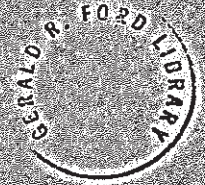


COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES
Washington, DC 20500

March 14, 1975

MEMORANDUM FOR: DAVID W. BELIN
FROM: MARVIN L. GRAY, JR. *MLG*
SUBJECT: Jurisdiction of the Commission



1. This memorandum contains my recommendation as to the scope of the Commission's jurisdiction.

2. The Commission should construe its charter to extend to any domestic activity which may raise a question whether the Agency has exceeded its authority to operate within the United States. Except for the limited provisions Section 403(d) (1)-(3), such authority is nowhere expressly granted. The background of the 1947 Act makes plain that the implied authority is strictly limited to those activities which are reasonably necessary and appropriate in support of the Agency's overseas mission. In addition, such activities must comply with the explicit limitation of Section 403(d) (3), as well as with other statutory and constitutional provisions of general application.

3. The Commission should interpret its charter to preclude the examination of overseas operations or objectives of the Agency, including whether they were properly approved.

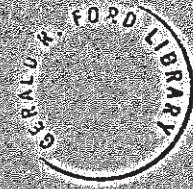
4. Under these standards, the death resulting from the drug-testing program is within our jurisdiction. Testing dangerous drugs on unwitting American subjects is at best a questionable domestic activity. If not actually a crime, it is a violation of professional ethical standards, and therefore inappropriate even in support of a legitimate overseas operation.

5. This interpretation distinguishes between the alleged contract with the Mafia to assassinate Castro and other covert action operations which involve domestic support. Taking the Bay of Pigs as an example of the latter, the domestic support activities were themselves unobjectionable. The only criticism would be that they were related to an improper overseas operation. On the other hand, even if one assumed that assassination is a legitimate governmental tool, substantial additional questions of propriety are raised by contracting with organized crime to do the job. The subsequent history makes this quite clear.

Rockefeller Commission Records, Box 6, Folder 1, Assassination Materials (2) A-17
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6. As a practical matter, I feel that once the Commission gets into any aspect of the assassination allegations, such as the hotel-room bugging incident, it will have to travel the whole road. Accordingly I would modify paragraph 3 to provide for assessment of overseas operations in extraordinary cases.

7. As I noted in my earlier memorandum, there are no definitive legal arguments which would settle the scope of the Commission's jurisdiction. The interpretation set forth above is therefore open to challenge. I feel it has the merits of avoiding undue technicality and being responsive to the concerns which led to the formation of the Commission.



WH: Rockefeller Commission

Memorandum, Marvin L. Gray, Jr (Staff lawyer) - David Belin (Exec director)

Re Commission jurisdiction to investigate assassinations

Mar 14, 1975

Source: front