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Vol. 1 OF 3

# The United States Senate

R 3053

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## Report of Proceedings

### Hearing held before

Senate Select Committee to Study Governmental  
Operations With Respect to Intelligence Activities

325-11

Wednesday, May 26, 1976

Washington, D. C.

(Stenotype Tape and Waste turned over  
to the Committee for destruction)

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COMMITTEE BUSINESS

Wednesday, May 26, 1975

United States Senate,  
Select Committee to Study Governmental  
Operations with Respect to  
Intelligence Activities,  
Washington, D.C.

The Committee met, pursuant to notice, at 10:43 o'clock  
a.m., in Room S-407, the Capitol, the Honorable John Tower  
(Vice Chairman of the Committee) presiding.

Present: Senators Tower (presiding), Hart of Michigan,  
Mondale, Huddleston, Hart of Colorado, Mathias, and Schweiker.

Also present: Senator Inouye.

Staff: William G. Miller, Staff Director; Charles Kirbow,  
Jim Johnston, Britt Snider, Paul Wallach, Michael Epstein,  
Rick Inderfurth, David Aaron, Ed Greissing, Dan Dwyer, Elliot  
Maxwell, Michael Madigan, Charles Lombard, Bob Kelley and John  
Bayly, Professional Staff Members.

P R O C E E D I N G S

1 Senator Tower. Let's go ahead and start. The Committee  
2 will come to order.

3  
4 The first thing I want to do is welcome Senator Inouye  
5 to the Committee. He is the Chairman designate of the Committee  
6 to succeed this one as the oversight Committee, and we have  
7 invited him to come view the stellar example that we can set  
8 for him for his Committee and its work.

9 Senator Inouye. I am learning.

10 Senator Tower. The first thing you have to do is get a  
11 quorum, and that is the most difficult job, and I would like  
12 to ask, Dan, if you have any questions.

13 The first item on the agenda is the consideration of  
14 requests from Senator Abourezk in his capacity as Chairman of  
15 the Indian Affairs Subcommittee for certain files.

16 Bill, would you enlighten us on that?

17 Mr. Miller. Yes.

18 During the course of the investigation, the Committee  
19 acquired a file of documents from outside sources, that is,  
20 outside the Executive Branch, on the American Indian Movement,  
21 with particular reference to events at Wounded Knee. Among the  
22 documents is one FBI document. All of the others are documents  
23 which are not Executive Branch documents.

24 I have looked through them. I don't think they are  
25 sensitive in a security fashion. I think they are of relevance

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1 to Senator Abourezk's Committee. We have asked the Bureau to  
 2 clear the one document which seems to come from the FBI, and  
 3 I would recommend that the Committee authorize the turnover of  
 4 that file to Senator Abourezk for such use as he may wish.

5 Senator Tower. The Chair is prepared to entertain a  
 6 motion to the effect that the files should be turned over to  
 7 Senator Abourezk with the exception of the one document that  
 8 comes from the Bureau, contingent -- including that document,  
 9 contingent on its declassification by Justice.

10 Senator Mondale. So moved.

11 Senator Tower. Is there any objection?

12 So ordered.

13 The next item on the agenda is the consideration of the  
 14 assassination report.

15 Senator Hart, are you going to take the lead-off on this?

16 Senator Hart of Colorado. I would prefer that either Dick  
 17 or the staff talk. I think what we are going to request here  
 18 is a final decision by the Committee, or at least a majority  
 19 of the Committee, on disposition of this. My own feeling -- well,  
 20 I will reserve that, but Dick may want to say something, or  
 21 the staff.

22 Senator Tower. Senator Schweiker?

23 Senator Schweiker. Thank you.

24 First I want to congratulate our new Chairman on his work.  
 25 I don't know if he fully knows what he is getting into, but we

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wish you our best and good luck in your new assignment.

And second, I want to say that the report, I guess everybody now has a copy of the report, has been revised substantially in terms of format and approach, and I think it zeroes in completely on what the original request of Senators Church and Tower were, which was to look into the performance relationship of the intelligence agencies to the Kennedy assassination and the Warren Commission. I think the earlier report frankly strayed a little bit from that goal, but we I think have pinned it down very specifically, and I think we have substantiated the statement of the conclusions in the summary that we made.

I would like to recommend -- I realize you cannot read the whole report, but I think you can certainly get the complete gist of what we are saying in the summary and in the conclusions by reading those two things you pretty well come down on what we are saying and doing, and in view of the time factor, a suggestion I would like to make is that if people take time to read the summaries and conclusions, which we can do in a matter of five minutes at some point, and basically feel satisfied as to the thrust of it, that we then vote on the release of the report under this condition, that we vote to publicly release the report and then, since there are obviously, want to get FBI and the CIA the opportunity to correct any sources and methods which we would concur with, that we would ask the staff to do that and let Senator Hart and I work out any sources and methods

1 problems, detail problems, where they might contradict some  
2 information we have here in terms of just following it up.  
3 I do think it is a very good job. I think it is a very  
4 credible work, and I think that by taking this phase and  
5 publicly releasing it now, after we have cleared the CIA and  
6 the FBI problems, it will give Danny Inouye's Committee a  
7 free hand. In other words, all we made is a recommendation:  
8 If we don't publish a report now, you immediately get a real  
9 problem in your Committee, as I see, as to what you do with what  
10 we have done. If we publish now, I think you are a lot freer  
11 to decide, having us made a judgment on the CIA and FBI  
12 responsibility, whether you want to pursue or not pursue. We  
13 obviously recommend that you pursue, but I think if we don't  
14 publish that, I think that would be a bad mistake, because  
15 we would be accused of a coverup. We would also immediately put  
16 a hot potato in your new Committee which you would be hung with,  
17 and I think it gives you a lot more freedom to treat at arm's  
18 length our recommendations if we publish now in terms of the  
19 FBI and the CIA relationships.

20 I think that there is some embarrassment here to both the  
21 CIA and the FBI. I don't think we should kid ourselves about  
22 that. We don't find out who done it, and we don't contradict  
23 the basic finding of the Warren Commission, but we certainly  
24 criticize the process and substantially document why that  
25 criticism is valid, and I think just the same as our original

1 assassination report, our study of the IRS or other things,  
2 I think this would fall into that kind of categorical treatment.

3 That, I guess, is my situation in a nutshell.

4 Senator Tower. Do you want to have the staff summarize  
5 this, Dick?

6 Senator Schweiker. That probably would be well.

7 Senator Tower. Why don't you call on whoever you choose to  
8 kick it off?

9 Senator Schweiker. All right. We did try to be very  
10 even handed, as I say. Neither the CIA or the FBI is going to  
11 like what we say. On the other hand, I don't think we singled  
12 out one agency in either respect, so Paul, how do you want to  
13 divide up the brief report?

14 Mr. Wallach. I think I can begin just by putting the  
15 report in perspective, but I think that if we take a step back  
16 and I am going to ask Jim just to really detail just quickly  
17 again, succinctly the period from 1960 through November 22nd,  
18 1963, the day of the assassination, just very generally what  
19 the agencies were doing at that time period, and I will come  
20 back and tie in what the FBI was doing with Oswald during that  
21 time period, which is one section of our report.

22 And then the next section of our report really goes to  
23 how the agencies reacted in one of the most critical time  
24 periods, and I think that you will see that there was an intelli-  
25 gence failure of sorts, both before and after the assassination.



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1           The intelligence failure before I don't want to say was of  
 2 a nature that would have prevented the assassination, and there  
 3 is no such statement in the report to that effect. In fact, the  
 4 suggestion is not really even there. What you do see are many  
 5 problems inherent in the structure as it now exists between the  
 6 FBI and the CIA, problems that came up during the investigation  
 7 where there were questions as to who had jurisdiction to investi-  
 8 gate what, and many areas fell between the cracks. You have  
 9 the problem of covert actions that our Committee has looked  
 10 into. Here may have been a covert action that was so covert  
 11 that no one could tell the investigators about it, and it  
 12 backfired, in a sense, on some of the highest officials in the  
 13 country. And many other problems I think that our Committee  
 14 has dealt with come out so clearly on the study that we have  
 15 made on the assassination report.

16           I just would ask Jim to very briefly just make a couple of  
 17 statements about that period so you can get a feel as to what  
 18 really -- I know the Committee has a good feel as to what we  
 19 were doing vis-a-vis Cuba, but I don't think it has the same  
 20 feel as to what was happening with the anti-Castro exile groups  
 21 in this country in the context of Lee Harvey Oswald.

22           Mr. Johnston. Let me start out with we tried to put  
 23 ourselves back in the position of the Warren Commission, with  
 24 the Chief Justice of the United States who was not familiar  
 25 with the intelligence agencies and how he approached the problem

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of the assassination, and what comes out is it does not look like the Warren Commission fully understood the whole program the United States Government had been running against Cuba for three years.

They knew about the Bay of Pigs, they fully understood that. It is unclear if they knew about how that evolved into a MONGOOSE operation, which was the use of Cuban exiles to accomplish the same end, and how apparently, after the missile crisis of October 1962, Government policy again changed to a clamp-down on Cuban exiles, the very group that the Government had been supporting for two years.

Ultimately as events moved into the summer of 1963, the United States Government was raiding, seizing arms of the Cuban exile groups on the one hand, and on the other hand, using the CIA to accomplish the same ends by having CIA agents make those raids against Cuba. And it ultimately evolved into the AMLASH operation, which is an operation apparently designed to bring about a coup in Cuba with AMLASH himself proposing that they do that by assassination of Castro.

And especially after June of 1963, things became very muddled. The Cuban exile groups got very irked at the Kennedy administration's decision to clamp down on them. They were in turn meeting in attempts to have unity, efforts to bring about their own invasion or operations against Cuba, but the Kennedy administration was trying to put the clamps on them.

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The CIA has escalated by its own coup planning.  
The report then focuses principally on how AMLASH figured into this scheme. Castro in early September warned against U.S. leaders who were meeting with terrorist in Cuba, and that he would threaten retaliation against U. S. leaders, and the coincidence of that warning coming two days after the original meetings with AMLASH.

Subsequent to that, five days after Castro's warning, we have determined that the Cuban, one of the interagency committees on Cuba --

Senator Schweiker. I think this is one of the most important points of all that has just come to light. So go ahead, Jim, I just wanted to call their attention to it.

Mr. Johnston. One of the interagency committees dealing with Cuba on September 12th, which is five days after Castro's warning, had a meeting to evaluate their contingency plans about Cuban retaliation. We have had access to the memorandum of General Haig who was attending that meeting, and in that memorandum, according to General Haig, what went on at the meeting was they said, look, the rash of covert activity that is now going on against Cuba may lead to some kind of retaliation, so let us look at our contingency plans to prepare ourselves for retaliation.

They decided at that meeting that any retaliation by Castro would be at a low level, and that he would not risk confrontation

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against the United States, although he had in the September 7th speech warned against a major confrontation worse than the missile crisis.

The CIA people attending that meeting came from the Cuban Affairs Staff, the various staff who probably -- we don't know the names of the people who attended, but in all likelihood, the very people who were working on the AMLASH operation. At the meeting on September 12th, this interagency Committee rejected the possibility of an assassination of a U.S. leader in the United States.

Senator Schweiker. Do we know, Jim, whether the people from SAS told that meeting about AMLASH? Were the people all aware of AMLASH at that meeting?

Mr. Johnston. There is no indication that they were. All we have to rely on is the memorandum. There is no mention of that, any mention in that memorandum the possibility of retaliation by assassination of a U.S. leader as an unlikely possibility.

Senator Mathias. Was there any evidence that General Haig had ever been further questioned about that?

Mr. Johnston. No, sir.

Subsequent to that meeting, on the 12th of September, they continued their contingency plan, and they had eliminated the possibility that Castro would retaliate by an assassination against a leader in the United States. They did program into

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their consideration the possibility that he would assassinate U.S. leaders in Latin America, U.S. officials in Latin America.

At the end of September, coming out of this whole review, they warned, or they told the Justice Department representatives to warn the FBI that Castro might conduct a sabotage operation, but basically the thrust coming out of that meeting is the FBI was not told that they had considered and rejected an assassination of a U.S. leader within this country.

And again, we know little about the group's planning. We do know that events in the AMLASH operation on September 12th would indicate that they were not fully at that point decided on the fact that they would use AMLASH to assassinate Castro, or that they would even give him that assurance.

In any event, they did later give that assurance to AMLASH after these series of meetings of the interagency committee were over, and on October 29th, 1963, Desmond Fitzgerald, who was head of the Cuban Affairs Staff, actually met with AMLASH in Paris, and the significance of that is, at least to our thinking, was that it destroyed plausible deniability for such a senior official of the CIA to actually meet with an agent:

Senator Schweiker. Who wanted to assassinate Castro.

Mr. Johnston. Who wanted to assassinate Castro, and who told that agent that the United States Government, not the Mafia or anybody else, but actually told him that the United States Government was behind his proposals, would have given

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assurances to that agent that this government was going to conduct or was considering conducting an assassination operation.

Senator Tower. That was rather extraordinary conduct, wasn't it, for a senior official to meet with an agent?

Mr. Johnston. We believe so. He was warned not to do it.

Senator Schweiker. Several people warned him not to do that, John. We have records of that. So he went against sort of in-house policy.

Mr. Wallach. He also stated, I believe, that he was a personal representative speaking for the Attorney General.

Mr. Epstein. One of the reasons they had been expressing advice that they not have that kind of a meeting, because they were concerned about whether the project was security, the security, of course, involving the question of whether or not AMLASH might be a double agent and might not be trustworthy, and whether the information might get back to Castro, which later bears a relationship to whether or not that threat that Castro made was based on real knowledge or not.

Mr. Johnston. At this point in the chronology, before the Fitzgerald meeting on October 29th, the FBI learned through a source it had --

Senator Schweiker. And this is another very important point because it shows some kind of action parallel to the CIA.

Mr. Johnston. -- that AMLASH was meeting with CIA.

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1 Senator Schweiker. And the FBI, it's own, the FBI told  
2 us.

3 Mr. Johnston, AMLASH had the reputation of being a pretty  
4 flighty character, and had during the revolution against Batista  
5 once shot somebody or killed a man in a bar, and that was  
6 indeed his attractiveness, was that he was probably fairly well  
7 known as someone who was capable of assassination. So the  
8 knowledge outside of the CIA of the fact that AMLASH was meeting  
9 with the CIA could lead many people to believe that the CIA  
10 was using him in an assassination plot, even though there is  
11 no indication in the FBI report that the source knew of the  
12 nature of the CIA-AMLASH meetings. The point is that in early  
13 October, the CIA operation using AMLASH was compromised, and  
14 it appears that the Cuban exiles, anti-Castro Cuban exiles  
15 could have had knowledge the CIA was engaged in this plot.

16 This goes ultimately to motivation of other groups to  
17 use an assassination attempt against Kennedy for their own  
18 purposes.

19 In any event, planning with AMLASH continued until  
20 ultimately, two days before the President's assassination, he  
21 was told that there would be a meeting on November 22nd, and  
22 that it was not the meeting -- he didn't know whether the  
23 meeting would be satisfactory to AMLASH, but it was the meeting  
24 that AMLASH had requested, and so actually that meeting was  
25 set up ahead of time, and if AMLASH were a double agent, or

1 somebody else in the operation a double agent, there would have  
2 been advance knowledge of the November 22nd meeting.

3 Then after the assassination of President Kennedy, in  
4 fact, at the very moment CIA had fashioned a poison pen, a  
5 Papermate pen, and had passed that or offered it to AMLASH at  
6 this meeting, and had also assured AMLASH that the President  
7 was fully behind the coup attempt and fully behind AMLASH. He  
8 also offered or told AMLASH that rifles with telescopic sights  
9 would be dropped in Cuba for his use, again, the thrust being  
10 a great motivation on November 22nd, a great motivation within  
11 CIA to be very concerned about this operation and to be very  
12 concerned about its own reputation, and possibly concerned  
13 within the government circles as to the whole Cuban area.

14 We then followed the trail on AMLASH and later on through  
15 history, and found, first of all, on November 24th, that there  
16 appears to -- CIA investigators on the assassination requested  
17 AMLASH's file, and apparently did not get that file, or at least  
18 if they got it, did not get any operational materials, so that  
19 those people who were investigating the President's assassination  
20 were denied at that point knowledge of the AMLASH operation.

21 In fact, those investigators have told us that they never  
22 knew in that timeframe about any assassination operation, and  
23 when we described to them the scenario I have just described to  
24 you, they said that that would have been a vital factor in their  
25 investigation. It goes again, to not whether Castro did it, but



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1 as to the whole shaping of the assassination investigation.  
 2 Senator Hart of Colorado. As to whether Oswald did it.  
 3 Mr. Johnston. Castro did it through Oswald.  
 4 Senator Schweiker. I think that is probably the most  
 5 significant CIA testimony we have. We talked to the chief  
 6 investigator for CIA, a very responsive, very straightforward  
 7 guy, and he had absolutely no knowledge when he as asked by  
 8 Helms to conduct this investigation of AMLASH or any attempts  
 9 against Castro's life, was never told that during his whole  
 10 conducting of the investigation, and admitted to us it would have  
 11 changed the whole direction and thrust of what he had been doing  
 12 if he had known that.

13 So it was deliberately withheld from him.

14 And the parallel to that, which I am sure that Paul is  
 15 going to get to, is you go to the Criminal Investigation of the  
 16 FBI and the exact parallel appears there. The chief guys in  
 17 the FBI charged with the investigation were denied access, were  
 18 not told of things we now know Hoover and the top leadership  
 19 did know about AMLASH and the other investigation.

20 So the two top investigators in both bodies were withheld  
 21 the vital facts of the Castro thing. And I don't particularly,  
 22 necessarily see it come down on the Castro side, because if  
 23 you know about the Castro thing, then you also would be  
 24 investigating the anti-Castro possibilities. So by denying  
 25 this, they didn't look at either the pro or anti-Castro

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possibilities.

I am sorry, Jim, I interrupted you.

Mr. Johnston. I just wanted to make one point following up on this.

The detailed report builds the case in the two weeks after the President's assassination, the information that was coming into CIA, and much of that information is pointing to Cuba. Indeed, the hottest leads that were coming into CIA pointed to Cuba, and yet we find that by the end of December the Cuban specialists at CIA were not put directly in touch with the Warren Commission, and they were not put in touch or they were not given the responsibility for continuing the investigation, and indeed, they have testified, the counterintelligence expert on Cuban affairs, testified that he never really sat down with any of the investigators to analyze all of the facts in the Oswald case, to see whether there was any possibility of a connection with Cuba.

And so what it appears, what we have done in this report is to build the case, then, of all of the possibilities of a conspiracy on a global scale, the most likely looked to be a conspiracy somehow involving either pro or anti-Castro forces, and we do not understand why that was not fully pursued by the CIA.

And there are mammoth records out at CIA of their investigation of Soviet, possible Soviet responsibility for the

