

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

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Executive Director

March 10, 1975

MEMORANDUM

TO : Members of the Commission
FROM : David W. Belin, Executive Director *DWB*
SUBJECT : Scope of Commission Investigation - Assassinations

The attached statutory background with the Executive Order creating the Commission and the statement by the President sets forth the standard by which the Commission must determine whether or not its authority extends to alleged assassination attempts which might have taken place abroad.

If these attempts involve no activities conducted within the United States other than activities within the confines of CIA Headquarters or activities conducted by other CIA personnel, then it is very questionable whether or not this Commission has jurisdiction to investigate such activities. On the other hand, if an investigation of the facts discloses that there was CIA recruitment of non-CIA personnel having contact with organized crime, and that these were recruited to recruit, in turn, other non-government personnel in the United States to plan and carry out an attempted assassination, then the better view would be that this does constitute activities within the United States which give rise to questions as to whether the Agency has exceeded its statutory authority. However, an argument can be made to the contrary along the following lines: Since the ultimate goal of the activity involved a foreign operation, therefore, even though some support activities were conducted within the United States, the Commission does not have jurisdiction. The difficulty with such an argument is that it could be applied to exclude many of the other areas the Commission has already taken to investigate.

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CIA and NLF Review

NARA date 1/29/96 By KSH

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For instance, if the ultimate goal of the Ober project was to ascertain whether or not there was any foreign involvement in domestic disorder, then it might be argued that the Commission would not have jurisdiction to investigate that activity; or, it might be argued that the Commission might not have jurisdiction to investigate questions of penetration of domestic groups for purposes of inserting agents to travel abroad. In sum, the Commission thus far has examined the proprieties of domestic support activities independently of the propriety of the foreign objectives to which they were directed.

One final matter should be discussed: If the Commission determines that it has authority to investigate into one alleged assassination because the non-Government personnel in this country were recruited in an effort to carry out the plans, should the Commission then take the next step of investigating any other alleged assassination, even though those other assassinations might not involve improper domestic activity? This is a policy matter for the Commission to decide. Although it would not appear the other alleged assassinations alone would be within the framework of the Executive Order and statement by the President, the Commission could adopt a middle of the road approach by specifically acknowledging that this is not within the precise language of its charter. Nevertheless, during its investigation into alleged assassination attempts, in addition to finding one which involved improper domestic activity, it discovered two additional alleged attempts and it feels compelled to report on these since they occurred at about the same time and involved the same kind of an ultimate goal of attempted assassination.

This latter approach might be especially appropriate since the public at large might not understand the Commission drawing fine lines undertaking to investigate one assassination attempt but not undertaking to investigate the remaining two attempts. Many citizens would find it hard to imagine a greater threat to the principles for which this country stands than the threat of assassination, using as a rationale that this is part of collecting and coordinating the collection of intelligence information.

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