

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 weap-

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

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 Tubercin 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.]