would see in a museum, and they used those to show to the agents as well as to the FBI, to acquaint them with possible ways that other people could attack our own people.

Senator MONDALE. Now, Mr. Senseney, let me ask the question again, and I want you to listen very closely.

Did you participate in or listen in on or were you aware of any discussions about the disposal of these shellfish toxins, either those on assignment from the CIA or those owned by the DOD?

Mr. SENSENEY. Will you restate your question in the context of where to who, was I aware—

Senator MONDALE. Any discussions about from where to whom at all?

Mr. SENSENEY. Let's say I knew none of the negotiations, let us say, between the SO Division and the CIA in their decision to do what they did. I was told to do certain things that I did.

Senator MONDALE. What were you told to do with the toxins?

Mr. SENSENEY. I was not told to do anything with the toxins, sir. I was told to give a development display.

Senator MONDALE. I am just talking about the toxins. Did you participate in, did you listen in on, or were you aware of any discussions relating to the disposition of those shellfish toxins, whether on assignment from the CIA or owned by the DOD?

Mr. SENSENEY. Yes.

Senator MONDALE. All right. And what were they?

Mr. SENSENEY. They were told by our division head contacted through channels, whatever that channel was, what to do with their stockpile.

Senator MONDALE. All right.

Mr. SENSENEY. And they came back to say they wanted the development-type prototypes, plus saving TZ. That's the only thing in the stockpile they wanted.

Senator MONDALE. TZ is shellfish toxin?

Mr. SENSENEY. That is correct.

Senator MONDALE. What was the discussion about TZ toxin or shellfish toxin?

Mr. SENSENEY. Prepare it for delivery to them. They wanted it back.

Senator MONDALE. In other words, you were told that an order was given that the CIA wanted their shellfish toxin back. And did you participate in preparing the packaging?

Mr. SENSENEY. No, I was not in the agent category. I'm scared of that.

Senator MONDALE. How did you happen to hear about that order, then?

Mr. SENSENEY. It was only Wally Pannier, Dr. Cowan and myself, about, in that area at the time. So he just came and told us both at the same time what he wanted. There were two things—

Senator MONDALE. Who came and told you that?

Mr. SENSENEY. Dr. Cowan.

Senator MONDALE. Dr. Cowan? He said, get this toxin ready for shipment back to the CIA?

Mr. SENSENEY. He told that to Mr. Pannier. He did not tell it to me.

Senator MONDALE. All right.

And then what other discussions did you hear concerning the disposition of these toxins?

Mr. SENSENEY. That is it.

Senator MONDALE. Did you participate in any or hear about any discussion relating to the DOD-owned shellfish toxin?

Mr. SENSENEY. No. I assumed that was taken care of under the normal destruct order. Anything that belonged to Detrick, we got back into the channel and got rid of it real quick. That, in turn, was the hardware. We cut it up with hacksaws and hammered it together, put it into ovens, and melted it up into a junk heap.

Senator MONDALE. Now, what you are saying, then, is that the only discussions that you participated in, or had knowledge of, concerning the disposition of these shellfish toxins, whether they were owned by the CIA or DOD at the time you were at Fort Detrick, was the single conversation that you testified to, in which you were told that these CIA toxins were to be packaged for return to the CIA?

Mr. SENSENEY. That's correct. There was no reason to discuss it.

Senator MONDALE. And that came from Mr.—

Mr. SENSENEY. It came from the division head.

Senator MONDALE. It came from Mr. Cowan.

Now, you say you heard no instructions concerning the disposition of DOD toxins, shellfish toxins.

Mr. SENSENEY. Well, I am sure Mr. Pannier was told to destroy them.

Senator MONDALE. Do you have any knowledge of orders or instructions relating to the DOD toxins?

Mr. SENSENEY. Not directly, no.

Senator MONDALE. What do you know indirectly?

Mr. SENSENEY. Just by association with Mr. Pannier, I know that he took care of all that.

Senator MONDALE. And how did he take care of all that?

Mr. SENSENEY. By destroying it, except what he gave to Dr. Schantz, I guess.

Senator MONDALE. Gave to who?

Mr. SENSENEY. Dr. Schantz.

Senator MONDALE. He destroyed the other toxins? Do you know that of your personal knowledge?

Mr. SENSENEY. No. I have no evidence. I was not there when it was done.

Senator MONDALE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Mondale.

Senator Baker is next.

Senator BAKER. Mr. Chairman, thank you very much.

Mr. SENSENEY, it is my understanding from your testimony that no one from the CIA ever contacted you about the shellfish toxin.

Mr. SENSENEY. No.

Senator BAKER. But it is your surmise that the CIA did contact one of your superiors about it?

Mr. SENSENEY. I think we probably contacted them because we wanted to know what to do with it.

Senator BAKER. Who was it that contacted them?

Mr. SENSENEY. Somebody higher in the chain, either at the division level or a scientific director or commanding officer or someone.

Senator BAKER. I need to do a little better than that. If you do not know, give me your judgment on who it might have been that was higher than you in these categories.

Mr. SENSENEY. It was probably our division chief, I would think.

Senator BAKER. Who was that?

Mr. SENSENEY. Dr. Cowan.

Senator BAKER. Dr. Cowan. Where is Dr. Cowan now?

Mr. SENSENEY. He works for the University of Maryland, I believe.

Senator BAKER. Have you talked to Dr. Cowan about this subject?

Mr. SENSENEY. No.

Senator BAKER. Or has he talked to you about it?

Mr. SENSENEY. No.

Senator BAKER. You have no personal knowledge, then, of what the conversation would have been with the CIA?

Mr. SENSENEY. No.

Senator BAKER. Nor whom Dr. Cowan would have called, if in fact it was Dr. Cowan?

Mr. SENSENEY. Not at all.

Senator BAKER. Nor when it occurred?

But it is your best impression, under the circumstances, and because of the actions that were taken, that apparently someone superior to you, probably Dr. Cowan, called the CIA and probably said, what do you want to do with your toxin?

Mr. SENSENEY. Correct.

Senator BAKER. And it is also your surmise that they must have said, we want it back.

Mr. SENSENEY. I would say that.

Senator BAKER. But this is based entirely on what happened, and not on your personal knowledge of the conversation?

Mr. SENSENEY. That is true.

Senator BAKER. According to the information we have from previous witnesses and other documents, the inventory at Fort Detrick showed that the CIA had approximately 5 grams of shellfish toxin. And yet, according to the records we also have, almost 11 grams were found at the storage cache that the CIA maintains near the Kennedy Center. Do you know how they came by that extra, approximately 6 grams?

Mr. SENSENEY. No; because I am not aware of the amount that was in the stockpile.

Senator BAKER. So you have no personal knowledge about whether the 5-gram figure is correct or the 11-gram figure?

Mr. SENSENEY. That is correct.

Senator BAKER. You did not personally participate in the return of the toxin to the CIA?

Mr. SENSENEY. That is right.

Senator BAKER. Do you know anything else about this toxin, anything that I have not asked you about it, that would relate to the question of how the CIA got it back, on whose order and for what purpose?

Mr. SENSENEY. No.

Senator BAKER. Your principle job with the DOD, I take it, was to develop new or exotic devices and weapons; is that correct?

Mr. SENSENEY. I was a project engineer for the E-1, which was type-classified and became the M-1. They were done for the Army.

Senator BAKER. Were you an Army employee?

Mr. SENSENEY. I am an Army employee. I still am.

Senator BAKER. But in the course of your employment by the Army, you made your work product and developments available to the CIA, to the FBI, and to anyone else.

Mr. SENSENEY. I think the only other ones that possibly looked at the display was U.S. Customs.

Senator BAKER. Anyone else?

Mr. SENSENEY. Not to my knowledge. There could have been.

Senator BAKER. Did you ever have any contact with anyone else about special devices, anybody at the White House, the IRS, at the DEA, the DIA, any of these other agencies? There are about 60 agencies of Government that do either intelligence or law enforcement work.

Mr. SENSENEY. I am sure most all of those knew of what we were doing; yes.

Senator BAKER. Did you have any other customers?

Mr. SENSENEY. To my knowledge our only customer was Special Forces and the CIA, I guess.

Senator BAKER. Special Forces meaning Special Forces of the Army?

Mr. SENSENEY. That is correct.

Senator BAKER. And the FBI?

Mr. SENSENEY. The FBI never used anything. They were only shown so they could be aware of what might be brought into the country.

Senator BAKER. I see, they were never a customer in the sense they never took delivery of any material?

Mr. SENSENEY. That is right.

Senator BAKER. Did you describe for us in the previous executive session some of the exotic devices that you developed and displayed to your customers.

Mr. SENSENEY. Well, I was project engineer for the M-1, so all of the missile type, dart type or this would have been from my part. I know of others but they came under the other four project engineers, they were road depositors—

Senator BAKER. What are road depositors?

Mr. SENSENEY. A bacteriological aerosol you put on roads, on railroad tracks and things like that.

Senator BAKER. Who did you give that to?

Mr. SENSENEY. It was not given to anyone. The Army asked for it. It was type—classified for the Army, period.

Senator BAKER. Did the Army use it?

Mr. SENSENEY. Not to my knowledge.

Senator BAKER. But it was delivered to the Army. It's an aerosol that sprays a bacteriological agent on the road or railroad track or some other place.

Mr. SENSENEY. It is a matter of putting the material on the roadway or in between tracks, just like dumping a sack of flour.

Senator BAKER. Did you ever give that to the CIA.

Mr. SENSENEY. No.

Senator BAKER. Or any of the other agencies?

Mr. SENSENEY. They had all of the prints and specifications for these things but they never asked for them.

Senator BAKER. Looking at your previous executive session testimony, apparently you developed for them a fountain pen. What did the fountain pen do?

Mr. SENSENEY. The fountain pen was a variation of an M-1. An M-1 in itself was a system and it could be fired from anything. It could be put into—

Senator BAKER. Could it fire a dart or an aerosol or what?

Mr. SENSENEY. It was a dart.

Senator BAKER. It fired a dart, a starter, were you talking about a fluorescent light starter?

Mr. SENSENEY. That is correct.

Senator BAKER. What did it do?

Mr. SENSENEY. It put out an aerosol in the room when you put the switch on.

Senator BAKER. What did that aerosol do?

Mr. SENSENEY. It would contaminate anybody in the room.

Senator BAKER. Meaning kill them or disable them?

Mr. SENSENEY. It depends on the agent. If you are using a lethal agent, it would probably kill. If it was a debilitating thing, it would just make you sick for a while.

Senator BAKER. Did you give that to the CIA?

Mr. SENSENEY. No.

Senator BAKER. Only the Special Forces for the Army?

Mr. SENSENEY. The Special Forces did not even want that. [General laughter.]

Senator BAKER. Did you feel hurt?

Mr. SENSENEY. Well, not really.

Senator BAKER. OK, what about a cane, a walking cane?

Mr. SENSENEY. Yes; an M-1 projectile could be fired from a cane, also an umbrella.

Senator BAKER. Also an umbrella. What about a straight pin?

Mr. SENSENEY. Straight pin?

Senator BAKER. Yes, sir.

Mr. SENSENEY. We made a straight pin, out at the Branch. I did not make it, but I know it was made and it was used by one Mr. Powers on his U-2 mission.

Senator BAKER. As a matter of fact, it was not used by Mr. Powers.

Mr. SENSENEY. He did not use it but he had it. Let us put it that way.

Senator BAKER. And buttons. I noticed in the testimony some reference to buttons. What kind of buttons are you speaking of?

Mr. SENSENEY. You can make a button from biological material, compress it in such a way that you could actually put it on your shirt or a coat, button it up and you could walk into another country with a starter for coming up with a biological agent.

Senator BAKER. Did you ever do anything about cigars? Did you ever try to impregnate a cigar with a biological agent?

Mr. SENSENEY. I did not; no.

Senator BAKER. Do you know of any such?

Mr. SENSENEY. Not really.

Senator BAKER. That was not done in your department, then, if it was done at all?

Mr. SENSENEY. No; that would be too easy. I don't think we would have fooled with that one.

Senator BAKER. You don't think that would have been a good technique? Well, I don't mean to press unduly, but of the list that we went into here, did you manufacture or deliver any of these for any of the intelligence agencies of the Government at any time?

Mr. SENSENEY. No; they were only shown and most of the intelligence groups knew of what we could do and it sort of edified them to the point that they could observe and be able to see these things if they were in foreign countries.

Senator BAKER. How did you do that? Did you have a case like a salesman, you opened it up and showed it to them?

Mr. SENSENEY. Just about.

Senator BAKER. Where did you do that?

Mr. SENSENEY. Mainly it was done in our division, of course.

Senator BAKER. Did you send out invitations or what?

Mr. SENSENEY. They usually invited themselves, somehow, I don't know how all this worked, but they showed up.

Senator BAKER. All right.

Mr. SENSENEY. And I might add that many of your own members here, not on this panel, but many of the Members of Congress also observed these.

Senator BAKER. Well, you are very generous. None of us saw them; is that right?

Mr. SENSENEY. I am not sure, I wouldn't know, but I know many did.

Senator BAKER. I don't know either.

Was the toxin program or the chemical-biological agent program necessary in your judgment, for the utilization of the exotic devices that you have described to us? Were these poisons from shellfish, from cobra venom and the like, an adjunct to and a part of these exotic devices? Your straight pen, your fountain pen, the starter and the like, did you use these poisons in those devices?

Mr. SENSENEY. No; not shellfish. I think you have got a misnomer between poison—a biological material itself is not a poison in my estimation. Yes; shellfish poison is a poison, shellfish. The others are biological agents, such as say, anthrax, tuleremia and that type of thing. The only thing that you mentioned there that could be used with shellfish poison are the dart-type things. The rest used biological powders.

Senator BAKER. The last question, and my time has expired, Mr. Senseney, do you know of any records of this program that have been destroyed?

Mr. SENSENEY. I could not tell you whether they have been destroyed or kept intact. I know when the division closed, a lot of stuff was sent, they told us, to Kansas City.

Senator BAKER. If I wanted to find out more about the conversation with the CIA and the destruction of records, would Dr. Cowan be the one to talk to?

Mr. SENSENEY. Possibly.

Senator BAKER. Thank you, sir.

The CHAIRMAN. Thank you, Senator Baker.

Senator Huddleston is next.

Senator HUDDLESTON. Thank you, Mr. Chairman.

Carrying on the line of questioning by Senator Baker as to the kind of items you experimented with and developed, would it be accurate to say that you worked on and experimented with gadgets for which nobody ever yet has found a use?

Mr. SENSENEY. I think there were some intended uses. For instance, the Special Forces gave us SDR, Small Development Requirements, indicating that they had a military requirement to meet a certain situation.

Senator HUDDLESTON. Was mostly all of your work then done on the basis of these special requirement requests that came either from the Special Forces or some other source?

Mr. SENSENEY. That is true.

Senator HUDDLESTON. Did these requests come from the CIA directly, to your knowledge?

Mr. SENSENEY. No; they sort of rode piggyback on most of these. They sort of rode piggyback on the Army's development and picked off what they thought was good for them, I guess.

Senator HUDDLESTON. But you did not undertake a development or an experimental program of a particular weapon until you had some request from the Special Forces to develop a delivery system?

Mr. SENSENEY. There was one item. It was a hand-held item that could fire a dart projectile. It was done only for them; no one else.

Senator HUDDLESTON. You developed that yourself?

Mr. SENSENEY. I had a hand in it. I did not do all of the development.

Senator HUDDLESTON. All right, during the course of your work there, did you have frequent contact with Dr. Gordon?

Mr. SENSENEY. I would not say it was frequent, but it was periodic; yes.

Senator HUDDLESTON. Were some of these contacts by telephone?

Mr. SENSENEY. Usually the telephones came through the Director and he let us know when they were coming and they would come and see us.

Senator HUDDLESTON. But you very seldom talked to him by telephone?

Mr. SENSENEY. That is correct.

Senator HUDDLESTON. Did you ever talk to him by telephone?

Mr. SENSENEY. I probably did.

Senator HUDDLESTON. You do not recall any specific instances?

Mr. SENSENEY. No.

Senator HUDDLESTON. Were there frequent transfers of material between Dr. Gordon's office and your office, either the hardware or the toxin?

Mr. SENSENEY. The only frequent thing that changed hands was the dog projectile and its loaders, 4640. This was done maybe five or six in one quantity. And maybe 6 weeks to 6 months later they would bring those back and ask for five or six more. They would bring them back expended, that is, they bring all of the hardware except the projectile, OK?

Senator HUDDLESTON. Indicating that they have been used?

Mr. SENSENEY. Correct.

Senator HUDDLESTON. Did they advise you as to what use they were making of them?

Mr. SENSENEY. No; that was one bad part of it. You did not get any feedback so you did not know whether your devices worked or did not work.

Senator HUDDLESTON. They never advised you of whether or not they were successful?

Mr. SENSENEY. That is correct.

Senator HUDDLESTON. And no information at all as to how they were being used?

Mr. SENSENEY. No, but I would say they would have to be used on a dog. You may as well shoot a man if you are going to use something the size that they were using there.

Senator HUDDLESTON. But it could have been used on a human being?

Mr. SENSENEY. There is no reason why it could not, I guess.

Senator HUDDLESTON. How much time usually elapsed between the time you gave them these weapons and the time they brought them back to you expended?

Mr. SENSENEY. Usually 5 to 6 weeks.

Senator HUDDLESTON. Five to six weeks, and absolutely no report from them as to what the use was, whether or not they were used, whether they were efficient, whether they needed some adjustments or some modification to make them more workable?

Mr. SENSENEY. No, there really was not much feedback. They would bring them back but they would not say why they wanted them or what they used them on.

Senator HUDDLESTON. You never inquired?

Mr. SENSENEY. No.

Senator HUDDLESTON. You never thought to inquire?

Mr. SENSENEY. I thought of it, but I never did.

Senator HUDDLESTON. Any other type weapons or any other materials that you transferred to them that might have been expended to some degree?

Mr. SENSENEY. No; they were the only things that they really got on a regular basis and to my knowledge, used some way.

Senator HUDDLESTON. Now, you have indicated to us what P600 is and I think you said it was the funding order. I take it this is the official Government document that provides for the funding for a particular activity. Is that correct?

Mr. SENSENEY. Well, it identified the working investigation group or the staff support group, whatever way you want to identify it. P600 was a funding citation.

Senator HUDDLESTON. All right. Would it be very specific as to what these funds are to be spent for, the type of development? Would it indicate who had authority to actually expend these funds?

Mr. SENSENEY. Well, I guess they would have to come down through our division level there. The stockpile was maintained for them. This took quite a bit of money, of course. That is their agent stockpile.

Senator HUDDLESTON. The material that was stored for 5 years has on it, "to be used only at the direction of P600." Would that order, P600, give us the information as to what specific individual had the authority to permit the use of that material?

Mr. SENSENEY. I cannot answer that. I do not think P600 was an authority. It was just a citation. That is all I know it to be.

Senator HUDDLESTON. Well, somebody must have thought it was an authority or they would not have printed on the material that it could be used only as directed by P600, in my judgment.

Now in the instructions you received from Dr. Cowan to withhold the destruction, I believe, of both the toxin and the hardware—

Mr. SENSENEY. No, not hardware per se. I call them display items. They are mounted on boards, cutaway models, that sort of thing.

Senator HUDDLESTON. Prototypes, these were not actual weapons?

Mr. SENSENEY. They would not even be a prototype really because a prototype you could actually activate. These were inert type things that were mounted on display models.

Senator HUDDLESTON. Just to show what the item was, what it looked like, the size of it?

Mr. SENSENEY. Correct.

Senator HUDDLESTON. Then you have to detail what its capabilities were. But in these instructions, were they verbal?

Mr. SENSENEY. Yes.

Senator HUDDLESTON. He just told you to hold up on it?

Mr. SENSENEY. Yes.

Senator HUDDLESTON. He did not say why?

Mr. SENSENEY. No.

Senator HUDDLESTON. Did you receive any written instructions?

Mr. SENSENEY. No.

Senator HUDDLESTON. None whatsoever relating to your responsibility to dispose of the material that you had responsibility for?

Mr. SENSENEY. I got rid of all the hardware per se, yes.

Senator HUDDLESTON. But not on the basis of a written instruction?

Mr. SENSENEY. No.

Senator HUDDLESTON. Did you see any instructions on what manner was to be used, what method was to be used for the destruction of any of this material?

Mr. SENSENEY. Not really. We had to come up with our own means of getting rid of the hardware. It was not really very easy. It was much easier to make these things than it was to get rid of them.

Senator HUDDLESTON. Why was that? Why would it be difficult?

Mr. SENSENEY. You have got to do a lot of chopping and a lot of tearing and a lot of heating to get rid of all that metal.

Senator HUDDLESTON. Was there a great bulk of it?

Mr. SENSENEY. Well, for instance, we were in the midst of a development program with the Army. We had just gotten back 400 or 500 rounds from the Dugway Proving Ground that had to be destroyed. We had to go out to a contractor and get things back that we were developing. They had to be destroyed. So, yes, there was quite a bulk of material.

Senator HUDDLESTON. What would the cost be of disposing of that? Would you have any idea?

Mr. SENSENEY. I would not have—I could not even estimate it really.

Senator HUDDLESTON. Did you assist in any way in the transfer of any of this material to the CIA?

Mr. SENSENEY. The display items I did, yes.

Senator HUDDLESTON. In what way did you assist?

Mr. SENSENEY. They came and picked it up. I helped the guy carry it out and put it in his car.

Senator HUDDLESTON. Who is they?

Mr. SENSENEY. They—Boston.

Senator HUDDLESTON. And he came in a car, his personal automobile?

Mr. SENSENEY. Correct.

Senator HUDDLESTON. And you helped him. Did you see any other material or did you assist in transferring any other material?

Mr. SENSENEY. No; that is all I took out.

Senator HUDDLESTON. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Mathias?

Senator MATHIAS. I thank Mr. Senseney for being here, but I think he has answered all the questions I had in my mind, and I have no further questions.

The CHAIRMAN. Senator Hart?

Senator HART of Colorado. Mr. Senseney, are you familiar with so-called vulnerability studies, or experiments conducted by personnel at Fort Detrick?

Mr. SENSENEY. Yes sir.

Senator HART of Colorado. Are you familiar with studies of the water system at the FDA building here in town?

Mr. SENSENEY. I am.

Senator HART of Colorado. Did you participate in that study?

Mr. SENSENEY. I did not participate in it, but I developed an item that they could tap into the system with.

Senator HART of Colorado. Would you explain that item?

Mr. SENSENEY. It was a drill-tap-type situation, that you go through a pipe that would withstand the pressure of the water and be able to insert dye or material into the water stream.

Senator HART of Colorado. Was that instrument used in the vulnerability study?

Mr. SENSENEY. As far as I know.

Senator HART of Colorado. You did not actually monitor it, or participate?

Mr. SENSENEY. No.

Senator HART of Colorado. Did you receive any report on how that experiment worked out?

Mr. SENSENEY. Well, it is pretty evident that the dye got pretty much throughout the entire water system of the building.

Senator HART of Colorado. And to your knowledge, no one at FDA was aware of this experiment being conducted?

Mr. SENSENEY. They asked for it to be conducted. Only a very few people knew it was being conducted, however.

Senator HART of Colorado. FDA asked for it?

Mr. SENSENEY. That's right.

In a lot of the vulnerability studies we did do, we were requested to do them.

Senator HART of Colorado. I'm not sure you have a copy of this document before you—I guess you do not, but a June 1, 1969 summary report conducted by the Special Operations Division at Fort Detrick summarizes that study. And it is my recollection—I will try to find the specific language—it is my recollection that none of the people at FDA were aware of this. I do not think it is a major point.

Mr. SENSENEY. It may not have been.

I see where we went through GSA.

Senator HART of Colorado. Yes.

Mr. SENSENEY. OK. Someone was aware of it; I'm not sure who.

Senator HART of Colorado. Are you familiar with a so-called vulnerability study or experiment on the New York subway system?

Mr. SENSENEY. I participated in that.

Senator HART of Colorado. To what extent did you participate?

Mr. SENSENEY. I was a sampler.

Senator HART of Colorado. What does that mean?

Mr. SENSENEY. I rode a subway and sampled the air. [General laughter.]

Senator HART of Colorado. How was the study or experiment conducted?

Mr. SENSENEY. Well, there was one person that was the operator—if you want to call it an operator—who rode a certain train, and walking between trains, dropped what looked like an ordinary light bulb which contained biological simulant agent.

And then the next train came by and, of course, it would stir up the air. So, by driving over it at, say, 60 miles an hour—and this was continuously done by certain subways, and it went quite well through the entire subway system, because we started down around 14th Street and sampled up as far as about 58th Street, and there is quite a bit of aerosol all along the way.

Senator HART of Colorado. Just from one light bulb?

Mr. SENSENEY. One light bulb.

Senator HART of Colorado. Were the officials of the city of New York aware that this study was being conducted?

Mr. SENSENEY. I do not believe so.

Senator HART of Colorado. And certainly the passengers weren't.

Mr. SENSENEY. That is correct.

Senator HART of Colorado. At whose request were these two studies conducted?

Mr. SENSENEY. I'm not sure whether it was requested or whether we did it on our own. There was a special studies group in our branch that was head of vulnerability studies.

Senator HART of Colorado. You had a special section that did nothing but vulnerability studies?

Mr. SENSENEY. Yes.

They would come up with test plans and so forth.

Senator HART of Colorado. What other kinds of studies did you conduct besides the subways and the FDA building?

Mr. SENSENEY. Well, there have been quite a few.

Senator HART of Colorado. Well, name a few of them.

Mr. SENSENEY. Well, McGuire Air Force Base, which was a SAC activity that—it was requested by the Air Force to see how vulnerable they were.

Senator HART of Colorado. To biological attack?

Mr. SENSENEY. That's right. And the Pentagon and the White House.

Senator HART of Colorado. How was the White House study conducted?

Mr. SENSENEY. I do not know that one specifically, because I was not involved. However, I do know that they made—asked them to do certain things to make the thing so it couldn't be attacked. They had leaky filters in the White House.

Senator HART of Colorado. Now, Mr. Senseney, in the requests that you received from your superiors to prepare, or participate in, these studies, was there discussion, to your recollection, of the actual use of these kinds of capabilities offensively?

Mr. SENSENEY. The main thing was to determine the vulnerability of our country to biological attack through covert means, and this was attack against people, crops, animals, things—by things, I mean machinery, airplanes.

Senator HART of Colorado. But was there discussion of using this kind of capability against other countries?

Mr. SENSENEY. Not to my knowledge; no.

Senator HART of Colorado. I refer to page 14 of the document you have before you [exhibit 12¹] in the top sentence of that page. It says:

From limited consultation with design engineers it should be possible to develop simple guidelines for planning and attack on a group of people that work in a building constructed with a circulating, chilled drinking water system.

That does not say a defense; it says attack.

Mr. SENSENEY. If you are going to have a defense, you have got to have an offense, I suppose. I didn't write this paper.

Senator HART of Colorado. I understand.

Mr. SENSENEY. I'm not even sure I've really ever seen it before.

Senator HART of Colorado. I understand.

Mr. SENSENEY. That could be somebody's conclusion, you see, not mine.

¹ See p. 240.

Senator HART of Colorado. The same kind of language, in stronger form, is contained in the report on the subway system study or experiment.

But your testimony is to the effect that these experiments, or your participation in these experiments, was for defensive purposes only.

Mr. SENSENEY. That is correct.

Senator HART of Colorado. And with no discussion of creating a capability to use against someone else.

Mr. SENSENEY. Well, you have to realize that Detrick—the overall Detrick—was to do things for the Army. That is, in terms of offense.

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

The CHAIRMAN. Thank you, Senator Hart.

Senator Schweiker?

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

Mr. Senseney, I would like to call your attention to a CIA document 67 [exhibit 6¹] which basically describes Project MKNAOMI or Project P600, whatever you want to call it, which, while funded by the CIA, was actually run and operated by Fort Detrick. And I would like to read into the record, at this point, a quote from paragraph 9 of that document:

When funds permit, adaptation and testing will be conducted of a new, highly effective disseminating system which has been demonstrated to be capable of introducing materials through light clothing, subcutaneously, intramuscularly, and silently, without pain.

Now, I just have a little trouble, Mr. Senseney, reconciling your answers in conjunction with this project, when the CIA document makes clear that one of the very specific purposes of the funding and the operation was to find a weapon that could penetrate light clothing subcutaneously, which obviously means through the skin, and intramuscularly, which obviously means through the muscles of a person.

And are you saying that you have absolutely no recollection at all that tests or programs were not designed to use any of these devices to permeate clothing on people and not dogs?

Mr. SENSENEY. We put them on mannequins.

Senator SCHWEIKER. What's that?

Mr. SENSENEY. We put clothing on mannequins to see whether we could penetrate it. These were the requirements. You almost read the exact requirements that the SDR quoted from Special Forces there.

Senator SCHWEIKER. I would not expect you to test them on live human beings. I would hope you did use mannequins, Mr. Senseney. Wouldn't that be directed toward people usage though? That is the point we're trying to establish.

Mr. SENSENEY. That is what Special Forces direction was.

Senator SCHWEIKER. So it was not solely dogs toward which the program was directed. If you used mannequins, obviously people were involved.

Mr. SENSENEY. Well, you have to look at it this way. The Army program wanted this device. The only thing that the CIA asked for was a dog device. That is the only thing that was delivered to them. It was a spinoff, of course, from the M-1. The M-1 was a lethal weapon, meant to kill a person, for the Army. It was to be used in Vietnam. It never

¹ See p. 204.

got there because we were not fast enough getting it into the logistics system.

Senator SCHWEIKER. What about the device that you made, or whose development you supervised? What was the most utilized device of the ones with which you worked and supervised?

Mr. SENSENEY. By whom?

Senator SCHWEIKER. The only thing that I know that was really used was the dog projectile. The other things were in the stockpiles. I don't think anyone ever requested them.

Senator SCHWEIKER. How do you know for certain it was for dogs?

Mr. SENSENEY. Well, that is what they asked us to test them against. They wanted to see whether they could put a dog to sleep, and whether sometime later the dog would come back and be on its own and look normal.

Senator SCHWEIKER. Of course, as I recall, that is what they did with Gary Powers' drill with shellfish toxin. They tested it on a dog to see if it would work. So I do not know that that at all would conclude that it was only provided for dogs.

Of the devices that came through you, which of these were utilized in any capacity other than for testing?

Mr. SENSENEY. That was the only one that I know of—the dog projectile. I call it a dog projectile. We were developing it because the scenario read that they wanted to be able to make entrance into an area which was patrolled by dogs, leave, the dog come back, and then no one would ever know they were in the area. So that was the reason for the dog projectile.

Senator SCHWEIKER. And how many of these were made?

Mr. SENSENEY. Well I would say there were probably as many as 50 at least. They took—

Senator SCHWEIKER. About 50?

Mr. SENSENEY. Yes.

Senator SCHWEIKER. And didn't you get any reports back from the field on their effectiveness?

Mr. SENSENEY. No. That is one thing you never get; you never get the feedback. You did not know what happened.

Senator SCHWEIKER. I'm puzzled by that. You are the research and development person; you design the weapon—and I haven't seen a part of the military yet that did not have some feedback on whether it was effective in hitting the target or missing it. How do you know if you are doing things right or wrong?

Mr. SENSENEY. We must have been doing right. They kept asking for it.

Senator SCHWEIKER. Then somebody was using them, I gather. Is that correct?

Mr. SENSENEY. I would assume so. The missile was gone when they returned the hardware, sir.

Senator SCHWEIKER. But you cannot give us any specific evidence or proof that they were used solely for dogs, from your knowledge, or from your feedback?

Mr. SENSENEY. No. Not at all.

Senator SCHWEIKER. You said a moment ago that you also distributed the cans to Mr. Boston at the end of this shellfish project.

Mr. SENSENEY. No cans did I distribute to him. I only gave him the display models of the prototype items.

Senator SCHWEIKER. No; I'm referring to the shellfish toxins.

Mr. SENSENEY. I did not give him any shellfish toxins.

Senator SCHWEIKER. What did you give Mr. Boston?

Mr. SENSENEY. All I gave him were display models.

Senator SCHWEIKER. Of what?

Mr. SENSENEY. Of hardware.

Senator SCHWEIKER. No shellfish toxin? Are you aware that along with that went the shellfish toxin?

Mr. SENSENEY. Well, I thought it should be. They had to pick it up sometime.

Senator SCHWEIKER. In addition to giving it to them, did you give it to any other sources, any other branches of Government or the service, or any other parts of the Army?

Mr. SENSENEY. I did not give it to anybody, so I really do not know what the disposition of the material was. I was not in the agent area; I was only in hardware development.

Senator SCHWEIKER. Did you have a responsibility for cleaning out the inventory?

Mr. SENSENEY. Only on the hardware side, not on the agent side.

Senator SCHWEIKER. And where did all of the inventory go?

Mr. SENSENEY. I don't know.

Senator SCHWEIKER. Where did the inventory of hardware go?

Mr. SENSENEY. All hardware was destroyed, period.

The only thing that was distributed to the CIA were prototypes—and I would not even call them prototypes, they were display models, cutaway models. They were mounted on boards, on plaques, that type of thing.

Senator SCHWEIKER. That's all the questions I have, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you, Senator Schweiker.

I think it ought to be reemphasized that the document from which you read was a document in which the CIA laid out its specifications for the research work for which the Agency was paying.

Senator SCHWEIKER. And for which purpose, too, Mr. Chairman, that they met quarterly to see if their funds were being well spent.

The CHAIRMAN. Right. And their specifications with respect to the particular delivery systems we have been discussing were as follows:

When funds permit, adaptation and testing will be conducted of a new, highly effective, disseminating system which has been demonstrated to be capable of introducing materials through light clothing, intramuscularly and silently, without pain.

So I think it is clear that the CIA was interested in the development of a delivery system that could reach human beings, since not many dogs wear clothing. And you would agree with that, wouldn't you?

Mr. SENSENEY. Yes.

The CHAIRMAN. OK.

Mr. Schwarz here has one final question and then we will move to the final witness this morning.

Mr. SCHWARZ. Along the same line of the chairman's and Senator Schweiker's questions, I assume you agree that spending money in order to make darts of such a character that they cannot be detected in an autopsy does not have much to do with dogs.

Mr. SENSENEY. No; that would not have anything to do with dogs.

Mr. SCHWARZ. All right.

The CHAIRMAN. Thank you very much.

Senator Baker?

Senator BAKER. Mr. Chairman, I'd like to renew my previous request. I would like very much to talk to Dr. Cowan, who may have been the contact between the CIA and Fort Detrick on the request for the toxins and on the recordkeeping. When the time is appropriate, I would like to interview him. And, if it seems pertinent and relevant to our inquiry, I would ask that he be called as a witness.

The CHAIRMAN. That will be arranged.

Thank you very much, Mr. Senseney, for your testimony.

Our next, and final, witness is Mr. Robert Andrews. Mr. Andrews, will you please come forward? Mr. Andrews, will you take the oath?

Do you solemnly swear that all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ANDREWS. I do.

The CHAIRMAN. Mr. Smothers will commence the questioning.

**TESTIMONY OF ROBERT T. ANDREWS, SENIOR ADVISOR TO THE
GENERAL COUNSEL, OFFICE OF THE SECRETARY OF DEFENSE**

Mr. SMOTHERS. Mr. Andrews, you are currently serving as a Senior Advisor to the General Counsel, Office of the Secretary of Defense. Is that correct?

Mr. ANDREWS. I am.

Mr. SMOTHERS. Did you have occasion to become familiar with Defense Department efforts to destroy shellfish toxin?

Mr. ANDREWS. Yes.

Mr. SMOTHERS. Would you explain the circumstances of your familiarity to the committee, please?

Mr. ANDREWS. By way of background, in June of this year, when the Defense Department learned of this exercise, we appointed investigators from the Defense Investigative Service to examine witnesses and review records. In the course of that investigation they uncovered a number of records which give us some indication of the scope of the destruction program and the inventory process.

Mr. SMOTHERS. It is that inventory process that I wish to address now, Mr. Andrews. I believe you have in your possession a copy of a memorandum dated February 17, 1970, entitled "Special Operations Division Toxin Inventory" [exhibit 13¹.] Mr. Andrews, you have previously seen this exhibit, have you not?

Mr. ANDREWS. I have.

Mr. SMOTHERS. What amount of toxin on hand does this inventory reflect?

Mr. ANDREWS. It reflects somewhat over 2 grams.

Mr. SMOTHERS. Was this the inventory prepared at Fort Detrick?

Mr. ANDREWS. It was.

Mr. SMOTHERS. Was this inventory prepared pursuant to discussions between Defense and Fort Detrick personnel requiring them to inventory the material on hand and to indicate which material should be either retained or disposed of by destruction?

¹ See p. 244.

Mr. ANDREWS. Yes, there is actually a directive issued January 9, 1970, to the six Fort Detrick laboratories requesting a complete inventory of biological agents and munitions, and the February 17, 1970, inventory is the first step in that process.

Mr. SMOTHERS. Was the spirit of this directive to identify any toxin which may have been in possession of Defense facilities and to be the groundwork for a basis for destruction or retention decisions?

Mr. ANDREWS. Initially the directive was devoted to biological agents. Subsequently there are messages requiring inclusion of toxins in the inventory process.

Mr. SMOTHERS. So that shellfish toxin would have been reported pursuant to this directive?

Mr. ANDREWS. That is correct.

Mr. SMOTHERS. Now, looking at the February 17, 1970, inventory, I ask you whether that inventory or any other inventory of which you have knowledge reflected an amount of shellfish toxin of 11 grams or more in the possession of the Department of Defense?

Mr. ANDREWS. It does not.

Mr. SMOTHERS. In your opinion, would some accounting for 11 grams of shellfish toxin have been called for by the Director?

Mr. ANDREWS. I would say that inasmuch as the original directive was issued in January and then later amended, that it should have been reported.

Mr. SMOTHERS. Mr. Smothers, do your records reveal any Defense guidance for the disposition of shellfish toxin or other substances that were distributed outside of the Department of Defense, any guidance regarding how a determination was to be made on disposition, how accounting was to be handled, or any guidance at all on that subject from Defense?

Mr. ANDREWS. We find no such records.

I might add to the committee that in the process of checking over our records we located 104 boxes of records in the Suitland, Md., repository. Four of these boxes were identified as coming from the Special Operations Division; 13 more boxes referred to the demilitarization program. We obtained this information from the inventory list, and our investigators did examine 17 boxes to determine to what extent records still were available to us.

Mr. SMOTHERS. Mr. Chairman, I have no further questions of this witness.

The CHAIRMAN. Do I understand, Mr. Andrews, that the DOD inventory that was supplied at the time that the President's orders to destroy these toxins were issued, that your records do not show any inventory in which about 11 grams of shellfish toxin appears?

Mr. ANDREWS. No. I think there is a—

The CHAIRMAN. Well, we know there is about 11 grams in the possession of the Defense Department. Why does not any inventory show the existence of that position which the President had ordered to be destroyed?

Mr. ANDREWS. Well, I think there is a question of dates, and I think it is very important. On January 9 the first directive was issued asking for an inventory of biological agents and munitions, and then on February 14 the Presidential order was handed down. Now, on Feb-

ruary 17, apparently the first inventory reports were completed and submitted to higher headquarters on the 18th.

The CHAIRMAN. And that was after the toxin had been slipped back to the CIA.

Mr. ANDREWS. That is correct. Your records indicate that on February 16 there was then an unsigned memorandum containing the bottom line, Mr. Karamessines; on February 17 our people went on record with a report. It is entirely possible that the toxins made a transfer somewhere between the 16th and the 17th, probably the 16th because the 17th, if they were still in the Defense Department possession, they should have been reported.

The CHAIRMAN. I would have to agree to that. I think that must have been what happened. But, it seems very strange to me that the inventory presented by the Defense Department should be made 1 day after these forbidden toxins had been slipped back to the CIA.

Mr. ANDREWS. I must say, as a lawyer examining a case, I find it very unusual, too.

The CHAIRMAN. Since the testimony shows that the CIA could lay legal claim only to 5 grams of this and witnesses have testified that the CIA agreed to take repossession of its 5 grams, can you account for why nearly 11 grams turned up in the CIA laboratory?

Mr. ANDREWS. I was not on the scene, and I cannot explain it. That is one version that the CIA witnesses and others have made.

I think you should bear in mind, however, that the containers containing the 11 grams also contained a notation P600.

The CHAIRMAN. What did that mean?

Mr. ANDREWS. I provided the Committee this morning with a statement as to what it does mean. It is not very sexy, not very much a James Bond matter. The Inspector General's Office, Department of the Army has confirmed that P600 stood for a research and development account number. Fort Detrick used this designation to describe the working funds used by the Special Operations Division at Fort Detrick which had been supplied by the CIA.

The CHAIRMAN. Does that mean, then, according to your interpretation or your understanding, that all of it, the whole 11 grams, belonged to the CIA?

Mr. ANDREWS. That is a reasonable inference.

The CHAIRMAN. Your inference runs contrary to previous testimony.

Mr. ANDREWS. You asked for my opinion, and I do suggest that the P600 appears on both containers.

The CHAIRMAN. And the reasonable inference to be drawn from that was that the whole 11 grams, not just 5 grams, belonged to the CIA, and that amount was returned to them?

Mr. ANDREWS. That is the way I would read it.

The CHAIRMAN. Thank you.

Are there further questions of this witness?

Senator Tower?

Senator TOWER. Mr. Andrews, was DOD aware of the transfer of shellfish toxin to more than 60 individual institutions, some located in foreign countries, including the defense establishments of some foreign countries?

Mr. ANDREWS. This is a matter that we discovered during the course of the investigation, although the extent of this dissemination just came to our attention when the committee advised us.

Senator TOWER. From where did the authority for that dissemination come?

Mr. ANDREWS. I do not know of any express authority. As I understand it, the scientific community has a way of exchanging its specimens, and there is, apparently, quite an interchange.

Senator TOWER. Are you suggesting this is something that was left to the arbitrary will and discretion of perhaps a field-grade officer or civil servant?

Mr. ANDREWS. I do not have the answer as to where the level of authority resides. I could obtain that for the record.

Senator TOWER. I have no further questions, Mr. Chairman.

The CHAIRMAN. Senator Mathias?

Senator MATHIAS. Mr. Andrews, are you aware of the procedures that were established at Fort Detrick, and I assume at other Defense installations, for the destruction of toxins, toxic material of all kinds?

Mr. ANDREWS. Yes.

Senator MATHIAS. Could you describe those procedures?

Mr. ANDREWS. Well, there are really two kinds of material. There is the demilitarization program, which has been referred to here earlier in your hearings, which was conducted at Pine Bluff Arsenal. We have various documented records on that. However, the amounts of the disposal of the toxins in the laboratory is a matter that we have found no records of, and we do know, for example, that one of the early inventories shows that certain toxins were to be retained for defensive research purposes, and that certain other amounts were to be destroyed. The exact amount that was used in this case I do not know.

I did ask our investigators to check with the experts as to how this particular toxin could be destroyed, and I was told that any bunsen burner properly applied for the right period of time would destroy the toxin.

Senator MATHIAS. Now, with regard to the procedures that were established, was this by word of mouth, or were there carefully organized procedures and publication of orders which detailed them?

Mr. ANDREWS. Yes, Senator Mathias.

I think it might be well to go over some of the major actions that were taken by the Defense Department. Following the President's announcement on November 25, the Assistant Secretary of Defense for International Security Affairs issued a memorandum on November 28 announcing the President's determination. On December 17, 1969, the Secretary of Defense issued a memorandum assigning responsibilities for implementing each of the President's decisions. On January 7, 1970, an ad hoc task force on inventory matters was established. On January 9 the first orders were issued to make a complete inventory of biological weapons. Following the President's Valentine's Day order, as you referred to it, on February 14, the first of the inventory reports was prepared and submitted to the Director of the Commodity Development Engineering Laboratories on February 18. On February 17, a Department of the Army message was sent to Fort Detrick and the Army Materiel Command requiring the inclusion of bulk toxins in demilitarization plans of biological stockpiles.

On February 20, the NSDM-44 was issued regarding the destruction of toxin agents and weapons. On February 28, this order was relayed to the immediate offices in the Department of Defense concerned

with such matters. On March 18, 1970, the Assistant Scientific Director of Defense and Engineering referred to the plans for the inventory of toxin materials and directed disposal of all excess materials using standard laboratory procedures.

On June 15, a White House memorandum was sent to the Secretary of Defense requesting his recommendations for the destruction of biological agents and weapons and toxic agents and weapons. On July 6, 1970, the Secretary of Defense reported to the President, submitting his recommendations for carrying out the demilitarization program. On September 3, 1970, there was a White House memorandum to the Secretary of Defense directing an environmental impact statement in connection with the Pine Bluff project.

On December 15, 1970, there was a White House memorandum sent to the Secretary of Defense announcing the President's approval of the detailed plan. On November 10, 1972, the Assistant Chief of Staff for Force Development, Department of the Army, provided the Undersecretary of the Army with a report announcing the completion of the destruction of the entire U.S. stockpile, and also indicated, incidentally, at a cost of \$15 million.

On January 25, 1973, the National Security Council Undersecretary's committee provided the President a memorandum reporting its review on the U.S. chemical warfare and biological program, which had been laid on them by NSDM-35.

Senator MATHIAS. Now, Mr. Andrews, can you tell us what happened to those materials that you mentioned which were retained for defense research? Did they go to Dugway, or did they go to some other laboratory?

Mr. ANDREWS. We have just made a complete inventory of all of our facilities, and we have received reports from the Army, Navy, and Air Force. The only facility that now has any toxins for defensive research purposes is the Edgewood Arsenal.

Senator MATHIAS. Nothing at Dugway?

Mr. ANDREWS. There is nothing at Dugway; no, sir.

Senator MATHIAS. One final question. We have discussed several times during the hearings the materials that were sent out from Fort Detrick for research purposes to scientists in various parts of the world and all over the United States. Is it your understanding that this was a common practice at Fort Detrick?

Mr. ANDREWS. Based on the testimony today, it appears that it was.

Senator MATHIAS. I am asking if you have any independent knowledge or any records which would indicate it.

Mr. ANDREWS. In the course of our talking to a number of people we learned this is a rather common practice in the scientific community.

Senator MATHIAS. And it was not confined to shellfish toxin?

Mr. ANDREWS. No, sir. It applied to many items.

Senator MATHIAS. It applied to many items that were under study at Fort Detrick. Of course, when this pattern or practice of moving materials of this nature was established, that made it much easier actually to handle, disburse, and dispense these materials, because it was a recognized course of action. Is that not true?

Mr. ANDREWS. Yes, sir, that is correct.

Senator MATHIAS. That is all, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Huddleston?

Senator HUDDLESTON. Mr. Andrews, I think you mentioned that the estimated cost of disposing of these materials was \$15 million.

Mr. ANDREWS. Yes, sir.

Senator HUDDLESTON. In your investigation, did you get any indication as to whether the suggestion or idea that the CIA would take possession of its stock and it would be stored away originated with the CIA or with the Special Operations Division there at Fort Detrick?

Mr. ANDREWS. We received conflicting reports on that and I think the confusion as to what happened continues. I would be reluctant to speculate as to just how it happened.

Senator HUDDLESTON. Would you say that there is a tendency within the Army and maybe within other agencies of Government to treat requests from the CIA differently than you would treat requests from other agencies or other departments?

Mr. ANDREWS. I have been the recipient of very few CIA requests until recently. They are not known for their loquaciousness. Since the investigation has been conducted, I must say, they have been most helpful and there has been a full and frank exchange, I think, between this committee, between the CIA, and between the Defense Department. But I have some hesitancy in answering your question, because I just do not have enough experience as to what the response has been to CIA requests. I think the Pentagon is a pretty big department and I do not think we are easily impressed.

Senator HUDDLESTON. What do you think of the testimony by Mr. Senseney that while he had questions about not getting any feedback from the use of material that he had developed, he was never compelled to ask those questions. Is this typical of dealing with the CIA on the part of the Army?

Mr. ANDREWS. I do not know whether it is typical of the Army. I think the CIA has in the past conducted its operations in such a way that there be a minimal amount of information flow back from them. I think this is consistent with their strategy.

Senator HUDDLESTON. So that was to be expected. And even though a person may have questions, even though the request may be somewhat strange, the general procedure would be just to carry it out without going beyond the order itself?

Mr. ANDREWS. I can assure you in the Defense Department that we have examined very carefully into our working relationships with all Government agencies. We have reviewed this extensively in terms of detailing of people to us and detailing of people to the other agencies, and I think that we are very aware of our responsibilities.

Senator HUDDLESTON. This review and this examination has been recent.

Mr. ANDREWS. It has been before this particular investigation broke forth.

Senator HUDDLESTON. There was no hesitancy on the part of the Army to accept, for instance, a false name to identify CIA participation? Even on this particular project that we are talking about they were identified as being an officer support group.

Mr. ANDREWS. That is my understanding as it existed in 1970.

Senator HUDDLESTON. And this was no problem for the Army or for this particular division even though many of them knew that they were in fact dealing with the CIA?

Mr. ANDREWS. As the CIA reported to you, this was a most compartmented project, even under CIA standards. And in the course of our investigation we had a great deal of difficulty defining who the players were and where they belonged. So I can well understand the lack of certainty by the Detrick people as to who they were talking to.

Senator HUDDLESTON. But this was accepted practice? It was not a great concern of theirs apparently.

Mr. ANDREWS. I would just have to judge that apparently it was an accepted practice because it continued during that period.

Senator HUDDLESTON. They were operating in a highly sensitive, a highly secret, highly classified area, one demanding great security, and yet they were dealing with people who were there under false credentials, so to speak, and this was acceptable to them.

Mr. ANDREWS. I understand that is the nature of some of the operations.

Senator HUDDLESTON. Thank you, sir. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Schweiker?

Senator SCHWEIKER. Thank you, Mr. Chairman.

First of all, did you find any of the records of contracts besides the one of the \$194,000 from Army to the Taft Center?

Mr. ANDREWS. I have not yet, but I have laid on the requirement for the Inspector General's office to develop any additional information you need.

Senator SCHWEIKER. The other can or lid label would indicate that there is some arrangement, because it said on the label of the second can "Working Fund Investigation", which would indicate that would be nomenclature that your bookkeeping system just quoted in the original memo. Would that be correct or not?

Mr. ANDREWS. I would assume so; yes.

Senator SCHWEIKER. All right, now you said a moment ago that basically, Mr. Andrews, this transfer might have taken place on the 16th or 17th of February and that is why it did not show up?

Mr. ANDREWS. That is one possibility and I might add this and this might help the committee, although it may only compound the confusion. The memorandum which you have identified as being written on February 16. When we obtained our copy of that from the CIA it did not contain a date on it. Perhaps you got another copy. So we were in the dark, so to speak, as to when the memo was written. Assuming that February 16 is right, then my answer to you is yes; that it happened the 16th.

Senator SCHWEIKER. Now, the inventory that you took and the report shows, was taken by the Army on February 17, is that correct?

Mr. ANDREWS. Yes, sir.

Senator SCHWEIKER. The other day at the committee hearing, we looked at this picture of the labels together, and the can label shows an inventory date of February 18, 1970. Now that would certainly indicate to me that somebody missed a day in inventory and it was inventoried a day after the other materials and probably in building 202 in that same vault. So it would indicate to me that the material

probably did not leave Fort Detrick at that point since the inventory date was a day after the inventory.

Mr. ANDREWS. Senator Schweiker, I had never seen that picture until the other day. I did not realize there was a February 18 date on it.

Senator SCHWEIKER. All right.

Mr. ANDREWS. I would agree that that just adds to the confusion again.

Senator SCHWEIKER. The other thing that adds to the confusion is that the Army has an annual report dated June 1969 in which they show an inventory of their stock items, and there is 5.193 grams on the Army's own inventory at that point. This is not 3 grams or 2.8 grams, but the exact amount of one of these cans. So I would hope that in your ensuing investigation you would take into account this summary report, the working fund investigation of some 5.19 grams. Can you shed any light on that?

Mr. ANDREWS. Let me consult with the investigator to try to shed some light on this.

We have noted that the figure in the 1969 report which you have just referred to also is the same figure that appears on the Karamessines unsigned memorandum. Now, we do not know the answer but there is the possibility that the Karamessines memorandum merely took the 1969 inventory report and put it in their memorandum. I am sure that the stockpile probably changed, may have changed, during the course of that period of time.

Senator SCHWEIKER. That might also indicate that only 5.19 was in fact, the CIA quantity. I think you can read that meaning two ways. It could indicate that that was the CIA amount and we still have not accounted for the other 6 grams, although I agree that is just speculation.

Mr. ANDREWS. I will admit that we have generally had people refer to the CIA stockpile. They have not referred to it as the CIA stockpiles, plural.

Senator SCHWEIKER. You have, as I understand it, an ongoing investigation in this matter, is that correct?

Mr. ANDREWS. Yes, we have.

Senator SCHWEIKER. I see also on the same cans that the inventory date is in a personal handwriting and it seems to me that one of your obvious checks is to find out who it was that inventoried both cans on February 18 and why he or she did not, in fact, put it on the 17th list and why he or she did not report it upon the chain of command. Whoever wrote that inventory date in personal handwriting would obviously know why the material was not disposed of in the proper channels. So I would like to suggest, for your investigation, that a check be run of who with that handwriting was in the lab and had access to the vault, because that person could certainly shed an awful lot of light on what happened in this regard.

Mr. ANDREWS. Senator Schweiker, we would be very happy to work with the committee staff in developing any further facts that will be of assistance to this committee.

Senator SCHWEIKER. Allegedly only two or three people had access to the safe, so it would not be very hard to find out whose handwriting it was.

That is all I have, Mr. Chairman, thank you.

The CHAIRMAN. Thank you, Senator Schweiker.

I want to say that since this discovery the Defense Department has been very cooperative, as indeed the CIA has been, in trying to piece together what happened. And we will pursue these lines of investigation through the staff in hopes that we might complete the picture. And I want to thank you and others in the Defense Department for the cooperation that you have extended to the committee.

Senator HUDDLESTON. Mr. Chairman, I would like to ask for one clarification that I think ought to be on the record.

The CHAIRMAN. Senator Huddleston?

Senator HUDDLESTON. Mr. Andrews, you referred to your receiving the Karamessines unsigned memorandum and I presume you meant that you received it during the course of your current investigation, and not back in 1970 at the time it was purportedly written.

Mr. ANDREWS. That is correct. This is a very new ballgame for us.

Senator HUDDLESTON. I think that ought to be made clear.

The CHAIRMAN. I thank the Senator for clarifying that item.

Mr. ANDREWS. On the part of the Department of Defense, I want to say that I think this committee has operated in a very responsible manner and the Department of Defense, I hope, has been very responsive to your needs.

The CHAIRMAN. Thank you very much.

Now, earlier today I read into the record a letter by which the Committee would waive the ban that presently prevents the executive branch from disposing of these toxins. Members of the committee have suggested some changes which have been incorporated in the text of the letter, and I would like to read the revised letter and bring it to the vote of the committee.

As revised, the letter reads:

Dear Mr. Colby:

Last January when the Senate Select Committee was created, Senator Mansfield and Senator Scott asked that the Central Intelligence Agency not destroy any material that would relate to the committee's investigation. The toxins that are the subject of the committee's first public hearings are subject to the ban on destruction.

The purpose of this letter is to inform you that at the completion of the committee's investigation into the improper retention by the CIA of the deadly toxins, the committee voted to waive further interest in these toxic materials. However, before the CIA proceeds to destroy these toxins, we would direct your attention to the attached testimony.

If adequate safety and security cautions could be taken, and if it is consistent with our treaty obligations, the Committee believes that it might be appropriate for the CIA to consider donating these toxins to properly supervised research facilities which can use these poisons for benign uses such as curing such debilitating diseases as multiple sclerosis.

It is fitting that out of an admitted wrongdoing, some benefit might be had. It is hoped that in this particular instance the Committee and the Executive Branch reach a mutual solution for disposal of these lethal poisons that will be directed toward bettering the lives of our citizens.

Senator TOWER. Mr. Chairman, I move that the committee waive further interest in the toxic materials and that the letter be authorized.

The CHAIRMAN. Is there any objection?

[No response.]

The CHAIRMAN. I would ask for the vote of the committee. Those in favor of the motion, please indicate by raising your right hand.

[Show of hands.]

Senator TOWER. Senator Baker by proxy.

The CHAIRMAN. Other members have indicated that they concur with this vote and it is therefore the unanimous decision of the committee. The letter will be signed. Do you have a pen, Senator?

I would like to conclude the hearing this morning by noting that the committee's investigation into the 11 grams of shellfish toxin may have reminded some of H. G. Welles' comment on the American novelist Henry James. He described him as a hippopotamus rolling a pea. However, a more discerning look into the CIA vault of poisons opened this week brings to light a series of problems which go far beyond this single case.

Like other examples discovered in previous executive sessions, and which continue to emerge from the ongoing investigation of the committee, the case of the shellfish toxin illustrates how elusive the chain of command can be in the intelligence community. It underscores dramatically the necessity for tighter internal controls for better recordkeeping, for greater understanding of code words, compartmentation and the whole range of secrecy requirements. Above all, it emphasizes the necessity for improved mechanisms of accountability, all the way from the White House to the outer branches of the intelligence establishment.

The dilemmas which have surfaced in this week of hearings represent in miniature those which will confront us throughout these proceedings. Their resolution will surely test the ingenuity of those engaged in this undertaking. Our success will require diligent research, persistent investigation, a series of intensive hearings and the most careful study and reflection. This is our mandate and this is our purpose.

The hearings will now stand adjourned subject to the call of the Chair.

[Whereupon, at 1 p.m., the committee adjourned, subject to the call of the Chair.]

HEARINGS EXHIBITS ¹

EXHIBIT 1

Attachment D

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Contingency Plan for Stockpile of
Biological Warfare Agents

1. On 25 November 1969, President Nixon ordered the Department of Defense to recommend plans for the disposal of existing stocks of bacteriological weapons. (On 14 February 1970, he included all toxin weapons.)

2. On 13 January 1970, the Special Operations Division of Fort Detrick, Maryland prepared a requested agent inventory, less toxins, and submitted it to the Scientific Director, Fort Detrick. This inventory was a required input to assist the Commanding Officer, Ft. Detrick to prepare a comprehensive plan for demilitarization on site of all biological agents/amunitions which are stockpiled in support of operational plans.

3. Under an established agreement with the Department of the Army, the CIA has a limited quantity of biological agents and toxins stored and maintained by the SO Division at Ft. Detrick. This stockpile did not appear on the inventory list. The agents and toxins are:

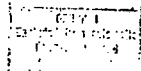
Agents:

1. Bacillus anthracis (anthrax) - 100 grams
2. Pasteurella tularensis (tularemia) - 20 grams
3. Venezuelan Equine Encephalomyelitis virus (encephalitis) - 20 grams
4. Coccidioides immitis (valley fever) - 20 grams
5. Brucella suis (brucellosis) - 2 to 3 grams
6. Brucella melitensis (brucellosis) - 2 to 3 grams
7. Mycobacterium tuberculosis (tuberculosis) - 3 grams

REC-11 FROM 7

AUG 23 1975

CIA



¹ Under criteria determined by the Committee, in consultation with the White House, the Department of Defense and the Central Intelligence Agency, certain materials have been deleted from those documents, some of which were previously classified, to maintain the integrity of the internal operating procedures of the agencies involved and to protect certain information of a national security nature.

8. Salmonella typhimurium (food poisoning) - 10 grams
9. Salmonella typhimurium (chlorine resistant) (food poisoning) - 3 grams
10. Variola Virus (smallpox) - 50 grams

Toxins:

1. Staphylococcal Enterotoxin (food poisoning) - 10 grams
2. Clostridium botulinum Type A (lethal food poisoning) - 5 grams
3. Paralytic Shellfish Poison - 5.193 grams
4. Bungarus Candidis Venom (Krait) (lethal snake venom) - 2 grams
5. Microcystis aeruginosa toxin (intestinal flu) - 25 mg
6. Toxiferine (paralytic effect) - 100 mg

This stockpile capability plus some research effort in delivery systems is funded at \$75,000 per annum.

4. In the event the decision is made by the Department of Defense to dispose of existing stocks of bacteriological weapons, it is possible that the CIA's stockpile, even though in R&D quantities and unlisted, will be destroyed.

5. If the Director wishes to continue this special capability, it is recommended that if the above DOD decision is made, the existing agency stockpile at SO Division, Ft. Detrick be transferred to the Huntingdon Research Center, Becton-Dickinson Company, Baltimore, Maryland. 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.

Thomas H. Karamessines
Deputy Director for Plans

FROM

AUG 23 1975

CIA

SUBJECT: Contingency Plan for Stockpile of
Biological Warfare Agents

TSD: wjc (16 February 1970)

Distribution:

Orig - Addressee

1 - C/TSD

1 - C/TSD/CB

EXHIBIT 2

INVENTORY OF LETHAL AND INCAPACITATING AGENTS
 FOUND AT A CIA BUILDING (excerpted
 from CIA Inventory)

<u>Material</u>	<u>Class</u>	<u>Quantity</u>	<u>Characteristics</u>	<u>Dose</u>
<u>LETHAL AGENTS:</u>				
Saxitoxin (shellfish toxin)	Lethal	11.405 gr.*	Highly lethal nerve toxin. Attacks cardio- vascular, respiratory, nervous, and muscle sys- tems. Death in seconds.	
Cobra venom	Lethal	8 mg.	Lethal nerve toxin; at- tacks nervous system.	7 mg.
French com- pound	Lethal	1.83 gr.	Highly lethal	less than .1 mg.
Aconitum Ferox ex- tract	Lethal	2 gr.	Lethal in overdose	20-40 ml.
Aconitine Nitrate	Lethal	.5 oz.	Lethal	
F-270	Lethal	1 cc		
Colchicine	Lethal	8 gr.	Lethal in overdose; death via muscular paralysis and respira- tory failure.	7 mg.
Strychnine	Lethal	5 gr.	Lethal; attacks neuro- muscular system.	

*10.927 gr. of the total were transferred from Ft. Detrick to a CIA Building sometime in February 1970; the remainder (approximately .5 gr. had previously been delivered to the a CIA Building in the mid-1960's.

INVENTORY (Con't.)

<u>Material</u>	<u>Class</u>	<u>Quantity</u>	<u>Characteristics</u>	<u>Dose</u>
<u>LETHAL AGENTS:</u>				
Cyanide L-pills	Lethal	10 pills 8 pills 18 pills	Lethal. Blocks Oxygen Absorption (asphyxiation)	1 pill
FISH TOXIN	Lethal	3 cc.	Highly Toxic	less than 1 mg.
<u>BW HARDWARE:</u>				
30/06 micro-missile cart-ridges (containing dog tranquilizer)	Lethal Incap.	38	Incapacitate dogs for 4-6 hours. Lethal in man	
E-4640	Incap. Lethal	10 oval capsules	Dog incapacitant Lethal in man	100-300 mg (dog) (same doses lethal in man)
E-1 dart launcher with missiles (containing E-4640)	Incap. Lethal	10 (3mg/dart)	Dog incapacitant Lethal in man	"
4 pistols				
-2 dart launchers		range		
-1 .22 cal: with dart firing attachment		range		
-1 micromissile		range		

* INVENTORY (con't.)

<u>Material</u>	<u>Class</u>	<u>Quantity</u>	<u>Characteristics</u>	<u>Dose</u>
<u>INCAPACITANTS:</u>				
BZ	Incap. Lethal	10 lbs.	Incapacitant which can also be lethal Blocks nerve responses in central and autonomic nervous systems	
Carbachol	Incap.	1 kg.	Causes flushing, colic, diarrhea, salivation, nausea	.25 mg
EA 3167	Incap. Lethal	200 mg.	Similar to BZ onset of effects longer and effects last longer.	
EA 3442	Incap.	6 gr.	similar to BZ effects last shorter time	
SALMONELLA a) S. enteri- ditis	Incap. Lethal	50 mg	Intestinal inflammation and dysentery	micrograms
b) abortus	Incap. Lethal	48 mg.	Causes abortion in animals	
TACRIN	Incap.	123 gr.	Causes nausea and vomiting	
HALOTHANE	Incap.	19 bottles @ 125 cc each	Anesthetic with less odor than ether or chloroform	

INVENTORY (con't.)

<u>Material</u>	<u>Class</u>	<u>Quantity</u>	<u>Characteristics</u>	<u>Dose</u>
Mephesisin	Incap.	4 oz.	Muscle relaxant	
2-4 pyrolo	Incap.	10 gr.	Causes temporary amnesia	
Hyoscine	Incap.		Blocks autonomic nervous system reactions	
M-246	Incap.	15 gr.	Produces paralysis	
Desmethoxy Reserpine	Incap.	100 tablets 1 mg/tablet	Lowers blood pressure Overdose causes severe mental depression	.25-.5 mg
S-241	Incap.	1 gr.	BZ-like action	
Ovabin	Incap.	11 gr.	Cardiac stimulant even more potent than Digitoxin--faster onset, shorter duration IV only	.3-.5 mg
S-341	Incap.	1 gr.	BZ-like only more effective	

INVENTORY (con't.)

Material	Class	Quantity	Characteristics	Dose
<u>INCAPACITANTS:</u>				
BZ HCl	Incap. Lethal	20 gr.	Same as BZ--water soluble form	
COGENTIN	Incap.	26 tablets @ 2mg. each	wide range of debilitating, physiological effects	.5-.6 mg
ERGOTRATE MALCATE	Incap.	10 gr.	Oxytoxic. Used in Obstetrics to promote uterine contractions	
COLCHICINE	Incap. Lethal	8 gr.	Incapacitant. Overdoes leads to death via para- lysis and respiratory failure	1 mg. lethal dose-7 mg
DIGITOXIN	Incap.	5 gr.	Heart stimulant. Overdose can result in death	1.2-1.5 mg
CINCHONINE	Incap.	2 gr.	Antimalarial. Overdose leads to severe cardiac convulsions, nausea, and vomiting	
DEHYDROACETIC ACID	Incap.	1 gr.	Impairs kidney function and causes vomiting and convulsions	

INVENTORY (con't.)

<u>Material</u>	<u>Class</u>	<u>Quantity</u>	<u>Characteristics</u>	<u>Dose</u>
S 340	Incap.	1 gr.	BZ-like	
Phencyclidine HCL	Incap. Lethal	10 gr.	Causes disorienta- tion. High dosage leads to convulsions and death	
Tetrol	Incap.	50 mg	narcotic	
Neurokinin	Incap.	50 ml	Produces severe pain	

EXHIBIT 3

18 February 1970

PARALYTIC SHELLFISH POISON -
WORKING FUND INVESTIGATIONS

Safe B172C3, Room 202

U.S.P.H.S., Taft Center, Cincinnati, Ohio, product as follows:

GROUP 1 - LOTS 5, 6, & 7 - See Notebook CD4660, page 149.

Vial 1	.247 gm	TOTALS added:
Vial 2	.165 gm	
Vial 3	.210 gm	2.259
Vial 4	.225 gm	1.526
Vial 5	.272 gm	1.033
Vial 6	.196 gm	.161
Vial 7	.259 gm	<u>5.009</u> gms
Vial 8	.248 gm	
Vial 9	.196 gm	
Vial 10	.252 gm	
TOTAL	2.250 gms	

GROUP 2 - LOT 10

Vial 1	.202 gm
Vial 2	.193 gm
Vial 3	.227 gm
Vial 4	.163 gm
Vial 5	.215 gm
Vial 6	.216 gm
Vial 7	.162 gm
Vial 8	.173 gm
TOTAL	1.956 gms

GROUP 3 - LOT 8

Vial 1	.149 gm
Vial 2	.146 gm
Vial 3	.209 gm
Vial 4	.270 gm
Vial 5	.239 gm
TOTAL	1.033 gms

GROUP 4 - LOT 9

Vial 1	.161 gm
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SEP 8 1975

CIA

18 February 1970

PARALYTIC SHELLFISH POISON -
WORKING FUND INVESTIGATIONS

Safe B172C3, Room 202

Northeast Shellfish Sanitation Center, U.S.P.H.S., Narragansett, R. I.,
product as follows:

Batch VIIa	0.490 g
Batch VIII	0.830 g
Batch IX	0.554 g
Batch X & XI	1.236 g
Batch X ^y Supplement	0.252 g
Batch II	0.710 g
Batch V & VIIb	0.678 g
Batch VI	0.557 g
Batch XII	<u>0.620 g</u>
TOTAL	5.927 g

190 mg of liquid material furnished by Working Funds (probably Edgewood
product). See Notebook CD4408, page 148.

TOXIFERINE DICHLORIDE

200.3 mg

EXHIBIT 4

FOR IMMEDIATE RELEASE

NOVEMBER 25, 1969

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

Soon after taking office I directed a comprehensive study of our chemical and biological defense policies and programs. There had been no such review in over fifteen years. As a result, objectives and policies in this field were unclear and programs lacked definition and direction.

Under the auspices of the National Security Council, the Departments of State and Defense, the Arms Control and Disarmament Agency, the Office of Science and Technology, the Intelligence Community and other agencies worked closely together on this study for over six months. These government efforts were aided by contributions from the scientific community through the President's Scientific Advisory Committee.

This study has now been completed and its findings carefully considered by the National Security Council. I am now reporting the decisions taken on the basis of this review.

Chemical Warfare Program

As to our chemical warfare program, the United States:

11/25/69
3 1965
DOD -- Reaffirms its oft-repeated renunciation of the first use of lethal chemical weapons.

-- Extends this renunciation to the first use of incapacitating chemicals.

Consistent with these decisions, the Administration will submit to the Senate, for its advice and consent to ratification, The Geneva Protocol of 1925 which prohibits the first use in war of "asphyxiating, poisonous or other Gases and of Bacteriological Methods of Warfare." The United States has long supported the principles and objectives of this Protocol. We take this step toward formal ratification to reinforce our continuing advocacy of international constraints on the use of these weapons.

Attachment 1

Biological Research Program

Biological weapons have massive, unpredictable and potentially uncontrollable consequences. They may produce global epidemics and impair the health of future generations. I have therefore decided that:

- The U.S. shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare.
- The U.S. will confine its biological research to defensive measures such as immunization and safety measures.
- The DOD has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons.

In the spirit of these decisions, the United States associates itself with the principles and objectives of the United Kingdom Draft Convention which would ban the use of Biological methods of warfare. We will seek, however, to clarify specific provisions of the draft to assure that necessary safeguards are included.

Neither our association with the Convention nor the limiting of our program to research will leave us vulnerable to surprise by an enemy who does not observe these rational restraints. Our intelligence community will continue to watch carefully the nature and extent of the biological programs of others.

These important decisions, which have been announced today, have been taken as an initiative toward peace. Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples we set today, we hope to contribute to an atmosphere of peace and understanding between nations and among men.

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SEP 3 1975

D.O.D

EXHIBIT 5

FOR RELEASE AT 6:00 P. M. EST

FEBRUARY 14, 1970

Office of the White House Press Secretary
 (Key Biscayne, Florida)

THE WHITE HOUSE

On November 25, 1969, the President renounced all offensive preparations for and any use by the United States of biological or bacteriological agents and weapons in war. Since that decision, at the direction of the President, a comprehensive review of United States policy and military programs concerning toxins has been in progress.

Toxins are chemical substances, not living organisms, and are so regarded by the U.N. Secretary General and the World Health Organization. Although the effects of some toxins are commonly described as disease, they are not capable of reproducing themselves and are not transmissible from one person to another.

However, the production of toxins in any significant quantity would require facilities similar to those needed for the production of biological agents. If the United States continued to operate such facilities, it would be difficult for others to know whether they were being used to produce only toxins but not biological agents. Moreover, though toxins of the type useful for military purposes could conceivably be produced by chemical synthesis in the future, the end products would be the same and their effects would be indistinguishable from toxins produced by bacteriological or other biological processes. Accordingly, the President has decided that:

- The United States renounces offensive preparations for and the use of toxins as a method of warfare;
- The United States will confine its military programs for toxins, whether produced by bacteriological or any other biological method or by chemical synthesis, to research for defensive purposes only, such as to improve techniques of immunization and medical therapy.

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

Attachment 2

The United States will have no need to operate any facilities capable of producing toxins either bacteriologically or biologically in large quantities and therefore also capable of producing biological agents.

These decisions have been taken with full confidence that they are in accord with the overall security requirements of the United States. These decisions also underline the United States support for the principles and objectives of the United Kingdom Draft Convention for the Prohibition of Biological Methods of Warfare.

The United States hopes that other nations will follow our example with respect to both biological and toxin weapons.

The renunciation of toxin weapons is another significant step, which we are willing to take unilaterally, to bring about arms control and to increase the prospects of peace.

EXHIBIT 6

WFO/BB 123-67

13 October 1967

MEMORANDUM FOR : Chief, WFO

SUBJECT : KRSIACM: Funding, Objectives, and Accomplishments

1. Funding: The basic annual expenditures for FY 1966 and FY 1967 have been maintained at \$90,000 with supplemental monies transferred to pay for any ad hoc investigations which necessitated expenditures beyond those anticipated. Supplemental monies were \$10,000 in FY 1966 and \$10,000 in FY 1967. Basic annual allotment for FY 1968 is \$75,000.

2. 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.
- d. To provide for the required surveillance, testing, upgrading, and evaluation of materials and items in order to ensure absence of defects and complete predictability of results to be expected under operational conditions.

3. Accomplishments and Goals: We have a relationship and a working agreement which provides a full range of information on technical developments, materials, and commodities suitable to meet our anticipated requirements. R and D activity has been reduced drastically and is currently held at an absolute basic support level. The program is oriented to maintenance of a state of operational readiness of selected materials and means for their delivery. The current program as funded provides a reservoir of research and development competency:

FROM

in the biological and related sciences in a special security environment suited to the needs of the Clandestine Services. Because of extremely limited Army funds available to 13, Fort Detrick, CO Division cannot expand support to preserve a capability such as that currently maintained for the Clandestine Services if we curtail our support any further. Of course, once dispersed, such competence is not easily reassembled.

4. In 1967 six (6) basic dry agents were developed. These agents were assayed for viability and toxicity and replaced with fresh material when required. None of these materials are available from any other source and can only be produced in the controlled environment and facility existing in Fort Detrick. In addition, nine (9) other materials and toxins are held in small amounts. The latter are unique and not available anywhere except in this stockpile. Upgrading for improved stability and resistance to antibiotics is underway.

5. Quick response items which do not adversely affect biological or chemical materials and which can be incorporated into concealments include minute fragile devices and special microbiococulators loaded with dry lethal and incapacitating materials. These systems are tested periodically to assure reliability and are routinely surveilled to ascertain their effectiveness and suitability of loading and coating processes. Among the many delivery systems held in readiness at present are silent electrical launchers, mechanical launchers, boards for loading into the launchers, ammunition concealment rounds which fit into carbines and rifles, and antitrop dissemination kits. Various configurations are being upgraded as part of a product improvement program.

6. A nondiscernible microbiococulator has been developed especially for use by the Clandestine Services and has been demonstrated successfully. The disseminating device is accurate at ranges up to 250 feet and has a very low sound level. A very small version (.015 inch diameter) carrying a .5 μ gms load and capable of being used in a noise-free disseminator has been developed. Early tests have proven its feasibility and practicality for use at ranges up to 50 feet. Further improvements must be carried out before we will have a ready-to-go system.

7. Three methods and systems for carrying out a covert attack against crops and causing severe crop loss have been developed and evaluated under field conditions. This was accomplished in anticipation of a requirement which later developed but was subsequently scrubbed just prior to putting into action.

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CIA

8. In anticipation of a future need for information and to establish a capability, a study on the vulnerability of subway systems to covert attack and development of a method to carry out such an attack was conducted. The suitability of the system was assessed and evaluated covertly, utilizing the New York City subways as the trial model. Results provided information on distribution and concentrations of organisms which are obtained. The data provided a means of assessing the threat of infection to subway passengers. The study provided a threat model and information on ease of dissemination and methods of delivery which could be used offensively.

9. Activity in FY 1968 is being restricted to maintenance of a biological stockpile and of an operational readiness of existing dissemination systems for chemical and biological materials of widely varying reactions and activities. When funds permit, adaptation and testing will be conducted of a new, highly effective disseminating system which has been demonstrated to be capable of introducing materials through light clothing subcutaneously, intramuscularly, and silently without pain.

Chief
ESP/Biological Branch

Distribution:
1 - C/TSD
1 - Chrono

EXHIBIT 7

NATIONAL SECURITY COUNCIL
WASHINGTON, D. C. 20506

November 25, 1969

National Security Decision Memorandum 35

TO: The Vice President
 The Secretary of State
 The Secretary of Defense
 The Director, Central Intelligence Agency
 The Director, Arms Control and Disarmament Agency
 The Director, Office of Emergency Preparedness
 The Director, Office of Science and Technology

SUBJECT: United States Policy on Chemical Warfare Program
 and Bacteriological/Biological Research Program

Following consideration by the National Security Council, the President has decided that:

1. The term Chemical and Biological Warfare (CBW) will no longer be used. The reference henceforth should be to the two categories separately -- The Chemical Warfare Program and The Biological Research Program.
2. With respect to Chemical Warfare:
 - a. The objective of the U. S. program will be to deter the use of chemical weapons by other nations and to provide a retaliatory capability if deterrence fails.
 - b. The renunciation of the first use of lethal chemical weapons is reaffirmed.
 - c. This renunciation is hereby applied to incapacitating chemical weapons as well.
 - d. This renunciation does not apply to the use of riot control agents or herbicides. A special NSDM on authorization for their use will be issued.

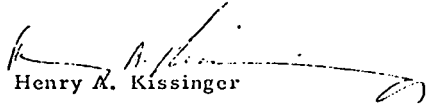
11/25/69 FROM

SEP 12 1975

NSC

- g. The Secretary of Defense, in cooperation with the Director of the Office of Science and Technology, shall continue to develop and improve controls and safety measures in all Chemical Warfare programs.
 - h. The Under Secretaries Committee shall conduct an annual review of United States Chemical Warfare programs and public information policy, and will make recommendations to the President.
3. With respect to Bacteriological/Biological programs:
- a. The United States will renounce the use of lethal methods of bacteriological/biological warfare.
 - b. The United States will similarly renounce the use of all other methods of bacteriological/biological warfare (for example, incapacitating agents).
 - c. The United States bacteriological/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.
 - d. The Secretary of Defense will submit recommendations about the disposal of existing stocks of bacteriological/biological weapons.
 - e. The United States shall associate itself with the principles and objectives of the Draft Convention Prohibiting the Use of Biological Methods of Warfare presented by the United Kingdom at the Eighteen-Nation Disarmament Conference in Geneva, on 26 August 1969. Recommendation as to association with specific provisions of the Draft Convention should be prepared by the Secretary of State and the Director of the Arms Control and Disarmament Agency, in coordination with other interested agencies, for the President's consideration.

- f. The Secretary of Defense, in conjunction with the Director of the Office of Science and Technology, shall continue to develop controls and safety measures in all bacteriological/biological programs.
- g. The Under Secretaries Committee shall conduct an annual review of United States Bacteriological/Biological Research Programs and public information policy, and will make recommendations to the President.


Henry R. Kissinger

cc: Chairman, Joint Chiefs of Staff

EXHIBIT 8

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

February 20, 1970

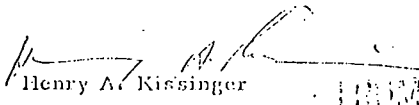
National Security Decision Memorandum 44

TO: The Vice President
The Secretary of State
The Secretary of Defense
The Director, Central Intelligence Agency
The Director, Arms Control and Disarmament Agency
The Director, Office of Emergency Preparedness
The Director, Office of Science and Technology

SUBJECT: United States Policy on Toxins

Following a review of United States military programs for toxins, the President has decided that:

1. The United States will renounce the production for operational purposes, stockpiling and use in retaliation of toxins produced either by bacteriological or biological processes or by chemical synthesis.
2. The United States military program for toxins will be confined to research and development for defensive purposes only.
3. The Secretary of Defense will submit recommendations concerning the disposal of existing stocks of toxin weapons and/or agents. These recommendations should accompany the recommendations pursuant to National Security Decision Memorandum 35 regarding the disposal of bacteriological/biological weapons.
4. The Under Secretaries Committee's annual review of United States chemical warfare programs and public information policy, as directed by National Security Decision Memorandum 35, will include review of United States military toxins programs.


Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff

NSC

EXHIBIT 9

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare

Signed at Geneva June 17, 1925

Entered into force February 8, 1928

The undersigned plenipotentiaries, in the name of their respective Governments :

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world ;

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties ; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations ;

Declare :

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept their prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear today's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other powers which have already deposited their ratifications.

IN WITNESS WHEREOF the Plenipotentiaries have signed the present Protocol.

DONE at Geneva in a single copy, the seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

EXHIBIT 10

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

Signed at Washington, London, Moscow April 10, 1972

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control.

Recognizing the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of June 17, 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognizing that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Have agreed as follows:

Article I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain :

(1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes ;

(2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.

Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I of the Convention.

Article IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

Article V

The States Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article VI

(1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the com-

plaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.

Article IX

Each State Party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

Article X

(1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

Article XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal

to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.

Article XIII

(1) This Convention shall be of unlimited duration.

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XIV

(1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph (3) of this Article may accede to it at any time.

(2) This Convention shall be subject to ratification by Signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

(3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.

(4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

(5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

(6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV

This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

EXHIBIT 11

Dr. William T. Beaver Department of Pharmacology Cornell University Medical College 1300 York Avenue New York, New York	Botulinum Toxin
Mr. William Beck Northwest Shellfish Laboratory Gig Harbor, Washington	Shellfish Poison
Dr. William H. Beers The Rockefeller University New York, New York 10021	Botulinum Toxin
Dr. Merlin S. Bergdoll Food Research Institute University of Wisconsin Madison, Wisconsin 53706	Staph Ent B Staph Ent A
Dr. Alan W. Bernheimer New York University School of Medicine Department of Microbiology 550 First Avenue New York, New York	Staph Ent B Botulinum Toxin
Dr. Martin E. Bernstein Indiana University Medical Center 1100 West Michigan Street Indianapolis, Indiana 46207	Shellfish Poison
Dr. John A. Bevan Department of Pharmacology School of Medicine University of California Los Angeles, California	Botulinum Toxin
Dr. B. Beys Faculty of Medicine & Pharmacology School of Public Health University of Brussels Brussels 1, Belgium	Staph Ent B

Dr. Mordecai P. Blaustein Department of Physiology & Biophysics Washington University School of Medicine 660 S. Euclid Avenue St. Louis, Missouri 63110	Botulinum Toxin
Dr. Peter Bonventure Radioisotope Laboratory Cincinnati General Hospital Cincinnati, Ohio	Staph Ent B
Lt. James C. Bond Department of Pharmacology Georgetown University Medical School Washington, D.C. 20007	Botulinum Toxin
Dr. Herbert L. Borison Department of Pharmacology Dartmouth Medical School Hanover, New Hampshire	Staph Ent B Shellfish Poison
Dr. Daniel Boroff Albert Einstein Institute York & Tabor Roads Philadelphia, Pennsylvania 19120 <i>(X11) haer report 4 - 5624</i>	Botulinum Toxin
Dr. Thomas Bratkowski Section of Neurobiology & Behavior Langmuir Laboratory Cornell University Ithaca, New York 14850	Botulinum Toxin
Dr. David K. Brooks Baylor University College of Medicine Texas Medical Center Houston, Texas 77025	Shellfish Poison
Dr. Clarence A. Broomfield Edgewood Arsenal, Maryland	Botulinum Toxin
Prof. S. D. Burton Institute of Marine Science University of Alaska College, Alaska	Shellfish Poison

Mr. Thomas Burlon Department of Health, Education and Welfare Food & Drug Administration 1521 W. Pico Boulevard Los Angeles, California 90015	Shellfish Poison
Dr. Frank G. Carpenter University of Alabama Medical Center Medical College and School of Dentistry Birmingham, Alabama 35233	Botulinum Toxin
Dr. C. Jelleff Carr Chief, Scientific Analysis Branch Life Sciences Division Office of the Chief of Research and Development Washington, D.C. 20310	Botulinum Toxin
Dr. Ezra Casman Food & Drug Administration U.S. Public Health Service Washington, D.C.	Staph Ent B
Dr. Stephen S. Chen Department of Physiology The University of Wisconsin Madison, Wisconsin 53706	Botulinum Toxin
Dr. Michael Cherington Division of Neurology University of Colorado Medical Center 4200 East Ninth Avenue Denver, Colorado 80220	Botulinum Toxin
Dr. William Chesbro Department of Microbiology University of New Hampshire Durham, New Hampshire 03824	Staph Ent A
Dr. Scott V. Cobert Bacteriology Department Albany Medical College Albany, New York	Botulinum Toxin

James E. Corrigan
 35 Butler Street
 Division of Natural Sciences
 St. Francis College
 Brooklyn, New York

Shellfish Poison

Ethel Cosmos
 Institute for Muscle Diseases, Inc.
 Division of Cell Biology
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Botulinum Toxin

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Botulinum Toxin

Dr. Scott Covert
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 Albany Medical College
 Albany, New York 12208

Botulinum Toxin

Dr. John T. Cronin
 Professor of Chemistry
 Division of Mathematics &
 Physical Science
 Southwestern State College
 Weatherford, Oklahoma

Shellfish Poison

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 University of Virginia School
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 Charlottesville, Virginia 22901

Botulinum Toxin

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 Food Research Institute
 University of Wisconsin
 Madison, Wisconsin 53706

Botulinum Toxin

Dr. Gary Davis
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 Division of Special Mental Health
 Research, IR
 Laboratory of Neuropharmacology
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 WAW Building
 Washington, D.C. 20032

Botulinum Toxin

Col. Irvin Davis
 USAF School of Aerospace Medicine
 Chief, Biosciences Division
 Brooks Air Force Base, Texas 78235

Staph Ent B

Dr. W. W. Dawson
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 Gainesville, Florida 32601

Botulinum Toxin

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 National Canners Association, Washington
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Staph Ent B

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Shellfish Poison

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 Food & Drug Directorate
 Tunney's Pasture
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Botulinum Toxin

Dr. V. R. Dowell
 National Communicable Disease Center
 Atlanta, Georgia

Botulinum Toxin

Dr. Daniel B. Drachman
 Department of Neurology
 New England Center Hospital
 Boston, Massachusetts

Botulinum Toxin

Dr. James L. Duncan
 Department of Microbiology
 Northwestern University
 Chicago, Illinois 60611

Staph Ent B

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EXHIBIT 12

SUMMARY REPORT

WORKING FUND INVESTIGATIONS (U)

JUNE 1968 - JUNE 1969

1 June 1969

REPRODUCED FROM THE
 OFFICE OF THE ASSISTANT SECRETARY
 FOR COMMODITY INVESTIGATION
 DATE *1/21/80* BY *Blanchard*

Classified SECRET
 By *[Signature]*
 Date *22 June 1969*

Special Operations Division
 COMMODITY DEVELOPMENT AND ENGINEERING LABORATORIES
 Fort Detrick
 Frederick, Maryland 21701

GROUP 5
 Excluded from automatic
 downgrading and
 declassification

[DELETED]

VI. (S) WATER SYSTEM-TEST

(C) The General Services Administration and Fort Detrick entered into a cooperative project to investigate the vulnerability of drinking water in federal buildings to covert biological attack.

(S) The nature of the test and a summary of results are presented here because of related interest to Working Fund Investigations. Extension of the study could produce refinement in test hardware and enhanced predictability of test results.

(U) After consultation with design engineers in Public Buildings Service, which is a part of GSA, the Food and Drug Administration Building in Washington, D. C., was selected for investigation. The engineers assured us that the drinking water system is typical of that installed in modern multistoried structures.

(U) The distribution of chilled drinking water in the FDA building covers six floors above ground, a basement and a subbasement. Located in the subbasement is a chilled water tank of about 100 gallons. The piping holds an estimated 60 gallons, bringing the system total to roughly 160 gallons. A pump operates continuously circulating chilled water from this tank to 55 drinking fountains on the eight levels in the building by a piping network that includes three risers and five return lines.

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(C) Two tests were planned and carried out in the FDA building. The first was a characterization or familiarization test. In this test, 303 milliliters of coliphage T-3 was introduced into the chilled water tank in the subbasement. The count was 2.4×10^{10} particles/ml, or a total of $303 \times 2.4 \times 10^{10} = 7.3 \times 10^{12}$ particles. Thirteen and four-tenths grams of sodium thiosulfate in 50 ml of water were added to remove available chlorine that would have quickly killed the coliphage organisms. Samples of water were collected at several fountains at periodic intervals. Recoveries in samples collected the first hour were uniformly more than 1×10^6 particles/ml. Recoveries in samples collected the second hour were greater than 1×10^5 particles/ml. Tests for available chlorine became positive two hours after start of test and the coliphage recoveries quickly dropped to zero.

(C) The second test was a simulated covert test. The coliphage was introduced into the system by a back-pressure technique at a drinking fountain. This is the technique a saboteur might use. Neither the building occupants nor operating personnel were advised that such a test was planned. We were not challenged and apparently undetected.

(C) The pressurized tank used to introduce agent materials contained 400 milliliters of T-3 coliphage, count 1.5×10^{10} organisms/gram, and 15 grams of sodium thiosulfate pentahydrate in 150 ml of water. The total number of coliphage particles was $400 \times 1.5 \times 10^{10}$ or 6×10^{12} . Because of losses inherent in the simulated covert attack, an increase in number of coliphage particles was planned; but owing to filtrations performed as a safety measure, the count had decreased and fewer organisms were used in challenging the system, rather than an increase. One-half hour after introducing the agent material, recoveries of 1×10^6 and 8×10^5 particles/ml were obtained. Two hours after start of test, the analysis for available chlorine was positive. Living coliphage organisms were killed quickly.

(C) We are now in the process of evaluating the risk if a pathogen had been used. To do this, information is needed on compatibility of sodium thiosulfate and pathogen, infectivity or toxicity of pathogen by the oral route, resistance of pathogens to available chlorine, and on ease of producing pathogens in high concentration in the laboratory. It is apparent that a number of pathogenic organisms and toxins are available to the saboteur in planning an attack against a selected group of target personnel.

(C) A thorough study is being conducted to assemble all available data from which oral dose of agents can be derived.

EMER FROM
SEP 4 1975
CIA

(C) From limited consultation with design engineers, it should be possible to develop simple guidelines for planning an attack on a group of people that work in a building constructed with a circulating chilled drinking water system. The guidelines would indicate how much pathogenic agent and how much sodium thiosulfate to use in a specific building. Easy-to-get information in four categories is all the saboteur needs:

1. Number of fountains in building
2. Approximate total floor area and type of activity.
3. Approximate number of employees.
4. Available chlorine content of water supply at time of attack.

Weather and climate in the target area may need to be considered in a specific situation.

[DELETED]

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EXHIBIT 13

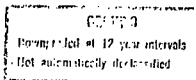
17 February 1970

Special Operations Division
Toxin Inventory

<u>Material</u>	<u>Quantity</u>	<u>Storage Area</u>	<u>Recommendation</u>
Paralytic Shellfish Toxin (XIII)	0.2 grams	Safe Rm 223A/1412	Retain
Shellfish Toxin A (Re-Dried)	0.01 grams	Safe Rm 223A/1412	Retain
Shellfish Toxin A (Clam)	0.01 grams	Safe Rm 223A/1412	Retain
Botulinum Toxin (A) (Non-Purified)	265 grams 150 ml	Deep Freeze Rm 223/1412	Dispose
Botulinum Toxin (D)	2.5 grams	Refer Rm 223A/1412 Deep Freeze Rm 223/1412	Dispose
Staph Enterotoxin (B) (PB8A)	20.0 grams	Rm 223A/1412	Retain
Paralytic Shellfish Toxin (Clam)	2,057 mgs	Safe 172C3/1412	Retain

GROUP 1 EXCLUDED FROM AUTOMATIC
DECLASSIFICATION AND DOWNGRADING
NOT RELEASABLE TO FOREIGN NATIONALS
EXCEPT BY AUTHORITY OF
BY AUTHORITY OF *Or Boyle*
DATE *19 Feb 1975*

DECLASSIFY on *4/5/75*
Classified by *Robert J. Andrews*
Senior Advisor to the
General Counsel, OSD



SEP 1975

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APPENDIX

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

16 September 1975

The Honorable Frank Church, Chairman
Select Committee to Study Governmental Operations
With Respect to Intelligence Activities
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

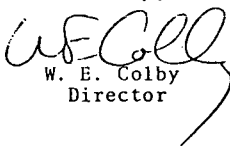
At the proceedings of your Committee on the morning of 16 September 1975 I may have conveyed an impression which I did not intend. If by chance you or other members of the Committee got a similar impression, it is important that I clarify the record now, since it might affect your line of questioning of future witnesses.

When I was being questioned as to the destruction of certain CIA records I was thinking of the question in its broadest context; namely, drugs, bacteriological agents and chemical agents. I thus answered that there were indications of record destruction in November 1972.

I realize that most listeners might have inferred that I was indicating that records relating to the CIA/Ft. Detrick relationship, in particular, records relating to Project MKNAOMI, were destroyed. The facts are these: records relating to CIA's drug program in general were destroyed in January 1973, but there is no evidence that records of Project MKNAOMI or of the CIA/Ft. Detrick relationship were destroyed, other than possibly as included in the general group in January 1973. I would appreciate it if you would advise the other members of the Committee to this effect.

I also referred mistakenly to a memorandum between former DCI Helms and Dr. Gottlieb regarding the destruction of records. This was based on a misunderstanding which occurred during my hurried consultation with Dr. Stevens. We have no knowledge of any such memorandum.

Sincerely,


W. E. Colby
Director

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SEP 16 1975

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