

INVESTIGATION OF THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

APPENDIX TO
HEARINGS
BEFORE THE
SELECT COMMITTEE ON ASSASSINATIONS
OF THE
U.S. HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
SECOND SESSION

VOLUME XI
THE WARREN COMMISSION
CIA SUPPORT TO THE WARREN COMMISSION
THE MOTORCADE
MILITARY INVESTIGATION OF THE ASSASSINATION

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FOREWORD

(1)* During the course of its investigation, the committee conducted an extensive examination and evaluation of the Warren Commission's investigation of 1964 and final report. As the most authoritative document ever produced on the assassination of President Kennedy, the Warren Commission report stands as the account against which any serious examination of the evidence of the assassination must be weighed.

(2) The committee carefully examined the work of the Warren Commission, its structure and operations, conclusion-drawing process, and production of a final report. This staff report is in two parts. The first addresses the operations and performance of the Commission. The second looks at the Commission's relationships with the Federal Bureau of Investigation and the Central Intelligence Agency.

(3) The Commission's report sets forth the testimony of various key members of the Warren Commission staff, as well as those members of the Commission who were still living at the time of the committee's investigation. The former members and staff of the Commission have, by and large, refrained from any substantive comment on their past work on the Commission, during the 15 years since their investigation took place. The following staff report, based primarily upon their testimony, sets forth a review and narrative of the Commission's work by those most familiar with it at the time.

*Arabic numerals in parentheses at the beginning of paragraphs indicate the paragraph number for purposes of citation and referencing; italic numerals in parentheses in the middle or at the end of sentences indicate references which can be found at the end of each report or section.

THE WARREN COMMISSION

—

Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

—

March 1979

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I. OPERATIONS AND PROCEDURES

CREATION OF THE WARREN COMMISSION

(4) On November 22, 1963, President Kennedy was assassinated and Vice President Johnson became President. President Johnson was immediately faced with the problem of investigating the assassination. On November 23, 1963, J. Edgar Hoover forwarded the results of the FBI's preliminary investigation to him. This report detailed the evidence that indicated Lee Harvey Oswald's guilt. (1) On November 24, 1963, Hoover telephoned President Johnson aide Walter Jenkins and stated:

The thing I am concerned about, and so is Mr. Katzenbach* is having something issued so we can convince the public that Oswald is the real assassin. Mr. Katzenbach thinks that the President might appoint a Presidential Commission of three outstanding citizens to make a determination. I countered with a suggestion that we make an investigative report to the Attorney General with pictures, laboratory work, and so forth. Then the Attorney General can make the report to the President and the President can decide whether to make it public. I felt this was better because there are several aspects which would complicate our foreign relations, if we followed the Presidential Commission route. (2)

(5) Former Attorney General Katzenbach told the committee* that there were a number of factors that led to his belief that some kind of statement regarding the absence of a conspiracy should be issued without delay. Katzenbach recalled:

I think * * * speculation that there was conspiracy of various kinds was fairly rampant, at that time particularly in the foreign press. I was reacting to that and I think reacting to repeated calls from people in the State Department who wanted something of that kind in an effort to quash the beliefs of some people abroad that the silence in the face of those rumors was not to be taken as substantiating it in some way.

That is, in the face of a lot of rumors about conspiracy, a total silence on the subject from the Government neither confirming nor denying tended to feed those rumors. I would have liked a statement of the kind I said, that nothing we had uncovered so far leads to believe that there is a conspiracy, but investigation is continuing; everything will be put out on the table. (3)

*Mr. Katzenbach's testimony and deposition can be found in III HSCA—JFK hearings before the Select Committee on Assassinations, 94th Cong. 2d Session (Washington, D.C.: U.S. Government Printing Office, 1979), pp. 642, 680 et seq.

(6) Katzenbach further stated:

I had numerous reports from the Bureau of things that were going on. Again, I cannot exactly tell you the time-frame on this, but there were questions of Oswald's visit to Russia, marriage to Marina, and the visit to Mexico City, the question as to whether there was any connection between Ruby and Oswald, how in hell the police could have allowed that to happen.

Those were the sorts of considerations at least that we had during that period of time, I guess. The question as it came along as the result of all those things was whether this was some kind of conspiracy, whether foreign powers could be involved, whether it was a right-wing conspiracy, whether it was a left-wing conspiracy, whether it was the right wing trying to put out the conspiracy on the left wing or the left wing trying to put the conspiracy on the right wing, whatever that may have been.

There were many rumors around. There were many speculations around, all of which were problems. (4)

(7) Deputy Attorney General Katzenbach also indicated his desire to have "everyone know that Oswald was guilty of the President's assassination." (5) On November 25, 1963, Katzenbach wrote a memorandum to Presidential aide William Moyers in which he stated:

It is important that all of the facts surrounding President Kennedy's assassination be made public in a way which will satisfy people in the United States and abroad. That all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; that the evidence was such that he would have been convicted at trial.

* * * * *

3. The matter has been handled thus far with neither dignity nor conviction; facts have been mixed with rumor and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered. I think this objective may be satisfied and made public as soon as possible with the completion of a thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistency between this report and statements by Dallas police officials; but the reputation of the Bureau is such that it may do the whole job. The only other step would be the appointment of a Presidential commission of unimpeachable personnel to review and examine the evidence and announce its conclusion. This has both advantages and disadvantages. I think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement and all the facts will be

made public property in an orderly and responsible way; it should be made now; we need something to head off public speculation or congressional hearings of the wrong sort.(6)

(8) Recalling that memorandum, Katzenbach stated:

Perhaps I am repeating myself, but everybody appeared to believe that Lee Harvey Oswald had acted alone fairly early. There were rumors of conspiracy. Now, either Lee Harvey Oswald acted alone or he was part of a conspiracy, one of the two, or somebody paid him. That is what I mean by conspiracy, somebody else was involved.

If he acted alone and if that was in fact true, then the problem you had was how do you allay all the rumors of conspiracy. If he, in fact, was part of a conspiracy, you damned well wanted to know what the conspiracy was, who was involved in it, and that would have given you another set of problems.

The problem that I focused on for the most part was the former one because they kept saying he acted alone. How do you explain? You have to put all of this out with all your explanations because you have all of these associations and all of that is said, you put out all the facts, why you come to that conclusion. I say this because the conclusion would have been a tremendously important conclusion to know.

If some foreign government was behind this, that may have presented major problems. It was of major importance to know that. I want to emphasize that both sides had a different set of problems. If there was a conspiracy, the problem was not rumors of conspiracy. The problem was conspiracy. If there was not conspiracy, the problem was rumors. Everything had to be gone into.(7)

(9) On November 25, 1963—the same date as the Katzenbach memorandum—President Johnson directed the Department of Justice and the Federal Bureau of Investigation to conduct a “prompt and thorough investigation of all the circumstances surrounding the brutal assassination of President Kennedy and the murder of his alleged assassin.”(8)

(10) Then, 2 days later, Senator Everett M. Dirksen proposed in Congress that the Senate Judiciary Committee conduct a full investigation. Congressman Charles E. Goodell proposed that a joint committee composed of seven Senators and seven Representatives conduct an inquiry. In addition to the proposed congressional investigations, Texas Attorney General Waggoner Carr announced that a court of inquiry, authorized by Texas law, would be established to investigate the assassination. In his oral history, Leon Jaworski described the creation of the Texas Court of Inquiry:

I saw Lyndon Johnson within a few days after he assumed the Presidency. Waggoner Carr had been * * * [interruption] * * * heard was that naturally the President—President Johnson—was tremendously concerned over what happened in Dallas from the standpoint of people understand-

ing what really happened. Here and in Europe were all kinds of speculations, you know, that this was an effort to get rid of Kennedy and put Johnson in, and a lot of other things. So he immediately called on Waggoner Carr who was attorney general of Texas to go ahead and conduct a court of inquiry in Texas. Waggoner Carr, following President Kennedy's funeral, appeared on all the networks and made an announcement to that effect. (9)

(11) On November 29, 1963, Walter Jenkins wrote a memorandum to President Johnson, which stated:

Abe [Fortas] has talked with Katzenbach and Katzenbach has talked with the Attorney General. They recommend a seven man commission—two Senators, two Congressmen, the Chief Justice, Allen Dulles, and a retired military man (general or admiral). Katzenbach is preparing a description of how the Commission would function * * *. (10)

(12) This memorandum also included a list of possible members of the Commission and asked Johnson if they were satisfactory. This list was in fact apparently satisfactory since all of the people noted were appointed to the Commission.

(13) Former Attorney General Katzenbach told the committee:

I doubted that anybody in the Government, Mr. Hoover, or the FBI or myself or the President or anyone else, could satisfy a lot of foreign opinion that all facts were being revealed and that the investigation would be complete and conclusive and without any loose ends.

So, from the beginning, I felt that some kind of commission would be desirable for that purpose * * * that it would be desirable * * * for the President to appoint some commission of people who had international and domestic public stature and reputation for integrity that would review all of the investigations and direct any further investigation. (11)

(14) On the same day, President Johnson told Hoover that, although he wanted to "get by" on just the FBI report, the only way to stop the "rash of investigations" was to appoint a high-level committee to evaluate the report. (12) That afternoon President Johnson met with Chief Justice Earl Warren and persuaded him to be chairman of a commission to investigate the assassination. Johnson explained his choice of Warren by stating, "* * * I felt that we needed a Republican chairman whose judicial ability and fairness were unquestioned." (13) Although Warren had previously sent word through a third party that he opposed his appointment as chairman, (14) President Johnson persuaded him to serve. In "The Vantage Point," President Johnson stated he told Warren:

When this country is confronted with threatening divisions and suspicions, I said, and its foundation is being rocked, and the President of the United States says that you are the only man who can handle the matter, you won't say "no" will you? (15)

(15) In his memoirs, Earl Warren stated that on November 29, 1963, Katzenbach and Solicitor General Archibald Cox met with him and attempted to persuade him to chair the Commission. Warren refused. He related:

* * * about 3:30 that same afternoon I received a call from the White House asking if I could come to see the President and saying that it was quite urgent. I, of course, said I would do so, and very soon thereafter I went to his office. I was ushered in and, with only the two of us in the room, he told me of his proposal. He said he was concerned about the wild stories and rumors that were arousing not only our own people but people in other parts of the world. He said that because Oswald had been murdered, there could be no trial emanating from the assassination of President Kennedy, and that unless the facts were explored objectively and conclusions reached that would be respected by the public, it would always remain an open wound with ominous potential. He added that several congressional committees and Texas local and State authorities were contemplating public investigations with television coverage which would compete with each other for public attention, and in the end leave the people more bewildered and emotional than at present. He said he was satisfied that if he appointed a bipartisan Presidential Commission to investigate the facts impartially and report them to a troubled Nation that the people would accept its findings. He told me that he had made up his mind as to the other members, that he had communicated with them, and that they would serve if I would accept the chairmanship. He then named them to me. I then told the President my reasons for not being available for the chairmanship. He replied, "You were a soldier in World War I, but there was nothing you could do in that uniform comparable to what you can do for your country in this hour of trouble." He then told me how serious were the rumors floating around the world. The gravity of the situation was such that it might lead us into war, he said, and, if so, it might be a nuclear war. He went on to tell me that he had just talked to Defense Secretary Robert McNamara, who had advised him that the first nuclear strike against us might cause the loss of 40 million people.

I then said, "Mr. President, if the situation is that serious, my personal views do not count. I will do it." He thanked me, and I left the White House. (16)

(16) In his oral history, Warren related a similar version of the meeting. (17)

(17) In his appearance before the committee, former President and Commission member Gerald R. Ford, also recalled the appointment of Chief Justice Warren as chairman. He testified:

I believe that Chief Justice Warren accepted the assignment from President Johnson for precisely the same reason that the other six of us did. We were asked by the President to undertake this responsibility, as a public duty and service,

and despite the reluctance of all of us to add to our then burden or operations we accepted, and I am sure that was the personal reaction and feeling of the Chief Justice. (18)

(18) In "The Vantage Point", President Johnson presented two considerations he had at the time. He believed the investigation of the assassination should not be done by an agency of the executive branch. He stated, "The Commission had to be composed of men who were beyond pressure and above suspicion." (19) His second consideration was that the investigation was too large an issue for the Texas authorities to handle alone. (20)

(19) Apparently, Earl Warren also did not want Texas to conduct the court of inquiry that had been announced earlier by Texas Attorney General Waggoner Carr. In his oral history, Leon Jaworski discussed Warren's attitudes and actions regarding the court of inquiry:

I came on to Houston, and then I began to get calls from Katzenbach and from Abe Fortas telling me that they were having a Presidential Commission appointed to go into this matter. This would be to keep Congress from setting up a bunch of committees and going in and maybe having a McCarthy hearing or something like that. The next thing I knew they were telling me, "Leon, you've got to come up here." This was Katzenbach and Fortas both. "Because the Chief (Chief Justice Warren, who had accepted the appointment from the President) doesn't want any part of the court of inquiry in Texas. And I said, "Well, as far as I can see it, there's no need in our doing anything that conflicts—let's work together." He said, "Well, he doesn't want any part of Waggoner Carr, the attorney general down there, because he said it would just be a political matter." He said, "He respects you and so * * *

In any event I then went up to Washington, and I had the problem of working this matter out. I must say that Deputy Attorney General Katzenbach was a great help; Solicitor General Archie Cox was of great help. Those two primarily and Waggoner Carr and I worked with them—Katzenbach saw the Chief Justice from time to time, bringing proposals to him from me; the Chief Justice was willing to talk to me without Carr present—I couldn't do that. It finally evolved that—from all these discussions, there finally evolved a solution that we would all meet. We did meet in the Chief's office, and the Chief addressed all his remarks to me and ignored Waggoner Carr, but I would in turn talk to Carr in his presence and direct the questions to him and so on. What we did is agree that we would not begin any court of inquiry, but that we would work with the Commission and have everything available to us that the Commission was doing; we would be invited into hearings; would have full access to everything. (21)

(20) After this meeting, Leon Jaworski related to President Johnson that the matter of the Texas court of inquiry had been resolved

satisfactorily. The President appeared to have been pleased with the result. Jaworski stated:

When we got through with that, I called Walter Jenkins and told him that we thought we had solved it properly, and that I thought I ought to have a word with the President. He said, "By all means. The President is waiting to hear from you." * * * I went on over there and he was in the pool; he came immediately to the edge of the pool and shook hands with me. Then I told him what had happened, and that we had worked it out and had worked it out in great shape, and we were going to work together, and everybody was happy and shook hands and patted each other on the back and so on. And that even the Chief Justice had warmed up to Waggoner Carr before the conference broke up. Then Lyndon Johnson looked at me and he said, "Now, Leon, you've done several things for me—many things in fact for me. Now, it's my time to do something for you." I said, Mr. President, there is nothing I want. I don't want you to do anything for me." And so he looked at me and he said, "All right, I'll just send you a Christmas card then." (22)

(21) On the evening of November 29, 1963, President Johnson issued Executive Order No. 11130 that created the President's Commission on the Assassination of President Kennedy, hereinafter the Warren Commission. The Commission was composed of seven people:

Hale Boggs—Democratic Representative from Louisiana:

John Sherman Cooper—Republican Senator from Kentucky, former Ambassador to India:

Allen W. Dulles—former Director of the CIA:

Gerald R. Ford—Republican Representative from Michigan:

John J. McCloy—former U.S. High Commissioner for Germany and former president of the World Bank:

Richard B. Russell—Democratic Senator from Georgia, and Earl Warren, Chief Justice of the Supreme Court.

PURPOSES OF THE WARREN COMMISSION

(22) The purposes of the Warren Commission, as stated in Executive Order No. 11130, were:

To examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may hereafter come to light or be uncovered by Federal or State authorities; to make such further investigation as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such assassination, including the subsequent violent death of the man charged with the assassination, and to report to me its findings and conclusions.

(23) Although this may be an accurate statement of some of the purposes of the Warren Commission, there were indications that there were additional tasks that it was to perform.

(24) It is apparent from some of the statements previously quoted that many members of Government were concerned about convinc-

ing the public that Oswald was the assassin and that he acted alone.(23) In addition to the memoranda, referred to earlier, on December 9, 1963, Katzenbach wrote each member of the Warren Commission recommending that the Commission immediately issue a press release stating that the FBI report, which had been submitted to the Warren Commission that same day, clearly showed there was no international conspiracy and that Oswald was a loner.(24)

(25) The Commission did not issue the requested press release. Although in their testimony several of the Warren Commission staff members indicated they were not aware of these memoranda, (25) it is apparent that this purpose was clearly in the minds of some of the people who were in contact with the Warren Commission and the members of the Warren Commission could not have been unaware of the pressure.

(26) Another purpose of the Warren Commission, which was at least apparent to Chief Justice Warren and to President Johnson, was the quashing rumors and speculation. President Johnson was concerned that the public might believe his home State of Texas was involved in the assassination. He was also aware of speculation about Castro's possible participation. President Johnson expressed his concern in "The Vantage Point":

Now, with Oswald dead, even a wounded Governor could not quell the doubts. In addition, we were aware of stories that Castro, still smarting over the Bay of Pigs and only lately accusing us of sending CIA agents into the country to assassinate him, was the perpetrator of the Oswald assassination plot. These rumors were another compelling reason that a thorough study had to be made of the Dallas tragedy at once. *Out of the Nation's suspicions, out of the Nation's need for facts, the Warren Commission was born.* [Italic added]

(26)

(27) On January 20, 1964, at the first staff meeting of the Warren Commission, Chief Justice Warren discussed the role of the Commission. A memorandum about this meeting described Warren's statements:

He (Warren) placed emphasis on the importance of quenching rumors, and precluding further speculation such as that which has surrounded the death of Lincoln. He emphasized that the Commission had to determine the truth, whatever that might be. (27)

(28) At this meeting, Warren also informed the staff of the discussion he had had with President Johnson, including the fact that the rumors could lead to a nuclear war which would cost 40 million lives. (28) Both the Chief Justice and President Johnson were obviously concerned about the rumors and speculation, so concerned that they were afraid of a nuclear war if the rumors were not quashed.

(29) World reaction to the assassination, and its coverage in the media, may have reinforced this concern. An editorial on November 23, 1963, in the New York Times stated that President Johnson "must convince the country that this bitter tragedy will not divert us from

our proclaimed purposes or check our forward movement." On November 24, 1963, the New York Times reported that Pravda was charging right-wingers in the United States of trying to use the assassination of President Kennedy to stir up anti-Soviet and anti-Cuban hysteria. The same article stated:

The Moscow radio said Oswald was charged with Mr. Kennedy's slaying after 10 hours of interrogation, but there was no evidence which could prove this accusation.

(30) On November 25, 1963, Donald Wilson, acting director of the United States Information Agency, submitted a memorandum to Bill Moyers that discussed world reaction to Oswald's slaying. This memorandum went through each major city and summarized newspaper articles that had appeared regarding Oswald's death. A Tass dispatch released after Oswald was killed concluded:

All the circumstances of President Kennedy's tragic death allow one to assume that this murder was planned and carried out by the ultrarightwing, fascist, and racist circles, by those who cannot stomach any step aimed at the easing of international tensions, and the improvement of Soviet-American relations. (29)

(31) On the same day, the New York Times stated in an editorial:

The full story of the assassination and its stunning sequel must be placed before the American people and the world in a responsible way by a responsible source of the U.S. Government * * * The killing of the accused assassin does not close the books on the case. In fact, it raises questions which must be answered if we are ever to fathom the depths of the President's terrible death and its aftermath. An objective Federal commission, if necessary, with Members of Congress included, must be appraised of all and tell us all. Much as we would like to obliterate from memory the most disgraceful weekend in our history, a clear explanation must be forthcoming. Not in a spirit of vengeance, not to cover up, but for the sake of information and justice to restore respect for law. (30)

(32) An editorial in the Washington Post stated:

President Lyndon Johnson has widely recognized that energetic steps must be taken to prevent a repetition of the dreadful era of rumor and gossip that followed the assassination of President Abraham Lincoln. A century has hardly sufficed to quiet the doubts that arose in the wake of that tragedy. (31)

(33) On November 27, 1963, the New York Times reported a Tass dispatch that severely criticized the Dallas police. On the same day the Washington Post reported that "dozens of questions remain unanswered." On November 29, 1963, the Washington Post reported that Castro had accused American reactionaries of plotting the assassination to implicate Cuba. The Times also reported that the general feeling in India was that Oswald had been a "tool" and silenced

by "enemies of peace." (32) Throughout the world, identical sentiments were being voiced, probably impressing Johnson with the fact that something had to be done.

(34) The testimony of several staff members of the Warren Commission supported the conclusion that the Warren Commission had multiple purposes. Staff members testified that the purpose of the Warren Commission was to ascertain the facts of the assassination and to submit a report to the American people. (33) The staff was however, also aware of Chief Justice Warren's feelings. Staff counsel David Slawson stated:

His [Warren's] idea was that the principal function of the Warren Commission was to allay doubts, if possible. You know, possible in the sense of being honest. (34)

Staff counsel Arlen Specter described his reaction to Warren's concern about rumors by stating:

* * * that was a matter in our minds but we did not tailor our findings to accommodate any interest other than the truth. (35)

Staff counsel Norman Redlich believed that the objective of allaying public fears was "a byproduct of the principal objective which was to discover all the facts." (36)

(35) While their statements reflected that staff members were concerned with getting at the truth, there was an additional motive for finding the truth. Staff counsel Bert Griffin stated:

I think that it is fair to say, and certainly reflects my feeling, and it was certainly the feeling that I had of all of my colleagues that we were determined, if we could, to prove the FBI was wrong, to find a conspiracy if we possibly could. I think we thought we would be national heroes in a sense if we could find something that showed that there had been something sinister beyond what appeared to have gone on. * * * (37)

Slawson stated:

I think it is hard to remember 13 years ago what the timing of all these things was but among the staff members themselves, like when I talked to Jim Liebler and Dave Belin and Bert Griffin particularly we would sometimes speculate at to what would happen if we got firm evidence that pointed to some very high official. It sounds perhaps silly in retrospect to say it but there were even rumors at the time, of course, that President Johnson was involved. Of course, that would present a kind of frightening prospect, because if the President or anyone that high up was indeed involved, they clearly were not going to allow someone like us to bring out the truth if they could stop us. The gist of it was that no one questioned the fact that we would still have to bring it out and would do our best to bring out just whatever the truth was. The only question in our mind was if we came upon such evidence that was at all credible how would we be able to protect it and bring it to the proper authorities? (38)

(36) Although the staff members' primary concern was the truth, the members of the Warren Commission, and not the members of its staff, were the final decisionmakers with regard to what exactly went into the report. There was some testimony that indicated Earl Warren's concern about rumors did affect the writing of the report. When asked why some statements were made that were more definitive than the evidence, Slawson stated:

I think because Earl Warren was adamant almost that the Commission would make up its mind on what it thought was the truth and then they would state it as much without qualification as they could. He wanted to lay at rest, doubts. He made no secret of this on the staff. It was consistent with his philosophy as a judge. (39)

Slawson also stated:

I suppose he did not think that an official document like this ought to read at all, tentatively, it should not be a source of public speculation if he could possibly avoid it. (40)

(37) Staff counsel Wesley J. Liebeler, when asked about some of his critical memoranda that he wrote regarding the galley proof of the final report, stated:

I think also part of the problem was, as I said before, a tendency, at least in the galleys of chapter IV, to try and downplay or not give equal emphasis to contrary evidence and just simply admit and state openly that there is a conflict in the testimony and the evidence about this question, but after reviewing the evidence the Commission could conclude whatever the Commission could conclude. (41)

Liebeler also stated:

Once you conclude on the basis of the evidence we had that Oswald was the assassin, for example, taking that issue first, then obviously it is in the interest of the Commission, and I presume everyone else, to express that conclusion in a straightforward and convincing way. * * * (42)

(38) Former President Ford stated that there were in fact differences between the proposed language of the report's conclusions as drafted by the staff and what the Commission finally approved. Ford recalled that one such difference pertained to the wording of the Commission's conclusion about possible conspiracy:

There was a recommendation, as I recall, from the staff that could be summarized this way. No. 1, Lee Harvey Oswald was the assassin.

No. 2, there was no conspiracy, foreign or domestic.

The Commission, after looking at this suggested language from the staff decided unanimously that the wording should be much like this, and I am not quoting precisely from the Commission staff, but I am quoting the substance:

No. 1, that Lee Harvey Oswald was the assassin. No. 2, the Commission has found no evidence of a conspiracy, foreign or domestic.

The second point is quite different from the language which was recommended by the staff. I think the Commission was right to make that revision and I stand by it today. (43)

(39) In his appearance before the committee, former Commission member John J. McCloy stated that he had come to hold a different belief regarding the possibility of a conspiracy than he had at the time of the Commission's probe in 1964. He stated that he had come to believe there was in fact some evidence that tended in the direction of conspiracy, although he did not believe that evidence outweighed the Commission's conclusions. McCloy said:

Insofar as the conspiracy issue is concerned, there has been so much talk about that. I don't think I need to dwell on it any longer. I no longer feel we had no credible evidence or reliable evidence in regard to a conspiracy, but I rather think the weight of evidence was against the existence of a conspiracy (44)

(40) The late Senator Richard B. Russell, the senior member of the Warren Commission selected from the Congress, voiced much stronger feelings regarding the possibility of conspiracy before his death in early 1971. In a television interview reported by the Washington Post on January 19, 1970, he stated that he had come to believe that there had in fact been a conspiracy behind the President's murder. With respect to Lee Harvey Oswald, Senator Russell stated, "I think someone else worked with him." He also stated that there were "too many things" regarding such areas as Oswald's trip to Mexico City, as well as his associations, that "caused me to doubt that he planned it all by himself." Russell believed the Warren Commission had been wrong in concluding that Oswald acted alone.

(41) J. Lee Rankin, the Commission's general counsel, recalled that toward the end of the Commission's investigation, he encountered serious difficulty in the process of coordinating the staff's writing of the report:

The one factor that I did not examine with regard to the staff as much as I would from my having had this experience was their ability to write and most of them had demonstrated a considerable ability to write in Law Review or other legal materials by their record but my experience taught me that some people are fluent in writing and others while they are skilled at it have great difficulty in getting started and finishing and getting the job completed. I don't know just how I would have tried to have anticipated that problem and worked it out but it became a serious difficulty for me in my work as general counsel. Looking back on it I would have much preferred that I had not only all the skills that I did in the staff but the additional one that as soon as we had completed the investigation they would go right to work and write a fine piece in which they described their activities and the results. (45)

(42) Although the Executive order authorized the Warren Commission to conduct further investigations if the Commission found it de-

desirable, Chief Justice Warren did not believe further investigation beyond what the investigative agencies had provided would be needed. He stated at the first executive session of the Warren Commission:

Now I think our job here is essentially one for the evaluation of evidence as distinguished from being one of gathering evidence, and I believe at the outset at least we can start with the premise that we can rely upon the reports of the various agencies that have been engaged in investigation of the matter, the FBI, the Secret Service, and others that I may know about at the present time. (46)

In fact, the Warren Commission did rely extensively on the investigative agencies rather than pursuing an independent investigation. (The effects of this reliance is discussed in another section of this report.)

(43) The evidence indicated, therefore, that the Warren Commission not only had as its purposes those stated in the Executive order but it also had additional purposes that may have affected the conduct of the investigation and the final conclusions. The desire to quash rumors and speculation in particular appeared to have influenced at least the writing of the Warren report. The desire to establish Oswald's guilt and thus to quash rumors of a conspiracy may have had additional effects on the functioning and conclusions of the Warren Commission.

ORGANIZATION OF THE WARREN COMMISSION

(44) The Warren Commission investigation was divided into six areas, with two attorneys assigned to each. Area I was "Basic Facts of the Assassination"; Francis Adams and Arlen Specter were the two lawyers assigned to it. Area II was "Identity of the Assassin"; the lawyers were Joseph Ball and David Belin. Area III was "Lee Harvey Oswald's Background" to be handled by Albert Jenner and Wesley J. Liebeler. Area IV, "Possible Conspiratorial Relationships" was given to William Coleman and W. David Slawson. Area V was "Oswald's Death," and Leon Hubert and Burt Griffin were assigned to it. Area VI was "Presidential Protection." Samuel Stern was assigned to this area. The General Counsel of the Commission, Lee J. Rankin, was to assist Stern. Norman Redlich worked on special projects. He drafted the procedural rules for the Commission, prepared for the Marina Oswald testimony, and worked with Ball, Belin, and Specter on the investigation of the assassination itself. He also attended as many Commission hearings as possible and reviewed and edited the drafts of the report. Howard Willens assisted Rankin in organizing the work, staffing the Commission, reviewing the materials received from the investigative agencies, and requesting further information where necessary.

(45) The organization of the Warren Commission staff is important because it, in fact, determined the focus of the investigation. Four of the areas (I, II, III, and IV) were concerned primarily with Oswald—his activities on November 22, 1963, and his background. Only one area, representing one-sixth of the available personnel, was devoted to the investigation of Ruby's role. This area was also framed in terms

of Oswald—it was called “Lee Harvey Oswald’s Death.” No area specifically focused on the investigation of pro- or anti-Castro Cuban involvement, organized crime participation, or even the investigative agencies’ role in the assassination. The area of domestic conspiracy was considered as part of Area III, “Lee Harvey Oswald’s Background,” which again focused the issue of conspiracy on Oswald.

(46) Former President Ford testified that he had been critical of Chairman Warren’s selecting a general counsel without first consulting the other members of the Commission. Ford stated that he believed Warren was attempting to place too much control over the Commission in his own hands:

After my appointment to the Commission, and following several of the Commission’s organizational meetings, I was disturbed that the chairman, in selecting a general counsel for the staff, appeared to be moving in the direction of a one-man commission. My views were shared by several other members of the Commission.

The problem was resolved by an agreement that all top staff appointments would be approved by the Commission as a whole. (47)

(47) In his testimony, Howard Willens explained the rationale for the organization of the staff:

I believe the rationale is readily stated. In order to begin and undertake a project of this dimension, there has to be some arbitrary allocation of responsibilities. There is no way to do it that eliminates overlap or possible confusion but this was an effort to try to organize the work in such a way that assignments would be reasonably clear, overlaps could be readily identified, and coordination would be accomplished among the various members of the staff. (48)

(48) The staff members who testified before the committee generally believed the organization was effective. Specter stated, “Yes. I think the categories were adequate to finding the truth.” (49) Redlich said, “The procedures and the organization were an important part in introducing the end result which I thought was a professional and thorough investigation of the assassination.” (50) Only Griffin expressed dissatisfaction with the organizational structure:

GRIFFIN. As far as I was concerned, I did not feel that it operated in a way I felt comfortable.

STAFF COUNSEL. How would you have done it differently?

GRIFFIN. Let me first of all preface it. Hubert and I began to feel after a couple of months that perhaps there was not a great deal of interest in what we were doing, that they looked upon the Ruby activity, based upon information that they saw as being largely peripheral to the questions that they were concerned with. We did have a disagreement, pretty clear disagreement, on how to go about conducting the investigation and I think that again was another reason why perhaps I would say the operation was not as effective as I would have liked to have seen it. (51)

(49) The pay records of the Warren Commission staff indicate that several of the senior attorneys did not spend much time working on the investigation, and the testimony of staff members supported this fact. Arlen Specter stated:

I would prefer not to ascribe reasons but simply to say some of the senior counsel did not participate as extensively as some of the junior counsel. (52)

He added:

It is more accurate to say I ended up as the only counsel in my area. (53)

(50) When asked if the senior counsels devoted much time to the investigation, Slawson stated:

A few did not. The majority of them did—and I think contributed very valuably. They did not, with a couple of exceptions, spend as much time as the younger men did, especially as the investigation wore on. Some of them, I understand, were hired with the promise that only a few weeks' work would be required of them. Of course that turned out not to be the case. (54)

(51) Howard Willens stated, when asked about the accuracy of the chart describing the pay records:

I think in the roughest terms this gives a fair picture of the days spent during the period by members of the staff. I think that with reference to my earlier comment you should note that several of the senior counsel felt that their primary responsibility was to work in the investigative stages of the Commission's work. (55)

(52) The failure of the senior attorneys to participate fully is attributed to the impression they had that their role on the Commission did not require their working full time and that their participation would only be needed for 3 to 6 months. Griffin supplied another reason for at least one senior counsel's leaving early:

A third reason was, however, that Hubert was disenchanted with some of the things that were going on in that he didn't feel he was getting the kind of support that he wanted to get, and he expressed to me a certain amount of demoralization over what he felt was unresponsiveness that existed between himself and particularly Mr. Rankin. (56)

(53) Some of the staff members testified that the staff were qualified people and that there were a sufficient number of lawyers to conduct the investigation. The testimony also indicates, however, that there was some dissatisfaction and that the failure to work full time on the part of the senior counsels probably affected the investigation. When Redlich was asked if the staff, not participating full time affected the work, he stated:

Any time someone is not able to spend full time it had that effect. It means that that work which might have been done during the course of that full-time work gets picked up by

others * * * I don't think on balance any of that had a permanent harmful effect because I believe that the entire staff, taken as a whole, managed to conduct what I consider to be a thorough inquiry. Obviously, as anyone who has conducted an investigation knows, you always would like to have everyone there all the time. That was not possible during a substantial portion of the Warren investigation. (57)

(54) Slawson responded to the same question :

As I said before, I felt overworked and I think many of the staff members felt the same way. I think the main problem was one of the great underestimation of the size of the task at the time. As I said, we were told, we were telephoned and asked to come in; it would be 3 to 6 months. It is my recollection they said it would be only 3 to 6 months on the outside and of course we ended up taking about 8. There was a reluctance, once we were there, to admit—again this is a matter of once you have made a decision you don't like to admit you were wrong—but people did not like to admit that we probably needed more help and more time. (58)

(55) The pay records indicated that from the middle of January to the end of September, Francis Adams, a Commission counsel, worked a total of 16 8-hour days and 5 additional hours. Adams held one of the single most important positions with the Commission, serving as senior attorney in the area of basic facts of the assassination. Arlen Specter, when asked if this affected his performance, stated :

I don't think it did although it would have been helpful if my senior counsel, Francis Adams, had an opportunity to participate more extensively. (59)

(56) J. Lee Rankin told the committee :

There is one member that you can see that did not attend hardly at all and I certainly should have gotten rid of him really. * * * That was Francis Adams and he really didn't contribute anything. (60)

(57) Liebler also indicated he did not work closely with the senior attorney in his area, Albert Jenner. He stated :

My recollection is that during the early part of the Commission's work that Mr. Jenner was concerned, I believe he was interested in becoming president of the American Bar Association and I believe he spent some time on that issue. (61)

(58) While describing the organization of the work in his area, Liebler stated :

It was difficult for Mr. Jenner and me to work out a general relationship on that question at that time. Since I was a so-called junior staff member at that time, Mr. Jenner was not, I was quite unsure when I started as to how to handle the problem. I finally just decided to do my own thing and basically went ahead and did most of that original work, myself. Mr. Jenner and I never actually worked very closely together. He worked on projects and I worked on projects. (62)

INDEPENDENT INVESTIGATORS

(59) As stated earlier, the Warren Commission staff was primarily composed of attorneys, with a few assistants drawn from other agencies of the Government. It had no independent investigators, but relied primarily upon Government agencies to supply leads and perform a large majority of the field investigation.

(60) The Commission's former general counsel, J. Lee Rankin, told the committee that he believed it would have been difficult to assemble an independent investigative staff. Rankin recalled :

Well, I gave some thought to that and I finally concluded that I would lose more than I would gain, that the whole intelligence community in the Government would feel that the Commission was indicating a lack of confidence in them and that from then on I would not have any cooperation from them; they would universally be against the Commission and try to trip us up. (63)

(61) J. Lee Rankin told the committee that the decision not to have the Commission employ its own investigators:

* * * was a decision of the Commission, although I recommended that kind of a procedure because I described various possibilities of getting outside investigators and that it might take a long period of time to accumulate them, find out what their expertise was, and whether they could qualify to handle sensitive information in the Government, and it might be a very long time before we could even get a staff going that could work on the matter, let alone have any progress on it. (64)

(62) Slawson stated :

We had special people assigned from CIA, FBI, and Secret Service who were with us more or less full time, especially the Secret Service who were investigators. (65)

(63) There was one indication that the Warren Commission used some independent experts for the examination of the physical evidence. Slawson stated :

I think that some of the areas of investigation such as that headed by Dave Belin, which was the immediate circumstances of the shooting in Dallas, employed private investigators at various points to cross-check and give an independent evaluation. (66)

(64) Redlich stated :

My recollection is that in ballistics I believe we used someone from the government of Illinois. either handwriting or fingerprinting. I am not sure it was not someone from the New York City Police Department. (67)

(65) There was also some indication that the staff would have preferred to have had independent investigators. Specter said :

If [in] organizational structure you include the personnel available, I think that everyone would have much preferred to

have had a totally independent investigative arm to carry out the investigative functions of the Commission, but I believe the Commission concluded early on, and I was not privy to any such position from my position as assistant counsel, that it would be impractical to organize an entire investigative staff from the start so that use was made of existing Federal investigative facilities * * * there would be an observation [among the staff] from time to time how nice it would be if we had a totally independent staff. (68)

(66) When asked if any consideration was given to hiring independent investigators, Redlich replied:

I have no clear recollection of that. Certainly during the time of the investigation from time to time staff members talked to Mr. Rankin about what it might have been like if we had had a completely independent staff. I think that we reached the conclusion then, with which I still agree, that while using the existing investigatory arms of the United States had certain disadvantages, on balance it was still the right decision to make. There were certain tradeoffs * * * I don't think there was any happy, completely happy solution to that dilemma. (69)

(67) John McCloy stated that he did not believe the Commission suffered from an insufficient investigative capacity:

* * * it is not true we didn't have our own investigative possibilities. There was a very distinguished group of litigating lawyers [on the staff] that we called on * * * We had a very impressive list and they did great work. So it is not true we relied entirely on the agencies of the Government. (70)

(68) Former President Ford told the committee that he believed the Commission's decision not to employ an investigative staff was correct:

It is my best judgment that the procedure and the policy the Warren Commission followed was the correct one and I would advocate any subsequent Commission to follow the same.

For the Warren Commission to have gathered together an experienced [investigative] staff, to get them qualified to handle classified information, to establish the organization that would be necessary for a sizable number of investigators, would have been time-consuming and in my opinion would not have answered what we were mandated to do.

It is my, it is my strong feelings that what we did was the right way. We were not captives of, but we utilized the information from the in-house agencies of the Federal Government * * *. (71)

(69) Ford also told the committee:

The FBI, and I use that as an example, undertook a very extensive investigation. I don't recall how many agents but they had a massive operation to investigate everything. The Commission with this group of 14 lawyers and some addi-

tional staff people, then drew upon all of this information which was available, and we, if my memory serves me accurately, insisted that the FBI give us everything they had. Now that is a comprehensive order from the Commission to the Director and to the FBI. I assume, and I think the Commission assumed, that that order was so broad that if they had anything it was their obligation to submit it. Now if they didn't, that is a failure on the part of the agencies, not on the part of the Commission. (72)

(70) In his testimony, Burt Griffin supplied another explanation for the Commission's decision to rely upon the investigative agencies:

* * * there was a concern that this investigation not be conducted in such a way as to destroy any of the investigative agencies that then existed in the Government. There was a genuine fear expressed that this could be done. Second, it was important to keep the confidence of the existing investigative agencies, and that if we had a staff that was conducting its own investigation, that it would generate a paranoia in the FBI and the other investigative agencies which would not only perhaps be politically disadvantageous, it would be bad for the country because it might not be justified but it might also be counterproductive. I think there was a fear that we might be undermining * * * My impression is that there was genuine discussion of this at a higher level than mine. (73)

COMMUNICATION AMONG THE STAFF

(71) The testimony of the staff members indicated that there generally was no problem of communication among the areas. Specter stated that the information was "funneled" by Rankin and he had no reason to believe the process was unsuccessful. (74) Willens described the procedures for facilitating the exchange of information:

One way of dealing with the separate areas within which the lawyers were dealing was to make certain that all the materials that came in the office were reviewed in one central place and that any material that bore even remotely or potentially on an area within the Commission's work was sent to that area. It was frequently the case that materials in our possession were sent to three or four areas so that each of the groups of lawyers could look at the same material from that group's perspective and decide whether it had any relevance in the part of the investigation for which those lawyers were responsible. I continued this function throughout the Commission and always erred on the side of multiple duplication so as to make certain that the members of the staff in a particular area did get the papers which I thought they needed. Another way of coordinating among the staff was by the circulation of summary memoranda, which happened on a regular basis throughout the Commission's work * * * The third way of coordinating among the staff was perhaps more informal and related primarily to the ease with which the mem-

bers of the staff could get together to discuss a problem in which more than one area had a particular interest. (75)

(72) Griffin also commented the communication between the staff members:

We had very few staff meetings of a formal nature. We did have two or three, maybe four or five. The bulk of the communication was on a person-to-person ad hoc basis. There were some memos, I believe, passed back and forth. (76)

He expressed some dissatisfaction with the communication he and Hubert had with Rankin:

I suppose that it would not be fair to say that we did not have direct access to Rankin. I cannot say at any point when we tried to see Rankin that we couldn't see him. I don't recall any situation where we were formally required to go through someone else to get there. There was no doorkeeper in a certain sense. All of those communications that were in writing that went to Rankin went through Howard Willens, but as a practical matter, and I am not sure entirely what the reasons are, Hubert and I did not have a lot of communication with Rankin. We really communicated with him personally infrequently. We had a certain amount of communication at the beginning. I do remember at the outset Hubert and I had a meeting with Rankin in which we discussed the work of the mission that we had, but I would say that by the first of April we had relatively little communication with Rankin. That is, we might not speak to Rankin maybe more than once every 2 weeks. Mr. Rankin is a formal person. Hubert and I did not feel comfortable in our relationship with him. I point this out because I think our relationship with Rankin was different than some of the other staff members. I think a number of them would genuinely say, and I would believe from what I saw, that they certainly had much better communication than we did. Whether they would regard it as satisfactory I don't know. (77)

(73) The staff also indicated that they would communicate informally in the evenings. Specter stated:

There was a very informal atmosphere on the staff so that there was constant contact among all the lawyers both during the working day and those of us who were around the evenings. We would customarily have dinner together, the virtual sole topic of conversation was what each of us was doing. So there was a very extensive exchange albeit principally informal among members of the staff as to what each was doing. (78)

INTERACTION BETWEEN THE WARREN COMMISSION AND THE STAFF

(74) In his testimony, Howard Willens stated that the majority of the communication between the staff members and the Warren Commission members was through Rankin. Direct contact with members of the Warren Commission was minimal:

Apart from those occasional meetings with the Chief Justice most of the staff's dealings with the members of the Commission occurred on a sporadic and limited basis. (79)

(75) Norman Redlich stated:

However, in terms of informal relationship between the staff and the Commission in the sense of the staff being present at the Commission meetings in a formal way, that did not exist. I was not present at any meeting of the Commission. I was not privy to any formal meetings of the Commission. Mr. Rankin was the official line of communication between the Commission and the staff. (80)

(76) Burt Griffin stated:

I had almost a total lack of contact with the Commission members. I have some thoughts in retrospect now about some of the perceptions, total conjecture but based on other things that have happened, but at the time I did feel Senator Russell was genuinely concerned about conducting the investigation. (81)

(77) Redlich also indicated that some of the staff were not satisfied with their relationship with the members of the Warren Commission:

I believe that perhaps some members of the staff would have preferred to have had a more direct ongoing formal relationship with the Commission. (82)

(78) Arlen Specter described the relationship with the members of the Warren Commission as "Cordial, somewhat limited." (83)

(79) There is at least one exception to this formal relationship between staff members and the Commission. W. David Slawson indicated he often met with Allen Dulles:

Allen Dulles and I became fairly close I think. He had aged quite a bit by the time he was on the Warren Commission and was also sick. I have forgotten, he had some kind of disease that made one of his legs and foot very painful. So he was not effective sometimes but when he was he was very smart and I liked him very much. Because of my particular assignment of course he spent a lot of time with me. We talked informally quite a bit. (84)

(80) In spite of this lack of contact between the staff and the Commission members, some of the staff members believed that the Commissioners were reasonably well informed and the interaction was satisfactory. Arlen Specter thought the Commissioners were generally well informed about the facts of the case. (85) When asked if the Commissioners were informed, Redlich responded:

I think some of them were tremendously well informed. The Chief Justice was extremely well informed. I believe that former President Ford was extremely well informed. Mr. Dulles attended a great many hearings. I believe that on the broad areas of the Commission's inquiry the Commission was informed. They were obviously not as informed of some

of the specific enormous factual data in connection with the assassination as was the staff. I have never known a staff that thought that the group that it worked for was as well informed as the staff was, and the Warren Commission was no exception. (86)

(81) Wesley Liebeler, discussing a statement he was alleged to have made regarding the Warren Commission, stated:

What I had intended to convey to Mr. Epstein (the author of a book on the Commission) was the idea that in terms of developing the investigation, the direction in particular of the investigation, and in drafting the report, the Commissioners themselves were not directly involved, and they were not. (87)

(82) Despite Liebeler's statement that the Commissioners were not involved in writing the report, the drafts of the report were in fact circulated among the Commission members for their review, suggestions and approval. The Commissioners made comments and criticisms at this point and the drafts were rewritten to conform with their desires. (88)

(83) The Warren Commission had no formal sessions from June 23, 1964 to September 18, 1964. This was the period during which the final report was written. Had the Commissioners participated to a greater extent during the investigative stages and had they had more interaction with the staff members, there might have been additional discussion and comments about the content of the report. Further investigation might have been pursued, and the report might have been substantially different. Additional issues might have arisen. For example, in his testimony, Specter stated:

* * * the Commission made a decision as to what would be done which was not always in accordance with my own personal view as to what should be done, for example, the review of the X-rays and photographs of the assassination of President Kennedy. I thought that they should have been observed by the Commission and by me among others perhaps having responsibility for that area and I said so at the time. (89)

(84) John McCloy told the committee that he had also voiced objections over Chief Justice Warren's decision not to have the Commission view and evaluate these materials during the investigation:

I think we were a little lax in the Commission in connection with the use of those X-rays. I was rather critical of Justice Warren at that time. I thought he was a little too sensitive of the sensibilities of the family. He didn't want to have put into the record some of the photographs and some of the X-rays there. (90)

(85) During the final stages of the Warren Commission, the Commissioners were almost evenly divided on the question of whether the single-bullet theory was valid. To resolve this conflict, the Commissioners had the report worded in such a way that there was no conclusive answer. The report stated:

Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds. However, Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth-floor window of the Texas School Book Depository. (91)

(86) Of the controversy over the single-bullet theory, John Sherman Cooper recalled:

We did have disagreements at times in the Commission and, I as I recall, I think the chief debate grew out of the fact or the question as to whether there were two shots or three shots or whether the same shot that entered President Kennedy's neck penetrated the body of Governor Connally.

I must say, to be very honest about it, that I held in my mind during the life of the Commission that there had been three shots and that a separate shot struck Governor Connally. (92)

(87) Had the Commissioners been close to the investigation and more aware of the questions and issues regarding the ballistics evidence, they might have agreed to examine the photographs and X-rays. Instead, probably because of the time problem, the issue was resolved by the use of agreeable adjectives, rather than by further investigation.

PRESSURES

(88) The Warren Commission was created on November 29, 1963. By the end of January 1964, the staff of the Warren Commission had been completely assembled. The hearings began on February 3, 1964, and were completed on June 17, 1964. The summer of 1964 was spent writing and editing the report. On September 24, 1964, the Warren report was submitted to President Johnson. The Warren Commission, therefore, lasted a total of 10 months, with approximately 3 to 4 months spent on the investigation itself and the remaining months, as previously stated, on writing the report and organizing the staff.

(89) Time and political pressures were much in evidence during the course of the Warren Commission and may have affected the work of the Commission. While some staff members testified that there was no time pressure others indicated that time was a concern and was inextricably combined with political pressures.

(90) There definitely was a desire to be prompt and to complete the investigation as soon as possible. Specter stated:

* * * The attitude with respect to time perhaps should be viewed in November of 1977 as being somewhat different from 1964 to the extent that the Commission was interested in a prompt conclusion of its work. It did not seek to sacrifice completeness for promptness. When the Commission started its job there was no conclusion date picked. My recollection

is that it was discussed in terms of perhaps as little as 3 months, perhaps as much as 6 months. As we moved along in the investigation there were comments on attitudes that we should be moving along, we should get the investigation concluded, so that the scope of what we sought to do and the time in which we sought to do it had as its backdrop an obvious attitude by the Commission that it wanted to conclude the investigation at the earliest possible date. (93)

(91) Specter also stated:

It is hard to specify the people or Commissioners who were pushing for a prompt conclusion, but that was an unmistakable aspect of the atmosphere of the Commission's work. (94)

(92) When asked if there was enough time, Willens responded:

I think the time was sufficient to do the work of the Warren Commission. I cannot deny that the work could have gone on for another month or two or six. (95)

(93) In spite of the desire for promptness, Specter and Redlich also believed there was still enough time to complete their work. (96) At one point in his testimony, Slawson stated this:

* * * although at times I was afraid there wouldn't be. There was time pressure on all of us. I think that all members of the staff were bothered and somewhat resented the fact that we were pushed to work at such a rapid pace, but we resisted any attempts to make us finish before we felt we were ready to be finished. When the report came out neither I, and I don't think anybody else, felt that there was anything significant that we had not been able to do in the time. * * * But the amount of paper that we had to go through to do our job well was tremendous * * * I had so many documents to get through and try to understand and try to put together. They continued pouring in from the ongoing investigation after that. There weren't that many of us. So we had more than enough to do, I would say. (97)

(94) Later, when asked about some of the problems with the footnotes of the report. Slawson indicated one effect that time pressure had on the work of the Commission:

I took, and I think everyone else did, as much care as we could. But the time pressure was severe. With the mass of material that we had I am sure that errors of numbering, and perhaps what footnote A should have had, footnote B did, and vice versa, occurred. I don't think that the kind of cross-checking that normally goes into a good professional publication, for example, ever went into this (98)

(95) Griffin also indicated some concern about the amount of work that had to be done within the short period of time:

* * * But Hubert and I, we had a completely, we had a scope of investigation that was as great as all the other people put together, because we were investigating a different

murder. We had two people who were investigating a conspiracy from one man's point of view and we had a security question, how did he get into the basement, and so forth. (99)

(96) In his testimony before the committee, former general counsel J. Lee Rankin gave his perception of the time factor:

Well, we had pressures from the beginning of the time element because the country was anxious to know what had happened and whether there was any conspiracy involved. I was assured by the Chief Justice that it would only take me 2 or 3 months at the outside in this job and that is all the time I would be away from my law practice, and, of course, I wished to get the job done correctly and properly, but also to get back to my other work and, on the other hand, the first meeting we had with the staff, I told them that our only client was the truth and that was what we must search for and try to reveal, and I think we adhered to that, that we never departed from that standard, any of the Commission or myself or the staff. (100)

(97) Rankin recalled further:

I didn't think there was any pressure. There was an expression by some members of the Commission that it would be better if the problem of the assassination and whether any conspiracy was involved and what had happened, who the assassin was, as the Commission found, all of those questions were not injected into the various political conventions, but there was no indication at any time that we should try to get it out for any such purpose and not adequately make a report or investigate whatever sources we were able to find. (101)

(98) In an interview with the committee, John McCloy stated that while he believed the Commission had been falsely accused of a "rush to judgment" in its investigation, he did in fact believe there had been "a rush to print." In his public appearance before the committee, McCloy stated:

We had no rush to judgment. We came to a judgment. There were some questions of style in regard to the preparation of the report that I would like to have had * * * another crack at to make it a little more clear * * *

* * * I had a feeling at the end we were rushing a little bit the last few days to get to print rather than to arrive at any conclusions. We had already arrived at the conclusions. (102)

(99) Chief Justice Warren stated in his oral history that there was no deadline, as illustrated in the following exchange:

Q. You never did feel a deadline pressure so that you hurried your work?

A. No, sir, we did not.

Q. You were just going to get through whenever you finished.

A. Absolutely not [sic], there was no deadline of any kind for us, no deadline of any kind. (103)

(100) When asked if the fact that it was an election year affected the Warren Commission, Warren replied:

WARREN. This wasn't an election year that we did this, was it? This was in 1963.

Q. No, it was November 30, after Kennedy was shot—

WARREN. Of 1962?

Q. Of 1963. And then Johnson had to run in 1964.

WARREN. My gosh, I guess that's right.

Q. It must not have been much of a factor.

WARREN. No, no, really it was no factor. It was no factor at all, no factor at all. (104)

(101) Chief Justice Warren also stated:

The White House never gave us an instruction, never, never even looked at our work until I took it up to the President. Never commented—

Q. The President never made suggestions?

WARREN. Never once in any way, shape, or form. In fact we didn't talk to him about it. (105)

(102) The staff members of the Warren Commission did not perceive the question of time exactly in the same way as Chief Justice Warren did. Slawson stated:

His [Warren's] main motivation in wanting the work done, and which he repeated several times to different members of the staff, was that he wanted the truth known and stated to the public before the Presidential election of 1964 because he didn't want the assassination in any way to affect the elections. I am not sure at all how he thought it would, but he didn't want any possibility of it. That was his principal reason for having it finished. (106)

(103) Griffin stated that initially the report was to be completed by the Democratic National Convention, which was in the summer of 1964:

It was also indicated at the outset that the hope was that the report would be completed prior to the Democratic National Convention, that essentially had been indicated by the White House, that it was the President's feeling. (107)

(104) Later in his testimony, Griffin stated:

Let me say it was never communicated to us that it was the Commission that wanted to curtail things. There were two communications that were made as to where this pressure was coming from. The most prominent one was the White House, that there was a general, unspecified reference to the fact that the White House wanted this report out before the convention. That was said to us many, many times. I think the convention was in June. (108)

Griffin also indicated another deadline developed during the course of the Warren Commission:

Second, just by way of human interest, color, perhaps another date began to be set because the Chief Justice had a

trip scheduled to go to Europe and the hope was that it could be completed before he went on his trip to Europe. (109)

(105) Willens explained the concern about the election and the convention in the following way :

In part the concern was a media concern. There were numerous conversations with media representatives who were apprehensive about being scooped by the report being published at a time when their facilities were being allocated to covering some other major political event. That obviously was not a decisive concern but it was something that was brought to the attention of the Commission and various other officials as the Commission's report seemed to be working toward its conclusion. The concern about the election may be difficult to understand now. At the time there were ugly rumors and apprehensions regarding the work of the Commission and the nature of the conspiracy that may have occurred to have caused the assassination of President Kennedy. It was feared, perhaps without justification, that the report might become a campaign issue if it had not been published in advance of the election * * *. The other concern was that if it were postponed until after the election it would be assumed it had been repressed so as to avoid disclosures that might affect the candidacy of the President. (110)

(106) In this instance, it was clear that the concern for quashing rumors and speculation, discussed earlier in this report, affected the timing of the Warren Commission's work. It was a political concern in that President Johnson did not want the issues raised by the assassination to be raised at election time. The rumors, therefore, had to be quashed, and they had to be quashed prior to the election.

(107) In addition to the concern of completing the report either prior to the election or the convention, there were other political concerns that arose during the course of the Warren Commission. Griffin expressed some of these concerns of the Warren Commission.

I felt then, and I still feel, despite a lot of misgivings that I had, that the purpose was genuine purpose, to find the truth behind the assassination. I do think, however, that there were major political considerations that dictated how this work was conducted. The time frame that was set initially for the work was a political consideration. This investigation was carried on during a period when everyone was vividly aware of the results of the 1950's when Senator McCarthy held a prominent position. There was a great deal of concern that we not conduct an investigation that would have overtones of what people called McCarthyism. So that a lot of decisions that were made in terms of how we proceeded I think were made against that kind of background. (111)

(108) Another concern, which was discussed earlier in this report, was that of convincing the public that Oswald was the lone assassin. When asked if they were aware of the December 9, 1963, Katzenbach memorandum to the members of the Warren Commission requesting a press release stating that Oswald was the assassin, Redlich, Specter, and

Griffin all replied they had never heard of it. (112) When asked if they were aware of Hoover's November 24, 1963, phone call to the White House in which Hoover discussed "convincing the public that Oswald was the real assassin," Liebler and Slawson stated they were not aware of that conversation. (113) Only Howard Willens indicated that he was aware of these sentiments immediately after the assassination. (114) Four members of the staff who testified stated there was no preconceived belief among the staff members that Lee Harvey Oswald was the assassin or that the goal of the Warren Commission was to convince the public that Lee Harvey Oswald was the assassin. (115) Although Slawson testified that "Everybody was of course a possible suspect," (116) he also stated that the concern to convince the public that Lee Harvey Oswald was the assassin may have played a role in his area of investigation, particularly with some of the obstacles he encountered dealing with foreign governments. (117)

(109) Cooper stated that he did not believe that external pressures or outside considerations played any part in the Commission's work, recalling:

We were not pressured in any way by any person or by any organization. We made our own decisions, as the President had asked us to do, and as we determined to do on the basis of what we thought was right and objective. (118)

(110) During an executive session meeting of the Commission on June 4, 1964, Gerald R. Ford had voiced strong concern over potential outside pressure that he believed may have been directed at the Commission. Nevertheless, at the time of his testimony, Ford said he did not believe that any such pressure had in fact affected the conclusions reached during the investigation:

I have no recollection of that particular June 4 meeting or any pressure that the Commission received for any definitive conclusion. As other members of the Commission, I think, will testify, we had a unanimous vote as to the fact that Lee Harvey Oswald committed the assassination and all other decisions of the Commission were also unanimous.

There was no pressure. We operated as a unit of seven members who fortunately all agreed. (119)

(111) Although it was clear that political concerns did exist, it was difficult to ascertain exactly how these pressures affected the Warren Commission. The pressure to maintain the respectability and legitimacy of the agencies, along with the pressure to complete the investigation prior to the election, probably interacted to cause the Warren Commission to rely almost entirely upon the investigative agencies. The political concern of completing the report prior to the election or the convention influenced the Commission to define severely the time frame in which their job was to be completed. The time pressure may have caused the Warren Commission to brush over issues that were important, i.e., the Ruby investigation. Despite these possibilities, however, some staff members did not believe that the pressure affected their work.

(112) Redlich stated that his greatest regret was that the majority of the American public apparently believed that various pressures had

in fact influenced the conclusions of the Warren Commission. (120) He indicated, however, that he believed there were other factors that have influenced the widespread nonacceptance by the public of the Commission's conclusions:

I think there are simply a great many people who cannot accept what I believe to be the simple truth, that one rather insignificant person was able to assassinate the President of the United States. I think there are others, who for reasons that are less pure have consciously tried to deceive. I think that since there is a residue of public sentiment that finds it very hard to accept the conclusion, that becomes a further feeling, for those who have found it in their interest, to pursue the attacks on the Commission.

I do not mean to imply that all of the critics of the Commission have bad motives. I think that there is in this country, fortunately, a healthy skepticism about government.

I believe that that was certainly true during the Watergate period. The assassination is a complex fact, as you will see when you investigate it. It was not an easy thing to investigate. Jack Ruby and Lee Harvey Oswald were two people with most unusual backgrounds. They did a variety of things.

That they should meet in the basement of the Dallas Police station and one shoot the other is something that does strain the imagination.

I think it is very unfortunate that the Warren Commission has been subject to the kinds of attack that it has. We did what we felt was a completely honest professional and thorough task.

I have done a lot of things in my public service in my life. I regard my service on the Warren Commission as an extremely important, perhaps the most important thing that I have done, because I believe I was instrumental in putting before the American people all of the facts about the assassination of President Kennedy.

That significant numbers of Americans don't believe it remains to me a source of great disappointment. (121)

II. RELATIONSHIP BETWEEN THE WARREN COMMISSION AND THE FEDERAL BUREAU OF INVESTIGATION AND THE CENTRAL INTELLIGENCE AGENCY

A. PERSPECTIVE OF THE WARREN COMMISSION

Attitude of the Commission members

(113) The initial attitude of the Warren Commission members toward the Federal Bureau of Investigation (FBI) was one of trust and a willingness to rely on it. As the investigation progressed, however, the members expressed some dissatisfaction with and distrust of the Bureau. Nevertheless, nothing was ever done to redirect the investigation or improve the Commission's relationship with the Bureau.

(114) The Warren Commission initially avoided using the facilities of the Central Intelligence Agency (CIA), but eventually did so, though reluctantly. They did not ask them to do much beyond answer

specific requests for information. The members were generally satisfied with the performance of the CIA.

(115) There were 36 requests for information from the Commission to the CIA on file at the National Archives. Of these, 10 dealt with publication of the Warren report, 7 with Lee Harvey Oswald's activities in the Soviet Union, 4 with Lee Harvey Oswald's activities in Mexico City, 3 with the CIA's files on Lee Harvey Oswald, and 2 with the Soviet Union. There was one request each for information on Jack Ruby and Cuba, the Oswald information allegation, the de Mohrenschildts, President protection, Yuri Nosenko, and the photograph shown to Mrs. Marguerite Oswald by FBI Special Agent Odum. Four of the requests were still classified.

(116) The manner in which the Warren Commission members perceived the investigative agencies and their relationship to those agencies is reflected in the transcripts of the executive sessions of the Commission.

(117) The Commission met for the first time on December 5, 1963. Chief Justice Earl Warren, who chaired the Commission, expressed his initial attitude toward the Commission's task and their relationship to the agencies:

Gentlemen, this is a very sad and solemn duty that we are undertaking, and I am sure that there is not one of us but what would rather be doing almost anything else that he can think of than to be on a commission of this kind. But it is a tremendously important one. * * * Now, I think our job here is essentially one for the evaluation of evidence as distinguished from being one of gathering evidence, and I believe that at the outset at least we can start with the premise that we can rely upon the reports of the various agencies that have been engaged in investigation of the matter, the FBI, the Secret Service, and others that I may not know about at the present time. (122)

(118) Chief Justice Warren went on to say that he did not believe that the Commission needed independent investigators or the power of subpoena. (123) He was overruled by the other Commission members on the question of obtaining subpoena power. (124) Congress passed a joint resolution on December 13, 1963, granting the Commission that power. (125) The Commission never did hire its own staff of investigators.

(119) Even at this first meeting, some Commission members expressed concern about some actions by the FBI. There had been numerous stories leaked to the press attributed to FBI sources while the Commission was still awaiting the first FBI report. Senator Russell asked rhetorically:

How much of their findings does the FBI propose to release to the press before we present the findings of this Commission? (126)

(120) The Commission met again on December 6, 1963. At this meeting, the Commission members kept wondering what the FBI was doing and if the CIA knew anything about the assassination. Allen Dulles informed the Commission that he had been in touch

with the CIA and distributed a pamphlet that the CIA had written on the reaction of the foreign press to the assassination. (127) Commissioner McCoy asked Warren if he had been in touch with the CIA, and the following exchange took place:

CHAIRMAN. No; I have not, for the simple reason that I have never been informed that the CIA had any knowledge about this.

Mr. McCLOY. They have.

CHAIRMAN. I'm sure they have, but I did not want to put the CIA into this thing unless they put themselves in.

Mr. McCLOY. Don't we have to ask them if we're on notice that they have?

CHAIRMAN. We have to do it with all of them. * * * We have not done it with any of them yet because we have not been in that position * * * I think we have to ask them. (128)

(121) The Commission received the FBI's report on the assassination on December 9, 1963. It met again on December 16, 1963. At this meeting, the FBI was criticized for several things. The members were upset because there was nothing in the FBI report that had not already appeared in the press. (129) They were also upset because some parts of the report were "hard to decipher." (130) Representative Boggs thought the report left "a million questions." (131)

(122) It was at this meeting that the Commission members decided that they could not rely solely on the FBI report, but would have to do their own analysis of the raw data on which the report was based. (132) Chief Justice Warren admitted that he had been too optimistic at the first Commission meeting. (133) The members also considered that they may have been wrong in not hiring their own staff of investigators. General Counsel Rankin put it this way:

The Chief Justice and I finally came to the conclusion, after looking at this report, that we might have to come back to you and ask for some investigative help, too, to examine special situations, because we might not get all we needed by just going back to the FBI and other agencies because the report has so many loopholes in it. Anybody can look at it and see that it just doesn't seem like they're looking for things that this Commission has to look for in order to get the answers that it wants and it's entitled to. We thought we might reserve the question, but we thought we might need some investigative staff. (134)

(123) Rankin went on to say that the main reason they might need an independent staff of investigators was that there would be some areas that the Commission had to deal with that were "tender spots" for the FBI. (135) As will become apparent, the Commission did not go much beyond the agencies in investigating the anticipated "tender spots."

(124) The Commission had finally gotten in touch with the CIA. The Agency had told them, as reported by Warren, that it did not have a big report to make, but did have some "communications" to present to the Commission. (136) They would do this when Rankin let them know that the Commission was ready. Dulles said that the CIA had

not seen the FBI report and that it would really help them in its work if it had access to it. (137) He also suggested that the CIA could be very helpful in certain areas, such as Oswald's sojourn in the Soviet Union, where it had expertise. (138) Essentially the Commission would have to evaluate the CIA's evidence on that matter and would have to get the FBI's information to the CIA. This problem led to a general discussion of the relationship between the various Government agencies. The following exchange occurred:

Mr. DULLES. We can expedite the CIA report, I know, because I can give them, or the FBI can pass to them these exhibits about Oswald being in Russia. This is going to be a pretty key business, the analysis of those reports.

CHAIRMAN. Haven't the CIA any contact with the FBI?

Mr. DULLES. I don't think they'll do it because the FBI has no authority to pass these reports to anyone else without this Commission's approval.

Mr. McCLOY. The CIA knows everything about it. I don't know how they know it but John McCone knows everything.

Mr. DULLES. He has not seen the reports because I've checked with people yesterday at great length. I have no authority to give it to them and he has not seen the exhibits that we now have, that describe Oswald while he was in Russia.

CHAIRMAN. I see no reason why we should not give John McCone a copy of this report and let him see it. He can see mine if he wants to. . . .

Mr. DULLES. I can make mine available. I wouldn't want to do it without approval of this Commission.

Senator RUSSELL. I have never been able to understand why it is that every agency acts like it's the sole agency in the Government. There is very little interchange of information between the departments in the United States Government. The entire view is that they are a separate closed department, and there is not interchange of information. (139)

(125) The problem of a lack of communication and cooperation between the parts of the Federal investigative bureaucracy bothered the Commission. At one point Chief Justice Warren suggested:

*** perhaps we ought to have a thorough investigation *** as to the relationship between the FBI and the Secret Service and the CIA in connection, not only with this matter, but in matters of this kind so that we can do something worthwhile in the future. (140)

(126) Such a thorough investigation was never done. The Commission eventually asked the various agencies for recommendations on how to improve communications among them so as to protect the President better in the future. (141)

(127) The problem of trying to investigate areas that were "tender spots" with the agencies was brought dramatically to the Commission's attention on January 22, 1964. On that day, Chief Justice Warren had called a special meeting to advise the Commission that Texas Attorney General Waggoner Carr had information that Lee Harvey

Oswald may have been an informant for the FBI. No more tenderer spot would ever come to the Commission's attention.

(128) General Counsel Rankin first explained the allegation to the Commission. They then speculated about what mission the FBI could have been using Oswald for. (142) The discussion then turned to the implications of the allegation. The pressure that the Commission was under to come out in support of the FBI's conclusions, coupled with the implications of this allegation, stunned the Commission:

Mr. RANKIN. I thought first you should know about it. Second, there is this defector to that is somewhat an issue in this case, and I suppose you are all aware of it. That is that the FBI is very explicit that Oswald is the assassin or was the the assassin, and they are very explicit that there was no conspiracy, and they are also saying in the same place that they are continuing their investigation. Now in my experience of almost 9 years, in the first place it is hard to get them to say when you think you have got a case tight enough to convict somebody, that that is the person that committed the crime. In my experience with the FBI they don't do that. They claim that they don't evaluate, and it is uniform prior experience that they don't do that. Second, they have not run out of all kinds of leads in Mexico or in Russia and so forth which they could probably * * * they haven't run out all the leads on the information and they could probably say—that isn't our business. * * * But they are concluding that there can't be a conspiracy without those being run out. Now that is not (normal) from my experience with the FBI * * *. Why are they so eager to make both of those conclusions * * * the original report and their experimental report, which is such a departure. Now that is just circumstantial evidence, and it doesn't prove anything about this, but it raises questions. We have to try to find out what they haven't said that would give any support to the story, and report it to you * * *.

When the Chief Justice and I were just briefly reflecting on this we said if that was true and it ever came out and could be established, then you would have people think that there was a conspiracy to accomplish this assassination that nothing the Commission did or anybody could dissipate.

Representative Boggs. You are so right.

Mr. DULLES. Oh, terrible.

Representative Boggs. Its implications of this are fantastic, don't you think so?

Chairman. Terrific.

Mr. RANKIN. To have anybody admit to it, even if it was the fact, I am sure that there wouldn't at this point be anything to prove it.

Mr. DULLES. Lee, if this were true, why would it be particularly in their interest—I could see it would be in their interest to get rid of this man but why would it be in their interest to say he is clearly the only guilty one? I mean I don't see that argument that you raise particularly shows an interest * * *.

Mr. RANKIN. They would like to have us fold up and quit. Representative BOGGS. This closes the case, you see. Don't you see?

Mr. DULLES. Yes, I see that.

Mr. RANKIN. They found the man. There is nothing more to do. The Commission supports their conclusions, and we can go on home and that is the end of it.

Mr. DULLES. But that puts the burden right on them. If he was not the killer, and they employed him, they are already it, you see. So your argument is correct if they are sure that this is going to close the case, but if it don't close the case, they are worse off than ever by doing this.

Representative BOGGS. Yes, I would think so. And of course, we are all even gaining in the realm of speculation I don't even like to see this being taken down.

Mr. DULLES. Yes. I think this record ought to be destroyed. Do you think we need a record of this? (143)

(129) On January 24, 1964, Texas Attorney General Waggoner Carr, Dallas County District Attorney Wade and Assistant District Attorney William Alexander flew to Washington, D.C., to meet with General Counsel Rankin and Chief Justice Warren. (144) At this meeting, the Texans set out the basis of the informant allegations.

(130) On January 27, 1964, the Commission met to decide how to deal with the rumor that Oswald had been an FBI informant. The first method discussed was asking the Attorney General to check into the rumor. Rankin reported that the officials at the Justice Department were reluctant to take that approach:

* * * it is the feeling of the department, not the Attorney General because he is not there, but Mr. Katzenbach, and Mr. Miller, the Assistant Attorney General in charge of the criminal division, that such a request might be embarrassing, and at least would be difficult for the Attorney General, and might, if urged while we would get the information we desired, make very much more difficult for him to carry on the work of the Department for the balance of his term. (145)

(131) Rankin next suggested that he talk to J. Edgar Hoover, Director of the FBI. He would explain that the Commission desired to put the rumor to rest. (146) He would inform the Director that a statement from him would not be sufficient and that the Commission desired "whatever records and materials they have that it just couldn't be true." (147) Rankin would also seek Hoover's permission to do an independent investigation should that prove necessary in putting the rumor to rest. (148) Rankin said:

We do have a dirty rumor that is very bad for the Commission, the problem and it is very damaging to the agencies that are involved in it and it must be wiped out insofar as it is possible to do so * * *. (149)

(132) Chief Justice Warren was not completely happy with this approach. (150) He saw that they had a choice between investigating the rumor and then approaching the Bureau, or just letting the

Bureau handle it. He reported that he and Rankin had argued about the approach and that Rankin had thought it "the better part of cooperation" to ask the FBI first. (151) Warren said that he rather dislikes the idea of going to them without investigating the rumor first. (152) Senator Russell was worried that if a statement was elicited from the FBI before an investigation, then a subsequent investigation would appear to be an attempt to impeach the FBI. (153) Representative Boggs echoed Russell's concern when he said:

If you get a statement from responsible officials in that agency and then you say, "Well, we are not going to take this statement on face value, we are going to go behind it," this could become a matter of grave embarrassment to everybody. (154)

(153) The discussion then turned to the problem of proving or disproving the rumor, as well as how to approach the problem:

Senator RUSSELL. If Oswald never had assassinated the President or at least been charged with assassinating the President and had been in the employ of the FBI and somebody had gone to the FBI they would have denied he was an agent.

Mr. DULLES. Oh, yes.

Senator RUSSELL. They would be the first to deny it. Your agents would have done the same thing.

Mr. DULLES. Exactly * * *.

Senator COOPER. If you have these people up (from Texas) and examine them the FBI will know that.

Mr. RANKIN. They already know about this apparently * * * I just don't think that they (the Texas officials) are going to come out and say they fabricated this, if it is a fabrication. It is too serious for that.

Representative BOGGS. Of course, we get ourselves into a real box. You have got to do everything on Earth to establish the facts one way or the other. And without doing that, why everything concerned, including everyone of us is doing a very grave disservice * * *.

Senator COOPER. * * * before you asked Mr. Hoover you present us with all the proof to the contrary, because as you say, if he presents all this proof to the contrary, then the situation changes a little bit. It would appear to him that you are trying to impeach his testimony * * *.

Mr. McCLOY. Do we have a statement from Mr. Hoover that this man was not an agent? Was that communicated in the record?

Mr. RANKIN. Yes * * *.

Mr. McCLOY. I would like to examine again this relationship between the Department of Justice and the FBI. Just who would it be embarrassing for the Attorney General of the United States to inquire of one of his agencies whether or not this man who was alleged to have killed the President of the United States, was an agent. Does the embarrassment supersede the importance of getting the best evidence in a situation as this?

Mr. RANKIN. Well, I think it is a question of whether we have to put him into that position in order to get the job done, because there is, in my opinion, not any question but what there will be more friction, more difficulty with his carrying out his responsibilities, and I think we have a very real problem in this Commission in that if we have meetings all the time and they know what it is about * * * and we are meeting rather rapidly here in the last few days, and they can guess probably what it is about, certainly after the meeting with the Texas people * * *.

Senator COOPER. * * * In view of all the rumors and statements that have been made not only here but abroad, I think to ask the President's brother, the dead President, to do this, it wouldn't have any backing in it. It would have no substance in his purpose but some crazy people would translate it from his official position to a personal position. It may sound far-fetched but he would be implying as a person that something was wrong. You can't overlook any implications.

Mr. McCLOY. I think that would perhaps be an element in the thing, but it still wouldn't divert me from asking this man who happens to be the Attorney General whose sworn duty is to enforce justice, to ask him just what is within his knowledge in regard to such a serious thing as this. It is [an] awkward affair. But as you said the other day, truth is our only client * * * I think we may have to make this first step, that the Senator speaks about, but I don't think that we could recognize that any door is closed to us, unless the President closes it to us, and in the search for truth * * *.

Mr. RANKIN. I don't see how the country is ever going to be willing to accept it if we don't satisfy them on this particular issue, not only with them but the CIA and every other agency * * *.

Mr. DULLES. Since this has been so much out in the public, what harm would there be in talking to Hoover without waiving any right to make any investigation in the public * * *. There is a terribly hard thing to disprove, you know. How do you disprove a fellow who was not your agent? How do you disprove it?

Representative BOGGS. You could disprove it, couldn't you?

Mr. DULLES. No.

Representative BOGGS. I know, ask questions about something—

Mr. DULLES. I never knew how to disprove it.

Representative BOGGS. Did you have agents above whom you had no record whatsoever?

Mr. DULLES. The record might not be on paper. But on paper we would have hieroglyphics that only two people knew what they meant, and nobody outside of the agency would know and you could say this meant the agent and somebody else could say it meant another agent.

Representative BOGGS. Let's take a specific case; that fellow Powers was one of your men.

Mr. DULLES. Oh, yes, he was not an agent. He was an employee.

Representative Boggs. There was no problem in proving he was employed by the CIA.

Mr. DULLES. No. We had a signed contract.

Representative Boggs. Let's say Powers did not have a signed contract but was recruited by someone in CIA. The man who recruited him would know, wouldn't he?

Mr. DULLES. Yes, but he wouldn't tell.

CHAIRMAN. Wouldn't tell it under oath?

Mr. DULLES. I wouldn't think he would tell it under oath. no. * * * He ought not tell it under oath. Maybe not tell it to his own Government but wouldn't tell it any other way.

Mr. McCLOY. Wouldn't he tell it to his own chief?

Mr. DULLES. He might or might not. If he was a bad one then he wouldn't.

Representative Boggs. What you do is you make out a problem if this be true, make our problem utterly impossible because you say this rumor can't be dissipated under any circumstances.

Mr. DULLES. I don't think it can unless you believe Mr. Hoover, and so forth and so on, which probably most of the people will.

Mr. McCLOY. Allen, suppose somebody when you were head of the CIA came to you, another Government agency and said specifically, "If you will tell us," suppose the President of the United States comes to you and says, "Will you tell me, Mr. Dulles?"

Mr. DULLES. I would tell the President of the United States anything, yes; I am under his control. He is my boss. I wouldn't necessarily tell anybody else, unless the President authorized me to do it. We had that come up at times * * *.

Mr. RANKIN. If that is all that is necessary, I think we could get the President to direct anybody working for the Government to answer this question. . . .

Mr. DULLES. What I was getting at, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow. (155)

(134) Warren said he thought the problem had to be approached from both sides, it would have to be checked out with Hoover and independently (156)

(135) Dulles said that he could not imagine Hoover hiring anyone as stupid as Oswald. The following exchange then occurred:

Mr. McCLOY. I wouldn't put much confidence in the intelligence of all the agents I have run into. I have run into some awfully stupid agents.

Mr. DULLES. Not this irresponsible.

Mr. McCLOY. Well, I can't say that I have run into a fellow comparable to Oswald but I have run into some very limited mentalities both in the CIA and the FBI. [Laughter.]

CHAIRMAN. Under agents, the regular agents, I think that would be right, but they and all other agencies do employ undercover men who are of terrible character.

Mr. DULLES. Terribly bad characters.

Senator RUSSELL. Limited intelligence; even the city police departments do it.

CHAIRMAN. It takes almost that kind of a man to do a lot of this undercover work. (157)

(136) As well as worrying about putting the Oswald informant allegation to rest, the Commission worried about angering J. Edgar Hoover:

Mr. RANKIN. Would it be acceptable to go to Mr. Hoover and tell him about the situation and that we would like to go ahead and find out what we could * * *. Then if he reacts and says, "I want to show you that it couldn't be," or something like that, beforehand, what about that kind of approach?

CHAIRMAN. I don't believe we should apologize or make it look that we are in any way reticent about making any investigation that comes to the Commission. But on the other hand, I don't want to be unfriendly or unfair to him * * *.

Mr. RANKIN. What I was fearful of was the mere process will cause him to think that we are really investigating him.

CHAIRMAN. If you tell him we are going down there to do it, we are investigating him, aren't we?

Mr. RANKIN. I think it is inherent.

CHAIRMAN. If we are investigating him, we are investigating the rumor against him, we are investigating him, that is true. (158).

(137) The reason the Commission had to worry about antagonizing Hoover was that the Commission was almost totally dependent on the FBI for a large part of its investigation. This became apparent later in the meeting when several members expressed their concern over that dependence. It came up in the context of the discussion of a problem related to the informant allegation and the way to deal with the FBI. The problem was the strange circumstances that seemed to surround FBI special agent James P. Hosty:

Mr. McCLOY. What have they done? * * * I would think the time is almost overdue for us being as dependent as we are on FBI investigations, the time is almost overdue for us to have a better perspective of the FBI investigation than we now have * * *. We are so dependent upon them for our facts that it might be a useful thing to have [Allen Belmont, one of Hoover's assistants] before us, or maybe just you talk to him, for example, to follow up on Hosty.

Mr. RANKIN. Part of our difficulty in regard to it is that they have no problem. They have decided that it is Oswald who committed the assassination, they have decided that no one else is involved, they have decided * * *.

Senator RUSSELL. They have tried the case and reached a verdict on every aspect.

Representative Boggs. You have put your finger on it. (159)

(138) It was clear to the Commission at this point that they had two alternatives in light of the FBI's preconceptions and the Commission's dependence on the FBI. They could either, in Russell's words, "just accept the FBI's findings and go and write the report * * * or else we can go and try to run down some of these collateral rumors * * *." (160) There was general agreement within the Commission that they had to go beyond the FBI's word on the informant allegation. They finally voted to let Rankin approach Hoover in the manner he thought best. (161)

(139) On the same days as the above described meeting, January 27, 1964, the Warren Commission received a letter from Hoover. It said, in part:

Lee Harvey Oswald was never used by this Bureau in an informant capacity. He was never paid any money for furnishing information and he most certainly never was an informant of the Federal Bureau of Investigation. In the event you have any further questions concerning the activities of the Federal Bureau of Investigation in this case, we would appreciate being contacted directly. (162)

(140) Rankin discussed the rumor with Hoover the next day, January 28, 1964. Hoover assured him that all informants were known to FBI headquarters and that "Oswald had never been an informant of the FBI." (163)

(141) On February 6, 1964, Hoover submitted an affidavit to the Commission that stated that a search of FBI records showed that Oswald had never been an informant. (164) On February 13, 1964, Hoover sent over 10 additional affidavits from each FBI agent who had had contact with Oswald. (165) On February 27, 1964, special agent Robert Gemberling submitted an affidavit that explained the omission of special agent Hosty's name from the transcript of Oswald's notebook. (166) Assistant Director Alan Belmont testified before the Commission on May 6, 1964. J. Edgar Hoover on May 14, 1964. (167)

(142) Even though the Commission had decided that the informant allegation had to be approached from both ends, there is little indication that they pressed the investigation into the source of the allegations much beyond talking to the newspaperman who first reported them. (168) According to testimony before this committee, the Commission had the Internal Revenue Service do an audit of Oswald's income on the assumption that had he been an informant, the IRS would discover unaccounted income. (169) The Commission did not investigate Hoover or the FBI, and managed to avoid the appearance of doing so. It ended up doing what the members had agreed they could not do: Rely mainly on the FBI's denial of the allegations.

(143) The question of whether Hoover and John McCone should testify before the Commission was considered at a Commission meeting on April 30, 1964. (170) Senator Cooper insisted that it was proper to call the heads of the agencies to testify on the informant allegation. (171) It was decided to call them to testify although some Commission members were still reluctant to get involved in a confrontation with Hoover. (172) At this meeting, Rankin also expressed his satis-

faction with the CIA's and FBI's handling of the Mexico City investigation: "I think that the CIA and FBI did a remarkably good job down there for us." (173)

Attitude of the Warren Commission staff

Predisposition regarding the Agencies

(144) The testimony of Warren Commission staff members before this committee indicated that, before working on the Commission, they were in general favorably disposed to the Federal investigative agencies. Some had had prior encounters with either the FBI or the CIA. With two exceptions, they had been favorably impressed with what they had seen.

(145) Wesley Liebler testified that he had once been interviewed by an agent of the CIA:

Q. Had you prior to going to work for the Warren Commission had any prior experience with any of the Federal agencies, investigative agencies, FBI, CIA?

A. I was interviewed by a CIA agent once when I was younger.

Q. Did you form any impressions about them?

A. I was favorably impressed. (174)

Liebler indicated that, other than this, he had had no other contacts with the agencies prior to working for the Commission and that he had no predisposition toward them.

(146) Arlen Specter testified that he had had no prior contact with the CIA and no preformed opinion about the agencies:

I had had no prior contact with the Secret Service that I can recollect, or the CIA. So I really had no predisposition. I had an open mind. (175)

(147) Specter had had experience with the FBI in his capacity as an assistant district attorney in Philadelphia, prior to joining the Warren Commission staff as a junior counsel:

With respect to their capabilities, speaking for myself, I had experience with the FBI and had found them to be able investigative personnel in my prior contacts. (176)

(148) W. David Slawson testified that he was, if anything, favorably disposed toward the CIA:

* * * I don't think I had any predisposition other than the general public awareness of these agencies. I suppose I had a little bit more than the average person's knowledge about the CIA, very slightly. My recollection is that the CIA when I was in college recruited people, I mean they came on, they sent down people who would talk to students just like any other prospective employer. I don't know if they still do that or not. I knew one or two people in the class ahead of me who by all accounts went to work for the CIA and it was something I briefly considered myself. I decided to go on to graduate school and physics and I never explored the CIA thing. But they had seemed to hire high caliber people out of my college. I was favorably disposed there. (177)

(149) Norman Redlich had a skeptical attitude toward the FBI when he joined the Warren Commission staff as an assistant to J. Lee Rankin :

As a professor of constitutional law I regarded myself as a civil libertarian. I had regarded the FBI and its activities during the 1950's in the cold war period as being one which had been repressive of free speech. So I did not come to Washington with the view that the Federal Bureau of Investigation was a model that I should choose to follow. I had had no direct experience with it * * * I had no particular feeling about the CIA. (178)

(150) Burt Griffin brought a very skeptical opinion of the abilities of the FBI to the Warren Commission staff :

I had worked with the FBI for 2 years when I was an assistant U.S. attorney. I didn't have a political view of them but I frankly didn't think they were very competent. I felt then, and I still feel, that they have a great myth about their ability but that they are not capable by their investigative means of ever uncovering a serious and well planned conspiracy. They would stumble upon it. I think their investigative means themselves may be self-defeating. I never found them very creative, very imaginative.

My attitude toward them was that I thought they were honest. I didn't think in a sticky situation that I would have great faith in them. (179)

(151) Griffin's skepticism did not extend to the CIA with whom he had had no prior contact: "I guess I for one trusted them, I think." (180)

Attitude of the staff toward the investigation

(152) Whether it was because of, or in spite of, their predispositions toward the Federal investigative agencies, the Warren Commission staff members who testified before this committee believed they brought a healthy skepticism to the investigation. Norman Redlich commented on the staff's orientation toward the agencies :

* * * I would not characterize our position as being one of extreme belief or extreme disbelief. I would call it one of healthy skepticism. (181)

(153) Arlen Specter testified that the staff had to take such an attitude because some of the agencies' actions were subjects of the Warren Commission's investigation :

We were concerned about some of the agencies from the point of view that their own activities were subjects of investigation. So that was always a matter of concern. (182)

(154) W. David Slawson testified that, in spite of his predisposition toward the Central Intelligence Agency, he maintained an objective attitude toward them: "I understood immediately that part of my assignment would be to suspect everyone. So included in that would be the CIA and FBI." (183)

(155) Burt Griffin testified that Norman Redlich's political view of the FBI gave Redlich a strong desire to prove them wrong:

I think that at that point my recollection of conversations, for example, with Norman Redlich, were that he took a political view of the FBI. He saw them as a conservative agency which was determined to pin this on someone who was of a different political persuasion. I think he started out with a strong motivation along that line, to prove that they were wrong. (184)

(156) Other testimony also indicates that the staff had a strong desire to find the truth regardless of the consequences and to state that the Federal agencies were wrong if the investigation showed that. Burt Griffin testified about the desire to prove the FBI wrong:

I think that it is fair to say, and certainly reflects my feeling, and it was certainly the feeling that I had of all of my colleagues, that we were determined, if we could, to prove that the FBI was wrong, to find a conspiracy if we possibly could.

I think we thought we would be national heroes in a sense if we could find something that showed that there had been something sinister beyond what appeared to have gone on. (185)

(157) W. David Slawson testified that the staff often speculated about the possibility of finding a high-level conspiracy. He said that, if they found one, they were determined to bring the truth out:

We would sometimes speculate as to what would happen if we got firm evidence that pointed to some very high official. * * * Of course that would present a kind of frightening prospect because if the President or anyone else that high up was indeed involved they clearly were not going to allow someone like us to bring out the truth if they could stop us.

The gist of it was that no one questioned the fact that we would still have to try to bring it out and would do our best to bring out just whatever the truth was. The only question in our mind was if we came upon such evidence that was at all credible how would we be able to protect it and bring it to proper authorities. (186)

(158) Slawson testified that this speculative suspicion included people in the investigative agencies or foreign governments. He indicated that the Warren Commission staff was determined to get the truth out even if it would lead to an international incident:

When I said higher-ups I would include the people high up in the organization, the FBI and CIA too. Everybody was of course a possible suspect. (187)

* * * * *

I don't think that the American Government would have ever or would today stand by and upon proven charges that their President had been killed at the order of some other

government, would just allow it to go by. They would either insist that the people in that government be prosecuted or if they weren't I suppose we would invade. So we thought we might be triggering a war with Cuba. But again that was something that the chips would have to fall where they may. (188)

(159) At least one Warren Commission staff member had the impression that this attitude, at least as it applied to the investigative agencies, was not shared by the higher-level staff members or the Commission members. Burt Griffin testified that:

* * * there was also a concern that this investigation not be conducted in such a way as to destroy any of the investigative agencies that then existed in the Government. There was a genuine fear expressed that this could be done.

Second, that it was important to keep the confidence of the existing investigative agencies, and that if we had a staff that was conducting its own investigation, that it would generate a paranoia in the FBI and other investigative agencies which would not only perhaps be politically disadvantageous, it would be bad for the country because it might be justified but it might also be counterproductive.

I think that there was a fear that we might be undermining * * * my impression is that there was genuine discussion of this at a higher level than mine. (189)

Initial staff impressions of the Agencies

(160) The Warren Commission staff had its first contact with the FBI when it received the summary and investigative reports prepared for the Commission. In general, the initial impression of the staff was that the documents were not good. Two of the staff members who testified before this committee indicated that they got the impression that the FBI had already made up their mind about the results of the investigation. Burt Griffin said:

Q. Is it fair to say from your perceptions that the FBI and agencies of the Government at that period were convinced that Lee Harvey Oswald was a lone assassin?

A. Right. (190)

(161) W. David Slawson had much the same impression:

The FBI had prepared a thick file which to their mind disposed of the case, it seemed like. Although my own involvement was not nearly as much with the FBI as it was with the CIA, I nevertheless read the FBI file which was a good way of getting yourself introduced to the whole general case.

I think it appeared to me, as it did to many people on the staff to be a competent document. But it also was self-serving, and you could not read that and think that the FBI had ever made any mistakes or there was any serious possibility that they had.

So, we knew that particularly with the FBI, but I just assumed it was the case with anybody, it is human nature, that once having committed themselves on any statement

about what happened, they would be defensive about it and not want to admit that they were wrong, and also that they all had a strong interest in not being blamed for not having adequately protected the President. (191)

(162) Norman Redlich was not very impressed by the initial FBI documents:

I thought the FBI report was a grossly inadequate document. In fairness to the Bureau they apparently decided to produce something very quickly, but based upon what I feel I know and remember about the facts of the assassination, I think it was a grossly inadequate document. (192)

Attitude of staff during the course of the investigation

(163) Generally, the attitudes that the staff members brought to the investigation remained unchanged during the course of their work. Arlen Specter testified that:

I thought they were good before they started. I thought they sent the very best in the course of the investigation. I thought they had some very good men. I did not deal with any of the note destroyers or allegations of that. I worked with the technicians. * * * I suspected the ones we saw on the Commission were not typical of the FBI, they were really good. (193)

(164) Burt Griffin's initial impression of the FBI also remained essentially the same:

I felt that it—the FBI—is a big bureaucracy and most of the people I felt within the FBI functioned like a clerk in any other big organization, and they try to do their job and they try to not get in hot water with the boss and get egg over their face, and sometimes they have a couple of bosses, we being one and somebody else being another. (194)

(165) Griffin's trust of the CIA may have been altered somewhat by the delayed response to his request for information on Jack Ruby. (195) He said "I was skeptical but I won't go so far as to say I distrusted them." (196)

(166) Norman Redlich testified that he was generally satisfied with the work of the Federal agencies:

Once the decision was made that the investigatory arms of the Federal Government were going to be used by the Commission my overall judgment of the way that those investigatory arms performed was extremely favorable.

I believe that they were completely responsive to the requests of the Commission for investigative work. (197)

He also commented:

We came with not preconceived notion. * * * At the conclusion of the inquiry I was of the opinion that we had had the full cooperation of the agencies of the United States Government. (198)

(167) This conclusion somewhat belied Redlich's initial political view of the FBI. Realizing this, he explained:

I came with the feeling that maybe there were two FBI's. Maybe there is the FBI that works at a professional law enforcement level; that was the group I dealt with, that was the group for which I came away with a very healthy respect. Maybe there was another FBI which dealt with political matters which I had nothing to do with, and which undoubtedly accounted for my prior negative feelings about their work.

Time after time as I worked with their experts I found they were fair, cautious, and did not try to overstate the case. (199)

(168) Redlich's testimony indicated that there was at least one instance when he was dissatisfied with the FBI's response to the Commission:

I was disturbed over that [the omission of FBI Special Agent James P. Hosty's name from a transcription of the contents of Oswald's notebook provided to the Commission by the FBI]. I immediately reported it to Mr. Rankin * * * We wrote to the FBI a rather strong letter expressing our dismay about the fact that the transcript was not complete and asking an explanation for it * * * On the same day we sent the letter to the FBI there then came to us an explanation saying that the reason they had not sent it was that they were sending us only the material that would be addressed to leads and their own agent would not be a lead * * * In any event the explanation still left me annoyed over the fact that it had been left out and I remain annoyed to this day.

Q. Was it pursued further when you got a reply that they were only excepting that that they felt would be a lead?

A. I think the decision was made at the time that, while we were really not very happy with the reply, we couldn't really disprove it. That was not, as I recall, pursued beyond that point.

Q. Is it fair to say that the matter was then dropped?

A. To the best of my recollection, yes, sir. (200)

(169) Other evidence indicates that the omission of Special Agent Hosty's name from the transcript of Oswald's notebook affected the whole staff. Rankin called a staff meeting on February 11, 1964, to discuss the allegations that Oswald had been an FBI informant and the Hosty incident. A memorandum for the record prepared by Howard P. Willens on February 12, 1964, described the staff's reaction to the Hosty problem:

Some members of the staff thought that the significance of this omission was not particularly great and that no further action should be taken at this time. Most of the members of the staff, however, thought that the omission of the Hosty information was of considerable importance and could not be ignored by the Commission. There was discussion as to

the possibility of the adverse effect on the relationship with the FBI if this matter were brought to its attention. The thought was expressed that pointing this omission out to the FBI might in fact produce more accurate reports by the FBI in the future. I suggested that the group consider the possibility of addressing a letter to the FBI which would request an explanation from the Bureau regarding this matter. The majority of the members of the staff present at the meeting did agree with the proposal that something of this sort be done in the near future.

At the end of the meeting Mr. Rankin suggested that the members of the staff consider all the facts of this problem more fully. (201)

(170) Burt Griffin testified about this incident before this committee:

GRIFFIN. I recall the Hosty incident * * *

Q. What effect, if any, did that have on the relationship between the staff and the Bureau?

A. I think it established in our minds that we had to be worried about them * * * I think we never forgot the incident. We were always alert, we were concerned about the problem * * * There was a staff meeting about it, as I recall. One of the few staff meetings I have a general recollection of at this point seems to me was one that Rankin called in which we were all brought in on this, and we were all told about the problem and once it had been discovered there was a discussion about whether our discovery should be revealed to the FBI and how should we proceed with it.

Q. Would it be fair to characterize the incident then as perhaps producing a more healthy skepticism on the part of the staff and less trust of the Bureau?

A. I think that is right * * *

Q. Would it be fair to say that the incident, far from adversely affecting the quality of your investigation, may have heightened it?

A. No, I don't think that is true.

Q. If it made you more skeptical and more probing would it help the investigation?

A. No, I don't think it did. The reason I say that is that I think it basically set the standard for the kind of judgment that was going to be made about how we were going to deal with these problems, and the decision made there was that there was not going to be confrontation, they were to be given an opportunity to explain it. So the decision was really, as I recall, to go back and give them an opportunity to clean up their act rather than to carry on a secret investigation that might be designed to lay a foundation for our further impeachment of them. (202)

(171) J. Lee Rankin, the former general counsel to the Warren Commission who headed the investigation, gave his perception of the Bureau's relationship with the Commission during his testimony before the committee:

Q. How would you characterize the Commission's relations with the Federal Bureau of Investigation?

A. Well, they were fairly good at first and then as we became more critical at times and the Hosty incident came up and the question about Oswald and the Director being required to swear personally about whether Oswald had any connection with the FBI and our asking the Secret Service from time to time to investigate things the FBI had already investigated and go back over their tracks, it didn't warm up much at least on a friendly basis.

Q. Did it at any time become an adversary relationship?

A. Well, I went to see Mr. Hoover before we finally put out our report and I had known him when I had been with the Department of Justice for 6 years and always had cordial relations but he was pretty feisty when I saw him, any friendship we had had in the past was not very apparent then.

Q. Did you think at that time that you were getting the full cooperation of the Bureau?

A. Well, I thought so to this extent. I thought they would never lie about anything and that if we had any difficulty it might be that they would not bore in as hard as we would like to have them but I thought we could tell that and insist on either following it up which we did a great many times by sending them back to do it again and to do it more thoroughly, or putting the Secret Service to do it, and they resented that so much that they were a little more careful after that about trying to be more thorough and so forth. But to have them just lie to us, I never anticipated that.

The things that have happened in the Bureau in the last few years have been revealed in the press and so forth. I never thought the Bureau was capable of that. When I was with the Department of Justice I never thought they were capable of it and I didn't think agents would do such things. So I was rather sanguine about that and I don't think the country believed the FBI would do such things. (203)

(172) Recalling the climate of government in 1963 and 1964, Rankin went on to state that he then firmly believed that any information that Director Hoover and the FBI provided to the Commission was completely accurate and truthful, a belief he no longer maintains. Rankin recalled:

It was a time when I am sure all the Commissioners and I certainly believed that Mr. Hoover would not do that unless it was the truth and all of the things that have come out in these later years about Mr. Hoover and the Bureau and various personnel had not been made known to me or the public or the Commissioners so it is quite different looking at it from this day than from then. (204)

(173) Recalling FBI Director Hoover's seemingly unchallengeable power in 1964, and occasional FBI actions that irritated the Warren Commission, J. Lee Rankin told the committee, "Who could protest against what Mr. Hoover did back in those days?" (205)

(174) Rankin told of his feelings upon discovering several years ago that FBI personnel in Dallas had secretly destroyed a letter that Lee Oswald had sent to FBI Agent James Hosty shortly before the assassination, a destruction of evidence which occurred several hours after the accused assassin was shot to death by Jack Ruby. Recalling the disclosure of this incident and its coverup by FBI personnel, Rankin stated:

I think there is considerable significance. In the first place, Hosty was doing quite a bit of work on the inquiries that the Commission made and if we had known that he had destroyed any kind of materials relating to the investigation or his activities we would not have allowed him to do anything more that we knew of in connection with work for the Commission. There is an implication from that note and its destruction that there might have been more to it and that the Bureau was unwilling to investigate whatever more there was and never would get the information to us. Now that is just a guess. There is, of course, no credible proof and so we really don't know how much more there was to the incident and especially what could have been found out about it if it had been examined closely upon the event. (206)

(175) Slawson's initial predisposition toward the CIA was reinforced by his experiences on the Warren Commission staff:

Q. After working with the CIA your initial impression remains substantially the same, you thought you could trust them and rely on them?

A. Yes. I came to know one man particularly well, Rayman Rocca, and I came to like him and trust him both * * * My impression overall was very favorable of him. I thought he was very intelligent and tried in every way to be honest and helpful with me. (207)

Slawson testified that, if anything, Rocca was overzealous in trying to be helpful:

The only drawback I can think of—not really a drawback I suppose for someone in CIA—is that he was a little overly suspicious. He obviously disliked Castro immensely. He was very emotional on the subject. (208)

(176) On June 6, 1964, Slawson wrote a memo to Rankin regarding a telephone conversation that he had had with Rocca. The memorandum relates that Rocca had pointed out that a book had been published in England approximately 2 months before the assassination of President Kennedy. (209) It contained the allegation that right-wing groups in the United States were planning to kill President Kennedy. The memorandum goes on to relate:

He—Rocca—drew to my attention the fact that the publishing time of this particular book appears to have been almost exactly when Castro was supposed to have made his remark in the Cuban Embassy in Brazil * * * to the effect that "Two can play at this game." (210)

(177) When asked about this memorandum, Slawson testified that:

My only recollection at this time is that Rocca was drawing my attention to the fact that Castro might well have been involved. Of course he had presumably drawn my attention to this before but he was just doing what he did with me a lot, trying to work with me to put two and two together. (211)

(178) Slawson also testified that Rocca had informed him of the CIA's involvement with anti-Castro Cuban exiles:

My best recollection at this time is that I did in several conversations with Rocca discuss the CIA involvement in anti-Cuban activities. I was presumably told that they had been involved of course in the Bay of Pigs invasion. I remember discussing informally that involvement with a CIA operative in Mexico City. Also their involvement with anti-Castro Cuban groups in the United States. (212)

(179) Slawson said further that he considered it his job to suspect everyone, including the CIA and FBI. (213) He also testified that he was very suspicious of the anti-Castro Cuban exiles:

My theory was that perhaps, one, the anti-Castro Cubans we knew were very angry with Kennedy because they felt they had been betrayed with the Bay of Pigs. Oswald on the other hand was identified publicly with Castro, he was pro-Castro. So, we felt that if somehow the anti-Castro Cubans could have got Oswald to do it or done it themselves but framed Oswald, either way, somehow put the blame on Oswald that they would achieve two objectives that they presumably wanted. One was revenge on Kennedy and the second would be to trigger American public opinion strongly against Castro and possibly cause an invasion of Cuba and overthrow of Castro, and of course these people would be able to go back to their homes in Cuba and not have to live under the Castro government. As I say, this made a lot of sense to me and I think it was a hypothesis held in mind for quite a while to see if the facts would fit it. Ultimately they didn't. (214)

(180) When asked whether he had ever questioned the reliability of the information he received from the CIA because of its involvement with the anti-Castro Cubans, or Rocca's bias against Castro, Slawson responded:

No. In a sense everything I tried to take into consideration, so everything was a cause for questioning. But in terms of coming to a conclusion in my own mind about the reliability of the information supplied us, no, I concluded that Rocca's strong anti-Castro feeling did not bias or did not prevent him from being an honest investigator. I think he was and I am still convinced that he was. On the other hand of course it affected his judgment. (215)

(181) When asked whether he had ever considered the possibility of CIA involvement as part of his anti-Castro Cuban theory, Slawson responded:

No. I don't think that I entertained very long the possibility that Rocca or anybody else I had known in the CIA was involved in anyway in killing Kennedy * * *. The possibility that the anti-Castro Cubans contained people who were ruthless or desperate enough to kill Kennedy in order to serve their own end I felt was a very real one. Apparently from all I knew they contained a lot of desperate ruthless people. I did not have that feeling about the CIA. Now I tried to keep an open mind so that any place I came upon evidence that would point toward somebody I would investigate it and that included the CIA as a possible nest of assassins.

My judgment of their character and so forth was far different I think from the judgment I made of the anti-Castro Cuban conspiracy groups in the United States. (216)

(182) Slawson also testified before this committee that he was not aware of the CIA attempts to kill Castro (217) that the CIA had plotted with underworld figures to assassinate Castro from 1960 to 1963. He was also not aware that the CIA was plotting, at the time of Kennedy's assassination in 1963, with an official in the Cuban Government to assassinate Castro.

Dependence on the agencies: staff views

(183) Slawson testified that the Warren Commission was "inescapably dependent upon the CIA especially for some aspects of the investigation." (218) While this bothered him somewhat, there was nothing that could be done about it:

There is really no way I can imagine and certainly there is no way at the time I could imagine that anyone could carry on an investigation of foreign intelligence operations other than through the CIA. That simply is the body of expert opinion on that sort of thing and capability that exists in the United States. So, if a major suspect is the CIA itself * * * an investigation like the Warren Commission would find it very, very difficult to ascertain that. That is just inevitable. This I think occurred to me at the time, too, but there wasn't much that could be done about it. (219)

(184) Slawson said that the staff tried to overcome this dependence as best it could:

We would talk about how we might escape from the dependency * * *. One was occasionally hiring an outside expert to give an independent evaluation or assessment or something * * *. Second was cross-checking the papers passed back and forth between jurisdictions. The third would be just keeping an eye and ear out for any odd bits of information that would come in not through the agencies. (220)

(185) Liebeler testified before this committee that he did not believe the Warren Commission was dependent on the agencies:

I never had the feeling that we relied on the Government agencies for our information. When we started with a bunch of FBI files, but we reviewed those so that we could conduct

our own investigation. We did take the testimony of many, many witnesses. We had the reports of the examination of the physical evidence verified by outside sources, we did not rely on the FBI. So as to the basic facts of what happened in Dallas on that day not only did we not rely on the FBI work but the fact is that the Commission came to assume somewhat different conclusions than the FBI came to.

There was a preliminary FBI report that solved the problem as to what happened. Our conclusions were somewhat different from that. I don't think we relied on the FBI to the extent that people think we did. (221)

(186) Redlich testified that "The Commission used as its principal investigatory arm the Federal Bureau of Investigation." (222)

(187) James Malley, who served as the FBI's liaison to the Warren Commission, recalled that the amount of assistance being rendered to the Commission declined during the latter stage of the investigation:

The majority of reports that were being sent to the Warren Commission, after probably the middle of the summer, 1964, was rather innocuous reports of miscellaneous allegations and so on that were continuing to come in. (223)

B. ATTITUDE OF THE FBI AND THE CIA TOWARD THE WARREN COMMISSION

General attitude

The FBI

(188) Once the Warren Commission was created,* J. Edgar Hoover, the Director of the FBI, accepted his responsibility to respond to the Commission's requests for information or investigations. Hoover designated Inspector James J. Malley as liaison with the Commission. Hoover also informed Assistant Director Alan Belmont that he would be "personally responsible for every piece of paper that went to the Warren Commission." (225) During the course of the Warren Commission's existence, Belmont briefed Hoover daily on the various aspects of the Commission's work. (226)

(190) The evidence indicates that Hoover viewed the Warren Commission more as an adversary than a partner in a search for the facts of the assassination. Hoover often expressed his belief that the Commission was "seeking to criticize the FBI." (227) According to a former assistant director of the FBI, Hoover was afraid that the Commission would discover gaps in the FBI's investigation:

Hoover did not want the Warren Commission to conduct an exhaustive investigation for fear that it would discover important and relevant facts that we in the FBI had not discovered in our investigation, therefore, it would be greatly embarrassing to him and damaging to his career and the FBI as a whole. (228)

*The FBI's response to the assassination and the creation of the Warren Commission is detailed in another section of this report. (224) The discussion here focuses on its attitude after the Commission was set up.

(191) The committee's investigation indicated that Hoover's fears were not entirely unfounded. It had evidence suggesting that Hoover was receiving reports on the Commission's activities from one of the Commission members.

* * * Our President (Gerald R. Ford) was one of our (FBI) members of the Congressional stable when he was in Congress. It is to him and others we would go when we want Congressional support for anything or when we want special favors handled, and, of course, we were always willing to reciprocate. All right, he became a member of the Warren Commission and he was "our man" on the Warren Commission and it was to him that we looked to protect our interest and keep us fully advised of any development that we would not like, that mitigated against us, and he did. All this I know. (229)

(192) Hoover's fears evidently led him to attempt to limit the Warren Commission's investigation:

(Hoover) did show marked interest in limiting the scope or circumventing the scope of (the Warren Commission investigation) and taking action that might result in neutralizing it. (230)

(194) According to Sullivan, Hoover's principal method in attempting to limit the Warren Commission's investigation was leaking information to the press:

The main action * * * was to leak to the press the FBI investigation believing that this would tend to satisfy everybody and perhaps the authorities would conclude that an investigation of great depth and scope would not be necessary. (231)

(195) Hoover also circumvented an independent investigation of a specific allegation by the Warren Commission by another means:

* * * this then is how the FBI reacts to this allegation before the Commission began investigating it. Hoover covered himself by starting an "investigation" of the reports that Oswald had been an FBI informant, attempting to discredit the sources, and he made it clear to the Commission that he would prefer, thank you, to be approached directly in the unlikely event that any question remained. (232)

(196) James Malley, the FBI official assigned by Director Hoover to serve as liaison to the Warren Commission, told the committee that he was not aware of any negative feelings Hoover had toward the Commission:

I could only give you my reaction when I was called into his office after I returned from Dallas and what he told me that time. There was certainly no criticism. I was told that the Warren Commission had been established. I was the liaison representative, and he wanted full and complete cooperation with them and no information whatsoever withheld from them. Give them everything. (233)

(197) Malley described the FBI's relationship with the Warren Commission as:

Strictly a business relationship. No friendliness, no unfriendliness. Just strictly, you have your work to do, we have ours. If we want something from you, we will call you and ask for it. If we want further explanations, we will get them from you. There was never any animosity shown, that I am aware of. (234)

(198) Malley further stated that he had:

No knowledge of what Mr. Sullivan was talking about when he says the Director was opposed to the creation (of the Commission) and so on * * *. And I never personally heard him object to the Warren Commission in any way, shape, or form. (235)

(199) Malley further stated that he would not necessarily trust any statements that former assistant FBI director William Sullivan made about the assassination investigation and Director Hoover's role in it. (236) Speaking of Sullivan, the man in charge of the FBI's investigation into the question of a possible conspiracy, as well as Lee Oswald's background and association, Malley stated, "I would not trust him." (237) Malley told the committee that he believed that former Assistant Director Sullivan, who died in 1977, might lie about the Bureau's work on the assassination investigation, portraying it in a false light or negative fashion. (238) Malley suggested that Sullivan may have fabricated various recollections about the assassination investigation and Hoover's direction of it and further stated that he believed Sullivan was capable of committing perjury about these matters. (239) Malley stated that he would "not necessarily" believe any Sullivan statements made under oath. (240)

(200) Hoover's fear of criticism also lead, in at least one instance, to a divergence between the Bureau's public statements, including those to the Warren Commission, and the beliefs of their own officials:

The Bureau by letter to the Commission indicated that the facts did not warrant placing a stop on (Oswald's) passport as our investigation disclosed no evidence that Oswald was acting under the instructions or on behalf of any foreign government or instrumentality thereof. Inspector feels it was proper at that time to take this "public" position. However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time. (241)

(201) Former Attorney General Katzenbach stated that FBI Director Hoover refused to send a Bureau official to the first meeting of the Warren Commission, despite Katzenbach's specific request that an official accompany him. Katzenbach testified that this placed him in a position where he could not competently brief the Commission on the continuing FBI investigation, since he was not familiar with its course: He testified:

This is the kind of thing you get from Belmont to Tolson, Hoover, knowing Hoover's opposition to the Commission, not really wanting to have anything to do with it and also thinking it fairly funny having me sitting over there and not knowing what was going on.

The reason I wanted the Bureau there was I wanted somebody telling me what was going on. I did not know. (242)

(202) Katzenbach recalled that Director Hoover and his senior aides were then the only men in the Government who were truly familiar with the investigation of the President's death:

Nobody else knew. I did not know what was going on. Nobody in the Government knew what was going on other than very short conclusionary statements which you got from liaison people, from the director himself.

I did not know who they were interviewing or why they were interviewing, what they uncovered. (243)

(203) Former Attorney General Katzenbach told the committee he believed the FBI would have been deeply troubled if it had come across evidence about the assassination that contradicted the Bureau's initial conclusions about Lee Harvey Oswald being a lone assassin:

I would have thought they would have no particular problems in running down a lot of alleys they had not run down if it did not develop any information that was flatly contrary to their conclusions. (244)

The former Attorney General stated, however, that had the FBI come across evidence that clearly contradicted its official conclusions about President Kennedy's murder, he would not be completely sure what would have happened to such evidence:

What would have happened if they came across that kind of information, God only knows. What the reverberations of that in the FBI would have been, again, speaking of the FBI talking about minor embarrassment—in really uncovering something that would have changed some result they had reported, God only knows.

I think people's heads would have rolled and they would have swallowed hard and done it. I think my view at the time would have been that in a matter as important as the assassination of a President, I think the Bureau would have swallowed and taken it and found some graceful way out. Explaining why they had come to the wrong conclusion would have been a fairly high-powered neutron bomb in the Bureau, questioning any basic conclusion that they had come to. (245)

(204) Rankin similarly stated that he would be apprehensive about how Hoover and the FBI would have reacted had they found concrete evidence that disproved their earlier conclusions about the assassination:

* * * if they had found something like that. I am sure that if we had received it, it would be only after Mr. Hoover had examined it carefully himself and didn't dare withhold it

from us. Now that is looking from now rather than at the time that we didn't think he would deliberately lie. (246)

The CIA

(205) At one level, it appears that the CIA's relationship with the Warren Commission was exemplary. At another, that relationship was questionable. Dulles suggested on December 11, 1963, that the CIA would be very useful to the Commission in areas in which the Agency had expertise, such as Oswald's sojourn in the Soviet Union. (247) The Commission did use the CIA in this manner. Most of the Commission's requests for information from the CIA dealt with the Soviet Union or Oswald's activities while he was outside the United States. (248)

(206) The CIA's initial investigation, which was completed in December 1963, was conducted by an officer from the CIA's Western Hemisphere Division. (249) When the Warren Commission requested information after that, James Angleton, Chief of the Counterintelligence staff, asked that his unit be given responsibility for further research and investigation. (250) Richard Helms, Deputy Director of Plans, granted Angleton's request. (251) Angleton designated one of his subordinates, Raymond Rocca, the "point of record" for coordinating research for the Commission. (252)

(207) Rocca and the three other CIA staff members who worked with him on this task were experts in Soviet affairs. (253) The Church committee, which reviewed this group's work, had concluded:

The CIA staff exhaustively analyzed the significance of Oswald's activities in the Soviet Union, but there was no corresponding CIA analysis of the significance of Oswald's contacts with pro-Castro and anti-Castro groups in the United States * * *. All of the evidence reviewed by this committee suggests that these investigators conducted a thorough, professional investigation and analysis of the information they had. (254)

(208) The evidence suggests that the internal structure of the CIA may have prevented, or at least impaired, its ability to be of the utmost help to the Warren Commission. The Commission staff's contact with the CIA was primarily through Richard Helms. It was also in contact with Thomas Karamessines, Helms' assistant, and with the "point of record" officer.

(209) In his appearance before the committee, Richard Helms stated that as a general rule the CIA waited to receive a specific inquiry from the Warren Commission before they would pass information on. (255) Helms recalled the Agency's relationship with the Commission in this way:

Mr. HELMS. At the time that the Warren Commission was formed, the agency did everything in its power to cooperate with the Warren Commission and with the FBI, the FBI having the lead in the investigation. It was the agency's feeling that since this tragedy had taken place in the United States, that the FBI and the Department of Justice would obviously have the leading edge in conducting the investigation, and

that the agency would cooperate with them in every way it was possible, and the same applied to the Warren Commission. (256)

(210) Helms, though the main contact with the Commission, apparently did not inform it of the CIA plots to assassinate Castro because he did not think they were relevant to the Commission's work and he was not asked about them. (257) There is also an indication that his testimony before the Commission was misleading. (258)

(211) Generally, the evidence seems to indicate that the CIA was reluctant or unable, due to internal structuring, to provide the Commission with certain information. There are also indications that the Commission did not ask the right questions. Further, most of the contact with the Agency, other than that through Helms, was through the "point of record" officer who, although he was aware of the CIA's involvement with anti-Castro Cubans, did not know about the CIA's assassination plots against Castro. At the same time, people within the Agency who knew of the plots, such as members of the branch responsible for Cuban affairs, the Special Affairs staff, knew of the plots but were never in contact with the Warren Commission. (259)

(212) One example of the Warren Commission's not asking the right questions can be found in Helm's testimony before the Church committee. (260) Another is the fact that out of the 36 requests for information to the CIA on file at the National Archives, only one, the Ruby request, concerned Cuba directly. (261)

(213) In summary, the CIA acted in an exemplary manner in dealing with the Warren Commission regarding its narrow requests for information. In another area, that of Cuban involvement and operations, the CIA's actions might well be described as reluctant.

(214) In his testimony before the committee, Richard Helms stated that he believed the CIA had done as much as possible to assist the Commission: (262)

I thought we made a major effort to be as cooperative and prompt and helpful as possible. But in recent years I have been through enough to recognize that you can't make a flat statement against anything, so I don't know. Maybe there were some places where it wasn't as prompt as it should have been. But I am not in a position to identify them. (263)

(215) Later in his testimony, Helms again noted that he had * * * learned in recent years that one must never make a flat statement about anything, so there may have been certain cases in which they did not get information promptly. But I believe our effort was to give it to them as promptly as possible. (264)

Examples of attitudes and relationships

Introduction

(216) The evidence indicates that the Warren Commission was almost totally dependent on the Federal investigative agencies for the facts and their primary analysis. (265) The evidence also indicates that the FBI viewed the Warren Commission as an adversary and the CIA dealt with the Commission with reservations. In instances where

the agencies supplied the Warren Commission with information, followup investigation was often requested. In at least one instance, this followup investigation was not done to the satisfaction of the Commission staff. There are indications in at least two instances there may have been unreasonable delay on the part of the agencies in meeting the Warren Commission's requests. There is also an indication that a senior CIA official may have given misleading testimony.

(217) If the agencies did not supply the facts in the first instance, or if the facts did not come to the Warren Commission's attention independently, then no followup was possible. The evidence indicates that facts which may have been relevant to, and would have substantially affected, the Warren Commission's investigation were not provided by the agencies. Hence, the Warren Commission's findings may have been formulated without all of the relevant information.

Inadequate followup—Odio-Hall incident

(218) As the Warren Commission was nearing the end of its investigation, there were some areas which it believed had not been investigated to its satisfaction. One of these was the testimony of Mrs. Sylvia Odio. She had stated before the Commission that a "Leon Oswald" had visited her on, or around, September 25, 1963, in Dallas. On August 28, 1964, Rankin wrote to Hoover requesting further investigation into Odio's story. The letter said, in part:

It is a matter of some importance to the Commission that Mrs. Odio's allegations either be proved or disproved. * * *

In view of our time schedule we would appreciate receiving a report as soon as possible. (266).

(219) On September 21, 1964, 3 days before the Warren report was delivered to President Lyndon B. Johnson, Hoover sent Rankin a reply to the August 28, 1964, letter. It reported that the FBI had located Loran Eugene Hall on September 16, 1964, at Johnsondale, Calif., and that Hall had said he visited Odio in September 1963, accompanied by a William Seymour and a Lawrence Howard. The letter went on to say.

Hall stated that William Seymour is similar in appearance to Lee Harvey Oswald and that Seymour speaks only a few words of Spanish. In connection with the revelations of Hall, you will note that the name Loran Hall bears some phonetic resemblance to the name Leon Oswald. (267)

The letter related that the FBI was continuing its investigation into this matter and hoped to obtain a photograph of Hall to show Odio. Hoover promised to report any other developments promptly.

(220) The Warren report, issued 3 days after it received the above-mentioned letter, said:

On September 16, 1964, the FBI located Loran Eugene Hall in Johnsondale, Calif. Hall has been identified as a participant in numerous anti-Castro activities. He told the FBI that in September of 1963 he was in Dallas, soliciting aid in connection with anti-Castro activities. He said he had visited Mrs. Odio. He was accompanied by Lawrence Howard, a Mexican-American from East Los Angeles, and one William

Seymour from Arizona. He stated that Seymour is similar in appearance to Lee Harvey Oswald; he speaks only a few words of Spanish, as Mrs. Odio testified one of the men, who visited her, did. While the FBI had not yet completed its investigation into this matter at the time the report went to press, the Commission has concluded that Lee Harvey Oswald was not at Mrs. Odio's apartment in September of 1963. (268).

(221) This committee found no evidence to indicate that the FBI continued its investigation of this incident after the Warren report was issued. This incident has remained controversial because of occurrences between September 16, when Hall was first interviewed by the FBI, and September 21, when Hoover reported the results to Rankin. On September 18, 1964, the FBI interviewed William Seymour. He denied having ever visited Odio. On September 20, 1964, the FBI interviewed Lawrence Howard, who also denied having ever visited Odio.

(222) On that day, a Sunday, Loran Hall was reinterviewed; he recanted his original story. Hall had first been interviewed on September 16, 1964, by FBI Special Agent Leon Brown. Brown was then stationed at the Bakerfield, Calif., resident agency of the FBI. He received his work assignments, and reported to, the Los Angeles FBI field office. (269) Brown testified before this committee that he had no specific recollection of the interviews of Loran Hall. (270) He also said that he had no specific memory of the events leading up to those interviews. (271) He assumed they would have been a matter of routine assignment:

I am guessing and I have to suppose that this is the way it must have happened, that I received a phone call from my Los Angeles office and probably from the supervisor who handled the case, this particular case, in the Los Angeles office at that time. (272)

Brown testified that he would have been given the background information for the interview during this phone call. (273)

(223) The interview report shows that the report was dictated on Thursday, September 17, 1964. Brown testified that, even though he had no independent recollection of these events, he assumed he had dictated the report on that date and sent the dictabelt to the Los Angeles office for transcription. (274) The report was typed on September 23, 1964. This would be in line with what Brown testified were Bureau procedures: an interview report had to be typed within 5 working days after the date of the interview. (275)

(224) Brown reinterviewed Loran Hall on Sunday, September 20, 1964. He thought the reason for the second interview was to get a picture of Hall. (276) He testified that he had taken a picture of Hall on the 16th, but that it had not turned out. (277) He did not recall any instructions he received to perform the second interview, but he thought the reason was probably to obtain a photograph. (278) Brown also testified that he had no independent recollection that Hall told him two different stories at the two interviews: (279) He said:

Had I not seen [the interview reports], I think that I would have been able to tell you that I drove to Kernville [Hall's residence] one day back in 1964 and interviewed somebody in connection with the assassination, and then again went back the next day or two to get a picture, which failed to come out; and that was it. (280)

(225) Brown's second interview of Loran Hall was on September 20, 1964. The report shows that it was dictated on September 21, 1964. Brown testified that he assumed that the dictabelt would have been sent to the Los Angeles office on that day (281) This report was also typed September 23, 1964. Brown could not explain why this report was expedited or why the first one was not typed until the same day or the second one:

The only thing that comes to my mind is that they may have been trying to get everything transcribed to complete an investigative report * * *. There may have been some urgency to get the report, investigative report, put together and in the mail. (282)

(226) This committee tried, but was unsuccessful, to determine the circumstances leading up to the interviews of Loran Eugene Hall and the transmittal of the results of those interviews to the Warren Commission by way of FBI headquarters in Washington, D.C.

(227) Liebeler was the Warren Commission staff attorney responsible for the investigation of Odio's allegations. He testified before this committee that there was only one area of the Commission's investigation that he was not satisfied with:

Q. The Sylvia Odio incident was never resolved to your satisfaction, was it?

A. No, not really. (283)

Unreasonable delays

(228) *The Ruby information request.* On February 24, 1964, Hubert and Griffin, two Warren Commission staff lawyers, wrote a memorandum entitled "Jack Ruby—Background, Friends, and other Pertinent Information." This memorandum was directed to Richard Helms, Deputy Director for Plans, Central Intelligence Agency. A draft cover letter said, in part:

I would appreciate your forwarding to this Commission copies of all records in your files which contain information about Jack Ruby or the persons mentioned in part C of the enclosed memorandum. (284)

Some of the people included in part C of the memorandum were Eva Grant, Earl Ruby, Ralph Paul, George Senator, Barney Baker, H. L. Hunt, Lamar Hunt, Louis J. McWillie, and Barney Ross.

(229) The cover letter was not sent. The routing slip attached to the cover letter explains:

This letter and the memorandum prepared by Messrs. Hubert and Griffin was not sent. The memorandum was delivered by hand to representative of CIA at a meeting on March 12, 1964. (285)

(230) The routing slip was dated March 14, 1964, and was initialed by Howard P. Willens. Judge Griffin, in his testimony before this committee, said that he had no idea why there was a 3-week delay in transmitting the memorandum to the CIA. (286)

(231) A CIA internal memorandum for the record memorializes the March 12, 1964, meeting between the CIA and Warren Commission staff. It records the transmittal of the Hubert and Griffin memorandum on Ruby:

The Commission, Mr. Rankin said, would be interested in any information held by the CIA on Jack Ruby. Mr. Rankin said the Commission staff had prepared a roundup on Ruby, a copy of which he handed to Mr. Helms. He said he would appreciate any file reflections or comments that CIA analysts might make on this material. Mr. Rankin and members of his staff then discussed Ruby's confirmed trip to Havana in 1959. The Commission has received information from an unspecified source that Ruby was in Havana again in 1963 under a Czech passport. Mr. Rankin asked whether CIA could provide any assistance in verifying this story. Mr. Helms replied that CIA would be limited in its possibility of assisting, [deleted]. (287)

(232) On March 19, 1964, Rankin sent a letter, drafted by Willens, to Helms. It reminded Helms of the memorandum on Ruby that had been handed to him on March 12, 1964. It went on to say:

At that time we requested that you review this memorandum and submit to the Commission any information contained in your files regarding matters covered in the memorandum, as well as any other analysis by your representatives which you believed might be useful to the Commission.

As you know, this Commission is nearing the end of its investigation. We would appreciate hearing from you as soon as possible whether you are in a position to comply with this request in the near future. (288)

(233) This committee's examination of the Warren Commission records in the National Archives reveals no further written communication on the subject until September 15, 1964. Then, 9 days before the Warren report was submitted to President Johnson, the Commission received a memorandum on the Ruby request. It was written by Helms' assistant, Thomas H. Karamessines and referenced the May 19, 1964, letter from Rankin to Helms. Karamessines' memorandum said, in part:

This memorandum will confirm our earlier statement to the Commission to the effect that an examination of Central Intelligence Agency files has produced no information of Jack Ruby or his activities. The Central Intelligence Agency has no indication that Ruby and Lee Harvey Oswald were associated, or might have been connected in any manner.

The records of this Agency were reviewed for information about the relatives, friends, and associates of Ruby named in your summary of his background. Our records do not reflect any information pertaining to these persons. (289)

(234) There is some indication that the CIA notified the Warren Commission orally of this prior to the time of the above-quoted memorandum. An early draft of the Warren report chapter on conspiracy, which was written before September 1964, said: "The CIA has no information suggesting that Jack Ruby was involved in any type of Cuban or other foreign conspiracy." (290)

Judge Griffin concluded from this that :

* * * we had received oral communications from the CIA telling us that they had no information and that we ultimately insisted on their putting their oral communications to us in writing. That, I believe, is why the CIA letter came so late. (291)

(235) CIA item 250, dated March 5, 1964. On November 23, 1963, the CIA sent three reports and supporting documents to the Secret Service. (292) The Warren Commission first learned of these reports on January 8, 1964, when the Secret Service reported that they had 11 secret items from other agencies concerning the assassination. On February 12, 1964, a letter from Rankin to McCone, Director of Central Intelligence, requested copies of the CIA materials in the possession of the Secret Service. A CIA internal memorandum dated March 3, 1964, which dealt with this request, said, in part :

We have a problem here for your determination. [Staff officer] does not desire to respond directly to paragraph 2 of that letter [of February 12, 1964] which made levy for our material which had gotten into the hands of the Secret Service since November 23 * * * Unless you feel otherwise [staff officer] would prefer to wait out the Commission on the matter covered by paragraph 2. (293)

(236) On March 9, 1964, Willens reported a discussion with Helms about the request for the Secret Service materials. (294) He reported that Helms had indicated that the CIA had "certain unspecified problems" in complying with the request. Helms maintained that some of the information in the Secret Service's possession had already been made available to the Commission and that the rest of it was irrelevant matters or things "that had not checked out." Helms said that he would prefer not to comply with the request. Willens said that that would not be acceptable, and they would discuss it at their next meeting. (295)

(237) Willens, Helms and other members of the CIA and Warren Commission staff met on March 12, 1964. At this meeting, a deal was struck whereby a Warren Commission staff member could review the CIA file on Oswald to insure that the summaries provided to the Commission adequately reflected the contents of the CIA file. (296) Such an inspection was performed by Warren Commission staff member Samuel Stern on March 27, 1964. In a memorandum dated March 27, 1964, to Rankin, Stern reported that "There was no item listed [in the CIA index] that we have not been given either in full text or paraphrased." (297) Three days prior to Stern's review of the CIA file on Oswald, the CIA had provided the Warren Commission with copies of the documents provided to the Secret Service on November 23, 1963. (298)

Misleading testimony

(238) Richard Helms, the Deputy Director for Plans, CIA, testified before the Warren Commission along with John McCone, Director of Central Intelligence, on May 14, 1964. Helms said that the CIA could find no indication that anyone in the Agency even suggested a contact with Lee Harvey Oswald:

On Mr. McCone's behalf, I had all our records searched to see if there had been any contacts at any time prior to President Kennedy's assassination by anyone in the Central Intelligence Agency with Lee Harvey Oswald. We checked our card files and our personnel files and all our records.

Now, this check turned out to be negative. In addition I got in touch with those officers who were in positions of responsibility at the times in question to see if anybody had any recollection of any contact having even been suggested with this man. This also turned out to be negative, so there is no material in the Central Intelligence Agency, either in the records or in the minds of any of the individuals, that there was any contact had or even contemplated with him. (299)

(239) There is a CIA internal memorandum dated November 25, 1963, that seems to contradict Helm's testimony: CIA item 173A. The memorandum says, in part:

It makes little difference now, but [deleted] had at one time an [deleted] interest in Oswald. As soon as I had heard Oswald's name, I recalled that as [deleted] I had discussed—sometime in summer 1960—with [deleted], the laying on of interview[s] through [deleted] or other suitable channels. * * *

I was phasing into my next cover assignment [deleted] at the time. Thus, I would have left our country shortly after Oswald's arrival. I do not know what action developed thereafter. * * *

It was partly out of curiosity to learn if Oswald's wife would actually accompany him to our country, partly out of interest in Oswald's own experiences in the U.S.S.R., that we showed [deleted] intelligence interest in the Harvey story. (300)

Withheld information

(240) *CIA item 298, dated May 12, 1964.*—A CIA internal memorandum for a "staff employee," dated May 12, 1964, deals with the Warren Commission's desire to take testimony from the Deputy Director of Plans Richard Helms:

The DDP wishes to have from you a short but comprehensive memorandum which highlights the basic issues or positions entered into by the Agency in its dealings with the Commission. For example, Rankin views as to how improvements might be made in protecting the President's life. Further, they will probably ask questions regarding the possibilities that a conspiracy existed. Such general questioning certainly

necessitates that the DCI (Director of Central Intelligence, John McCone) be made aware of the positions taken during previous interviews. I raised with [staff employee] the nature of the recent information which you are processing which originated with the [deleted] source. I informed him that in your view this would raise a number of new factors with the Commission, that it should not go to the Commission prior to the Director's appearance unless we have first had some preliminary reaction or made sure that the Director is fully aware of its implications since it could well serve as the basis for detailed questioning. The DDP stated that he would review this carefully and make a decision as to the question of timing. (301)

(241) *The Sourwine/Tarabochia incident.*—In June 1963, a group of private citizens attempted a raid on Cuba. The purpose was, allegedly, to bring two Soviet missile technicians who wanted to defect out of Cuba. They would have then testified before the Senate Internal Security Subcommittee that the Russian missiles were still in Cuba. The operation failed.

(242) James Sourwine, counsel to the Senate Internal Security Subcommittee, was involved in financing the operation which has come to be known as the Bayo-Pawley raid.

(243) The committee saw evidence that the CIA knew of Sourwine's involvement.

(244) Two Warren Commission internal memoranda indicate that Slawson was in contact with Sourwine and the Senate Internal Security Subcommittee. The subcommittee informed Slawson that it had access to an informant in the Cuban Embassy in Mexico City. (302) Sourwine informed Slawson that the source was known to Al Tarabochia, an anti-Castro Cuban associated with the subcommittee. Sourwine refused to divulge the identity of the informant to Slawson or to put him in direct contact. (303) He did agree to pass questions to the informant and relay the answers to the Commission. (304)

(245) Slawson testified before this committee that the Commission did not use the informant, even though it had considered using the person as an independent check on the information about Mexico City that the Commission was receiving from the CIA and FBI. (305) Slawson testified :

Q. Whatever became of the possibility of using informants?

A. Nothing. * * * I talked to Mr. Sourwine * * * But he and Senator Eastland were not willing to give us access to the claimed contact they had and nothing came of the request that we gave them for information from that. There was no further communication.

Q. What was your final opinion about this incident?

A. My final opinion, and to my recollection, it was also J. Lee Rankin's, was that Sourwine and Eastland were trying to use this alleged contact as a way of finding out inside information about the Warren investigation which they could use for their own political purposes. (306)

(246) Slawson also testified that, although he did not have a specific recollection of it, he would have probably discussed this with both the FBI and CIA :

Q. What, if any, information did the CIA provide you concerning Tarabochia and Sourwine?

A. I am sure it was to the effect that they didn't know anything about the contacts. That was probably just the end of it. * * *

Q. Do you recall whether or not the CIA provided you any information about Sourwine or Tarabochia concerning raids in Cuba?

A. I understand the question as whether the CIA supplied me with any information about raids in Cuba in connection with Sourwine and Tarabochia. My answer is no. (307)

(247) *Electronic surveillance of Marina Oswald.*—The FBI tapped Marina Oswald's telephone and bugged her living quarters from February 29, 1964, to March 12, 1964.(308) According to testimony before this committee, two reports were written from these sources. FBI Special Agent Robert Gemberling, a supervisor in the Dallas field office during this period, testified that he saw these reports, but that they contained nothing pertinent to the investigation of the assassination :

* * * the reports were written by another agent. I did have occasion to see them. There was no information gleaned from either of these unusual sources that had a bearing on the assassination or a possible conspiracy and so forth.(309)

(248) Gemberling also testified that it was his understanding that this information was not transmitted to the Warren Commission.(310) Gemberling's understanding was borne out by the testimony of Warren Commission staff members before this Committee. Nevertheless, the committee learned that the results of the surveillance which was in fact requested by the Commission, were given to the Commission and senior staff members.

(249) *CIA Plots to Assassinate Castro: Agency contacts with the Commission who knew of the CIA-Mafia plots.*—On December 11, 1959, Dulles, then Director of Central Intelligence, approved four recommended actions against Cuba that were set forth in a memorandum submitted by J. C. King, chief of the Western Hemisphere division. One of the recommendations called for the elimination of Fidel Castro.(311)

(250) In September 1960, Richard Bissell, then Deputy Director of Plans for the CIA ordered Sheffield Edwards, then Chief of the CIA's Office of Security, to develop a plan to kill Castro.(312) Dulles was briefed about this plan, which included the use of underworld figures, in September 1960 by Bissell and Edwards.(313)

(251) On May 7, 1962, Attorney General Robert Kennedy was briefed on the CIA-Mafia plots by Sheffield Edwards and Lawrence Huston, the CIA general counsel.(314) He was told the plots had been terminated.(315).

(252) On May 9, 1962, Attorney General Kennedy informed Hoover of the CIA-Mafia plots.(316)

(253) The evidence indicates that Richard Helms, the CIA Deputy Director for Plans and main contact with the Warren Commission, knew of these plots, at least as of May 14, 1962. On that date, he was briefed on the May 7, 1962, meeting with Kennedy. (317) At this time, Helms decided not to brief the Director of Central Intelligence, John McCone. (318)

(254) McCone learned of the plots on August 16, 1963, when he was briefed by Helms. (319) McCone was led to believe that the plots had been terminated in May 1962. (320)

(255) *Agency contacts with the Commission who knew of the AMLASH plot.*—Evidence developed by the Senate Select Committee to Study Governmental Operations indicates that the CIA was plotting with an official in Castro's government to assassinate Castro in 1963. That official was code named AMLASH. The evidence also indicates that the only person who knew of these plots and was in contact with the Warren Commission was Richard Helms. (321)

(256) *Agency contacts with the Commission who did not know of the plots.*—The evidence developed by the Senate Select Committee to Study Governmental Operations indicates that Raymond Rocca, the CIA "point of record" officer, did not know of the assassination plots. (322) The CIA desk officer who supervised the initial CIA investigation into the assassination testified before the Senate Select Committee that he did not know about these plots until they became public knowledge in 1975. (323)

(257) *Evidence that indicates that the Commission was not informed of the plots.*—The evidence indicates that the Warren Commission was never informed of the CIA plots to assassinate Castro. It is, of course, now impossible to determine why Dulles, Robert Kennedy and Hoover did not inform the Commission. Helms testified before the Senate select committee that he did not do so because he was not asked about them and because he did not consider them relevant to the Commission's work.

Q. * * * you were charged with furnishing the Warren Commission information from the CIA, information that you thought was relevant?

A. No sir, I was instructed to reply to inquiries from the Warren Commission for information from the Agency. I was not asked to initiate any particular thing.

Q. * * * in other words if you weren't asked for it you didn't give it?

A. That's right, sir. (324)

(258) The testimony of the Warren Commission staff members before the Senate Select Committee indicates that they never learned of the CIO plots to assassinate Castro. (325) The testimony of members of the Warren Commission staff before this committee also indicate they never learned of these plots. (326)

(259) *Relevancy of the information about the plots to the Commission's investigation.*—The CIA's point of view was expressed by Richard Helms in testimony before the Senate select committee that he did not believe the information about the plots was relevant to the Warren Commission's investigation. (327) The AMLASH case officer testified to the same effect. (328)

(260) Other CIA officials disagreed with this in their testimony before the Senate select committee. The desk officer who conducted the initial CIA investigation of the assassination, and who did not know of the plots, thought the plots would have been relevant to his inquiry:

Q. Did you know that on November 22, 1963, about the time Kennedy was assassinated, a CIA case officer was passing a poison pen, offering a poison pen to a high level Cuban to use to assassinate Castro:

A. No, I did not.

Q. Would you have drawn a link in your mind between that and the Kennedy assassination?

A. I certainly think that that would have been—become an absolutely vital factor in analyzing the events surrounding the Kennedy assassination. (329)

(261) The chief of the counterintelligence branch of the CIA's Cuban task force, who know of the plots but was not in contact with the Warren Commission, also thought that the information would have been relevant to the Commission's investigation: "I think it would have been logical for them to consider that there could be a connection and to have explored it on their own." (330)

(262) The CIA analyst who acted as the "point of record" for the CIA research for the Warren Commission, in a memo he prepared for the record in 1975, expressed "concern about the Warren Commission's findings in light of this new information." (331)

(263) Helms testified that he had never informed the Warren Commission of the CIA-Mafia assassination conspiracies and did not then believe such information was relevant. (332) He stated that he believed the significance of the Agency's use of gangsters to try and assassinate President Castro has been considerably exaggerated and, further, that he has difficulty in the semantics of discussing assassination and other forms of violence.

Mr. HELMS. In retrospect, Mr. Dodd, I would have done a lot of things very differently. I would like to point out something since we are so deeply into this. When one government is trying to upset another government and the operation is successful, people get killed. I don't know whether they are assassinated or whether they are killed in a coup. We had one recently in Afghanistan. The head of the Afghanistan Government was killed. Was he assassinated or killed in a coup? I don't know.

These semantics are all great. I want to say there is not a chief of state or chief of government in the world today who is not aware of the fact that his life is in jeopardy. He takes every possible protection to guard himself. The relevance of one plot or another plot and its effect on the course of events I would have a very hard time assessing, and I think you would, too.

Suppose I had gone down and told them and said, yes; you know we tried to do this. How would it have altered the outcome of the Warren Commission proceeding?

Mr. DODD. Wasn't that really for the Warren Commission to determine?

Mr. HELMS. I think that is absolutely correct, but they did not have that chance apparently. (333)

(264) Later in his testimony, Helms expressed considerable irritation over the committee's questioning about his actions in withholding such information from the Warren Commission. Helms finally remarked:

Mr. HELMS. I think it was a mistake, no doubt about it. I think we should have shoved the whole thing over. I would have backed up a truck and taken all the documents down and put them on the Warren Commission's desk. (334)

(265) With respect to the Warren Commission staff's point of view, those who testified before this committee all thought the CIA plots to kill Castro would have been relevant to the work. They disagreed on how it would have been relevant, but all agreed they should have been informed.

(266) Slawson, the staff member who investigated the possibility of foreign conspiracy, testified that he did not know of the plots. In a memorandum to Rankin on September 6, 1964, Slawson wrote:

Throughout our investigation the CIA has been sending us memorandums. The CIA made no attempt to withhold any information from the Commission that it believed was pertinent. (335)

(267) Slawson testified before this committee that the "it" in the above quote referred to the CIA. (336) He also testified that he did not know of the plots but believed that that knowledge would have been relevant to his investigation:

Q. * * * it was your impression as of September 6, 1964, near the end of the investigation, that the CIA had made no attempt to withhold any information from the Commission that the CIA believed was pertinent?

A. That is right.

Q. Did the CIA, or anyone, say, between the CIA and you, ever tell the Warren Commission members about the CIA assassination plots on Castro?

A. No; not to my knowledge.

Q. Do you believe that would have been pertinent to your work?

A. Yes. (337)

(268) Slawson testified that he did not think it would have made him do anything much differently than he had because he thought he had done everything he could have. (338) But he also testified that knowledge of the plots would have made him look harder at the possibility that Castro may have been involved. (339) He also said that, had he known at the time the information had been withheld, he might have been a little less likely to accept the CIA's determination of what was pertinent. (340)

(269) Arlen Specter testified that information on the plots should have been made available to the Commission and that the determination as to its pertinency should have been up to the Commission :

I think that if there had been information known to the Commission about a possible assassination effort on Castro by CIA, that the Commission would have looked into it. It would have followed those facts to see if there was any connection with the Kennedy assassination. (341)

(270) Redlich also thought the information would have affected the Commission's investigation. If nothing else, it would have led the Commission to look more closely into Oswald's Cuban connections:

I think that it would have affected it * * * How I am not completely sure * * * Although I am cognizant of the fact that the Warren Commission, at least to the best of my recollection, did look into every Cuban connection that Oswald had, it is possible that this additional fact might have led to further inquiry. (342)

(271) Speaking of the CIA-Mafia assassination conspiracies against Fidel Castro, and other such information withheld from the Warren Commission, Rankin stated :

Certainly if we had had that it would have bulked larger, the conspiracy area, the examination and the investigation and report, and we would have run out all the various leads and probably it is very possible that we could have come down with a good many signs of a lead down here to the underworld. (343)

(272) Former Attorney General Nicholas deB. Katzenbach told the Committee that he believed the CIA's and FBI's withholding of information regarding the existence of the CIA-Mafia plots from the Warren Commission constituted a serious failure to provide relevant evidence:

I think given that information, you would have pursued some lines of inquiry probably harder than you might have otherwise pursued them.

I have no reason to believe one way or the other it would have changed the result or turned it around or anything of that kind. I have no information on that. It is simply I believe if I had been a member of the Warren Commission, I would have believed that to be relevant information which would require investigation. (344)

(273) Katzenbach further stated that he particularly faulted former CIA Director Dulles for withholding knowledge of the Agency murder plots involving the underworld from his fellow Warren Commission members:

Perhaps naively but I thought that the appointment of Allen Dulles to the Commission would insure that the Commission had access to anything that the CIA had. I am as-

tounded to this day that Mr. Dulles did not at least make that information available to the other commissioners. (345)

(274) After reviewing the published findings of the Senate Intelligence Committee regarding the CIA-Mafia assassination conspiracies of the early 1960's, Rankin testified that he believed the Agency is probably still concealing information about the plots from the Congress:

My impression of the materials that I have been furnished by you with regard to the report of the Senate committee in its investigation is that there is a considerable amount being withheld and there may be a lot of false testimony in some of the information furnished in connection with what they describe as the eight assassination attempts.

To me as a lawyer in my experience in life for a good many years, I have the impression that where they felt that you had some other information or the Senate Committee had some other information like an Inspector General's report, or other things that they could not avoid, you got something out of them, and there is a vast amount that they either are not telling or they are telling their own version of the way they want it to look, and I would not rely on any of it. I don't mean that you have not gotten some material but I don't think you have gotten all of it by any means. (346)

(275) Former Attorney General Katzenbach stated that he had been surprised to learn that the FBI had also known of the CIA-Mafia assassination plots and had also withheld the information from the Warren Commission. In discussing his view of the Bureau's role in concealing such information, Katzenbach stated:

We were unaware then of any Mafia plots. It would not really have gone through my head that that would have been a matter. It never would have occurred to me that the FBI would cover up anything. If you ask me the question, if the FBI failed to do something it should have done, would they have covered that up? My answer to you is, even then, would have been yes, they probably would; not covering up information that somebody else was guilty or something of this kind, but if the Bureau made any mistake or anything for which the public could criticize the Bureau, the Bureau would do its best to conceal the information from anybody. (347)

(276) Wesley Liebeler did not think the information itself would have been particularly pertinent, but he did agree that it would have had an affect on the investigation:

I think that if I had known at the time that I would have been concerned to find out more directly whether the CIA had any information that might provide the Commission with leads on these other issues that we were looking at or issues that we never turned up. In my mind the fact, if it is a fact, that the CIA was trying to arrange the assassination of Mr. Castro at the time, the withholding of that fact by itself I

don't think is particularly significant to anything the Commission did.

What I am saying is the fact that the CIA was attempting, if it was, to assassinate Castro, I don't understand what that has to do with Oswald or the Warren Commission investigation or anything of that sort. I think that the question of whether the CIA withheld evidence that would have provided leads to the Commission that might have connected Oswald to presumably Cuban contacts that we were not able to connect him with ourselves, that clearly would have been significant. The fact that the CIA was apparently attempting to assassinate Castro, might have provided a motive for them to withhold information if indeed they did, but the fact that they were trying to assassinate Castro had nothing to do with the issue. (348)

(277) Liebeler's doubts about the relevancy of the information itself were not shared by Griffin, the staff member who worked on the investigation of Jack Ruby. Judge Griffin testified that the Commission did not really investigate the possibility that organized crime had been involved in the assassination because there was no connection between organized crime and Oswald. Judge Griffin thought that the information about the CIA plots would have led the Commission to investigate more the Cuban/Mafia/CIA connections and, consequently, a possible connection between Ruby, organized crime, anti-Castro groups and Oswald:

Q. * * * you clearly raise questions about Ruby's possibly becoming involved in purchasing Jeeps for Castro, which is a political activity on which the CIA would have some information or they would be derelict in their duty?

A. Absolutely. * * *

Q. Would you have known the name Meyer Lansky in 1964?

A. Yes. That kind of information would not have significantly affected our decision unless we knew of two things, at least unless we knew that the Mafia, the underworld types, were being used by the CIA in connection with international Cuban activities. If we had known that the CIA in anyway was utilizing underworld people in connection with any kind of Cuban activity, that might have said more for us—most particularly if we had, of course, known that there was an effort on some part of the people in our Government to assassinate Castro. * * *

Oswald was the person who assassinated the President. There was no showing that Oswald had any connection with organized crime. Therefore, there was no reason to think that, simply because Ruby was involved in organized crime, that that would have been linked to the assassination of the President.

We needed to fill that in, in some way, but that is why the Cuban link is so important. If we had known that the CIA wanted to assassinate Castro, then all the Cuban motivations that we were exploring about this made much, much more

sense. If we had further known that the CIA was involved with organized criminal figures in an assassination attempt in the Caribbean, then we would have had a completely different perspective on this thing.

But, because we did not have those links at this point, there was nothing to tie the underworld in with Cuba and thus nothing to tie them in with Oswald, nothing to tie them in with the assassination of the President. (349)

Submitted by :

G. ROBERT BLAKEY,
Chief Counsel and Staff Director;
 GARY T. CORNWELL,
Deputy Chief Counsel;
 KENNETH D. KLEIN,
Assistant Deputy Chief Counsel;
 MICHAEL EWING,
 DAN L. HARDWAY,
 LESLIE H. WIZELMAN,
Researchers.

(278) Attachment A: The Warren Commission

THE WARREN COMMISSION

Richard B. RUSSELL	John Sherman COOPER	Hale BOGGS	Earl WARREN	Gerald FORD	Allen W. DULLES	John J. McCLOY
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J. Lee RANKIN

Norman REDLICH Melvin A. EISENBERG	Howard P. WILLENS Charles N. SHAFFER, Jr.	Alfred GOLDBERG
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I. Basic Facts of Assassination	II. Identity of Assassin	III. LHO's Background	IV. Possible Conspiratorial Relationships	V. Oswald's Death	VI. Presidential Protection
Francis W.H. ADAMS	Joseph BALL	Albert JENNER	William COLEMAN	Leon HUBERT	
Arlen SPECTER	David BELIN	Wesley LIEBELER	W. David SLAWSON	Burt GRIFFIN	Samuel A. STERN

LIAISONS

Jim Davis - assigned from State Dept. to consult with WC about approaching USSR
 Ted Sorensen - White House
 Adam Yarmolinsky - Defense Department
 James J. Malley - FBI
 Thomas Kelley - Secret Service
 Abram Chayes - State Department
 H. Miller - Justice Department
 R. Helms - CIA

(279) Attachment B: Monthly Progress of the Warren Commission Investigation

November 1963	December 1963	January 1964
22 JFK Assassination	5 First meeting of WC Rankin selected as General Counsel	10 Organization completed
29 LBJ creates Warren Commission (hereinafter WC)	9 FBI submitted 4 Vol. report (17 days after assassination)	13 FBI Supplemental Report sent to WC
	16 Rankin sworn in as General Counsel	20 First staff meeting
	20 FBI investigative reports began arriving at the WC offices	27 Executive Session of WC to discuss LHO informant allegation

February-March 1964

- 2/3 Hearings began
- 2/13 Hoover sent WC affidavits of 10 FBI agents who had contact with Oswald denying Oswald was an informant
- 3/14 Ruby trial ended; Field investigation began

April-May 1964

- 4/8-13 Slawson, Coleman, and Willens visited Mexico City
- ½ depositions taken
- Rankin told lawyers to complete investigation by June 1
- 5/24 Rankin, Redlich, and Specter went to Dallas to supervise reenactment of assassination

June-July 1964

- 6/1 Specter submitted his draft
- 6/7 Warren and Ford went to Dallas to hear Ruby testimony
- 6/17 WC announced it had completed its hearings
- 6/27 WC announced report would not be released until after Republican Nat. Convention on July 13
- Most of the lawyers had left. Liebel, Griffin, and Slawson remained
- Deadline extended to August
- 7/20 Liebel submitted chapter on Oswald's motives

August 1964

- Deadline extended to Sept. Pressure increased to complete report before Presidential election
- Chapters were rewritten

September 1964

- 4 Galley proofs of final draft were circulated among WC and staff for final comments
- 6 Liebeler submitted 26-page memo criticizing Identity of Assassin chapter
- 7 Russell, Cooper, and Boggs went to Dallas to reexamine Marina

24 Report submitted to LBJ

28 WR made public; WC dissolved

Summary

- 17 days for FBI Report (Nov. 27 - Dec. 9)
- 5 months between organization and some drafts (Jan. - June)
- Approx. 2-4 months rewriting
- Approx. 3½ months of field investigation (March 14 - June 17)

(280) Attachment C: Days Worked by Warren Commission Staff

DAYS WORKED BY WARREN COMMISSION STAFF -- 1964

Day Period Ending	2-1	2-15	2-29	3-14	3-28	4-11	4-25	5-9	5-23	6-5	6-20	7-4	7-18	8-1	8-15	8-29	9-12	9-26	Total Days*	
STAFF																				
ADAMS Sr. Counsel Area I	3	3/1 hr		2	2	1/4 hrs	1		2										16 days 5 hrs	
BALL Sr. Counsel Area II	10	5	8	5	9	9	5	5	14	9	5				1	1			91	
BELIN Jr. Counsel Area II	12	10	10	9	9	9	11	12	7	6/4 hrs	6	6	6/4 hrs	1				8	125	
COLEMAN Sr. Counsel Area IV		3	3	5	2	8	3	1	5	5	7	6	2	3	2	3	3	3	64	
EISENBERG Jr. Counsel Area V	11	12	14	14	14	11	14	14	14+	9	7	4	4	3	2	1	14	5	167	
GRIFFIN Jr. Counsel Area V	7	13	12	12/4 hrs	13	14	11	13	11	14	14	14	14	14	10/4 hrs	13/4 hrs	14	11	225/4 hrs	
ROBERT Sr. Counsel Area V	11/4 hrs	12	9/4 hrs	9/4 hrs	12	9/4 hrs	9	9	8/5 hrs	7		2	9	1	3	3			115/5 hrs	
JENNER Sr. Counsel Area III	4	10	9	11	12	14	13	11	12	14	12	11	13	14	8	13/4 hrs	14	7/4 hrs	203	
LIBBEIER		13	14	13	11	14	14	12	12/4	14	14	14	14	11/4	12/4	13	14	11	219/4	
RANKIN	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	308	
REDLICH	14	9	11	10	9	7	9	8	9	12	10	12	12	11	11	11	14	7	186	
SLAWSON Jr. Counsel Area IV	12	12	10	11	12	12	11	12	12	12	12	12	11	12	12	12	13	11	211	
SPECIER Jr. Counsel Area I	12	6	9	9	9	8	8	8	12	12	10	5	9	10	8	4	4	2/5 hrs	145/5 hrs	
STEIN Sr. Counsel Area VI	11/4 hrs	12	6	10/4 hrs	11	11/4 hrs	9/4 hrs	11/4 hrs	10/4 hrs	10/4 hrs	8/4 hrs	7	7/1 hr	7/5 hrs	6	3	6		149/6 hrs	

(281) Attachment D: Executive Session Testimony of Arlen Specter and Dean Norman Redlich

SUBCOMMITTEE HEARING

TUESDAY, NOVEMBER 8, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE ASSASSINATION
OF JOHN F. KENNEDY OF THE SELECT
COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The subcommittee met at 10:25 a.m., pursuant to notice, in room 2237, Rayburn House Office Building, Hon. Richardson Preyer (chairman of the subcommittee) presiding.

Present: Representatives Preyer, Stokes, Fauntroy, Devine, McKinney, and Sawyer.

Staff members present: G. Robert Blakey, Marion Wills, Vivian McPherson, Dorothy Kuhn, Jacqueline Hess, Kenneth Klein, Elizabeth Berning, Gary Cornwell, James Wolf, Jeffrey Facter, Jan Schlichtman, Michael Goldsmith, Mitchell Mars, Robert Morrison, Larry Stickler, Clarence Day, and William Cross.

Mr. PREYER. The committee will come to order. The Chair recognizes Elizabeth Berning, the clerk of the committee, who will read for the record those members who are officially designated to be on the subcommittee today pursuant to committee rule 12.3.

Ms. BERNING. Mr. Chairman, besides yourself and Mr. Sawyer, Mr. McKinney is substituting for Mr. Thone. Mr. Fauntroy is substituting for Mrs. Burke, and Mr. Devine will be substituting for Mr. Dodd.

Mr. PREYER. Thank you. I would like to entertain a motion at this time that today's hearing and 1 subsequent day of hearing be held in executive session, since on the basis of information obtained by the committee the committee believes the evidence or testimony may tend to defame or degrade people and consequently section 2(K)(5) of rule 11 of the rules of the House and committee rule 3.3(5), require such hearings be in executive session.

Is there a motion to that effect?

Mr. SAWYER. I so move.

Mr. PREYER. You have heard the motion. The clerk will call the role.

Ms. BERNING. Mr. Stokes.

[No response.]

Ms. BERNING. Mr. Devine.

[No response.]

Ms. BERNING. Mr. Preyer.

Mr. PREYER. Aye.

Ms. BERNING. Mr. McKinney.

Mr. MCKINNEY. Aye.

Ms. BERNING. Mr. Fauntroy.

Mr. FAUNTROY. Aye.

Ms. BERNING. Mr. Thone.

[No response.]

Ms. BERNING. Mrs. Burke.

[No response.]

Ms. BERNING. Mr. Sawyer.

Mr. SAWYER. Aye.

Ms. BERNING. Mr. Dodd.

[No response.]

Ms. BERNING. Mr. Ford.

[No response.]

Ms. BERNING. Mr. Fithian.

[No response.]

Ms. BERNING. Mr. Edgar.

[No response.]

Ms. BERNING. There are four ayes.

Mr. PREYER. The motion is carried and at this time the committee will go into executive session.

Mr. SPECTER, it is a pleasure to have you with us.

Mr. SPECTER. Nice to be here, Mr. Chairman.

Mr. PREYER. Off the record.

[Discussion off the record.]

Mr. PREYER. On the record.

Under our procedures, Mr. Specter, I will ask that you stand and be sworn.

Do you solemnly swear that the testimony you will give the subcommittee in this matter will be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. SPECTER. I do.

Mr. PREYER. Will the clerk give Mr. Specter a copy of our rules?

Let the record show that Mr. Specter has received a copy of the rules of the committee.

House Resolution 222 mandates the committee "to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy including determining whether the existing laws of the United States concerning the protection of the President and the investigating jurisdiction and capability of Agencies and Departments are adequate in their provisions and enforcement, and whether there was full disclosure of evidence and information among agencies and departments of the U.S. Government and whether any evidence or information not in the possession of an Agency or Department would have been of assistance in investigating the assassination and why such information was not provided or checked by that Agency or Department and to make recommendations to the House if the select committee deems it appropriate for the amendment of existing legislation or the enactment of new legislation."

The Chair will recognize Mr. Klein at this time.

STATEMENT OF ARLEN SPECTER

Mr. SPECTER. Mr. Chairman, before the questioning begins, may I note for the committee that in scheduling my appearance today I have a conflict to be in Reading and was very hopeful of being out by 11 or at least by 11:30. I realize that the time is not something that can be determined with absolute precision but I did want to call your attention to a problem.

My appearance was scheduled last week on rather short notice and I do want to cooperate and be available when the committee wanted me so I am here today but I wanted to note that circumstance. I am advised by counsel that I will have an opportunity to review my testimony for purposes of correcting some inaccuracy in transcription and that I am not limited in any way from commenting on what I say here today. I just want to be sure.

I have not had an opportunity to read the committee rules which are rather voluminous which I have received.

Mr. PREYER. The Chair can assure you, Mr. Specter, that there won't be any problem in that connection. You will be free to comment in any way you choose.

Mr. SPECTER. Thank you, sir.

Mr. PREYER. We appreciate your problem. We will certainly do the best we can to accommodate you.

Mr. SPECTER. Thank you.

Mr. PREYER. Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman.

Mr. Specter, what was your position prior to taking a position with the Warren Commission?

Mr. SPECTER. I was assistant district attorney in Philadelphia, Pa.

Mr. KLEIN. How many years of investigative and prosecutorial experience did you have before working with the Warren Commission?

Mr. SPECTER. I was assistant district attorney from October 1959 until January of 1964 when I became assistant counsel to the Commission. I served in the U.S. Air Force Office of Special Investigations from 1951-53. I practiced law in Philadelphia from the fall of 1956 until October of 1959 which might have some bearing on your question about investigative experience.

Mr. KLEIN. Prior to being hired by the Warren Commission what was said to you about the goals of the Warren Commission and about what your function would be as staff counsel?

Mr. SPECTER. The goals of the Warren Commission, as I understood them, were to find out the facts and the truth relating to an assassination of President Kennedy. I was to function as one of the lawyers on that job.

Mr. KLEIN. After serving as staff counsel on the Warren Commission in your opinion what were the real objectives of the Warren Commission investigation?

Mr. SPECTER. To find the truth about all the facts relating to the assassination of President Kennedy?

Mr. KLEIN. I would like to suggest some other possible objectives and you can comment on them. Was it an objective of the Warren Commission to allay public fears?

Mr. SPECTER. No, sir. At least not to the extent that they conflicted with the facts.

Mr. KLEIN. Was it an objective of the Warren Commission to try to prevent an international crisis?

Mr. SPECTER. No, sir.

Mr. KLEIN. Was it an objective of the Warren Commission to allow a smooth transition in national leadership?

Mr. SPECTER. No, sir. We were not unmindful of international concern about the facts relating to the assassination of President Kennedy but none of the considerations which you have just mentioned was in any way a consideration which would influence the activities of the Commission or my activities as assistant counsel for the Commission.

Mr. KLEIN. Are you saying that these factors could have been present but that they would not have caused you to deviate from what you saw as your primary objective, which was to find out what happened?

Mr. SPECTER. That is correct, they would not cause us to deviate. When Chief Justice Warren addressed the staff in an early session, as I recall, though this goes back a long way, the Chief Justice commented about great international concern about the facts of the assassination. So that was a matter in our minds but we did not tailor our findings to accommodate any interest other than the truth.

Mr. KLEIN. To the extent that they were consistent with finding the truth, then they might have been part of the objectives of the Warren Commission?

Mr. SPECTER. I don't really think that they were part of the objectives of the Warren Commission. I believe that the Commission received its mandate from the President to find the facts on the assassination and that was it, pure and simple.

Mr. KLEIN. In your opinion were the operating procedures and organizational structure of the Warren Commission conducive to achieving the objectives of the Warren Commission as you have stated those objectives?

Mr. SPECTER. Yes; I think they were within the context that the Commission came together without having any prior organizational structure and not having any independent investigative staff.

There was a concern for promptness in our determination but subject to the general circumstances of the Commission's organization I would say that the procedures were conducive to finding the truth.

Mr. KLEIN. And also the organizational structure, was that conducive to finding the truth? By that I am not talking about the way it was divided up in different categories but the categories themselves?

Mr. SPECTER. Yes; I think the categories were adequate to finding the truth. If by organization structure you include the personnel available, I think that everyone would have much preferred to have had a totally independent investigative arm to carry out the investigative functions of the Commission but I believe the Commission concluded early on, and I was not privy to any such position from my position as assistant counsel, that it would be impractical to organize an entire investigative staff from the start so that use was made of existing Federal investigative facilities.

Mr. KLEIN. In the beginning of your last answer did you say there was some agreement that if it would have been practical they should have had their own investigators?

Mr. SPECTER. No; there was no agreement that I know about. The most that I can say on that subject would be that speaking from my own perspective that when the lawyers would discuss the procedures from time to time, and that is why I include this comment within the scope of your question on procedures, there would be an observation from time to time how nice it would be if we had a totally independent staff. The consequence of that kind of observation or wish was that none was to be provided and the necessities to move forward with promptness led the Commission to conclude and this is only my inference, that it was going to function within existing Federal investigative agencies.

Mr. KLEIN. You had no input into that particular decision?

Mr. SPECTER. I did not.

Mr. KLEIN. Looking at the type and mix of the personnel, were they conducive to achieving the objectives?

Mr. SPECTER. Yes; I think the Commission recruited qualified people to carry on the job with respect to those who were designated as assistant counsel.

Mr. KLEIN. Is it true that some of the senior counsel, because of their busy schedules and their prior commitments, were not able to fully participate in the investigation?

Mr. SPECTER. I would prefer not to ascribe reasons but simply to say some of the senior counsel did not participate as extensively as some of the junior counsel.

Mr. KLEIN. Did that in any way affect achieving the objectives?

Mr. SPECTER. I don't think that it did although it would have been helpful if my senior counsel, Francis Adams, had had an opportunity to participate more extensively. I respond with respect to Mr. Adams because that is the area I worked on and that is what I can comment about relatively and most directly.

Mr. KLEIN. In your opinion did the Warren Commission have any initial factual assumptions regarding the following areas: First, the identity of the assassin?

Mr. SPECTER. I think we did not have any initial assumptions. We read the newspapers like anyone else did before any of us became associated with the Commission but our job was to find the assassin. So we did not have any prejudgment on that question.

Mr. KLEIN. As to the existence of a conspiracy?

Mr. SPECTER. We had no prejudgment on that question.

Mr. KLEIN. As to the reliability, trustworthiness, and competency of the investigative agencies which assisted the Commission?

Mr. SPECTER. We were concerned about some of the agencies from the point of view that their own activities were the subject of investigation. So that was always a matter of concern.

With respect to their capabilities, speaking for myself I had had experience with the FBI and had found them to be able investigative personnel in my prior contacts. I had never had prior experience with the Secret Service as I recollect it but I had no reason to doubt their competency, except the President was assassinated.

Mr. KLEIN. At the initial phases of the investigation you said you were aware of the agency's possible involvement. What are you referring to?

Mr. SPECTER. The Secret Service had the responsibility to protect the President and they did not protect the President. So their procedures were obviously a subject of investigation. The FBI had certain responsibilities in the field of Presidential protection so that their activities were subject to scrutiny by the Commission.

Mr. KLEIN. With regard to any initial factual assumptions that the Warren Commission might have had, were there any regarding possible repercussions from the various conclusions that might have been reached?

Mr. SPECTER. No, sir. That is speaking of any knowledge that I had about the situation.

Mr. KLEIN. In your opinion what effect, if any, did the organization and procedures have on the end result?

Mr. SPECTER. I think that the organizations and procedures were reasonably calculated to produce reasonably accurate results, given the scope of the investigation, the general time frame that the Commission had established. I might say at the outset that in response to that question that my view is that the Commission's conclusions have withstood the test of time to this point. I believe the single bullet conclusion is sound, I believe Oswald was the assassin.

With respect to an issue as to whether there was a conspiracy, the most that the Commission could do was to survey all the evidence and based on the absence of any evidence showing a conspiracy to conclude that there was no evidence of a conspiracy. It is obviously impossible to prove a negative the same way that a positive is proved. I have been concerned about some of the disclosures with respect to the allegation about the FBI destroying a note from Oswald. I have been concerned about the issue of CIA involvement in assassination plots against Castro, and I have said publicly in the past, and I repeat today that I think those specific leads ought to be inquired into.

I was hopeful that the Senate committee that was in this field 2 years ago would have done that. I would be hopeful that this committee would do that. I did not have a direct role in the areas relating to the investigation on conspiracy but I have no reason to believe that there was a conspiracy. My own personal observation is that had there been a conspiracy that it would most probably have come to light prior to today given the institutions of our American democracy and the wide-ranging investigations which have been made in this field.

I think as long as there is any indication that official agencies of the Government like the FBI destroyed evidence or that the CIA was involved, at least allegedly involved in the assassination plot against Castro, had any effect on the assassination of President Kennedy, I think those are matters that ought to be inquired into, but my own personal thought is that it will not result in the change in the findings of the Commission. To come back to your question, my view is that the Commission did a good job and that the Commission's work has withstood the test of time and a great deal of scrutiny and an enormous number of questions and a prodigious number of debates.

I think the questioning is all very healthy in a democratic society and I don't think it is likely to put an end to any questions today, tomorrow, or in the future, considering the fact that the Lincoln assassination is still under investigation, and I have responded to questions

over the years since the first questions were raised with Mr. Epstein's book and thereafter, and I am glad to respond to the questions and I think the Commission's work was good work.

Mr. KLEIN. Did you experience any restrictions on your investigation or on the writeup of your investigation due to the organization and work procedures that were used by the Warren Commission?

Mr. SPECTER. While I do not think it was the organizational procedures themselves which imposed any restrictions on my work, the Commission made decisions as to what would be done which was not always in accordance with my own personal view as to what should be done, for example, the review of the X-rays and photographs of the assassination of President Kennedy. I thought that they should have been observed by the Commission and by me among others perhaps having responsibility for that area and I said so at the time.

I did not recollect the memorandum which you have made available to me today where I pressed to have that done. I have said that publicly before. There were some other areas where if I had been making the final decision for the Commission I would have pursued investigative matters somewhat differently.

Mr. KLEIN. What are the areas?

Mr. SPECTER. Well, the concerns that I had, I would have questioned President Johnson and Mrs. Johnson before the Commission and I prepared a long list of questions to that effect. You have made them available to me. I have not seen them since I worked with the Commission. I would have questioned Mrs. Kennedy much more extensively than the abbreviated questioning which took place of Mrs. Kennedy. Those items I would have done differently. I do not think they would have affected the conclusions of the Commission at all but I think in the interests of a full record and comprehensive examination of key witnesses at the scene that such inquiries would have been preferable to the abbreviated questioning of Mrs. Kennedy or the statements submitted by President Johnson and Mrs. Johnson.

Mr. KLEIN. In the case of the questions that were not submitted, why in your opinion weren't they submitted? Why weren't they asked?

Mr. SPECTER. As to Mrs. Kennedy, I believe that Attorney General Robert Kennedy was very protective of her evidence because of the fact that the questioning was held, as I recollect it, in her apartment and only the Chief Justice was present with Mr. Rankin and it was very brief.

With respect to why President Johnson wasn't questioned, I suppose it is because he was the President and didn't want to be questioned.

Mr. KLEIN. Were you ever told why he wasn't questioned?

Mr. SPECTER. No. I thought he should have been questioned and I submitted a long list of questions and I recommended that he be questioned. Since I was assistant counsel and he was the President I thought that was enough.

Mr. KLEIN. You never got anything back explaining why the decision was made not to question him?

Mr. SPECTER. I don't believe so.

Mr. KLEIN. What procedures existed, if any, to allow staff members to keep abreast of work being done by other staff members?

Mr. SPECTER. As I recollect it, some of the written reports were circulated so that we could read the interim reports and the final reports of the members of the staff. There was a very formal atmosphere on the staff so that there was constant contact among all the lawyers both during the working day and those of us who were around the evenings, we would customarily have dinner together, the virtual sole topic of conversation was what each of us was doing. So there was a very extensive exchange albeit principally informal among members of the staff as to what each was doing.

Mr. KLEIN. What procedure existed to assure that staff members would receive all information relative to the areas they worked with respect both to internal documents or information from sources outside the Commission?

Mr. SPECTER. As I recollect it, the information was funneled to the individuals in the various areas through Mr. Rankin who served as the conduit in many directions, from the outside to the Commission, from the outside to the lawyers, from the lawyers to the Commission, from the Commission to the lawyers, so that when information would come in which would bear, for example, on area one, which was my area, I would customarily receive it from Mr. Rankin, perhaps through Mr. Eisenberg who was his executive assistant, and perhaps Mr. Wilkins who did a great deal of the liaison work.

Mr. KLEIN. Was this procedure successful in your opinion? Do you feel that you received all the information that should have gotten to you?

Mr. SPECTER. I have no reason to think that it was unsuccessful in any respect.

Mr. KLEIN. As a Warren Commission staff counsel what was your particular area of responsibility?

Mr. SPECTER. My area was area one which involved the activities of the President from the time he left the White House until he returned after his death to the White House, with a principal focus on examination of the medical evidence, the trajectory of the shots as they related to medical evidence. I would say that is a brief description of the area of responsibility for area one.

Mr. KLEIN. Were there any changes in your duties as the investigation proceeded?

Mr. SPECTER. I was asked to take on certain other responsibilities such as the questioning of witnesses, Oswald's capability as a marksman, I was asked to be the Commission representative at the polygraph examination of Jack Ruby as a result of my having been present at part of his testimony in Dallas. Without reviewing the voluminous record in detail I think that comprehends generally what my assignments were.

Mr. KLEIN. What was the relationship of the staff counsel with the Commission?

Mr. SPECTER. Cordial, somewhat limited.

Mr. KLEIN. Was there any exchange of ideas, free exchange of ideas between staff counsel and the Commission?

Mr. SPECTER. Yes. The Commissioners would come to headquarters from time to time. When they would there were occasional conversations, initiated principally by the Commissioners but in some in-

stances by staff counsel. There were exchanges before and after sessions. There were exchanges on trips. I made a trip with Chief Justice Warren from Washington to Dallas and back to Washington where there were quite a number of exchanges.

President Ford, then Congressman Ford, was present on that trip. I recollect exchanges with him on that particular occasion. In terms of the setting which would enable you to talk there were exchanges.

Mr. KLEIN. In your opinion were the Commissioners well informed about the facts of this case?

Mr. SPECTER. I think generally, yes.

Mr. KLEIN. Will you tell us approximately how long you worked for the Warren Commission?

Mr. SPECTER. I recollect that I started sometime in early January 1964 and I worked through to early June when I submitted my report and I worked principally a 5-day week, occasionally less if I had some other responsibilities. I had some carryover cases as assistant district attorney. Then I helped out intermittently on the areas I identified, Oswald's capability as a marksman, taking some testimony and going to Dallas with the Ruby polygraph as I recollect in July 1964. I am sure there are records which list every day because we were paid on a daily basis.

Mr. KLEIN. From January to July did you consider this a full-time job?

Mr. SPECTER. Yes; subject to doing some other things but I considered it my principal occupation, my principal responsibility.

Mr. KLEIN. In your areas of investigation which you have told us about, were you able to reasonably explore and resolve all the viable questions?

Mr. SPECTER. I think that I was, and we were subject to the limitations that I have already articulated for you about the X-rays and photographs and perhaps the testimony from President and Mrs. Johnson and fuller testimony from Mrs. Kennedy.

Mr. KLEIN. Did you have enough time to investigate the areas you were responsible for?

Mr. SPECTER. I think that we did. The attitude with respect to time perhaps should be viewed in November of 1977 as being somewhat different from 1964 to the extent that the Commission was interested in a prompt conclusion of its work. It did not seek to sacrifice completeness for promptness, but it was very cognizant of the desirability of promptness. When the Commission started its job, there was no conclusion date picked.

My recollection is that it was discussed in terms of perhaps as little as 3 months, perhaps as much as 6 months. As we moved along in the investigation, there were comments or attitudes that we should be moving along, we should get the investigation concluded, so that the scope of what we sought to do and the time in which we sought to do it had as its backdrop an obvious attitude by the Commission that it wanted to conclude the investigation at the earliest possible date.

Mr. KLEIN. From whom in particular did these comments come, about moving along and getting the investigation done?

Mr. SPECTER. It is not possible some 13 years later to identify specific comments but that was an attitude from the Chief Justice Warren who

was a fine administrator and an extraordinary person that I think did a superb job on the Commission. I do not mean to suggest that his interest in expediting the investigation in any way reflected an attitude on his part to have shortcuts, but we worked to get with it and we worked hard to get it done.

Mr. KLEIN. Did you feel that you were able to do everything that you wanted to do in the areas that you were investigating?

Mr. SPECTER. Yes; subject to the limitations that I have already described to you. There was a fair amount of independence exercised by some of us on the staff that exhibited itself in perhaps small ways. In questioning some of the witnesses in my area, I would ask questions which I recognized would be unlikely to draw very specific answers but which I thought were important for the record, questions such as:

To the best of your ability to recollect, what was the lapse of time within the first shot and second shot; to the best of your recollection, what was the elapse of time between the second shot and third shot? To the best of your ability to recollect, what was the distance traveled from the first shot to the second shot?

These questions, and I have not reviewed the transcript before coming here today because the parameters you and I discussed was to be on procedure and not on substance and there is not time to review the substantive work in the course of a few days between the time you asked me to appear here and the time I am here, but I make references to those portions of the questioning, as I recollect it, and there was an overriding feeling that many of those questions could not produce sufficiently specific answers to warrant the questions.

There was an attitude on my part, and I think on the part of other lawyers, we were going to ask the questions for the record.

If some of the Commissioners thought we went too slow, so be it. I recall the Chief Justice starting the questioning of Mrs. Connally after I questioned Governor Connally, saying that the questioning would be brief. I proceeded with the questioning in a way I thought was adequate, but I was mindful of the fact that the Chief Justice who would have conducted the questioning differently if he had been the questioner.

Mr. KLEIN. Were any political pressures applied to prevent you from thoroughly considering all the issues in your area of responsibility?

Mr. SPECTER. No.

Mr. KLEIN. In your opinion, did you have adequate support with respect to research and with respect to investigators in your area?

Mr. SPECTER. I think we did although I must say that as I watched CBS's seek major analysis of our work and they talked about various scientific devices that can be applied to the film, I watched those TV shows with great and personal attention to see if they had found some procedures and techniques that were not present in 1964 or perhaps some procedure and techniques that were present in 1964 that I didn't know about or when we discussed the triangulation of photographs which you and I talked about in my office during a brief interview the week before last, I wondered if there were some techniques that might have been applied that we didn't apply. But within the scope of what my knowledge was at the time and what techniques were called to my attention, I believe that we had adequate backup facilities.

Mr. KLEIN. Were you told that you could have free rein as far as techniques performed in your area of responsibility?

Mr. SPECTER. I don't believe anybody ever said, "You have free rein." But when a suggestion would be made it was always dealt with as if we had free rein to make whatever suggestion we chose. In the context of specific requests some tugs were pulled. There was some reluctance to having onsite tests in Dallas in late May 1964. A number of us on the staff were very insistent upon that. It was not too big a battle. We got the tests.

Mr. KLEIN. How did you come to the conclusion that a single bullet hit both President Kennedy and Governor Connally?

Mr. SPECTER. Is that a procedural question or substantive question?

Mr. KLEIN. You don't have to go into specific facts but tell us how you came to that conclusion.

Mr. SPECTER. That conclusion was reached because of the evidence which showed that the bullet entered the back of the President's neck and did not strike any solid subject in the President's body and exited from the front of his throat, creasing his tie where a tear was found in his tie, and from the lineup of the President's body and the position of Governor Connally and the position of the limousine, that a bullet exiting from the President's throat with the velocity calculated would be ballistic evidence showing that the bullet found on the stretcher, believed to be Connally's, and the large fragments in the front seat of the limousine conclusively having come from the weapon identified as being Oswald's, which gave us our basis for calculating velocity, that such a bullet would have had to have struck either someone else in the car or the car itself, and the evidence showed that the car itself was not struck, and Governor Connally was seated immediately in front of President Kennedy, which led to the inference that the bullet most probably struck Governor Connally.

The wounds on Governor Connally were consistent with the bullet which had a slight yaw on it, and the tests performed on the anesthetized goats were consistent with a bullet losing substantial velocity in tumbling through Governor Connally's chest and consistent with passing through Governor Connally's wrist backward and then, velocity almost spent, lodging in Governor Connally's left thigh. So the facts that we found were all consistent with the single bullet conclusion.

But the most persuasive evidence was the alinement of the President, the trajectory of the bullet and the necessity for the bullet to have hit either someone or someone in the car in the absence of having struck the car.

Mr. KLEIN. As you sit here today do you believe that President Kennedy and Governor Connally were hit by one bullet?

Mr. SPECTER. Yes, sir.

Mr. KLEIN. What experts were consulted in determining this?

Mr. SPECTER. Mr. Klein, that is definitely substantive.

Mr. KLEIN. I am not asking for names. I am asking what types of experts were consulted?

Mr. SPECTER. Well, we consulted, we took testimony from doctors in Parkland Hospital who worked on the President and Governor and autopsy surgeons and from Colonel Finck who was an expert although

not, as I recollect it, I am not sure as I say this, whether he was at the autopsy or not, I believe he was but I am not sure, and from some experts at Edgewood Arsenal.

I don't recall others but I have not reviewed the report with a view to being able to recite the experts who were consulted.

Mr. KLEIN. Do you recall Commission exhibit 399 which has been called the "pristine bullet"?

Mr. SPECTER. Yes; I do.

Mr. KLEIN. Are you fully satisfied that exhibit 399 is the bullet that went through the President and the Governor?

Mr. SPECTER. Yes; I am, the President's neck and the Governor.

Mr. KLEIN. In your opinion if Commission exhibit 399 had been discovered on the President's stretcher and not on Governor Connally's stretcher would the single bullet theory, have any validity?

Mr. SPECTER. Mr. Klein, you are going far beyond procedure, far beyond what we talked about before.

Mr. KLEIN. I don't see this as calling for a particular—

Mr. SPECTER. It requires some recollection and some thought. You asked if the bullet was found on the President's stretcher? The thoughts that are running through my mind at the moment are what proximity Governor Connally had to the President's stretcher so that the bullet which ended up in his thigh, whether or not that could have been moved or ended up on the President's stretcher or what the personnel at Parkland might have done with the bullet as it came from the Governor's body or from his clothing, that is a question that would require a good bit more thought than I would care to give it on the spur of the moment.

That was not a question that you and I discussed.

Mr. KLEIN. That is right. That particular question we did not discuss.

Mr. SPECTER. I believe the evidence is very persuasive that the bullet did not come from President Kennedy's stretcher. I say that only from recollection because I believe that all of the linens were taken from President Kennedy's stretcher after he died and the controversy as to which stretcher it came from, I think it in no way came from the President's stretcher as I recollect the evidence. It is a long time ago and it was involved.

Mr. KLEIN. In your opinion if the single bullet theory was not valid could there still have been only one shooter.

Mr. SPECTER. Yes.

Mr. KLEIN. Do you agree that the alleged murder weapon, the Mannlicher-Carcano rifle, has not been fired twice in less than 2.3 seconds?

Mr. SPECTER. My recollection is that the investigation showed that the shots he fired were within 2.3 seconds so that three shots would be fired in 4.6 seconds.

Mr. KLEIN. Do you think there was enough time from your viewing of the film and other evidence you saw, enough time so that the Governor and the President could have been hit by two bullets and that Oswald would have had enough time to fire his rifle in that space of time?

Mr. SPECTER. Yes; it is entirely possible that President Kennedy was struck in the neck by a bullet which was fired before President

Kennedy went behind the tree and that Governor Connally was struck by a bullet while the President and the Governor were behind a sign, so that the single bullet conclusion in my judgment is not all dispensable to the single assassin theory. I don't think that is the way it happened.

I don't think the single bullet theory, that is to say I do not think that they were struck by separate bullets with respect to the President's neck wounds and the wounds on Governor Connally but I think they could have been struck by separate bullets, all fired by Oswald.

Mr. KLEIN. Do you recall that Mr. Darrell C. Tomlinson was the man who found the bullet, exhibit 399 in Parkland Hospital?

Mr. SPECTER. Yes.

Mr. KLEIN. Do you recall at what point in the development of the bullet theory you first spoke to Mr. Tomlinson?

Mr. SPECTER. You mentioned his testimony yesterday, so I read the testimony on the train. The first and only time I talked with Mr. Tomlinson is when I took the deposition. I talked to him briefly before I took the deposition and when I took the deposition.

Mr. KLEIN. Do you recall at what point in time, in relation to when the one bullet theory was formulated, you decided that one bullet hit the President and the Governor?

Mr. SPECTER. That is another question which you didn't discuss with me before and that is a question which requires a fair amount of reconstruction.

Mr. KLEIN. I did mention this question to you yesterday.

Mr. SPECTER. You mentioned to me you were going to ask me about Tomlinson and when I first talked to him but not about when the single bullet theory was formulated.

The answer to the last question that you have asked as to when the single bullet theory evolved required a very careful reconstruction of the time sequence, principally starting with the interviews with Commander Humes and his testimony and the evidence which evolved, the Gregory testimony and the Gregory Humes report. That is not a question that can be answered on the spur of the moment. That will require a very careful reconstruction of the time sequence where that evidence was uncovered.

Mr. KLEIN. Were you the Warren Commission's staff member most directly concerned with the autopsy findings?

Mr. SPECTER. I think so. I think others doubtless read the reports and were conversant with it but I say that I believe I was, based on the fact that I took the testimony of Boswell and Humes.

Mr. KLEIN. You testified that you spoke to the autopsy doctors?

Mr. SPECTER. Yes, sir, before I took their testimony.

Mr. KLEIN. Did you speak to any other forensic pathology experts?

Mr. SPECTER. On this case?

Mr. KLEIN. On this case.

Mr. SPECTER. Prior to the time I did my work on the Warren Commission?

Mr. KLEIN. Yes; in relation to this.

Mr. SPECTER. There have been a lot of discussions about this case over the course of the past 13 years. But to deal with the question as

to whether I talked to any other forensic pathologist prior to coming to the conclusions in writing my section of the draft report, I believe that I did not.

Mr. KLEIN. You also testified that you did not have an opportunity to review the photographs and the X-rays pertaining to the President's wounds?

Mr. SPECTER. I certainly have.

Mr. KLEIN. Could you explain the reasons given to you as to why you could not view those X-rays and photographs?

Mr. SPECTER. I do not know here again that anybody ever said what the reasons were. I do know that I wanted to see them and there is a memorandum, which I just looked at this morning, which I am very delighted to see in the files, about my pressing to see it.

Reconstructing the reasons as best I can at this point, I believe it was, and I have said this publicly before, an attitude on the part of the Kennedy family that it might be possible that the photographs and X-rays would get into the public domain and the photographs would defile the memory and image of President Kennedy as a vibrant young leader and it would be ghoulish to show him in the picture with half his head blown off. That was the reason why I was not permitted to see them, as a speculation or a feel for the situation.

Mr. KLEIN. Mr. Chairman, I would ask that these documents be marked as committee exhibits.

Mr. PREYER. Did you want the one dated April 30th marked exhibit 1—

Mr. SPECTER. Are those the papers you gave me today?

Mr. PREYER. Without objection the two exhibits will be marked as exhibits 11 and 12 and entered into the record at this point.

[The following exhibits 11 and 12 were received in evidence.]

JFK EXHIBIT No. 11

[Memorandum]

APRIL 30, 1964.

To: Mr. J. Lee Rankin.

From: Arlen Specter.

Subject: Autopsy photographs and X-rays of President John F. Kennedy.

In my opinion it is indispensable that we obtain the photographs and X-rays of President Kennedy's autopsy for the following reasons:

1. *The Commission should determine with certainty whether the shots came from the rear.*—Someone from the Commission should review the films to corroborate the autopsy surgeons' testimony that the holes on the President's back and head had the characteristics of points of entry. None of the doctors at Parkland Hospital in Dallas observed the hole in the President's back or the small hole in the lower portion of his head. With all of the outstanding controversy about the direction of the shots, there must be independent viewings of the films to verify testimony which has come only from Government doctors.

2. *The Commission should determine with certainty whether the shots came from above.*—It is essential for the Commission to know precisely the location of the bullet wound on the President's back so that the angle may be calculated. The artist's drawing prepared at Bethesda (Commission exhibit No. 385) shows a slight angle of declination. It is hard, if not impossible, to explain such a slight angle of decline unless the President was farther down Elm Street than we have heretofore believed. Before coming to any conclusion on this, the angles will have to be calculated at the scene; and for this, the exact point of entry should be known.

3. *The Commission should determine with certainty that there are no major variations between the films and the artist's drawings.*—Commission exhibits Nos.

385, 386 and 388 were made from the recollections of the autopsy surgeons as told to the artist. Some day someone may compare the films with the artist's drawings and find a significant error which might substantially affect the essential testimony and the Commission's conclusions. In any event, the Commission should not rely on hazy recollections, especially in view of the statement in the autopsy report (Commission exhibit No. 387) that:

"The complexity of these fractures and the fragments thus produced tax satisfactory verbal description and are better appreciated in photographs and roentgenograms which are prepared."

When Inspector Kelly talked to Attorney General Kennedy, he most probably did not fully understand all the reasons for viewing the films. According to Inspector Kelly, the Attorney General did not categorically decline to make them available, but only wanted to be satisfied that they were really necessary. I suggest that the Commission transmit to the Attorney General its reasons for wanting the films and the assurance that they will be viewed only by the absolute minimum number of people from the Commission for the sole purpose of corroborating (or correcting) the artist's drawings, with the films not to become a part of the Commission's records.

JFK EXHIBIT No. 12

[Memorandum]

MAY 12, 1964.

To: Mr. J. Lee Rankin.

From: Arlan Specter.

Subject: Examination of autopsy photographs and X-rays of President Kennedy.

When the autopsy photographs and X-rays are examined, we should be certain to determine the following:

1. The photographs and X-rays confirm the precise location of the entrance wound in the back of the head depicted in Commission exhibits 386 and 388.

2. The photographs and X-rays confirm the precise location of the wound of entrance on the upper back of the President as depicted in Commission exhibits 385 and 386.

3. The photographs and X-rays confirm the precise area of the President's skull which was disrupted by the bullet when it exited as depicted in Commission exhibit 388.

4. The characteristics of the wounds on the President's back and on the back of his head should be examined closely in the photographs and X-rays to determine for certain whether they are characteristic of entrance wounds under the criteria advanced by Doctors Finck, Humes, Boswell, Gregory, Shaw, Perry and Carrico.

5. The films and X-rays should be viewed in conjunction with Commission exhibit 389 (a photograph of the frame of the Zapruder film immediately before the frame showing the head wound) and Commission exhibit 390 (the frame of the Zapruder film showing the head wound) to determine for certain whether the angle of declination is accurately depicted in Commission exhibit 388.

I suggest that we have a court reporter present so that we may examine Dr. Humes after the X-rays and photographs are reviewed to put on the record:

1. Any changes in his testimony or theories required by a review of the X-rays and films, and

2. Corroboration of the portions or all of his prior testimony which may be confirmed by viewing the photographs and X-rays.

Mr. KLEIN. Mr. Specter, you have before you a copy of the memorandum dated April 30, 1964, to Mr. Rankin from Arlan Specter and the memorandum dated May 12, 1964, to Mr. Rankin from Arlan Specter.

Mr. SPECTER. I have two such memoranda you gave me shortly before I testified today.

Mr. KLEIN. Have you had an opportunity to read those memoranda?

Mr. SPECTER. Yes; I did.

Mr. KLEIN. Do you recall writing them?

Mr. SPECTER. Very vaguely. I have no doubt that I did write them. But in direct response to your question do I remember writing these memoranda, very vaguely.

Mr. KLEIN. Is it fair to say that the memorandum of April 30 expresses your opinion that in order for the Commission to determine with certainty that the shots came from the rear, that the shots came from above, and that there are no variations between the films and the artist's drawings that it would be necessary to obtain the autopsy X-rays and photographs?

Mr. SPECTER. As you phrase the question permit me to read the memorandum please. Your question was necessary, indispensable?

Mr. KLEIN. To the Commission in order to determine with certainty.

Mr. SPECTER. The thought running through my mind, why I wanted to read it, is whether it was indispensable or only desirable. Let me pause a moment and reread it.

I believe that it was necessary for the Commission to determine with certainty the direction of the shots, which is what is said here on No. 1, that "The Commission should determine with certainty whether the shots came from the rear" and No. 2, "The Commission should determine with certainty whether the shots came from above," and also 3, "The Commission should determine with certainty there are no major variations between the films and the artist's drawings."

I believe that it was highly desirable for the X-rays and photographs to be viewed to corroborate the testimony of the autopsy surgeons. I was overruled on the request that I made to see them in drafting my own portion of the report.

My own feel for the situation at this moment, with what has been publicly disclosed, that there have been independent viewings of the photos and X-rays, is that they do corroborate the testimony of the autopsy surgeons. I did not doubt the veracity of the autopsy surgeons when they testified because I believe they were truthful men. I also felt that they would not be motivated to lie because they didn't know whether the photos and X-rays were going to be viewed by the Commission.

Humes and Boswell did not have any reason to expect that the Commission would not view it. So I think it is something that should have been done.

I do not think that the X-rays and films were indispensable for the Commission to reach the conclusion because it had a final judgment to make on what evidence it would hear.

Mr. KLEIN. Do you now disagree with part of this memorandum—

Mr. SPECTER. No, sir, I don't disagree with any part of the memo.

Mr. KLEIN. "—in my opinion it is indispensable that we obtain the photographs and X-rays of President Kennedy's autopsy for the following reasons:" You say now it wasn't indispensable?

Mr. SPECTER. Well, I think from my own personal point of view that the investigation should not have been closed and the conclusion should not have been reached and I did not want to come to final conclusions without seeing the X-rays and photographs. So from my point of view, indispensable is not too strong a word. As I reread this memo from 13-plus years ago, I was pushing the Commission to let me see the photos and X-rays. But I cannot say that the Commission was

derelict in its duty in coming to a conclusion as to what it wanted to see other than my own thoughts on the subject.

Mr. KLEIN. In your opinion as the staff member most directly concerned with the autopsy findings were you able to adequately investigate this aspect of the case without seeing those X-rays and photographs and having them evaluated by an independent forensic pathology expert?

Mr. SPECTER. I can only repeat what I have already said to you on that subject. I considered it something that I wanted to do. Having been overruled on an opportunity to look at the photos and X-rays, I then functioned with the evidence which I had.

Mr. KLEIN. I understand that, I understand you went along, the decision was made and you accepted that, but in your opinion could you adequately investigate that area without having the X-rays and photographs evaluated?

Mr. SPECTER. I think there was sufficient factual basis for me as an investigator to reach a conclusion on the evidence which I had which is what I did. I then came back to analyze some of the credibility of Boswell, Humes, and Finck, and I believe that they were honest and I concluded that their testimony was a sufficient factual basis for the conclusions I wrote in my recommendation.

Mr. KLEIN. Is it fair to say that when you evaluated their credibility, you considered whether they were telling the truth as opposed to whether they could have made a technical error which you would not be able to know, not having seen any of the autopsy photographs?

Mr. SPECTER. I based it on their honesty and also on their ability to observe and upon the records which they had an opportunity to make. All those factors in my judgment justified my conclusion that their recounting of the facts was correct.

Mr. KLEIN. Are you aware that the doctors themselves had not seen the X-rays and photographs at the time they spoke to you?

Mr. SPECTER. I believe that is in the record. I believe that they testified to that effect, but I do not know that because I have not reviewed it.

Mr. KLEIN. Were you aware that the FBI report issued on December 9, 1963, and the supplementary FBI report issued on January 13, 1964, both stated that the first bullet that hit the President did not exit from his body?

Mr. SPECTER. You and I discussed that when we met the week before last, and I do believe that the FBI report so stated but I have no firm recollection of that at this time.

Mr. KLEIN. Do you have any recollection as to whether you were able to resolve this discrepancy, considering that the FBI reports came out after the doctor's autopsy report had been written? Do you have any recollection of that?

Mr. SPECTER. My recollection is that we investigated it and the conclusion we came to was that the FBI report was written based upon the comments made in the course of the autopsy before the autopsy surgeons knew there had been a bullet hole in front of the President's neck, so their early speculation was that the bullet penetrated the back of President Kennedy's neck, and they speculated, we believe, that the bullet was forced out under pressure by external heart massage. When

they proceeded with the autopsy examination and found the path through the President's neck and talked to Dr. Perry, saw the bullet hole in the throat, that conditional speculation was rejected, but it found its way in the FBI report.

But that is largely reconstruction, largely speculation, on my part, I say that to this committee in an effort to shed what light I can on a possible explanation of it.

Mr. KLEIN. Do you recall whether you were satisfied with the explanation?

Mr. SPECTER. Yes; I was satisfied that the bullet which entered the back of the President's neck went all the way through and exited in front of his neck. It was not forced out by external heart massage.

Mr. KLEIN. As you sit here today, do you think it would be useful to form a panel composed of the top forensic pathologists in this country and to allow them to review the medical report and write a report telling of their findings?

Mr. SPECTER. Yes; I think this would be useful. There is enough public question about the whole subject so that considering all the other matters which were inquired into, that that would come very high on the list of priorities. I would certainly not only have no objection but would welcome that kind of review.

Mr. KLEIN. What predispositions, if any, did you have toward the intelligence agencies—I refer to the FBI, CIA, and the Secret Service—prior to working for the Warren Commission?

Mr. SPECTER. As I testified earlier, my experience with the FBI had been that they were competent investigators. I had had no prior contact with the Secret Service that I can recollect, or the CIA. So I really had no predisposition. I had an open mind.

Mr. KLEIN. As to the FBI with whom you did have some prior contacts, did your opinion of them change during the course of the investigation?

Mr. SPECTER. I thought that the people who worked with the Commission from the FBI were very able people. They sent us, I suspected, their very best. I suspected the ones we saw on the Commission were not typical of the FBI, they were really good. I am talking about the men on the investigation.

Mr. KLEIN. As to them your opinion didn't change?

Mr. SPECTER. I just stated the specifics. I thought they were good before they started. I thought they sent the very best in the course of the investigation. I thought they had some very good men. I did not deal with any of the note destroyers or allegations of that. I worked with the technicians.

Mr. KLEIN. Will you describe the attitude of the Warren Commission toward each of the intelligence agencies; that is, how did the Warren Commission view them and how in your opinion did these agencies view the Warren Commission?

Mr. SPECTER. I have really no idea how the agencies viewed the Warren Commission. I can tell you that I thought the Secret Service men were a good group and were trying to be helpful, the ones I questioned. I have already testified about the FBI people, and my contacts with the investigative agencies were limited to having technical assistance in those areas and questioning the Secret Service people at the scene.

I did not get involved in areas of foreign travel, foreign contacts, or CIA at all.

Mr. KLEIN. Looking at the individual agencies you might have worked with, was there any kind of feeling for how higher-ups of these agencies viewed the Warren Commission?

Mr. SPECTER. I really have no basis to testify about how those agencies viewed the Warren Commission except from the contacts I had with the specific agencies, and they were courteous and very cooperative on matters where I dealt with them.

Mr. KLEIN. Was there a general attitude that the Warren Commission had toward the intelligence agencies?

Mr. SPECTER. I really have no basis to testify on that.

Mr. KLEIN. No remarks, no memos, you might have seen that would reflect whether there was some kind of attitude "We can trust these people," "We can't trust these people," or anything like that?

Mr. SPECTER. I really was not privy to any such materials during the course of my work for the Warren Commission. The one thought which comes to my mind is on Jack Ruby's polygraph examination. My suggestion was to have an independent agency do the polygraph. It ended up with the FBI, a very able fellow. Most of the time we figured the polygraph was never going to be taken. There were objections from Ruby's lawyers. That is the only item that comes to my mind as to the Commission's response to the other Federal agencies.

Mr. KLEIN. Do you know if the intelligence agencies intentionally withheld any information from the Warren Commission?

Mr. SPECTER. Nothing which came to my attention on anything that would be evidence that any material was withheld. I have read the newspapers but have no evidence that came to my attention that information was withheld.

Mr. KLEIN. Were you aware that FBI agent Hosty's name was not initially given to the Warren Commission in the list of notebook entries, Oswald's notebook entries?

Mr. SPECTER. I have a vague recollection about that but I had no responsibility for that area and did not become involved in it.

Mr. KLEIN. You have no direct knowledge as a member of the Commission of any intentional withholding of information from the Warren Commission?

Mr. SPECTER. I have no direct knowledge and came into contact with no evidence of any withholding of information by any Federal Agency from the Warren Commission that I can recollect.

Mr. KLEIN. The only knowledge that you did have is from the newspapers? It that what you're saying?

Mr. SPECTER. That is all.

Mr. KLEIN. To your knowledge, did any of these intelligence agencies ever intentionally delay providing the Warren Commission with any information?

Mr. SPECTER. Not to my knowledge.

Mr. KLEIN. To your knowledge, did any intelligence agency ever intentionally provide the Warren Commission with false or misleading information?

Mr. SPECTER. Not to my knowledge.

Mr. KLEIN. Do you recall what the procedures were to obtain information from the intelligence agencies?

Mr. SPECTER. As I recollect it, a request would be made by assistant counsel and it would be funneled through Mr. Rankin. He would make the request, he would get the information back and disseminate it to assistant counsel.

Mr. KLEIN. Are you aware of any problems that were experienced in obtaining information from intelligence agencies?

Mr. SPECTER. I do not recollect having any problem, myself. I would only have the haziest thought in mind that some of the other lawyers may have made requests which Mr. Rankin or others may have raised some questions about but I could not specify any such instance and could really only testify about my own activities. I recollect no instances where I asked for anything that I did not get from any intelligence agencies. I again point out that the area I worked on did not turn information from Federal agencies.

Mr. KLEIN. Did you testify to the fact that you read about CIA training troops in Cuba and that wasn't given to the Warren Commission?

Mr. SPECTER. I did not testify about reading about CIA training in Cuba. I testified there were press reports that CIA may have been involved in an attempt to assassinate Castro.

Mr. KLEIN. Excuse me. You testified that you read press reports that the CIA may have been involved in attempts to assassinate Fidel Castro. Have you ever read or heard that the CIA had been training troops to invade Cuba?

Mr. SPECTER. I don't recall whether I have ever heard about that. It might have in the newspapers at some time. Certainly I have no recollection of having heard about that prior to the time the Warren Commission work was concluded.

Mr. KLEIN. Do you have any knowledge or have you ever heard information to the effect that an FBI agent in Dallas destroyed a note given to the FBI by Lee Harvey Oswald a short time before the assassination?

Mr. SPECTER. Only what I read in the newspapers many months ago.

Mr. KLEIN. If that were true, in your opinion would knowledge of this information have affected the Warren Commission investigation in a significant way?

Mr. SPECTER. I think that the Warren Commission would have wanted to have known all about that. To that extent it would have been significant.

Mr. KLEIN. Would it have affected the investigation in terms of assignments, in terms of actual investigation that was done?

Mr. SPECTER. Speaking for myself, if I had known that an agent for the FBI had destroyed a note of Oswald's I would have wanted to know every aspect of that destruction, who did it, who authorized it, and those people would very definitely be suspect in my mind and I would not give them any responsibility for any investigation that I was part of. How far it went in the FBI I do not know. I give my personal view. What the Commission would have done I can only specu-

late about. I wouldn't do business with anybody who was a party to an incident of that kind.

Mr. KLEIN. Certain avenues might have been opened if this information had been turned over?

Mr. SPECTER. I can't answer that question more fully than I have.

Mr. KLEIN. Regarding the assertion that the CIA was involved in the attempt to assassinate Castro, if that information had been given to the Warren Commission would that have affected the investigation.

Mr. SPECTER. I started off volunteering as I did early on that the question about the assassination attempt on Castro and the FBI destruction of the note are two questions which concerned me enormously as a citizen and events which the Commission should have known about and questions which I hope this committee will get to the bottom of.

Mr. KLEIN. What I am asking is not only looking at it from the point of view of the reliability of the agencies for not giving that information but looking at it from the point of view of the course of the investigation, would that have been affected? Do you have any opinion as to whether the course of the investigation would have been affected had this information been known?

Mr. SPECTER. I think that if there had been information known to the Commission about a possible assassination effort on Castro by the CIA, that the Commission would have looked into it. It would have followed those facts to see if there was any connection with the Kennedy assassination.

I say that. That is an obvious sort of conclusion. Neither of those two matters bears on the scope of the investigation which I was responsible for.

Mr. KLEIN. Do you have any opinion as to what motivated the intelligence agencies to withhold information from the Warren Commission.

Mr. SPECTER. Only the rankest speculation, a private citizen's speculation.

Mr. KLEIN. In your opinion did the fact that prior to the formation of the Warren Commission the FBI had already issued a final report in which they concluded that Lee Harvey Oswald was the lone assassin affect the investigation in any way?

Mr. SPECTER. Mr. Klein, you are going far from procedure which is what I came here to testify about. Let me try to deal with the question. I think that the Commission set out to make an independent determination as to who the assassin was. I cannot say that the identification of the news media of Oswald as the assassin, the identification by the FBI, did not have some imprint, however moderate, on my own thinking. I do know that the FBI report said that the first bullet hit the President's neck, the second bullet hit the Governor, the third bullet the President's back. I find the facts to the contrary.

Mr. KLEIN. In your opinion were the FBI agents you worked with, open to the proposition that the FBI report could have been wrong when it concluded that Oswald was the lone assassin?

Mr. SPECTER. I do not recall discussing the FBI report or having any interest in what the FBI had to say.

Mr. KLEIN. In the investigation that they were performing for you, did you ever have the feeling that in their minds the question was already resolved?

Mr. SPECTER. I do not recollect being concerned with what was in their minds. I was focusing on what I thought the facts showed. I do recall asking some of their people questions relating to the probabilities of the one bullet theory and some of their agents agreed with them. So to the extent the FBI agents disagree with the early FBI report.

Mr. PREYER. I might ask one or two procedural questions Mr. Specter, for my own understanding. As I understand it, the organization was set up so that there were senior counsel. Were there four senior counsel?

Mr. SPECTER. There were six senior counsel, counting Mr. Rankin as one of the senior counsel.

Mr. PREYER. Each one had a junior counsel working with him?

Mr. SPECTER. Yes, sir.

Mr. PREYER. You were junior counsel to Mr. Adams?

Mr. SPECTER. Yes, sir.

Mr. PREYER. Mr. Adams is a very distinguished lawyer and obviously was a very busy one. Is it really fair to say you ended up as the senior counsel in your area?

Mr. SPECTER. Yes, sir. It is more accurate to say I ended up as the only counsel in my area.

Mr. PREYER. Did Mr. Adams come to do anything?

Mr. SPECTER. Yes. Mr. Adams was with the Commission on a number of occasions. We did consult on some of the work of the Commission, but it was necessary for him to become inactive at a fairly early stage, but he did some things.

Mr. PREYER. He was present at interviewing some of the witnesses, hearing testimony?

Mr. SPECTER. I do not recollect his being present, interviewing witnesses. That was something we didn't do a great deal of. The record will show, I believe, he was present when the autopsy surgeons were questioned, but I have not reviewed the record.

Mr. PREYER. He was in on the early stages but was not able to do much after the first months, say?

Mr. SPECTER. I would say that he worked beyond the first month but precisely when he discontinued his activities I am not sure. I think that would be reflected on the Commission payroll because he was paid on a per diem basis. I would be sure he would not have put in for per diem if he was not active.

Mr. PREYER. On the question of testimony of witnesses I understand that the Commission and the staff, more accurately I should say the staff, took direct testimony of 94 witnesses and interviewed some 300 witnesses or 400. When you took the direct testimony of witnesses, were Commission members ever present or was this all done by the staff?

Mr. SPECTER. There were two procedures. One was when the testimony was before the Commission itself in which event at least one Commission member would have had to be present. There was a second procedure which we denominated for depositions where there was no Commissioner present, where verbatim testimony under oath was taken. There were other procedures, for example, where we took affidavits.

There were a number of ways to acquire the evidence.

Mr. PREYER. On the question of having enough time, I believe Mr. Rankin in May instructed the lawyers to complete their summary of the case by June 1. I believe you are the only one who had your work completed by that time?

Mr. SPECTER. I think that is right.

Mr. PREYER. Thank you. I want to say I think the memos in the file reflect very credibly on you and very favorably on your diligence and efforts to produce a complete investigation.

Mr. SPECTER. Thank you.

Mr. PREYER. Mr. Stokes.

Mr. STOKES. I have no questions, Mr. Chairman, at this time.

Mr. PREYER. Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Mr. PREYER. Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. Specter, in response to questions from counsel as to what the objectives of the Commission were as you recall, you gave rather categorical answers on your view that the objective was not to allay public fears, was not to prevent an international crisis, and was not to allow a smooth transition in national leadership. You then stated that there was concern for promptness in your determination. What reasons were given for the promptness in your determination and by whom?

Mr. SPECTER. It is hard to specify the people or Commissioners who were pushing for a prompt conclusion, but that was an unmistakable aspect of the atmosphere of the Commission's work. As I noted a few moments ago, Mr. Rankin set a date of June 1 for completion of our draft reports. I do not recollect at this time that there had been an earlier date or not. As I testified earlier, it was originally thought that the investigation might terminate in as little as 3 months.

The Chief Justice was a very strong force on the Commission and was interested in receiving periodic reports or documents showing the progress of the Commission work. So that all of us knew that it was a goal to work with the staff but at the same time to do a thorough job. No one ever said sacrifice thoroughness for speed.

Mr. FAUNTROY. But promptness for promptness' sake, not for any other objective or reason that you recall?

Mr. SPECTER. When I say promptness, I mean that the Commission had been given a job by the President, it was an important job, but the most important aspect of our job was to find the truth and do a thorough investigation. If there had been any fact which had been uncovered which would have been inconsistent or which had promoted an international incident, I can tell you categorically I would not have stood by to subvert any fact, and I don't think anybody else on the Commission would have. The Chief Justice was a man of tremendous stature and tremendous presence in the work of this Commission, as were Senator Russell, Senator Cooper and Congressman Ford, Congressman Boggs, Mr. McCloy, Mr. Dulles. But the Chief Justice was an overriding strong force and had a presence and a stature of tremendous integrity.

That was what we were doing. The Chief Justice told a story, which has been in the press. When the entire staff came together he told how

President Johnson had finally persuaded him to take on the chairmanship of the Commission and how he had first been approached by two of the other members of the Justice Department and turned the matter down. The President said to the Chief Justice—and I presume you gentlemen have had access to this, as I recollect it, and it has been a long time ago—he said to Chief Justice Warren, “Would you put on your country’s uniform in time of national emergency if your Commander in Chief asked you to do so?”

The Chief Justice said, “I would.” President Johnson said, “Well, your Commander in Chief is asking you to do so.” The Chief Justice said, “OK; I will do it.”

He had been unwilling to do it earlier for Judge Roberts in the Pearl Harbor matter, but when President Johnson told him that way, he said he would do it.

Chief Justice Warren had an international reputation. There were lots of rumors that we were all concerned about whether Oswald had anything to do with the Fair Play for Cuba Committee and whether Oswald’s travels in Russia had anything to do with it. But the people who were there, from the youngest lawyer all the way up to the Chief Justice were dedicated to finding the truth. I can speak about that unequivocally so far as I am concerned.

I have that view of everybody who worked on the Commission.

Mr. FAUNTROY. I share your respect for Chief Justice Warren, although I still don’t get a feel for the desire for promptness in your determination. You don’t recall any reasons for that?

Mr. SPECTER. The best I can tell you is that they were periodic comments in the media about when is the Commission going to finish its work? Everybody had things they wanted to return to. We were a temporary agency. Mr. Russell wanted to get on with the Civil Rights Act of 1964 which was very much current. Everybody had other things they wanted to do. We had a Presidential mandate to finish the report. When they gave me deadlines I really did not question too much about it. I went to work to meet the deadline.

Mr. FAUNTROY. I was very much impressed with the memos which you sent to your chief counsel and found the indispensable nature of the determination that you felt the Commission should make very reasonable. I would like for you to review with us again what reasons were given to you as a responsible person for this area of the investigation for not having access to the X-rays and the pictures? Are there any reasons beyond those which I heard you give in respect to the sensitivity of the family?

Mr. SPECTER. That was the only reason which was ever alluded to for not seeing X-rays and photographs.

Mr. FAUNTROY. The fear that you would not protect, you as the person responsible for determination with respect to the validity of the——

Mr. SPECTER. I would not say so much me personally. I don’t think anybody thought I was going to take them to the Washington Post. But there was a feeling that if they got into the hands of the Commission staff members that there would be a material risk that they would get into the public domain. I do not understand to this day what role Burke Marshall has on the photographs and X-rays or what the status of them is at the present time.

I was discussing with Mr. Klein, and I perhaps should not digress since I am so anxious to go, what the status was with respect to your seeing them, or your pathologist. It seems to me, and I have the greatest respect for the Kennedy family, but the Kennedy family always have had too much authority over X-rays and pictures as they relate to tangible pieces of evidence in this case. I feel strongly about that to this minute as I did back in 1964.

Mr. FAUNTROY. Finally, Mr. Chairman, I do not want to prolong this, but you also experienced some frustrations apparently with respect to your desire to question both Mrs. Kennedy and President Johnson and while you indicated you have some very specific questions you felt would have assisted you in the conduct of the investigation, your failure to be able to ask those questions did not in your judgment substantially affect the conclusions which you reached?

Mr. SPECTER. I think the conclusions would have been the same, but Mrs. Kennedy was the closest person to the victim, President Kennedy. I thought she should have been questioned. My view is that no witness is above the reach of the law to provide evidence. Every man's testimony is available to the court or to a proceeding here or in a court room or in any sort of judicial or congressional determination.

I don't think Mrs. Kennedy was above that one iota, nor President Johnson. I don't think President Johnson had anything to do with the assassination of President Kennedy but I do not think that would have been an inappropriate question to ask him notwithstanding the fact that he was the President.

I looked these over on the train this morning, whether he knew of any conversation or any event that in any way bore on the assassination of President Kennedy, I think those questions should all have been asked.

Mr. FAUNTROY. I take it you do have your notes of the questions that you would have asked had you had the opportunity?

Mr. SPECTER. As a result of Mr. Klein's efforts, I have been furnished copies of them. I did not retain any files of them when I left the Commission staff. I always wondered what happened to the questions I suggested asking President Johnson. I was glad to get a copy of them 10 days ago.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. PREYER. Mr. McKinney.

Mr. MCKINNEY. When we were arguing on the floor of the House as to whether or not this committee should be reestablished, Mrs. Boggs probably made the only speech that carried the day when she said that Hale, in particular, and Jerry Ford and a few others had a great deal of difficulty in drafting the final language of the Commission report to state that from the evidence they all had been shown or that had been put before them it was their conclusion. She alluded to the fact that Hale had a great many doubts as to the adequacy of the information that they were receiving.

Was it a pervasive sort of feeling on your part that you felt it was too fast and not thorough enough?

Mr. SPECTER. No, sir, I did not think it was too fast or there was not enough thoroughness. I thought that we functioned under a mandate of promptness but we had an opportunity to do a reasonably

thorough job. I don't think Mrs. Boggs participated as much in the work of the Commission as some of the other Commissioners did but that is all a matter of record because the record notes with precision when each one came. I never heard any suggestion that Mrs. Boggs was in any way questioning any of the materials that were being furnished to the committee.

Mr. McKINNEY. I don't think it was questioning the materials as much as it was the adequacy of the information, the amount of information, the things they didn't know. One thing that disturbed me is that, right after the assassination the Attorney General wrote to the President and suggested very strongly that everything be done to make sure that the conspiracy theory be ruled out and that Lee Harvey Oswald was the only assassin. He also wrote on December 1963 to the Warren Commission recommending that they immediately issue a press release stating what the FBI conclusion of the case was, which was that there was no international conspiracy and that Oswald was a loner.

How much of a handicap was that? Here you have the Attorney General of the United States turning around and telling a Commission, which is supposed to investigate a murder, this is who did it and they didn't do it? Did that disturb you as an investigator?

Mr. SPECTER. I never knew the Attorney General did that. You are saying that Attorney General Kennedy in 1963 in December told the Warren Commission to issue some tentative finding?

Mr. McKINNEY. On December 9, 1963 he wrote each member of the Warren Commission recommending that the Commission issue a press release stating the FBI report clearly showed there was no international conspiracy and Oswald was a loner. That did not get down to your level?

Mr. SPECTER. I was not on the Commission at that time. I did not join them until January. I think it was inappropriate for the Attorney General to do that, if I might state a citizen's opinion. I am happy to note that the Commission didn't do it.

Mr. McKINNEY. I just wondered again how much of a pervasive force it was.

Mr. SPECTER. I don't know that anybody would have paid any attention to his having said that. The things that bothered me were his protection of his sister-in-law and whatever hand he had in keeping X-rays and photos from us. What he had to say or what he wanted to push to do, I never heard of any involvement that Robert Kennedy had on trying to influence the Commission.

Mr. McKINNEY. You are back with Katzenbach?

Mr. SPECTER. Kennedy was Attorney General. He was Deputy Attorney General.

Mr. McKINNEY. Would you assume that the Deputy Attorney General would write a letter to some of the most powerful men in the Nation without the Attorney General knowing that?

Mr. SPECTER. Knowing Mr. Katzenbach, I wouldn't doubt it.

Mr. McKINNEY. Thank you very much.

Mr. SPECTER. I don't think they would be influenced much by what Mr. Katzenbach would say.

Mr. McKINNEY. I have to go back. I was younger then and was easily impressed. Chief Justice Warren is one of my folk heroes. He was a

very powerful individual. I find it very difficult to think that the Deputy Attorney General would write a letter of that type to a Presidential Commission. In fact, I find it very difficult that the Attorney General would write one without even the President knowing it. Because what you are doing is writing to the Chief Justice of the United States of America, the most powerful Senators and most powerful Representatives and a Commission set up to find the facts and you have the top legal entity in the United States of America writing a letter saying this is what the conclusion is and this is who did it and this is who didn't do it.

Mr. SPECTER. I had not known it was done. My own speculation would be that the Chief Justice would have been offended by it.

Mr. MCKINNEY. If I were President, I would have fired the Attorney General within the next 10 minutes.

Mr. PREYER. Mr. Sawyer.

Mr. SAWYER. I have one question. When you were asked a question about your judgment or thinking as to why these investigative agencies may have withheld information from the Warren Commission you said you only had the wildest type of private citizen's speculation. I would like the advantage of what your speculation is as a private citizen, if you have one.

Mr. SPECTER. I think the FBI in destroying the Oswald note, if it did so—I only know it is an allegation—would have been offensive, and had it come to light would have raised a question as to whether had they acted on it they could have prevented the assassination. I have a grave concern as a private citizen about what goes on with the CIA and what happens with plea bargaining with Mr. Helms and what is going on in the CIA.

I have grave questions about the President of the United States engaging in plea bargaining with Mr. Park. I have grave concerns as a private citizen about those subjects and I think that considering the interest of national security that our public welfare would be promoted by having some hard answers to those questions.

Mr. SAWYER. Thank you. That is all I have, Mr. Chairman.

Mr. PREYER. Thank you. Do you have any further questions?

Mr. KLEIN. Yes, Mr. Chairman. I have one more important area to go into and then I will conclude.

Mr. Specter, to your knowledge did the Chief Justice and any of the Commissioners or any of the Warren Commission staff members have any knowledge prior to the release of the Warren report that the CIA had anything to do with attempts to assassinate Fidel Castro?

Mr. SPECTER. I have no knowledge of anyone's knowledge about that.

Mr. KLEIN. To your knowledge did the Chief Justice, any of the Commissioners, or any of the Warren staff members receive information of any nature prior to the release of the Warren Commission pertaining to the CIA involvement in attempts to assassinate Fidel Castro.

Mr. SPECTER. Not to my knowledge but I am having a hard time distinguishing the last question from the former question.

Mr. KLEIN. Simply if there were any documents that you have any knowledge of that might have pertained in some way to CIA involvement in an attempt to assassinate Castro. Do you know of any?

Mr. SPECTER. I don't know of any documents relating to what the CIA may have done with respect to Fidel Castro. Nor do I have any knowledge, myself, of anything about that or that anybody on the Commission knew anything about it. I again hasten to add that my area was far removed in terms of what I had direct contact with.

Mr. KLEIN. Again in that same area, to be specific, prior to the issuance of the Warren report were you ever present with the Chief Justice or any of the Commissioners or any of the Warren Commission staff when the subject of an intent to assassinate Fidel Castro was discussed?

Mr. SPECTER. No.

Mr. KLEIN. To your knowledge did the Chief Justice, any of the Commissioners or any of the Warren Commission staff members receive information of any nature prior to the release of the Warren report pertaining to attempts to assassinate Fidel Castro?

Mr. SPECTER. Not to my knowledge.

Mr. KLEIN. Did you ever receive any indications from Chief Justice Warren, any of the Commissioners, any of the Warren Commission staff counsel or anyone else that there were areas of intelligence agency activities which the Warren Commission should avoid investigating?

Mr. SPECTER. Nothing of that sort were ever called to my attention.

Mr. KLEIN. I asked you whether you had ever received such indications. To your knowledge did anyone else connected with the Warren Commission investigation ever receive any indications from the Chief Justice, a Commissioner, a staff member or anyone else, that they were to avoid areas of intelligence activity?

Mr. SPECTER. No one ever told me to avoid any such areas of intelligence activities and I have no knowledge of anyone telling anyone else to avoid any such area.

Mr. KLEIN. At the time the Warren report was released were you satisfied with the thoroughness of the investigation?

Mr. SPECTER. Subject to the limitations that I have testified about, yes.

Mr. KLEIN. Subject to the limitation?

Mr. SPECTER. Subject to the limitations I have testified about.

Mr. KLEIN. Are you satisfied, as you sit here today, with the thoroughness of the investigation?

Mr. SPECTER. Subject to my testimony today, yes.

Mr. KLEIN. As you sit here today do you think it was successful?

Mr. SPECTER. Yes.

Mr. KLEIN. Other than what you have told us is there anything else you think should have been done differently?

Mr. SPECTER. Not that I can think of. Focusing on the fact I first talked to you a week ago Thursday, I got a call from you last week to come here today to talk about procedure. You called yesterday, you were going to ask me two specific questions, so that my review of this matter is limited to a great many other activities in the intervening several days.

Mr. KLEIN. Is it correct that I also told you that we would speak about the same things we spoke about during our 2-hour interview in your office; is that correct?

Mr. SPECTER. Yes. I think the scope of your questions has been substantially broader. A lot of it has gone into the question of substance

but I am glad to cooperate to the extent that I can, again saying that my ability to respond is limited. We had some very bulky records which I had access to and familiarity with a long time ago.

Mr. KLEIN. Did you then or do you now disagree with any of the major conclusions reached by the Warren Commission?

Mr. SPECTER. No.

Mr. KLEIN. Will you describe what pressures, if any, existed to complete the investigation before the election? Was that specifically ever mentioned, the election?

Mr. SPECTER. I think that there may have been some talk about it in the newspapers or some question about whether the deadlines were going to be extended beyond November but nobody ever said to me "We have to get this done before the election." I had my report in early June and the election was not a matter of concern to me. Nobody made it a matter to me, not that particular election.

Mr. KLEIN. Were there any pressures not to criticize the FBI or the Secret Service?

Mr. SPECTER. No, sir.

Mr. KLEIN. As you sit here today—

Mr. SPECTER. Not that I think about.

Mr. KLEIN. As you sit here today, do you think there is a need to reinvestigate the assassination of the President?

Mr. SPECTER. I think on the specific areas that I have discussed it would be useful. I have no objection to a total reinvestigation of the assassination because I think it is a healthy thing in a democracy to investigate whenever there is any public concern. I think that it is unlikely that a reinvestigation would be fruitful except on the specific leads. I want to emphasize I have no objection to having all the working over, including all of my work.

Mr. KLEIN. In your opinion why is the Warren Commission subject to so much criticism?

Mr. SPECTER. Because it is the most fascinating subject in town, this town, any town. Because the question of the murder of a President, with all the power of the Presidency, is a question that is of overwhelming interest. The Lincoln assassination survives until today, as I said earlier.

The aura of intrigue, what goes on behind closed doors, even like this executive session, is of interest to people everywhere. So I think it is a natural thing. And it is fascinating to have been a part of it. Aside from the volume of letters I get all the way from high school students to media inquiries and the burden of refreshing my recollection, I think it is fun, it is interesting to have been part of it.

Mr. KLEIN. Other than what you have testified to, is there anything else you can think of that the Select Committee on Assassinations can contribute to this matter?

Mr. SPECTER. No. I would hope that the committee will go into two areas that are of concern to me and beyond that the committee doesn't need my views or suggestions as to what it should do. I would have only one other thing which wasn't asked of me that is tangentially relevant and that is that it may be that while I did not see the photographs and X-rays, others did. I was concerned about the question after the Commission concluded and once wrote to the Chief Justice about that subject.

Precisely when I couldn't tell you. I think he responded to me. We had some meetings about it afterward. I think he may have seen the X-rays. I did not. Nor would it have changed any testimony I have given about my interest in seeing the photos and X-rays.

Your questions have been phrased in terms of what I did and what I knew and what I saw and that is really all I can comment about.

Mr. KLEIN. Thank you very much. I have no further questions, Mr. Chairman.

Mr. DEVINE. Mr. Chairman, I would like to ask a question if I may.

Mr. PREYER. Mr. Devine.

Mr. DEVINE. As an attorney you know that opinion evidence is admissible from an expert. I think you are fully qualified as an expert, having been so deeply involved in the Warren Commission investigation. For the purpose of the record I would ask you your opinion, if you have an opinion, No. 1, whether or not there may have been a conspiracy in the Kennedy assassination and, No. 2, whether in your opinion Lee Harvey Oswald was a sole operator?

Mr. SPECTER. In my opinion and judgment Lee Harvey Oswald was the sole assassin, the sole person to pull the trigger. I think the evidence is conclusive on his having pulled the trigger. I think the single bullet conclusion is correct. In my opinion I do not think that there was a conspiracy. I think that certain materials were withheld from the Warren Commission that we talked about here today.

My own best estimate of it is that they would not have been relevant to the issue of conspiracy and I think that had there been a conspiracy, given the milieu of life in America, that it would have come to light before this time. So my opinion is that there was no conspiracy.

Mr. DEVINE. Thank you very much.

Mr. PREYER. Thank you. Mr. Specter, under our rules, rule 3.6 of the committee, the witness is offered a chance to explain or amplify his testimony at this stage for 5 minutes. You have in effect been given that several times. If there is anything further you would like to say you are given that opportunity.

Mr. SPECTER. I only would like an opportunity to read the 1 hour 40 minutes of testimony which I have given uninterrupted, as the record will show, to be sure it is transcribed accurately and that I have no second thought about what I have said, responding as best I could to the questions.

Mr. PREYER. Yes. We will be happy to grant you that privilege or right. If there are areas in which you may not have anticipated being questioned and you would like to amplify on it more, of course we would welcome any further testimony or written statements.

Mr. SPECTER. Thank you.

Mr. PREYER. Thank you very much. The committee will recess until 2 o'clock today.

[Whereupon, at 12:20 p.m. the meeting was recessed, to convene at 2 p.m. the same day.]

AFTERNOON SESSION

Staff members present: G. Robert Blakey, G. Cornwell, M. Wills, E. Berning, K. Klein, J. Hess, J. Facter, J. Schlichtmann, L. Wizelman, S. Brady, L. Matthews, W. Cross, R. Morrison, and D Miller.

Mr. PREYER. The committee will come to order. We will resume our hearings. Our witness this afternoon is Dean Norman Redlich. We welcome you to the committee, Dean Redlich. We appreciate your being here in this bad weather today. If you will first be sworn.

Do you solemnly swear that the testimony you now are about to give will be the truth, the whole truth and nothing but the truth, so help you God.

Mr. REDLICH. I do.

TESTIMONY OF DEAN NORMAN REDLICH

Mr. PREYER. We appreciate your being here with us. Mr. Redlich. We will ask Mr. Klein if he will begin the questioning.

Mr. KLEIN. Thank you, Mr. Chairman.

Mr. PREYER. Excuse me. In accordance with our results the committee will ask Ms. Berning, our clerk, if she will deliver a copy of the rules of the committee to Dean Redlich.

Mr. KLEIN. Sir, what was your position prior to taking your job with the Warren Commission?

Mr. REDLICH. I was a professor of law in the New York University School of Law.

Mr. KLEIN. What investigative and/or prosecutorial experience did you have prior to taking that position with the Warren Commission?

Mr. REDLICH. I had no investigative experience and no prosecutorial experience.

Mr. KLEIN. Prior to being hired by the Warren Commission what was said to you about the goals of that Commission and about your function as a staff member?

Mr. REDLICH. Prior to the time I was hired?

Mr. KLEIN. When whoever spoke to you about coming to work for the Warren Commission.

Mr. REDLICH. When Mr. Rankin first spoke to me about working for the Commission he indicated that he wanted me to assist him, to work in certain special areas, and I believe he indicated that he wanted me to concentrate primarily on the factual aspects of the assassination, itself.

Mr. KLEIN. In your opinion what were the real objectives of the Warren Commission?

Mr. REDLICH. Perhaps I can best answer that by repeating what Mr. Rankin said when he convened the staff of the Warren Commission for the very first meeting of us as a complete staff which, as I recall, occurred toward the middle or the end of January 1964. He said, "Gentlemen, your only client is the truth." Those were his opening words of that talk. I think our objective was to find all of the facts which we could relating to the assassination of President Kennedy and the subsequent murder of Lee Harvey Oswald.

Mr. KLEIN. Was it an objective of the Warren Commission to allay public fears?

Mr. REDLICH. I never considered that as an objective. That was not put to me other than in the context of the fact that there were a great many doubts about what had happened, there was great concern about what happened, and of course to the extent that we could find all of the truth about the assassination, we would be allaying public fears. I

always felt that that was a byproduct of the principal objective which was to discover all the facts.

Mr. KLEIN. Was it an objective of the Warren Commission to prevent international crisis?

Mr. REDLICH. I don't believe so. I believe it was the objective of the Warren Commission to learn all of the facts about the assassination, including any questions with regard to possible conspiracy. If the learning of all the facts resulted in the allaying of public fears and easing of international strains, that, as I indicated, would be a byproduct of what our central mission was. Our central mission was not to prevent a crisis or to allay fears.

Mr. KLEIN. Was it an objective of the Warren Commission to allow a smooth transition in national leadership?

Mr. REDLICH. I don't recall that ever being mentioned as an objective.

Mr. KLEIN. In your opinion were the operating procedures and organizational structure of the Warren Commission conducive to achieving the objectives of the Commission as you saw them?

Mr. REDLICH. I think they were, yes.

Mr. KLEIN. How were they conducive to achieving the objectives of the Commission?

Mr. REDLICH. We were all committed to the pursuit of all lines of inquiry. There were no restrictions that I can ever recall placed upon me in terms of questions which I could ask or lines of inquiry that I personally could pursue. The Commission, as you know, was organized into certain areas of inquiry. I was not part of any of those specific areas of inquiry. In each of those areas of inquiry there was a senior counsel and a younger counsel. The Commission used as its principal investigatory arm the Federal Bureau of Investigation, to some extent the Secret Service.

I believed then, and I believe now, that the method of inquiry that we conducted was an objective one. We came with no preconceived notion. Our only objective was to find all of the truth. At the conclusion of that inquiry I was of the opinion that we had had the full cooperation of the agencies of the U.S. Government.

Mr. KLEIN. You stated that the investigation was divided up into a number of areas of investigation. Were the particular areas that were chosen conducive to achieving the objective of solving this case and finding the truth?

Mr. REDLICH. I believe that they were. I believe that those seemed to be at the time a natural way to divide the work. Obviously there might be some overlap. One might possibly look at the subject by retrospect and conceive of different ways or organization. I don't believe that there is any single one method of organization that is the best one. That seemed to us at the time as a logical division and I believe that it worked reasonably well.

Mr. KLEIN. Was the type and mix of the personnel hired conducive to achieving the objective of the Warren Commission?

Mr. REDLICH. I think it was. I think the staff was an excellent one. I was proud to be a part of it. I remain that way today.

Mr. KLEIN. Certain senior lawyers were not able to denote a good deal of time to this investigation. Is that correct?

Mr. REDLICH. That is right.

Mr. KLEIN. Do you think that affected the investigation?

Mr. REDLICH. Any time someone is not able to spend full time it had that effect. It means that that work which might have been done during the course of that full-time work gets picked up by others. In that sense even the fact that during the first several months I was teaching at New York University School of Law and was commuting back and forth, and it wasn't until May that my semester ended, that fact of course would have an effect. I don't think on balance any of that had a permanent harmful effect because I believe that that entire staff, taken as a whole, managed to conduct what I consider to be a thorough inquiry. Obviously as anyone who has conducted an investigation knows, you always would like to have everyone there all the time.

That was not possible during a substantial portion of the Warren investigation.

Mr. KLEIN. Despite the fact that some of these personnel did not play the part in the investigation that had been planned for them, do you think that the Warren Commission had a sufficient number of experienced lawyers to conduct the investigation?

Mr. REDLICH. Yes; I do.

Mr. KLEIN. Did the Warren Commission in your opinion have any initial factual assumptions in the following areas: first, as to the identity of the assassin?

Mr. REDLICH. We had no preconceived belief that Lee Harvey Oswald was guilty. We started out, of course, with a person, Lee Harvey Oswald, who had worked in the Texas School Book Depository and had been killed by Jack Ruby, and with regard to him there had already been a considerable amount of investigation. But this was not the case where one started and looked at the entire world and said let us find out from the entire world population who is the assassin. Lee Harvey Oswald was a suspect, a dead suspect but a suspect. I think that we had no prior commitment at all to the concept that, one, he fired shots; two, that he fired all the shots; or three, that there was any lack of or presence of a conspiracy.

Mr. KLEIN. Were there any initial assumptions regarding the existence of a conspiracy, and as far as there were, what particular groups might have been involved?

Mr. REDLICH. There were no preconceived notions, preconceived conclusions, about conspiracy. Early in the investigation several possibilities emerged as possible sources of conspiracy. It was obvious that one had to look at the possibility of a foreign conspiracy. Lee Harvey Oswald had been to the Soviet Union. He had made an effort to go to Mexico. He apparently had tried to go to Cuba. So, one had to look at the possibility of a foreign conspiracy. One had to look at the possibility of a domestic conspiracy.

There was a great deal of talk at the time about a conspiracy from the left, a conspiracy from the right. But there was no preconception about whether there was a conspiracy or if there were one, which one.

Mr. KLEIN. You referred to preconceived conclusions. I am more interested in whether there were any assumptions that might not have reached the stage of being a conclusion but which were regarded as prime areas for the Warren Commission to follow in answering the question of whether there was a conspiracy?

Mr. REDLICH. I don't think those assumptions were any more specific than the ones I just outlined. Lee Harvey Oswald was a person who had been to the Soviet Union. One thing that one had to look at was the question of a conspiracy from that source. He was a person who was making an effort to go to Cuba and he had been involved in the Fair Play for Cuba Committee in New Orleans. So one had to look at that possible source.

There was a great deal of talk in the press at that time about a right-wing conspiracy, allegations about oil people, the so-called feeling of hate in Dallas. Then there was the fact that Oswald was killed in the basement of the Dallas jail by Jack Ruby. So, one had to look at the question of whether Ruby was somehow involved in this. I think all of that was at the threshold level of inquiry.

We did not have any fixed assumptions about which of these was more likely or not likely. I don't mean by my answer to limit the possible assumptions. There may have been others that I have left out in my answer.

Mr. KLEIN. Do you think that the organization of the Warren Commission into five investigative areas gave sufficient leeway for adequate investigation of all of these possible areas of conspiracy, some of which you mentioned?

Mr. REDLICH. I believe that it did; yes.

Mr. KLEIN. Did the Warren Commission in your opinion have any initial factual assumptions regarding the reliability, trustworthiness, and competency of the investigative agencies which were working for you?

Mr. REDLICH. As nearly as I can tell, I and my colleagues came with a professional lawyer's degree of skepticism. We made a decision early that in regard to any expert testimony, fingerprints, handwriting, ballistics, a whole separate set of experts were to be consulted. I think that we did not have any preconceived notion of either believing everything to disbelieving everything. I believe that we felt a responsibility to conduct our own inquiry which we were conducting in the manner I have described to you.

But I would not characterize our position as being one of extreme belief or extreme disbelief. I would call it one of healthy skepticism.

Mr. KLEIN. Dean Redlich, you were speaking about using different sets of experts. To your knowledge, were any experts in the ballistics or autopsy field or any field used other than experts employed by Federal agencies?

Mr. REDLICH. My recollection is that in ballistics I believe we used someone from the government of Illinois, either handwriting or fingerprinting. I am not sure it was not someone from the New York Police Department. I believe that in all cases we used experts from other governments.

I am now going back 13½ years on recollection. I think perhaps we may have used the Post Office Department in connection with handwriting?

Mr. KLEIN. Were there any initial factual assumptions that the Warren Commission had regarding the possible repercussions of the various conclusions that might have been reached?

Mr. REDLICH. By repercussion, could you clarify that, please?

Mr. KLEIN. If a particular conclusion was reached, for example, that some foreign government had a part in the assassination, then there would be certain repercussions which might follow from that. Were there any assumptions that the Warren Commission had regarding that kind of repercussion?

Mr. REDLICH. I would have to say at any level of the Commission activity that I am familiar with the answer is no. I think for the record I should indicate that you have been using the term "Warren Commission." I assume you are talking about that which I knew as a staff member. I never was present at any meeting of the Commission, itself. All relationships between the staff and the Commission itself were through Mr. Rankin.

Mr. KLEIN. Did the organizational procedures used have an effect on the end result, in your opinion?

Mr. REDLICH. The procedures and the organization were an important part in introducing the end result, which I thought was a professional and thorough investigation of the assassination.

Mr. KLEIN. Did you feel any restriction on the investigation or writeup due to the organizational or procedural setup?

Mr. REDLICH. I recall no such restrictions.

Mr. KLEIN. What exactly were your responsibilities, sir?

Mr. REDLICH. I was probably the second staff person hired. When I came to the Warren Commission, which was some time in mid-December, the only other staff person who was there as I recall was Mr. Willens. Initially, Mr. Rankin wanted me to work on special projects. One of the first things I did, for example, was to draft a rule of procedures for the Commission. Then I was given an assignment which tended to dominate the first 6 or 7 weeks of my work with the Commission. The Commission made a decision that the first witness to be questioned would be Marina Oswald.

I was given the assignment of helping to prepare Mr. Rankin for the examination of Marina Oswald which was going to have to be very extensive. In the course of that I started to read all of the investigatory reports that had come to us from the FBI and the Secret Service with a view toward seeing how anything in those reports could bear upon any questions that we might ask Marina Oswald. Since she knew so much about Lee Harvey Oswald's background, not only in terms of what she herself was witness to but what he may have told her about his background, and since a great deal of that was in the investigatory reports, I had to go through all of those investigatory reports with a view toward working with Mr. Rankin and helping to prepare him for that questioning.

When that was done—I may be exaggerating the kind of compartmentalization of my work but I will give it to you the best I can recall—when that was done I tended to spend a great deal of my time working with those lawyers who were working in the area of the investigation of the assassination, itself. That was Arlen Specter, David Belin, and Joseph Ball. Because Mr. Rankin was anxious for me to work with the lawyers in that area, see what approaches they were taking, the witnesses they were questioning, I tended to concentrate, not exclusively but I tended to concentrate, in those areas although the actual work of the investigation in the sense of questioning witnesses

was done primarily by Mr. Ball, Mr. Belin, Mr. Specter, or Mr. Eisenberg.

Another assignment I had was that Mr. Rankin was most anxious for me to be present at as many Commission hearings as possible so that there would be someone working with him who had the opportunity to have as broad a range as possible of the testimony that was at least being presented in formal hearings before the Commission.

Then as the work of drafting took place, as drafts were prepared which went to Mr. Rankin and then to the Commission, I was involved in the normal staff work of reviewing drafts, suggesting changes, editing work on the report. I stayed with the Commission right up until the Friday that the report was submitted to the President. I left at 1 a.m. that Friday to go teach a class at 9 a.m. in the morning.

Mr. KLEIN. In your opinion what was the relationship of the staff counsel to the Warren Commission?

Mr. REDLICH. That would vary from Commissioner to Commissioner. The staff counsel were there and available at all times if any member of the Commission wanted to ask questions. Some of them availed themselves of that. Former President Ford was present at a great many hearings. He would talk to the staff members before or after. The Chief Justice was an ever present person at the Commission, and I can't emphasize that too much. His role was heroic in my judgment. He was there at 8 a.m. We held hearings early in the morning so that he could go back and preside over court. He would come back when the Court recessed for the day. Those of us who were there had an opportunity to discuss matters with the Chief Justice. However, in terms of informal relationship between the staff and the Commission in the sense of the staff being present at the Commission meetings in a formal way, that did not exist. I was not present at any meeting of the Commission. I was not privy to any formal meetings of the Commission. Mr. Rankin was the official line of communication between the Commission and the staff.

We learned of Commission decisions particularly as they reworked various drafts of chapters toward the end but we did not sit down with the Commission in a formal way.

Mr. KLEIN. Was there ample opportunity for individual staff members to communicate ideas to the Commissioners as a group or as individuals?

Mr. REDLICH. I think perhaps individual staff members may have had different views on that. I felt from my point of view that any position I may have had was being communicated through Mr. Rankin to the Commission in such manner as he saw fit. I believe that perhaps some members of the staff would have preferred to have had a more direct ongoing formal relationship with the Commission. We did see the Commissioners as they would come and preside or be present at hearings, but I think some members of the staff would have preferred a closer working relationship.

Mr. KLEIN. In your opinion were the Commissioners well informed on the facts of this case?

Mr. REDLICH. That was a very complex case. I think some of them were tremendously well informed. The Chief Justice was extremely well informed. I believe that former President Ford was extremely well informed. Mr. Dulles attended a great many hearings.

Senator Russell had very extensive Senate commitments, as you know. I believe that on the broad areas of the Commission's inquiry the Commission was informed. They were obviously not as informed of some of the specific enormous factual data in connection with this assassination as was the staff. I have never known a staff that thought that the group that it worked for was as well informed as the staff was, and the Warren Commission was no exception.

Mr. KLEIN. How long did you work for the Warren Commission?

Mr. REDLICH. I came in mid-December, somewhere between December, somewhere between the 19th and 20th of December, I believe, and I left about 1 a.m. on a Friday, I am not sure whether it was September 22, somewhere in there, of the Friday that the Commission went to the White House and presented the report to the President. I then, as I recall, made one trip back to Washington where I had an appointment to meet an archivist to go over the papers in my office. He walked into the office and I said to the archivist, "I will make a simple deal with you. If you can get it arranged you can have all of it." With that I turned my back and left with the same fountain pen that I came with.

Mr. KLEIN. Did you consider it a full-time job during the time you worked with the Warren Commission?

Mr. REDLICH. No. As I indicated earlier, from December until the end of January I was working as full-time as one could possibly, as I recall. I did not have classes at the time. That gave me an opportunity to get familiarized with the investigation. Then once classes began—it was a 14-week semester—I would shuttle back and forth. I did work on weekends in New York but I was in this pattern of shuttling back and forth. When classes ended, which was early in May, I went back to spending the predominant portion of my time in Washington and considered that certainly a full-time job up until the time I left.

Mr. KLEIN. Mr. Chairman, I have no further questions on the objectives or organizational procedure.

Mr. PREYER. I might have a couple of questions. I am sure the other Members may have a few questions also.

You mentioned that the Chief Justice was ever present and that he was very active and that you would hold meetings at 8 o'clock in the morning. Were these staff meetings or Commission meetings?

Mr. REDLICH. Commission meetings, sir. As I recall the court convened at 10. I believe that we started, I know that we had hearings prior to the time the court convened and my best recollection is that they started at 8.

Mr. PREYER. How often would these meetings be held? Let me put it this way. Were these formal Commission meetings or meetings to hear the testimony of a witness?

Mr. REDLICH. They were meetings to hear the testimony of witnesses.

Mr. PREYER. These were not full formal Commission executive sessions?

Mr. REDLICH. No, sir. If I conveyed that impression, that is wrong.

Mr. PREYER. I believe I have made a note that you said he was there every day. I assume you mean every day that there was a meeting that he was likely to be there, not that you met him.

Mr. REDLICH. Certainly the impression I have, as I look back over that period with the perspective of 13 years, is that the Chief Justice was a constant presence. By every day I certainly did not include Saturdays and Sundays but I think in terms of working days he was a constant presence at the Commission. I would not say it was every single working day. I would just say he was a constant presence.

Mr. PREYER. Would there usually be two Commission members to hear testimony of witnesses? Did you have any rule about that?

Mr. REDLICH. Mr. Preyer, I don't recall the precise rule. There were generally one or two other Commissioners present at the time testimony was taken. In addition to the staff attorney who conducted the inquiry, in the beginning it was Mr. Rankin and then it moved to other staff attorneys, and then I tried to be present when I could.

Mr. PREYER. As Mr. Rankin's special assistant were you personally acquainted with him before this?

Mr. REDLICH. Yes, sir. I had met Mr. Rankin in the summer of 1961 when he had left the Solicitor General's office. He had been Solicitor General under President Eisenhower. He had left the Solicitor General's office in 1961 and had come to New York City. In the summer of 1961 a workshop for professors of constitutional law was held at New York University Law School and Mr. Rankin, former Solicitor General, was invited to participate in that workshop. That is where I met Mr. Rankin. I had previously met Chief Justice Warren on the occasion of his coming to our law school.

Mr. PREYER. I was going to ask if you had known the Chief Justice. Did you know President Johnson by any chance?

Mr. REDLICH. No; I had never met President Johnson. I never met him during the entire investigation.

Mr. PREYER. You mentioned that you attended the first staff meeting and that Mr. Rankin stressed very strongly the truth was the only client that you had, that you should not form any conclusion before you heard the evidence. I believe that meeting was on January 20, 1964. I understand that the Chief Justice attended that meeting or came in a little later on in the meeting. Do you recall anything that he may have said to the staff at that time?

Mr. REDLICH. As I recall, he used the "unturning of every stone" inference. He said that he wanted to leave no stone unturned in pursuing this inquiry. While those are the only specific words I recall, the tenor of his remarks was completely supported by Mr. Rankin. I very vividly recall the phraseology of Mr. Rankin.

Mr. PREYER. This was a period that I think you brought out in which there were conspiracy theories floating around in the air. You mentioned the rightwing conspiracy theory. Did he say anything about one objective being to preclude further speculation or quenching rumors?

Mr. REDLICH. I cannot say for sure whether he specifically mentioned that. I think that he indicated that we hoped that a full, complete, and thorough investigation by bringing all the facts before the American people would have the effect of putting to rest some of these fears and speculations many of which were completely self-contradictory, and I know that I had hoped that this national tragedy was one which hopefully would not poison the life of this country if the facts were such as to indicate that there were no conspiracy.

But it was solely in the context that the great service we could perform would be to bring out all the facts. If those facts were that of

a conspiracy and that conspiracy had international implications or domestic implications, that would be the price of learning the truth. The aim was to produce all the facts. That is my recollection of the Chief Justice's remarks.

May I add by way of completeness, sir, it was either at that meeting or perhaps some other meeting in which the Chief Justice related President Johnson's urging him to take the chairmanship of the Commission. The Chief Justice was very reluctant to do it. Then I remember another quotation, the Chief Justice said he was confronted with a fact and not a theory and when confronted with that fact he had to say yes. I believe he quoted the President—it may have been at that meeting or another occasion, he quoted the President as saying "Your country requires you to put back on your uniform," and anyone who knows Earl Warren knows that he was an intensely patriotic man.

He said he ended up accepting an assignment which he initially had been disinclined to accept.

Mr. PREYER. Thank you.

Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Dean, without meaning to put words in your mouth do you think the Congress has assigned this select committee a kind of dead end task in that I take it from your remarks you feel that the Commission under which you served did a very complete, thorough, and honest job and the conclusions they reached were accurate and that will be the ultimate conclusion that this committee is going to have to reach? Or do you have other thoughts?

Mr. REDLICH. I have thought a lot about that, sir. I think that while I may have had reservations about the necessity of this committee, since I believe that the facts remain in my judgment, at least on the basis of everything I know, incontrovertible that Lee Harvey Oswald fired all the shots that killed President Kennedy and wounded Governor Connally, and since I have not learned of anything as a private citizen that would cause me to question the Commission's conclusion that there was no credible evidence in support of a conspiracy, I would have had reservations about the necessity of this committee.

However, I think this committee has been formed and I would not regard its work as a dead end cause, for whatever reason, doubts exist among the American people concerning the facts of the assassination. I may have my own judgment as to how those doubts arose but I think that is really irrelevant. The fact is that those doubts are there. With those doubts there I think that perhaps this committee has a useful, very useful, constructive role to play in terms of perhaps dealing with those doubts. Now I do not want to convey the impression to you that I am saying that you have only one conclusion that you can reach. Your conducting an investigation under your responsibility. My opinion is that you will reach the same conclusion that we reached. But if you do I do not think that that would mean that this committee did not perform an enormously important public function and I hope the committee would not feel that way.

Mr. DEVINE. To put it another way then, assuming but not deciding, assuming that we did reach a conclusion that Lee Harvey Oswald was the sole assassin without a conspiracy, the committee could indeed perform a useful service by perhaps explaining away or coming to

some conclusion on the rumors and unanswered questions that seem to exist in the public mind?

Mr. REDLICH. I think that would be one very significant contribution. I think also that facts have apparently come to the surface concerning the response of different investigatory agencies to the Warren Commission, itself. I believe that this committee is looking into that, and should. I think the question of how the various agencies of the Government, including the Warren Commission, itself, performed the very important job that it had is clearly within the purview of this committee.

So that while I guess I would have preferred, as someone who spent 9 months of his life working on this Commission, that we did not find ourselves engaged in an activity which was perceived by the country to be a complete reinvestigation of the assassination, putting that view aside, I think the committee has a very important role to play for the reasons you have indicated.

Thank you very much.

Mr. PREYER. Mr. Stokes.

Mr. STOKES. I have no questions, Mr. Chairman. Thank you.

Mr. PREYER. Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman.

Dean, when you were serving on the staff of the Warren Commission did there at any time come to your attention, directly or indirectly, that there had been this alleged CIA involvement in an attempt to assassinate Castro?

Mr. REDLICH. I have no recollection of that, sir. To the best of my recollection the answer to your request is no. I just do not recall any discussion about any CIA attempts to assassinate Fidel Castro.

Mr. SAWYER. Was there any suggestion that the so-called anti-Castro wing of the Cuban group here might have had any involvement in connection with the assassination? Was that ever explored?

Mr. REDLICH. That part of the inquiry was really handled more by Mr. Jenner and Liebeler. I do recall a great many discussions about Oswald's possible Cuban connection. There were witnesses, as I recall, who claimed that Oswald was linked to anti-Castro Cuba. There was also the possibility that Oswald could have been linked to pro-Castro Cuba. While I was not involved in that aspect of the investigation, I believe the Commission and its staff attempted to track down everything that it could about Oswald's relationship with anybody that related either to the pro-Castro side or the anti-Castro side.

But we did not, to the best of my recollection, look specifically at the question of any link between a threat to assassinate or a plot to assassinate Premier Castro and the assassination of President Kennedy.

Mr. SAWYER. Was there any investigation made or did any information come to your attention with respect to Ruby's possible connection with organized crime?

Mr. REDLICH. I recall that there was some discussion about—I was not personally involved in the Ruby investigation. There were a great many allegations about Jack Ruby. He had a rather unusual background. Included among those, as I recall, were some allegations linking him to organized crime. But I have not clear recollection of the nature of that investigation.

Mr. SAWYER. Was there information coming to the Commission about the alleged combination of the CIA and some of the Matia in connection with some of these raids on Cuba?

Mr. REDLICH. I have no knowledge of that.

Mr. SAWYER. You have no recollection?

Mr. REDLICH. No; I do not. I am not saying it didn't happen.

Mr. SAWYER. The Commission as far as you know didn't get into that?

Mr. REDLICH. As far as I can recollect, no. But I was really not in that particular area of the investigation in a direct way.

Mr. SAWYER. Did the Commission as far as you know get into the question of how Officer Tippit identified Lee Harvey Oswald when he was allegedly killed by Lee Harvey Oswald. Did you get into that at all?

Mr. REDLICH. No one really knows what happened when Officer Tippit drove up to Lee Harvey Oswald on that street in Dallas. We did look at the police report that went out on the radio to see whether someone listening to those reports in a police car would have had reason to pull over and stop a man looking like Lee Harvey Oswald. The report goes into that in considerable detail. The descriptions that went out on the police radio describing a man of Oswald's build, although they were not incidentally at that time describing Oswald themselves, the reports that went out on the radio were based upon eyewitness description at the assassination. Oswald himself was arrested not for the assassination of President Kennedy, he was arrested because of the killing of police officer Tippit and was found in the theater.

So we don't really know whether there was any identification of Oswald by Tippit other than the fact that Tippit apparently moved up to Oswald in the car and then Oswald shot him.

Mr. SAWYER. Did you have any information with respect to the alleged destruction or concealment of information by the FBI that was your investigative arm, as I understand?

Mr. REDLICH. The only incident of that kind that I can recall coming to my attention related to an address book. In the course of sending us all of Lee Harvey Oswald's possessions the FBI sent to us the address book which was found either in Oswald's room or on his physical body at the time he was arrested, and they also sent over a written transcript of everything that was in that address book. Although I have not had prosecutorial experience, I am a lawyer and I sat down and decided to go through the address book page by page and compare it with the transcript of what was in it. In the course of doing that I found that there had been left out of the transcript certain data, and here I cannot be completely precise as to what was left out, but as I recall it was the name of Agent Hosty and possibly his license number or possibly phone number. It had something to do with Agent Hosty. That had been left out. Agent Hosty had been an FBI agent who had some contact with Oswald after he had come back to Dallas.

I was disturbed over that. I immediately reported it to Mr. Rankin. I am sure that Mr. Rankin immediately reported it to the Chief Justice because I believe the three of us talked about it. We then waited several days, it may have been a longer period but we waited to see

whether the FBI would furnish this additional data, and it didn't come. Then we wrote to the FBI a rather strong letter expressing our dismay about the fact that the transcript was not complete and asking an explanation for it. I believe, and I have no way of checking the specific dates, but my best recollection is that on the same day we sent the letter to the FBI there then came to us an explanation saying that the reason they had not sent it was that they were sending us only the material that would be addressed to leads and their own agent would not be a lead. I believe that would be the explanation although I am not sure.

In any event the explanation still left me annoyed over the fact that it had been left out and I remain annoyed to this day.

Mr. SAWYER. Was it pursued further when you got a reply that they were only excerpting that that they felt would be a lead?

Mr. REDLICH. I think the decision was made at the time that, while we were really not very happy with the reply, we couldn't really disprove it. That was not, as I recall, pursued beyond that point.

Mr. SAWYER. Is it fair to say that the matter was then dropped?

Mr. REDLICH. To the best of my recollection, yes, sir.

Mr. SAWYER. Can you tell me why the decision was made that the people primarily concerned on the staff were not allowed to see the X-rays or the photos of the autopsy and who made the decision?

Mr. REDLICH. To the best of my recollection, sir, that decision was made by the Chief Justice, himself. I was not present at any meeting of the Commission, so I don't know that it was brought up at any Commission meeting. I believe the Chief Justice himself felt that the publication of the autopsy film and the X-rays would be a great disservice to Mrs. Kennedy, the Kennedy family.

Mr. SAWYER. I am not talking about publication. I am talking about a member of the staff that had primary responsibility and, or the Chief Justice himself to look at these, not the public.

Mr. REDLICH. I can only surmise but I think the Chief Justice believed, based on all of the evidence that we had, including the testimony of the autopsy doctors, all of the physical evidence concerning the ballistics, the President's clothing, the nature of the flashings on the President's jacket, based upon all the physical evidence I think the Chief Justice, rightly or wrongly, concluded that he preferred for those films not to be viewed.

Now I would say that I know, because I have been shown today a memorandum from Mr. Specter, Mr. Specter I know had strongly felt, that that was a wrong decision. I think that there may have been another factor, sir, although I don't recall discussing it with the Chief Justice. I think the Chief Justice really wanted everything that was going to be viewed by the Commission to be part of the record. I think the Chief Justice felt rather strongly that he did not want the American people to say that a fact should be assumed as true just because Chief Justice Warren or anyone else saw it.

I think that he did not want those films to be viewed and form a basis for the conclusion of the Commission unless that could be part of the record. Now the Chief Justice is not here so I am just giving you my best recollection. Certainly, sir, by retrospect in light of all of the discussions about those films it might have been a wiser course of ac-

tion to have allowed those films to have been viewed. But those films are of course there now. I think by retrospect it would have been the wiser course of action to have permitted those films to be viewed.

I remember Mr. Specter's memorandum, and I would say it is a persuasive memorandum. I happen to agree that the films themselves, while they were important sources of evidence, I think that the evidence that the Commission did have before it amply supported the conclusion. But by retrospect I think that some arrangement should have been worked out for those films to be seen.

Mr. SAWYER. Perhaps the most controversial aspects of this or one of the most controversial is the single bullet theory. Here was positive evidence or potential positive evidence tending to go to that part of the inquiry that you refused to look at it even in camera. That I don't understand. I don't understand what was the nucleus of that decision.

Mr. REDLICH. I can only respond to that by saying that what appears to you in retrospect, by the perspective of 1977, as being a crucial bit of evidence, did not appear that crucial at that time. While I agree with Mr. Specter that the film should have been viewed, I believe quite strongly that if one looks at all of the evidence that was there at the time, and there was a great deal of that —

Mr. SAWYER. Why not look at all the evidence? That is what you are saying?

Mr. REDLICH. I think the reasons for that were the reasons that the Chief Justice gave and I think they are linked. One was the question of publicity; and secondly, it was his feeling that what the Commission was going to look at should be in the record. Now we may disagree with that. I am not saying that it was necessarily the correct decision.

I don't think those films are crucial to the single-bullet theory.

Mr. SAWYER. The single-bullet theory is not a newly cropped up argument. That was an argument that was raised within the staff. According to Mr. Specter, there was some debate and philosophical argument on how this could happen. If you have the evidence that can either make it or break it, let us say, to refuse to look at it—you know, no one would try a jury case without introducing the facts that are available. That is what I don't understand.

Mr. REDLICH. Mr. Sawyer, I don't believe those films would make or break the single-bullet theory.

Mr. SAWYER. You don't know because you didn't look.

Mr. REDLICH. I think that the Commission would have been criticized for not looking at them, but I believe that looking at those films which would either confirm or not confirm what the doctors themselves said, who conducted the autopsy; I think we are forgetting the fact that we had the testimony of the three doctors who conducted the autopsy and who had themselves seen the film.

Now, the single-bullet theory was a very complex formulation. If you have heard from Mr. Specter, you have heard it from a person who knows a great deal about it. I am not disagreeing with you that the films were an important bit of evidence. You have asked me why and I can only say to you, one, I did not make the decision; and secondly, I am giving you my best recollection why the decision was made.

Mr. SAWYER. My recollection is that there is a dispute between the testimony of the autopsy diagrams and the diagrams of the location of the bullet that entered the President's neck or back, and they seem to be disagreeing with their own diagram made at the time, as I recollect.

Mr. REDLICH. There is no doubt about their testimony that the bullet entered the President's back and another bullet entered the base of the head. They testified in detail about the track of the bullet. The pictorial diagram which they prepared I think was not consistent with their testimony.

Mr. SAWYER. Thank you, Mr. Chairman. I am sorry to have taken so much time.

Mr. PREYER. Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

The question that I have may not bear directly on procedures and the structure of the staff and the Commission to undertake the investigation. Inasmuch as we are into investigation, I would simply like to ask if at any time you were able to read a transcript or hear a tape recording of the interviews held with Mr. Oswald after his arrest?

Mr. REDLICH. I do not recall any tape recordings. We had as a witness before the Commission the Dallas police officer who questioned Lee Harvey Oswald. I believe that he did not use a tape recorder. That is my best recollection. He himself did not. So, we had his report of the interview with Oswald. We then had the FBI agents' and possibly Secret Service, I am not sure, reports of their interviews with Oswald. We then had the agents who had interviewed Oswald and they testified before the Commission.

I also believe that the Dallas police officer who questioned Oswald also was interviewed by an FBI agent, and we had the results of that interview.

Mr. FAUNTROY. But you recall at no time a verified account of what Mr. Oswald in fact said?

Mr. REDLICH. If you mean an actual transcript, sir—

Mr. FAUNTROY. A transcript of some sort.

Mr. REDLICH. I do not have any recollection of that.

Mr. FAUNTROY. You were comfortable with the procedural fact that you had FBI agents and police officers who outlined to you what they recalled from their interrogation of Mr. Oswald?

Mr. REDLICH. Yes. To the best of my recollection, everyone who questioned Oswald was questioned by the Commission or the staff, as I recall.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. DEVINE. May I ask one question, Mr. Chairman?

Mr. PREYER. Mr. Devine.

Mr. DEVINE. In connection with what Mr. Sawyer brought up, on the Hosty omission from the transcript, was that the only omission you found in your comparison analysis of the notebook and the transcript?

Mr. REDLICH. That is my recollection, sir.

Mr. DEVINE. That is the only one?

Mr. REDLICH. Yes. I would have to actually look at the letter that we wrote to the Bureau because that contains whatever else there was, but that is my recollection now.

Mr. DEVINE. The only deletion so far as you know?

Mr. REDLICH. As far as I can remember it. If the letter to the Bureau goes beyond that, my recollection is faulty.

Mr. DEVINE. The Hosty thing stands out in your mind?

Mr. REDLICH. The Hosty thing clearly stands out in my mind. I am reluctant to say categorically that is all there was. I was asked the question about what was concealed at the time I was there. I have read in the papers about a letter that was given to agent Hosty that was supposed to have been destroyed, but we knew nothing about that at the time.

Mr. DEVINE. Thank you. Thank you, Mr. Chairman.

Mr. PREYER. Thank you.

Mr. Klein, we have covered your next area for you.

Mr. KLEIN. Yes; I think so, Mr. Chairman, but I will try to go around the area.

Mr. FAUNTROY. Go right through them. Just go straight on through if you don't mind.

Mr. KLEIN. Dean Redlich, in the areas in which you participated in the investigation and you have told us what those areas were, do you believe that you were reasonably able to explore and resolve all the viable issues?

Mr. REDLICH. Yes, sir.

Mr. KLEIN. Did you have enough time to fully investigate those areas?

Mr. REDLICH. I believe we did.

Mr. KLEIN. Did you experience any political pressures applied in any of those areas which prevented you from thoroughly considering all the issues?

Mr. REDLICH. No, sir.

Mr. KLEIN. In your opinion in each of the areas that you participated in in the investigation, did you have adequate support with respect to research needs and investigators?

Mr. REDLICH. Yes. Once the decision was made that the investigatory arms of the Federal Government were going to be used by the Commission my overall judgment of the way that those investigatory arms performed was extremely favorable.

I believe that they were completely responsive to the requests of the Commission for investigative work.

Mr. KLEIN. Is it fair to say that in your opinion you had the time and the support, the facilities, to complete the full investigation in each of the areas in which you worked?

Mr. REDLICH. Yes, sir. When I left on that Friday morning, I was satisfied in my mind that we had done a complete and thorough job and that we were not under political pressure and that if I felt that we had not done a thorough job I would have been arguing vigorously to keep the investigation going. I did not so argue. I thought that we had done what we had set out to do the preceding December.

Mr. KLEIN. One area you testified you worked in was the facts of the assassination. Can you tell us how the single-bullet theory evolved?

Mr. REDLICH. I can't recall any specific moment in which someone said that this is the way it was. We were studying the film very carefully. By we I mean Mr. Specter, Mr. Belin, Mr. Eisenberg, myself, Special Agent Shaneyfett, who was a photography expert for the

Bureau. We were studying the films carefully to see the positions of President Kennedy and Governor Connally. We had the ballistic testimony which was that the bullet that was found on the stretcher and the fragments that were found in the car had been fired from the rifle on the sixth floor of the Texas School Book Depository to the exclusion of all other weapons. We had the autopsy document. There was examination of clothing. There was no hard evidence at all that any bullet had come from any other source. Now a question that was troublesome was that as one looked at Governor Connally's position in the car and realizing the time within which it took to fire bullets from the rifle, if Governor Connally was hit at a certain frame, and I forget the number, but at a certain frame based upon his body position, and if President Kennedy was hit at a certain frame based upon our observation of the film, and if those frames were so close together that one person physically could not have squeezed off the two bullets, we would have had a situation where all of the known facts that we had—remember, there were no facts that we had that the bullets had come from any place other than the sixth floor window—we would have had a situation where the facts simply would have presented an irreconcilable conflict.

Now since Governor Connally was in front of President Kennedy one hypothesis which started to emerge, and I repeat I can't tell you when it emerged, but one hypothesis that started to emerge, and it would have been logical to have emerged with Arlen Specter, one hypothesis was that the same bullet struck both men.

Then the question became one of testing that hypothesis—that was done in several ways—the question of whether one bullet could have gone through President Kennedy's neck and emerged, going at such a speed as to have done the damage that it did. There was testimony from witnesses answering that question in the affirmative.

A critical question of course was whether the two men were so alined at the time that President Kennedy was shot in the neck that the bullet could have hit Governor Connally. That was one reason that the reenactment in Dallas was staged. The car was placed at the point where, based on the films and what we could see in the background, the car was at the time that we believed the President had been hit with the first bullet. I was in the School Book Depository at the time of reenactment.

Then we had a camera set up on the rifle, itself, through the sights to see whether at that particular moment the two bodies were in alinement. They were in alinement.

The single-bullet theory has somehow emerged in discussion as if it were unrelated to all the other facts. The point I am simply making is the fact that the bullet which went through President Kennedy's neck also was the same bullet that entered Governor Connally's back was completely consistent with all of the evidence that we had at that time.

Mr. KLEIN. You spoke about the time required to fire the alleged murder weapon twice and you spoke about the point at which it appears the President was hit and the point at which it appears the Governor was hit. With that in mind, in your opinion, if the single-bullet theory is not valid, that is if there were two separate bullets

which hit the Governor and the President, could there still have been only on shooter?

Mr. REDLICH. The only way I can answer that question is to say to you that if the single-bullet theory is not valid we would had to have gone back and reevaluated all our other facts. I am not prepared to say that that means that there necessarily had to be two assassins. I can only say that all of the facts that we have were consistent with the single-bullet theory. If that turned out to be wrong, if somebody said that didn't happen that way, it was conclusive that it didn't happen, I cannot tell you what the results of a complete reevaluation of all the facts would have been.

Mr. KLEIN. Are you familiar with Commission exhibit No. 399, the so-called "pristine bullet"? Do you recall that? Again we are speaking about the single-bullet theory. My question is are you completely satisfied as you sit here that Commission exhibit No. 399 is the bullet that went through both Kennedy and Connally?

Mr. REDLICH. Assuming 399 is the bullet that was found on the stretcher at Parkland Hospital, the answer is yes.

Mr. KLEIN. I believe that the conclusion of the Warren Commission was that 399 was found on a particular stretcher. Are you in a agreement with that conclusion?

Mr. REDLICH. I am. I was simply being cautious, not having the report in front of me and not knowing what 399 was.

Mr. KLEIN. If I tell you that 399 was the bullet that the Warren Commission concluded was found on Connally's stretcher, then you are completely satisfied that that bullet went through both Kennedy and Connally?

Mr. REDLICH. Yes, sir, I am.

Mr. KLEIN. Based on your knowledge of the single-bullet theory, I will pose a hypothetical. That is, if Commission exhibit No. 399 was not on Connally's stretcher but if it were on Kennedy's stretcher, in your opinion would the single-bullet theory have any validity? That is, if the Warren Commission was incorrect when they concluded that exhibit 399 had been on Connally's stretcher?

Mr. REDLICH. I am trying to understand the point. As you know from the testimony of nurses, there was some question of where the bullet—as to the question of the stretcher, I can only reiterate I am completely persuaded that a bullet went through President Kennedy, the base of his neck, went through his body with a downward trajectory, emerged at the base of his tie. Then proceeded with a slight yaw and entered the right side of Governor Connally, hit his ribs, as I recall, emerged through his body, did the damage to his wrist and then was lodged in his thigh and that one bullet did those things.

I am also convinced that a second bullet entered the back of President Kennedy's head and blew out the right side of his head, killing him. Now the question of the bullet ending up on particular stretchers is something that I am not quite sure I understand the thrust of. I can tell you what my conclusion is as precisely as I just did. If somebody found that bullet on President Kennedy's stretcher I would have to start to look to see where it came from, what happened.

Obviously if that "pristine bullet" only went through President Kennedy, then it would be at variance with the conclusion that I

just described to you. But that is because I believe that the two men were alined and based upon what that bullet had to go through, hit President Kennedy's back, the absence of bone tissue, the fact that it was probably emerging at almost the speed as when it entered, leads me to the conclusion that it had nowhere else to go other than to hit Governor Connally.

Mr. KLEIN. Moving on, the second area that you testified you were involved in was the investigation of Marina Oswald—is that correct?

Mr. REDLICH. Yes, sir.

Mr. KLEIN. Mr. Chairman, at this time I would ask that these two documents be marked as exhibits.

Mr. PREYER. The documents will be marked as JFK exhibit No. 13. Without objection it will be entered into the record at this time.

[JFK exhibition No. 13 was received; entered in the record, and follows:]

JFK EXHIBITION No. 13

FEBRUARY 28, 1964.

[Memorandum]

To: J. Lee Rankin.

From: Norman Redlich.

Subject: Questioning of James H. Martin and others concerning Marina Oswald's character.

During the course of yesterday's questioning of James H. Martin many questions were asked relating to the character and personal life of Marina Oswald. Since some members of the Commission may doubt the relevancy of these questions, and since the issue may arise again when other witnesses are called before the Commission, I am herewith setting forth my reasons for pursuing this line of inquiry.

James H. Martin stated that he had consciously attempted to create a public image of Marina Oswald as a simple, devoted housewife who had suffered at the hands of her husband and who was now filled with remorse for her husband's actions and deeply grateful for the generosity and understanding of the American people. As Martin's testimony indicates, there is a strong probability that Marina Oswald is in fact a very different person—cold, calculating, avaricious, scornful of generosity, and capable of an extreme lack of sympathy in personal relationships.

This Commission has undertaken not only to determine who fired the shots that killed President Kennedy but to study all evidence which might lead to an explanation for why the crime was committed. If Lee Oswald was the assassin, the character and personality of his wife must be considered relevant in our determination of motive. There are many possible explanations for the assassination—a foreign or domestic plot, Oswald's insanity or Oswald's political motivation. Another possible explanation is that Oswald was a mentally disturbed person with delusions of grandeur who was driven on to commit this act by a wife who married him for selfish motives, degraded him in public, taunted him about his inadequacies, and drove him to prove to her that he was the "big man" he aspired to be. To the extent that we ignore any one possible explanation for the crime we are focusing the attention of the Commission and history on other motives which may not be as sound as the one we ignore. This would be a disservice to the cause of truth which, in your words, is our only client.

Neither you nor I have any desire to smear the reputation of any individual. We cannot ignore, however, that Marina Oswald has repeatedly lied to the Service, the FBI, and this Commission on matters which are of vital concern to the people of this country and the world. As you know, I was not in favor of placing on the record the story of her actions in Washington because we already have statements which provide us with all that we need to know on this matter and formal testimony could have added very little. But if a witness who has had close association with Marina Oswald is prepared to offer certain insights into her character, including those of a derogatory nature, I feel that the mandate of the Commission's inquiry compels us to consider this testimony.

In the near future we will be questioning Ruth and Michael Paine, and possibly re-examining Marina Oswald. I feel that the issues raised in this memorandum should be carefully considered by the Commission prior to the calling of these witnesses.

Mr. KLEIN. [Handing this document, which is a memorandum dated February 28, 1964, to Dean Redlich.] Do you recognize that memorandum?

Mr. REDLICH. I do recall it; yes, sir.

Mr. KLEIN. Have you had an opportunity to review that memorandum earlier today in my office?

Mr. REDLICH. Yes, sir.

Mr. KLEIN. Do you recall writing that memorandum?

Mr. REDLICH. I believe I wrote that. I am not denying that I wrote it.

Mr. KLEIN. I would direct your attention to page 2 of the memorandum, the second paragraph, the second sentence. I quote:

We cannot ignore, however, that Marina Oswald has repeatedly lied to the Secret Service, the FBI, and this Commission on matters which are of vital concern to the people of this country and the world.

Will you explain what you were referring to in that sentence please?

Mr. REDLICH. I have been thinking about that, Mr. Klein. This memorandum was written in February 1964, shortly after Mr. Martin testified. As the committee will notice, the purpose of this memorandum was to explain to the Commission why I had pursued a line of inquiry with regard to Mr. Martin, a line of inquiry which presented Mrs. Oswald in a less than favorable light. My explanation was that we had an obligation to pursue all possible motives. One of the motives could have been that Mrs. Oswald, through the kind of person that she was, drove Lee Harvey Oswald to the assassination. I am not saying that was the motive. I am saying that was a possibility. Therefore, I took the position in this memorandum that Mrs. Oswald, that the nature of her character, the kind of person that she was, was relevant to the scope of the inquiry.

In the course of that, I wrote this sentence.

Now I have tried to recollect any specific matter that I may have had in mind, and I have to say that I do not recollect anything specific. It may have been, and one would have to go back into the investigatory report, it may have been at first she may not have told the truth in connection with the attempted killing of General Walker. It may have been. I am really just surmising she may have been asked if Oswald had ever engaged in violence, and she may have at first said "No" and then brought out the fact about the General Walker shooting.

I can only recall that I prepared a lengthy memorandum, and I hope it is in the files because if I had that I could answer your questions, that it was a lengthy memorandum that I prepared which was the basis for her questioning. As I say, I worked for about 5 or 6 weeks to develop a series of questions. Now I gave to Mr. Rankin a lengthy document which had a proposed series of questions, and to each one of those questions I indicated the testimony that she had given at various times, because she had been interviewed many times.

I indicated the testimony that she had given, the instances where it was in conflict, and indicated the kind of questions that I thought should be asked when she came before the Commission. This, of course,

refers to the Secret Service and to the FBI. I believe that most of what I was referring to in this sentence would have related to the answers that she would have given to those agencies.

If you can find that document, I will be happy, if you called it to my attention, to try to be specific on the answer. As of now I have no clear recollection of any particular event other than the possibility of the Walker one, and there was also the possibility that she may have originally denied that there was any other act of violence or any threat of violence whereas he had in fact at one point told her that he was going to kill Mr. Nixon, which came out later.

Mr. KLEIN. Unfortunately, we have not been able to locate many documents which should be in the Archives. I do not have and have not read the document to which you are referring, but let me ask you this. As you sit here today, is it your recollection of your investigation of Marina Oswald that this sentence is basically correct, or was there any kind of change in your attitude toward her credibility?

Mr. REDLICH. I would say that at the time I wrote this letter on February 28, this statement is correct. I would not have written it if I did not think it was correct. Now I also say that at the time our investigation was over, I was satisfied that whatever light she could throw on the assassination that was relevant to our inquiry she had given us, and that there was no need to pursue any further questioning of her. She was questioned again, I believe; I believe in Dallas. It is possible that some of the areas might have been cleared up at that point or cleared up in subsequent interviews that we may have asked the FBI to conduct with her. So that this statement at the time I wrote it I must have believed was correct, and if I could find that document, it would give you the details of it.

At the time we concluded our investigation, I did not feel that Marina Oswald could have cast any additional light on the critical questions that were before the Commission.

Can I just amend that answer slightly, Mr. Klein? Let me say that I felt that any additional questioning of Marina Oswald was not going to cast additional light. No one can really be sure whether someone possesses information. I think the only thing I felt reasonably sure of, and still do, was that any further questioning of her was not going to produce anything more than we knew.

Mr. KLEIN. I am just trying to understand your last statement. Is it your belief that with proper time and investigative resources that Marina Oswald could shed further light on the investigation?

Mr. REDLICH. I have no way of judging that. Fortunately, we live in a society where there are limits on the extent to which one tries to pry information from the mind of a human being. There may have been aspects about Mrs. Oswald's life, of what she perceived to be of a personal nature, which she would not have wanted to have discussed. Whether those could cast light on his motives one can only speculate.

As you know, the Warren Commission reached the conclusion that there was no evidence of a conspiracy. We tried to indicate several possible motives. Proving negatives is always a very difficult thing to do. Whether Mrs. Oswald has information in her mind that might be useful to this Commission I would doubt, but I would not cate-

gorically say that any person does not have information in one's mind except what I say about myself. I do not.

Mr. FAUNTROY. Will counsel yield, Mr. Chairman?

Mr. PREYER. Mr. Fauntroy.

Mr. FAUNTROY. I earlier indicated the fact that Mr. Oswald was dead dictated what structures and procedures you had to follow, and that, while the absence of any verbatim account of what he had to say did not disturb you unduly, obviously, from your statement here, you did have some specific things in mind which, of course, you obviously, after 13 years, can't recall specifically, and counsel has advised us that we don't have access to the memorandum or writing that might have refreshed your memory on those, I just wondered, inasmuch as Mrs. Oswald is still available to us, if it would jog your memory to think a minute about what we might ask her, that you might have asked her had you had the affirmative response to your memo?

Mr. REDLICH. The reason I find it difficult to answer that is that you must understand that that sentence would have been completely consistent with Mrs. Oswald's having told certain things to the FBI on one occasion, and then saying, "I didn't tell you the truth that time, this is the truth." It would have been consistent with her having told the FBI something on one occasion and then coming before the Warren Commission, saying, "This is now the truth, that was not." So, at the time I wrote this sentence it should not be interpreted as meaning that I thought there were then a great many unanswered questions about her.

I did think there were some because I did state later in the memorandum that "We will be questioning Ruth and Michael Paine and possibly be reexamining Marina Oswald." To my best recollection I did feel that we should reexamine Marina Oswald and that happened I believe in July of the investigation. What I am not sure of at this moment is whether after her testimony before the Commission and whether after her subsequent questioning by the Commission staff and whether after subsequent questioning by agents of the FBI, if in fact we asked them to do it and I am not sure about it, whether after all of that, I still feel that I have doubts about what she told us. That is why I find it hard to answer your question in the affirmative.

She is obviously a very important person in understanding Lee Harvey Oswald and possibly his motives. She was with him a great deal of the time. Her testimony is very relevant as to whom he knew, whom he spoke to. I simply am unable to tell you now whether I felt that we had anything less than the truth from her at the time we finished in December 1964.

I must have felt that we did at the time I wrote this memorandum in February 1964.

Mr. FAUNTROY. But it is accurate to say that at the conclusion of the Commission's work you were satisfied that your questions about the possible motives for Oswald having their origin in the character of Marina Oswald, his wife, were satisfied?

Mr. REDLICH. The Commission reached no conclusion on motive. My own personal opinion is that I could not reach a conclusion on motives.

I think it is possible that the personal, and this is my own personal judgment on this, sir, that the personal relationship between the two of them could have been a factor. I am a lawyer and not a psychiatrist and I don't know whether someone with psychiatric training would have a different view of this. The most I would say is that that could have been a factor. But there could have been other factors. It could have been a man who wanted to demonstrate that he was really an important person, quite apart from his wife. He could have been a man who had an intense dislike of authority.

He could have been a man who, based on his Marxist writings, had an intense dislike of anything in the capitalistic system. It could have been any one of a multiplicity of motives. I think that is something that people will speculate about for a long time to come.

Mr. PREYER. Mr. Klein.

Mr. KLEIN. Dean Redlich, in the area of autopsy you have given extensive testimony already; are you aware that the FBI report issued on December 9, 1963, and the supplementary FBI report issued on January 13, 1964, both stated that the first bullet to hit the President did not exit from his body? Are you aware of that?

Mr. REDLICH. Yes, sir, I do recall that.

Mr. KLEIN. During the course of the investigation were you able to account for the discrepancy between the FBI report and the autopsy report, considering that the autopsy report was written before the FBI report was written?

Mr. REDLICH. I believe that we satisfied ourselves that what happened was that the FBI agents who were present at the autopsy were recalling their recollection of what was being said and the doctors were examining various hypotheses during the time of the autopsy, and that accounted for the FBI report saying one thing and the doctors saying another.

I thought the FBI report was a grossly inadequate document. In fairness to the Bureau they apparently decided to produce something very quickly, but based upon what I feel I know and remember about the facts of the assassination, I think it was a grossly inadequate document.

Mr. KLEIN. When you say it was a grossly inadequate document is that in all respects or are you just talking about the autopsy?

Mr. REDLICH. I think the way it handled the autopsy, I believe—let me put it to you this way, Mr. Klein. If all we had before us was the FBI report about the assassination, the unanswered questions about the assassination would have been legion and they would have come from very responsible sources, because the thing that we were talking about earlier, the single-bullet theory, the explanation of the totality of the facts of what happened, was simply not in the FBI report.

It took us a long time to work it up. I don't want to be critical in terms of the time they had available to them but I think that this Government owed much more to the American people than the FBI report that was presented to the Commission, and we certainly did not use that as any type of basis for our investigation.

Mr. DEVINE. If the gentleman will yield at that point, was not that FBI report a preliminary report? Had it been a complete report there would have been no need for an examination?

Mr. REDLICH. What I was suggesting was that if that had been the final word, that FBI report had been the final word, I think perhaps long before 1977 there would have been a need for this committee, sir, because a great many questions that I believe we answered were left unanswered by the Bureau's report. That may have simply been a matter of—

Mr. DEVINE. Is it your understanding that was a final report from the FBI or a preliminary report?

Mr. REDLICH. I am not sure of that. That was a report that I believe may have been done for the President at the time and then given to us. Then I would have to look at the report. I think you have raised a very good question. I would have liked to look at the report again to see what they said about it. I would say that report, just standing on its four corners, was in my opinion not an adequate explanation of the assassination. In fairness to the Bureau, it may well never have been intended to be a definitive report of the assassination and if that is true, then my comments have to be judged in that light.

Mr. DEVINE. Then it was less than a month following the assassination, was it not?

Mr. REDLICH. I think so.

Mr. DEVINE. Thank you.

Mr. KLEIN. Mr. Redlich, what present predispositions did you have toward the intelligence agencies, such as the FBI and the CIA, prior to working for the Warren Commission?

Mr. REDLICH. As a professor of constitutional law I regarded myself as a civil libertarian. I had regarded the FBI and its activities during the 1950's in the cold war period as being one which had been repressive of free speech. So I did not come to Washington with the view that the Federal Bureau of Investigation was a model that I should choose to follow. I had had no direct experience with it. I had felt that the Bureau had been part of what I perceived to be a most unfortunate period in the history of civil liberties in the United States.

I had no particular feeling about the CIA or the Secret Service.

Mr. KLEIN. Will you describe the relationship of the Warren Commission to each of the intelligence agencies. How in your opinion did the Warren Commission view the agencies and how did the agencies view the Warren Commission?

Mr. REDLICH. I can say very little about the CIA because I had virtually no contact with it, perhaps no contact with it. That was handled by Mr. William Coleman and David Slawson, to some extent Willens. Now as far as the FBI is concerned, I thought that we had a good relationship notwithstanding my extreme annoyance over the Hosty matter. As I look at the totality of the work they did over this 9 or 10 month period there is nothing that we asked them to do that they didn't do and do promptly.

While there were certain instances where I thought they made mistakes, that was our problem to evaluate their work. But as far as cooperation was concerned, while, as you know, the Bureau had fairly rigid rules about who wrote letters to whom, and the letter that came from the Bureau was signed by Mr. Hoover, the Bureau I found to be a very cooperative agency.

The Secret Service we did not ask to do that much. Whatever we asked them to do, mainly in connection with some work in connection

with the reconstruction of the assassination in Dallas, I found them to be cooperative. I would say that notwithstanding my predisposition, which I already mentioned to you, before I came to Washington, I left Washington with the feeling which I incorporated in letters that I wrote to Mr. Hoover, with the feeling of respect for the FBI.

I came with a feeling that maybe there were two FBI's. Maybe there is the FBI that works as a professional law enforcement level; that was the group I dealt with, that was the group for which I came away with a very healthy respect. Maybe there was another FBI which dealt with political matters, which I had nothing to do with, and which undoubtedly accounted for my prior negative feelings about their work.

Time after time as I worked with their experts I found they were fair, cautious, and did not try to overstate the case. They were not trying to convict Lee Harvey Oswald ex post facto, they were a very professional organization.

Mr. KLEIN. You testified as to the Hosty notebook. Other than that to your knowledge did any of the intelligence agencies ever intentionally withhold any information from the Warren Commission?

Mr. REDLICH. To my knowledge as of September 1964 or my knowledge now?

Mr. KLEIN. As of September 1964.

Mr. REDLICH. As of September 1964 my best recollection is that it was only the Hosty matter.

Mr. KLEIN. As you sit here today do you know of any such information?

Mr. REDLICH. As I sit here today I have read reports that Lee Harvey Oswald delivered a letter to Agent Hosty in Dallas which Agent Hosty destroyed. I think that is inexcusable. Now the question of what blame one attributes to the Bureau depends on what your committee discovers about who else in the Bureau knew what Agent Hosty did. Whoever in the Bureau was responsible for that, that was inexcusable. If it were to turn out that people in high positions of authority in the Bureau knew about that and didn't tell us, then I would be very chagrined about that and it would certainly lead me to qualify my statement that they had cooperated in every way.

If it was only Agent Hosty or some immediate superior I think that is a subject of condemnation but I would not condemn the entire Bureau.

Now the other aspect that I have read in the press is that the CIA and the FBI and Mr. Dulles are supposed to have known of a plot to assassinate Premier Castro. I think that should have been brought to the attention of the Commission.

Mr. KLEIN. The information that you just testified to relating to the note that was not received and the attempt to assassinate Premier Castro, in your opinion had this information been given to the Warren Commission would it have affected the investigation?

Mr. REDLICH. Let us take them one at a time.

The note to Hosty. How it would have affected the investigation would have depended—perhaps I don't understand your question. Do you mean the existence of the note or the fact that Hosty destroyed it?

Mr. KLEIN. I mean if you had known that the note existed would the investigation have proceeded along different avenues than it ultimately went?

Mr. REDLICH. That one I think would not have had too great affect on the inquiry for this reason. As I recall, at some point in the investigation, perhaps in the questioning of Ruth Paine, it was brought out that Lee Harvey Oswald had gone down to the Dallas Police Department [sic] and had threatened to blow the headquarters up or words to that effect. At least that is my recollection. To the extent that the letter would have confirmed that fact it would have been additional evidence.

But the revelant fact that Lee Harvey Oswald was capable of violence is something that the Bureau, if my recollection is correct about the Ruth Paine testimony, would have known about, because she testified that Oswald had gone to the FBI headquarters in Dallas and threatened to blow it up. So that that would have only been relevant in evaluating the performance of the FBI in not turning over Oswald's name to the Secret Service.

If I am right that the Bureau had that information, then I think the fact that they would have had the information in the form of a letter would not have materially affected the investigation.

Mr. KLEIN. On that point your answer is based on the testimony that you read in the newspapers that was given by agent Hosty saying that the letter was a threat by Oswald to blow up the FBI building. Is it fair to say that your answer is predicated on accepting agent Hosty's explanation of what was in the letter and that the Warren Commission might have been able to further investigate the letter and affirm whether or not that was in fact what the letter said? Was that an avenue of investigation that might have been open to the Warren Commission?

Mr. REDLICH. Yes; we would have had the letter. We would have been able to compare the letter with what I recall was Mrs. Paine's testimony. That would have been relevant to the question of Oswald's propensity to violence which would have been relevant in terms of the FBI failure to report it to the Secret Service because we had a lot of other evidence of Oswald's propensity to violence at the time the investigation was made.

Mr. KLEIN. When you say that the letter that was destroyed—would not have affected your investigation you are accepting Agent Hosty's 1976 testimony as to what the letter said. I am saying that had you known at the time of the investigation that a letter existed then do you think that that might have led to an investigation and who knows what would have been found as to what the letter actually said?

Mr. REDLICH. I am sorry, Mr. Klein, I did not understand your question. You are quite right. Not having the letter we don't know what the letter said. If the letter had said something different from what Agent Hosty said in 1977, then we might have had a different investigation.

Mr. KLEIN. Further along that line, had you known the letter existed in 1964 when you investigated this case, then there would have been a lot of avenues that you might have gone to, to try to find out what this relationship was. Again, not necessarily accepting what Agent Hosty said the letter said.

Mr. REDLICH. That would depend entirely on what the letter said. I can only speculate on that.

Mr. KLEIN. To your knowledge, did any of the intelligence agencies ever intentionally delay providing the Warren Commission with any information?

Mr. REDLICH. If they did it was not something that I recall.

Mr. KLEIN. To your knowledge did any of the intelligence agencies ever intentionally provide the Warren Commission with false or misleading information?

Mr. REDLICH. Again I would say that as of September 1964 I would answer to my knowledge no. If the alleged facts are true that there was a plot to assassinate Premier Castro, and Mr. Hoover and Mr. McCone said that they had given us all the information that was relevant to this assassination, then sitting here today I would say that those statements were not accurate.

Mr. KLEIN. As you sit here today do you have an opinion as to what might have motivated the intelligence agencies to either withhold information or provide false information?

Mr. REDLICH. You are asking a general question. The only information that I have any knowledge about, which is what I learned through the press, relates to the Hosty letter and the assassination plot in regard to Castro. I can only speculate about that.

Mr. KLEIN. What would your speculation be?

Mr. REDLICH. Do you want my speculation?

Mr. KLEIN. Yes.

Mr. REDLICH. My speculation might be that the FBI could conceivably have been—not the FBI but Agent Hosty or someone in the Bureau might have felt that a letter in their possession threatening to blow up the Dallas headquarters of the Bureau would have been construed as, and put the Bureau on notice that Lee Harvey Oswald was a person who was dangerous and therefore they should have reported him to the Secret Service. In fact you will recall that the Warren Commission did criticize the FBI in its report for not reporting Oswald to the Secret Service.

Now I think that a possible reason is that they may have felt that this would put the Bureau in a bad light. On the question of the assassination one can only speculate that they may have had reasons that they perceived to be national security in mind. They may have felt that if this were brought to the Commission it might have led to certain areas of investigation which they perceived to be matters of great national security. I can only guess about that and I really have no knowledge.

Mr. KLEIN. In your opinion did the fact that prior to the formation of the Warren Commission the FBI had issued its December 9 report and January 13 report which concluded that Lee Harvey Oswald was the lone assassin, did that fact in any way affect the investigation of the Warren Commission?

Mr. REDLICH. No. We did not accept that conclusion. We started with a completely clean slate.

Mr. KLEIN. In your opinion while working for the Warren Commission, were the FBI agents who worked for you adverse to, or were they open to, the proposition that the Bureau might have been wrong when it concluded that Lee Harvey Oswald was the lone assassin.

Mr. REDLICH. I can't really analyze what was in the minds of the individual agents. It is rare for people in or out of Government to be

happy with the thought that something they worked on was wrong. I think that the Bureau personnel was probably no exception to that. On the other hand I found that in my working with them on questions of film analysis, I didn't have a sense of working with a group of people who were resisting what the Commission was doing. I had a sense of a group of people who were trying to help us with what we were doing.

Mr. KLEIN. Is it possible that the FBI, having already conducted its own investigation and reached a conclusion, wanted to tailor the Warren Commission investigation to conform to that conclusion?

Mr. REDLICH. I don't believe that is possible.

Mr. KLEIN. To your knowledge was any consideration given to hiring independent investigators?

Mr. REDLICH. I have clear recollection of that. Certainly during the time of the investigation from time to time staff members talked to Mr. Rankin about what it might have been like if we had had a completely independent staff. I think that we reached the conclusion then, with which I still agree, that while using the existing investigatory arms of the United States had certain disadvantages, that on balance it was still the right decision to make. There were certain tradeoffs.

We got the benefit of what I still believe to be a highly efficient, cooperative, vast investigative apparatus which cooperated. The trade-off was that it could be said that we were using the very agencies of the United States who might have some stake in a preordained result. I don't think there was any happy, completely happy, solution to that dilemma.

I am satisfied that it was the right decision.

Mr. KLEIN. As you sit here today, if you had to make that decision at this time you would make the same decision? I am saying if this were 1963, knowing what you know, would you make the same decision to use FBI agents as investigators?

Mr. REDLICH. I still think I would make the same decision. The only qualification I would give to that would involve information that this committee may know that I don't know and that is what one has learned about the extent to which the FBI may have withheld information. Now based upon what I now know, which is limited to the Hosty matter, I am not prepared to conclude that that decision was erroneous.

Mr. KLEIN. Just one other question in this area which I had asked before but we did not actually get to it. If the Warren Commission had known about the CIA plot to assassinate Premier Castro would that have affected the investigation and, if so, how?

Mr. REDLICH. I think it would have affected it, Mr. Klein. How I am not completely sure. I think that an important fact like that might perhaps have led to additional inquiry as to whether the Cuban Government might have known about it, whether in some way the Cuban Government might have tried to retaliate. Although I am cognizant of the fact that the Warren Commission, at least to the best of my recollection, did look into every Cuban connection that Oswald had, it is possible that this additional fact might have led to further inquiry. I also think that it might have affected Oswald's motive or at least affected our conclusion with regard to Oswald's motive quite apart from conspiracy. For example, if it could be shown that Oswald knew about

the proposed plot to assassinate Castro, then the Commission could have concluded that this was an additional motive that Oswald might have had. I would doubt that the Commission would have concluded this was the sole motive, but this could have been an additional motive. From my investigatory experience with the Warren Commission, I think that we would have started an investigation.

Where that would have led I couldn't tell you.

Mr. KLEIN. Mr. Chairman, I have only a few more questions which are of a conclusory type, so I would now yield if anybody else has any questions in the areas we have covered.

Mr. PREYER. I think Mr. Blakey has a few questions.

Mr. BLAKEY. Dean Redlich, I would like to see if I could pin down for the record a couple of matters or at least one general matter that has been raised here by a number of questions. I wonder if you will bear with me if I ask you a couple of related questions.

Let me direct your attention to the period of time during which you worked on the Warren Commission and ask you to your knowledge did the Chief Justice have any information while he was serving with the Warren Commission concerning any involvement of any of the U.S. intelligence agencies in alleged plots or attempts against Cuba or to assassinate Fidel Castro?

Mr. REDLICH. To my knowledge, the Chief Justice had no such knowledge. I knew of no such knowledge that the Chief Justice may have possessed.

Mr. BLAKEY. To your knowledge, did any other Commissioner have any such information while he was serving on the Warren Commission?

Mr. REDLICH. To my direct knowledge, Mr. Blakey, no. I, of course, have read about Mr. Dulles, but I have no direct knowledge.

Mr. BLAKEY. At the time you were serving on the Commission?

Mr. REDLICH. While I was serving I had no such knowledge.

Mr. BLAKEY. To your knowledge, did any staff members have any such information while he was serving with the Warren Commission?

Mr. REDLICH. To my knowledge; no, sir.

Mr. BLAKEY. In retrospect was there any conduct on the part of the Chief Justice from which you could have or which you in fact did infer that he did have such knowledge?

Mr. REDLICH. No, sir.

Mr. BLAKEY. In retrospect was there any conduct on the part of any other Commissioner from which you could have or you did infer that he had such knowledge?

Mr. REDLICH. No, sir.

Mr. BLAKEY. In retrospect, was there any conduct on the part of the staff members from which you could have or did infer that he had such knowledge?

Mr. REDLICH. To the best of my knowledge, no, sir.

Mr. BLAKEY. Did you see any document while you were serving on the Commission from which you could have or did infer that the Chief Justice, any other Commissioner, or any staff member had such knowledge?

Mr. REDLICH. I recall no such document.

Mr. BLAKEY. Were you ever present at any discussions from which you could have or did infer that the Chief Justice, any Commissioner, or any staff member had such knowledge?

Mr. REDLICH. I recall no such conversation.

Mr. BLAKEY. Were you ever instructed by anyone while you were serving on the Warren Commission not to pursue any line of inquiry?

Mr. REDLICH. No; except I think that the Chief Justice was unhappy about the questions I was asking Mr. Martin which led to that document which had nothing to do with Cuba.

Mr. BLAKEY. Is that the only instance where either the Chief Justice or a Commissioner or a staff member superior to you directed you or expressed disapproval of a line of inquiry that you were pursuing?

Mr. REDLICH. To the best of my recollection; yes, sir.

Mr. BLAKEY. Were you ever instructed by anyone, the Chief Justice, a Commissioner, or superior staff members or anyone else, not to pursue any line of inquiry because the inquiry might endanger national security?

Mr. REDLICH. No, sir.

Mr. BLAKEY. Did anyone ever suggest to you while you were serving with the Commission that such matters should not be explored?

Mr. REDLICH. No, sir, just to be completely on the record, and I know this is irrelevant but I assume in answering all your questions we are making an exception to my questioning of Mr. Martin. That related to some incident that occurred between Marina Oswald and somebody in Moscow before she met Lee Harvey Oswald, which, as I recall, involved a diplomat, but it was a purely personal encounter. That was really a matter of taste and a feeling that this might cause embarrassment between the United States and that government relating to this personal encounter. But it was a purely private matter and quite unrelated.

The only reason I was pursuing the line of inquiry was for the reason I stated; namely, to find out what we could about Marina Oswald as a person.

Mr. BLAKEY. You have no knowledge that anyone associated with the Commission knew or had reason to know of the assassination plot?

Mr. REDLICH. That is correct. That is my testimony.

Mr. BLAKEY. To your knowledge the existence of those assassination plots was never used by any member associated or any person associated with the Commission to limit your investigation in any way?

Mr. REDLICH. Not to my knowledge.

Mr. BLAKEY. Thank you. I appreciate your testimony.

Mr. PREYER. Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

Dean Redlich, I am quite concerned about the memorandum that you wrote to Mr. Rankin. It was obviously written to him as a result of some very strong feelings you had regarding the matters contained in the memorandum. Is that true?

Mr. REDLICH. With regard to that memorandum, I felt that it was important to examine everything that we could about the kind of person Marina Oswald was. I did feel strongly that we should do that. That is why I wrote the memorandum in February of 1964, which was shortly after she testified.

Mr. STOKES. Let me for a moment refer to this specific language in the memorandum. You say, "This Commission has undertaken not only to determine who fired the shots that killed President Kennedy but to study all evidence which might lead to an explanation for why the crime was committed." Now, to the best of your recollection when the final report was prepared, did you then feel that the report that was prepared and issued as a Warren Commission report had complied with that part of the mandate as you understood it?

Mr. REDLICH. Yes, sir, I do, understanding my answer does not mean that I ever felt in this memorandum that the mandate of the Commission report was to reach a single conclusion with regard to plot.

It was always possible to reach an alternative conclusion once we had negatized the evidence of conspiracy.

Mr. STOKES. As to that aspect of it in which you referred to studying all evidence and that which had prompted you to write this memorandum, did you feel that the final report then contained all evidence so that you could feel with sureness that the report did reflect those concerns you had?

Mr. REDLICH. Yes, sir.

Mr. STOKES. Has anything occurred or transpired in this interim period which would now make you feel any differently?

Mr. REDLICH. I would like to answer that question with a little bit of elaboration. There is nothing that I know of, sir, which leads me to question the Warren Commission's conclusion that Lee Harvey Oswald fired all the shots that killed President Kennedy and wounded Governor Connally. Based upon anything I have read, and I am not privy to anything other than that, it is still my best opinion that the conclusion of the Commission that there is no evidence Lee Harvey Oswald conspired with any group, either foreign or domestic, in the performance of those acts is still a valid conclusion. Based upon anything else that I know I believe that the conclusion of the Warren Commission that it could not ascribe a particular motive to the assassination is still one which I support.

Mr. STOKES. Obviously, Marina Oswald was your area, you spent a great deal of time preparing for her examination, and on this particular occasion it was your concern about the Commission having full and complete and incisive data relative to her so that they might come to a proper conclusion relative to her testimony. I am concerned then about that part of your memorandum where you say, "We cannot ignore, however, that Marina Oswald has repeatedly lied to the Secret Service, the FBI and this Commission on matters that are of vital concern to the people of this country." You told us earlier today that she testified before the Commission on many occasions.

You refer in here to some further reexamination of her. Is that correct and did I quote you correctly?

Mr. REDLICH. She testified for I believe 4 or 5 days in February of 1964. Then she was questioned again by a staff member, I believe Mr. Liebeler. She was questioned both before February and after by FBI agents. This memorandum was written basically at the conclusion of her Commission testimony in February.

Mr. STOKES. Did she ever reappear before the Commission for further reexamination?

Mr. REDLICH. I don't believe that she did. I have no recollection of her appearing before the Commission. I do recall that Mr. Liebeler, I think it was, questioned her in Dallas. I believe that on other occasions we may have asked the FBI to interview her on specific matters as further leads came to light.

Mr. STOKES. In terms of the Commission's final report how would you characterize their reliance upon Marina Oswald's testimony? Would you say that they relied upon it not at all or slightly or they relied upon it heavily?

Mr. REDLICH. I think on balance when all of the evidence is—the testimony of Marina Oswald by itself was in my judgment not strongly submitted to the Commission's basic conclusions, because with regard to all of the physical evidence, the ownership of the rifle, the ownership of the revolver, that was developed quite apart from Marina Oswald's testimony. Marina Oswald knew of no contacts that Oswald might have had with other people.

She told us, for example, that the Fair Play For Cuba Committee was one person. We have no evidence at all that it was anything other than one person. Everything that one looked into, the event in New Orleans, confirms that. A great deal of Marina Oswald's life with Lee Harvey Oswald in Dallas was confirmed by Ruth Hyde Paine with whom she lived. So that I think that on balance Marina Oswald's testimony was less significant by the time we were through than might have appeared at the time we started our investigation when she was of course a very important factor.

Now once one gets into the question of negatives, it is always possible that Oswald could have met someone and Marina might have known about it and Marina did not tell us. That is possible. But there has been no other evidence of any such contact.

I don't believe that the Commission really relied on Marina Oswald for its conclusion or for its two basic conclusions, the identity of the assassin and the nonexistence of evidence of a conspiracy. I do not believe that Marina Oswald was the basis for those conclusions.

Mr. STOKES. But you did feel, and you did feel very strongly, that knowledge of the real character of Marina Oswald was important to the Commission if they were to be able to properly understand and to construe the motives that possibly lay behind Lee Harvey Oswald's assassinating the President, did you not?

Mr. REDLICH. Yes, sir, and I still believe that.

Mr. STOKES. Let me ask you this. Knowing all that you know about Marina Oswald, from all that you studied and prepared and from all the testimony that she gave all the agencies and to the Commission, would you believe her oath?

Mr. REDLICH. I would regard Marina Oswald, based upon everything that I knew at the time we were finished with our investigation, I would find her a credible witness. Now whether I would believe everything she would testify about the intimacies of her personal relationship with her husband, I don't know how to answer that. I think that it is very hard for me to form my judgment about that, ask a woman about the relationship with her husband of a purely personal nature.

I think that any commission, and this committee also, that relied entirely on the testimony of a person without corroborating testimony of other witnesses or other facts is running the risk that that person might not have been a credible witness. But I am not prepared to say on balance that Mrs. Oswald is not a credible witness.

Mr. STOKES. Thank you.

Mr. PREYER. Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

I have one question that follows what our staff director and chief counsel asked you. Do you have any knowledge that the Kennedy family requested the Chief Justice not to go into the X-ray and photographic and other related medical evidence, that that was the reason that was not pursued avidly by the staff and by the Commission?

Mr. REDLICH. Mr. Devine, at this point it is hard for me to differentiate what effect that might have had or a variety of things that one has read in the past 14 years. I also notice that there is reference to the Kennedy family in the Specter memorandum which has been placed in the record. My impression, and I cannot be more precise than that, my impression was that the Kennedy family was concerned about the publicity, about a public display of the President's skull in those pictures.

The Chief Justice was very sensitive to that. He felt that that family had undergone just tremendous trauma, and he was very sensitive to that, perhaps by retrospect overly sensitive. But he was very sensitive to it. Now, I don't believe that it would be fair to the Kennedys, at least on the basis of anything I know of, to conclude that it was because of their directly saying to the Chief Justice that we wanted it this way, that it was done this way. I have no information of that kind.

I believed that the Chief Justice shouldered the responsibility for it. I think one reason that he made the decision, perhaps a main reason, was his concern about their sensitivity. I believe it would not be fair to the Kennedy family to conclude that they were in any way directing him, telling him that this was the course of action.

Mr. DEVINE. You have no personal knowledge that such a request was made by the family to him, is that correct?

Mr. REDLICH. I have no personal knowledge of it.

Mr. DEVINE. I want to thank you for your very candid testimony. It must be strange for a dean of a law school to be in such a position. I notice also from your biography we should wish you a happy birthday next Saturday.

Mr. REDLICH. Thank you very much. You must be good investigators.

Mr. PREYER. Mr. Sawyer.

Mr. SAWYER. I just have one question. It seems more from your curiosity than the search for relevant information, but in your memorandum you allude to the actions of Marina Oswald in Washington. I am not aware of what that was. Can you enlighten me at all?

Mr. REDLICH. Do you wish to be enlightened on the record? I will be pleased to answer.

Mr. SAWYER. I have the disability of not knowing that about which I am asking. I am not aware of it. Maybe counsel will enlighten me.

Mr. REDLICH. I would like the record to show that I am prepared to answer the question.

[Counsel consults with Mr. Sawyer.]

Mr. SAWYER. I find out that it is nothing biologically unusual. I withdraw the question.

That is all I have, Mr. Chairman.

Mr. REDLICH. With regard to the transcript, do I understand that I will be given an opportunity to look at my testimony to see whether, with all due respect to the expert transcriber, he has recorded accurately what I have said?

Mr. PREYER. You may have that privilege.

May I ask you two unrelated questions, one following up Mr. Stokes. Have you read Marina Oswald's new book or the book about her?

Mr. REDLICH. No. I have managed to go on to do a lot of interesting things in my life since 1964 by avoiding those things.

Mr. PREYER. So you would not know whether it is consistent with what she might have testified before you.

Were you or any member of the staff that you know of aware of the letter which Deputy Attorney Katzenbach wrote to all the members of the Commission on December 9, I believe it was, urging them to issue a press release to the effect that Oswald was the lone assassin and showing that there was no international conspiracy involved? Did you know anything about that?

Mr. REDLICH. This is the first I have heard about that.

Mr. PREYER. You did not send a copy of that letter to any member of the staff?

Mr. REDLICH. No. At that time I don't think there was a staff.

Mr. PREYER. I guess that is right, December 9.

Mr. REDLICH. I think Mr. Rankin was just appointed that day.

Mr. DEVINE. You were not on board that day?

Mr. REDLICH. I was not on board. I was called by Mr. Rankin a day or two after his appointment was mentioned.

Mr. PREYER. On January 20, was Mr. Katzenbach present at that meeting?

Mr. REDLICH. No, sir.

Mr. PREYER. Thank you.

Do you have a few conclusory questions?

Mr. KLEIN. Yes; I do, Mr. Chairman.

Dean Redlich, can you describe what pressures, if any, existed to complete this investigation before the election?

Mr. REDLICH. We didn't want to be there forever. I think there were the normal pressures to try to finish the job. But we did not sense any pressure in terms of the elections other than I do recall discussions to the effect that if the Warren report was not done, the whole assassination could have become an election issue. I do want to be firm on one point, as I come to the end of my testimony, and I feel strongly that the committee should understand this.

It is my firm judgment that if at any time the members of the staff had come to Mr. Rankin or to the Chief Justice and said, "We regard this investigation as incomplete. We need more time," I am firmly of the opinion that regardless of the elections, regardless of any other factors, we would have had more time. I think the Chief Justice was not interested in winding up this investigation without all the facts being disclosed.

I think that you will undoubtedly find as you complete your work that there comes a point at which some of you reach the conclusion that you ought to get the job done and publish a report. In that sense there is an internal pressure that builds up to finish it.

It was not something that was imposed externally.

Mr. KLEIN. One final question. Why has the Warren Commission in your opinion received so much criticism?

Mr. REDLICH. I think there are simply a great many people who cannot accept what I believe to be the simple truth, that one rather insignificant person was able to assassinate the President of the United States. I think there are others who for reasons that are less pure have consciously tried to deceive. I think that since there is a residue of public sentiment that finds it very hard to accept the conclusion, that becomes a further feeling, for those who have found it in their interest, to pursue the attacks on the Commission.

I do not mean to imply that all of the critics of the Commission have bad motives. I think that there is in this country, fortunately, a healthy skepticism about Government.

I believe that that was certainly true during the Watergate period. The assassination is a complex fact, as you will see when you investigate it. It was not an easy thing to investigate. Jack Ruby and Lee Harvey Oswald were two people with most unusual backgrounds. They did a variety of things.

That they should meet in the basement of the Dallas police station and one shoot the other is something that does strain the imagination.

I think it is very unfortunate that the Warren Commission has been subject to the kinds of attack that it has. We did what we felt was a completely honest professional and thorough task.

I have done a lot of things in my public service in my life. I regard my service on the Warren Commission as an extremely important, perhaps the most important, thing that I have done, because I believe I was instrumental in putting before the American people all of the facts about the assassination of President Kennedy.

That significant numbers of Americans don't believe it remains to me a source of great disappointment. I hope that this committee can cure that.

Mr. KLEIN. Thank you.

Mr. PREYER. Thank you very much, Dean Redlich. Actually pursuant to our rules, rule 3.6, we have to offer the witness 5 minutes for free-flying discussion or any statement he wishes to make at the end of his testimony. If you wish to take an additional 5 minutes we are delighted to offer it to you at this time.

Mr. REDLICH. I respectfully decline the offer.

Mr. PREYER. If you do wish to amplify your testimony or submit any further statement or evidence after you read over your testimony the committee of course will be happy to have you.

We appreciate very much your being down here. I hope you have better luck on the Metroliner going back to New York tonight.

Mr. REDLICH. Thank you, sir.

Mr. PREYER. The committee stands adjourned until tomorrow morning at 10 o'clock.

[Whereupon, at 4:55 p.m. the committee adjourned, to reconvene at 10 a.m., Wednesday, November 9, 1977.]

(282) Attachment E: Executive Session Testimony of W. David Slawson and Wesley Liebeler.

SUBCOMMITTEE HEARING

TUESDAY, NOVEMBER 15, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE ASSASSINATION
OF JOHN F. KENNEDY OF THE SELECT
COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2359, Rayburn House Office Building, Hon. Richardson Preyer (chairman of the subcommittee) presiding.

Present: Representatives Preyer, Dodd, Devine, McKinney, and Fauntroy.

Staff members present: G. Cornwell, E. Berning, M. Wills, L. Wizelman, D. Hardway, M. Mars, R. Genznan, B. Lawson, J. Facter, K. Klein, J. Hess, W. Cross, and G. Robert Blakey.

Mr. PREYER. The committee will come to order. The Chair recognizes Ms. Berning, the clerk of the committee, to read for the record the names of those Members who officially are designated to be on the subcommittee today pursuant to committee rule 312.3.

Ms. BERNING. Mr. Chairman, you and Mr. Dodd are regular Members of the subcommittee. Mr. Stokes will be substituting for Mr. Sawyer. Mr. McKinney will be substituting for Mr. Thone. Mr. Fauntroy will be substituting for Mrs. Burke.

Mr. PREYER. Thank you.

Mr. MCKINNEY. Mr. Chairman, I move that we go into executive session for today's hearing and one subsequent day of hearing be held in executive session since on the basis of information obtained by the committee, the committee believes the evidence or testimony may tend to defame or degrade people, and consequently section 2(K)(5) of rule 11 of the Rules of the House and committee rule 3.3(5), require such hearings be in executive session.

Mr. PREYER. You have heard the motion. I will ask the clerk to call the roll.

Ms. BERNING. Mr. Preyer.

Mr. PREYER. Aye.

Ms. BERNING. Mr. McKinney.

Mr. MCKINNEY. Aye.

Ms. BERNING. Mr. Fauntroy.

Mr. FAUNTROY. Aye.

Ms. BERNING. Mr. Dodd.

[No response.]

Ms. BERNING. Mr. Stokes.

[No response.]

Ms. BERNING. Three ayes.

Mr. PREYER. The motion having carried, this hearing will be in executive session for the remainder of the hearing.

Our first witness today is Mr. Slawson. I will ask Mr. Slawson if he will please come forward to the witness table, if you will be sworn.

Mr. Slawson, do you solemnly swear the evidence you are about to give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. SLAWSON. Yes.

Mr. PREYER. Thank you, Mr. Slawson. We appreciate very much your being here today.

I understand that a copy of the committee rules have been given to you prior to your appearance here today.

Mr. SLAWSON. Yes.

Mr. PREYER. Before beginning the questioning the Chair will make a brief statement concerning the subjects of the investigation.

House Resolution 222 mandates the committee "To conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy, including determining whether the existing laws of the United States concerning the protection of the President and the investigatory jurisdiction and capability of agencies and departments are adequate in their provisions and whether there was full disclosure of evidence and information among agencies and departments of the U.S. Government, and whether any evidence or information not in possession of an agency or department would have been of assistance in investigating the assassination, and why such information was not provided or collected by that agency or department and to make recommendations to the House if the select committee deems it appropriate for amendment of existing legislation or the enactment of new legislation."

Mr. Cornwell, you may now begin your questioning of the witness.

TESTIMONY OF W. DAVID SLAWSON, ASSISTANT COUNSEL, THE WARREN COMMISSION

Mr. CORNWELL. Thank you, Mr. Chairman.

Mr. Slawson, basically we would like to ask you questions today concerning your knowledge and perceptions of the workings of the Warren Commission, questions dealing with its organization, the state of mind of the Warren Commission staff attorneys, the nature of any problems which the Warren Commission faced in conducting its investigation and hopefully questions which will perhaps give us an insight into what, if anything, we can contribute to the problems which were faced by you and which have been debated over the years since then.

Simply as a matter of background will you first tell the committee prior to your being hired at the Warren Commission what was your professional experience?

Mr. SLAWSON. I was an attorney in private practice in Denver, Colo. That really was the sum of my professional experience at that point

in 1964 when I received the telephone call. I graduated from law school in 1959. I had been in practice that entire time.

Mr. CORNWELL. What had been the nature of your practice?

Mr. SLAWSON. General corporation and business law with an emphasis on antitrust work.

Mr. CORNWELL. Who first contacted you with respect to possible employment at the Warren Commission?

Mr. SLAWSON. I have really forgotten. I think that it was Howard Willens but I did not know him at the time. It was a stranger who telephoned me, to my recollection.

Mr. CORNWELL. If you recall what was the nature of that first conversation?

Mr. SLAWSON. He introduced himself as a staff member of the recently formed Warren Commission and said that I had been recommended highly to him by Tom Ehrlich, a classmate of mine at Harvard. At the time I think I remember he was a special assistant to George Ball, subsequently went into law school teaching, became a dean at Stanford. In any event he asked me if I would be interested in coming back for 3 to 6 months, I think was the time estimate. I thought I was interested but of course I would have to check it with my employers at the law firm and call him back. I did check with them and they approved of my going. I called him back.

As I recollect I was on my way in about 2 days.

Mr. CORNWELL. When did you first begin work at the Commission?

Mr. SLAWSON. This was January. I don't remember the exact date.

Mr. CORNWELL. At the time you considered and ultimately did accept the offer for employment at the Warren Commission what, if anything, did you know about the nature of the investigation at the time?

Mr. SLAWSON. I think just about nothing. I can't remember whether the New York Times published a front page article on the general organization that the Warren Commission contemplated for its staff before I received the call or shortly afterwards. In any event I do remember reading the New York Times article before I got to Washington and thinking on the way which one of the five or six sections I would want to be employed in. As it turned out the first day they offered me was the one I thought I would be most interested in, so that was a very happy coincidence.

Mr. CORNWELL. Was there anything in the New York Times article which you can now recall other than a general description of the organization of the staff?

Mr. SLAWSON. No; not that I can recall.

Mr. CORNWELL. Then when you arrived on the job what discussions did you have at that time and with whom concerning the scope of what would be your responsibility?

Mr. SLAWSON. As I recollect, I showed up in the morning at the building that they had set aside for the Warren Commission, reported to J. Lee Rankin, and of course introduced myself to him. He just after a few brief words said that the area of interest that they thought about for me was the foreign area and would I be interested in that. That, as I said earlier, was the one I most wanted to get into and of course I said yes, and there was no further discussion on that.

I can't remember when I learned that my senior lawyer working with me would be William Coleman. It would have been at that time or later. In any event I was assigned to the office, introduced to the other staff members who were there and began working.

Mr. CORNWELL. With respect to statements made to you concerning the fact that you would be working in the foreign area what did they describe to you would be the objective of your work?

Mr. SLAWSON. Two things. The possibility of foreign conspiracy, foreign involvement. I have reread part of my old memos and I notice I used the words "foreign involvement" because it was a broader term. I have forgotten whether that was the way it was first given to me. And second, a simple narrative of everything that Lee Harvey Oswald or anyone else connected with him, like Marina, did while they were abroad.

Mr. CORNWELL. Were there any statements made to you initially concerning the fact that the staff was in any way restricted or confined to anything narrower than the general assignment, that you were to investigate the possibility that the assassination had been related to a foreign conspiracy?

Mr. SLAWSON. No; I don't think so.

Mr. CORNWELL. What was your understanding at this point in time either from statements made to you during the hiring process or from any other source, if there was any, concerning the reasons that the Warren Commission had been formed?

Mr. SLAWSON. I can't remember any particular statements other than those I have just related to you. Of course, the whole country knew that it was to investigate the assassination of the President and determine the facts as to what happened and who was responsible so far as we could.

Mr. CORNWELL. To ask the question in reverse, would it be accurate to state that you had been given no specific information and had no impressions concerning the question of why it was that a special Presidential Commission was formed, as possibly contrasted to other alternatives for investigating the same event?

Mr. SLAWSON. I had no special instructions or information on that.

Mr. CORNWELL. What, if anything, can you recall from, say, the very early staff meetings concerning the objectives of the investigation?

Mr. SLAWSON. The only thing that I can remember other than what I have already told you which was that it was to be as deep and broad an investigation as we felt necessary to ascertain the truth, there was some talk at the beginning within the staff and I believe there were, I can't remember, outside comments—they may have been from newspapers or something, I don't know—to the effect that since Lee Harvey Oswald was obviously a prime suspect and since he was dead and therefore would not be subject to normal trial procedures, that perhaps we should appoint some portion of the staff, or perhaps even the Commission itself, as a defense, in other words, run a mock adversary proceeding at some point.

We talked about that possibility at some length and I think very seriously considered it and ultimately decided not to follow it. I can't remember all the reasons why. Part of it was practical, it just did not seem a feasible thing, in effect to have the prosecution and the defense

working together within the same building and using the same investigatory agencies. It just did not seem to be something that would work very well.

Mr. CORNWELL. You mentioned in your answer just then that you had told us that the objective was to state the truth. I believe perhaps in our informal conversations you went into more detail on the subject matter than you have given the committee. What can you recall specifically of such conversations?

Mr. SLAWSON. I think it is hard to remember 13 years ago what the timing of all these things was but among the staff members themselves, like when I talked to Jim Liebler and Dave Belin and Bert Griffin particularly we would sometimes speculate as to what would happen if we got firm evidence that pointed to some very high official. It sounds perhaps silly in retrospect to say it but there were even rumors at the time, of course, that President Johnson was involved. Of course that would present a kind of frightening prospect because if the President or anyone that high up was indeed involved they clearly were not going to allow someone like us to bring out the truth if they could stop us.

The gist of it was that no one questioned the fact that we would still have to bring it out and would do our best to bring out just whatever the truth was. The only question in our mind was if we came upon such evidence that was at all credible how would we be able to protect it and bring it to the proper authorities.

Mr. CORNWELL. Where did such conversations occur when you speculated about the possible repercussions of findings that you might ultimately come across?

Mr. SLAWSON. Mostly at dinner at night. We would typically work late, again I can't remember but I would say 9 or 9:30, and then break for dinner and go to some restaurant nearby together and have drinks and sometimes we would kind of relax at the end of the day there. That would be most of the time.

During the office hours, of course, that kind of speculation wasn't so common. We were each busy with our separate tasks.

Mr. CORNWELL. Were there conversations like that of the possible repercussions from the nature of your investigation which went to matters other than the possible uncovering of evidence that President Johnson could have been involved? Were there other types of things you considered?

Mr. SLAWSON. When I said higher-ups I would include the people high up in the organization, the FBI and CIA too. Everybody was of course a possible suspect. If it had been, say, a CIA conspiracy or some group within the CIA, then everything I said about Johnson would apply to them too. Anybody who was ruthless and determined enough to carry out the assassination of their President obviously would not stop at killing somebody else to cover up their tracks.

Mr. CORNWELL. What about the question of whether there was any similar speculation in the field of the possible repercussions in international relations, particularly your field?

Mr. SLAWSON. Well, that reminds me that later on, I think this kind of thing probably came up in the spring of 1964, March, April, around there, my end of the investigation went into following up some possible

leads. I have forgotten their nature but they were very speculative but we were following them up as best we could about the anti-Castro Cubans. My interest in that possibility I think was especially strong because it seemed to me on the motivation side to make sense.

My theory was that perhaps, one, the anti-Castro Cubans we knew were very angry with Kennedy because they felt they had been betrayed with the Bay of Pigs. Oswald on the other hand was identified publicly with Castro, he was pro-Castro. So, we felt that if somehow the anti-Castro Cubans could have got Oswald to do it or done it themselves but framed Oswald, either way, somehow put the blame on Oswald, that they would achieve two objectives that they presumably wanted. One was revenge on Kennedy and the second would be to trigger American public opinion strongly against Castro and possibly cause an invasion of Cuba and overthrow of Castro, and of course these people would be able to go back to their homes in Cuba and not have to live under the Castro government. As I say, this made a lot of sense to me and I think it was a hypothesis held in mind for quite a while trying to see if the facts would fit it. Unfortunately they didn't.

Mr. CORNWELL. You focused on that area of inquiry and considered the possible motives that would be connected with that group. Did you likewise consider the possible international repercussions of investigations directed in that area?

Mr. SLAWSON. Sure. What you meant by that of course there would be an international repercussion that the United States would invade Cuba but if it turned out that our investigation showed that Castro was involved, which of course is another line of inquiry we followed through as thoroughly as we could, this would I think probably have triggered at the very least the downfall of the Cuban Government.

I don't think that the American Government would have ever or would today stand by and upon proven charges that their President had been killed at the order of some other government, would just allow it to go by. They would either insist that the people in that government be prosecuted or if they weren't I suppose we would invade. So we thought we might be triggering a war with Cuba. But again that was something that the chips would have to fall where they may.

Mr. CORNWELL. You told us initially in our conversations that possible repercussions of finding evidence of officials of the United States being involved were discussed during conversations among various members of your staff at your level including Redlich and Rankin.

Mr. SLAWSON. That is right.

Mr. CORNWELL. Would that also include the international repercussions you have just told us about?

Mr. SLAWSON. With Redlich, yes. With Rankin also yes but more briefly. Rankin, you remember, was the boss of the whole operation. Consequently I had far fewer informal discussions with him. He was my superior. Also he was married and had his family here and whereas most of the rest of us, I wasn't married at the time and those that were had left their families someplace else, so we spent a lot more time together at meals and stuff than with Redlich and Rankin.

Mr. CORNWELL. Did you discuss it with any members outside the staff?

Mr. SLAWSON. No.

Mr. CORNWELL. Did you discuss it with any members of the Warren Commission?

Mr. SLAWSON. That I can't remember. The only one I might have would have been Allen Dulles. Allen Dulles and I became fairly close, I think. He had aged quite a bit by the time he was on the Warren Commission and was also sick. I have forgotten, he had some kind of disease that made one of his legs and foot very painful. So he was not effective sometimes, but when he was he was very smart and I liked him very much. Because of my particular assignment, of course he spent a lot of time with me. We talked informally quite a bit. That may have included, probably did include, these kinds of conversations, but I really don't remember specifically.

Mr. CORNWELL. Prior to going to work for the Warren Commission, did you have any experience at all with Federal agencies, any of them?

Mr. SLAWSON. No. Well, if you don't count Army experience. I was in the Army before I went to law school. I spent about a third of my time at a scientific research center.

Mr. CORNWELL. Did you from that or any other source have any initial impressions about the Federal agencies, FBI, CIA, about what their predisposition might be toward this case, about their competency or anything else you can tell us about?

Mr. SLAWSON. No; I don't think I had any predisposition other than the general public awareness of these agencies. I suppose I had a little bit more than the average person's knowledge about the CIA, very slightly. My recollection is that the CIA when I was in college recruited people, I mean they came on, they sent down people who would talk to students just like any other prospective employer. I don't know if they still do that or not. I knew one or two people in the class ahead of me who by all accounts went to work for the CIA, and it was something I briefly considered myself.

I decided to go on to graduate school and physics, and I never explored the CIA thing. But they had seemed to hire high-caliber people out of my college. I was favorably disposed there. I understood immediately that part of my assignment would be to suspect everyone. So included in that would be the CIA and FBI.

Mr. CORNWELL. As soon as you began your work, what facts did you uncover which may have given you an indication of the extent to which the Warren Commission could rely on the Federal agencies?

Mr. SLAWSON. In general, I think the impression was a good one, the extent to which we could rely. I remember I was almost overwhelmed with the amount of information that every agency was pouring into us. That seemed to me a good sign that everyone was trying their best to give us all the information they could. I also, though, quickly became aware that some agencies, presumably all of them, were anxious not to appear in a bad light at all. Although I don't think that I thought that any of them were actually withholding information from us, I did think that some were trying to put the information they gave us in the best possible light, shading things in their own favor. The State Department and the Immigration and

Naturalization Service. for example, had a whole host of every complicated, legally complicated dealings with Oswald and Marina. It was my job to go back through all that and see whether it had been done properly or whether there may have been some evidence of something improper.

Maybe they let Oswald come back in the country when they shouldn't or something like that. I think there was a lot of typical bureaucratic mixups. It is hard for these people to explain it later; they were embarrassed. I don't think any of it after reflection, I am sure none of it after reflection, showed conspiratorial involvement, but I think it did show a lot of bureaucratic mistakes.

Mr. CORNWELL. After working with the CIA, your impression remains substantially the same; you thought you could trust them and rely on them?

Mr. SLAWSON. Yes. I came to know one man particularly well, Raymond Rocca, and I came to like him and trust him both. The only drawback I can think of—not really a drawback, I suppose, for someone in the CIA—is that I thought he was a little overly suspicious. He obviously disliked Castro immensely. He was very emotional on the subject. As I said, I would be surprised if a member of the CIA specializing, as I think he had been, in Cuban activities didn't feel that way.

My impression overall was very favorable of him. I thought he was very intelligent and tried in every way to be honest and helpful with me.

Mr. CORNWELL. I assume you relatively quickly after beginning work realized the basic findings, at least in the general sense, that the FBI had reached in a relative short period of time after the assassination. Would you have recognized the possibility then that there was perhaps an agency predisposition to attempt to bolster those findings?

Mr. SLAWSON. Yes; with the FBI especially, I think. The FBI had prepared a thick file which to their mind disposed of the case, it seemed like. Although my own involvement was not nearly as much with the FBI as it was with the CIA, I nevertheless read the FBI file, which was a good way of getting yourself introduced to the whole general case.

I think it appeared to me, as it did to many people on the staff, to be a competent document. But it was also self-serving, and you could not read that and think that the FBI had ever made any mistakes or there was any serious possibility that they had.

So, we knew that particularly with the FBI, but I just assumed it was the case with anybody, it is human nature, that once having committed themselves on any statement about what happened, they would be defensive about it and not want to admit that they were wrong, and also that they all had a strong interest in not being blamed for not having adequately protected the President. We spent a lot of time—although this was not my particular area—in trying to ascertain whether the Secret Service, the FBI, and CIA in particular but also the State Department and Immigration and Naturalization Service, had done what they should have to see that the President was protected against possible attack and, of course, Oswald in particular.

Mr. CORNWELL. I would like to show you what has been marked for identification as exhibit 22, if I might, Mr. Chairman.

Do you recognize that document?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Have you had a chance to review it prior to coming here?

Mr. SLAWSON. Yes; although not very thoroughly. It turned out to be even longer in detail than I remembered it.

Mr. CORNWELL. For identification, it is a document which initially had a stamped "Top Secret" at the top, which has been crossed out. There is no date on it, and it reads at the top "Introduction." You prepared the document?

Mr. SLAWSON. Yes; I should add that I did the first draft and Bill Coleman then went over it with me. I don't remember what changes we made together, but we did make some. Then it went into the Commission, presumably through channels, which would be J. Lee Rankin.

Mr. CORNWELL. Would it be fair to state that the memo included the kind of problems you encountered in effecting an investigation of the foreign conspiracy?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Might we introduce the document into the record and then ask the witness some questions about it?

Mr. PREYER. Without objection, exhibit 22 is admitted into the record.

[The document referred to, marked JFK exhibit No. 22 and received for the record, follows:]

JFK EXHIBIT No. 22

INTRODUCTION

One of the basic purposes of the Commission's investigation of the assassination of President Kennedy is to determine whether it was due in whole or in part to a foreign conspiracy. The investigation conducted by the section of the staff responsible for the foreign aspect of the Commission's work leads to the conclusion that there was no foreign involvement. Nevertheless, there is evidence which points toward a possible conclusion of foreign involvement which we think should be brought to the attention of the Commission for its independent evaluation.

The foreign countries most suspected in the public's mind are the Soviet Union and Cuba. The Chinese communists and even Madame Nhu's wing of Vietnam, however, might also be suggested.¹ Likewise, the possible involvement of expatriated anti-Castro Cubans, whether resident in the United States or in one of the South or Central American nations, is worth considering.

Firm evidence of a foreign conspiracy is obviously very hard to come by, since there naturally is the greatest attempt by the country involved to prevent discovery. Investigations that are dependent upon information voluntarily furnished by the foreign government involved, such as have already been undertaken with the Soviet Union and Cuba, are obviously not very helpful in uncovering evidence of this type, because the foreign government will try to furnish only that evidence which it believes to be nonincriminating. Nevertheless, even this kind of evidence can be of some use in assessing whether a foreign conspiracy existed. This is because, first, the furnishing of the evidence, despite appearances, is not quite "voluntary." In a case of the magnitude of this one, and in which the widely known facts already disclose important links with the Soviet Union and Cuba, these governments are under considerable pressure to render reasonable cooperation to the Government of the United States. If they do not, they risk having public opinion swing strongly against them and conclude

¹ Madame Nhu reportedly sent Mrs. Kennedy a very inconsiderate telegram shortly after the assassination and she has been reported in the public press as stating that the assassination of President Kennedy was only retribution for the killing of her husband, which she claimed was American inspired.

that they are afraid to cooperate because the evidence will indeed incriminate them. Second, once these governments conclude that they will furnish some evidence to the Commission, the difficulties of falsifying the evidence they give are considerable. They must realize that the Commission already possesses a great deal of data against which the new evidence will be tested, and that the CIA has additional facilities for this purpose which will be placed at the disposal of the Commission. Moreover, if even only a small part of the evidence furnished is found to have been fabricated, the entire body of new evidence will become suspect; and if this should happen, the adverse public opinion effects previously mentioned would again come into play. For these reasons, we have concluded that, on balance, it was worthwhile to ask the governments of the U.S.S.R. and Cuba to furnish the Commission with whatever evidence they could.

(It should also be pointed out that there is another reason why the Governments of Russia and Cuba have been asked to furnish evidence. The Commission is primarily interested in ascertaining the truth, not just in "pinning the rap" on someone, and therefore the two foreign governments mentioned must be regarded not only as objects of investigation, but also as parties who have a right to be heard. They therefore should be given basically the same opportunity to present evidence as has been accorded to the hundreds of other individuals and institutions which have come into contact with Lee Harvey Oswald in one way or another.)

Obviously, despite the fact that voluntarily obtained evidence is not completely useless even in judging whether a foreign conspiracy is involved, the most valuable evidence for this purpose is that obtained through informers, ordinary witnesses, electronic and mechanical spying devices and other means available to American intelligence and investigatory agencies which are not dependent upon the consent of the government being investigated. The bulk of this memorandum will deal with this kind of evidence.

We think this separate memorandum for the Commission and the General Counsel appropriate because the material covered in the final report to the public will necessarily be somewhat more restricted. A good deal of the information contained herein is Secret or Top Secret and therefore cannot be disclosed to the American public at this time. In most instances this is not because of the information itself but because of the necessity of protecting the method or source for obtaining it. In other words, in the final report we can set forth the facts, but we will not be able to demonstrate the reliability (or lack of reliability) of these facts by showing their source. Moreover, in some cases even the information itself must be withheld from the public. For example, the fact that a Russian MVD employee may secretly have tried to warn Oswald not to come to Russia, if disclosed, might result in the employee being severely punished or even executed. Similarly, even disclosing the information gained from certain wiretapping facilities would necessarily disclose the existence of the facilities, where the nature of the information is such that we could not have learned it except through these facilities.

I. Some General Considerations

A. "Foreign Involvement" defined

We have intentionally chosen the words, "foreign involvement," to describe the problems with which we are concerned in this memorandum. The words were chosen because they are extremely broad, covering everything from a comparatively innocent arrangement for propaganda purposes, such as, for example, an agreement whereby Oswald might have served the propaganda purposes of the Castro Government in New Orleans and Dallas in exchange for that government paying his printing expenses plus some small additional compensation, to the most serious kind of conspiratorial connection, as would be the case if a foreign power had ordered Lee Oswald to kill John F. Kennedy. By "foreign involvement," however, we do mean something more concrete than simply emotional or ideological influence. The Commission already possesses evidence, and indeed so does the general public, that Oswald considered himself a Marxist and that he sympathized wholeheartedly with the Castro regime: he openly spread pamphlets in its behalf on the streets of New Orleans and he took its side in radio and television debates. These facts have already been established, and they will be assumed, rather than discussed, in this memorandum. The question to be treated here is whether there was some reasonably close working relationship involving Oswald and a foreign power or at least a group of men based in a foreign country.

B. "Agent for what?"

The popular discussion of the foreign-conspiracy problem, current in America and especially common in the European press, deals most frequently with whether Lee Harvey Oswald was an "agent" of some foreign power or domestic conspiratorial group. Discussing the problem in this manner is misleading, because evidence that indicates that Oswald may have been one kind of agent is read by the public to mean that he could have been an agent for almost any purpose, including the assassination of the President, when in fact, upon closer analysis, such would not be the case at all. It should be kept in mind that to conclude that Oswald was or was not an "agent" is not enough; it should always be asked, "an agent for what?" For example, if it should be shown that Oswald was a paid Soviet agent for the purpose of spreading Communist propaganda among workers wherever he lived, this would of course be something in which the Commission would be greatly interested, but it would not at all follow that the Soviet Government should then be blamed for the death of the President.

More importantly for our purposes, the question, "Agent for What?" should be kept in mind in order that the plausibility of our evidence can be tested. For example, an assertion that Oswald was the agent of the Castro government for the purpose of obtaining intelligence-type information in the United States is, upon reflection, extremely unlikely. Oswald was a past defector from his country, lacked a completed high school education, was almost always confused in his own mind about all sorts of things, was usually unemployed and when he was employed, ordinarily worked as an unskilled laborer. Finally, he publicly espoused Castroism and propagandized in its behalf. Under these circumstances, the use of Oswald to obtain secret information for the Cubans, or indeed any information which was not readily available to everyone through television or newspapers, is preposterous. He could not conceivably have been permitted access to any such material, even under the loosest security arrangements. On the other hand, his circumstances and character to fit the criteria for an "agitator," propagandizer, or even an assassin, for the Cuban government. It follows, therefore, that bits of evidence pointing toward his being an agent for one of the latter purposes must be taken seriously, whereas rumors to the effect that he was obtaining secret information for Castro should be given for less credence.

C. The overall relevance of political motive

A third factor which should be kept in mind throughout this entire memorandum is the possible motives of the various governments and groups involved. This obviously ties in closely with the previous discussion on the kinds of agent Oswald may have been. Here, too, examples will show what we mean. Khrushchev seems to have gotten along reasonably well with the late President and in general seems to be sophisticated enough to have realized that the death of President Kennedy and the succession to power of Vice President Johnson would not result in any significant change in American foreign policy towards the Soviet Union. Consequently, the Soviet use of Oswald as an agent to assassinate the President is relatively unlikely. The same conclusion does not follow for the Soviet use of Oswald as an assassination agent to kill other persons in the United States, however. Even as recently as the late 1950's the Soviet Government was using assassination as one of the methods to gain its political ends. Two Russian Ukrainian anti-Communist leaders were murdered in Western Europe by an agent of the KGB. This agent later got into trouble with his superiors and defected to the West; he told Western intelligence that before he got into trouble he was in line for training in the language and customs of the United States and the British Commonwealth countries, so that he could carry on his work there. It is conceivable therefore that the Soviet Government has agents in the United States at this time ready to kill when directed to do so by their government. Once we accept this fact, the possibility that their network, if it exists, included Lee Harvey Oswald must be fully explored. An analysis of the possible motives of the Cuban Government is more difficult. The men who make up that Government are probably less coolheaded and rational than the Russians. Simple retaliation, for example, is a motive which must be thoroughly considered in dealing with Castro.

The foregoing discussion of motive is not meant to be exhaustive. We only mention it here because it is extremely important and because it cuts across all the other more specific and detailed evidence which will be taken up later, and therefore should be kept in mind while reading all the following portions of this memorandum. Where appropriate, we will bring up considerations of motive again.

II. Involvement by the Soviet Union

A. The circumstances surrounding Oswald's entry into the Soviet Union in October 1959: Do they show that the Russians knew of his coming or that he received help in planning his defection?

1. Possible Communist contacts while Oswald was in the Marine Corps.—

While still in the United States Marine Corps, Oswald on September 4, 1959, applied for a U.S. passport to travel abroad, which passport was issued on September 10, 1959. Oswald listed as the countries which he intended to visit, Cuba, Dominican Republic, England, France, Switzerland, Germany, Finland, and Russia. He also stated on the application that the purpose of his trip would be to attend the Albert Schweitzer College in Churivalden, Switzerland, and the Turku University in Finland.

We are not quite certain when Oswald first determined to go to Russia.² From his own statements, however, we can conclude that he probably began to lay plans in his own mind one or two years before he [deleted].

* * * * *

G. The Oswalds' contacts with the Soviet Embassy in Washington, DC., after they took up residence in the United States

Soon after the Oswalds reached the United States in June 1962, they made contact with the Soviet Embassy in Washington. Soviet law required Marina, as a Soviet citizen living abroad, to contact her nation's embassy and file with it certain forms. Later, the contact was continued when the Oswalds sought permission to return to the Soviet Union. The first such request was a letter written by Marina on February 17, 1963. She wrote that she wished to return to Russia, but that her husband would stay because "He is an American by nationality." She was informed on March 8, 1963, that it would take from 5 to 6 months to process the application. Later, Oswald made application to return with her.

On April 10, 1963, somebody fired a rifle at Gen. Edwin B. Walker in his home in Dallas. We now have fairly good evidence that the man who fired the rifle was Lee Harvey Oswald. An undated note was found after the assassination which, according to Marina, was left for her by her husband at the time he shot at Walker. A translation of that note has been attached to this memorandum. The purpose of the note seems to have been to serve as a guide to Marina as to what to do and where to look for help if Oswald was caught in the assassination attempt. The second paragraph of the note mentions the "Embassy," and since this presumably means that the Soviet Embassy in Washington, D.C., that paragraph is here quoted:

"Send the information as to what has happened to me to the Embassy and include newspaper clippings (should there be anything about me in the newspapers). I believe that the Embassy will come quickly to your assistance on learning everything."

The Soviet Union has made available to us what purports to be all of the communications between the Oswalds and the Russian Embassy in the United States. This material has been checked for codes and none has been detected. Except for the last letter which Oswald wrote to the Soviet Embassy, which will be discussed below, there is no material which gives any reason for suspicion. On April 13, 1963, the Soviet Union did ask Marina for her reason for wanting to return to the Soviet Union and suggested she visit the Embassy in Washington to discuss the matter. It is arguable that this request was strange, since she was a Soviet citizen and her passport was limited in time; however, there were certainly some reasonable grounds for requesting a face-to-face discussion, for example, whether her husband and children would be permitted to accompany her.

As will be discussed in more detail later, Oswald was in Mexico from September 26, 1963, until October 3, 1963, and while in Mexico City he made several visits to the Cuban and Soviet Embassies. Marina has testified that Oswald told her that the purpose of the trip was to try to reach Cuba by way of Mexico, thereby evading the American legal prohibitions against such travel. He was very con-

² There is a statement attributed to Oswald's mother's doctor, Dr. Morton N. Goldberg, that the mother told him sometime between April 4, 1957, and January 30, 1959, that her son (unnamed) intended to defect to Russia. This is wholly at variance with her testimony, however, and is also inconsistent with Oswald's letters to her from the period before he entered Russia and just before he disappeared into the Soviet world, which letters indicate the affair had never been disclosed to her previously.

cerned that both the trip itself and his purpose in going be kept strictly secret and cautioned Marina accordingly. Marina never admitted she had prior knowledge of the trip until almost 3 months after the assassination, when she testified to the Commission that, as just related, Oswald had told her that he was going and why. The few witnesses we have who spoke with Oswald while he was on a bus going to Mexico City confirm what Marina has stated, that Oswald's intent was to evade the travel ban by reaching Cuba by way of Mexico.

The Mexican law-enforcement authorities and the CIA and FBI have all carried on extensive investigations within Mexico of Lee Harvey Oswald's activities there. These three groups have produced evidence which appears quite firm that when Oswald appeared at the Cuban and Soviet Embassies he told them that his destination was Russia, not Cuba, and that he only wanted an "in transit" visa for Cuba in order that he might visit that country on his way to the Soviet Union. When he visited these embassies he carried with him newspaper clippings, letters, and various documents (some forged by himself) purporting to show that he was a "friend of Cuba." With these papers, and with his proven record of previous residence in the Soviet Union and marriage to a Soviet national, he tried to curry favor with both embassies, but the attempt seemingly failed. [Deleted] and Marina has testified that when she first saw him after his return to the United States he was discouraged and convinced that he would never reach Cuba.

When questioned on the discrepancy between his telling her that he wanted to get to Cuba and his telling the Cuban and Russian Embassies that his ultimate destination was Russia, Marina answered that his statements to the embassies were deceptions, and she added that he had told her after he returned something about his attempts to fool the officials in Mexico City. Apparently, his real intent was that if he could reach Cuba "on the way to Russia" he would simply stop there, prove his "friendship" for the Castro regime and then go through substantially the same kind of defection and shift of allegiance to a foreign power he had performed in Moscow in 1959. Marina's testimony on this point is somewhat confused, however. She is not clear on details.

In any event, among the documents turned over to the United States by the Soviet Union after the assassination of the President, included in the file purporting to be the entire correspondence between the Oswalds and the Soviet Embassy in Washington, D.C., was the following letter dated November 9, 1963:

"DEAR SIRs: This is to inform you of recent events since my meetings with comrade Kostin in the Embassy of the Soviet Union, Mexico City, Mexico.

"I was unable to remain in Mexico indefinitely because of my Mexican visa restrictions which was for 15 days only. I could not take a chance on requesting a new visa unless I used my real name, so I returned to the United States.

"I had not planned to contact the Soviet Embassy in Mexico so they were unprepared, had I been able to reach the Soviet Embassy in Havana as planned, the embassy there would have had time to complete our business.

"Of course the Soviet Embassy was not at fault, they were, as I say unprepared, the Cuban consulate was guilty of a gross breach of regulations, I am glad he has since been replaced.

"The Federal Bureau of Investigation is not now interested in my activities in the progressive organization 'Fair Play for Cuba Committee,' of which I was secretary in New Orleans (State Louisiana) since I no longer reside in that State. However, the FBI has visited us here in Dallas, Tex., on November 1. Agent James P. Hasty [sic] warned me that if I engaged in FPCC activities in Texas the FBI will again take an 'interest' in me.

"This agent also 'suggested' to Marina Nichilayeva that she could remain in the United States under FBI 'protection,' that is, she could defect from the Soviet Union, of course, I and my wife strongly protested these tactics by the notorious FBI.

"Please inform us of the arrival of our Soviet entrance visas's [sic] as soon as they come.

"Also, this is to inform you of the birth on October 20, 1963, of a daughter, Audrey Marina Oswald in Dallas, Tex., to my wife.

"Respectfully,

(s) LEE H. OSWALD"

The envelope bears a postmark which seems to be November 12. Marina has testified that Oswald made many drafts of this letter before it was finally sent. A piece of paper which was probably one of these drafts was found among Oswald's effects and reads as follows: (Words crossed out by Oswald have been put in parentheses.)

["Draft]

"Dear Sirs: This is to inform you of (re) events since my interviews with comrade Kostine in the Embassy of the Soviet Union, Mexico City, Mexico.

"I was unable to remain in Mexico City (because I considered useless) indefinitely because of my (visa) Mexican visa restrictions which was for 15 days only. (I had a) I could not take a chance applying for an extension (si) unless I used my real name so I returned to the United States.

"I and Marina Nicholeyeva are now living in Dallas, Tex., (you already ha)

"The FBI is not now interested in my activities in the progressive organization FPCC of which I was secretary in (New Orleans (La) Louisiana since (mn) no longer (connected with) that State.

(However the however) the FBI has visited us here in Texas on November 1, agent of the FBI James P. Hasty [sic] warned me that if I attempt to engage in FPCC activities in Texas the FBI will again take an "Interest" in me. This agent also "suggested" that my wife could "remain in the United States under FBI protection," that is, she could defect from the (refuse to return to the) Soviet Union. Of course I and my wife strongly protested these tactics by the notorious F.B.I.

"(It was unfortunate that the Soviet Embassy was unable to aid me in Mexico City but) I had not planned to contact the Mexican City Embassy at all so of course they were unprepared for me. Had I been able to reach Havana as planned (I could have contacted the Soviet Embassy there for the completion of rapid have been able to help me get the necessary [sic] documents I required assist me.) would have had time to assist me but of course the (stupid) Cuban Consul was at fault here, I'm glad he had since been replaced by another."

Information produced for the Commission by the CIA is to the effect that the person referred to by Oswald as "comrade Kostin" was probably a man named "Kostikov" employed ostensibly as a member of the Consular staff of the Soviet Union in Mexico City. He is actually a KGB agent, however, as are many of such employees. We have also identified the Cuban Consul referred to in Oswald's letter as probably Senor Eusebio Azque. This man was in fact replaced. We asked the CIA to look into this and their response reads:

"We surmise that the references in Oswald's November 9 letter to a man who had since been replaced must refer to Cuban Consul Eusebio Azque, who left Mexico for Cuba on permanent transfer on November 18, 1963, 4 days before the assassination. Azque had been in Mexico for 18 years and it was known to us as early as September 1963 that Azque was to be replaced. His replacement did arrive in September. Azque was scheduled to leave in October but did not leave until November 18.

"We do not know who might have told Oswald that Azque or any other Cuban had been or was to be replaced, but we speculate that Silvia Duran or some Soviet official might have mentioned it if Oswald complained about Azque's altercation with him."

Yuri Ivanovich Nosenko, the recent Soviet defector from the KGB, has stated that the first word which the Moscow KGB had of Oswald's actions or whereabouts after he left the Soviet Union was when the Soviet Embassy in Mexico City telegraphed that Oswald has appeared there and requested a visa to the Soviet Union. Nosenko did not so testify, but probably such a telegram would have gone from Mexico City to Washington, D.C., and from there to Moscow. Oswald himself mentioned several times that the Soviet Embassy had promised to send a telegram containing his request for a visa, so this checks out. When Nosenko was asked why the KGB had received no notice of Oswald's and Marina's prior contacts with the Soviet Embassy in Washington, he answered that he did not actually know, but from his knowledge of the routine followed in such cases he suggested that the Soviet Embassy itself may simply have turned down the Oswalds' visa application and not bothered Moscow with questions about the matter. Presumably, therefore, the Mexican Embassy sent a wire to Washington because it did not have the file on Oswald, as did Washington, and so did not have a basis for immediately turning his application down or, what could also be possible, the Mexican Embassy was subservient in these matters to the Washington Embassy and therefore would routinely have asked for the decision of the latter on such a point. Possibly also, Oswald's personal appearance was deemed a matter of some importance and therefore worthy of being communicated to Moscow, whereas his and Marina's simply writing letters to Washington was considered routine. Nosenko also opined that Oswald would never have been re-

admitted to the Soviet Union, no matter how long he had persisted in trying. He said that prior to the assassination, Marina and her children probably would have been permitted to come back alone; the assassination, of course, has made this less clear.

The principal question raised by all this is, of course, What is the meaning of Oswald's apparently garbled letter to the Embassy of November 9, 1963? Marina was asked to explain the letter and, after a few attempts, gave up with the remark that it was "crazy." Some light on its possible meaning can perhaps be shed by comparing it with the early draft. To the extent that the draft differs from the final document, and especially when crossed-out words are taken into account, one gets the impression that Oswald was intentionally obfuscating the true state of affairs in order to make his trip to Mexico sound as mysterious and important as possible. For example, the first sentence in the second paragraph of the letter itself reads:

"I was unable to remain in Mexico indefinitely because of my Mexican visa restrictions which was for 15 days only."

The same sentence in the draft begins, before the words were crossed out,

"I was unable to remain in Mexico City because I considered useless . . ."

As already mentioned, we have fairly good evidence that Oswald's trip to Mexico was indeed "useless" and that he returned to Texas with the conviction that it had been so. Similarly, in the last paragraph Oswald says that an FBI agent suggested to Marina that she "could defect from the Soviet Union." In the draft, this was first written that the agent suggested that she could "refuse to return to the Soviet Union." The word, "defect," was probably inserted to give emotional impact.

It might be argued that the Russians would not have turned this letter over to us voluntarily if they had any reason to believe that it could be used as evidence against them. However, we have Nosenko's own testimony that in Russia it is standard procedure for the secret police to intercept all mail addressed to the American Embassy, and it therefore does not seem unlikely that the Soviets assumed the same thing was being done in the United States. With this in mind, they probably believed that the FBI had already read this letter when it was sent, and so they gave it to us "voluntarily" to earn whatever credit they could for having done so. We believe that the letter should be judged without reference to the fact that it was "voluntarily" turned over to the Commission.

The letter undoubtedly constitutes a disturbing bit of evidence and will probably never be fully explained. In our opinion, based upon what we have learned of Oswald's character in general and, in particular, upon what we believe to have been his mounting desperation to escape the complexities of life in the United States by going to Cuba or, failing that, back to Russia, we think that the letter constitutes no more than a desperate, somewhat illiterate and deranged attempt to facilitate his family's return to the Soviet Union. He seems to have written it in the hope that by inferring that he had somehow been "in on" some secret and mysterious dealings involving the Soviet Embassy in Mexico, some benefit, however small, could be salvaged from the otherwise total failure of that trip.

H. Yuri Ivanovich Nosenko

In February 1964, Yuri Ivanovich Nosenko asked for asylum in the United States. His position in the Soviet Union was that of a high official with the KGB, and he was attending a conference in Geneva at the time of his escape. In the course of his interrogation by the CIA, it turned out that he had knowledge of Oswald. His testimony in respect to Oswald was given to representatives of the FBI and passed on by the Bureau to us. A copy of the Bureau's final report on Nosenko is attached to this memorandum. Nosenko's reference to Oswald's Intourist guide and "his" impressions and evaluations of Oswald should probably be to "her" impressions and evaluations, since we know from other sources that the guide was probably a woman, Rima Shirokova.

The FBI summary of the statements of Nosenko, if true, would certainly go a long way towards showing that the Soviet Union had no part in the assassination. However, one cannot but be struck by the rare coincidence between the sudden notoriety of Lee Harvey Oswald and the fact that a Soviet official who defects turns out to be a man with primary knowledge about Oswald. If, after the CIA opinion has been formed, doubts still exist with respect to the authenticity and sincerity of Nosenko, then the Commission must face the vexing question of why the Soviet Union chose this method to place this "information" in the hands of

the United States. In our opinion, Nosenko should be asked to testify to the Commission as soon as the CIA has completed its evaluation of him.

[Deleted.]

His sense of the practical seems to have been deficient. For example, he always fashioned himself a potential leader and resented the fact that circumstances compelled him to do menial work. Yet he never took the necessary steps to complete his high school education and obtain a diploma, so that he might be hired for a better job and utilize the normal skills possessed by a high school graduate. Likewise, he never made any serious attempts to acquire any kind of post-high school education. He made one or two tries at setting himself up as a Russian interpreter or translator but apparently never pursued the matter very far. So far as we know he never earned a penny in either capacity. For several weeks in the late summer of 1963 he occupied himself with an elaborate scheme for hijacking an airplane to Cuba, and at one time he was trying to work Marina and the baby into the plan as well. Some time during 1963 he told Marina he would one day be the "Premier" of Cuba and became angry when she chided him for such an impractical ambition.

In sum, we believe that Oswald did not have any subtleness of mind, that he lacked a good understanding of human nature and that he had an unstable and neurotic character. We do not believe that such a man could have lived out a "legend" so successfully that the combined resources of the Commission, the Secret Service, CIA and the FBI could not have uncovered major discrepancies in it.

III. Involvement by Cuba

Our suspicion that the Cuban Government might have been involved in the assassination is based upon four facts. First, Lee Harvey Oswald publicly identified himself with the Fair Play For Cuba Committee and was an avowed admirer of the Castro Government. Second, shortly before the assassination, between September 26 and October 3, 1963, he traveled to Mexico City and while there made frequent contact with the Cuban Consulate. Third, the Cuban Government had ample reason to dislike and distrust the Government of the United States and the late President in particular. Fourth, the Commission itself and the various Federal investigatory agencies which has assisted it in its work have received many letters and been approached by several persons who claim to have seen or heard acts which directly or indirectly link the assassination to the Castro government. We will touch upon all but the third of these four factors in this section of the memorandum. The antipathy of the Cuban Government needs no elaboration.

Oswald's Fair Play for Cuba activities and his contacts with Mr. Vincent T. Lee, the former head of that committee, have been thoroughly investigated. The results of these investigations are that Oswald's so-called "organizational activities" on behalf of the committee in and around New Orleans were almost entirely a fiction, which he himself created. He carried a card which showed him to be a member of the New Orleans chapter of the Fair Play For Cuba Committee, the President of which was "A. J. Hidell." No such man as "A. J. Hidell" has been located nor is there any evidence that he exists. Marina testifies that the name was made up by her husband and that he probably chose it because it rhymed with his hero, "Fidel" (Castro). The little bit of correspondence between Oswald and the national headquarters for the Fair Play For Cuba Committee in New York City, headed by Vincent T. Lee, discloses that Oswald applied for membership, was welcomed, later informed Lee that he intended to create an active organization in New Orleans and asked for advice in doing so, Lee replied with cautious encouragement, pointing out the difficulties, Oswald wrote another letter saying he was going to go ahead anyway, and that was about all. We have no evidence that any money ever went from New York or anywhere else to Oswald for his use in these activities nor was any representative of national headquarters or any place else ever sent down to guide him. Further, he apparently never created an organization and was never even given a charter authorizing him to do so.

Marina testifies that much of Oswald's Fair Play for Cuba Committee activities, at least late in the summer of 1963, seemed to have been performed with the intent of proving to the Cuban Government that he [Oswald] was "a friend of Cuba," in the belief that he would thereby further his chances of reaching that country and being accepted by it. In other words, Lee Oswald was probably trying to reenact the defection to and acceptance by Russia which he had so successfully accomplished in 1959, only this time shifting the scene of action to Cuba.

The trip to Mexico is not so easily disposed of. Oswald departed New Orleans, in great secrecy, probably about noon on September 25 and perhaps a day earlier, and he crossed the Mexican border at Nuevo Laredo on September 26. His bus arrived in Mexico City at about 10 a.m. on September 27. We have rather firm information that he set out immediately on a series of visits to the Soviet and Cuban Embassies in that city, spending almost his entire first 2 days at one or another of these two places or in making arrangements to visit one or the other. (One arrangement he made, for example, was to have passport photographs taken, for use in his application for a Cuban visa.) By late Saturday afternoon, September 28, however, he had pretty much hit a blank wall at both embassies. [Deleted.] The Cuban Embassy had even more firmly informed him that he could not get an "in-transit" visa to visit Cuba unless he could first show them a visa to visit Russia, so he was left with very little to do with either Embassy [deleted]. At the Cuban Embassy he even got into a fight with the Consul, Eusebio Ascue, because he insisted so strongly that as a "friend of Cuba's," he ought to be given a visa. So from Sunday through Wednesday morning, October 2, when he left Mexico City on a bus bound for the United States, apparently about all he did—or all that we know about what he did—was to make his travel arrangements, see the sights of the city and [deleted].

Our evidence that the events set out in the foregoing paragraph occurred is solid. It is obtained from several sources, the most important being the direct testimony of Senora Silvia Duran, the Mexican clerk at the Cuban Embassy who dealt with Oswald, [deleted]. The question is not whether these events occurred, but whether they were perhaps only a coverup for other, more sinister activities going on at the same time. This is where the various rumors and claims of conspiracy come into consideration. Some of them will be considered in detail later, but at this point it is enough to say that they almost all boil down to some sort of allegation that the Cubans passed money to Oswald while he was in Mexico City, as payment for assassinating the President. We have been informed by the Central Intelligence Agency that rumors focusing around a large amount of money having been handed to Oswald while he was in Mexico City—the most commonly mentioned sum was \$5,000—were current in Mexico City almost immediately after the assassination. The fact that these rumors were current should be kept in mind in assessing the information which follows.

In order that the Commission may directly assess some of the important bits of evidence bearing upon Oswald's contacts with the Cuban and Russian Embassies, we have attached hereto two documents. [Deleted.]

We have also recopied the essentials of the statement made by Silvia Duran, the Mexican employee of the Cuban Consulate in Mexico City who dealt with Oswald, when she was questioned by the Mexican police shortly after the assassination. [Deleted.] Her statement, as forwarded to us by the Mexican Government, is as follows:

"That as the speaker has already stated, she has been a sympathizer of socialism and Marxist doctrine for several years, having studied philosophy and existentialism, and particularly she has sympathized since its inception and sympathizes with the Cuban revolution. That approximately 3 months ago she began to occupy the position of Secretary to the Cuban Consul in this city, Mr. Eusebio Ascue . . . having had under her responsibility the administrative operation and preparing the visas which are issued, as well as handling the applications for such visas which invariably are sent to the Ministry of Foreign Relations, Government of Cuba, for its approval, . . . That the speaker does not belong to any political party and never has attended manifestations or meetings, nor has she given lectures or speeches, which her husband has done, since he has written several articles for the newspaper 'El Día' (The Day) (pro-Communist, Spanish-language newspaper published in Mexico City); that she has never been arrested for any reason, not even on the occasion of the visit to Mexico of Mr. John F. Kennedy, which caused her a great deal of personal satisfaction because of the benefits which it would represent to the country . . .

". . . its having been only that night that they [she and her husband] read in the extra (edition) the news relating thereto, and subsequently on the radio at her residence she heard the name of Lee Harvey Oswald, which caused her to remember that this name refers to a North American who in the last days of September or the first days of the month of October of the present year appeared at the Cuban Consulate and applied for a visa to Cuba in transit to Russia and based his application on his presentation of his passport in which it was recorded

that he had been living in the latter country for a period of 3 years, his work permit from that same country written in the Russian language and letters in the same language, as well as proof of his being married to a woman of Russian nationality and being the apparent Director in the city of New Orleans of the organization called 'Fair Play for Cuba' with the desire that he should be accepted as a 'friend' of the Cuban Revolution, as a result of which the speaker, in compliance with her duties, received all of his data and filled out the appropriate application, and he left to return in the afternoon, this time with his photographs, and the speaker, recognizing that she exceeded her duties, semiofficially called the 'Russian Consulate by telephone because of her interest in facilitating the handling of the Russian visa for Lee Harvey Oswald, but from there they answered her that the operation would require approximately 4 months, which annoyed the applicant, since as he affirmed he was in a great hurry to obtain the visas which would permit him to travel to Russia, insisting that he was entitled to them because of his background and his partisanship and personal activities in favor of the Cuban movement, the declarant's not being able to specify because she does not remember whether or not he said that he was a member of the Communist Party, but that his wife, of Russian nationality, was at that time in the city of New York from where she would follow him, although his place of origin was the aforementioned city of New Orleans; that as soon as Oswald understood that it was not possible to give him a Cuban visa without his previously obtaining a Russian one, because the former was for transit, he became highly agitated and angry, as a result of which the speaker called Consul Ascue, who, at that time, was in his private office in company of his ultimate replacement, Miraval, but came out and began to argue in English with Oswald in a very angry manner and Ascue concluded by saying to him that, 'As far as he was concerned, he would not give him a visa,' and that 'A person like him, in place of aiding the Cuban Revolution, was doing it harm,' its being noted that in their discussion they had been referring to the Russian socialist revolution and not the Cuban, its being stated by Oswald that he had two reasons to request the visa with urgency, which were, one, that his permit to be in Mexico was expiring and the other that he had urgent necessity of reaching Russia; that in spite of the argument the speaker handed to Oswald a piece of paper similar to that which she writes at this time in which she recorded her name, 'Silvia Duran,' and the telephone number of the Consulate, which is '11-28-47,' and, at any rate, she initiated the handling of his visa application sending it to the Cuban Ministry of (Foreign) Affairs, from which a reply was received in the normal manner some 15 to 30 days later approving the issuance of a visa, but conditioning it on his previously obtaining the Russian (one), although she does not recall whether Oswald subsequently called her or not on the telephone for the Consulate which she had given him; that all of the conversation which the speaker had with Oswald, as well as that of Consul 'Ascue' with him, was in the English language since he did not speak any Spanish, and that upon seeing his photograph which appears in today's newspapers, specifically in the newspaper 'El Dia,' she immediately recognized and identified it as being the same person that she has been referring to as Lee Harvey Oswald. . . ."

It should not be noted that Senora Duran testified that Oswald made formal application for a visa, that he furnished her with photographs taken of himself in Mexico City, that she filled out the visa application on the basis of documents Oswald has in his possession, and that authorization to issue a visa, conditional upon his first obtaining a Russian visa, was in fact obtained by her office sometime late in October. We have forwarded a request to the Cuban Government to document Senora Duran's claims. If the Cuban Government does furnish us with documents purporting to fulfill Senora Duran's claims, we have excellent means at our disposal for authenticating them. For example, Oswald's handwriting and his photographs are two obvious methods of authentication. In addition, we have what we believe are some of the documents he had in his possession when he was in Mexico City, presumably the documents from which Senora Duran took the information to fill out his visa application, so this too should constitute an excellent method of authentication.

For about 1½ months prior to the assassination Lee Harvey Oswald had a room of his own in a rooming house at 1026 North Beckley Street in Dallas. He ordinarily stayed there during the week and visited Marina on weekends at the home of Mr. and Mrs. Michael Paine in Irving, Tex., where she was staying with the children. The resident manager of the rooming house at North Beckley

Street, Mrs. Earline Roberts, has testified to representatives of the FBI that on one or two occasions Oswald ended telephone conversations with the word, "Adios." Mrs. Roberts' statements on this subject infer that these conversations were carried on in some foreign language described by her as "German or Russian." From this it in turn can be inferred that the conversations alluded to were with Marina, because they would have been in Russian, and we have other evidence, which is quite firm, that he telephoned Marina almost every night. If this is the case, then the fact that he signed off with the word "Adios" has no particular significance. When Marina testified to the Commission she said that she does remember her husband occasionally using that term. If, however, the word "Adios" was used during an English-language conversation, we have, perhaps, an important unexplained piece of evidence. Mrs. Roberts is scheduled to be questioned on this point.

The top local officials of both the CIA and the FBI in Mexico stated to representatives of the Commission during their visit to that city in April 1964 that, in their professional opinion, there was no conspiracy involving Lee Harvey Oswald or the assassination which had contacts in Mexico. Both men based their opinions upon their belief that if there had been any such conspiracy, although they might not by this time have been able to solve it, their sources of information and investigatory capabilities were sufficiently good so that they would at least have received some firm indication or "hard" evidence of its existence. The absence of any such evidence has convinced them that Lee Harvey Oswald's trip to Mexico was in all probability nothing more than it purported to be: An unsuccessful attempt to reach Cuba. [Deleted.] Unfortunately, however, although the means of investigation at our disposal in Mexico have in our opinion been stretched to the utmost, there still remain gaps in our knowledge of what Oswald did while he was there. Essentially, for Sunday, Monday, and Tuesday, September 29 through October 2, we can fill in only about 5 or 6 hours of his time, plus whatever time he slept. The final answer to the meaning of the Mexican trip, therefore, will probably never be given.

Finally, before ending our discussion of possible Cuban involvement, we would like to set forth in summary fashion some of the rumors and allegations of Cuban conspiracies which have come to our attention. In our opinion, only two are sufficiently serious to merit a detailed statement. These are summarized below. The other rumors are very briefly summarized, and references to the basic FBI or CIA sources dealing with them are given, in an appendix hereto.

1. *Statement of Pedro Gutierrez Valencia.*—On December 2, 1963, Senor Pedro Gutierrez Valencia wrote a letter to President Johnson, in Spanish, in which he stated that in the course of his duties as a credit investigator for a large department store in Mexico City he was in the Cuban Embassy in Mexico City on September 30, 1963, or October 1, 1963, for the purpose of conducting an investigation of one of its employees. The letter went on to say that as he was leaving the Embassy he overheard a heated discussion in English between two men, one a Cuban and the other an American, in which he could understand only the words, "Castro," "Cuba," and "Kennedy." The Cuban was counting out American dollars, which he eventually passed to the American, and both men stepped into an automobile which, from the fact that the Cuban opened the door with a key extracted from his own pocket and himself got into the driver's seat, Gutierrez concluded belonged to the Cuban. Gutierrez' suspicions were aroused, so he doubled back around the corner to get into his own automobile to follow the two men. However, by the time he was able to do this they had driven off and he lost sight of them. After the assassination, from observing pictures in the Mexico City newspapers of Lee Harvey Oswald, Gutierrez claimed that he recognized the American as being Oswald.

The FBI in Mexico City has taken the primary responsibility for investigating this situation. Senor Gutierrez has been thoroughly checked, and all the evidence points to his being sincere, trustworthy and disinterested. He has favorably impressed all the FBI men who have worked with him, and he has devoted much time to trying to help our investigation of what he saw and has never asked for any kind of compensation. The representatives of the FBI are convinced that he is sincere. However, his identification of the American he allegedly saw as Lee Harvey Oswald has not stood up well under intensive analysis. All the usual methods for confirming an identification have been gone through, detailed physical description, identification of photographs of Oswald's from among photographs of other men, description of the manner in which he saw what he claims

to have seen, and so forth. It now appears that Gutierrez saw what he claims distinctly only from the rear and once, very fleetingly, face-to-face. He never observed him in profile. What happened was this: Gutierrez came around a corner of a wall and bumped into the Cuban who was talking with the American, thereby seeing them both for a split second face-to-face. He apologized, the Cuban graciously accepted the apology, and all three men immediately continued walking in their respective directions. When he overheard their conversation, however, which must have been resumed almost instantaneously, Gutierrez turned around to get another look. Thus, he got a good look only of the backs of both men. Likewise, when he followed them to their automobile, he saw them only from a distance and again only their backs. The conclusion of the FBI representatives assigned to this case is that Gutierrez probably did see money being passed to a man who appeared to be an American, but that whether that man was Lee Harvey Oswald is by no means certain.

From reviewing his work schedule, which he says he rigorously adhered to, Gutierrez is able to fix the time at which he must have seen the Cuban and the American as 10:50 a.m. on October 1, give or take a very few minutes. [Deleted.] The Cuban and Russian consulates in Mexico City are located very close to one another, only about two blocks apart. It therefore seems unlikely that if Oswald had been at the Cuban Embassy he would have telephoned the Russian Embassy rather than walked over there, especially since by this time he was familiar with the personnel. However, it is also possible that he believed that he could get through to speak to the consul if he telephoned, whereas if he showed up in person he might be rebuffed by the receptionist or the guard who by that time may have been able to recognize him and under orders to keep him out.

The CIA and FBI representatives with whom we have discussed this investigation point out that although they by no means rule out the accuracy of Gutierrez' observations for his reason alone, it is unlikely that money would be passed for a sinister purpose in such an open manner as was allegedly observed by Gutierrez. First, it is unlikely that an agent would be paid off right at the Embassy or the consulate. Second, even if he were, the payoff would more probably be carried out in the privacy of a room. Nevertheless, investigation is continuing.

Unfortunately, Gutierrez' description of the automobile allegedly driven by the Cuban, a light tan Renault, happens to be a very popular make and color in Mexico City. [Deleted.] The present owner cannot be ascertained, however, because the registration of the automobile—as is common in Mexico—has been maintained under the name of the original owner, who owned it several years ago, in order to avoid the payment of transfer taxes. Efforts to trace the automobile from owner to owner, beginning with the first, have been unsuccessful.

[Deleted.]

2. Statement of Gilberto Alvarado Ugarte.—On November 26, 1963, Gilberto Alvarado Ugarte, a 23-year-old Nicaraguan secret agent, at the time seeking to penetrate the Castro forces in Cuba by going to Cuba from Mexico to receive guerrilla training on the island, came to the American Embassy in Mexico City and declared that he had witnessed Lee Harvey Oswald receiving a payoff to kill the President in the Cuban Embassy on September 18. Alvarado said that Oswald was given \$6,500, \$5,000 as compensation and \$1,500 for expenses. Alvarado recited that at noon on the 18th of September he went to the Cuban Consulate to turn some passport photographs over to the consul, Eusebio Ascue, to be used in the fabrication of false travel documents so that he could leave Mexico for Cuba. He sat in the waiting room and saw a group of approximately eight persons enter the consulate and go into Ascue's office and noticed that someone other than Ascue was sitting at Ascue's desk. He then asked a Cuban consulate employee where the bathroom was, was told, and proceeded out of the waiting room in the given direction. While standing by the bathroom door, he said, he saw a group of three persons conversing in a patio a few feet away. One was a tall, thin Negro with reddish hair obviously dyed who spoke rapidly, with a Cuban accent, and who spoke some English. The second person was a Canadian with blonde hair, and the third person was Lee Harvey Oswald. Alvarado said that he did not know Oswald at the time, but recognized him after the assassination from photographs in Mexico City newspapers. Oswald was supposed to have been wearing a black sport coat, a buttoned-up shirt with collar tabs but no necktie, and clear eyeglasses. A tall Cuban joined the group momentarily and passed some currency to the Negro. The Negro then allegedly said to Oswald in English, "I want to kill the man." Oswald replied, "You're not man enough, I can do it." The Negro then said

in Spanish, "I can't go with you, I have a lot to do." Oswald replied, "People are waiting for me back there." The Negro then gave Oswald \$6,500 in large-denomination American bills, saying, "This isn't much." He also supposedly gave him about 200 Mexican pesos. Alvarado also filled in other details which are not material here.

Alvarado said that toward the end of September he telephoned the American Embassy in Mexico City several times in an attempt to report his belief that someone important in the United States was to be killed. He used a fictitious name to protect his identity, and told the person who answered the telephone that he did not want a visa but that he wished to speak to "a person of confidence" about "a political matter." He said he finally got through to a man who said he would call him back, and he, therefore, left his telephone number. The man never called back. Alvarado allegedly repeatedly called the Embassy and was finally told to quit wasting its time. Alvarado said that the next time he talked to the Embassy was after the assassination, when he recognized Oswald's picture in a newspaper. The comment made on Alvarado by the CIA fieldman on November 26 was, "He is young, quiet, very serious person, who speaks with conviction, knows enough English to understand conversation."

Alvarado was, of course, immediately subjected to intensive interrogation and investigation. [Deleted.] Apparently he was indeed on his way to Cuba and had had dealings with the Cuban Consulate in Mexico City in connection with preparation of false travel documents. Whether he was doing this as a soldier of fortune, out of conviction for the Castroite cause or to place himself in a position where we would later be able to command a higher price from the Nicaraguan and other anti-Communist intelligence agencies for his information, we do not know.

Both the Mexican and American authorities continued to interrogate and cross-check Alvarado's story. On November 30 the CIA was informed [deleted] that Alvarado had admitted [deleted] in writing that his whole story about Oswald was false. He said that he had not seen Oswald at all, and that he had not seen anybody paid money in the Cuban Embassy. He also admitted that he never tried to telephone the American Embassy about the matter and that his first contact was in person on November 26 when, as we now know, he spoke to an Embassy security officer. He still maintained that he did in fact repeatedly visit the Cuban Embassy, however, as related above. The Mexican authorities stated that they were inclined to believe the last part of the story. Alvarado said that the motive in telling the fabrication was to help get himself admitted to the United States so that he could there participate in action against Fidel Castro. He said he hated Castro and hoped that the story he made up would be believed and would cause the United States to "take action" against Castro. In the meantime, American intelligence agencies in Mexico had checked back with Washington and learned that on the 17th and 19th of September information we had indicated that Oswald was in New Orleans. Although still theoretically possible, this of course, made it unlikely that he was in Mexico City on the 18th.

Still later, American authorities reinterrogated Alvarado. Alvarado at first claimed that he had been pressured into retracting his statement by the Mexican police and that the retraction, rather than his statement, was false. He said that he did, in fact, see the things he claimed to have seen. American interrogation of him continued, and part of it was carried on in connection with a polygraph machine. When told that the polygraph indicated that he was probably lying, Alvarado said words to the effect, "I know such machines are accurate, and, therefore, I suppose I must be mistaken." He then added that he was uncertain as to the date when he saw someone "who looked like Oswald" at the Cuban Embassy, and perhaps it was on a Tuesday, September 17, rather than September 18. (Alvarado did not know it at the time, but the 17th would make it even more unlikely than the 18th. On September 17 Oswald appeared at the Louisiana State Unemployment Commission in New Orleans and also cashed a check from the Texas Employment Commission at the Winn-Dixie Store No. 1425 in New Orleans.) On the basis of the polygraph results and the qualified retractions made by Alvarado when he saw the results, and on the basis of discrepancies which appeared in his story, the CIA in Mexico City concluded that in all probability he was lying, and that the reasons [deleted] for lying were probably sincere. No further investigation of the Alvarado incident was carried on subsequent to the foregoing.

IV. Anti-Castro Cuban Involvement

In early August 1963, while he was still living in New Orleans, Oswald approached Mr. Carlos Bringuier, a man who is active in anti-Castro activities in that city and who was a lawyer in Cuba prior to Castro's overthrow of the Batista regime, and volunteered his services in the training of anti-Castro guerrillas. Oswald claimed that he had received guerrilla-type training in the Marine Corps and offered to pass on his expertise to Bringuier's group. Bringuier was, of course, interested in the offer and accepted Oswald's display of interest in a friendly manner. However, very shortly thereafter a member of Bringuier's organization observed Oswald passing out Fair Play For Cuba Committee literature, told Bringuier, and as a result there was a minor riot on the streets of New Orleans. The altercation led to the arrest of Oswald, Bringuier and Bringuier's friend, and Oswald was ultimately convicted and fined \$10. Soon thereafter, in the middle of August, Bringuier sent one of his men to Oswald's home, the address of which he had observed on some of the Fair Play literature, under orders to pose as a pro-Castro Cuban interested in working for Oswald. Oswald received Bringuier's plant courteously and discussed Cuban politics with him in the evening on his [Oswald's] porch, but Marina has testified that after the conversation Oswald told her that he strongly suspected that the man who had come was an anti-Castro Cuban pretending that he was pro-Castro. Consequently, both Bringuier and Oswald failed in their attempts to infiltrate the other's organization.

Later, the two men were to meet and debate each other on Radio Station WDSU in New Orleans. Bringuier has also testified to the Commission that a bartender acquaintance of his observed Oswald in the "Havana Bar" in New Orleans in the company of a Mexican for whom the FBI was allegedly searching because of his Communist activities and that the FBI was duly informed of these facts. No trace of this information is in the FBI files, however.

Mrs. Silvia Odio of Dallas, Tex., a 26-year-old refugee from the Castro regime whose parents are still in a Cuban prison on the orders of Fidel Castro told a representative of the FBI shortly after the assassination that in late September or early October 1963 two anti-Castro Cuban leaders from out of town came to her home in the company of a third man to ask her help in raising funds for their cause. She turned down their request, as she has turned down all similar requests, because she feared retaliation by Castro against her parents. Mrs. Odio has furnished the following facts about the two Cuban leaders:

One of them referred to himself as "Leopoldo," the other was probably "Rogelio Cisneros," and both of them were from Puerto Rico or Miami. She also gave the FBI their physical descriptions. The third man accompanying them, who said very little, she first told the FBI was introduced to her as "Leon Oswald." Now she is saying it was simply "Leon." When Mrs. Odio first spoke to representatives of the FBI, the physical description she gave of "Leon Oswald" roughly fitted Lee Harvey Oswald. She is now reported to be saying the "Leon Oswald" had a mustache or at least was unshaved, and that he had a dark, Cuban-type complexion. According to her first story, "Leopoldo" called her back a few days later to say that "they"—presumably he and the other Cuban leader—had checked back on "Leon Oswald" in New Orleans and were told that he was "loco," and they were, therefore, dropping him. "Leopoldo" is also reported to have said "Leon" would do anything, saying that Leon had "laughed at" the Cubans, claiming they had "no guts." "It would be easy to kill Kennedy after the Bay of Pigs," he allegedly told Leopoldo.

Mrs. Odio is reported to have suffered a severe psychological reaction at her place of employment when she first saw Lee Harvey Oswald's picture on television after the assassination, presumably because she was struck by the fear that her own group was somehow involved in the killing of the President.

On November 1, 1963, Lee Harvey Oswald mailed a letter to the Communist Party in New York City. Among other things he mentioned that he had attended a meeting in Dallas on October 23, 1963, of a group headed by General Walker; investigation has led to the conclusion that this must have been an anti-Castro meeting.

With the sole exception of Mrs. Odio—and even she is now apparently changing her story—every member of the Dallas anti-Castro Cuban community who has been questioned on Lee Harvey Oswald denies ever having observed him or having had any contacts with him whatever prior to the assassination. Nor has any

member of that community come forward to volunteer any information as to contacts with Oswald. However, Mrs. Odio has been checked out thoroughly through her psychiatrist and friends, and, with one exception—a layman who speculates that she may have subconscious tendencies to overdramatize or exaggerate—the evidence is unanimously favorable, both as to her character and reliability and as to her intelligence. She is under psychiatric treatment for a disease rare in American women but apparently common among European women, known as “grand hysteria,” the primary symptom of which is occasional blackouts. According to her psychiatrist, the symptoms definitely do not include hallucinations. It was one of these blackouts that she had when she first observed Oswald on television after the assassination. Moreover, some of the details of Mrs. Odio’s story, as it was first related to the FBI after the assassination—unfortunately, in a rather brief interview—check with what we now know about Oswald. For example: he was described as quiet and reticent, an impression Oswald usually gave; “Leopoldo” later told Mrs. Odio they had checked back on him in New Orleans, which is where Oswald, in fact, had come from; Leopoldo said he was told by New Orleans that “Leon” was “loco,” a term Carlos Bringuier may very well have used to describe him; and most importantly, of course, the name “Leon Oswald” is so close to “Lee Oswald” as to raise the strongest suspicions. Even if it was only “Leon,” there is a similarity. We contemplate taking Mrs. Odio’s deposition at the earliest opportunity, in an effort to follow this lead.

The evidence here could lead to an anti-Castro Cuban involvement in the assassination on some sort of basis as this: Oswald could have become known to the Cubans as being strongly pro-Castro. He made no secret of his sympathies, and so the anti-Castro Cubans must have realized the the law-enforcement authorities were also aware of Oswald’s feelings and that, therefore, if he got into trouble, the public would also learn of them. The anti-Cuban group may even have believed the fiction Oswald tried to create that he had organized some sort of large active Fair Play For Cuba group in New Orleans. Second, someone in the anti-Castro organization might have been keen enough to sense that Oswald had a penchant for violence that might easily be aroused. This was evident, for example, when he laughed at the Cubans and told them it would be easy to kill Kennedy after the Bay of Pigs. On these facts, it is possible that some sort of deception was used to encourage Oswald to kill the President when he came to Dallas. Perhaps “double agents” were even used to persuade Oswald that pro-Castro Cubans would help in the assassination or in the getaway afterward. The motive on this would, of course, be the expectation that after the President was killed Oswald would be caught or at least his identity ascertained, the law-enforcement authorities and the public would then blame the assassination on the Castro government, and the call for its forceful overthrow would be irresistible. A “second Bay of Pigs Invasion” would begin, this time, hopefully, to end successfully.

The foregoing is probably only a wild speculation, but the facts that we already know are certainly sufficient to warrant additional investigation.

Mr. CORNWELL. First, when was the document written?

Mr. SLAWSON. I can’t remember exactly but my guess would be early June but that is just a guess.

Mr. CORNWELL. I might simply note that the document does have X’s in it which apparently occurred in connection with declassification of the document. Would it be fair to state that as of June 1964 you had done a considerable amount of work in the area of determining whether there was a foreign conspiracy?

On page 1 of the memo you describe the fact that firm evidence of a foreign conspiracy is obviously very hard to come by, and go on to note that at least one of the principal investigative avenues would be information acquired from the various foreign countries that might be suspected of being involved and that such information would obviously not be very helpful because a foreign government will try to furnish only that evidence which it believes to be nonincriminating, at least that was a substantial possibility. Is that correct?

Mr. SLAWSON. That is correct although I think that the emphasis in the introduction you are quoting from was only explaining why

that kind of evidence could not be relied upon as your primary evidence. We did have other kinds of evidence. I was trying to explain at this point in the memo that we would not be relying upon evidence furnished by the country itself insofar as we could possibly avoid doing so.

Mr. CORNWELL. You go on in that vein to note further on page 2 that one way to test the accuracy of the information which would be provided by the foreign government would be through the CIA and its facilities. Is that correct?

Mr. SLAWSON. That is correct. Incidentally that reminds me that in response to an earlier question of yours, one way we had of checking the accuracy of information American organizations like the CIA or the FBI was to check them against each other. The jurisdictions of the various investigatory agencies at the time would have fairly firm limits. For example, the CIA would do mostly overseas things, the FBI would do mostly domestic criminal activities. The State Department and Immigration and Naturalization Service had their respective jurisdictions. So, when a person like Oswald or Marina would pass from one jurisdiction to another, come from a foreign country or vice versa, the agencies would pass information back and forth, notifications accompanied by documents. In our getting the records of these in every case possible I would match them up to make sure that the disclosure to the Warren Commission from a particular agency included everything it should, judged by what the other agencies had given us, having heard from that agency in times past.

Mr. MCKINNEY. You spoke earlier of their defensiveness of the fact that they might be accused of not having done a good job. Was there any particular conversation or discussion on their defensiveness for not really having told the Secret Service or for just sort of letting the President come into Dallas with this guy wandering around? That is the most amazing thing to me. They were tracking him and yet with the President coming into Dallas, here is this guy.

Mr. SLAWSON. There was no discussion of that, or rather no aspect of this defensiveness that I could see in the documents that were passed prior to the assassination.

They were all official bureaucratic type documents, very impersonal.

Mr. CORNWELL. There was no suggestion in any of those documents, say from the CIA, when Oswald would come in from a foreign country, that the Secret Service perhaps should watch this guy or the FBI watch him?

Mr. SLAWSON. I can't really remember that, Mr. McKinney, whether there was or not. The usual notification would have no suggestion as to what the agency ought to do at all. It would simply be that "Notification is hereby given that such and such, Lee Harvey Oswald or somebody, had contacted the Cuban Embassy in Mexico City, et cetera, and presumably returned to the United States shortly thereafter." Then it would be left up to the FBI to do what they would with that.

Mr. MCKINNEY. Thank you very much. Thank you, counsel.

Mr. CORNWELL. In your mind would there have been a particularly severe problem with your area of international conspiracy because of the fact that there was really only one agency, the CIA, that had any access to information which would reveal that?

Mr. SLAWSON. Yes. There is really no way I can imagine and certainly there was no way at the time I could imagine that anyone could carry on an investigation of foreign intelligence operations other than through the CIA. That simply is the body of expert opinion on that sort of thing and capability that exists in the United States. So, if a major suspect is the CIA itself in some kind of foreign involvement, it might be, say, taken over or infiltrated by the Cuban or Russian Government, an investigation like the Warren Commission would find it very, very difficult to ascertain that. That is just inevitable.

This I think occurred to me at the time too but there wasn't much that could be done about it.

Let me add there I think there are two major defenses there: One, I think and I still think that the likelihood of any large number of people in a major Government organization trying to kill their own President is very small. I think most people are loyal. The other is that anything that large would almost certainly spill over someplace in the public view. We had all sorts of people of course looking into this. I think the chances of its ever being successfully hidden for a long time were infinitesimally small.

Mr. CORNWELL. Nevertheless it was still your impression, I gather from your memo and your previous statements, that there were really only two primary sources of possible information in your field of responsibility, and that is, what a foreign government might supply, which obviously had its drawbacks and what the CIA provided you.

Mr. SLAWSON. That is right.

Mr. Cornwell, remember, I did talk and hear about the questionableness of any information supplied by a foreign government, about the possibility of its being involved, but we did have information from foreign governments that might lead you to suspect other foreign governments were involved. There is no more reason why that would be suspect than any information generally. For example, we had a communication from the West German Government intelligence service, I remember, which we investigated. As I recollect, if it had worked out, it would have implicated the Soviet Union. There is no reason why we should suspect that.

Mr. CORNWELL. Mr. Chairman, may I have an exhibit marked for identification as No. 23. It is a memorandum dated September 6, 1964. I show it to the witness and ask you, Mr. Slawson, if you recall that document?

Mr. SLAWSON. I read this last night when your staff supplied it to me. I in a very general way recollect it, that is all.

Mr. CORNWELL. It deals generally with the question of the type of information that had been supplied to the Warren Commission by the CIA. Is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWELL. May we have this document entered into the record so that we may ask questions concerning it?

Mr. PREYER. Without objection exhibit 23 is entered into the record. [The document referred to, marked JFK exhibit No. 23 and received for the record, follows:]

JFK EXHIBIT No. 23

[Memorandum]

September 6, 1964.

To : J. Lee Rankin, General Counsel.

From : W. David Slawson.

Subject : Footnotes supplied by the Central Intelligence Agency.

Throughout our investigation, the CIA has been sending us memoranda. The CIA made no attempt to withhold any information from the Commission what it believed was pertinent. Consequently, many of the memoranda we received contained references to secret sources and procedures. During the last few weeks, we have been working with the CIA to establish guidelines for what we will and will not publish in our report. These guidelines will, of course, be consistent with the statement of them in the report itself. Generally speaking, we will publish all information on which the Commission relied in coming to its conclusions and all information which tends to counteract these conclusions. Sources of information will frequently be withheld, but the information supplied by these sources will in almost all cases be published.

The CIA is now in the process of supplying us with new memoranda designed to replace previous memoranda. The memoranda will contain the information which we can publish, and only that information. The plan is that the Commission will put the old memoranda in a file at Archives marked "SECRET" and use the new memoranda as exhibits in the report.

Mr. CORNWELL. The first two sentences in the memorandum read, "Throughout our investigation the CIA has been sending us memoranda. The CIA made no attempt to withhold any information from the Commission that it believed was pertinent." Not meaning to be facetious but just for clarification, the "it" that is referred to, in other words, "that it believes was pertinent," does that refer to the CIA or to the Commission?

Mr. SLAWSON. I suppose it meant the CIA. I am just trying to interpret my own writing the same as you are but I think that is what I would have meant.

Mr. CORNWELL. The way it reads then in substance is that it was your impression as of September 6, 1964, near the end of the investigation, that the CIA had made no attempt to withhold any information from the Commission that the CIA believed was pertinent?

Mr. SLAWSON. That is right.

Mr. CORNWELL. Did the CIA or anyone, say, between the CIA and you ever tell the Warren Commission members about the CIA assassination plots on Castro?

Mr. SLAWSON. No, not to my knowledge.

Mr. CORNWELL. Do you believe that would have been pertinent to your work?

Mr. SLAWSON. Yes.

Mr. CORNWELL. What would you have done in respect to your area if you had been provided that information?

Mr. SLAWSON. That is hard to recollect at this point. It certainly would have increased my suspicion of the possibility that the Cuban Government was involved, for obvious reasons. I cannot, however, think of anything that I would have done any differently. The reason for my conclusion is that I think I followed up every lead as thoroughly as I could in any event. I already had reasons for suspecting the Cuban Government as I had reasons for suspecting the anti-Castro Cubans. So I would have been, I think, doing the same things I did with perhaps a greater suspicion in my mind.

Nevertheless it was pertinent.

Mr. CORNWELL. Would you have had with that information any cause to request records which you did not otherwise seek?

Mr. SLAWSON. No, not that I can think of. That is a difficult question for me to answer now because I can't remember in any kind of detail at all what my request for records was and what records I got.

Mr. CORNWELL. Did you ever seek records concerning the general issue of assassination plots?

Mr. SLAWSON. By the CIA?

Mr. CORNWELL. Against Castro or anyone?

Mr. SLAWSON. No, I can't recollect that I did. Our requests for information from the CIA were rarely specific. The request was made initially that they give us all information in any way pertinent to the assassination investigation.

Mr. CORNWELL. Leaving to their discretion the decision as to what was pertinent?

Mr. SLAWSON. Well, I suppose inevitably, yes, because there are mountains of information in the CIA and a request like that has to leave it to some extent to their discretion as to what is pertinent. Anything that came out I would talk to the CIA about it and if I had any specific requests those of course would be forwarded.

Mr. CORNWELL. Would it be fair to state that if you had received that information you at least might have altered your willingness to rely upon their judgments as to what was pertinent?

Mr. SLAWSON. I don't know how to answer that. You see, I never received a "no" from the CIA to any request for information. I mean a no in the sense of not a willingness. Lots of times of course they would say "We don't know anything about that" or "We can't find out for you." So I don't think my attitude would have been any different. I would have had a different set of considerations in mind. I probably almost certainly would have talked to them more thoroughly about, well, did Castro know that you were trying to kill him?

And when did he know? Things like that, trying to work out some possible link between Lee Harvey Oswald and Cuba or anybody else who might have been implicated in the killing.

Mr. CORNWELL. May we have a memorandum dated June 4, 1964 from Mr. Slawson to Mr. Rankin marked for identification as exhibit No. 24, Mr. Chairman.

Mr. PREYER. All right.

Mr. CORNWELL. You have had a chance to review that prior to coming here?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Do you recall that document?

Mr. SLAWSON. Again in a general way, yes.

Mr. CORNWELL. Basically the document concerns a telephone conversation between you and Mr. Rocca of the CIA and among other things discusses the general subject matter of assassination plots on page 2, is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWELL. May we have that document entered into the record, Mr. Chairman, so that we may ask the witness specific questions?

Mr. PREYER. Without objection it is so ordered and will be entered into the record.

[The document referred to, marked JFK exhibit No. 24 and received for the record, follows:]

JFK EXHIBIT No. 24

JUNE 4, 1964.

To: J. Lee Rankin, Howard P. Willens, Norman Redlich.

From: W. David Slawson.

Subject: Telephone conference with Mr. Rocca of Central Intelligence Agency.

About a week or two ago I telephoned Mr. Rocca and drew his attention to the fact that my examination of the documents furnished to us by the Russian Government, excluding the medical documents, which had not arrived at that time, showed that a high percentage of the signatures other than the Oswalds' was said to be illegible by the State Department translators. I asked Mr. Rocca that the CIA examination of these documents specifically take this observation into account and comment on it. I said that my opinion, as a layman, was that the high percentage of illegible signatures might have been intentional, in order to prevent the CIA from checking back on actual persons and places when it sought to authenticate these documents. However, I also wondered whether the alleged illegibility was in some cases simply a reflection of the translators' reluctance to work too hard. Mr. Rocca said that he would bring this matter to the attention of those who were analyzing the documents.

Commission document No. 1011, which is the CIA report on the Soviet documents, came to my desk today. It does not comment on the matter mentioned above. I telephoned Mr. Rocca to ask him about this. His reply was that he had interpreted my request as simply that the CIA translators do their best to read and translate all signatures. I repeated that we were not so interested in that as we were in the general analysis of what if any significance could be attributed to the high percentage of illegible signatures. I told him that since talking to him the first time I had made a personal check and found that out of the 9 signatures appearing on the non-medical documents 8 were illegible or at least stated to be illegible by the translators. (Actually the percentage is even higher. Two of the documents which contained illegible signatures contain two illegible signatures each, so the ratio is actually 10 to 1 rather than 8 to 1.)

Rocca said that he now fully understood my concern and would bring it to the attention of the "higher ups." I told him that we would be happy to make a formal request if this was desirable, and he said that perhaps it would be, but he did not think so. He said that he would ask for a formal request from us later if he or others at CIA thought it was necessary. He told me that the CIA translators had commented that the illegibility of the signatures was the usual thing in Russian documents. He said that he got the impression from talking to them that this is a recurring problem. Apparently the average Russian official has so many documents to sign that his signature soon becomes a scrawl. However, Rocca did not purport to be an expert on this, and he agreed with me that a more formal analysis is called for.

(I note here for the record that the following documents contain at least one illegible signature each: 1A, 3A(1), 3A(2), 5A(3), 6A, 7A, 9A, and 1B, 3A(1) and 5A(3) contain two illegible signatures each. The following documents contain no signatures at all other than Marina's or Lee Oswald's: 2A, 4A, 5A, 2B, 3B, 4B. The single legible signature other than an Oswald signature is contained on document 8A. The foregoing includes only the nonmedical documents. There are so many signatures in the medical documents that I have not tried to itemize them, but it can be seen by a glance through them that they also contain a high percentage of illegible ones.)

While on the telephone with Rocca he brought up the New York Times article on conspiracy theories contained in the Times of June 1, 1964. He made specific reference to the book by a London newspaper man by the name of Dennis Eisenberg mentioned in the Austrian newspapers. This book was published about 2 months before the assassination and contained an assertion that the right wing elements in America were at that time planning the assassination of Kennedy. He said that the CIA has already put procedures in motion to get the book and to obtain further information about the author. The New York Times, as you are probably already aware, describes this as a "striking coincidence." Rocca believes that this may be correct but, of course, cannot be sure. He drew to my attention the fact that the publishing time of this particular book appears to have been almost exactly when Castro was supposed to have made

his remark in the Cuban Embassy in Brazil (or to the Brazilian Embassy in Cuba, I have forgotten at this point) to the effect that "Two can play at this game." According to the Miami newspaper which published this allegation, Castro was referring to the Bay of Pigs invasion and subsequent guerrilla activities financed by the CIA which had resulted in the deaths of many Cuban citizens.

Rocca said that either he or Mr. [deleted] could report to us on the results of the inquiry on Eisenberg, either formally or informally. He asked me whether we wanted to make a formal request for such a report. I replied that I did not think it was necessary in view of the fact that I now know that CIA was looking into the matter and would give us a report. I told him that I would make a memo of our conversation and might remind him of it at a later time if we had not yet heard from him or [deleted].

Mr. CORNWELL. On page 2 the last paragraph reflects that while on the telephone Rocca brought up a New York Times article on conspiracy theories contained in the Times of June 1, and made specific reference to a book by a Dennis Eisenberg published about 2 months before the assassination and containing an assertion that the right wing element in America were at that time planning the assassination of Kennedy.

The particular part of that paragraph I would like to ask you about is a couple of sentences further down. There it reads that Mr. Rocca drew your attention to the fact that the publishing time of this particular book appears to have been almost exactly when Castro was supposed to have made his remark in the Cuban Embassy in Brazil to the effect that, "Two can play at this game." Would it be fair to say that simply on the face of that, one possible inference was that Rocca was deliberately suggesting to you that it was right wing plots to assassinate him that had perhaps come to his attention and prompted his statements about two being able to play at the game?

Mr. SLAWSON. I have no such remarks. My only recollection at this time is that Rocca was drawing my attention to the fact that Castro might well have been involved. Of course he had presumably drawn my attention to this before but he was just doing what he did with me a lot, trying to work with me to put two and two together.

Mr. CORNWELL. Specifically with respect to your notation that he draw attention to the coincidence of the dates between this book and Castro's statement, would it have been possible that he was attempting to mislead you and suggest that it was right wing plots as opposed to CIA plots that had prompted Castro's statements?

Mr. SLAWSON. I don't know. That suspicion I don't think occurred to me at the time. It is hard for me to characterize that now.

Mr. CORNWELL. If you and Mr. Rocca had conversations such as this concerning assassination plots, Castro's statements, can you tell us, based upon your experience there at the time, any reason why the CIA would have withheld from you information concerning their intimate knowledge and association with these plots?

Mr. SLAWSON. Based on my experience at the time why the CIA might have withheld information from me of their involvement in plots against Castro?

Mr. CORNWELL. Yes.

Mr. SLAWSON. If your question is directed toward my putting myself back in 1964, my answer is that I had no inkling that the CIA was involved in those plots and therefore that speculation never entered my mind. If your question is directed toward my thinking now, the answer

would be that, yes, they would have an interest in not disclosing it because they were ashamed of it. They must have felt that it was not a proper thing for them to have done. Otherwise, I don't see why they would not have disclosed it to the members of the Warren Commission.

Of course it would have been highly secret but they disclosed other information to us which they felt was also highly secret. For example, the Nosenko affair was highly secret information. To a limited extent I was given information about sources abroad by sources which were highly secret. I was permitted to follow out that information insofar as I felt I needed to in order to assess the credibility of information obtained. As I say, that was very secret stuff too.

I think the fact that they did not trust us would not have been a reason because they did trust us with highly confidential information.

Mr. CORNWELL. The very last sentence of the memo reads, "According to the Miami newspaper which published this allegation Castro was referring to the Bay of Pigs invasion and subsequent guerrilla activity financed by the CIA which resulted in the death of many Cuban citizens."

Mr. SLAWSON. Yes.

Mr. CORNWELL. Did you discuss in light of that report with Mr. Rocca whether or not the CIA had been involved? Did you ask him for more information?

Mr. SLAWSON. My best recollection at this time is that I did in several conversations with Rocca discuss the CIA involvement in anti-Cuban activities. I was presumably told that they had been involved of course in the Bay of Pigs invasion. I remember discussing informally that involvement with a CIA operative in Mexico City. Also their involvement with anti-Castro Cuban groups in the United States. I don't know how you exactly draw the line between that and an attempt to kill Castro personally. Anyway I never in my own mind crossed over that line and no one ever crossed over it voluntarily in talking to me.

Mr. CORNWELL. Were there any other areas that, since termination of your work, have now come to light which you would consider pertinent to the job you had and yet apparently at the time the CIA did not consider pertinent or otherwise withheld?

Mr. SLAWSON. No, I don't think so, except this one.

Mr. MCKINNEY. Could I ask a question about the way you were thinking? If you had known then of the attempts by the CIA to encourage people to kill Castro and probably their actual involvement would it not have been a legitimate thought that that might have triggered the assassination of the President?

Mr. SLAWSON. Sure, that would have been the immediate suspicion.

Mr. MCKINNEY. And probably the immediate suspicion of many of the other members, not that the CIA did it but they had triggered it by their involvement. So it would really have changed their thinking?

Mr. SLAWSON. Yes; I think I should have added that. That was involved in what I did say, they were ashamed of it and particularly they might have been very fearful that they would be blamed for the assassination of Kennedy even though they of course had not ordered it but they had triggered it in the sense that they instigated the Cuban Government to do it.

Also, and I don't think I thought of this at the time, but in retrospect an agency that sanctions an attempt to kill somebody else's head of state is not in a very good position to be outraged when ours is killed.

Mr. MCKINNEY. I was going to go there but you went there on your own.

Mr. CORNWELL. Do you recall the information that the CIA provided you concerning Kostikov, the man that Oswald perhaps misdescribed in the Russian Embassy?

Mr. SLAWSON. Yes.

Mr. CORNWELL. An employee of the KGB in Mexico City?

Mr. SLAWSON. That is right.

Mr. CORNWELL. Did the possibility that Kostikov was a member of division 13, among other things apparently at least including assassinations, ever come to your attention?

Mr. SLAWSON. My recollection is that I was told that Kostikov was probably a very, certainly a very high ranking official in the KGB and perhaps the highest ranking such official in the Western Hemisphere. I don't remember whether he was placed in any particular division which would include assassinations or not. But my recollection is that his job would include that among other things. In other words, he was high enough up that he might not even have been within a particular division but had several divisions under his control insofar as they operated in the Western Hemisphere, the Western Hemisphere being the northern part of the Western Hemisphere including the Caribbean.

The CIA told me that Mexico City was a kind of spy headquarters so to speak for lots of countries, like Istanbul used to be in detective thrillers, the spies always met at Istanbul. Supposedly Mexico City was somewhat in truth like that in the early 1960's and late 1950's.

Mr. CORNWELL. What was your understanding based on what the CIA told you at the time concerning the nature of the contacts between Kostikov and Oswald?

Mr. SLAWSON. This was not a matter of the CIA telling me so much as it was a prime objective of our joint investigation. Obviously this was a crucial thing. I mean if we could be certain that we knew everything that went on between Kostikov and Oswald we could have disposed one way or another of the Russian involvement it seems to me, almost certainly. We had some highly reliable sources of information about what was said. The CIA had some background information on Kostikov, not a lot.

I mean they had what I just told you about him, and we had other bits of circumstantial information as to who was probably in the Russian Embassy on or about the same time as Oswald was. We tried to put it all together and I worked with the CIA on that. We came up basically with the conclusions that are in this report including parts of the report which are not here which I don't remember either but there are obviously many, many pages that are out of this, which presumably had things giving in more detail the background of my conclusions.

Mr. CORNWELL. As I understand, your best memory is that the CIA did not mention division 13 in connection with Kostikov?

Mr. SLAWSON. Yes; that is my recollection. As I say I don't think it bears the significance of any withholding of information because they certainly made clear to me that Kostikov was a very important man and that his importance was such that it probably would include assassinations if any were being carried on through the KGB in this part of the world and the CIA had taken great care in educating me in the general technique of the KGB in carrying out foreign assassinations. I spent a long time studying a file that the CIA gave me on a KGB foreign assassin who had defected in Western Europe in the 1950's. I have forgotten his name but the CIA had a big file on him which, as far as I know, I read everything they gave me, trying to educate myself on what kind of patterns of conduct to look for, how would the Russians carry on an assassination abroad, if they had done so here.

Mr. CORNWELL. Directing your attention back to exhibit 22, one of the things which you discuss in there as I understand it is the question of what type of relationship Oswald may have had with a foreign government. In other words, distinguishing between a relationship which might have involved the distribution of propaganda, on the other hand an active role as an assassin for them, that sort of thing. I take it from that that it would have been deemed relevant by you if you had received the information, it would have been a relevant fact of his control or work in division 13, in other words, his relationship to possible assassination work by the Russian Government. Is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWELL. I did not see this in the part of the memo, exhibit 22, but can you tell me whether there exists any indication that Kostikov had responsibility for assassinations?

Mr. SLAWSON. No; in my reviewing it last night I did not come across anything of that nature either although I think that the parts of the memo that are shown here do include my statement that he was a KGB official, KGB employee.

Mr. CORNWELL. We may not have all of your memos but will you tell us, to the best of your memory, did the fact that Kostikov may have worked with or had responsibility for assassinations appear anywhere in the Warren Commission report?

Mr. SLAWSON. I don't remember this either. I think the Warren Commission report does reflect that Kostikov was a KGB employee and I think, but I am not sure at this point, certainly not sure, that the Warren report also reflects the fact that of course the KGB had carried out assassinations elsewhere in the world. In Western Europe I think we attributed one at least to them. So, to me that presumably was sufficient.

Mr. CORNWELL. If the possibility that Kostikov was associated with assassinations appears neither in your memos nor in the Warren Commission report is your memory still the same that the CIA nevertheless gave you that information?

Mr. SLAWSON. Yes; but I want to repeat myself for emphasis. My recollection or impression of Kostikov was that he was more important than that. He was high enough up so that he was the central director so to speak for KGB activities in the Caribbean area which as I say was a very important area because it was a kind of spy clearinghouse and presumably an assassination clearinghouse too.

The principal objective of my work in Mexico was to find out what had gone on between Oswald and this very important KGB operative. Obviously it was a suspicious circumstance.

Mr. CORNWELL. Mr. Chairman, may we mark two memoranda, dated February 21 and March 27, 1964, for identification as exhibits 25 and 26.

Mr. PREYER. Those documents may be marked for identification.

Mr. SLAWSON. I should add that as far as I was able to ascertain with the help of the CIA the fact that Kostikov was called down to see Oswald when Oswald showed up at the Russian Embassy was probably not as significant as one might think because apparently he would have been called down to see any out-of-the-ordinary person, anyone that might have intelligence significance, any secret significance to the Russians.

Mr. CORNWELL. If I could direct your attention to exhibits 25 and 26, you have had a chance to review prior to coming here, is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Basically both memos refer to a similar subject matter and that is the possibility of obtaining some information concerning Oswald's contact in Mexico City through a man named Al Tarabochia.

Mr. SLAWSON. That is correct.

Mr. CORNWELL. May we enter both of those exhibits in the record so that we may ask the witness specific questions concerning them.

Mr. PREYER. Without objection exhibits 25 and 26 are admitted into the record.

[The documents referred to, marked JFK exhibits 25 and 26 and received for the record, follow:]

JFK EXHIBIT No. 25

[Memorandum]

FEBRUARY 21, 1964.

To: Howard Willens.

From: David Slawson.

Subject: The possibility of a new informant in Mexico City.

During the conference in your office on Thursday, February 20, we discussed the use of sources of information in Mexico City other than the CIA and the FBI. We decided that rather than attempting piecemeal utilization of such other sources, we would first gather information as to the existence of such other sources and then try to use them in a coordinated manner, with full consultation among all the agencies concerned.

I therefore am bringing to your attention the existence of a possible informant for this purpose.

On pages 4-5 of Commission No. 351, which appears to be a portion of a memorandum of a telephone call from Alan Schwartz of the State Department to William McManus, of the Senate Internal Security Committee, it is stated that a man named "Al Tarabochia" claims to have a good contact who has connections at the Cuban Embassy in Mexico City. Mr. Tarabochia wants to know if the contact should inquire about Oswald's true purpose while at the Embassy there. The context indicates that this Tarabochia is an anti-Castro Cuban. Otherwise, I know nothing about him. If we want to explore the possibilities of using this informant, we should probably contact Mr. William McManus and get more detail from him.

I mentioned all this to you a few days ago, and you told me that you believed our files contained a letter from Senator Eastland or his staff on the general subject. The best efforts of Ruth Shirley have been unable to locate such a letter.

JFK EXHIBIT No. 26

[Memorandum]

MARCH 27, 1964.

To: J. Lee Rankin,
From: W. David Slawson.
Subject: Senate Internal Security Subcommittee; Possible Use of Their Mexican Informant.

On Tuesday, March 17, 1964 I called Mr. J. G. Sourwine, counsel for the Senate Internal Security Subcommittee. I referred to a memorandum in a file which Mr. William McManus, formerly with Mr. Sourwine's staff, had sent to the Commission on January 28, 1964, in which there was a reference to an "Al Tarabochia," a man known to the subcommittee who, in turn, claims to know someone who has access to confidential information about the Cuban Embassy in Mexico City. I told Mr. Sourwine that the Commission would like to utilize this informant and that for this purpose we would like either to be told his name or given other means by which we could make contact with him. Mr. Sourwine asked me why we wanted to use the informant. This question struck me as strange, since the reasons must have been obvious, but my reply was that we of course had knowledge that Oswald had been in Mexico not too long ago before the assassination and that he had made contacts with the Cuban Embassy, so we naturally wanted to find out as much as possible about these contacts. Mr. Sourwine said he would take the matter up with Senator Eastland.

That afternoon Mr. Sourwine called back and asked that I send him copies of the memorandum from Mr. McManus, since he could not find this memorandum in his files. He said he would like the memorandum if possible by the following morning because he was having a conference with Senator Eastland around noon time and could then present the whole problem to him for an early solution. I therefore sent Mr. Sourwine a letter dated March 18, enclosing a copy of the memorandum in question, and had it hand delivered to him on the morning of March 18.

I heard nothing further from Mr. Sourwine and therefore I telephoned his office on Thursday morning, March 26. He was not there. He returned my call that afternoon and the conversation went roughly as follows:

He apologized for the delay, saying that he had been unable to reach Senator Eastland about this matter because the Senator had been so busy and sometimes out of town. However, he had just seen Senator Eastland and their decision was that although they wanted to cooperate in every way with the Commission, they did not feel that they could disclose their informant to us. He said that they would be happy to give us a letter to this effect, signed by the Senator. Mr. Sourwine added that they would be happy to convey to the informant any specific questions we had and convey back his answers to those questions. Mr. Sourwine also added that Mr. Tarabochia's reluctance to disclose the identity of his informant was "understandable." I agreed and said words to the effect, "Am I to understand, then, that it is Mr. Tarabochia's reluctance to disclose the identity of the informant which is the basis for Senator Eastland's refusal to do so?" Mr. Sourwine replied, "No; the decision is the Senator's, not Mr. Tarabochia's."

I said that I was not authorized to give a decision at the present time, that the decision on something of this importance would have to be made by Mr. Rankin or the Commission itself. I added that it was my opinion that if we did decide to forward questions through Mr. Sourwine that they would be of the most general nature, rather than specific. Mr. Sourwine replied that general questions might be hard to handle. I asked Mr. Sourwine whether his informant could handle a question such as, "Give us all the information you have on what the Cuban Embassy knows about Oswald, his visits to the Embassy, and anything else which might relate to the assassination of President Kennedy." Mr. Sourwine's reply was that although such a question was very broad, it probably could be handled. He then repeated his willingness to give us a signed letter from Senator Eastland. We closed off the conversation by my saying that he should do nothing whatever on this matter until hearing further from me or Mr. Rankin. Mr. Sourwine agreed.

In view of the subcommittee's reluctance to give us direct access to their informant, I recommend that we convey to Mr. Sourwine the very general kind of questions that I mentioned during the telephone conversation and hope that we get as much information as possible from the informant. Forwarding specific

questions to the informant would carry the strong disadvantage of disclosing to the informant and to everyone who worked with him, the particular problems that were worrying us and the particular areas in which we felt we were deficient in our knowledge.

Mr. CORNWELL. First, would it be accurate to state that the substance of the two memos is that the Senate Internal Security Subcommittee contacted the Warren Commission with respect to offering information through an informant?

Mr. SLAWSON. I cannot remember whether they contacted us or whether I came upon the reference in a memorandum—well, it says here in exhibit 25, page 1, "A memo of a telephone call from Abba Schwartz to William McManus." You see, I had copies of every Government agency's memorandum and correspondence of every kind that had anything to do with the assassination. So, the State Department presumably would have sent us a copy of this. So, in going through that I may have noticed the statement and, of course, then wanted to get in touch with this contact, myself.

I don't remember how it first came to our attention.

Mr. CORNWELL. Whatever became of the possibility of using this informant?

Mr. SLAWSON. Nothing. The contacts to the best of my recollection were made as stated in these two memorandums. I talked to Mr. Sourwine. I think but I am not sure that I followed up a telephone call with a personal conference with him in his office. But he and Senator Eastland were not willing to give us access to the claimed contact they had, and nothing came of the request that we gave them for information from that.

There was no further communication.

Mr. CORNWELL. What was your final opinion about this incident?

Mr. SLAWSON. My final opinion and to my recollection, it was also J. Lee Rankin's, was that Sourwine and Eastland were trying to use this alleged contact as a way of finding out inside information about the Warren investigation which they could use for their own political purposes.

Mr. CORNWELL. Did you discuss the Tarabochia and Sourwine contacts with Rocca or anyone else in the CIA?

Mr. SLAWSON. I don't remember the occasion of doing so, but I certainly must have. I would probably have discussed this with both the CIA and the FBI.

Mr. CORNWELL. What, if any, information did the CIA provide you concerning Tarabochia and Sourwine?

Mr. SLAWSON. I am sure it was to the effect that they didn't know anything about the contacts. That was probably just the end of it. Their standard procedure would be not to make any comment on a Congressman or his motive. They would have said, "We don't know anything about this Tarabochia" and that would have been the end of it.

Mr. CORNWELL. In the course of consideration of raids and that sort of thing in Cuba, did the subject matter of one raid, which I guess is popularly known as the Bayo-Pawley raid, come to your attention?

Mr. SLAWSON. That name does not mean anything to me; no. It does not mean anything to me now.

Mr. CORNWELL. Do you recall whether or not the CIA provided you any information about Tarabochia or Sourwine concerning raids in Cuba?

Mr. SLAWSON. I understood the question as whether the CIA supplied me with any information about raids in Cuba in connection with Sourwine and Tarabochia. My answer is no.

Mr. CORNWELL. Directing your attention again to exhibit 22, on page 3 you discuss not only the problem that we asked you questions about earlier, and to what extent you could conduct an effective investigation, but on the bottom of page 3 you note that there are also problems with the fact that a good deal of the information cannot be disclosed to the American public and you note that there are two reasons for that. One, that much of what CIA might provide could come from particularly sensitive methods or sources which would be impossible to disclose; and second, that in fact in some cases the information itself could not even be disclosed, and you cite as an example on page 4 the fact that a Russian MVD employee may secretly have tried to warn Oswald not to come to Russia, if disclosed, might result in the employee being severely punished or executed. Will you provide to the committee any examples where those types of considerations ultimately restricted your ability to tell the American public why you reached certain findings or to provide it in the information you had acquired?

Mr. SLAWSON. I can recollect several situations like that, but even to this day some of them, so far as I know, are still sensitive. There was a highly placed source, a source highly placed in a particular foreign government, from which we got information indicating the noninvolvement of that government. The information was in the nature of the surprise expressed by members of that government and apparently genuine shock at the news of Kennedy's assassination, which would of course tend to show they were not involved. But even to state what that government was and any information in great detail would lead to possible identification of the source because there were only apparently so many people present when these things were observed.

So that would be one such situation. Other ones were, while the other one I have in mind was similar, we were not able to use other information which again tended to exonerate the government involved because the information was spoken by certain foreign officials at a time and place where, if they knew we had it, they could tell pretty well how we got it. Then the comment I made right here in the memo on page 4 or someplace further on, about the Russian MVD employee, there the reasons would be to avoid retaliation against an individual they might have harmed him and still might. One thing that has bothered me about the public disclosure of some of this information is that these people are presumably still alive in Russia.

Mr. CORNWELL. At least there were a number of examples where these kinds of concerns did result in exactly what you predicted, in other words, failure to disclose the information to support your conclusion?

Mr. SLAWSON. That is right.

Mr. CORNWELL. What about the Nosenko example? What were the reasons for ultimately not disclosing the information that Nosenko had provided?

Mr. SLAWSON. There were two basic ones. One, I never did understand thoroughly; but to get to the first one we did not disclose it because it seemed so very self-serving by the Russians, that to even appear to rely upon it in our conclusion that was basically exonerating the Russian involvement in the assassination we thought would be bad because we in fact were not relying upon it. As I said in the memo, the coincidence was too much, the first major defector in many years should come across after the assassination and have information that tended to show that the Russians were not at all involved. I am still suspicious of it. I still think that Nosenko was probably a plant, which does not go to say it was not true, but it means that you can't rely upon it.

The second reason was that the CIA told me and told Bill Coleman, it is my recollection, and other people on the Commission staff, that their procedures to test the authenticity of Nosenko would be compromised if the Russians were to know what Nosenko told us. They said that authenticating and evaluating Nosenko was of extreme importance to them.

He was the most important potential source of information they had obtained in years about the Russians. So, we didn't want to hurt their investigation.

Mr. CORNWELL. May we mark for identification a memorandum dated July 17, 1964, as exhibit 28, Mr. Chairman?

Mr. PREYER. We will mark that for identification.

Mr. CORNWELL. Do you recall that memo, Mr. Slawson?

Mr. SLAWSON. I recall it from reading the file last night. Except in a very central way I assume it is the one I wrote. I don't recall any details.

Mr. CORNWELL. I am sorry that I don't have a copy of it here but apparently there was a memo dated July 15, shortly before this one, from you to Mr. Rankin, explaining a list of your proposed references to what would be quoted as "A confidential Soviet Union source, the reliability of which has not been established." In the foreign conspiracy, in the Russian section of the report, in detailing about five areas which you had planned to discuss and following that memo I take it was the July memo 2 days later, would it be fair to state that at the point in time when this memo was written the Warren Commission was going through the process of determining whether or not they could disclose the information that Nosenko had provided?

Mr. SLAWSON. Yes, that would be my recollection.

Mr. CORNWELL. May we have this exhibit admitted as part of the record. Mr. Chairman?

Mr. PREYER. Without objection the exhibit is entered into the record.

[The document referred to, marked JFK exhibit 28 and received for the record, follows:]

JFK EXHIBIT No. 28

[Memorandum]

JULY 17, 1964.

To: WILLIAM T. COLEMAN.
From: W. David Slawson.

Attached is Howard Willens' re-draft of our Foreign Conspiracy draft. I have not had time to read it in detail yet, but with a few exceptions he seems to have accepted our arguments and our plan of organization. There are three major exceptions: First, all references to the "secret Soviet Union source" have been omitted. I attended a conference with the CIA on this and now agree that we should not question this source. Willens can fill you in on the reasons why. Indeed, the argument based upon Oswald's being permitted to marry Marina has been omitted because the CIA claims it has information of many cases in which spies were married to nonspies. Third, the argument based upon Oswald's general character and his way of life in the United States has been omitted here and will be reinserted at a point where it will apply to not only the foreign conspiracy but also the [deleted] conspiracy and a tie-in with Ruby.

In case I do not get to talk to you on the telephone before I leave, I have read your Mexican draft. It is very good. If you get a chance, speak to Willens and see whether he wants a xerox copy now or whether he wants to wait for footnoting. I made a very few changes while I was reading it, but have not attempted as yet a real editing job. I am in full agreement with the substance and the conflicting evidence. These, so far as I am concerned, require change.

Mr. CORNWELL. Directing your attention to the memo, would it be fair to state that in the third sentence in the first paragraph we have a record of the fact that a decision as of July 17 had been made that all references to the secret Soviet Union source have been omitted, which then coincides with Mr. Willens' redraft of your foreign conspiracy draft? In other words, is this the point in time when the Warren Commission made the decision not to—

Mr. SLAWSON. I am not sure. There were several levels, of course. This would be a reflection at this point, July 17, that Howard Willens, who of course is not the Commission itself, had made this decision tentatively that we were to take out references to a secret Soviet Union source. This was my informing Coleman of it but this, like all decisions of importance, presumably would have gone up. In other words, Willens would have sent in his redraft of the foreign conspiracy portion of the report which I had written with his explanation of any changes. This would have to go to Lee Rankin and Lee Rankin would have made any comments or whatever that he might have had and that in turn might have gone to the full Warren Commission for decision.

Mr. CORNWELL. Then the answer is, ultimately, the initial decision, which at this point had been made by Mr. Willens, was finally adopted by the Commission?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Now in addition to the problems we have already discussed concerning the sheer difficulty of conducting an investigation in the foreign conspiracy field and the problems with writing a final report which could describe fully the results of your investigation, were there any other obstacles in connection with your assignment? For instance, start with the question of time. Was there enough time to adequately conduct the investigation?

Mr. SLAWSON. Yes, there was, although at times I was afraid that wouldn't be. There was time pressure on all of us. I think that all members of the staff were bothered and somewhat resented the fact that we were being pushed to work at such a rapid pace but we

resisted any attempts to make us finish before we felt we were ready to be finished. When the report came out neither I, and I don't think anybody else, felt that there was anything significant that we had not been able to do in the time.

Mr. CORNWELL. When we discussed the same subject matters informally as I recall you made statements to the general effect that everyone had too much to do.

Mr. SLAWSON. That is right.

Mr. CORNWELL. Would you explain the sense in which you made the statement?

Mr. SLAWSON. Well, I have since learned I think that this is the nature of any kind of special program. You probably feel overworked yourself in this. But the amount of paper that we had to go through to do our job well was tremendous. I spent I think about the first month simply absorbing information. I don't think I issued a single significant request the first month I was back there. I had so many documents to get through and try to understand and try to put them together. They continued pouring in from the ongoing investigation after that.

There weren't that many of us. So we had more than enough to do I would say.

Mr. CORNWELL. One reason I ask the question, if I could direct your attention again to exhibit 22, at page 7 you discuss the possibility of the Soviet Union having assassins abroad to carry out work for them. Near the bottom of the main paragraph on that page you note that once you accept this fact, the possibility that their network, if it exists, included Lee Harvey Oswald, must be fully explored, indicating that at least at that point you felt additional investigation was warranted. Is that correct?

Mr. SLAWSON. Not necessarily. My recollection is that I was stating here—well, the memo tends to confirm my recollection that I was here speaking of what on page 6 I call the “overall relevance of political motive” and giving the background to the readers of this memorandum which was the members of the Commission that when I said that must be fully explored I meant that I was going to explore them as fully as I could in this memo and that they as members of the Warren Commission should fully explore them in their own minds in order to come to a conclusion.

In addition, I would have meant that insofar as that exploration on my side was not complete, I was going to continue pursuing it. We did have portions of that kind of exploration which went up almost to the last minute before publication.

Mr. CORNWELL. At least the investigation had not anywhere near been completed at this point, is that correct?

Mr. SLAWSON. Not quite, no. I would say a great deal of it had been done. This was written in early June I think. I suppose some thing like two-thirds or three-fourths of this investigation had been completed by that time.

Mr. CORNWELL. The initial employment arrangement that you described contemplated 3 to 6 months, is that correct?

Mr. SLAWSON. That is right.

Mr. CORNWELL. Is it also true that you understood Earl Warren wanted a final draft of everything by June?

Mr. SLAWSON. Yes. At one point I remember he was expecting us to be completed by the following Monday, whatever date that would be, some time in June or May. Lee Rankin was on his way home for the weekend and turned to Howard Willens and said, "you had better tell the chief it won't be done next Monday."

Mr. CORNWELL. Do you know what his reaction was?

Mr. SLAWSON. No, except he didn't like it. His main motivation in wanting the work done, and which he repeated several times to different members of the staff, was that he wanted the truth known and stated to the public before the Presidential election of 1964 because he didn't want the assassination in any way to affect the elections. I am not sure at all how he thought it would but he didn't want any possibility of it.

That was his principal reason for having it all finished.

Mr. CORNWELL. Whom did you get this information from?

Mr. SLAWSON. About Warren?

Mr. CORNWELL. Yes, sir.

Mr. SLAWSON. From my recollection right from the Chief Justice himself. He did not deal with us on an individual basis frequently but enough so that everybody I think who had a significant role on the staff had conferences with Earl Warren.

Mr. CORNWELL. Again with respect to the same memorandum, exhibit 22, the very last page of it concludes that, "The facts that we already know are certainly sufficient to warrant additional investigation," again in the same context, is that correct?

Mr. SLAWSON. Yes. Let me back up and see what this was in connection with. This is the anti-Castro Cuban movement I am commenting on, yes. We had done a good deal of investigation by this time but on that one we were still going forward insofar as we could.

Mr. CORNWELL. So, the investigation in fact as you suggested was not complete by June and in fact it continued throughout the summer, is that correct?

Mr. SLAWSON. That is right.

Mr. CORNWELL. Sylvia Odio, one of the more publicized issues in the last 15 years, was interviewed in July after you wrote this memo. Isn't that accurate?

Mr. SLAWSON. That is right.

Mr. CORNWELL. In fact, as I recall, you had some information about the investigation in your field, even going up to within 36 hours of the publication date of the report, isn't that accurate?

Mr. SLAWSON. Thirty-six or 72 or something. It was a matter of fractions of a day. That is correct.

Mr. CORNWELL. Will you tell the committee what that incident related to?

Mr. SLAWSON. That is another one that I cannot get into detail but we had—well, to go back to the beginning, as I said earlier, a major part of our investigation into the Mexico trip by Oswald was as to what transpired between him and Kostikov at the Russian Embassy and what transpired between him and the people he spoke to in the Cuban Embassy, I can't pronounce the name, Asque or somebody in the Cuban Embassy that he apparently spoke to and also Sylvia Turado de Duran.

This information we had and were able to obtain by further investigation led us to the conclusion that if Oswald had done only what he apparently had done at the Cuban Embassy, which was to apply for an intransit visa to Cuba so that he could visit Cuba in transit to the Soviet Union, that certain kinds of documents would have been made out that would have borne certain people's signatures including Oswald's.

We did not have those documents. We thought if we could get them or copies of them and if we could authenticate them that would be good evidence that in fact Oswald's contact with the Cuban Embassy was indeed innocent as far as the assassination is concerned. It did concern these other things. So, some time in the spring of 1964 we put through a request to the Swiss Government which had diplomatic relations with Cuba for all the Cuban documents relating to Oswald although I don't think we named anyone in particular.

Eventually copies did come back but they did not get back to us until fairly late in the summer. My recollection is that the reason was that there was a lot of friction between Castro and us at that time. I think they turned off the water at Guantanamo Naval Base or something like that and they were not in the mood to cooperate.

Nevertheless, they finally got them through the Swiss. When they came in, although they appeared to be authentic I would like to have had some additional information as to whether certain peoples' signatures were really their signatures. I told this to the CIA, probably to Rocca, I can't remember who exactly. He said, "Well, we may be able to get that for you. We will try." They did finally get it within a fraction of a day or so before publication deadline.

I was able to say in the Warren report then that this particular bit of information had been reasonably well authenticated but without saying how it was.

Mr. CORNWELL. This particular routine was very important to you, was it not?

Mr. SLAWSON. The working out of what Oswald had done in Mexico and trying to authenticate as far as we could?

Mr. CORNWELL. Yes.

Mr. SLAWSON. Yes.

Mr. CORNWELL. In fact when you first were telling me earlier when you first focused on that issue there were conversations concerning whether or not you would be permitted to go forward with the investigation in that area, isn't that true?

Mr. SLAWSON. Yes. The request to the Castro government, request to the Cuban Government through the Swiss went up through channels to Earl Warren and his first response was no. The reason he gave was that he did not want to rely upon any information from a government which was itself one of the principal suspects.

The CIA and I nevertheless came to the conclusion that any information that we could get we ought to get. We would worry about trying to authenticate it after we got it. As I told you, I simply disobeyed orders and went ahead and made the request through the State Department—it had to come from Dean Rusk, I remember we got his signature—to the Swiss Government and we got the information. Then of course I had to tell the Chief Justice that we got it and I pretended

that I had misunderstood his previous statement. I think that is the only time I disobeyed orders.

Mr. CORNWELL. It was not only his first impression, it was his only impression that you should not have pursued this particular information?

Mr. SLAWSON. Once we got the information he was angry and said something to the effect "I thought I told you we didn't want it." I said, "I am sorry, I didn't understand it that way." But he accepted the fact that we had it. I would never have thought he wouldn't. He did not make any attempt to suppress it.

Mr. CORNWELL. Would it be fair to state then that this particular transaction was a matter that you felt strongly enough about to in fact disobey Earl Warren's orders and pursued and finally the information came in within hours before the final publication on September 28 of the report.

Mr. SLAWSON. Yes.

Mr. CORNWELL. Were there any other areas like this where maybe you just didn't make the deadline, you wanted to very badly to investigate, and you were not able to get within hours of the final publication?

Mr. SLAWSON. No.

Mr. CORNWELL. With respect to the question of whether or not the investigation was adequate, would you tell us what the composition of the staff was, the Warren Commission staff, and whether or not there were enough lawyers whether or not they all produced?

Mr. SLAWSON. As I said before, I felt overworked and I think many of the staff members felt the same way. I think that the main problem was one of the great underestimations of the size of the task at the time. As I said, we were told, we were telephoned and asked to come in, it would be 3 to 6 months. It is my recollection they said it would be only 3 to 6 months on the outside and of course we ended up taking about 8.

There was a reluctance, once we were there, to admit—again this is a matter of once you have made a decision you don't like to admit you were wrong—but people did not like to admit that we probably needed more help and more time.

The following incidents will illustrate this. When we first got there it turned out the secretarial help we had was mostly incompetent. Also we had one fewer typewriter for our own use than there were staff members. That struck a lot of people as silly. In any event I made a complaint. We eventually got enough typewriters.

Several of us complained about the secretarial help. I was in Lee Rankin's office talking to him at the time. He had previously put through a call to McGeorge Bundy at the White House and Bundy's call back came while I was there. Bundy said "What do you want." Lee Rankin told him about the secretaries. Bundy said, "Just hold." Apparently picked up another phone and called the Defense Department and he got back on the line, "I just told the Defense Department to have—I have forgotten the number—but 20 of the best secretaries over there tomorrow morning," and they did. From that point on we had good secretaries. But it took, you know, pressure that high up to get us the resources we needed.

There were things all along the line we had to complain we want more of this or we want something done here and there.

Mr. CORNWELL. With respect to the investigation of the basic number of people who did the investigation for the Warren Commission, was there anybody besides lawyers there to do the work? Did you have any investigative staff?

Mr. SLAWSON. We had special people assigned from CIA, FBI, and Secret Service who were with us more or less full time, especially the Secret Service who were investigators. I think that some of the areas of investigation such as that headed by Dave Belin, which was the immediate circumstances of the shooting in Dallas employed private investigators at various points to crosscheck and give an independent evaluation.

In other words, people who were not themselves FBI agents.

Mr. CORNWELL. Did Dave Belin employ those people?

Mr. SLAWSON. Not with his own money but he chose them. He and Bill Ball worked together had chosen them. In my area we did not because of the difficulties, as I told you earlier. There is no place in the world you can go and buy a spy investigator.

Mr. CORNWELL. Were there any problems with the selection of senior lawyers?

Mr. SLAWSON. I am not quite sure of the thrust of your question. I of course was not privy to the selection of staff counsel. I was one of those who was selected.

Mr. CORNWELL. I mean who did not do the work?

Mr. SLAWSON. A few did not. The majority of them did and I think contributed very valuably, they did not, with a couple of exceptions, spend as much time as the younger men did, especially as the investigation wore on. Some of them I understand were hired with the promise that only a few weeks work would be required of them. Of course that turned out not to be the case.

Bill Coleman, who was the one I worked most closely with, I have forgotten the exact amount but it was in the weeks was all that he was told he had to contribute. He ended up contributing much, much more than that. Even then in the middle part of the investigation he was coming down only 1 day a week. But then toward the end he came down again and stayed for a long period of time. Of course in the beginning he stayed permanent time.

Mr. MCKINNEY. May I ask a question here. As the investigation went on, at the dinners among senior counsel or anyone else did you ever discuss or feel uncomfortable about your tremendous dependence on existing governmental agencies? You were really sort of processing papers, did that bother you?

Mr. SLAWSON. Yes, it did. We would talk about how we might escape from the dependency. Apart from the things that I have already mentioned in three different categories, one was occasionally hiring an outside expert to give an independent evaluation or assessment of something. I was not able to do it in my particular area but Dave Berlin, for example, did do it.

Second was cross-checking the papers passing back and forth between the jurisdictions.

The third would be just keeping an eye and ear out for any odd bit of information that would come in not through the agencies.

Mr. MCKINNEY. The CIA had been somewhat discredited by the time this investigation started by a sort of bumbling with the Bay of

Pigs. It seems to me there was a large question of their intelligence gathering capability after that particular disaster. We also had the Cuban missile crisis and so forth. There was a very strong cry in Washington that perhaps our intelligence gathering forces were not as good as they should be.

I wonder if this disturbed you any?

Mr. SLAWSON. My recollection is that it did not. I did not view the Bay of Pigs as reflecting so badly upon the CIA's intelligence gathering operations as it did upon their judgment as to what kind of operation might be successful.

Mr. MCKINNEY. That is a fine line you are drawing.

Mr. SLAWSON. It is. I will admit it is. To illustrate what I mean, not to tell you that I am right, I think there is no question but that had President Kennedy been willing to back up an invasion of Cuba, then of course we were much stronger than Cuba, we could have toppled the Cuban Government. The bad judgment came in thinking that the United States would be willing to go that far overtly.

Mr. MCKINNEY. One last question. We have since learned that an organization which I find hard to pin down, called Army Intelligence, had its muddy little fingers in a great many things from inside, actually spying on American citizens within the continental borders of this country as well as being involved in covert and overt activities outside. Has Army Intelligence ever been contacted by the Warren Commission?

Mr. SLAWSON. My recollection would be yes because we contacted every armed service and that would include specifically their intelligence operations.

Mr. MCKINNEY. Did they ever admit to any Cuban activities that you know of?

Mr. SLAWSON. Not that I remember, no. My recollection of the Army Intelligence—I think it was called Army Security Agency in those days—was that we got information from them about Oswald's record and activities in the Marine Corps.

I take that back, it could not have been Army Security. It could have been Navy Security. In any event it was an Armed Forces security.

Mr. MCKINNEY. But not on the subject matter of Cuba?

Mr. SLAWSON. Not to my recollection, no.

Mr. CORNWELL. I have a couple of additional areas but would the committee like to ask questions on what we have been over so far?

Mr. PREYER. I might ask one or two questions.

Incidentally, Mr. Slawson, I see among your qualifications that you are a summa cum laude from Amherst, magna cum laude from Harvard Law School, which should impress a Yale man like Mr. McKinney here.

You mentioned that you spent a considerable amount of time with Mr. Dulles and that you worked with him. Of course he was one member of the Commission that had more expertise in this area. What was the nature of your meetings with him? Did you have any of these informal late evening sessions after dinner and a few drinks and talk about the state of the world as you mentioned you had with the other lawyers?

Mr. SLAWSON. No. The discussions were some of them informal but they all occurred right in my office at the Warren Commission building and during the afternoon or morning. He, as I mentioned, was somewhat a sick person at the time. I don't recollect his ever being there past 6 or 7 o'clock in the evening, something like that. He would become too tired generally to stay on any longer.

Mr. PREYER. Do you happen to know whether he was able to attend most of the Warren Commission meetings or not? Did his illness prevent him from being active on the Commission?

Mr. SLAWSON. No, I think his illness did not prevent him. In fact, I think the record will show that he probably had the best attendance record of anyone. We had a rule that testimony that was to be presented to the Commission, as opposed to testimony just to a staff member, could only be given if at least one Commission member was present. Of course there had to be someone there. I think more of those sessions that member was Allen Dulles than anybody else.

Mr. PREYER. Did you talk over with him your theory or the hypothetical example of the anti-Castro Cuban involvement in the assassination?

Mr. SLAWSON. Presumably I did, yes. I don't remember the exact conversations but that would have been the kind of things I talked over with him.

Mr. PREYER. Did he ever at any time during those conversations mention anything about the assassination plots on Castro that the CIA was undertaking?

Mr. SLAWSON. No.

Mr. PREYER. He had been a Director of the CIA of course. Do you know when he was last Director of the CIA?

Mr. SLAWSON. No, I don't. I believe he was the immediate past Director at the time but I am not even sure of that.

Mr. PREYER. Perhaps you are going to get into this area, Mr. Cornwell. I want to get the witness' view about the possibility of Oswald being an FBI informant. Are you planning to go into that?

Mr. CORNWELL. You can go right ahead if you would like.

Mr. PREYER. Since you dealt with Oswald's actions in Russia I would just like to get your views on the possibility of his being an FBI informant. He did seem to be able, he and his wife, to move back and forth in Russia with a minimum of bureaucratic delay in getting passports and that sort of thing. I wondered if you looked into that or had any suspicions in that area or came to any conclusions in that area?

Mr. SLAWSON. I did look into the possibility that his moving into Russia, getting a passport to travel abroad and his coming back out of Russia with Marina when he decided to come back to the United States, had been suspiciously quick or anything else suspicious about how they were handled and ultimately concluded that they were not suspicious, that the obtaining of the passport in particular to go abroad was well within the normal time for obtaining a passport from the place he obtained it which I think was New Orleans. All these places are foggy in my mind now.

In any event, we got the statement of procedures from the particular passport office concerned and also from Washington passport office. We followed up the timing. We did not just accept the State Depart-

ment's word but we got a list of how long it had taken other people, just a random selection of citizens, about the same time for the same passport application, places to get their passports, and compared them, and his obtaining his, as I said, was just routine in terms of time.

Coming back, it was more difficult to assess whether there was anything improperly quick or otherwise improper about Oswald's return because there you are not dealing with a routine thing. Of course it is not routine for someone to defect and then come back from the Soviet Union.

Nevertheless, my recollection was that there had been something like 20 people that that had happened to, a surprising number at the time.

Insofar as I could, I studied all those other cases to make comparisons. The conclusion there was that there was nothing odd about the Oswald case. As I say, that is a soft conclusion because they were all unique cases in a sense. You could not make any statistical study out of the 20.

Mr. PREYER. I have just one other question. Do you know at this time whether or not Raymond Rocca knew of the assassination plot against Castro at the time you were dealing with him?

Mr. SLAWSON. I certainly did not know at the time because I did not know there were such plots. Even to this day I don't know whether he did know. I either read or had someone tell me, and I can't remember which, in the last couple of years that in their opinion, Rocca did not know it, that the CIA had deliberately chosen people to work with the Warren Commission staff who were not aware of these plots in order that they could pick people who could be sincerely ignorant of it.

Mr. PREYER. Thank you. I have no further questions.

Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Mr. PREYER. Any further questions, Mr. McKinney?

Mr. MCKINNEY. No, thank you, Mr. Chairman.

Mr. PREYER. Mr. Cornwell, how much longer do you think you will need to question the witness? The question is whether we should recess for lunch at this time or try to finish?

Mr. CORNWELL. I would say at least 30 minutes, perhaps a little longer.

Mr. PREYER. Perhaps we had better break for lunch and resume at 2 o'clock. Will that be all right, Mr. Slawson?

Mr. SLAWSON. Yes; that will be OK. I have plane reservations at 5:30.

Mr. CORNWELL. Which airport?

Mr. SLAWSON. Dulles.

Mr. PREYER. I don't anticipate there will be any problem making that plane.

Mr. CORNWELL. Not for Mr. Slawson. There are two witnesses from California today both of whom are trying to catch that same plane. For Mr. Slawson at least there is no problem.

Mr. PREYER. We will recess until 1:30 today.

[Whereupon, at 12:10 p.m., the subcommittee was recessed until 1:30 p.m.]

AFTERNOON SESSION

Staff members present: G. Robert Blakey, G. Cornwell, W. Wizelman, D. Hardman, R. Genzman, E. Berning, M. Wills, W. Cross, J. Facter, J. Wolf, K. Klein, and L. Matthews.

Mr. PREYER. The Chair recognizes Mr. Cornwell.

TESTIMONY OF W. DAVID SLAWSON RESUMED

Mr. CORNWELL. Thank you, Mr. Chairman.

Mr. SLAWSON, we have discussed up to this point many of the papers that you wrote while you were a Warren Commission staff attorney and the problems that you faced which in large part are reflected on the face of these memoranda.

What happened to the fruits of your investigation and particularly the fruits as they were reflected in such memoranda at the time that the final Warren Commission report was written?

Mr. SLAWSON. To the best of my knowledge, I never destroyed anything and they were left either in my desk or in files at the Warren Commission building and were subsequently put in some kind of security classification and sent off to the Archives.

Mr. CORNWELL. What I really had in mind, although I appreciate the answer, was what transition occurred in putting the results of your investigation into a final report, the public report?

Mr. SLAWSON. My recollection of that, and the memos that I have refreshed my recollection on tend to confirm this, is that Bill Coleman and I handed in our reports to Howard Willens, not reports but our drafts for inclusion in the Warren report to Howard Willens, and Howard redrafted to some extent, made comments and would send us back a copy. We would either approve or state our objections. Then when we reached agreement, it would go from Howard to J. Lee Rankin and from him, usually with very little further change, to the Commission itself.

But this whole process took considerably more than a month toward the end and the Commission might frequently send things back for redrafting or shortening or more elaboration and so on. Of course it was their job to put the whole report together in a meaningful and clear fashion.

In other words, we might see something again or it might come down and somebody else would be given the task of putting it together with two or three other staff members' input.

Mr. CORNWELL. I would like to ask you some questions about what type of changes, if any, were made in the rewrite processes. Perhaps, again because there has been some period of time, we might proceed to do that by looking at your papers and, if you would, let us begin looking at exhibit 22 which is basically a large document.

For purposes of comparison, I will hand you a copy of the Warren Commission report so that we will know what page we are talking to. It is the official version as opposed to the McGraw-Hill publication. I believe the only changes are in page numbering between those two versions. As a reference we will refer to that one and those pages in the official report.

With respect to pages 1 and 2 of your memo, page 1 is the concept that: "Firm evidence of foreign conspiracy is obviously very hard to come by", the kind of concepts you discussed earlier. The concept on page 2 that one method which you could use was the CIA but in essence there weren't really too many additional sources for comparison of what you got from foreign governments other than the CIA.

I would like to ask you to compare those concepts with what appears in the Warren Commission report at page 243, which would be 225 in the McGraw-Hill publication. Near the top of that page we of course do find the statement in the first full—I am looking at the McGraw-Hill version, it is at the top of my page statement that "The Commission faced substantial difficulties in determining whether anyone conspired with or assisted the person who committed the assassination."

However, on the following page the concept is somewhat different or at least I ask you whether or not it is.

Mr. SLAWSON. Which part?

Mr. CORNWELL. Pages 244 and 245 of the official version.

Mr. SLAWSON. At the very bottom of 244 "In considering the question of foreign involvement"?

Mr. CORNWELL. Yes, sir. The language:

In considering the question of foreign involvement, the Commission has received valuable assistance from the Department of State, the Central Intelligence Agency, the Federal Bureau of Investigation, and other Federal agencies with special competence in the field of foreign investigation.

Mr. SLAWSON. Yes.

Mr. CORNWELL. Taking those passages, would it be fair to state that the nature of the difficulties that you faced in the foreign investigative field were substantially minimized by comparison in the Warren Commission report from the way you described them in your internal memos?

Mr. SLAWSON. No; I don't think they were minimized. I think the right words would be just simply "not discussed." The report, as I read it, is giving a kind of "thank you" to these various agencies for their help and then just saying we are not going to disclose anything that is from a confidential source of information, but aside from that, the Commission will disclose everything that it relied upon, and I think that needs to be emphasized, that Earl Warren in particular tried to be scrupulously honest that way.

He would not in his own mind and in the deliberations of the Commission that I heard about, rely on anything that he felt he could not disclose to the public, for example, the Nosenko stuff.

Mr. CORNWELL. Directing your attention to page 374 which is page 350 in the McGraw-Hill version, the concluding paragraph reads:

Based upon the investigation reviewed in this chapter, the Commission concluded that there is no credible evidence that Lee Harvey Oswald was part of a conspiracy to assassinate President Kennedy. Examination of the facts of the assassination itself revealed no indication that Oswald was aided in the planning or execution of his scheme. Review of Oswald's life and activities since 1959, although productive in illuminating the character of Lee Harvey Oswald (which is discussed in the next chapter), did not produce any meaningful evidence of a conspiracy. The Commission discovered no evidence that the Soviet Union or Cuba were involved in the assassination of President Kennedy. Nor did the Commission's investigation of Jack Ruby produce any grounds for believing that Ruby's killing of Oswald was part of the conspiracy.

Would you agree with that?

Mr. SLAWSON. Yes.

Mr. CORNWELL. It states the conclusion with considerably less doubt than the view that you expressed in your memos.

Mr. SLAWSON. There is an emphasis gained in the official report by repetition. This goes on and on essentially saying everything in the first sentence and then repeating it in detail thereafter and that makes it sound more positive than it would otherwise literally be.

No; I think I agree that this is accurate in that I, too, concluded that there was no credible evidence. In other words, there is lots of evidence if we count as evidence, as we had to in the processes of investigation, everything that came in that if true would point toward a conspiracy. But our investigation in no case has led to the conclusion that that evidence was accurate. So, I think the flat statement there was no credible evidence, is absolutely accurate.

Mr. CORNWELL. The first statement then in your view, "no credible evidence" is accurate. What about the remaining repetitious concepts, "no indication"?

Mr. SLAWSON. Literally of course that is not true. There was some indication, I would read that as implicit in the word "credible," there is no credible indication.

Mr. CORNWELL. The next concept, "no evidence," in the concept of that, "nor any grounds," in the final statement, "no evidence" again. As repeated the sentence would be a slight overstatement?

Mr. SLAWSON. I would put it differently. If you interpret the word "evidence" as meaning something that points toward the involvement of these people, if you conclude that the thing is true, then of course these statements are flatly wrong. It all has to go back to the credibility of the weight of the evidence.

Mr. CORNWELL. Directing your attention to page 98 of the large document, exhibit 22, I would like you to compare the language at the top:

Unfortunately, however, although the means of investigation at our disposal in Mexico have in our opinion been stretched to the utmost, there still remain gaps in our knowledge of what Oswald did while he was there.

The paragraph concludes:

The final answer to the meaning of the Mexico trip therefore will probably never be given.

I would like you to compare that language, if you would, to the report at page 305, which is page 282 in the McGraw-Hill version.

Mr. SLAWSON. 305 in my version?

Mr. CORNWELL. 305. Particularly the language that—

The investigation of the Commission has produced considerable testimonial and documentary evidence establishing the precise time of Oswald's journey, his means of transportation, the hotel at which he stayed in Mexico, and a restaurant at which he often ate. All known persons whom Oswald may have met while in Mexico, including passengers on the buses he rode, and the employees and guests of the hotel where he stayed, were interviewed. No credible witness has been located who saw Oswald with any unidentified person while in Mexico City.

There is perhaps no flat statement that there were no gaps, as you indicated in your memo and your knowledge of that trip, but there is no statement—

Mr. SLAWSON. There I would have to say, I would not have written the report that way, frankly. I think it would have been better to make

frank recognition that we could not account for every hour of Oswald's time by any means in Mexico.

Mr. CORNWELL. On the same subject, if I could, I would like you to compare your perhaps more candid statement that "the final answer to the meaning of the Mexican trip will probably never be given", with the language in the final Warren Commission report which appeared on page 299 of the official version and 279 of the McGraw-Hill version, or 278 and 9 which reflects:

The Commission undertook an intensive investigation to determine Oswald's purpose and activities on his journey, with specific reference to reports that Oswald was an agent of the Cuban or Soviet Governments. As a result of its investigation, the Commission believes it has been able to reconstruct and explain most of Oswald's actions during this time.

That again at least in tone is different from your concept of the evidence in that field, is that correct?

Mr. SLAWSON. Yes; in tone. I don't feel as strongly about this one as I did the one before. The statement in the report "as a result of this investigation, the Commission believes that it has been able to reconstruct and explain most of Oswald's actions during the time," if you mean "most" in terms of most of the time that is wrong. If you mean most in terms of probable actions, I think we did. Although that is somewhat question begging because you never know what is significant unless you know what it is.

Mr. CORNWELL. With respect to page 83 of your original memo, there you discuss the meaning of Oswald's letter to the Russian Embassy. Your characterization of it near the bottom of page 83 is that "the letter undoubtedly constitutes a disturbing bit of evidence and will probably never be fully explained." Then you conclude by stating that "We think that the letter constitutes no more than a desperate, somewhat illiterate and deranged attempt to facilitate his family's return to the Soviet Russia."

I would like you to compare that with page 287 of the McGraw-Hill reprint or page 310 of the official version, particularly the last half of the paragraph concerning what Marina Oswald could add to that problem, which concludes by stating. " * * * it becomes apparent that Oswald was intentionally beclouding the true state of affairs in order to make his trip to Mexico sound as mysterious and important as possible."

In other words, the language "It becomes apparent." or let me ask you, would that be different from your concept that the import of this letter probably never will be fully explained?

Mr. SLAWSON. Again, I would not have chosen the word "apparent." I would have put in there "probable." I think that is in effect my conclusion but I wouldn't have stated it that strongly.

I think some place in my memo I make a statement to that effect. I think I used the word "obfuscate." Anyway it is the same thing.

Mr. CORNWELL. I would like to ask you to look at the concept at the bottom of page 3 and top of page 4 of your main memo, exhibit 22, and also perhaps in the same light, the memo of yours which we have had admitted as exhibit 28 which discusses in the first instance generally the problems with reporting everything you had learned in the final report, and in the second instance, exhibit 28, if you could look at that, a particular application of that principle.

Mr. SLAWSON. You mean references to the secret Soviet Union source having been omitted?

Mr. CORNWELL. Yes, sir. If you would, compare the problem which you have discussed facing, and the need in some instances to withhold information because the very information could perhaps give away sources and methods, with the language on page 245 of the official version of the Warren Commission report which appears at page 226 of the McGraw-Hill reprint. Does it not state there that "the Commission has concluded in this report all information furnished by these agencies which the Commission relied on in coming to its conclusions or which tended to contradict those conclusions." Then in fact clarifying that in the next sentence by stating, "Confidential sources of information as contrasted with the information, itself, have in relatively few instances been withheld."

Mr. SLAWSON. Yes; it conflicts in a way, but I think what the writer in the official report is trying to say is although in some instances there was information as opposed to just sources of information, but actual substantial information which was not disclosed, the Commission was able to come to its conclusions without relying upon that. My recollection is that Earl Warren tried very hard to do that.

There were very few things that couldn't be disclosed of a substantive nature. Nosenko's statement, the only one I can think of offhand and the "information from a highly placed source in a foreign government" that I referred to this morning in my testimony, for example, tended to support the conclusions, not to contradict them, the conclusions in the report. Therefore the Commission in the report is being truthful when it says that it has concluded all information furnished by those agencies which the Commission relied upon to make its conclusions or which tended to contradict those conclusions.

In other words, it did not have to include the information from a highly placed source in the foreign government, for example, because it did not contradict the conclusions here.

Mr. CORNWELL. If I could direct your attention to page 98 of exhibit 22, between 98 and 102, you discuss information concerning the testimony by Mr. Pedro Guiterrez Valencia which in pertinent part concerns the possible payment of sums of money to Oswald in Mexico City which he says he observed. Is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Would you compare your discussion of Mr. Guiterrez Valencia's observations as set forth in that memo with page 659 of the official version or page 588 of the McGraw-Hill reprint, particularly on that page the discussion of what is labeled "Speculation"—"Oswald came back from Mexico City with \$5,000" and the following statement, "Commission finding"—"No evidence has ever been supplied or obtained to support this allegation."

Would not the testimony of Guiterrez Valencia support that allegation?

Mr. SLAWSON. Yes, it would. Again the Commission report has to be read as meaning no evidence that they believe. Otherwise it is not true.

Mr. CORNWELL. Of course as you may recall back in volume 24 of the official version, there is a reprint of Mr. Guiterrez Valencia's testimony

but it would appear on the face of what we have been able to determine from the main volume that this testimony does not exist.

Mr. SLAWSON. This should not have been written the way it was. But I could have been as much at fault as anybody in putting these things together. I didn't write this part of the report. On the other hand, I am sure it was shown to me, so I would say I am probably as much at fault as anyone.

Mr. CORNWELL. Again, with respect to exhibit 22 at pages 6 and 7 you discuss the possibility that Oswald might have been an agent for the Cuban or Soviet Government, and particularly on page 6 you state "his circumstances and character do fit the criteria for an 'agitator,' propagandizer, or even assassin, for the Cuban Government. It follows therefore that bits of evidence pointing toward his being an agent for one of the latter purposes must be taken seriously."

Mr. SLAWSON. Yes.

Mr. CORNWELL. Is that an acknowledgement that there were both circumstances and character traits, and bits of evidence which pointed toward those possibilities?

Mr. SLAWSON. Yes, sure. Those presumably were those that I came to discuss later in the same memo.

Mr. CORNWELL. Would that then be a somewhat different picture than is painted at page 374 of the official version or 350 of the McGraw-Hill reprint which states that "there is no credible evidence that Oswald was part of a conspiracy * * * no indication that he was aided * * * no meaningful evidence of conspiracy * * * no evidence that the Soviet Union or Cuba were involved in the assassination"?

Mr. SLAWSON. I can only repeat what I said before, that page 374 is the Commission's conclusion as to what the credible evidence was. Whereas the stuff on page 6 of my memo is a statement of evidence at the point where we had not yet made up our mind what the credible evidence was.

As I said earlier this was somewhere between two-thirds and three-quarters of our investigation had been done but the remainder remained to be done.

Let me put it another way. I would say the Commission report is like a jury verdict whereas the memo you are reading from is like an investigator's brief or report or even a prosecutor's report although not quite. I certainly was not giving only the evidence in favor of a conspiracy, but I had a more deliberative adoption of suspicion in the memo. I think it was proper at that point.

Mr. CORNWELL. The memo does indicate you do have evidence indicating those concepts?

Mr. SLAWSON. That is right.

Mr. CORNWELL. Where the Commission report said there was no evidence indicating those concepts; is that right?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Directing your attention to exhibit 23, which is the memorandum that relates to the footnote supplied by the CIA. In the last two sentences in the first paragraph you note:

Generally speaking we will publish all information on which the Commission relied in coming to its conclusions and all the information which tends to counteract those conclusions. Sources of information will frequently be withheld, but the information supplied by those sources will in almost all cases be published.

Would it be fair to state that your concepts of the fact that you could only make those statements in terms of "generally speaking" and "in almost all cases" do not appear in the Commission report when they describe the fact that all information furnished is published?

Mr. SLAWSON. That is right. It is not the same. I was quite aware at the time I wrote this memo presumably that I was speaking only in generalities and probabilities. But I think that probably was my recognition that the decision was not mine to make.

Mr. CORNWELL. In fact, your preliminary view of this was in fact implemented, was it not? and what really happened in the end was just as you predicted, that all information was perhaps generally set forth and maybe even in all cases but not universally?

Mr. SLAWSON. It is hard to know because at the sessions at which the Commission made their final decision, staff members were not present. Those were executive sessions. So we on the staff—I never did find out exactly what the Commission relied on. All I knew is that we gave them all the information we had plus our own evaluation of the evidence and evaluation of what conclusions should be drawn from it.

Finally we read the report like any member of the public did. I forget the exact time I left Washington. I left 24 hours sooner than most staff members did because I broke down and got the flu at the last minute from exhaustion. My law firm also wanted me to get home.

In any event there was a week or week and a half as I remember between the time I left Washington and the time the final report was published. I did not get a copy until the public did.

Mr. CORNWELL. At least the examples you gave us today of the areas in which you decided the information could not be published, it was in fact not published?

Mr. SLAWSON. That is correct.

Mr. CORNWELL. The report is rather voluminous; is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWELL. It was prepared under, I take it, rather severe pressure in the final moments of your work?

Mr. SLAWSON. Yes.

Mr. CORNWELL. Apart from the kind of thing we have just been comparing which I suppose we might describe as a change, at least a change in tone from your view of the strength of the evidence and the severity of problems to the way the report reads, were there other problems in the preparation of the final report concerning the question of its accuracy?

Mr. SLAWSON. No, not that I can recollect.

Mr. CORNWELL. Let me show you one document and see if it will perhaps refresh your memory.

May we mark, Mr. Chairman, a memo dated, September 22, 1964 from Mr. Slawson to Mr. Willens, subject "Pending Matters" for identification as exhibit 30?

Mr. PREYER. Yes.

Mr. CORNWELL. Would it be fair to state, Mr. Slawson, that the memo was prepared September 22, approximately 6 days prior to the publication of the Warren Commission report, and dealt with the kinds of publication problems you were facing at that time?

Mr. SLAWSON. Yes.

Mr. CORNWELL. May we have exhibit 30 admitted into evidence, Mr. Chairman, so that we may ask the witness specific questions on it?

Mr. PREYER. Without objection, exhibit 30 is admitted into evidence.

[The above referred to document, exhibit 30, was admitted into evidence.]

JFK EXHIBIT No. 30

SEPTEMBER 22, 1964.

To: Howard Willens.
From: W. David Slawson.
Subject: Pending matters.

1. Additional or substitute authority from FBI. Reference is made to footnote 563, page 307 of chapter VI. The FBI was simply unable to get to us in time a comprehensive list of the Hotel del Comercio guests who have been located and questioned. Consequently, in addition to the authority already cited, I have inserted a phantom CE number which can be filled in with something. I believe I have fudged the text sufficiently so that almost anything can be fitted in. (CE 3074)

2. The cite checkers tell me that CE 2123 and in particular, attachment 5 thereto, does not have a translation with it. This was translated but before leaving I was unable to locate the translation. It is not particularly important for substantive purposes but obviously the translation should be located.

3. CIA oral clearance has been given for the references to Oswald's staying at the hotels in Helsinki, CE 2676 (portions thereof) which is footnote 479 of appendix 13. This should be coming through soon.

4. Just before he left Bert Jenner said he cleared with Stu Pollak that we should check with State Department as to whether they had any information on George de Mohrenschildt's walking trip in Central America in 1960. I asked Dick Frank for this information. The local State Department files contain nothing. He has cabled consulates in Central America to look in their files and will report when he gets their reports.

5. The material which Dean Rusk promised to send over in his testimony has not yet been formally made an exhibit as was agreed during the course of his testimony. This material is contained primarily in CD 1462, CD 1462-A, and CD 1462-B, and somewhat in CD 1135. Sally Hennigan has these documents and is familiar with the material.

6. Mrs. Hennigan has tried to catch as many FBI documents as possible that have security classification and that I have made into exhibits. She has made a running list.

7. When I leave I will take with me all my personal materials. I will, of course, take nothing that has anything dealing with Commission business. I think it would be a good idea to leave all by materials approximately where they are, throwing nothing away until enough time has elapsed that you are sure I will not have to be called back for anything. After that, of course, it is up to you what you do with all my stuff. I imagine it will be thrown away. In my own filing system I have made no distinction between classified and unclassified material so the only thing to do with my previous drafts in the black notebooks, for example, if the Commission wants to keep this sort of material, would be to put it in a classified file.

W. D. S.

Mr. CORNWELL. The very first paragraph reads:

Additional or substitute authority from FBI. References made to footnote 563, page 307 of chapter VI, the FBI was simply unable to get to us in time a comprehensive list of the Hotel del Comercio guests who have been located and questioned. Consequently in addition to the authority already cited, I have inserted a phantom CE number which can be filled in with something. I believe I have fudged the text sufficiently so that almost anything can be fitted in.

What was the phantom CE number?

Mr. SLAWSON. A phantom CE number was a number that had not yet been taken by anything, so that when the presumed report came in they could give us that number and then have the FBI report included in the final volume, assuming it came in in time.

This was apparently done by me because I had to leave before it could come in.

Mr. CORNWELL. There have been public criticisms of the Warren Commission which concern the general subject matter of the accuracy of footnotes and the suggestion that the text did not always coincide with the footnotes. Does your experience, being there at the time this process was being undertaken, indicate that those criticisms were correct, and if so, to what extent?

Mr. SLAWSON. I took, and I think everyone else did, as much care as we could. But the time pressure was severe. With the mass of material that we have I am sure that errors of numbering, and perhaps what footnote A should have had, footnote B did, and vice versa, occurred. I don't think that the kind of crosschecking that normally goes into a good professional publication, for example, ever went into this.

Mr. CORNWELL. What is your impression as to why there were the kinds of changes in tone in the statements? Why did those occur?

Mr. SLAWSON. I think because Earl Warren was adamant almost that the Commission would make up its mind on what it thought was the truth and then they would state it as much without qualification as they could. He wanted to lay at rest doubts. He made no secret of this on the staff. It was consistent with his philosophy as a Judge.

The *Brown v. Board of Education* decision you remember was unanimous. I think he was at great pains to make sure it was.

At one point in the report—it didn't have anything to do with foreign conspiracy so I only was tangentially involved in it—but the question of whether two shots out of the probable three that were fired hit Kennedy, the question was whether or not the first shot came before the first two or between these two or afterward. A great deal of time was spent on that, getting a unanimous opinion from all the Commissioners, I remember that one in particular, and all because Earl Warren felt it was best that they make up their mind as to what they thought the truth was and then try to settle it.

Mr. CORNWELL. Apart from, I guess what you basically are describing as a personality trait of Earl Warren and what you have previously told us concerning his desire not to have the question of the assassination become an issue in the national election and therefore keying his time schedule to accomplish that, was there any other motive that you perceived being in existence at the time coming perhaps from Earl Warren or even from a higher level which would have caused the kind of changes in tones that we are viewing here, particularly with respect to your area of expertise, the foreign area?

Mr. SLAWSON. No; I think that was it. You characterized it as a personality trait of Earl Warren. It was. I think it was almost a very consciously adopted philosophy of his. His idea was that the principal function of the Warren Commission was to allay doubt, if possible. You know, possible in the sense of being honest. He thought that it was. I suppose he did not think that an official document like this ought to read at all tentatively, it should not be a source of public speculation if he could possibly avoid it.

On the other hand, he always assumed that we would publish the background information on which we drew our conclusions so that if anybody wanted to check our conclusions they could. Of course people have.

Mr. CORNWELL. If I could ask you to look at exhibit 27. Mr. Chairman, may we have marked for identification exhibit 27 which is a document reading at the top "February 1964" and is a memorandum from Mr. Slawson to Mr. Willens styled "Letter to the Russian Government".

Mr. PREYER. We will mark that for identification.

Mr. CORNWALL. You have previously reviewed that memo overnight is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWALL. Would it be fair to state that that memo concerns the subject matter of how to seek, and what extent information should be sought, from the Russian Government?

Mr. SLAWSON. Yes.

Mr. CORNWELL. May we have that document admitted as part of the record, Mr. Chairman?

Mr. PREYER. Without objection the exhibit is admitted in the record.

[The above referred to document, JFK exhibit No. 27, was received in the record.]

JFK EXHIBIT No. 27

[Memorandum]

To: Mr. Howard P. Willens.

FEBRUARY 1964.

From: Mr. W. David Slawson.

Subject: Letter to the Russian Government.

BACKGROUND

Lee Oswald spent almost three years in Russia. Almost our sole sources of information on these years are his own writings and correspondence and Marina's testimony. We are therefore preparing a letter to be sent to the Russian Government asking for additional information.

On 21 January 1964 the CIA sent us a draft of such a letter. The State Department has commented that in its opinion the CIA draft would probably have serious adverse diplomatic effects. The State Department feels that the CIA draft carries an inference that we suspect that Oswald might have been an agent for the Soviet Government and that we are asking the Russian Government to document our suspicions. The State Department feels that the Russians will not answer a letter of this kind, at least not truthfully, and that it will also do positive harm in that they will take offense at our sending it to them. The State Department proposes instead that we send a very short and simple request for whatever information the Russians may have.

RECOMMENDATIONS

My inclination at the present time is that the State Department's recommended approach is probably preferable to the CIA's. However, I would modify the State Department approach slightly by following the general request with a few—very few—specific questions. These questions would be restricted to areas that were both important to us and not such as to give material offense to the Russians. I think that including a few specific questions might even be beneficial in that, if we were careful in the choice of and drafting of these questions, we might successfully convey to the Russian Government the impression that at the present time at least we were inclined to regard Oswald as neurotically and personally motivated in killing the President rather than being motivated by anything connected with the Russian Government. In other words, properly chosen and drafted specific questions might serve to allay suspicion rather than arouse it.

With the foregoing general criteria in mind, I would propose including specific questions such as the following:

We would like to have:

1. Copies of all documents and records in connection with any hospitalizations and other medical examinations and treatments of Lee Harvey Oswald and of Mrs. Marina Oswald during her adult life, including:

(1) His treatment in October 1959 in Moscow when, according to his own diary, he was found unconscious in his hotel room by Intourist Guide Rima Shirokova after an attempted suicide.

(2) Any examinations or treatments made of Marina Oswald on or about October 1961 when, according to Lee Harvey Oswald's diary, Marina Oswald was treated for nervous exhaustion.

2. The results of any physical examinations, psychological tests or psychological examinations made at any time on Lee Harvey Oswald or Marina Oswald.

3. Copies of all communications to and from Lee Harvey Oswald with any organ or commission of the Russian Government in relation to his entering Russia and seeking permission to reside there and in relation to his seeking Russian citizenship during late 1959 and thereafter.

4. Copies of all correspondence to and from Lee Harvey Oswald with any Organ or commission of the Russian Government in reference to Oswald's efforts to leave Russia and return to the United States.

5. Copies of all correspondence to and from Marina Oswald in reference to her attempts to leave Russia and accompany her husband to the United States.

6. Copies of the file on Lee Harvey Oswald kept by the Soviet Consulate in Mexico City.

7. Copies of any records showing drunkenness, violence, disorderly conduct or other abnormal behavior on the part of Oswald, whether or not criminal.

You will note that I have not asked in the foregoing questions (except for No. 6 and No. 7) for copies of internal memoranda minutes, etc., as does the CIA draft.

The following questions might be asked, but I am inclined to think that they are not important enough to warrant probably offending the Soviet Government by including them:

1. In the file furnished to the United States Government by the Soviet Government covering the correspondence between the Russian Embassy in Washington, D.C., and Lee Harvey Oswald and Marina Oswald, there is a letter dated July 9, 1952 from N. Reznichenko, Chief of the Consular Section, to Marina Oswald and a letter dated August 15, 1962 to N. Raznichenko from Marina Oswald. Both letters refer to a "Form Card No. 118," and the letter dated August 15, 1962 states that the Form Card has been filled out and is enclosed. If possible, we request that a copy of this Form Card be furnished to us at this time.

2. A description of Oswald's job in the Minsk Radio and Television factory, plus copies of all employment records, union records and other job-related activities of Lee Harvey Oswald.

3. A statement as to why Lee Harvey Oswald was not granted Russian citizenship status by the Russian Government. Or, if Oswald was offered such citizenship and he refused, copies of all correspondence to and from Oswald on this subject.

The CIA draft includes certain inquiries on Oswald's ownership of weapons in the Soviet Union. The CIA draft does not go on to ask about his membership in the Minsk gun club, which would seem logically to follow in this context. David Belin has told me that he no longer regards the issue of Oswald's marksmanship as of primary importance and that therefore, although he would welcome whatever additional evidence we might obtain from the Russian Government as to Oswald's skill with firearms, he does not feel that this is a high-priority item. In my opinion, the only other reason we might want to ask questions in regard to Oswald's firearms and/or hunting activities in the Soviet Union is to find out whether the gun club and these activities were some sort of cover-up for sabotage or espionage training. Certainly, if such was the case, the Russians will not admit it nor will they furnish us any evidence from which we can document such a conclusion on our part. Consequently, because trying to get information as to a "cover-up" is hopeless and because the marksmanship angle is not crucial, I recommend that we not question the Russian Government on the subject of Oswald's firearms and/or hunting activities in Russia.

Mr. CORNWELL. Let me ask you, in connection with the preparation of this document, do you recall a roughly contemporaneous meeting between yourself and Mr. Dulles concerning the subject matter?

Mr. SLAWSON. No, I don't. That doesn't mean I don't recollect it. That means I recollect there was not one.

Mr. CORNWELL. The subject matter, I suppose, in the memo concerns a balancing of your desire, and apparently the CIA's desire, to request specific information from the Russian Government, with the State Department's apprehension about the possibility of antagonizing them. Is that correct?

Mr. SLAWSON. No. I would state the balance slightly differently. The attempt on my part and the CIA's, I think, was simply to obtain information in a way that would be most likely to get true information and complete information. The State Department, I think, was also concerned with that, but in addition concerned with not giving great offense to the Russians. As I say on page 1 of the document, No. 27, "The State Department feels that the Russians will not answer a letter of this kind, at least not truthfully, and it will also do positive harm in that they will take offense at our sending it to them."

I apparently read the State Department's response as saying, "You people are not going to help yourselves by this kind of letter as well as do some harm by creating a minor international incident."

Mr. CORNWELL. Let me direct your attention to the very last page, page 5. That page seems to concern a very specific request which the CIA had suggested and that was with respect to Oswald's ownership of weapons in the Soviet Union.

Mr. SLAWSON. Yes.

Mr. CORNWELL. The request was dropped, is that accurate?

Mr. SLAWSON. My only recollection is what I read here but certainly that is what I seem to be saying in this memo.

Mr. CORNWELL. It was dropped in part because, I gather, David Belin had told you that he no longer regarded the issue of Oswald's marksmanship as of prime importance, is that correct?

Mr. SLAWSON. That is correct.

Mr. CORNWELL. This memo was prepared in February 1964?

Mr. SLAWSON. That is correct. I know it was fairly early on and that is what it says, February 1964. So presumably that is right.

Mr. CORNWELL. You conclude based upon that information from Mr. Belin that "consequently, I recommend that we not question the Russian Government on the subject of Oswald's firearms and/or hunting activities in Russia". Is that correct?

Mr. SLAWSON. I think so, yes. That seems to come through here.

Mr. CORNWELL. Did David Belin speak to you or Mr. Dulles about the problems in this area?

Mr. SLAWSON. I don't know. I would guess that probably what happened here is that Dave Belin did not speak to Dulles directly, but Belin and I probably spoke, or Belin and Coleman or Joe Ball, who was also working with Dave Belin, and it was on the basis of those conversations that this memo was written.

Mr. CORNWELL. I am sorry, I don't have it to show you, but our research reflects that there was another memo in the files reflecting the fact that you had a conversation with Mr. Dulles on or about January 31, shortly prior to the preparation of this memo, concerning the subject matter of the memo. But you don't recall the conversation?

Mr. SLAWSON. I don't recall the conversation. Presumably of course there was one.

Mr. CORNWELL. Did Mr. Belin ever change his view as to the relevance or necessity of obtaining this type of information?

Mr. SLAWSON. Not to my recollection, no. There is possibly a misunderstanding between us on this point. My recollection of what I meant when I said Dave Belin is telling me he no longer regards the issue of Oswald's marksmanship as of primary importance is not whether Oswald's good or bad marksmanship is not important but he had apparently found other evidence indicating that Oswald could have become a sufficiently good marksman by what happened in this country, or what had happened in the Marine Corps before he went to Russia, so that it was no longer of primary importance whether or not he had gun training in Russia.

Mr. CORNWELL. In other words, your understanding was that he was willing to forego any inferences that could be derived from getting details about Oswald's handling of guns in Russia?

Mr. SLAWSON. For his purposes, which is Oswald's marksmanship, yes.

Mr. CORNWELL. It is your memory that he never changed that view?

Mr. SLAWSON. I have no memory on it one way or another.

Mr. CORNWELL. Did you ever secure the information about the Minsk Gun Club?

Mr. SLAWSON. I don't remember. We of course did get a reply from Russia with quite a few documents in it. My recollection now is that they were mostly medical documents. We had a lot of stuff from the Botkinskaya Hospital and various communications between Oswald from Minsk and the Russian Government and the American—no, just the Russian Government in Moscow in connection with his seeking permission to leave and taking Marina with him and that was about all.

My recollection is that there would have been nothing on this Minsk stuff, the gun club stuff.

Mr. CORNWELL. In the McGraw-Hill edition on page 180 there is a section styled "Oswald's Rifle Practice Outside the Marines". One of the sentences under that reads, "While in Russia Oswald obtained a hunting license, joined a hunting club and went hunting about six times, as discussed more fully in Chapter VI." On page 182 in the conclusion part of that chapter there is a sentence that reads, "Oswald's Marine training in marksmanship, his other rifle experience, and his established familiarity with this particular weapon show he possessed ample capability to commit the assassination."

At pages 251 and 252 there are statements that "Oswald's membership in the hunting club while he was in the Soviet Union has been a matter of special interest to the Commission." It appears I assume from that that the Commission did draw inferences from the Minsk Gun Club routine in connection with the question of Oswald's marksmanship. Would that be correct?

Mr. SLAWSON. No, I don't think so. There was certainly nothing in his being in a gun club in Russia that would detract from his marksmanship. As I recollect it, Dave Belin felt that you didn't need to posit any special training by Oswald in Russia in order to account for the fact that he was probably a good enough marksman to have hit Kennedy from the position, et cetera.

Mr. CORNWELL. Do you recall Mr. Liebeler earlier raising the issue near the publication date that in fact the Minsk Gun Club data indicated use of shotguns and not rifles at all?

Mr. SLAWSON. No. I don't recollect that. Now that you mentioned it, that would seem to me probably, even at the time. I have hunted, myself, a little. I have always used a shotgun. I never have gone after deer. My recollection of the sort of hunting that he probably did in Russia was for birds.

Mr. CORNWELL. What inference do you think is appropriate to draw from this chain of events? The fact that the possible inference from the Minsk Gun Club event could relate to the issue of marksmanship, the fact that the information was not sought because of international relations considerations, and the fact that nevertheless the Warren Commission makes statements on the subject matter and draws the inference which was initially contemplated?

Mr. SLAWSON. I don't draw the chain of conclusions I think you are there. The first two parts of what you read me from the McGraw-Hill edition of the report I think were from the rumor section, weren't they?

Mr. CORNWELL. Let me hand you the McGraw-Hill volume and let you look at the same pages. I read from page 180.

Mr. SLAWSON. Right, OK. While in Russia Oswald went hunting six times and discussed chapter 6.

Mr. CORNWELL. The next page I read from was 182.

Mr. SLAWSON. "OK Oswald's marine training in marksmanship, his other rifle experience and his established familiarity with this particular weapon show that he possessed ample capability to commit the assassination."

The first one I read obviously does refer to his hunting in Russia. 182 doesn't.

Mr. CORNWELL. And the final one I read from was 251-252.

Mr. SLAWSON. "Once he was accepted as a resident alien in the Soviet Union, Oswald was given considerable benefits"—excuse me, "Oswald's membership in the hunting club while he was in the Soviet Union has been a matter of special interest to the Commission."

I don't know, what can I say? They did at one point, the first of those three things I read, include his experience, his presumed experience as a hunter in Russia, as something that would help to explain his being an adequate marksman to kill the President, yes. I mean I don't think that that is being inconsistent even if you assume that the Commission at the time they wrote that had in mind my statements back in this memo which is, of course, a lot to assume.

This memo to Howard Willens about the letter to the Russian Government was a procedural matter to which the Commission members had access and probably saw but I doubt that they saw it when the final time came to write the report.

Mr. CORNWELL. One inference which might be drawn for purposes of discussion from the chain of events is that the Warren Commission would, if necessary, have opted for the alternative of writing up its preconceived or initially conceived inference, which in this case would be David Belin's conclusions on the marksmanship issue, rather than take a chance on disrupting delicate foreign relations.

What I want to ask you is, is that a proper inference, as to something that you experienced more widely than this one instance or is it an example of an abnormal situation at that time?

Mr. SLAWSON. Let me try to reconstruct what I assume to be the Commission's thinking process going into that.

We had pretty good evidence that Oswald had been a member of a hunting club at some time in Russia. The best evidence we had was simply Marina's statement he was. I think we had a statement from other people testifying before the Commission that when he came back at some point or other he might have mentioned to them he was in a gun club in Russia.

There wasn't really much doubt about that. Therefore, it seems to me it is perfectly fair to mention that when someone says, was this man a good enough marksman, among other things you could mention is that he enjoyed hunting, he was familiar with guns. Even if it was only a shotgun, nevertheless there is some correlation, I assume, between how good you were with a shotgun and with a rifle on a moving target.

Now what we presumably would have gotten, what we hope we would get from the Russians on the gun club or hunting club was more than that. This is why finally we decided there is no way to get it. What we were most suspicious about or the worst possibility that might have happened was that this was some kind of coverup for training of assassins. I think that is why the State Department thought the Russians would take offense at it. If that is so, you can be certain the Russians would not have come back with a document of "Yes, here is the method of training assassins here." So it would have been an exercise in futility to ask the Russians to come across with that kind of information.

Mr. CORNWELL. So, the short answer I guess is that you don't draw the inference that I suggest might be possible because you felt it was an explainable chain of events based upon what evidence was necessary, is that correct?

Mr. SLAWSON. Yes. For marksmanship purposes I think it was perfectly proper and honest for the Warren report to refer to the Minsk Gun Club. But at the beginning of the investigation I was interested in it not primarily for that reason but for the reason that it might have been a coverup for something more sinister.

Mr. CORNWELL. Are there any other examples where the possibility of wanting to avoid sensitive areas of international relations, diplomatic relationships, prevented you from securing the kind of evidence that you would have liked or that you felt was necessary?

Mr. SLAWSON. There was one other area that may have involved that among other things. Sylvia Turada de Duran, who was the clerk at the Cuban Embassy in Mexico City, was taken into custody by the Mexican police very soon after the assassination and questioned, my recollection is, for about 3 days. All this happened before the Warren Commission was formed. We got a report from the Russian police and that report is in this memo, No. 22.

We would have liked to question her further. When I say we, members of the staff, Coleman and myself and Howard Willens thought it would be a good idea too. But when I talked to the CIA about it and later when we went down to Mexico City I remember talking to officials. I believe we even talked to the Mexican officials at the time, one of them being Echevarria who later became President. He was Minister of Security when we went down there. The upshot of

all those conversations was that she had suffered a nervous breakdown, possibly because of the arrest and questioning, and that she was in hiding and only her husband knew where she was and he would not let her speak to anyone in connection with this.

Nevertheless, the CIA told me that they might be able to persuade her husband to permit us to question her, even including possibly flying her back to Washington. But it would be very difficult—well, Earl Warren decided not to follow up on that if she was not willing to come willingly. He did not want to apply pressure on her. Insofar as I understood his reasons for that, they were partly feeling that we ought not to put pressure on her, the American Government did not want to involve itself further at that point.

But primarily he just felt he did not want to put severe pressure on an individual and I think he was ashamed that already interrogation had caused her to have a nervous breakdown. He did not want to get involved in anything remotely like torture.

Mr. CORNWELL. I am sorry I don't have a copy of it to show you. We have ordered it but not yet received it. But it has been reported to us by our research staff that in the L.B.J. Library in Austin there is a memo prepared by, or reflecting a conversation between, Mr. Hoover and the White House. Walter Jenkins. The conversation reflects that Hoover made the following statement: "The thing I am most concerned about, and Mr. Katzenbach, is having something issued so that they can convince the public that Oswald is the real assassin," the conversation occurring November 24, 1963, 2 days after the assassination. Furthermore, Mr. Hoover also stated, "Mr. Katzenbach thinks the President might appoint a Presidential Commission of three outstanding citizens to make a determination. I countered with the suggestion that we make an investigative report to the Attorney General with pictures, laboratory work, et cetera. And then the Attorney General can make the report to the President and the President can decide whether to make it public."

The final sentence in the memo reads, the final statement by Mr. Hoover: "I felt that, in other words, the investigation by the FBI was better because there are several aspects which would complicate our foreign relations if we followed the Presidential Commission route."

First, let me ask you, would this concern, that apparently was discussed between the head of the FBI and the White House 2 days after the assassination, of convincing the public that "Oswald is the real assassin" and "avoiding complicating our foreign relations," would that, was that concept known to you at the time?

Mr. SLAWSON. No; not other than as it is reflected in memos like this number 27.

Mr. CORNWELL. Would that type of concern at those levels have been consistent with the obstacles you encountered in attempting to secure various types of evidence in the foreign conspiracy field?

Mr. SLAWSON. No; I suppose it would not be. There is an obvious conflict. You are following evidence wherever it leads logically. Occasionally you are going to ruffle people and that obviously includes foreign heads of state and diplomats and so on.

Mr. CORNWELL. I am not sure I phrased the question or you understood the way I meant it, but that concern, would it have been con-

sistent with the obstacles you encountered, of Earl Warren's desire not to have Duran come back, not to go to the Swiss to get information from the Cubans, the other examples we discussed?

Mr. SLAWSON. Yes; that may have played a larger role in the consideration than I thought at the time.

Mr. CORNWELL. Finally, let me ask you, do you know specifically what was meant by the words "several aspects," in other words, the concept, "I felt this was better because there are several aspects [in other words] of a potential investigation which would complicate our foreign relations?" Specifically what areas were they concerned about?

Mr. SLAWSON. That was Hoover speaking, is that right?

I can only guess of course but presumably Hoover had information even at that early date that Oswald had been down to Mexico and spoken to the Cuban and Russian Embassies. Of course he knew that Oswald had been a defector to Russia and would return. I assume therefore that he was thinking of the Cuban and Russian Governments but probably in particular the Cuban Government. Obviously Cuba would have known about Oswald's Fair Play for Cuba activities. We have FBI reports on that. So I would guess we had in mind especially Cuba but also Russia. He thought that probably this evidence indicated some possible involvement with those countries and that it would be bad public relations, bad international diplomatic relations, to arouse suspicion.

Mr. CORNWELL. To what extent, if any, do you believe it would have been possible if the CIA, and of course from the memo we can assume the FBI, were aware of these considerations—to what extent could they have tailored their report to you to be sure that even though the Presidential Commission was formed, that you did not "tip whatever boat" it was that they were worried about?

Mr. SLAWSON. Well, if the two agencies worked together on that, their ability would have been considerable. If they worked separately they still would have had some ability to do that. I testified this morning we were inescapably dependent upon the CIA especially for some aspects of the investigation. Looking back though, remember the CIA was on my side in getting that authenticating information from Russia. They wanted me to do it. My recollection is that I did not discuss with them the fact that Earl Warren had told me not to, but the CIA was also willing to help us persuade Mrs. Duran's husband to get her to come back. They were on the side, in other words, of going ahead in spite of ruffling international relations.

Mr. CORNWELL. You testified earlier that you and Mr. Rocca had had conversations concerning CIA's involvement with anti-Castro groups, is that correct?

Mr. SLAWSON. Yes.

Mr. CORNWELL. I believe you told us that your understanding of his personality was that he was very much opposed to Castro?

Mr. SLAWSON. Yes.

Mr. CORNWELL. What inference do you draw or did you draw if you compared those facts with your considerations of the anti-Castro Cuban motive matter that you also told us about? In other words, you considered as part of your investigation that the anti-Castro Cubans would have had a motive for the assassination? You told us that Mr.

Rocca admitted the CIA's close connection with the anti-Castro Cubans. You told us that Mr. Rocca himself had personally the same type of feeling the anti-Castro Cubans would have.

Mr. SLAWSON. Against Castro, right.

Mr. CORNWELL. Did that cause you to question the reliability of the information you were receiving from the CIA?

Mr. SLAWSON. No. In a sense everything I tried to take into consideration, so everything was a cause for questioning. But in terms of coming to a conclusion in my own mind about the reliability of the information supplied us, no, I concluded that Rocca's strong anti-Castro feeling did not bias or did not prevent him from being an honest investigator.

I think he was and I am still convinced that he was. On the other hand of course it affected his judgment. I think he would probably to this day think that maybe there is a substantial possibility at least that Castro had something to do with it.

Mr. CORNWELL. But you did not draw the inference that because of similarity of motives that the CIA may have been wittingly or otherwise involved in the type of activity you hypnotized, the anti-Castro setup of Oswald, and therefore would be tailoring the information that he was providing to you on those subject matters?

Mr. SLAWSON. No. I don't think that I entertained very long the possibility that Rocca or anybody else I had known in the CIA was involved in any way in killing Kennedy.

Mr. CORNWELL. Perhaps I overphrased the question. I did not mean Rocca, as much as information coming from CIA on the subject matter which was funneled to you.

Mr. SLAWSON. I guess I am having trouble getting the crux of your question because the possibility that the anti-Castro Cubans contained people who were ruthless or desperate enough to kill Kennedy in order to serve their own end I felt was a very real one. Apparently, from all I knew they contained a lot of desperate ruthless people. I did not have that feeling about the CIA. Now I tried to keep an open mind so that any place I came upon evidence that would point toward somebody I would investigate it and that included the CIA as a possible nest of assassins.

My judgment of their character and so on was far different, I think, from the judgment I made of the anti-Castro Cuban conspiracy groups in the United States.

Mr. CORNWELL. I have one final question. Do you have any knowledge of the use of any electronic surveillance after the assassination in order to acquire information concerning what caused it in the first instance?

Mr. SLAWSON. Wait. Use of electronic surveillance after the assassination in order to—

Mr. CORNWELL. Secure evidence of the manner in which the assassination may have been planned and carried out.

Mr. SLAWSON. Here or abroad?

Mr. CORNWELL. Here.

Mr. SLAWSON. No.

Mr. CORNWELL. What about abroad? I take it by your answer you do not feel free to discuss that?

Mr. SLAWSON. No; I don't. That is one of those areas that I was cautioned very strongly not to disclose and I have not been released from it.

Mr. CORNWELL. I have no further questions.

Mr. PREYER. Thank you. Are there any questions from the panel? Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Mr. PREYER. Mr. Dodd.

Mr. DODD. No questions, Mr. Chairman.

Mr. MCKINNEY. I have one brief question. It interests me as to how we got from what you did and what everyone else did to what you have sitting in front of you. Who dictated or put it together or typed it or what?

Mr. SLAWSON. It was obviously a group project but the principal authors I think were Howard Willens, Norman Redlich and Al Goldberg, all of them staff members. That is my recollection.

Mr. MCKINNEY. If I were working with you and you and I were working with Coleman and we do our affidavit and we sent it off somewhere and you are back in Denver at that point, you don't even see the final result.

Mr. SLAWSON. That is right.

Mr. MCKINNEY. From what I know of the Commission they met sporadically as a full group. From having tried to wade through what counsel has given us on these reports and the Warren Commission report itself, what I have taken as a very objective document historically from my point of view, has suddenly become a very subjective document. Someone took Dave Slawson's stuff and rewrote it and said here it is. Is that a fair judgment on my part?

Mr. SLAWSON. I don't know how to assess how subjective. In matters of tone it obviously is. I still think an attempt was made to keep it objectively accurate. Yet, I did cut loose at a certain point and figure I have done all I can and I just hope that everything comes out the way it should, and come back to private life.

Mr. MCKINNEY. Let me ask you a personal question. You practice law in Colorado and pick up and read this thing. You spent 16-hour days and were living from a hotel in Washington, I assume, and working for a greater cause. Did you read this with a sense of disappointment, satisfaction, questioning, or just what the hell can you expect?

Mr. SLAWSON. Generally one of satisfaction. First, it may sound odd to say so but to this day I have never read it from cover to cover.

Mr. MCKINNEY. Fine. I don't think anyone really has. Some of our researchers here I think cut it up in sections.

Mr. SLAWSON. I read parts of it in the beginning. Then I turned to parts which were my own particular expertise to see what happened to them. My recollection is that my first reaction was a sense of disappointment. I think mostly egotistical, they were shorter than they should have been. I thought my sections were more important. I did not see anything inaccurate in them. Mr. Cornwell pointed out this one thing about the \$5,000, for example. That slipped by me until you pointed it out a few minutes ago. That is a minor inaccuracy but it is an inaccuracy. I just did not see it at the time. So my answer is generally I was quite satisfied.

Mr. MCKINNEY. I think it is a general historical opinion among 200 million Americans that this is something that was very objectively done by a group of our most distinguished leaders. That is why I ask the question about what they had done to your work.

Mr. SLAWSON. This was a somewhat new experience to me too. I had been on a student law review and seen my work edited by someone else and not come out exactly the way I put it in but I never had been on a thing approaching this with the number of people involved and the emotional and personal pressures that everyone felt. At first I was surprised at how little control all of us on the staff had over what was finally going in. Then I quickly realized this is the way it had to be, what we would expect, and to my knowledge nothing was falsified, but the general shape and tone of the document was going to be something that others did.

Mr. MCKINNEY. One last personal opinion since you have been so kind. One of the reasons that I argued for this committee being established was that I felt that the Warren Commission was under extremely undue pressure—No. 1, one of the most popular leaders assassinated. Because assassinations are extremely politically motivated in Europe, historically they have been aimed at starting something or doing something. There was good historical information that the Europeans were concerned we might be becoming a bit of a banana republic, all of those pressures plus the election and everything else. Do you feel we have a better chance of getting at the truth now than you did under pressure?

Mr. SLAWSON. No. To be truthful, I think the historical moment has passed. For good or bad history is not going to get much more than we have right there.

Mr. MCKINNEY. Thank you very much.

Mr. PREYER. Mr. Slawson, we certainly appreciate your being here today and your very straightforward testimony. We will excuse you at this time. I hope you have ample time to avoid the rush hour traffic to Dulles and will make your flight without any problem. Thank you again.

Mr. SLAWSON. Thank you, Mr. Chairman. I am glad to have been of help.

Mr. PREYER. Mr. Liebeler, if you are ready to proceed we will swear you at this time. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. LIEBELER. I do.

Mr. PREYER. Thank you, Mr. Liebeler. I understand that the committee rules have been given to you and a copy of those are before you.

Mr. LIEBELER. That is correct, yes.

Mr. PREYER. At this time I will make a brief statement concerning the subject of the investigation.

House resolution 222 mandates the committee "to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy, including determining whether existing laws of the United States concerning the protection of the President and the investigatory jurisdiction and capability of agencies and departments are adequate in

their provisions and enforcement, and whether there was full disclosure of evidence and information among agencies and departments of the U.S. Government, and whether any evidence or information not in the possession of an agency or department would have been of assistance in investigating the assassination, and why such information was not provided or collected by that agency or department, and to make recommendations to the House if the select committee deems appropriate for amendment of existing legislation or enactment of new legislation.”

Mr. Cornwell is recognized to begin the questioning of the witness at this time.

**TESTIMONY OF WESLEY LIEBELER, ASSISTANT COUNSEL,
WARREN COMMISSION**

Mr. CORNWELL. Thank you, Mr. Chairman. Mr. Liebler, basically what we want to do is ask you some questions about the manner in which the Warren Commission's investigation was conducted, the state of mind you and your fellow staff attorneys may have had in pursuing your work and the nature of any problems which you encountered in the process.

Before I do that, as a matter of background will you tell the committee what your professional experience was prior to joining the Warren Commission?

Mr. LIEBELER. I graduated from the University of Chicago Law School in 1957 and went immediately thereafter to the New York firm of Kater, Ledger & Milburn where I worked primarily in corporate litigation until the time I joined the staff of the Warren Commission.

Mr. CORNWELL. Who first contacted you with respect to employment as staff counsel for the Warren Commission?

Mr. LIEBELER. You mean from the Commission?

Mr. CORNWELL. Yes, sir.

Mr. LIEBELER. My recollection is that it was either Mr. Rankin or Howard Willens. I am not sure which. I think it was Willens who called me first.

Mr. CORNWELL. Had anyone contacted you prior to that?

Mr. LIEBELER. Yes.

Mr. CORNWELL. Who was that?

Mr. LIEBELER. Kenneth Damm of the University of Chicago law firm.

Mr. CORNWELL. What was the nature of the discussion with him?

Mr. LIEBELER. He told me I might expect a call from either Mr. Willens or Mr. Rankin and told me that Mr. Willens had called his colleague Mr. Oakes asking for a recommendation for someone for Commission staff and that Mr. Oakes and Mr. Damm, both of whom were classmates of mine, decided they should recommend that Mr. Willens contact me. I did receive a call from Mr. Rankin as they suggested I might.

Mr. CORNWELL. Will you describe for us in whatever sense you now recall it the nature of your first conversation with either Mr. Willens or Mr. Rankin, whoever it was that called you.

Mr. LIEBELER. I was simply asked if I would be interested in working on the staff of the Warren Commission. I said I would be. Mr. Rankin

or Mr. Willens asked me if I would come to Washington the next day or the day after and talk to them about it, and I agreed to do that and I did that.

Mr. CORNWELL. Upon arriving in Washington, whom did you speak to there?

Mr. LIEBELER. Mr. Willens and Mr. Rankin.

Mr. CORNWELL. What conversation occurred at that time?

Mr. LIEBELER. After talking with me and meeting me and observing me, Mr. Rankin asked me if I would be willing to join the Commission staff. I told him I would think about it and let him know in a few days. I did that, and I agreed subsequently to join the staff.

Mr. CORNWELL. Were you told anything at that time about the purposes of the investigation?

Mr. LIEBELER. I don't recall.

Mr. CORNWELL. Either through those conversations or through some other public or other source of information, what was your understanding as to the reason that a Presidential Commission had been formed as opposed to perhaps some other manner of dealing with the fact of the assassination?

Mr. LIEBELER. I don't have any recollection of my thoughts on that at that time except that my general notion was at that time and throughout the time I worked with the Commission that we were to ascertain the facts surrounding the assassination to the extent that was possible and to report on them to the American people in the form of a report of some kind.

Mr. CORNWELL. Do you recall any conversations on that subject matter with any particular persons in the very early stages of your work?

Mr. LIEBELER. No; not specifically on that subject.

Mr. CORNWELL. Do you recall any staff meetings at which the subject matter of the Commission's objectives were set forth and provided to you?

Mr. LIEBELER. I do not. I am under the impression there had been a staff meeting when that question was discussed but that occurred, as I recall, prior to the time I came to Washington.

Mr. CORNWELL. When approximately did you begin work?

Mr. LIEBELER. Some time near the end of January 1964.

Mr. CORNWELL. Had you prior to going to work for the Warren Commission had any experience with any of the Federal agencies, investigative agencies, FBI, CIA?

Mr. LIEBELER. I was interviewed by a CIA agent once when I was much younger.

Mr. CORNWELL. Did you form any impressions about them?

Mr. LIEBELER. I was impressed with them.

Mr. CORNWELL. Apart from that?

Mr. LIEBELER. No; no contact.

Mr. CORNWELL. When you first went with the Warren Commission to begin work, what was the nature of the assignment that was given to you as far as subject matter?

Mr. LIEBELER. I was assigned to work in the area of possible motivation that Lee Oswald might have had for having been involved in the assassination, and there was an outline of the work assignments that existed at the time that I came to work which I recall discussing with Mr. Willens at the time I received that assignment.

Mr. CORNWELL. To what extent if any did your assignment involve questions of conspiracy or possible conspiracy?

Mr. LIEBELER. Well, it did involve both that question and the question of possible psychological condition of Oswald. My basic responsibility and that of Mr. Jenner, who was working also in this area, was to determine to the extent we could anyone with whom Oswald had contact in any way in the United States prior to the time of the assassination. That did involve, of course, the question of whether or not he had been involved with anyone in a possible conspiracy to assassinate the President.

The question of conspiracy which involved persons out of the country was outside of our area.

Mr. CORNWELL. Was there anyone else besides you and Mr. Jenner who were assigned responsibility with respect to investigating possible involvement of persons in a conspiracy within the United States?

Mr. LIEBELER. I think that the whole Ruby issue would be involved in that also. Mr. Griffin and Mr. Hubert were assigned to that area, the Ruby area. Of course, the question came up during their work as to whether there had been any prior contact between Oswald and Ruby or contact with either of them, between them either directly or indirectly. Mr. Slawson was also involved to some extent in this question of domestic conspiracy because the domestic contacts and at least the Cuban and possible Mexican contacts ran into each other in the sense that we were trying to run down the possible contacts that had been alleged between Oswald and the Cuban groups, both in New Orleans and in Dallas, and that related at some point in time to Oswald's trip to Mexico which Mr. Slawson was primarily responsible for because Slawson was involved to some extent but not primarily. Other than that, I don't recall anybody was specifically assigned to that question.

Mr. CORNWELL. What contribution did Mr. Jenner make with respect to the investigation of Oswald's background and his conspiratorial relationships?

Mr. LIEBELER. The record will show that Mr. Jenner conducted testimony before the Commission, itself. He took a large number of depositions in Dallas and New Orleans. And subsequently my recollection is that he worked on a draft of some material that related to the Oswald involvement with the so-called Russian community in Dallas. My impression was that he worked primarily on this in the drafting process.

Mr. CORNWELL. When did you leave the Warren Commission?

Mr. LIEBELER. After the work was finished, some time I believe in October 1964.

Mr. CORNWELL. When did Mr. Jenner leave?

Mr. LIEBELER. He stayed until the end also I believe, close to the end.

Mr. CORNWELL. Did you consider your assignment there a full-time job?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. How many hours a week did you work?

Mr. LIEBELER. The pay records will show what I charged the Government for. Mr. Rankin sometimes didn't believe there were that

many hours worked. There were in fact many more. It was a 7-day-a-week job for large periods of time.

Mr. CORNWELL. Was that also true with respect to Jenner?

Mr. LIEBELER. In the latter part of the work of the Commission Mr. Jenner put in a lot of hours working on Commission matters. During the early stage of the investigation his participation was somewhat less.

Mr. CORNWELL. During what period of time was it somewhat less?

Mr. LIEBELER. My recollection is that when I started to work the first thing I had to do was read a very large number of basically FBI reports and trying to organize the material within my general area in such a way that I could decide what additional evidence had to be developed and whose depositions had to be taken. It was difficult for Mr. Jenner and I to work out a general relationship on that question at the time. Since I was a so-called junior staff member at that time, Mr. Jenner was not, I was quite unsure when I started as to how to handle the problem. I finally just decided to do my own thing and basically went ahead and did most of that original work, myself. Mr. Jenner and I never actually worked very closely together. He worked on projects and I worked on projects.

Mr. CORNWELL. I don't think you actually ever answered the last question which was when was it that the changeover occurred between Mr. Jenner's part-time activity and his full-time.

Mr. LIEBELER. My recollection is that during the early part of the Commission's work that Mr. Jenner was concerned, I believe he was interested in becoming president of the American Bar Association and I believe he spent some time on that issue. I suppose that the record will show when the Bar Association convention was held which is usually in the summer sometime. His interest rose sharply after the convention and he participated to a greater extent in the work of the Commission.

Mr. DODD. I presume he was not elected then?

Mr. LIEBELER. No.

Mr. CORNWELL. Mr. Chairman, may we mark for identification a memorandum dated August 27, 1964 from Mr. Liebeler to Mr. Willens and Mr. Redlich as exhibit 31?

Mr. PREYER. Exhibit 31 will be marked for identification.

Mr. CORNWELL. I show you that exhibit and ask you if you have had a chance to review that prior to coming here?

Mr. LIEBELER. Yes, I have.

Mr. CORNWELL. Would it be fair to state that memorandum deals generally with the subject matter of the adequacy of the work in the field of conspiracy as of August 27, 1964?

Mr. LIEBELER. This memo was written following a particular conference between Mr. Willens and Mr. Redlich and myself in which some very specific questions were discussed. It talks in general terms about the conspiracy question. It was motivated or it was a function of really a couple of particular issues that had arisen at that time.

Mr. CORNWELL. Conspiracy and what else?

Mr. LIEBELER. Well, they were parts of the conspiracy question in the sense that they involved the way the FBI and the staff had handled the fact of at that time a large number of unidentified palm prints

and fingerprints on the cartons found in the School Book Depository.

Mr. CORNWELL. With that statement, Mr. Chairman, may we admit exhibit 31 in evidence and may I ask specific questions?

Mr. PREYER. Without objection, exhibit 31 is admitted into the record.

[The document referred to, marked JFK exhibit No. 31 and received for the record, follows:]

JFK EXHIBIT No. 31

[Memorandum]

AUGUST 27, 1964.

To: Howard P. Willens, Norman Redlich.

From: Wesley J. Liebeler.

Subject: Conspiracy.

It has not been my practice to write memoranda for the record. I am constrained, however, by remarks made to me by both of you within the last two days concerning my responsibilities in respect of the investigation of a possible conspiracy, to state the following:

1. Both of you have recently made statements, in response to my criticism of the present state of affairs concerning conspiracy which indicate your belief that I am somehow responsible for same.

2. Those remarks are apparently based on the proposition that the question of a domestic conspiracy at least (ex-Ruby) was to be handled by those responsible for the so-called area III outlined in the "Tentative Outline of the Work of the President's Commission." While that has also been my general understanding for some time, examination of that outline indicates that the responsibility for the question of conspiracy is fragmented into several areas.

3. As I advised you both this morning, however, I personally cannot be held responsible for the present condition of the work on conspiracy. Both of you, Mr. Jenner and I conferred in my office sometime late in June at which time it was agreed by all of us I would assume responsibility for the section on personal motive (Chapter 7) and that Mr. Jenner would devote himself to certain questions relating to the possible existence of a domestic conspiracy. I understand he has been working on that since our conference.

4. By the middle of July it was thought that Chapter 7 was in such condition that I could work on other things. I was sent to New Orleans and Dallas to take depositions which, together with preparation and editing, took more than two weeks of my time. Since then I have been revising Chapter 7 and working on footnotes for it. I also wrote the section in Chapter 4 relating to the Irving Sports story and footnoted it.

5. I am more than willing, if able, to accept my full share of responsibility for the work of this staff. I cannot, however, leave myself in the position implied by the above-described oral statements made by both of you which I hope you both will admit, upon reflection, are false and unfair.

6. You have asked me what I think should be done at the present time in reference to our work on conspiracy. I gave you some of those suggestions orally this morning. After conference with Mr. Griffin, Mr. Slawson and I spoke with Mr. Rankin about that subject this afternoon. Mr. Rankin has asked me to set up a conference with representatives of the FBI to discuss the fingerprints on the cartons and the palmprint problems. I will cover both subjects in memoranda to Mr. Rankin tomorrow. My comments on Marina Oswald will follow.

WESLEY J. LIEBELER.

Mr. CORNWELL. Paragraph 1 of the memo states that, "Both of you have recently made statements, in response to my criticism of the present state of affairs concerning conspiracy which indicate your belief that I am somehow responsible for same." In paragraph 3, "As I advised you both this morning, however, I personally cannot be held responsible for the present condition of the work on conspiracy."

What was the problem with the state of the work and the present condition of the work on conspiracy? What it was as of August 27, 1964?

Mr. LIEBELER. My recollection of that is that no one, no one person, had taken the responsibility of drafting a chapter of the report or a portion of the report dealing with that question separately from the ways in which it was more tangentially treated in the other work in the report. Part of the reason for that was that I had spent a fair amount of time, as this memo indicates, drafting what eventually became chapter 7 of the report which, while it looked at the question of the contacts that Oswald had had in the United States and his part in the assassination, it was really more of a psychological profile of Oswald rather than the kind of work it became clear that we did have to do which became chapter 6 of the report and which as I recall at that time was lagging behind the other work.

It was not in the same condition of development as the other work was. Chapter 7 was done and it had been done for some time. What eventually became chapter 6 was not that far along. I don't recall what condition it was in but I know it was not as far advanced as the other work of the staff. May I add that that question, if it becomes really pertinent, could be dealt with to some extent by looking through the files and finding the draft and noting the development of what became chapter 6.

Mr. CORNWELL. In a couple of places in the memo you phrase your criticism of the present state of affairs in terms of the work on conspiracy, both in paragraph 3 and again in paragraph 6. Does that reference refer only to the work in drafting the conspiracy chapter, or in fact were you dissatisfied on that date with the general work in unscrambling the facts and determining whether there had been a conspiracy?

Mr. LIEBELER. I think the basic thrust of the memo was addressed to the problem of pulling the material together in a draft more suitable for inclusion in the report. There were, however, at that time still some open questions that had not been satisfactorily dealt with in my mind. There was some question at that point in time as to whether or not we were going to be able to get additional investigations conducted that would satisfy myself as to the problems that existed in my mind at that time. As I say, that question was the question that was discussed at this meeting and that is what led to this, if I may characterize it, somewhat intemperate memo.

Mr. CORNWELL. Can you now recall any of the specifics of the types of investigative work found lacking as of August 27?

Mr. LIEBELER. The two specific questions that were discussed in the meeting with Mr. Willens and Mr. Redlich I believe, if I have the sequence straight in my mind, were the questions I referred to before, about the existence of unidentified fingerprints and palm prints on the boxes in the window in the School Book Depository and the question of the treatment of the palm print that had allegedly been lifted from the underside of the rifle barrel and identified as Oswald's. I have no independent recollection of the sequence of events but I know that it was about that time that this meeting occurred. By looking at some of the other memoranda I can refresh my recollection that it was almost exactly at that time, I believe it was that meeting I referred to in my memo of August 27.

During the course of the conversation I had argued to Mr. Redlich that the record could not be left in the condition it was in. There

had been no serious attempt to identify these other prints, as to the prints on the carton, and there was a serious question as to the chain of evidence as regards the palm print on the rifle barrel which I thought should be resolved. Mr. Redlich did not want to conduct any investigation into those matters. That led to a vigorous exchange between us. Mr. Rankin was later informed of that exchange and he, after discussing the matter with me, agreed to bring the FBI people back and discuss with them the continuance of the investigation, and it was done.

Mr. CORNWELL. May we mark for identification, Mr. Chairman, a memorandum dated September 4 from Mr. Liebeler to Mr. Rankin?

Mr. PREYER. That may be marked for identification.

Mr. CORNWELL. Mr. Liebeler, have you had a chance to review that document prior to coming here today?

Mr. LIEBELER. Yes, I have.

Mr. CORNWELL. Would it be fair to state that that document relates generally to the subject matter of an attached first draft of a proposed conspiracy chapter and also certain recommendations concerning Marina Oswald?

Mr. LIEBELER. Yes. It appears that I attached to this memo a first draft of a proposed section for the conspiracy chapter dealing with certain specific questions.

Mr. CORNWELL. May we at this time admit that document in evidence, Mr. Chairman.

Mr. PREYER. Without objection it is admitted into evidence.

[The document referred to, marked JFK exhibit No. 32 and received for the record, follows:]

JFK EXHIBIT No. 32

[Memorandum]

SEPTEMBER 4, 1964.

To: Mr. Rankin.

From: Mr. Liebeler.

I attach a first draft of a proposed section for the Conspiracy Chapter dealing with the testimony of Sylvia Odio, Evaristo Rodriguez, Dean Andrews and with the fact that one of the persons who helped Oswald distribute FPCC literature in New Orleans on August 16, 1963 has never been identified. Perhaps this draft can serve as a guide in questioning Marina Oswald, which I understand that you and Senators Cooper and Russell plan to do this coming weekend. While I have recommended that Marina Oswald be deposed at length concerning certain conflicts which have appeared in her testimony and other matters of interest to various members of the staff, in the absence of such an examination I recommend that Marina Oswald be questioned about the following:

1. All the circumstances surrounding her departure from New Orleans on September 23, 1963 with Mrs. Ruth Paine. As I have previously advised you, I spoke with Marina Oswald on the telephone on August 26, 1963 concerning, in part, that subject. Marina Oswald told me then that her husband had told her that he planned to leave New Orleans on the day immediately following the departure of Marina and Mrs. Paine. Oswald also told her, Marina said, that she should expect to receive an unemployment compensation check at Mrs. Paine's address. He said that check would be sent from Texas to his post office box in New Orleans and forwarded from there to Mrs. Paine's address. That would indicate that Oswald did not intend to remain in New Orleans until he received the check himself. It would also indicate that he had sufficient funds to go to Mexico City without waiting for the check.

All of this, of course, relates to Oswald's activities between September 23, 1963 and the time he crossed the border into Mexico sometime in the afternoon of September 26, 1963. I have previously discussed with you the apparent pattern of his movements in New Orleans which is indicated by the fact that he apparently traveled a total of approximately six miles through the city of New Orleans to

cash his unemployment compensation check when he could have done so by traveling only ten blocks. The details of that situation are set forth in the attached draft. Marina Oswald should be questioned about all aspects of that situation.

2. In connection with the above Marina Oswald should be asked questions designed to elicit any information or suspicions that she might have concerning the possibility that Oswald was in Dallas in late September, 1963 after he left New Orleans and before he went to Mexico. This subject, of course, involves the possibility that he may have made the acquaintance of some Mexicans or Cubans in New Orleans prior to the time Marina Oswald left that city. In that connection it should be noted that Sylvia Odio testified that the men that came to her apartment said they had just come from New Orleans and that they were on a trip.

3. Odio's testimony relates to some extent to that of Evaristo Rodriguez in that both persons described the unidentified person accompanying the person they thought to be Oswald as having a bald spot on the forepart of his hairline. Rodriguez testified that Oswald [was] in the Habana Bar in New Orleans sometime during August 1963, near the time Oswald was involved with his fracas with Bringuier, i.e., August 9, 1963. Marina Oswald should be questioned closely as to how her husband used his time during that period. For example, he was kept in jail for the night of August 9-10, 1963. Was Marina surprised when he did not come home or did she know where he was? Did he stay out late on other occasions? Did she see any indications that he was associating with other people? Did she see any evidence that he was drinking at all during this period?

I think Marina Oswald should be told upon her deposition that we have evidence that Oswald was associating with Cubans and Mexican type individuals and that she should be pressed vigorously on these points.

4. Marina Oswald should be questioned concerning the unidentified individual who helped Oswald distribute FPCC literature on August 16, 1963. Oswald may have told her, for example, that he had paid one or more individuals to help him distribute that literature. Marina may also have seen pictures of these other people helping him.

5. In connection with the testimony given by Dean Andrews, Marina should be questioned closely as to whether or not Oswald even consulted an attorney in New Orleans. She should be questioned what he told her about what he was doing to obtain a reconsideration of his undesirable discharge. She should be questioned what, if any, conversations they had about her becoming an American citizen. She should also be asked whether Oswald ever expressed any concerns over his own citizenship status. You might even ask her if she has ever heard of Clay Bertrand.

6. In short, I would like to have you question Marina Oswald, in detail, concerning any knowledge that she might have of any Cuban or Mexican contacts that Oswald may have had in the United States prior to the time he left for Mexico City. In that connection Marina should be asked what she knows about Oswald's apparent attempt to infiltrate Bringuier's organization in New Orleans. She has already testified that a Cuban came to their apartment in August of 1963 seeking information about Oswald's FPCC activities. My recollection is that Oswald was suspicious of that person and thought him to be either an anti-Castro individual or a representative of some intelligence agency. Oswald may have told Marina about his contacts with Bringuier in connection with the visit of the above mentioned Cuban.

She should also be questioned about any contacts of that sort that Oswald may have had after his return from Mexico City as well as any conversations she might have had with Oswald concerning a possible renewal of his FPCC activities.

In connection with the possibility that Marina may be familiar with the person who helped Oswald distribute FPCC literature on August 1963, I attach Pizzo Exhibits 453A and 453B. The unidentified individual is marked with an inked arrow in Pizzo Exhibit 453A. He is located in the center of the picture and appears to have some leaflets in his hand. That individual is marked with an inked numeral 3 in Pizzo Exhibit 453B in which he appears in the far left hand corner of the picture. These photographs should be shown to Marina Oswald to see if she can identify any of the individuals depicted therein.

Mr. CORNWELL. Does the very first sentence of that memo which reads:

I attach a first draft of a proposed section for the conspiracy chapter dealing with the testimony of Sylvia Odio, Evaristo Rodriguez, Dean Andrews and

with the fact that one of the persons who helped Oswald distribute FPCC literature in New Orleans on August 16, 1963 has never been identified.

Does that indicate that it was your draft of the chapter which was attached?

Mr. LIEBELER. Yes.

Mr. CORNWELL. That means that you ended up writing the conspiracy chapter which was at issue in the earlier memo, now exhibit 31, is that correct?

Mr. LIEBELER. No; it means that I prepared the first draft dealing with the questions that I described in that first sentence.

Mr. CORNWELL. The conspiracy work then that was at issue in exhibit 31 was broader than that or different than that?

Mr. LIEBELER. Yes; it was a broader issue than that but it included the problems that I discussed in the first sentence of exhibit 32. The discussion related to the question of drafting the entire chapter. I refer to the fact that on September 4 I produced a draft of part of the section, it was agreed that I should go ahead and draft some of that chapter, which I did.

Mr. CORNWELL. Why was it at this relatively late date—the report was finally published on September 28, is that correct?

Mr. LIEBELER. I don't remember.

Mr. CORNWELL. At any rate, why was it at this late date you were ultimately given the assignment to write the chapter when it was not an issue in your field of responsibility?

Mr. LIEBELER. I think there are two reasons for that. One, I had finished the chapter that became chapter 7 and that I was the person in the best position to draft this section of the conspiracy report because I had taken the testimony of the people who were involved in these questions listed in the first sentence of exhibit 32 and, of course, before taking that testimony had prepared myself to do so and was more familiar with that area than probably anyone else on the staff.

Mr. CORNWELL. By this time at least, however, Mr. Jenner was free from his campaign and was able to work on drafting the conspiracy chapter too, is that correct?

Mr. LIEBELER. Yes; that is true.

Mr. CORNWELL. May we mark for identification, Mr. Chairman, one page out of a book marked "Inquest," as exhibit 33.

I show you what has been marked as exhibit 33, being a photocopy of one page of the book "Inquest." That publication purports to quote you in connection with the work of the Warren Commission. I might state that that particular segment of the book relates to the Commission members work as opposed to staff work. It states, "Wesley Liebler, when asked what the Commission did, replied in one word 'nothing.'" Let me ask you two questions.

Does the book quote you accurately and if so what was the meaning of the statement?

Mr. LIEBELER. I have no recollection making the statement to Mr. Epstein but I don't deny that I made it.

Mr. CORNWELL. What was the nature of the Warren Commission's work as you perceived it and viewed it during your tenure as staff counsel?

Mr. LIEBELER. I think Mr. Willen's characterization on this same page is a more accurate characterization. What I had intended to

convey to Mr. Epstein was the idea that in terms of developing the investigation, the direction in particular of the investigation, and in drafting the report, the Commissioners themselves were not directly involved, and they were not.

Mr. CORNWELL. So, your general view then would be that similar to what is reported in the document Mr. Willens said and that is that the Commissioners were not in touch with the investigation at all times?

Mr. LIEBELER. As further explained in my previous testimony, yes.

Mr. CORNWELL. Mr. Chairman, with respect to that last exhibit I think the testimony perhaps speaks better than the exhibit, so I will not offer it, myself, into evidence.

I would ask that we mark exhibit 34 for identification, which is an August 28, 1964 memorandum from Mr. Liebeler to Mr. Rankin.

Mr. PREYER. It may be so marked.

Mr. CORNWELL. Have you had a chance to review exhibit 34 prior to coming here, Mr. Liebeler?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. Is it accurate to state that that is a memorandum written in connection with issues which were pending in August of 1964 concerning the palm print about which you have previously testified?

Mr. LIEBELER. Yes.

Mr. CORNWELL. May we admit exhibit 34 in the record, Mr. Chairman?

Mr. PREYER. Without objection, exhibit 34 is entered into the record.

[The document referred to, marked JFK exhibit No. 34 and received for the record, follows:]

JFK EXHIBIT No. 34

[Memorandum]

AUGUST 28, 1964.

To: J. Lee Rankin.

From: Wesley J. Liebeler.

Messrs. Griffin and Slawson and I raise questions covering the palmprint which Lt. Day of the Dallas Police Department testified he lifted from the underside of the barrel of the K-1 rifle on November 22, 1963. That story is set forth on pages 7-10 of the proposed final draft of Chapter IV of the Report, copies of which are attached.

We suggest that additional investigation be conducted to determine with greater certainty that the palmprint was actually lifted from the rifle as Lt. Day has testified. The only evidence we presently have on that print is the testimony of Lt. Day himself. He has stated that although he lifted the palmprint on November 22, 1963, he did not provide a copy of the lift to the FBI until November 26, 1963 (9 R 260-61). He also testified that after the lift he "could still see traces of the print under the barrel and was going to try to use photography to bring off or bring out a better print." Mr. Latona of the FBI testified with respect to the lift of the palmprint, that "evidently the lifting had been so complete that there was nothing left to show any marking on the gun itself as to the existence of such—even an attempt on the part of anyone else to process the rifle" (*Id.* at 24).

Additional problems are raised by the fact that:

(1) Mr. Latona testified that the poor finish of the K-1 rifle made it absorbent and not conducive to getting a good print;

(2) None of the other prints on the rifle could be identified because they were of such poor quality;

(3) The other prints on the rifle were protected by cellophane while the area where the palmprint had been lifted was not, even though Lt. Day testified that after the lift the "[palm] print on gun was their best bet, still remained on there," when he was asked why he had not released the lift to the FBI on November 22, 1963.

We should review the above circumstances at our conference with Agent Latona and Inspector Malley. The configuration of the palmprint should be reviewed to determine, if possible, whether or not it was removed from a cylindrical surface. The possibility that the palmprint or evidence of the lift was destroyed while the rifle was in transit should be reviewed with them. The exact condition of the rifle at the time it was turned over to the FBI Dallas office should be ascertained. Agent Latona should be asked if he can think of any explanation for the apparent conflict in the above testimony.

We should also:

(1) Determine whether or not Lt. Day had assistance when he worked with the prints on the rifle. If he did, we should obtain statements from those who assisted him.

(2) Lt. Day should be asked why he preserved the fingerprints on the rifle, which were sufficiently clear to make positive identification, and yet did not preserve the palmprint, which was clear enough for that purpose.

(3) Lt. Day should also be asked why he removed only the palmprint and should be questioned covering his recollection that he saw the palmprint still on the rifle after he made the lift.

(4) Lt. Day should be asked if he took any photographs of the palmprint on the rifle after the lift. He may have done so, since he did photograph the less valuable fingerprints, and the palmprint on the rifle, according to his testimony, was still the "best bet" for identification. It is also significant that Lt. Day stated that he was going to attempt to get a better print through use of photography.

Mr. CORNWELL. This was a memorandum, is it correct, Mr. Liebeler, that you wrote in connection with the consideration by staff, particularly Mr. Rankin, of whether additional investigation should be conducted on the palm print about which you previously provided some information?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. Why was a memo like this written? What was the purpose of it?

Mr. LIEBELER. The purpose was to outline the kind of investigation that Mr. Griffin and Mr. Slawson and I thought should be conducted into this question. Mr. Rankin requested us to indicate to him, since we had pressed for an additional investigation, the kind of investigation that we thought should be conducted.

Mr. CORNWELL. So this was in response to a specific request from Mr. Rankin for this memo?

Mr. LIEBELER. Yes. Mr. Rankin requested this memo but he requested the memo only after Mr. Griffin and Mr. Slawson and I had raised this question about the condition of the record as regards the palm print.

Mr. CORNWELL. That had become a rather heated subject matter, is that correct, at that point?

Mr. LIEBELER. Yes, it certainly had.

Mr. CORNWELL. Were there generally problems of this nature encountered by the staff concerning matters which they felt required investigation and Mr. Rankin and Mr. Redlich did not?

Mr. LIEBELER. No.

Mr. CORNWELL. This is a very unusual event in your experience, is that correct?

Mr. LIEBELER. My recollection is that it was only these two items that this question ever came to a head on.

Mr. CORNWELL. The rest of the time such matters would be handled orally, is that correct?

Mr. LIEBELER. For the most part it wasn't a question. For the most part the individual staff members were free to take the deposition of

anyone they wanted to take, subject to Mr. Rankin's approval, which was never withheld and there was never any question raised about it, or to ask the FBI or other agencies to conduct additional investigation and that would be done by drafting a letter for Mr. Rankin's signature and forwarding it to Mr. Willens who would then presumably advise Mr. Rankin on the question.

I do not recall any case in which any previous recommendations that I had made in the form of requests to the FBI or other agencies were ever questioned or resisted and in fact since both in this case and in the palm print case I did eventually prevail on this issue I am able to state there is not a single case that any of my recommendations as to investigation were denied, that I can recall.

Mr. CORNWELL. Was that, to your understanding and within your ability to observe the workings of the Warren Commission, true with respect to other staff counsel?

Mr. LIEBELER. As a general proposition, yes. The only issue in which the question came up in another context, as I recall it, was when Griffin and Hubert were trying to establish how Ruby got in the basement of the police station, and there was also another issue involved with Griffin in which I believe he was advised to move on to other questions, only because, as I understand it, of the fact that there were other questions that had to be dealt with and it did not seem likely that these issues could be clearly resolved.

Mr. CORNWELL. In other words, your testimony as I understand it is basically that there was no atmosphere of restriction upon the investigation as the people who were actually doing the work saw it, in other words, people at your level were across the board given relatively free rein to follow the investigation where it led them in an attempt to secure the necessary evidence?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. May we mark for identification, Mr. Chairman, a memorandum dated September 2, 1964, from Mr. Liebeler to Mr. Willens as exhibit 35.

Mr. DODD. Mr. Chairman, may I interrupt at this point? Are we getting copies of these or should we have them?

Mr. CORNWELL. You should have copies of all of these.

Have you had a chance to review that memorandum prior to coming here?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. Would it be fair to state that the subject matter of that memorandum is the discovery of property remaining in the possession of Marina Oswald as of August 26, 1964?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. May we admit that exhibit as part of the record, Mr. Chairman?

Mr. PREYER. Without objection, the exhibit is admitted into the record.

[The document referred to, marked JFK exhibit No. 35 and received for the record, follows:]

JFK EXHIBIT No. 35

[Memorandum]

SEPTEMBER 2, 1964.

To : Mr. Willens.

From : Mr. Liebeler.

Re : Relevant property remaining in possession of Marina Oswald as of August 26, 1964.

I forward a proposed letter to the FBI along lines which I suggested in a conference with you and Mr. Redlich on August 27, 1964 and generally in accord with conversations between Inspector Malley, Mr. Rankin, Mr. Griffin and myself held on August 28, 1964.

I have previously expressed my opinion that it reflects adversely in the thoroughness of this investigation that Marina Oswald still had in her possession on August 26, 1964, material pertinent to our work, the existence of which material was not known to the FBI, this Commission, or any other investigative agency. As indicated in the report of Special Agent Heitman dated August 27, 1964, at Dallas, Tex., Marina Oswald discovered the materials mentioned in that report on or about August 17 or 18, 1964. They had been in a small brown suitcase that had been in her possession at Ruth Paine's residence. Marina Oswald told Agent Heitman that she remembered that she had the materials in question when I asked her in a telephone conversation on August 26, 1964, about Oswald's plans following her departure for Irving, Tex., with Ruth Paine on September 23, 1963. The proposed letter seems indicated under the circumstances.

Mr. CORNWELL. The first sentence in the second paragraph reads:

I have previously expressed my opinion that it reflects adversely in the thoroughness of this investigation that Marina Oswald still had in her possession on August 26, 1964, material pertinent to our work, the existence of which material was not known to the FBI, this Commission, or any other investigative agency.

What type of material was that, or was at issue there?

Mr. LIEBELER. My recollection is that there was a map of Mexico City on which had been made marks and notations of various kinds, a stub of a bus ticket covering transportation, I believe from Mexico City to Dallas, Tex., and a television guide in Spanish relating to the broadcast of television stations in Mexico City during the period of time, as I recall, that Oswald was in Mexico City.

Mr. CORNWELL. Would it be fair to state that this material then would have had an obvious relevance to many of the issues that the Warren Commission was in the process of considering?

Mr. LIEBELER. I think so.

Mr. CORNWELL. It was not obtained by you, the FBI apparently or the Warren Commission until approximately 30 days prior to the date the Warren Commission's report became public?

Mr. LIEBELER. That is correct.

Mr. CORNWELL. Was this in your view, based on your knowledge of what transpired at the time and your ability to reflect back on those events, typical or atypical of the FBI's investigation of this matter? I am talking about the assassination.

Mr. LIEBELER. I don't think it was typical of the FBI's work as a general proposition. It certainly was not typical of the work that the FBI did in response to the request that we made that they conduct their own investigation. I have no direct knowledge of the quality of the Bureau's work prior to the time that the Commission began to operate although that is reflected to a considerable extent of course in the reports that we did receive from the Bureau.

Obviously those reports cannot reflect sins of omission on the part of the Bureau.

Mr. CORNWELL. What explanation did you receive in connection with this discovery?

Mr. LIEBELER. From the FBI?

Mr. CORNWELL. Yes, sir.

Mr. LIEBELER. I did not ask the FBI for an explanation and they never offered me one.

Mr. CORNWELL. The reason I ask the question is I suppose there might be some chance that the evidence had been fabricated and did not even exist in November 1963. Is that correct? Did you even ask to see if they had checked this location earlier and found nothing?

Mr. LIEBELER. I don't recall making that request. I have a problem here to some extent because this memorandum says that I am forwarding a proposed letter to the FBI and I don't have that letter in front of me and I don't know what I said, I have no recollection of what it said. My recollection of my position at this time was that, I believe I had the feeling at that time that this whole question of the property inventory, if any, and the question of the way the Bureau handled the obtaining and forwarding of this property to the Commission should be looked at but it is not a strong recollection and I would like to see the letter if we have it.

Mr. CORNWELL. I apologize for the fact that we don't have it here today.

Mr. LIEBELER. If I may say, if this information or piece of paper had been in the possession of the Commission or the FBI prior to the time that they were obtained, it would have made the investigation into Oswald's trip to Mexico a great deal easier. But I don't believe there was anything in this information which was inconsistent with the conclusions that had been reached on that issue independent of the papers.

Mr. CORNWELL. I did not mean to suggest necessarily that the FBI had fabricated the evidence. I meant to ask you whether or not the possibility had occurred to you that Marina Oswald had fabricated the evidence and decided to give it to the FBI at this late date?

Mr. LIEBELER. My recollection is that these papers had notes on them that were written in Lee Harvey Oswald's handwriting. I am not certain of that but I think that is the case and that would handle that question.

Mr. CORNWELL. Was there, in your view, enough time to adequately complete the investigation in your field of responsibility?

Mr. LIEBELER. I would have to answer yes to that question with one exception that I can think of. I did not have any other investigation or line of investigation that I wanted to pursue and I don't know that anyone else on the staff did either by the time we finished drafting our report except for the fact that the FBI was still trying to either corroborate or discredit, to determine the truth or falsity of some testimony that had been given by Sylvia Odio to the effect that Oswald had been in her apartment in Dallas some time in either September or October 1963.

Mr. CORNWELL. Was Sylvia Odio's testimony initially within your field of responsibility?

Mr. LIEBELER. It is hard to answer that question. Her FBI reports were there and we all knew about them and they were the subject of continued discussion between Mr. Griffin and Mr. Slawson and myself because they related to work that all three of us were doing. It was really never decided who would take the primary responsibility for developing that problem until it finally fell on me because I happened to be in Dallas to take other testimony and so the three of us agreed that I would take her testimony.

Mr. CORNWELL. Essentially because you were there?

Mr. LIEBELER. Yes, and the fact that it was a question that was within this whole general area and one that I was familiar with and I had discussed with these other two gentlemen.

Mr. CORNWELL. The Sylvia Odio incident was never resolved to your satisfaction, was it?

Mr. LIEBELER. No, not really.

Mr. CORNWELL. Directing your attention again to exhibit 32, the memo written on September 4, which we have previously admitted into evidence, would it be fair to state that as of that late date there were still in your mind a long list of areas about which more information was needed for Marina Oswald?

Mr. LIEBELER. My recommendation in this letter was that she be asked about these questions, yes.

Mr. CORNWELL. In fact the staff has been rather concerned with what they thought was the superficial questioning of her from the very beginning, as far back as February, is that not true?

Mr. LIEBELER. Yes, that is true.

Mr. CORNWELL. In addition to the pressures I guess we would say to complete the investigation and get the report out in the matters that at least you felt required further attention even in September 1964, was there any problem with the rewrite processes, the processes of preparing the final report as of that date?

Mr. LIEBELER. I certainly thought so for a number of reasons.

Mr. CORNWELL. Mr. Chairman, may I mark for identification exhibit 36, a memorandum dated September 6, 1964, by Mr. Liebeler reading "Memorandum Regarding Galley Proofs of Chapter IV of the Report."

Mr. PREYER. The exhibit may be marked for identification.

Mr. CORNWELL. Have you had a chance to review that document prior to coming here?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. Would that in part at least reflect your concern with the rewrite processes?

Mr. LIEBELER. Yes.

Mr. CORNWELL. May we admit that document into the record, Mr. Chairman?

Mr. PREYER. Without objection the exhibit is admitted into the record.

[The document referred to, marked JFK exhibit No. 36 and received for the record, follows:]

JFK EXHIBIT No. 36

[Memorandum re Galley Proofs of Chapter IV of the Report]

SEPTEMBER 6, 1964.

From: Wesley J. Liebeler.

I set forth below comments on the galley proofs of chapter IV of the report, a copy of which I obtained from Mr. Redlich on September 4, 1964. Other comments and suggestions are set forth in the margin of the galley itself.

PURCHASE OF THE RIFLE BY OSWALD

1. On galley page 30, query if the name "Hidell" was stamped on the membership application blanks of the New Orleans branch, FPCC.
2. The text near the top of page 30 gives the impression that the name Hidell was stamped on all of the New Orleans Chapter's printed literature. It was not. Oswald stamped his own name on some of it.

OSWALD'S PALMPRINT ON THE RIFLE BARREL

1. Query if the palmprint provides additional evidence of ownership of the rifle as is stated. The most it does is show that Oswald had possession of the rifle at some time. It does not show that he owned it.
2. Second paragraph states that Lt. Day determined the wood, SR wooden stock was too rough to take prints "from visual examination." Day does not say that in his testimony. While it is a minor point, he just said that he noted it was too rough. For all I know he may have reached that conclusion by feeling the stock.
3. It may be noted here that the conclusion for the section on rifle ownership, that appears on galley page 32, states that the presence of the palmprint on the rifle shows that Oswald "had disassembled it." That conclusion is not warranted from the existence of the palmprint on the rifle. The conclusion that Oswald handled the rifle while it was disassembled is justified.
4. The palmprint section must be changed to reflect the latest findings of the FBI that the palmprint had to have been lifted from the barrel because of the marks that appear on the lift that correspond to those on the rifle barrel itself.

FIBERS ON THE RIFLE

1. I think this section is written a little too strongly considering the record. For example, there is no footnote after the statement that the Commission found no credible evidence that Oswald used the rifle between September 23 and the assassination. Furthermore, even if he did not "use" it, he might very well have handled it at some time during that period. Also, Stombaugh was not able to estimate the period of time within which the fibers were placed on the rifle, but much of the language in the section is designed to bring one to the conclusion that they were put there on the day of the assassination, even though that is not said.
2. In the last sentence of the section, it is not the Commission's conclusion that provides proof, it is the fact that the fibers most probably came from Oswald's shirt. Also, does that show that he "owned" the rifle, or just that he or someone that wore the shirt had handled the rifle at some time?

PHOTOGRAPH OF OSWALD WITH RIFLE

1. It is interesting to note that the conclusion to the ownership section, on page 32, states that "a photograph taken in the yard of Oswald's apartment showed him holding this rifle." That statement appears in the conclusion in spite of the fact that Shaneyfelt specifically testified that he could not make a positive identification of the rifle that Oswald was holding in the picture, and in spite of the fact that the Commission was not able to conclude, in the discussion of this subject on page 31, that Oswald was holding the assassination weapon in the picture.

RIFLE AMONG OSWALD'S POSSESSIONS

1. I do not believe there is any real authority for the proposition that Oswald sighted through the telescopic sight on the porch in New Orleans. Marina Oswald first said she did not know what he did with the rifle out on the porch, and then

was led into a statement which might be thought to support the instant proposition. It is not very convincing.

2. On the top of page 32 it is stated that Ruth and Michael Paine "both noticed the rolled-up blanket in the garage throughout the time that Marina Oswald was living in their home." I am sure the record will not support that statement, a rather important one, too. I recall that there was a period of time before the assassination that neither of them saw the blanket. I have always had the opinion that there was a gap in the proof as to the rifle being continuously in the garage, one that probably could not be filled. It cannot be filled by ignoring it. The conclusion is even worse when it states that "the rifle was kept among Oswald's possessions from the time of its purchase until the day of the assassination." I do not think the record provides any real evidence to support that broad statement. The fact is that not one person alive today ever saw that rifle in the Paine garage in such a way that it could be identified as that rifle.

THE CURTAIN ROD STORY

1. The report states that Frazier was surprised when Oswald asked for a ride on November 21, 1963. I am not able to find anything in the record to support that statement.

2. The last paragraph of this section is misleading when it attempts to show the falsity of the curtain rod story by stating that Oswald's room at 1026 North Beckley had curtains, and does not take account of the fact that Frazier specifically testified that Oswald said he wanted the curtain rods to put in an apartment. This takes on added significance when we remember that Oswald was talking about renting an apartment so that his family could live in Dallas with him. That aspect of the problem should be specifically treated if we are going to mention the fact that his roominghouse had curtains.

THE LONG AND BULKY PACKAGE

1. The last sentence states: "Frazier could easily have been mistaken when he stated that Oswald held the bottom of the bag cupped in his hand, or when he said that the upper end was tucked under the armpit." On the very next page of the galleys, in the discussion of the prints that appeared on the paper bag, it is stated that the palmprint was "found on the closed end of the bag. It was from Oswald's right hand in which he carried the long package as he walked from Frazier's car to the building."

I am advised that the palmprint is right on the end of the bag, just where it would be if Oswald had carried it cupped in his hand. If we say in the discussion of prints that that print was put on the bag when he carried it to the TSBD (which we don't quite do) and if the print is where it would be if he carried it cupped in his hand, then we must face up on the preceding page and admit that Frazier was right when he said that that is the way Oswald carried it. If the print story is right and the implication left there as to when the print was put on the bag is valid, Frazier could not have been mistaken when he said Oswald carried the bottom of the bag cupped in his hand.

SCIENTIFIC EVIDENCE LINKING RIFLE AND OSWALD TO PAPER BAG

1. The section on fibers in the bag is very thin. The most that can be said is that there was a possibility that the fibers came from the blanket. The FBI expert would not even state that such was probable.

CONCLUSION

1. I am at a loss to know why the fact that Oswald apparently failed to turn out Ruth Paine's garage light is mentioned in the conclusion.

PALMPRINTS AND FINGERPRINTS ON CARTONS AND PAPER BAG

1. The problem of all the unidentified prints has already been discussed. The FBI has been requested to conduct additional investigation to attempt to identify those prints. The results of that investigation must be incorporated in the report.

2. This section emphasized the freshness of one palmprint on one carton. That palmprint was the only one of 23 prints that could be developed by powder as opposed to a chemical process. As a result it was held to have been placed on the carton recently, within from 1 to 3 days prior to the time it was developed. The

inference may be drawn from the present language of this section that all of the other prints, which could be developed only through a chemical process because the cartons had already absorbed them, must have been older than the palmprint. Thus, it could be argued that Oswald's other prints had to have been placed on the cartons at least a day before they were developed and perhaps as much as 3 days before. While there may be some reason within the realm of fingerprint technology why that is not so, it does not appear in the report.

Under those circumstances, the presence of Oswald's other prints, which must be treated *pari passu* with the prints of others on the cartons, seems to have very little significance indeed. This relates to the prints on one of the Rolling Readers cartons near the window, the existence of which is emphasized by stating that they "take on added significance" because of the work being done on the sixth floor. The report also states that the Commission placed "great weight on the fingerprint and palmprint identifications." I don't think we should say that in any event. We certainly should not until we deal with the problem of the apparent age of Oswald's other prints and the presence of all those unidentified prints.

3. The report states that it is "significant that none of the prints on the cartons could be identified as the prints of a warehouse employee." It also states that those employees "like Oswald, might have handled the cartons"—presumably in the ordinary course of business. It is significant. But not necessarily to the point that the report tries to make. The fact that only Oswald's prints appeared on the cartons could show that he was the sole warehouse employee that handled them—in the ordinary course of business. The fact that Oswald was the only employee whose prints appeared on the cartons does not help to convince me that he moved them in connection with the assassination. It shows the opposite just as well.

4. It is also difficult to tell just what happened to all of the cartons or who developed what prints. While it appears that all four cartons were forwarded to the FBI, some confusion is created by the later statement that the right palmprint on the box on the floor next to the three near the window was also sent to the FBI. Why was that necessary if the carton had already been sent? The use of the passive voice in the second sentence of the second full paragraph on page 35 of the galleys leaves open the question of who developed the prints.

EWITNESS IDENTIFICATION OF ASSASSIN

1. There is a duplication of a long quote from Brennan's testimony that also appears at page 15 of the galleys, the first page of chapter 3. It does not seem to be needed in both places. If left the way it is, the form as to omitted material should be standardized.

2. Following that quote it says that Brennan's description "most probably" led to the radio alert sent out to police in which the assassin was described. Can't this be more definite? One of the questions that has been raised is the speed with which the assassin was described, the implication being that Oswald had been picked out as a patsy before the event. The Dallas police must know what led to the radio alert and the description. If they do we should be able to find out. If they do not know, the circumstances of their not knowing should be discussed briefly.

3. On page 36 it says that at 1:29 p.m. the police radio reported that the description of the suspect in the Tippit shooting was similar to the description which had been given by Brennan in connection with the assassination. On page 46 it is stated that it was unlikely that any officer said anything like "Kill the President, will you?" The reason given is that the officers did not know "that Oswald was a suspect in the killing of the President." But they very likely had heard the police radio note that the description of the two were similar and they may have drawn their own conclusions. The statement on page 46 should be taken out or qualified.

4. There should be a picture of the inside of the Texas School Book Depository sixth floor showing the low window sills and a reference to that picture in connection with the discussion of Brennan's testimony that he saw the man standing.

5. Query if we need such a long paragraph on Euins' testimony merely to conclude that it is inconclusive as to the identity of the man in the window.

6. In the last sentence of the second to the last paragraph in the section it says that Altgens picture was taken about 2 seconds "after the shot which entered the back of the President's neck." We should say after that shot was fired or heard or something. The sentence is not a good one as it now stands.

OSWALD'S ACTIONS IN BUILDING AFTER ASSASSINATION

1. I do not think the description of the Baker-Oswald sequence is sufficiently clear. I am confused as to how many entrance doors there are to the vestibule, even though after a close reading there appear to be only two, the one connecting to the second floor landing and the one connecting to the lunch room. It is also not clear whether Baker saw Oswald through the window in the vestibule/landing door, or whether that door was still open as is implied by Baker's testimony. Mention of the window previously, however, implies Baker saw Oswald through the window. It does not seem likely that Oswald would still have been visible through the window if the door had already closed, although that depends on how fast the door closes, which is something I would like to know. What kind of a stairway is it that someone coming up can see nothing at the top of the landing? Truly may in fact have seen Oswald if the latter had just come down the stairs from the third floor as Truly was coming up from the second.

I think additional effort should be made with the writing and a picture of the view coming up to the second floor and a diagram or other pictures of the landing and vestibule area would be a good idea.

2. The first sentence in the third from the last paragraph on galley page 38 leaves a false inference concerning Oswald's presence on the sixth floor. It should be rewritten along the following lines: "The fact that Oswald could not have come down in the elevators, the only other possible means of descent, is shown by their movements after the time Baker and Truly tried to use them to go up in the building."

3. In the same paragraph, the statement that both elevators occupy the same shaft is not clear. It would be better to say: "both elevators, which operate adjacently in the same shaft,"

4. Last paragraph on page 38 (galley), the testimony of the employees as set forth in that paragraph is also consistent with Oswald having been in Ethiopia at the time of the assassination, or with his having used the elevators to get down from the sixth floor. Since those employees did not see either Oswald or Dougherty, their testimony says nothing on the point under discussion. The whole paragraph should be cut.

5. The next two paragraphs, the first two on galley page 39, are a complete mystery to me. When I left the bottom of page 38 I was looking for additional testimony showing that Oswald came down the stairs and not the elevator. After two paragraphs of excellent analysis I am convinced that Victoria Adams either came down the stairs before or after Oswald did and it is clear that that is so because we know that Oswald came down the stairs and not the elevator. I still do not understand, however, how the fact that Victoria Adams came down the stairs before or after Oswald did shows that Oswald came down the stairs. If the idea is to show that Adams was not on the stairway when Oswald was, I am not convinced by the analysis or speculation in these two paragraphs. Furthermore, if that is the idea it is not clearly set forth. How about a first sentence like: "Victoria Adams testified that she came down the stairway, within about 1 minute after the shots, from the fourth floor to the first floor where she encountered two depository employees—Bill Shelley and Billy Lovelady. If Miss Adams was on the stairway at that time, the question is raised as to why she did not see Oswald. . . ."

6. In the conclusion: I do not see how the Commission can possibly state that "fingerprint and palmprint evidence establishes that Oswald arranged the cartons in the window." That evidence establishes that at some time Oswald handled one of the three cartons in the window, as suggested above, probably prior to the assassination by at least 1-3 days. That evidence establishes with equal validity that perhaps about 20 other persons "arranged the cartons in the window."

OSWALD'S MOVEMENTS AFTER LEAVING DEPOSITORY BUILDING

1. The description of Oswald's bus ride sequence is very confusing and wholly unable to stand by itself without a map. Even if we include a map, which I assume we will, the text should be clear enough to stand by itself. The basic problem is that there is no indication of the relationship of various intersections to each other. It should be simple enough to set forth the relationships between St. Paul and Elm, Field and Elm, and Poydras and Lamar.

2. There also seems to be a mistake in description of directions. I don't see how Oswald could walk west on Elm and board a bus that was heading back in the direction of the depository and which was also traveling west. Somebody had to have gone east. (Oswald.)

3. The second to the last full paragraph on galley page 40 is not very clear as to what all those buses actually do and what they are supposed to do. I have set forth suggested clarifying changes in the margin of the galley.

4. On galley page 41 the terms "lineup" and "showup" are used interchangeably. It should be one or the other throughout. I have always thought it was lineup.

5. There are direct quotes in the first paragraph on galley page 42 for which there are no footnotes. It is my understanding that there are to be footnotes for each direct quote and that there is to be uniformity on this point throughout the report.

DESCRIPTION OF THE SHOOTING

1. References here to what the Dallas police radio ordered Tippit to do should be qualified to indicate that a transcript of a recording of the radio communications indicates the material being set forth. This should be done at least until we have cleared up the problems with the transcript and recordings, if we have not already done so.

2. There are no footnotes at all in the last paragraph of this section.

EYEWITNESSES

1. There is more confusion between lineups and showups at the top of galley page 43.

2. As to any attempt to explain Mrs. Markham's description (so-called) of Oswald as having bushy hair by showing the world a picture of Oswald "taken at the time of his arrest." I suggest that even the slowest of readers would imagine that their hair might be in an uncombed state—which is the suggested explanation of the bushy condition—after they had fought with a dozen policemen in an attempt to resist arrest. In fact Pizzo exhibit 453-C, the evidence for this proposition, shows Oswald with cuts and bruises on his face. I don't think Mrs. Markham's testimony needs much comment and neither does her statement to Lane. Any attempt such as is presently in the report will merely play into Lane's hands and make the Commission look naive.

3. Query statement that Markham's identification was mostly from his face. I think she was all over the lot on that one.

MURDER WEAPON

1. Why don't we take a sentence or two and explain why the bullets fired from the revolver were smaller than the barrel? There is no way to tell from this report now and an obvious question is raised as to why.

2. There is an unclear sentence in the middle of the third paragraph of this heading which states: "Also, the bullets were mutilated." Which ones?

3. The paragraph dealing with the number of shots fired and the manufacture of the cases and the slugs seems to me to be an exercise in pedantry, and possibly subject to error. Is it not possible that a Winchester-Western slug could have been fired from a Remington-Peters case? Even if not, why leave ourselves open to question when it does not really matter how many shots were fired, as between four or five.

4. The last paragraph of this heading needs some footnotes, either in or out.

OWNERSHIP OF THE REVOLVER

1. The first sentence refers to "this type of revolver." I think it would be better to say "the type of revolver that was used to kill Patrolman Tippit."

OSWALD'S JACKET

1. The second paragraph of this heading needs some footnotes.

2. There are inconsistencies in the description of Commission exhibit 162. The same problem occurred above, when an exhibit was described sometimes as "exhibit —" and at others as "Commission exhibit —." A little thing, but why not do it right,

3. This conclusion to this heading reaches the crushing result that "Oswald disposed of his jacket as he fled from the scene of the Tippit killing." I submit that that is really not the conclusion we worked toward. Why not: "Those facts strongly support the finding that it was Lee Harvey Oswald who killed Patrolman Tippit and then fled through the parking lot adjoining Jefferson Boulevard, disposing of his jacket as he did so."

OSWALD'S ARREST

1. At first I was surprised to learn that Johnny Calvin Brewer knew that a patrolman had been shot when Oswald walked by his place of business, less than eight blocks from the point of the Tippit killing which Oswald apparently left as fast as he could.

2. Then I was surprised to learn that the police radio did not send out information about the suspect being in the Texas Theater until 1:45, about 30 minutes after the police first learned of the Tippit killing from Benavides over Tippit's radio. What were Oswald and Brewer doing during this 30 minutes? Oswald was strangely inactive during this period, considering all that he had done in the 45 minutes following the assassination.

3. While I know that I will be thought mad to suggest that some editing be done on this chapter, consider the following sentence that appears on galley page 46: "As Oswald, handcuffed, was led from the theatre, he was, according to McDonald, 'cursing a little bit and hollering police brutality.'" There are only 5 commas in that sentence. How about: "McDonald testified that Oswald was 'cursing a little bit and hollering police brutality' as he was led handcuffed from the theatre."

4. Here compare the note above concerning page 36 that the police radio had noted the similarity of the descriptions between the man wanted for the assassination and the man wanted for the Tippit killing, by the time Oswald was arrested at the theater. It could be, therefore, that some of the officers suspected that the man they were arresting was wanted in connection with the assassination.

STATEMENTS OF OSWALD DURING DETENTION

1. There are entirely too many subheadings under this general heading. None are really necessary. We reach the sublime when we have one whole heading for one short, four sentence paragraph. They should all be cut out and the whole discussion comprehended under the above general title.

2. In the paragraph on denial of rifle ownership appears the statement "small bore .22 rifle." That is redundant, since I presume we do not mean to distinguish from large bore .22 rifles. It should probably just read: ".22 caliber rifle."

3. The second to last sentence in that paragraph needs a footnote.

SHOOTING OF MAJ. GEN. EDWIN A. WALKER

1. There is no footnote after the sentence concerning the 15-year-old boy who saw two men leave the area.

2. Same after the statement that a friend of Walker gave information to the police about the two men snooping around. Also that statement is not correct. Walker gave the information to the police.

3. No footnote after statement re results of private investigation.

4. No footnote after statement that the note was in the "Book of Useful Advice."

5. The second full paragraph on page 48 assumes a lot of knowledge about Oswald's movements and about the Paines that the reader had not gotten anywhere yet, except in the first chapter narrative. A few extra words as suggested in the margin of the galley might improve things considerably. Furthermore, the first sentence needs a footnote, as does the entire next paragraph, which has not one footnote to its name.

6. In the paragraph on photographs, a footnote is needed after the first sentence. The second sentence must be changed because at present it implies that Oswald told Marina about the notebook or rather showed it to her when he returned the night after the attack. She stated in her testimony in July that she did not see what was in the notebook until 3 days after the attack and there is nothing in her early testimony that I know about to support the proposition now in the report.

7. Statement that Oswald apparently destroyed the notebook should be changed in order to reflect fact that he did destroy it, and at the suggestion of his wife.

8. Second to last sentence in photographs section must be changed to indicate that Oswald did not bury his rifle in some bushes, but rather that he may have hidden it there.

9. Query usage of "ballistics" in first paragraph of "Firearms Identification" section. Same as to last paragraph thereof.

10. Under "Corroboration by Marina Oswald" we learn for the first time about a postponement of the attempt to kill Walker. There is no mention of from when, what the circumstances of the postponement were, what happened to the rifle in the meantime, et cetera. It should be set forth, since there is no mention of it above, as I recall.

OSWALD'S RIFLE CAPABILITY

1. The purpose of this section is to determine Oswald's ability to fire a rifle. The third word at the top of page 50 of the galleys, which is apparently meant to describe Oswald, is "marksman." A marksman is one skilled at shooting at a mark; one who shoots well. Not only do we beg the question a little, but the sentence is inexact in that the shot, which it describes, would be the same for a marksman as it would for one who was not a marksman. How about: "The assassin's shots from the easternmost window of the south side of the Texas School Book Depository were at a slow-moving target proceeding on a downgrade virtually straight away from the assassin, at a range of 177 to 266 feet."

2. The last sentence in the first paragraph on galley page 50 should indicate that the slope of Elm Street is downward.

3. The section on the nature of the shots deals basically with the range and the effect of a telescopic sight. Several experts conclude that the shots were easy. There is, however, no consideration given here to the time allowed for the shots. I do not see how someone can conclude that a shot is easy or hard unless he knows something about how long the firer has to shoot, that is, how much time is allotted for the shots.

4. On nature of the shots—Frazier testified that one would have no difficulty in hitting a target with a telescopic sight, since all you have to do is put the crosshairs on the target. On page 51 of the galleys, however, he testified that shots fired by FBI agents with the assassination weapon were "a few inches high and to the right of the target * * * because of a defect in the scope." Apparently no one knows when that defect appeared, or if it was in the scope at the time of the assassination. If it was, and in the absence of any evidence to the contrary one may assume that it was, putting the crosshairs on the target would clearly have resulted in a miss, or it very likely would, in any event. I have raised this question before. There is a great deal of testimony in the record that a telescopic sight is a sensitive proposition. You can't leave a rifle and scope laying around in a garage underfoot for almost 3 months, just having brought it back from New Orleans in the back of a station wagon, and expect to hit anything with it, unless you take the trouble to fire it and sight the scope in. This would have been a problem that should have been dealt with in any event, and now that it turns out that there actually was a defect in the scope, it is perfectly clear that the question must be considered. The present draft leaves the Commission open to severe criticism. Furthermore, to the extent that it leaves testimony suggesting that the shots might not have been so easy out of the discussion, thereby giving only a part of the story, it is simply dishonest.

5. Why do we have a statement concerning the fact that Oswald's Marine records show that he was familiar with the Browning automatic rifle, .45-caliber pistol and 12-gage riot gun? That is completely irrelevant to the question of his ability to fire a rifle, unless there is evidence that the same skills are involved. It is, furthermore, prejudicial to some extent.

6. Under the heading "Oswald's Rifle Practice Outside the Marines" we have a statement concerning his hunting activities in Russia. It says that he joined a hunting club, obtained a license and went hunting about six times. It does not say what kind of a weapon he used. While I am not completely familiar with the record on this point, I do know for a fact that there is some indication that he used a shotgun. Under what theory do we include activities concerning a shotgun under a heading relating to rifle practice, and then presume not to advise the reader of the fact?

7. The statements concerning Oswald's practice with the assassination weapon are misleading. They tend to give the impression that he did more practicing than the record suggests that he did. My recollection is that there is only one specific time when he might have practiced. We should be more precise in this

area, because the Commission is going to have its work in this area examined very closely.

8. On the top of galley page 51 we have that statement about Oswald sighting the telescopic sight at night on the porch in New Orleans. I think the support for that proposition is thin indeed. Marina Oswald first testified that she did not know what he was doing out there and then she was clearly led into the only answer that gives any support to this proposition.

9. I think the level of reaching that is going on in this whole discussion of rifle capability is nicely shown by the fact that under the heading of rifle practice outside the Marine Corps appears the damning statement that "Oswald showed an interest in rifles by discussing that subject with others (in fact only one person as I remember it) and reading gun magazines."

10. I do not think the record will support the statement that Oswald did not leave his Beckley Avenue roominghouse on one of the weekends that he was supposedly seen at the Sports Drome Rifle Range.

11. There is a misstatement in the third paragraph under rapid fire tests when it says "Four of the firers missed the second shot." The preceding paragraph states that there were only three firers.

12. There are no footnotes whatsoever in the fifth paragraph under rapid fire tests and some rather important statements are made which require some support from someplace.

13. A minor point as to the next paragraph—bullets are better said to strike rather than land.

14. As I read through the section on rifle capability it appears that 15 different sets of three shots were fired by supposedly expert riflemen of the FBI and other places. According to my calculations those 15 sets of shots took a total of 93.8 seconds to be fired. The average of all 15 is a little over 6.2 seconds. Assuming that time is calculated commencing with the firing of the first shot, that means the average time it took to fire the two remaining shots was about 6.2 seconds. That comes to about 3.1 seconds for each shot, not counting the time consumed by the actual firing, which would not be very much. I recall that chapter 3 said that the minimum time that had to elapse between shots was 2.25 seconds, which is pretty close to the one set of fast shots fired by Frazier of the FBI.

The conclusion indicates that Oswald had the capability to fire three shots with two hits in from 4.8 to 5.6 seconds. Of the 15 sets of 3 shots described above, only 3 were fired within 4.8 seconds. A total of five sets, including the three just mentioned were fired within a total of 5.6 seconds. The conclusion at its most extreme states that Oswald could fire faster than the Commission experts fired in 12 of their 15 tries and that in any event he could fire faster than the experts did in 10 of their 15 tries. If we are going to set forth material such as this, I think we should set forth some information on how much training and how much shooting the experts had and did as a whole. The readers could then have something on which to base their judgments concerning the relative abilities of the apparently slow firing experts used by the Commission and the ability of Lee Harvey Oswald.

15. The problems raised by the above analyses should be met at some point in the text of the report. The figure of 2.25 as a minimum firing time for each shot is used throughout chapter 3. The present discussion of rifle capability shows that expert riflemen could not fire the assassination weapon that fast. Only one of the experts managed to do so, and his shots, like those of the other FBI experts, were high and to the right of the target. The fact is that most of the experts were much more proficient with a rifle than Oswald could ever be expected to be, and the record indicates that fact, according to my recollection of the response of one of the experts to a question by Mr. McCloy asking for a comparison of an NRA master marksman to a Marine Corps sharpshooter.

16. The present section on rifle capability fails to set forth material in the record tending to indicate that Oswald was not a good shot and that he was not interested in his rifle while in the Marine Corps. It does not set forth material indicating that a telescopic sight must be tested and sighted in after a period of nonuse before it can be expected to be accurate. That problem is emphasized by the fact that the FBI actually found that there was a defect in the scope which caused the rifle to fire high and to the right. In spite of the above the present section takes only part of the material in the record to show that Oswald was a good shot and that he was interested in rifles. I submit that the testimony of Delgado that Oswald was not interested in his rifle while in the Marines is at

least as probative as Alba's testimony that Oswald came into his garage to read rifle—and hunting—magazines.

To put it bluntly that sort of selection from the record could seriously affect the integrity and credibility of the entire report.

17. It seems to me that the most honest and the most sensible thing to do given the present state of the record on Oswald's rifle capability would be to write a very short section indicating that there is testimony on both sides of several issues. The Commission could then conclude that the best evidence that Oswald could fire his rifle as fast as he did and hit the target is the fact that he did so. It may have been pure luck. It probably was to a very great extent. But it happened. He would have had to have been lucky to hit as he did if he had only 4.8 seconds to fire the shots. Why don't we admit instead of reaching and using only part of the record to support the propositions presently set forth in the galleys. Those conclusions will never be accepted by critical persons anyway.

GENERAL COMMENT

1. The above was written without having the footnotes to the chapter, a considerable disadvantage when one would like to check the accuracy and precision of statements made in the text.

2. The placement of footnotes is not consistent within the chapter, nor with the general rule that there are to be footnotes after all direct quotes. Many times there are no footnotes where it appears to me that there should be.

3. Form as to omitted material should be checked. The form of citations to the appendix is not consistent with chapter 3 or internally.

4. I forgot to mention that some question might be raised when the public discovers that there was only one eyewitness to the Tippit killing, that is, one person who saw Oswald kill him. All the rest only saw subsequent events. Mrs. Markham is nicely buried there, but I predict not for long.

Mr. CORNWELL. Who prepared chapter IV initially? Who first drafted that?

Mr. LIEBELER. Mr. Ball and Mr. Belin.

Mr. CORNWELL. Did you at the time work closely enough with Mr. Ball and Mr. Belin where you would have both become familiar with the facts within their area and also the quality of their work?

Mr. LIEBELER. That question has two parts. I was certainly familiar with the facts of their area because I had read most or all of the same FBI reports that they had read in outlining their area of investigation in my own efforts to prepare my own investigation.

I think I can say I had been able to form a judgment as to certain kinds of their work. But I was not in a position to judge the quality of their written work because I had never looked at it closely or examined it.

Mr. CORNWELL. Based on that last answer you would not be able to tell us whether or not their rough draft of this chapter in and of itself was a competent professional polished piece of work?

Mr. LIEBELER. No, I would not. I don't recall that I even ever read it.

Mr. CORNWELL. What basically, however, was the nature of the problems that you found with the galley proofs, the rewrite of chapter IV?

Mr. LIEBELER. Well, my memo of September 6 speaks to that question. It involves problems ranging from matters of form and location of footnotes to the problem that I thought was important at the time and that was that I thought that the text of that chapter was over-written in the sense that it made statements that could not really be supported by the nature of the underlying evidence.

Mr. CORNWELL. Let us simply very briefly go through that memo. I would like to ask you if you believe today your criticisms were ac-

curate? For instance on page 3 you very cryptically note near the bottom that a gap in the proof cannot be filled by ignoring it with respect to certain portions of the galley proof. On page 21—

Mr. LIEBELER. Do you want to take these one by one or do you want to lump them?

Mr. CORNWELL. We can simply look at them in bulk if you would like, whichever way you prefer.

Mr. LIEBELER. The reference on page 3 as to the question of whether or not it could be definitively established that the rifle that Oswald had ordered and received and was used to assassinate the President had actually been in the Paine garage the entire period of time after the Oswald return from New Orleans until the time of the assassination. I took the position that that could not be directly proved and I think that that position was correct. I still think that it is correct.

Mr. CORNWELL. On page 21 you note at the top: "The present draft leaves the Commission open to severe criticism. Furthermore, to the extent that it leaves testimony suggesting that the shots might not have been so easy out of the discussion, thereby giving only a part of the story, it is simply dishonest."

Was that your view of the report in its galley proof form?

Mr. LIEBELER. Yes, that was my view of the galley proofs as they existed at that time on this issue of the Oswald capability as a rifleman and the accuracy of the rifle.

Mr. CORNWELL. Also on page 21, bottom of paragraph 6, did you conclude that it was misleading to place information concerning the shotgun, possible use of the shotgun, under the heading of "Rifle practice" and then not advise the readers of the true facts of the distinction?

Mr. LIEBELER. Yes, I did.

Mr. CORNWELL. You note on page 23 near the bottom of the page that there was insufficient material provided on which the readers could base their judgment. Was that also a criticism that you felt was justified with respect to that final report?

Mr. LIEBELER. On that specific issue, yes, from the speed and the way the rifle could be fired.

Mr. CORNWELL. In paragraph 16, on page 24, at the very bottom, did you feel that the process of selecting what facts and information to rely upon seriously affected the integrity and credibility of the entire report?

Mr. LIEBELER. I used the words that it could do that. I believed that then as to the galleys, and I think that was a problem that we had in writing it and difficulties we had about that. The problem became apparent to me when I went through my own chapter after I had drafted it and wrote the footnotes for it. After I drafted my chapter, it had been rewritten and gone through several drafts, other people had changed it and things had been changed around over a period of time. It is absolutely impossible for a process like that to occur without ending up with sentences and statements in the report that simply you cannot find support for in the footnotes, in the testimony and the underlying evidence. It was an extremely painful process to go through all that evidence and try to conform as closely as possible the statements in the text to the actual evidence that was in the record.

That was part of the problem. I think also part of the problem was, as I said before, a tendency, at least in the galleys of chapter IV, to

try to downplay or not give equal emphasis to contrary evidence and just simply admit and state openly that there is a conflict in the testimony and the evidence about this question, but after reviewing the evidence the Commission could conclude whatever the Commission could conclude. I thought that would have been a better way to do it.

MR. CORNWELL. What was done with all of your comments, the work product that you obviously spent a good deal of time preparing here which we have now marked as exhibit 36?

MR. LIEBELER. I typed this memo, myself, so it was not distributed throughout the Commission files in the ordinary form, with different colored copies going to different places. My recollection is that I put a copy of it on Mr. Redlich's desk when I came back from Vermont that weekend and gave Mr. Willens a copy and I believe gave Mr. Rankin a copy. There was really no response to it for a considerable period of time. Then after the chapter had come back in page proof I reviewed it again. Mr. Redlich had already returned to New York. I was dissatisfied with the condition of the chapter even at that point. I went into Mr. Rankin's office and told Mr. Rankin that I thought there were problems. So Mr. Rankin said, I believe, get the memo and the galley proofs and the page proofs, and we sat down, the two of us, and started going through the chapter. Mr. Willens came in and observed what was going on and, it is my surmise, as a result of subsequent events he went out and called Mr. Redlich in New York and in the time it took Mr. Redlich to get from N.Y.U. to the airport and down to Washington. Mr. Redlich appeared in Mr. Rankin's office.

MR. CORNWELL. It was Mr. Redlich's rewrite you were criticizing, is that correct?

MR. LIEBELER. Yes. So. Mr. Redlich and Mr. Rankin and Mr. Willens and I then spent the rest of that day and long into the night going over this memorandum and the page proofs and my recollection is that we considered and discussed all the issues that were raised here, and probably more as well.

MR. CORNWELL. Apart from considering what action was taken.

MR. LIEBELER. The record will show that. I don't recall. My general recollection, my general impression was that my performance against Mr. Redlich was like UCLA's football team usually is against USC. But it really was not quite that bad. I won some and some of the changes were made. And some were not. There is a difference between the page proofs and final report and galley proofs, there is no question about that.

MR. CORNWELL. There is some difference?

MR. LIEBELER. Some difference, yes.

MR. CORNWELL. May we mark for identification. Mr. Chairman, as exhibits 37, 38, 39, 40, and 41, memos respectively dated September 14, from Mr. Liebeler to Mr. Willens, concerning chapter VI; memo dated September 15, Mr. Liebeler to Mr. Willens concerning suggestions set forth in a letter from David A. Rothstein; memo of September 15, from Liebeler to Willens regarding a letter from Dr. Rome; a memo of September regarding chapter VI, and a memo dated September 16 regarding chapter VI.

MR. PREYER. All of these exhibits are marked for identification only.

Mr. CORNWELL. Have you had a chance to review each of those exhibits prior to coming here today?

Mr. LIEBELER. Yes.

Mr. CORNWELL. Would it be fair to state that each of those exhibits relates also to your findings with respect to errors and overstatements, incorrect statements, which existed in the galley proofs and that you discovered during the rewrite process?

Mr. LIEBELER. No.

Mr. CORNWELL. Or suggested additions to the report?

Mr. LIEBELER. Yes, I think that is correct. But of course they will speak for themselves. But that is a generally correct characterization of them.

Mr. CORNWELL. May we then submit each of those exhibits into the record, Mr. Chairman.

Mr. PREYER. Without objection the exhibits are admitted into the record.

[The documents referred to, marked JFK exhibits No. 37, 38, 39, 40, and 41 and received for the record, follow:]

JFK EXHIBIT No. 37

[Memorandum]

SEPTEMBER 14, 1964.

To: Mr. Willens.

From: Mr. Liebeler.

The following are some general comments on that portion of chapter VI dealing with conspiracy beginning with "Investigation of Other Activities" on galley 237.

1. We have not conducted sufficient investigation to state that there is no evidence that FPCC and ACLU were aware that they were authorized to receive mail at P.O. Box 6225, or that mail was ever addressed to them there.

2. Same as to statement re three post office boxes being used for surreptitious receipts of messages. I would delete the whole idea.

3. The sentence re investigation of aliases preceding footnote 714 in the galleys is much too broad.

4. Query statement at top of page 238 that Oswald "commonly" used Hidell as name of others—he also used that name to get the rifle and revolver.

5. What investigation has been conducted "with regard to persons using the name of 'Lee.'" I think the statement following note 727 is too broad.

6. The sentence relating to chapter VII at the close of the discussion of aliases should read "Oswald's creation of false names and fictitious personalities is also treated in the discussion of possible motives set forth in chapter VII."

7. Ownership of second rifle:

a. We cannot say that all of Oswald's transactions in connection with firearms were undertaken under an assumed name, only his known transactions.

b. I think the degree of doubt about the authenticity of the repair tag is overstated.

c. First sentence in first full paragraph on page 259 is too strong and should be changed along the lines indicated in my copy of the galley.

d. The third sentence should also be qualified. The underlying report is not that strong.

e. The last sentence in that paragraph is not supported by the TV films we got from CBS. It should be deleted.

f. The second full paragraph has only one footnote. Furthermore, the last statement is incorrect. Whitworth and Hunter do not now say Oswald drove down the street and only Mrs. Whitworth said so before.

g. The statement that neither Mrs. Hunter nor Mrs. Whitworth could identify a picture of Lee Harvey Oswald is not so. Mrs. Whitworth did do so at 11 H 272. My draft stated that they could not "identify Lee Harvey Oswald standing with a small group of other different looking people."

8. Rifle practice:

a. Query if all the witnesses agree that the barrel had been shortened. (See note 775.)

b. Do we have evidence on the question of whether or not Oswald's rifle spouts fire. (See note 777.)

c. What is our authority for the nonexistence of the Cedar Hills gunshop. (See note 781.)

d. At note 794—Oswald could have been at Paine's and still have gone to the rifle range. Add: "and did not leave there to go to the rifle range."

9. Automobile demonstration: I think it is Stemmons Freeway, not "Expressway."

10. Alleged activities with Cuban underground organizations:

a. The title is inappropriate because Andrews and Pena do not talk about underground activities.

b. The title and the introduction are inappropriate because they strongly suggest that Oswald was an anti-Castro. The implication runs through Odio's testimony that he was an infiltrator. It would be better to start with a neutral sentence like: "The Commission has also considered testimony of certain persons that claim to have seen Oswald in the company of unidentified persons of Cuban or Mexican background."

c. What is the authority for the statement that Mrs. Odio claims that both of her parents are political prisoners of the Castro regime?

To go back for a moment to the second rifle section: In the third full paragraph it states, "On November 24, Ryder and Greener discussed at length the possibility" that Oswald had been there, but "Ryder did not mention the tag to his employer." I know of no evidence that Ryder and Greener talked on the 24th.

If they did not, the next sentence must be changed or cut.

The next sentence is a good example of what happens in the "rewrite" process. It says, incorrectly, that on November 25 Ryder told the FBI that Greener did not remember the tag, although he had not called the tag to Greener's attention. The original sentence said, correctly, that Greener "did not remember the transaction represented by the repair tag. . . ."

The next sentence says the FBI was directed to Ryder by anonymous phone calls. Not so. They were directed to the Irving Sports Shop and would very likely have talked to Greener, but he could not be found by the agent on November 25, 1963, when he went to the shop.

Back to Odio:

d. Check correct name of JURE.

e. The paragraph on bus transportation starting "There is no firm evidence" should be completely rewritten. I do not think there is "convincing evidence" that Oswald was on the buses as stated. One sentence says he was apparently one of four passengers bound for a point beyond Texas. The next suggests that he bought a ticket in Houston for Laredo, which is in Texas. The McFarland testimony is given too much weight. I don't think Mexican immigration records show the time of day he crossed the border. Slawson told me he got the time of crossing from the scheduled arrival of the bus. Now we are using it to show that since he crossed at that time he had to be on the bus.

f. Since we have no direct evidence that Oswald boarded bus 5133 in Houston, the first sentence of the next paragraph ("Hence, the only time . . .") should be changed. That also obviates the necessity that he had to go from New Orleans to Dallas and thence too Houston.

There really is almost no evidence at all that he left Houston on that bus—and there is really no reason why we should suggest there is. The point can be made without saying that and to seem to rely on really weak evidence is to invite trouble.

g. Again—later in the same paragraph—more reliance on the McFarlands. Their affidavit is very weak—we should not fight it.

h. Then the single ticket from Houston to Laredo again—which probably could not have been Oswald if he were one of the four heading for points beyond Laredo.

i. Also the assumption that the Twiford call was a local call. Why speculate—make the arguments—he probably would not have called at all if he were not in Houston or going to be in Houston.

j. The conclusion that the evidence is persuasive that Oswald was not in Dallas on September 25 is too strong.

k. The story of Father McGhann (sp. ?) is overemphasized. We should state that Odio never told anyone else that Eugenio had been one of the men with Oswald. How can we conclude that McGhann would not have become confused when he was apparently in a rest home of some sort and we have never seen or spoken to him?

l. Since we have never taken testimony from Odio's other two friends on which people could base judgment as to their veracity, we should not rely too heavily on their statements, about which they have never been cross-examined.

m. The first two full paragraphs on galley 242 should come out. The "inconsistencies", if any, are minor. Furthermore, Sylvia's testimony is actually misrepresented when it is stated that she and her sister felt Oswald "looked familiar" when they saw his picture after the assassination. Sylvia testified that she was sure it was Oswald.

The paragraph about the psychiatrist is quite unfair. It states that Odio "came forward" with her story, whereas she did not come forward at all and was quite reluctant to get involved at all. Her story came to the attention of the FBI through a third person. The hearsay statements of "friends," concerning their personal opinion of a witness are thin stuff indeed. The whole paragraph is poor and should come out.

The Odio analyses should be based primarily on the apparent likelihood that LHO was elsewhere. These are problems. Odio may well be right. The Commission will look bad if it turns out that she is. There is no need to look foolish by grasping at straws to avoid admitting that there is a problem.

11. *Oswald not U.S. agent:*

a. Did CIA note his FPCC activities in New Orleans?

b. Why mention fact that LHO's name was not given to Secret Service—leave to chapter VIII.

c. Should not say Mrs. O. did not give any basis for her belief LHO was a U.S. agent—better to say any reasonable or credible basis. We should also add that the Commission has thoroughly considered all of her statements; that she was not foreclosed from giving any evidence she had and the Commission concluded that there was no real basis for her position.

d. Why do we mention the Ruby deal here—how does that relate to LHO's being a U.S. agent?

e. Have we really seen the full CIA file on Oswald?—Do we need a footnote to the last sentence in the first full paragraph on galley 243?

f. Who is going to attest that they have reviewed the complete Bureau files dealing with the Oswald investigation?

12. *Oswald's finances:*

a. The second paragraph is a little expansive. It certainly needs more than one footnote in any event.

b. Last sentence in fourth paragraph is ungrammatical.

c. Please let's take out "cheap and shabbily furnished" and other stuff of that sort! See galley and my previous comments on the draft for my suggestions.

d. I think we should cut the description of Oswald's wardrobe to the statement that it was also very modest.

e. The first full paragraph on galley 244 should be rewritten and shortened. I think the discussion of finances is too long and detailed. It is also too apparently precise to be readily believable.

f. To be somewhat facetious: If we are going to explain the other assistant in the FPCC distribution as a hired hand, we had better provide for him in the third full paragraph on 244.

g. We fall back into the first name treatment for Marina Oswald again.

h. Where do we get the hotel expenses of \$1.28 per day on the Mexican trip?

i. If Oswald did not cash his unemployment check at Hutch's Market, why do we mention it? I think it was cashed at an A&P store.

j. The whole discussion of Huchison's testimony should be limited to one paragraph in the rumors section.

k. Why do we fail to mention the Cuban or Mexican that one of the Western Union employees said was with the man Hambian thought was Oswald?

l. We should be more specific about the "other cities" in which WU has searched their records.

JFK EXHIBIT No. 38

[Memorandum]

SEPTEMBER 15, 1964.

To : Mr. Willens.
From : Mr. Liebeler.

Pursuant to suggestions set forth in a letter dated September 13, 1964, from Dr. David A. Rothstein of the Medical Center for Federal Prisoners, I suggest the following following additions to chapter VII.

1. The second sentence in the second full paragraph on galley 67 should be omitted and the following should be substituted :

"Irving Sokolow, a Youth House psychologist, reported that :

"The Human Figure Drawings are empty, poor characterizations of persons approximately the same age as the subject. They reflect a considerable amount of impoverishment in the social and emotional areas. He appears to be a somewhat insecure youngster exhibiting much inclination for warm and satisfying relationships to others. There is some indication that he may relate to men more easily than to women in view of the more mature conceptualization. He appears slightly withdrawn and in view of the lack of detail within the drawings this may assume a more significant characteristic. He exhibits some difficulty in relationship to the maternal figure suggesting more anxiety in this area than in any other."

The footnote remains the same except for the deletion of an indication that the quote appears at page 1. Since CE 1339 is a short document no page numbers need be indicated. The third sentence of the paragraph under discussion should then commence a new paragraph which otherwise would remain the same.

2. On galley 71 a new paragraph should be inserted immediately following the first full quoted paragraph at the top of that galley. Since the material that Dr. Rothstein recommends that we add continues right on from the present paragraph at the top of galley 71, no indication of omitted material is necessary. The material to be added is as follows :

"This should answer your question, and also give you a glimpse of my way of thinking.

"So you speak of advantages. Do you think that is why I am here? For personal, material advantage? Happiness is not based on oneself, it does not consist of a small home, of taking and getting. Happiness is taking part in the struggle, where there is no borderline between one's own personal world, and the world in general. I never believed I would find more material advantages at this stage of development in the Soviet Union than I might of had in the U.S."

The asterisks should then be left in as they are in the galley because there is omitted material following the above quote and the quote starting "I have been a pro-Communist. . ." The footnote remains the same.

3. Dr. Rothstein thinks we should indicate the approximate date of Marina's "liberation" by de Mohrenschildt. That could be done very simply by adding the words "sometime in early November 1963" following the word "apartment" in the sentence following footnote 250 in galley 74.

4. Dr. Rothstein thinks it is an overstatement to say that Oswald had never been able to obtain from his wife that respect, etc. He suggests, and I agree, that the second sentence in the paragraph following footnote 410 read :

"Oswald had difficulty in obtaining from his wife. . ."

5. The doctor thinks that the fourth sentence in the paragraph following footnote 477 is too strongly worded. The sentence should be changed to read :

"He had not been able to establish lasting, meaningful relations. . ."

While Dr. Rothstein has also made other worthwhile suggestions, I do not think they can be included at this point without seriously disrupting the present state of our galleys on chapter VII. I think the ones set forth above should be included however since they are worthwhile changes and can be readily made without disrupting the galley.

JFK EXHIBIT No. 39

[Memorandum]

SEPTEMBER 15, 1964.

To: Howard J. Willens.

From: Wesley J. Liebeler.

Subject: Letter of Dr. Howard P. Rome, dated September 13, 1964.

Dr. Rome has sent a 12-page analysis of Oswald's reading disability which I recommend be included in the report as a Commission exhibit.

I also recommend that reference to the disability be set forth in the text by inserting the following as a new paragraph following the second full paragraph on galley 68:

"This misspelling of names, apparently on a phonetic basis, is cited by a psychiatrist consulted by the Commission as an example of a reading-spelling disability from which Oswald appeared to suffer. Other evidence of the existence of such a disability is provided by the many other misspellings that appear in Oswald's writings, portions of which are quoted below. The psychiatrist who has suggested the existence of this disability also stated his opinion that the frustration which may have resulted from it gave an added impetus to his [Oswald's] need to prove to the world that he was an unrecognized 'great man.'"

If the above is agreeable, it can be added by shifting only two footnote numbers.

JFK EXHIBIT No. 40

[Memorandum]

SEPTEMBER 15, 1964.

To: Howard P. Willens.

From: Wesley J. Liebeler.

Subject: Chapter VI.

I set forth below my comments on the first part of chapter VI:

1. I do not think we should speak of "Proving a negative conclusion" as we now do in the second full paragraph on galley 189 since that might be thought to imply a prejudgment of the issue. It would be better, I think, to speak of the difficulties in developing evidence of any well executed conspiracy.

2. The last sentence in the third paragraph says that all of Oswald's known writings or other possessions which might have been used for code or other espionage purposes have been examined either by the FBI or the National Security Agency of both. The sentence does not indicate the purpose for which those writings were examined by those agencies. Even though it may be clearer by implication that they were examined to discover any code messages that might be in them, if that is the case I think it should be so stated.

3. The last sentence in the fifth paragraph of galley 189 says that the Commission has also considered whether any connections existed between Oswald and "those groups which, shortly before the assassination, were responsible for the propagation of hostile criticism of President Kennedy." I would assume that reference to right-wing group is intended, but that is not entirely clear since there were certain other groups that propagated hostile criticism of President Kennedy both shortly before the assassination and at other times. The Militant, the Journal of the Socialist Workers Party, was extremely critical of the Kennedy administration. I think that if right wing groups are intended by the sentence, that should be specifically stated and there should be no inference that other groups such as the Socialist Workers Party did not propagate hostile criticism of President Kennedy. While that inference is, I am sure, not intended, it might be drawn from present sentence.

4. The next paragraph, relating to the Ruby discussion, should indicate that the Commission has considered the possibility that Jack Ruby was part of a conspiracy to kill Lee Harvey Oswald. That is not mentioned in the present paragraph and is or at least should be a part of the discussion on Ruby.

5. It is a minor point, but we always refer to the window from which the shots were fired as the southeast corner window or a window in the southeast corner of the building. It would appear it would be more precise to say that the window is the eastern most window on the south side of the building or at least indicate that clearly at the beginning and state that the window will thereafter be referred to simply as the southeast corner window.

6. Another small point and perhaps one simply of taste, the stringing together of long clauses separated by semi-colons does not seem to be good writing technique. Periods are generally preferable since they make the sentences shorter and actually make the material easier to read and follow.

7. The second paragraph under the heading "Selection of Motorcade Route" refers to Dealy Plaza without any explanation of what it is. This has probably been done above. A short clause, however, describing it as the park area between Elm and Commerce Street immediately east of the triple underpass might be a good idea.

8. The second sentence in the third paragraph under the heading "Oswald's Presence in the Depository Building" is ungrammatical.

9. Another detail, but the word "company" following "Depository" in the fifth paragraph of this section is abbreviated "Co." It should be spelled out, I think, as should Texas and other such words as that.

10. The last paragraph in this section indicates that the Trade Mart was selected as the luncheon site on November 14, 1963. The newspapers did not indicate a final selection until November 16, 1963, if my recollection is correct. While these two things are not necessarily inconsistent we should be sure that the Trade Mart was actually first selected as the luncheon site on November 14.

11. In the last paragraph of the section entitled "Bringing Rifle into Building" it is stated that "neither women saw the paper bag or paper tape out of which the bag might have been constructed" it would be better to state, I think: "both women testified that they did not see the paper bag. . . ."

12. Under the caption "Accomplices at the Scene of the Assassination", I am still not able to understand, as set forth in paragraph 4, why the Commission considered probative in considering whether Oswald moved the cartons to the window, the fact that none of the warehouse employees who might have customarily handled the cartons left prints which could be identified. It may in fact be probative in considering that question, but if I am not yet able to understand why, after considering the question at some length, I have reason to believe that the public will have similar difficulties in understanding the reasons why. If it is in fact probative, it should be a relatively simple matter to set forth briefly the reasons why it is.

13. Query whether the prints were identified as those of an FBI "Agent". Inspector Malley told me that they were the prints of a clerk in a Dallas office who wrapped the boxes to be forwarded to Washington for fingerprint identification.

14. The next paragraph still bears the marks of a discussion that was appropriate before the fingerprints had been identified as those of an FBI agent or clerk and a member of a Dallas Police Department. I do not think the sentences set forth at footnotes 45-47 are really appropriate or necessary any longer, since the great bulk of the fingerprints have in fact been identified. The rest of that paragraph should also be rewritten to reflect more clearly the fact that most of the prints have been identified.

15. The discussion starting at the bottom of galley 191 and continuing through to the end of the section of accomplices at the scene is highly repetitive of material set forth in chapter IV. It would seem to me that the rather extensive treatment in chapter V could be substantially reduced by references back to chapter IV. Actually this makes about the third time that some of this stuff has been set forth. First to support the proposition that the shots came from the eastern most window, on the south side of the TSBD. Second, to deal with the identification and now the question of conspiracy. It should be shortened in chapter VI considerably. If the Rowland material is new, of course it should be retained.

16. Under the section captioned "Oswald's Escape," in the discussion of the testimony of Earlene Roberts concerning the police car, it is stated that "the Commission has established that there was no police vehicle in the area of 1026 North Beckley at about 1 p.m. on November 22." I do not think that statement is supported by the evidence we have and even if it appears to be so supported it is entirely too broad and leaves open too much possibility of error. It would be much better to say that investigation has produced no other evidence that there was any police car in the area of 1026 North Beckley, etc.

17. The last sentence on the section of Oswald's Escape is too broad when it states that investigation has produced no evidence that Oswald had pre-arranged plans for a means to leave Dallas after the assassination or that any other person was to provide him assistance. There is no footnote. I do not think we

can make those broad statements concerning investigations that have been made without supporting them in detail.

18. The statement in this section "Background of Lee Harvey Oswald" that study of the period from his birth "in 1939 to his military service from 1956 to 1959, has revealed no evidence which even plausibly suggests that Oswald was associated with any type of sinister or subversive organization during that period," is too broad and is inaccurate. There is testimony that Oswald wanted to join the Communist Party during the period that he lived in New Orleans from 1954 to 1956. That evidence does plausibly suggest that he might have been associated with a sinister or subversive organization.

There is also evidence that he wrote to the Socialist Party and while this may not be so strong a suggestion as the fact that he wanted to join the Communist Party, it is worthy of note.

There is also testimony by Delgado, one of his Marine Corps associates, that he was greatly interested in Cuba, discussed going to Cuba and in fact contacted the Cuban consulate in Los Angeles during the time he was stationed at Santa Ana.

The period covered by the above statement includes the time that Oswald was in Japan during which he might have contacted members of some communist organization there. If that ever happened, it would be highly unlikely that we would have any evidence about it. De Mohrenschildt said that Oswald had told him that he had met some communists in Japan and that they got him excited and interested and that is one of the reasons he went to the Soviet Union.

19. While it is probably of little consequence, I do not think it is necessary for the Commission to justify its investigation into the possible existence of a conspiracy involving the Soviet Union by stating that it does not suggest that the rulers of the Soviet Union believed that their political interest would be advanced by the assassination of President Kennedy. The facts in that regard speak for themselves.

20. At the top of galley 195 I do not understand the point about investigation concerning the possibility that Oswald was sent to Minsk unusually soon after he arrived. The statement appears without any warning and immediately raises the question whether or not he was sent to Minsk sooner than might be expected on the basis of information about other defectors. Perhaps the thought would be better expressed only in terms of investigation concerning the possibility that he was expected in the Soviet Union or had developed an undercover relationship without specific reference to the possibility that he had been accepted or sent to Minsk unusually soon.

21. The last sentence in the third full paragraph on galley 195, which states that the CIA has (which is, incidentally spelled out and is not abbreviated as is done in other places) contributed data on the normal practices and procedures of Soviet authorities in handling American defectors, would seem to require a footnote. That would be so if the CIA material is set forth in the record. If it is not, that fact should probably be indicated.

22. The sentence following footnote 151 is slightly ungrammatical in that the word "nor" following the first clause, should be "or." Furthermore, the last two sentences of that paragraph could be omitted and a sentence along the following lines substituted: "Oswald's arrogant and secretive character does not seem inconsistent with a suicide or feigned suicide attempt or with his failure to mention it to others."

23. The sentence which runs from the bottom of galley 195 and ends at the top of 196, dealing with the allegation that those who spoke with Oswald speculated that he may have received some instructions from the Soviet authorities, appears to need a footnote. In that connection, query whether there is any authority for the proposition set forth at footnote 169 that Oswald had read "communist literature without guidance while in the Marine Corps and before that time."

24. Reference is made in galley 196 to a 2½ month period that Oswald had to wait for disposition of his application after he arrived in the Soviet Union. The beginning of the section at the top of page 195 says the period was "almost 3 months."

25. Back to footnote 110; the material set forth at footnote 209 indicates that Oswald used 2200 rubles to pay his hotel bill whereas the material at 110 says that he apparently did not pay his hotel bill at all after November 30, 1959. The statement at 110 means that he did not pay his hotel bill by himself, but that it was paid for out of funds provided to him by the Russian Government.

26. The material at footnote 225 should reflect the latest testimony of Marina Oswald concerning her knowledge of Oswald's job. It should probably also say that Marina Oswald has testified that Oswald told her he operated a lathe, etc. As the statement now reads it might appear that she had first hand knowledge of what he was actually doing, which in fact she did not.

27. In the sentence following footnote 226 it is stated that "some of his acquaintances here . . ." . It should probably read "some of his acquaintances in the United States . . ."

28. The sentence following footnote 245 seems to beg a question that should be discussed in this chapter. The sentence says that it seems unlikely that Soviet authorities would have permitted Oswald to marry and take his wife to the United States if they were contemplating using him "alone as an agent." One of the questions at hand is whether they did contemplate using him as an agent, either alone or together with Marina Oswald. The sentence as it presently stands, without any discussion of the possibility that Marina Oswald was an agent, seems to be circular.

29. At footnote 257 it says that Oswald unexpectedly appeared in Moscow on July 8, 1961. The following sentence states that Marina Oswald flew to Moscow "also without Soviet sanction." There has been no indication that Oswald's trip to Moscow was without Soviet sanction. Since it was, I believe, that should be indicated. If it was not, the "also" should be taken out in connection with Marina's statement. The first sentence in the next paragraph, of course, indicates that Oswald's travel was apparently without permission, but that should probably be indicated in the preceding paragraph at some point.

30. I think the information set forth in the several extensive quotes from CIA and State Department could be summarized in a much shorter form thus cutting the length of the chapter.

31. The sentence at footnote 270 uses Marina Oswald's first name only, something we have generally decided not to do and have not done in other places.

32. In the sentence following footnote 279, I believe the MVD colonel's name is misspelled. It should be Aksenov—A-k-s-e-n-o-v, or at least it was so spelled in Marina Oswald's latest testimony before the Commission.

33. At footnote 286 note should be taken of Mrs. Oswald's latest testimony. My recollection is that she testified that she was not aware of any interviews that Oswald had prior to his departure from the Soviet Union.

34. The last sentence on galley 199 which speaks of the Commission's awareness of "both interviews" and states that the way in which American authorities learned about those conferences affords additional evidence that they carried no subversive significance raises the question in my mind of how many other conferences Oswald and his wife may have had of which the Commission has no knowledge. That is a question that can never be satisfactorily dealt with. It is certainly raised, however, by the sentence just referred to which perhaps should be rewritten to avoid raising that question. Perhaps the Commission should face the proposition that it cannot really determine what the Oswalds did in the Soviet Union. Then, in the absence of any other evidence of a conspiracy involving the U.S.S.R. or Marina Oswald, the Commission has concluded that there were no such conferences and if there were they were not related in any way to the greatly subsequent event of the assassination.

35. The fourth sentence following the quote on top of galley 200 is very unclear and should be rewritten. Furthermore, the footnote with respect to that quote (No. 288) seems to be in the wrong place.

36. In the section on the Russian-speaking community, a little rewriting could be done. In addition the second sentence in the second paragraph which says that Oswald spent a "reasonably pleasant period during his grammar school years in Ft. Worth" should be changed simply to indicate that he went to grammar school in that city. It is questionable that there is authority to support the proposition that his stay there was "reasonably pleasant."

37. I do not understand the material set forth following the first sentence of the second paragraph, particularly the statement that there is no evidence that he had been in touch with any of his former "acquaintances" when he was in the Soviet Union. All that material could be stricken and the first sentence of the second paragraph could become the first sentence of the third paragraph. Another sentence could be added following that first sentence to indicate that Oswald's brother and mother lived in the Ft. Worth area. We could then go directly to the statement that upon his arrival Oswald did not know any members of the Russian-speaking community.

38. I do not believe it would be correct to state that it is not surprising that Oswald initiated contacts with the Russian group "in search of persons with whom his non-English speaking wife could converse." We have already seen in chapter VII that Oswald was not concerned about his wife's contacts with others. He apparently did not wish her to have them. He resented her Russian-speaking friends. There was testimony that he prevented her from learning English so that he could continue to practice his own Russian. The most likely reason for Oswald's contact with the Russian-speaking community was his desire to speak Russian himself. I do not think the statement here which seems to evidence a touching concern for his wife is consistent with the picture that has been painted of Oswald in chapter VII.

39. My recollection of the events by which Paul Gregory came to be tutored in Russia by Marina Oswald is different from that which is implied by the third paragraph. They were not consecutive. I believe that Gregory was out of town for some time during that summer and did not begin the Russian lessons until sometime after he returned, in the fall of the year. The inference to be drawn from the present structure of the sentence is that they begin almost at once, perhaps within a week after the conversation between Max Clark and Oswald. I'm quite sure that that is not correct. That inference is supported by the next sentence which starts "sometime later in August" which clearly indicates that the Russian tutoring lessons occurred sometime in early August which I do not believe to be the case.

40. I think we could do without the detailed descriptions of Bouhe and Meller, and simply say that the Oswalds went to a dinner party where they met George Bouhe and Mr. and Mrs. Meller, other members of the Russian community.

41. The sentence at footnote 324 is somewhat misleading in that it implies that Oswald was looking for work in Dallas all during the time that Marina Oswald stayed with Elena Hall. That is not correct, since Oswald began work at Jagers-Chiles-Storall almost immediately after he moved to Dallas in about the middle of October whereas it appears that Marina Oswald stayed with Elena Hall until late October or early November, as it says in the next sentence.

42. Query if it can be stated that "a quarrel" led to the November separation of the Oswalds, in view of George De Mohrenschildt's testimony about how he went and took Marina away. It would be simpler to state that the Oswalds were separated again in early November, 1962 during which time Marina Oswald spent approximately 2 weeks with Anna Meller and Mrs. Ford.

43. I would not be prepared to state that the severing of the relationship between the Oswalds and members of the Russian-speaking community was caused primarily "by personal animosity engendered by Oswald." I think it can be just as clearly said that the animosity was "engendered" by George Bouhe and other people who tried to take Marina Oswald away from her husband and who thrust their "help" on Oswald when he had clearly indicated that he did not want it. This subject is actually more appropriate for treatment in chapter VII where it has in fact been treated. It would be sufficient to say that relationships between the Oswalds and other members of the Russian-speaking community were terminated for personal reasons and let it go at that.

44. At the bottom of the paragraph that ends with footnote 327, Marina Oswald is referred to by her first name and Mrs. Ford's first name is incorrectly used, it is not "Kairina" but it is Katherine or "Kstya." Also the stars should be taken out of footnote 327 in accordance with policy not to use them in material quoted in the text itself. The next paragraph that ends with footnote 327 may be reduced to one sentence which would state that for all practical purposes there was no further contact between the Oswalds and the Russian community following Oswald's departure for New Orleans in the spring of 1963. The material that is now set forth is repetitive of material in chapter VII and greatly repetitive of material in the appendix. It is not necessary for the support of the conclusions of the conspiracy chapter.

45. The last full paragraph on galley 227 now starts to repeat materials that have been set forth in the first paragraph of that section. It has already been stated that Oswald came to Fort Worth on his return from Russia for reasons that had nothing to do with the presence of the Russian community in that city and there is no reason to repeat it now. Additionally, Marina Oswald is again referred to by her first name as she is also at footnote 337.

46. The whole section of the Russian-speaking community could be tightened very much and should be severely edited and rewritten. The accuracy and precision of the statements set forth should also be improved considerably.

47. Marina Oswald is again referred to by her first name only at footnote 341 and at several other places throughout the discussion that follows.

48. Query whether we have evidence to support the proposition that "particularly Marina" visited the de Mohrenschildts. I am not aware of the fact that Marina Oswald visited them on any great number of occasions without her husband being present.

49. After reading the remaining section on de Mohrenschildt I am constrained to remark that it really is essential that this material be substantially shortened and cleared up in every sense. It is very bad as it now stands and there is really no reason for all this to be in the text.

50. The first sentence in the second full paragraph states that the opening of the closet door "inadvertently" exposed Oswald's Mannlicher-Carcano rifle. Point 1: There is no footnote at the end of the sentence. Point 2: I do not know what evidence there is that the exposure of the rifle was inadvertent. Point 3: I do not know what evidence there is that that which was exposed, inadvertently or otherwise, was Oswald's Mannlicher-Carcano rifle.

51. The two paragraphs dealing with the rifle episode do not indicate the conflict in the testimony as to when the remark was made. My recollection is that someone testified that de Mohrenschildt made the remark as soon as he walked in the door. That does not appear in the discussion presently in the galley.

52. The paragraph which includes footnotes 391 and 392 is unnecessary. It is personally offensive to de Mohrenschildt. I do not think it is at all necessary to establishing the fact that de Mohrenschildt was not involved with the assassination, to describe him as "immature" and an "admirer of the opposite sex," "eccentric" or anything else.

I think the discussion of de Mohrenschildt and also of Paine should be rewritten and substantially shortened if not altogether deleted from chapter VI. I am unable to understand why such extensive time and space is devoted to de Mohrenschildt and Paine when Marina Oswald herself, the most obvious place to look for possible co-conspirator, is not discussed at all.

53. I'm not setting forth comments on the Paine material in the hope that it will be substantially rewritten or deleted from chapter VI. I cannot resist, however, noting the paragraph which includes footnotes 431-433. I am particularly struck by the sentence that "Oswald obtained a room in Dallas, where he found employment, but spent weekends with his family at the Paine home." I will always have visions of Oswald and the other TSBD employees packing their books in that long, narrow room at 1926 North Beckley. More seriously, however, the last sentence of the paragraph includes the statement "by the time the agents again came to Mrs. Paine's home." That clearly implies that there was more than one agent present at both interviews. My recollection is that Hasty was by himself on one of the occasions.

54. So far I have not found anything in chapter VI concerning William Kirk Coleman's story of two men who drove out of the area behind Walter's house immediately after the shot was fired at the general.

55. I have given all of my galleys to Stuart Pollack together with copies of this and other memoranda which I have given to you on chapter VI.

JFK EXHIBIT No. 41

[Memorandum]

SEPTEMBER 16, 1964.

To: Howard P. Willens.
From: Wesley J. Liebeler.
Subject: Chapter VI.

The following comments relate to the discussion of Oswald's political activities upon his return to the United States which starts at about the middle of galley 230.

1. In the first paragraph of the discussion of the Communist Party, et cetera, the T on the word "the" in The Worker should be capitalized.

2. The term "as a matter of course" at footnote 505 implies the existence of evidence beyond that which exists in the record. In order to support that we would have to have evidence as to what the ordinary course of action would

be on the part of the Communist Party in response to a letter such as that sent by Oswald. Since we do not have that evidence I do not see how we can say that their response was "as a matter of course."

3. The same point might be made about the statement in the next paragraph that the organization was not especially responsive. In order to state that we would have to know how responsive they generally were in other situations. Since we do not, I do not see how we can make the statement.

4. In the sentence following footnote 510 it would be better to say that Johnson testified that he did not receive the letter until after the assassination, instead of making the flat statement, since the only evidence we have on that question is Johnson's testimony. This same point was raised in a discussion concerning chapter VII with Mr. Rankin and Mr. Redlich and it was agreed by all that the qualified statement would be preferable.

5. The next sentence says that Oswald wrote the Communist Party and the Hall Davis Defense Committee enclosing samples of his photographic work. He did write the Hall Davis Defense Committee but I believe the other letter enclosing samples of his photographic work was to The Worker and not to the Communist Party, although my recollection is not precise on that point.

6. The first sentence in the last paragraph on galley 230 should be qualified by stating "Johnson testified that the files of the Communist Party * * *." Once again Johnson's testimony is the only evidence we have and the qualified statement would be preferable.

7. The sentence preceding the sentence covered by footnote 518 should have a footnote. In any event the nature of the evidence indicating that the files of the Young Socialist Alliance contain no reference to Oswald should be indicated. If it is somebody's testimony we should state that so-and-so testified that the files contained no such reference.

8. The Militant should have an initial capital T on the article in its name.

9. The sentence following footnote 523 says that the Commission has questioned persons who knew Oswald during every phase of his adult life and that none of them gave any indication that Oswald maintained a surreptitious relationship with any organization. There is no footnote in support of that sentence and the next sentence goes on to an entirely different subject. Obviously a footnote is needed.

10. The last sentence in the discussion of Communist Party, et cetera, activities says that there is no reason to believe that any material has been withheld by any of the organizations under discussion. I would omit that last clause ending the last sentence as follows: "The material that has been disclosed is in all cases consistent with other data in the possession of the Commission." There is no reason for the Commission to go on and make a statement that could very well arouse political controversy, especially when it does not contribute in any material way to the discussion.

11. The first sentence in the discussion on Fair Play for Cuba Committee indicates that Oswald "purportedly" acted on behalf of the FPCC. I do not know why that qualification should be stated. He obviously acted on behalf of FPCC in the sense that he was encouraged by the national organization in many of the activities in which he engaged.

12. The sentence preceding footnote 527 should be omitted since it simply does not seem to fit here.

13. The sentence preceding 529 is incorrect since Oswald did not ask the national organization for the circulars as described nor did he distribute them on at least three occasions. He had his "Hands off Cuba" materials printed in New Orleans at his own expense.

14. I would say that the FPCC chapter in New Orleans appeared to have been entirely fictitious.

15. The sentence following footnote 533 states "when the national office learned of Oswald's unauthorized activities, it terminated its correspondence with him." Technically they terminated correspondence with him with their last letter, at which time they did not know of his "unauthorized activities." In any event the sentence implies a causal connection between the two events which cannot under any circumstances be justified by the testimony presently in the record. The most that can be said is that V. T. Lee later testified that he was disappointed with Oswald, even though there is really no reason I see why he should have been at that time, and that Lee did not write any letters after a certain date. I know of no way in which a causal connection may be established between

those propositions. In any event a footnote for the sentence or the thoughts be expressed differently is necessary.

16. The reference to chapter VII in parentheses following footnote 534 should be moved up to the preceding sentence which should read "in fact these letters, which are discussed in greater detail in chapter VII, contained * * *."

17. At the very bottom of galley 231 a footnote is needed for a reference to Mr. Steele's testimony that he never saw Oswald before and never saw him again after the distribution of FPCC leaflets on August 16, 1963.

18. I would add language at the top of galley 232 to indicate that a search had been made for the individual who helped Oswald and Steele distribute literature but that he has not yet been found. A parenthetical expression preceding the word "but" at the top of that page as follows would be appropriate: "in spite of an extensive search for him."

19. While the discussion of groups hostile to President Kennedy is generally well written, it is too long and contains material that has not the slightest conceivable relevance to the possible existence of a conspiracy to assassinate the President or to any other possible issue in this investigation. In addition, I suggest that the quote from Oswald's undated letter of November 1963 to the Communist Party be omitted, as it is set forth in chapter VII. If it is left in the two quotes should be made identical in form, which they are not now.

20. Some footnotes are needed in the second paragraph following the Walker quote.

Mr. CORNWELL. Again, Mr. Liebeler, what we have now admitted into the record is a rather voluminous quantity of additional comments concerning the galley proofs and the nature of the final report. What, if anything, was done with your comments in all of these memos?

Mr. LIEBELER. I am not able to answer that question from my own recollection. I have not gone through all of the memos to see which of the suggestions were adopted and which were not. But I have done that with respect to two of them. Exhibit 39 and exhibit 38, I find that for the most part the recommendations made in these memos are reflected in the final report.

Mr. CORNWELL. Which two memos again were those?

Mr. LIEBELER. Exhibits 38 and 39.

Mr. CORNWELL. Again did the implementation of your suggestions in those cases require lengthy discussions or were they inaccurate based on the memorandum itself?

Mr. LIEBELER. Since I don't have any recollection of them I assume they were adopted without any difficulty. I don't have any recollection that there was any difficulty with any of these suggestions.

Mr. CORNWELL. You implied earlier by your analogy to UCLA and USC that you lost more of those suggestions than were adopted, is that correct?

Mr. LIEBELER. I only said that about that conference in Mr. Rankin's office with Mr. Redlich and Mr. Willens on chapter IV.

Mr. CORNWELL. Does that analogy apply to the rest of the memos?

Mr. LIEBELER. I don't think so. I have not had time to go through these other memos and see whether the changes were reflected in the report or not. I have no recollection whether they were or not, but that can easily be done if somebody wants to do it.

Mr. CORNWELL. Let me ask you this. What if any motive was there for the general tone of the galley proofs that you found repeated fault with in these memos? Why was it written the way it was? Was it simply inadvertence? Was it pressure in an attempt to get the report together under a too restrictive deadline, or was there some other reason, the kinds of problems you found?

Mr. LIEBELER. I think there are different reasons in different cases. I have the impression from looking at these memos that the problem that I am addressing here in chapter VI and chapter VII are a little different than the problems I addressed in exhibit 36 which related to chapter IV. It appears to me that the kinds of problems raised in exhibits 37 through 41, I believe are more of the kinds of problems that will just come up on reviewing a draft or a set of galleys that will just creep into the work for the most part, whereas chapter IV was a little different question. I did say I thought there was overwriting to a great extent.

Mr. CORNWELL. The overwriting concept, of overstating the degree of proof, was one of the problems discussed with respect to chapter IV; is that correct?

Mr. LIEBELER. Yes.

Mr. CORNWELL. Let us look at the September 14 memo which I believe is exhibit 37. On page 2 do you not state that:

We cannot say that all of Oswald's transactions in connection with firearms were undertaken under an assumed name, only his known transactions.

b. I think the degree of doubt about the authenticity of the repair tag is overstated.

d. The third sentence should also be qualified. The underlying report is not that strong.

e. The last sentence in that paragraph is not supported by the TV films we got from CBS.

On the next page 3, under item 10. b., "The title and the introduction are inappropriate because they strongly suggest that Oswald was an anti-Castro."

On page 4 under "Odio," item e., "The paragraph on bus transportation starting 'There is no firm evidence' should be completely rewritten. I do not think there is 'convincing evidence.'"

On page 5, "The McFarland item is given too much weight."

Down there further, under paragraph f., "The point can be made without saying that and to seem to rely on really weak evidence is to invite trouble."

Item J. "The conclusion that the evidence is persuasive that Oswald was not in Dallas on September 25 is too strong."

Mr. LIEBELER. Yes; all these things are here, that is correct.

Mr. CORNWELL. The same kind of comments in chapter VI then that we found in chapter IV?

Mr. LIEBELER. There are some of them in here. This memo has many of them in here. My impression as I said before is I still have that impression that there was not the severe problem in these other chapters that there was in chapter IV. Obviously, that problem I thought was there in all of them, and I raised these questions about it.

Mr. CORNWELL. Did you receive any impression that the reason for writing the report, as you found it, overly strong, and of course in context that means I guess that the sole assassin in theory was stronger, the lack of a conspiracy may have been overstated? In that sense was it prompted by any consideration of the national or possible international repercussions of this report?

Mr. LIEBELER. I have no way of knowing that or answering that question. I think that the kind of thing that we observe here as much as anything else reflects a basic difference in judgment between some

of the other people on the staff who drafted these portions of the report about which I am commenting and myself. In some cases I think that the memos indicate that simply mistakes were made and that they should be corrected and I assumed that they were. I am almost certain that they were.

But that could be probed by looking at the report. I don't think there is any "explanation" for it other than the difference in attitude and approach between different people.

Mr. CORNWELL. May we mark for identification as exhibit 42, Mr. Chairman, a memo dated September 16 from Mr. Liebeler to Mr. Rankin, subject matter: "Quote from New Orleans Times-Picayune of September 19, 1963 concerning Fidel Castro's speech."

Mr. PREYER. That may be marked for identification only.

Mr. CORNWELL. Have you had a chance to review that memo prior to coming here?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. Would it be fair to state that that is one additional memo concerning the same general subject matter of what should and should not be included in the final report?

Mr. LIEBELER. Yes.

Mr. CORNWELL. May we admit that document into the record?

Mr. PREYER. Without objection, it is admitted into the record.

[The document referred to, marked JFK exhibit No. 42 and received for the record, follows:]

JFK EXHIBIT No. 42

[Memorandum]

SEPTEMBER 16, 1964.

To: Mr. Rankin.

From: Mr. Liebeler.

Re: Quote from New Orleans Times-Picayune of September 19, 1963, concerning Fidel Castro's speech.

We previously discussed the possible inclusion in chapter VII of the quote from the New Orleans Times-Picayune of September 19, 1963, concerning Fidel Castro to the effect that U.S. leaders would not be safe themselves if U.S. promoted attack on Cuba continued. You and Mr. Redlich took the position that we could not include the quote unless there was some evidence that Oswald had actually read that particular newspaper. I stated that the material was relevant and the possibility that Oswald had read it should be discussed. I was not, however, at that time able to indicate any other situation in which materials had been discussed on the possibility that Oswald had read it, in the absence of any specific proof that he had.

I now note, however, in reviewing the galleys of chapter VI, that an extensive discussion of the "Welcome Mr. Kennedy" advertisement and the "Wanted for Treason" handbill are included. The following statement appears in connection: "There is no evidence that he [Oswald] became aware of either the 'Welcome Mr. Kennedy' advertisement or the 'Wanted for Treason' handbill, though neither possibility can be precluded."

Our discussion of the possible inclusion of the Castro quote had obvious political overtones. The discussion set forth in chapter VI concerning the "Welcome Mr. Kennedy" advertisement and the "Wanted for Treason" handbill have similar overtones. One of the basic positions that you have taken throughout this investigation is that the groups on both ends of the political spectrum must be treated fairly. I have agreed with that proposition in general, even though we have disagreed at times on specific applications of it.

It appears clear to me, however, that if we are precluded from including the quote from the New Orleans newspaper concerning Castro's speech on the grounds that we have no evidence that Oswald actually read it, even though we do know

he read a great deal, the same must be true of the "Welcome Mr. Kennedy" advertisement and the "Wanted for Treason" handbill. The discussion in chapter VI actually admits that the "Welcome Mr. Kennedy" advertisement in the November 22, 1963, Dallas Morning News probably did not come to Oswald's attention. Under those circumstances, it would seem to me that fairness indicates either the deletion of the discussion of the advertisement and the handbill that is now set forth in chapter VI or the inclusion of the Castro statement in chapter VII.

Mr. CORNWELL. Would it be fair to state, Mr. Liebeler, that on the first page of that document you outline to Mr. Rankin two different types of newspaper articles, one of which would reflect a possible threat against the President by Mr. Castro, and another set of articles which would indicate possible threats by rightwing groups in the United States?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. Would it be fair to state that on page 2 you go on to state that:

Our discussion of the possible inclusion of the Castro quote had obvious political overtones. The discussion set forth in chapter VI concerning the "Welcome Mr. Kennedy" advertisement and the "Wanted for Treason" handbill have similar overtones. One of the basic positions that you have taken throughout this investigation is that the groups on both sides of the political spectrum must be treated fairly. I have agreed with that proposition in general although we have disagreed at times on the specific application of it.

In other words, would it be fair to state that in substance you had found an example where the report was to allow the inclusion of evidence if it reflected a possible right wing conspiracy, but it would be more sensitive to the problem if you included evidence concerning a possible Castro conspiracy?

Mr. LIEBELER. Yes; I think that is a correct statement, and I am prepared to offer, if you wish it, an explanation as to why that sort of thing occurred.

Mr. CORNWELL. Yes, sir.

Mr. LIEBELER. I have the very definite impression that the Chief Justice was extremely sensitive about some of the things people in Texas and in Dallas particularly had said about him. There was a considerable discussion about putting anything in the report or conducting any kind of investigation into the newspaper ads that had been taken in Dallas prior to the time that President Kennedy went to Dallas and about some handbills that had been distributed down there.

I took the position that there was no conceivable relevance between that activity and President Kennedy's assassination. As this memo reflects, one of the legal formulations of that issue became a part of the question of whether there was any evidence to suggest that Oswald had ever seen these newspaper stories or knew about the handbill, and if he had not, of course, there would not be any foundation at all for saying anything about it. This memo is an attempt to quite frankly either get the rightwing stuff out or put the Castro stuff in but not put the rightwing stuff in and keep the Castro stuff out.

In fact, this particular article from the Times-Picayune I do not believe was discussed in the report, but I may be wrong about that. I have not been able to find any reference to it. There is a considerable discussion, however, on pages 414 and 415 of the report about

the possibility that Oswald was motivated by sympathy for the Castro regime and other Communist materials that he read and was familiar with, so that that question was discussed in the report even though the specific article was not. The other material about these rightwing people was also included in the report. Both of them went in although not the specific Castro thing as near as I can tell. The reference to the New Orleans article was not included in the report.

Mr. CORNWELL. I wonder if part of your last answer inferred a particularly close relationship between Mr. Redlich and Mr. Rankin on the one hand and Chief Justice Earl Warren on the other. In other words, you seem to be suggesting that Earl Warren's feeling about the rightwing attitude in Texas may have had an effect upon the decision or at least the preliminary decision to include the rightwing articles and omit the Castro articles.

Mr. LIEBELER. I don't have the impression that it had anything to do with omitting the Castro article. I have the rather clear impression that the Chief Justice requested that the investigation into the rightwing activities be conducted. I know that for a fact because they asked me to do it. I didn't do it. I wouldn't do it.

Mr. CORNWELL. Do you believe based on your experiences there that this type of selection process, and the process by which many of the points of evidence were overstated, was the result of Rankin's and Redlich's views of what Earl Warren wanted? Did this last exhibit represent a typical occurrence or an isolated occurrence?

Mr. LIEBELER. It wasn't the only time the question came up. That is certainly true. It seems to me there are two questions here though. This business of overwriting, as I characterized it, I don't have any reason to believe that that had any relationship to the Chief Justice's views on any of the issues. I don't have any reason to believe that. I have no knowledge that would lead me to believe that. Mr. Redlich and I have quite profoundly different views of the world on political questions, and that led to disagreements over this matter on several occasions.

Mr. CORNWELL. I am sorry I don't have it here to show you, but I would like to read for you what our research department says is the contents of a memorandum they have reviewed in the L.B.J. Library in Austin, Tex. The memo purports to reflect J. Edgar Hoover's statements to White House aide Walter Jenkins on November 24, 1963. It states Mr. Hoover's apparent thinking.

The thing I am most concerned about and so is Mr. Katzenbach, is having something issued so that we can convince the public that Oswald is the real assassin. Mr. Katzenbach thinks that the President might appoint a Presidential Commission of three outstanding citizens to make a determination. I countered with the suggestion that we make an investigative report to the Attorney General with pictures, laboratory work, et cetera, and the Attorney General can make the report to the President and the President can decide whether to make it public. I felt this was better because there are several aspects which would complicate our foreign relations if we followed the Presidential Commission route.

Were you aware of any belief at the level of the FBI, the head of the FBI, the Justice Department, the White House, perhaps Earl Warren, during the operation of the Warren Commission that the public needed to be convinced that Oswald was the real assassin and

that there were sensitive areas that had to be avoided in connection with foreign relations?

Mr. LIEBELER. No. I did not get that impression. I don't think anybody on the staff of the Commission thought it was their job to convince anybody that Oswald was the assassin. I think they felt their job was to find out who was the assassin. For better or worse we came to the conclusion, which I felt was correct, that Oswald was the assassin and that is what the report said. I don't have the feeling that there was ever any constraint placed on any investigation that I was involved in or anyone else that I know of on the Commission staff, either for reasons of the kind to which you now allude or for any other reason that didn't make sense in the context of the development of the work of the Commission.

I want to put that exception in because there were persons who felt that Griffin was spending too much time trying to find out how Jack Ruby got in the basement and things like that. On this other issue there was no such thing involved.

Mr. CORNWELL. In other words, your answer, as I understood it, is that you observed no restrictions upon your investigation or that of your fellow staff attorneys which you then or now would construe as being the product of this type of attitude?

Mr. LIEBELER. That is correct.

Mr. CORNWELL. Let me ask you, however, whether or not in your view it would have been possible for the facts to have been supplied to the Warren Commission by the investigative agencies in a manner to accomplish this type of constraint? Could they have tailored what they provided you in your view to accomplish that?

Mr. LIEBELER. In my view that could have been done by the Central Intelligence Agency. I do not believe that could have been done by the FBI.

Mr. CORNWELL. On what basis do you make the distinction?

Mr. LIEBELER. The FBI provided us with a piece of information and interview, the FBI reports. Those witnesses, those persons who were interviewed by the FBI were available to us. We took their depositions ourselves. The work the FBI did on the physical evidence, the ballistics work, the fingerprint work, the hair and fibers work, that sort of thing, in many, if not in all cases, were checked by independent criminal laboratories. We did not rely solely on the statement of the Federal Bureau of Investigation in that regard.

I do not believe because of those considerations that the Bureau could have essentially done that. It is true that apparently there were things that some people in the Bureau knew that they did not tell us but I don't think that any of those things had anything to do with the basic facts of the assassination.

As to the CIA, however, it is much more difficult. It was much more difficult for us to verify statements received from them. So, I think as a result of those factors it might have been possible in the case of the CIA. I want to emphasize, however, that I do not believe that was the case. But I think it might have been possible. I think the basic problem, the basic area where it could have been a possibility is that if the—we were faced with a number of leads that led to various kinds of Cuban individuals and Cuban groups that Oswald was claimed to have

associated with or been seen with. The Odio thing and a series of contacts in New Orleans, several in New Orleans.

In those cases it was very difficult or impossible to follow them down in the sense you could say absolutely with a high degree of certainty that there was nothing to them. It is possible I suppose that the CIA may have had information in its files reflecting its own activity and concerns with Cuba that, if provided to us, might have helped us keep up with some of these other things that we were pursuing on our own and with the help of the FBI. As I say, I have no reason to believe that is the case.

Mr. CORNWELL. Would that attitude, which would appear on the face of that one memorandum which I just read, have been consistent with what you observed to have happened during the rewrite process?

Mr. LIEBELER. Are we referring to exhibit 42?

Mr. CORNWELL. No. I am referring to the memorandum I read you a moment ago concerning what appears to have been Mr. Hoover's feeling that they needed to convince the American public that Oswald was the assassin and to avoid several aspects which might complicate foreign relations. Was that consistent with what was happening in the rewrite process?

Mr. LIEBELER. I don't know. Once you conclude on the basis of the evidence we had that Oswald was the assassin, for example, taking that issue first, then obviously it is in the interest of the Commission, and I presume everyone else, to express that conclusion in a straightforward and convincing way. Now the question, I think, that perhaps Mr. Redlich and I differed on from time to time was what was the most convincing way? Do you write the thing in a conclusionary sense or do you say: Well, here are the problems. And after looking at all this evidence and taking account of the conflicting evidence and differences, the Commission has concluded that this is the result.

If you were just going to publish the report and get rid of all the other evidence obviously you can state it in any kind of conclusionary fashion you want. But if you know that people are going to be looking at this work for years and years to come, as it has turned out they are, then it seemed to me the most convincing way to do it was to lay everything right out there and say, "Here are the problems, you don't have to look for them, the Commission looked at them and after considering them this is the conclusion we came to."

Mr. CORNWELL. One final exhibit, Mr. Chairman. May I have marked for identification a document or a memorandum dated April 15, 1964, from Mr. Goldberg to Mr. Rankin as exhibit 43?

Mr. PREYER. It may be marked as exhibit 43 for identification purposes.

Mr. CORNWELL. Did you have a chance to review that document prior to coming here?

Mr. LIEBELER. Yes, sir.

Mr. CORNWELL. Is it fair to say that the subject of that memo concerns a possible request from all the members of the staff for a historical memoranda outlining the nature of their work, the major problems they encountered, and soliciting their evaluation of the work of the Commission from various standpoints?

Mr. LIEBELER. That is what it says.

Mr. CORNWELL. May we admit that for the record, Mr. Chairman? Mr. PREYER. Without objection, it is admitted into evidence.

[The document referred to, marked JFK exhibit No. 43 and received for the record, follows:]

JFK EXHIBIT No. 43

APRIL 15, 1964.

Memorandum for : Mr. J. Lee Rankin.

From : Mr. Alfred Goldberg.

Subject : Historical memoranda by staff members.

Pursuant to our conversation of yesterday, I suggest that the members of the Commission staff be asked to prepare, prior to their departure from here, an account of their experiences with the Commission. Attached is a suggested draft of a memorandum to the staff.

APRIL 15, 1964.

Memorandum to : All members of the staff.

From : J. Lee Rankin, General Counsel.

Subject : Historical memoranda by staff members.

It is more than likely that this Commission will be the subject of future historical, legal, and political studies. We have an opportunity, and also an obligation, to help create as complete a record as possible of the work of the Commission. At some time, shortly before your departure from here, will you please prepare an account of your contribution to the work of the Commission. It would be helpful if you would also analyze and evaluate the work of the staff and the Commission in general. Please be as specific and comprehensive as possible. You may find the check list below of some assistance in preparing your memoranda.

1. How did you become associated with the Commission?
2. How were your functions and area of activity decided?
3. What actions did you take to carry out your assignment?
4. What were the major problems you encountered in carrying out your assignment?
5. What is your evaluation of the work of the Commission from the following standpoints?
 - a. Organization ;
 - b. Administration ;
 - c. Planning of work ;
 - d. Policies ;
 - e. Investigative support ;
 - f. Hearings and depositions ;
 - g. Organization and preparation of reports ;
 - h. Validity of findings.

Mr. CORNWELL. Prior to the time that I showed you that document in anticipation of your testimony here had you seen it?

Mr. LIEBELER. Not to my recollection.

Mr. CORNWELL. Was it to your knowledge, circulated among the staff and were those requests ever made?

Mr. LIEBELER. I don't believe so. I don't believe they were ever made.

Mr. CORNWELL. Did you ever write any memorandum of that nature, in other words, a memorandum giving your views on those subject matters?

Mr. LIEBELER. Not directly.

Mr. CORNWELL. Do you have any information which could give us an insight into why that memorandum was never distributed among the staff, if it was not?

Mr. LIEBELER. Well, I think if I had been in Mr. Rankin's position I would probably not have sent it out either.

Mr. CORNWELL. I have no further questions.

Mr. PREYER. Are there questions by members? Mr. Fauntroy.

Mr. FAUNTROY. Not at this time.

Mr. PREYER. Mr. Devine.

Mr. DEVINE. No questions.

Mr. PREYER. Mr. Dodd.

Mr. DODD. I have just two questions really.

You stated in regard to the rifle, the palm print, and I think on the boxes as well you had a bit of disagreement over whether or not those prints ought to be—was it verified or checked out? I wasn't sure what you meant. They had actually been run already once. There was some question of the absorption because of the wood. Had there already been a test on them?

Mr. LIEBELER. If I may, I will explain exactly what happened in both of those cases, it won't take very long.

I think particularly the point on the rifle barrel may be worthwhile. The Dallas Police Department had gotten to the rifle. Very shortly thereafter they sent it to the FBI for fingerprint analysis. The FBI reported there were no prints on the rifle. Four days later the Dallas Police Department forwarded to the FBI a lift of a palm print that they said had been taken from the underside of the rifle barrel. When they were asked, as they were, why they had waited 4 days to send this lift to the FBI or had not told the FBI that they had made this lift from the rifle, their reply was that even though the print had been lifted, that that lift had not removed the latent print from the underside of the rifle barrel and it was still there.

Well, the problem was that the FBI never found it there. It occurred to us that it was possible that in fact the palm print never came from the rifle. We only had the say-so of the Dallas Police Department to that effect and we weren't satisfied with that. We wanted the FBI to establish, if they could, whether that palm print in fact came from that rifle or not. At the time this question was raised no attempt whatever had been made to deal with that problem. Now after the discussion that Mr. Willens and Redlich and I had that was referred to in the testimony Mr. Rankin invited to his office the chief FBI fingerprint expert, Inspector Mally of the FBI, who was liaison with the Commission and I think Mr. Slawson and Mr. Griffin and Mr. Willens and Mr. Redlich and Mr. Rankin met with them. I suggested to Mr. Latona, their fingerprint expert, that there might be some distortion in the lift because it had been taken from a cylindrical surface, sort of a Mercator projection is here, put your hand on a light bulb and take the lift and lay it flat, it might distort the lift from what it might have been on the surface.

Latona went back and looked at the lift. He found that there were indications in the lift itself of pits and scores and marks and rust spots that had been on the surface from which the print had been lifted, and happily they conformed precisely to a portion of the underside of the rifle barrel and the FBI so reported to us. As far as I was concerned that conclusively established the proposition that that lift had come from that rifle.

Mr. DODD. To your knowledge why would not the FBI have been able to detect it?

Mr. LIEBELER. I have no explanation of that.

Mr. DODD. There have been all sorts of allegations about the numbers of various weapons kicking around. I don't know, this has been one of

the pieces of evidence they have used to corroborate the critics that allege—

Mr. LIEBELER. Not any more. There is nothing you can say about it. It clearly came from that rifle.

Mr. DODD. Why did Mr. Rankin object so strongly to going through that fairly simple process to make that determination? Did he ever give an explanation why?

Mr. LIEBELER. It wasn't clear that it was going to be that simple when we started out. That was an idea that sort of occurred to us as we went along. Our first approach was to think of how we could question the Dallas Police Department about what happened, why they had not forwarded the print with the rifle. This being late in the day, whenever it was, late August or September, Mr. Rankin was not terribly enthusiastic about having a couple of Commission lawyers go down to Dallas and start questioning the Dallas Police Department quite frankly because it would have raised all kinds of questions at that time as to what in the hell was going on, what are we doing going down and taking depositions from the Dallas Police Department 2 months after the report was supposed to be out?

I had some sympathy with that view and halfway thought we would have pushed that, we would have done that had it not been for the Bureau's ability to deal with that problem in another way and much more effective way.

Now on the cartons the problem there was that Oswald's prints had been identified on those cartons, they were cartons containing books that were in the corner of the window from which the shot had been fired and there were, I don't know, 20 or 25 or 28 other prints on the cartons that had never been identified. No serious attempt in my mind had ever been made to identify them. I first was troubled by the fact that at one point the draft of the report said that the Commission placed great weight on the fact that Oswald's prints were on those cartons. I had some difficulty with that proposition in view of the fact that we had not identified these other prints and really had not made any attempt to do so.

Mr. DODD. What eventually happened to that?

Mr. LIEBELER. What eventually happened was at that same conference—I was given the gift of tongues or something. As I walked out of the conference I heard someone say to Inspector Mally, "By the way, Inspector Mally, you might consider the possibility that those prints were put on those boxes by FBI agents." I looked around the room to see who had the temerity to suggest that and I found I said it myself. Unconsciously, I didn't realize I was saying that. Inspector Mally did consider that possibility and it turned out to be correct.

Mr. DODD. All those prints did come from the FBI people?

Mr. LIEBELER. They came from an FBI clerk in the Dallas office and from a detective in the Dallas Police Department except for one print that was never identified.

Mr. DODD. Also the palm prints on the gun that was FBI?

Mr. LIEBELER. That was Oswald's, yes.

Mr. DODD. I did want to ask you why you thought Gerald Ford was the best Commission member but I thought that was irrelevant.

Mr. MCKINNEY. It is irrelevant now.

Mr. PREYER. Mr. McKinney.

Mr. MCKINNEY. Just a question I have asked everybody appearing before the committee. It concerns the lack of communication between the CIA and the FBI over Oswald, the fact Oswald was a known defector from the United States. The CIA's debacle of the Bay of Pigs which we discussed with Mr. Slawson, none of our agencies at that particular time were in very good repute. There was a question as to our intelligence-gathering ability after the Bay of Pigs and after the Cuban missile crisis and one thing or another.

The FBI had problems. Do you feel as a junior counsel on this a little nervous about the fact that you had to depend, for all your information to essentially come from governmental agencies that had somewhat clearly goofed at least as far as keeping each other apprised of what Lee Harvey Oswald was at?

Mr. LIEBELER. I never had the feeling that we relied on Government agencies for our information. When we started we started with a bunch of FBI files, but we reviewed those so that we could conduct our own investigation. We did take the testimony of many, many witnesses. We had the reports of the examination of the physical evidence verified by outside sources, we did not rely on the FBI. So as to the basic facts of what happened in Dallas on that day not only did we not rely on the FBI work but the fact is that the Commission came to assume somewhat different conclusions than the FBI came to.

There was a preliminary FBI report that solved the problem as to what happened. Our conclusions were somewhat different from that. I don't think we relied on the FBI to the extent that people think we did.

Mr. MCKINNEY. Do you feel there was not enough time?

Mr. LIEBELER. Yes, to write the report. What we had planned to do originally—Mr. Rankin spoke to me about this in June or July—was that after the report was drafted, put into the condition it was eventually released in, he wanted two or three people and I was quite flattered by the fact that he asked me to be one of them to stay on and rewrite the whole report and polish it up. We simply never had time to do that. I was unhappy about that.

In terms of the investigation with the one exception that I mentioned I did not think that time was a particular problem.

Mr. PREYER. I have a couple of questions. One of the most troubling incidents is the Sylvia Odio incident where apparently there was so much unanimous agreement that she is a credible witness. Yet, some of her testimony seems rather improbable, measured against some of the other known facts. Do you have any suggestion, calling on your gift of tongues, that would give us any thoughts on how we might corroborate her testimony or challenge it? I assume one thing, if we could find out whether Oswald was in Dallas on that date it would be an important fact. But do you have any thoughts on how, if you had the time now and an opportunity—you mentioned you did not think you had gotten at the bottom of that—what would you do now to try to get to the bottom of it? What could we do?

Mr. LIEBELER. The first thing I would do is review the FBI on that question that I understand came into existence subsequent to the publication of the report and then I think I would want to find out, if I knew how to do it, whether the CIA has any information or had any informa-

tion about any of the people who were involved in that sequence of events. I don't believe that the committee will be able to eliminate the possibility that Oswald was in Dallas at that time any better than we did. We tried to do that. We had his location pinpointed rather well.

The FBI conducted an extensive investigation quite late in the game to see if they could produce any additional information about his whereabouts in New Orleans before he went to Mexico, unsuccessfully. While it would have involved travel by automobile or by airplane I think he could have been in Dallas at that time. I personally do not believe he was but he could have been.

Mr. PREYER. Did you ever talk to Ms. Odio personally?

Mr. LIEBELER. Yes, sir, I took her testimony.

Mr. PREYER. What is your impression of her credibility after you subjected her to questioning?

Mr. LIEBELER. I think she believes that Oswald was there. I do not think she would lie about something like that. But I also have the impression both from my own observations of the woman and from some knowledge of her background obtained from the FBI, that I would not regard her as a reliable witness on this question. I will be happy to discuss that at greater length. The staff I am sure will follow up on that matter.

She was having certain psychological and other problems at the time. I just don't think she accurately reported on what happened.

Mr. PREYER. I might ask one other question in another area. I understand that several of the Warren Commission members had a long day session with a number of psychiatrists and psychologists dealing in your area of what were the motives of Oswald and there has been some criticism that the Warren Commission report treated that day's findings in a somewhat selective manner. Do you have any comment about that? Were you at that all-day meeting?

Mr. LIEBELER. Yes, I was. My understanding and recollection of that was that that session was sort of a working session and a transcript was made of it and it was not published in the underlying hearings. I think it is available in the archives. I have seen a copy of it since then. I know it is available somewhere. I think that some people at the time thought we were getting a little too far into this business of trying to psychoanalyze a man who none of us had even seen. In the 13 years that have passed since that time I think that too now.

I did not think it then but I do now.

Mr. PREYER. There was more question of the weight of the evidence as to why you didn't come down very hard on that.

Mr. LIEBELER. That is right. Unlike some people we are not able to observe Members of the United States Senate at a distance and characterize the nature of their psychology.

Mr. FAUNTROY. I have two questions, Mr. Chairman. That is that there has recently been published a book called "The Making of an Assassin" by Ms. McMillan, referring to a 13-year-long writing of an account of the man through interviews with his wife Marina. I have not had an opportunity to read it, only reviews of the book. It suggests motives that may have emerged from that rather exclusive interviewing of Mrs. Oswald. Are you familiar at all with that work?

Mr. LIEBELER. No; I haven't seen it. I have not read the reviews of it or anything.

Mr. FAUNTROY. My second question is, is it not your testimony that the reservations that you had about the character of the Commission report, the language, the writing, additional questions that have been raised since, new information has come to light since, all these things notwithstanding, you feel that the Warren Commission was accurate beyond question?

Mr. LIEBELER. I think that the Commission's conclusion as to the identity of the assassin and as to the facts that occurred in Dallas on that day, that is to say there was only one person killing the President and it was Oswald and he used that rifle and so on, are correct beyond any doubt, beyond any plausible doubt. It is not possible to reach the conclusion that Oswald did not have contacts with other people, the knowledge of which would be relevant to this matter, about which the Commission did not learn, and the Commission of course never stated that there was no conspiracy. It only stated that it had not been able to develop evidence that suggested the existence of a conspiracy.

I debated this issue with Mark Lane at UCLA and many other critics. I don't have any reason to doubt the basic conclusions in the report including the conspiracy question, and even this business of the FBI supposedly destroying a note that Oswald left at the office and that sort of thing does not cause me to have any questions about that. To me it is perfectly clear what was going on in the Bureau at that time.

It was clear to most of us at the time.

Mr. FAUNTROY. So that your view is that he acting alone killed Kennedy?

Mr. LIEBELER. Yes, sir.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. MCKINNEY. Was it ever discussed by you or by others that there was a possibility that Lee Harvey Oswald could have been a CIA agent or informant or FBI informant?

Mr. LIEBELER. Yes, sir.

Mr. MCKINNEY. Did you think it would have been possible for the CIA and the FBI to keep this information away from the Commission?

Mr. LIEBELER. No.

Mr. MCKINNEY. Why?

Mr. LIEBELER. I think that that is the kind of issue on which it is quite conceivable that the only persons who would have knowledge of it if that were true would be Oswald who is dead and a very few, presumably as many as only one, but very few people within these organizations and I think that it is quite conceivable that if they wanted to withhold that information they could do so and we would not have any direct way of finding out. One of the ways that the Commission did approach that question was to examine Oswald's financial history and do a financial audit of it which hopefully would have, if there had been unaccounted revenues that he had spent, that would have lent credibility to the proposition that he had been in the employ of these agencies on the assumption that he was not doing it for nothing. The Internal Revenue Service people that worked for the Commission were able to account for all of the expenditures out of the income that he received or was known to have received during this period of time.

Mr. McKINNEY. Thank you, Mr. Chairman.

Mr. CORNWELL. Mr. Chairman, may I ask one additional question?

Mr. PREYER. Yes.

Mr. CORNWELL. What is your view with respect to the question of whether or not the withholding by the CIA from the Commission of information concerning the assassination plots did or did not substantially affect the factfinding process?

Mr. LIEBELER. I don't understand the question.

Mr. CORNWELL. Do you think it was significant? Would there have been things that the Commission would have done had it possessed that information?

Mr. LIEBELER. What information?

Mr. CORNWELL. About the CIA assassination plots against Castro.

Mr. LIEBELER. Fidel Castro?

Mr. CORNWELL. Yes.

Mr. LIEBELER. I think that if I had known that at the time that I would have been concerned to find out more directly whether the CIA had any information that might provide the Commission with leads on these other issues that we were looking at or issues that we never turned up. In my mind the fact, if it is a fact, and I don't have direct knowledge of that but I take it to be a fact, that the CIA was trying to arrange the assassination of Mr. Castro at the time, the withholding of that fact by itself I don't think is particularly significant to anything that the Commission did.

What I am saying is the fact that the CIA was attempting, if it was, to assassinate Castro, I don't understand what that has to do with Oswald or the Warren Commission investigation or anything of that sort. I think that the question of whether the CIA withheld evidence that would have provided leads to the Commission that might have connected Oswald to presumably Cuban contacts that we were not able to connect him with ourselves, that clearly would have been significant. The fact that the CIA was apparently attempting to assassinate Castro, might have provided a motive for them to withhold information if indeed they did, but the fact they were trying to assassinate Castro had nothing to do with the issue.

It seems to me that relates to the motivation of the CIA in a separate matter.

Mr. FAUNTROY. Mr. Chairman, may I ask one more question?

Throughout the course of your testimony you indicated there were some leads that you would like to have pursued had you had more time and that there were still some questions, albeit minor, apparently in your mind about those leads. I wonder if you could identify for me any outstanding question that you now have that you would like to have pursued although that pursuit would have led you, as you have concluded, to the same conclusion which the Commission reached, that Oswald, acting alone, without conspirators, killed Mr. Kennedy?

Mr. LIEBELER. I think the only question that would satisfy that description is the one that the chairman has already referred to and that is the Odio incident, at least from the standpoint of what the Commission staff would have done.

Because on these other questions we did all we could think of to do, to try to connect these allegations up to Oswald, and were not able to.

So in terms of the feeling that I had at the time that we didn't have time enough to follow these leads up that would only have been true with respect to the Odio incident. Now as far as what this committee might do or would want to do, I wouldn't think that would be confined simply to the Odio thing. I think if you obtain CIA materials that we did not get, for example, if that could occur, that it could be that material in the files could relate to others than Ms. Odio.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. PREYER. Thank you. We appreciate very much your testimony. You were just about the last man off the beach here, weren't you? Were there three of you left that mostly did the final writing?

Mr. LIEBELER. I don't know. There were more than that. Mr. Griffin and Mr. Slawson but Redlich was there almost to the very end and did an enormous amount of work on the report.

Mr. PREYER. The senior members began to drop off before the end?

Mr. LIEBELER. Many of them did. Mr. Jenner stayed on until the end. Mr. Ball did a large amount of work. Mr. Hubert also. I understand the fact that many of those senior members had advised Mr. Rankin that they really couldn't work full time when they were asked to come to the Commission.

Mr. Adams was the most prominent amongst those.

Mr. PREYER. Your testimony has been very helpful. We appreciate very much your being here with us.

Mr. LIEBELER. Thank you, Mr. Chairman.

Mr. PREYER. Pursuant to our rules the witness is offered 5 minutes at the conclusion of the questioning to make any statement that he cares to make about the case or to amplify any of his remarks in any way. The Chair would like to offer you your 5 minutes.

Mr. LIEBELER. Unfortunately I am going to accept part of that time.

My testimony and I am sure the testimony of other staff members and the files of the Commission obviously show the existence of very strongly held views on various issues and vigorous exchanges on those views. As I tried to indicate, however, all of the investigation that I wanted conducted was conducted. Much of the disagreement was about how the report should be written and, as I have said, my views on that issue prevailed sometimes and sometimes they did not and that is exactly what one would expect in that kind of situation.

As to the basic facts of the assassination relating to questions of the President's wounds, source of the shots and identity of the assassin, the physical evidence alone shows without doubt that Oswald was the assassin and that he fired from the sixth floor of the school book depository. The Commission pursued to the extent that it could all plausible leads suggesting the involvement of persons other than Oswald and it could not establish any facts that would seriously suggest the existence of a conspiracy to assassinate the President.

The staff was highly motivated and competent with no inclination or motive not to pursue the issues to the truth. The work of the staff of the Commission was not perfect.

When compared to the criticisms that have been made of our work or compared to the product of other human institutions and not to some ideal of perfection, we might ask ourselves, or you might ask yourselves whether you would have been likely to have done better at the time and when thought of in that way and when compared to those standards I think the Commission's work will pass muster very well.

As I have said, I have never doubted the nature of the conclusions of the report and I do not doubt them now. In spite of what has happened since the publication of the report I think that eventually it will stand the test of time.

Thank you very much.

Mr. PREYER. Thank you. We appreciate your comments and testimony.

The committee will recess until 10 o'clock in the morning.

[Whereupon, at 5:20 p.m., the subcommittee adjourned, to reconvene at 10 a.m. on Wednesday, November 16, 1977.]

(283) Attachment F: Executive session testimony of Judge Burt W. Griffin and Howard P. Willens.

SUBCOMMITTEE HEARING

THURSDAY, NOVEMBER 17, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE ASSASSINATION
OF JOHN F. KENNEDY OF THE SELECT
COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The subcommittee met at 10:40 a.m., pursuant to recess, in room 2359, Rayburn House Office Building, Hon. Louis Stokes (chairman of the Select Committee on Assassinations) presiding.

Present: Representative Stokes, Fauntroy, Dodd, and McKinney.

Professional staff members present: G. Robert Blakey, chief counsel; J. Facter, J. Wolf, K. Klein, E. Berning, L. Wizelman, D. Hardway, M. Mars, R. Genzman, A. Hausman, R. Morrison, D. Kuhn, and J. Hess.

Chairman STOKES. The meeting will come to order.

At this time the Chair will recognize Ms. Elizabeth Berning, clerk of the committee, to read for the record those members officially designated to be on the subcommittee today pursuant to committee rule 12.13

Ms. BERNING. Mr. Preyer and Mr. Dodd are regular members. Mr. Stokes will be substituting for Mr. Sawyer. Mr. McKinney will be substituting for Mr. Thone. Mr. Fauntroy will be substituting for Mrs. Burke.

Chairman STOKES. At this time I will recognize Mr. Fauntroy as the chairman of the subcommittee in the absence of the designated chairman, Mr. Preyer.

Prior to recognizing Mr. Fauntroy for that purpose, we should have a motion that the subcommittee go into executive session for today's hearing and one subsequent day of hearing since, on the basis of information obtained by the committee, the committee believes the evidence or testimony may tend to either defame or degrade people, and consequently section 2(k)(5) of rule 11 of the rules of the House and committee rule 3.3(5) require such hearings to be in executive session.

Mr. MCKINNEY. I so move.

Chairman STOKES. It has been properly moved that the committee go into executive session. The clerk will call the roll.

Ms. BERNING. Mr. Stokes.

Chairman STOKES. Aye.

Ms. BERNING. Mr. Sawyer.

[No response.]

Ms. BERNING. Mr. McKinney.

Mr. MCKINNEY. Aye.

Ms. BERNING. Mr. Fauntroy.

Mr. FAUNTROY. Aye.

Ms. BERNING. Mr. Dodd.

[No response.]

Ms. BERNING. Three "ayes," Mr. Chairman.

Chairman STOKES. Then at this time the subcommittee is officially in executive session and members of the public are asked to remove themselves.

The Chair at this time will recognize Mr. Fauntroy for the purpose of acting as subcommittee chairman.

Mr. FAUNTROY [presiding]. The Chair welcomes as our first witness today Mr. Burt W. Griffin. Mr. Griffin, if you will stand we will swear you at this time.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Judge GRIFFIN. I do.

TESTIMONY OF BURT W. GRIFFIN

Mr. FAUNTROY. I understand, Mr. Griffin, that the committee rules have been given to you prior to your appearance today.

Judge GRIFFIN. That is correct.

Mr. FAUNTROY. Let me begin by saying that the House Resolution 222 mandates the committee "to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy, including determining whether the existing laws of the United States concerning the protection of the President and the investigatory jurisdiction and capability of agencies and departments are adequate in their provisions and enforcement, and whether there was full disclosure of evidence and information among agencies and departments of the U.S. Government, and whether any evidence or information not in the possession of an agency or department would have been of assistance in investigating the assassination, and why such information was not provided or collected by that agency or department . . . and to make recommendations to the House . . . if the select committee deems it appropriate for the amendment of existing legislation or the enactment of new legislation."

To begin our questioning the Chair will yield now to our Chief Counsel, Mr. Blakey.

Mr. BLAKEY. Judge Griffin, I would like to extend my thanks to you for coming today and also the thanks of the staff. It is a pleasure to see you again. We appreciate your taking time from your very busy trial schedule to come here and share with us your thoughts and observations.

We would also like to thank you on the record for taking time to talk with Ms. Jacqueline Hess and myself on November 4 in Cleveland.

The Chairman of the full committee, Mr. Stokes, whom I am sure you know quite well, also asked me to express to you his regrets. He apparently came a little earlier and had to leave because of a previous commitment.

Mr. Chairman, I thought it might be appropriate at this point to insert in the record and also for the benefit of the committee some of the background and biography material on Judge Griffin.

Judge, I wonder if you would let me read several things for you and indicate whether they are correct. You were born in Cleveland in 1932, received your B.A. degree with honors from Amherst College in 1954, your L.L.B. degree from Yale Law School in 1959 where you were the co-editor of the Law Journal.

In 1959 and 1960 you were a law clerk to Judge George T. Washington of the U.S. Court of Appeals for the District of Columbia, and from 1960 through 1962 you were Assistant U.S. Attorney in the northern district of Ohio.

You joined the law firm in Cleveland of McDonald, Hopkins & Hardy.

Is that all correct?

Judge GRIFFIN. That is correct.

Mr. BLAKEY. Then in 1964 you were Assistant Counsel to the Warren Commission. Is that correct?

Judge GRIFFIN. That is correct.

Mr. BLAKEY. After your term of duty with the Warren Commission ended you returned to be associated with the firm of McDonald, Hopkins & Hardy. Subsequently you served as the director of the Legal Aid Society in Cleveland and of the Office of Economic Opportunity legal service program, and finally, on January 3, 1975, you were appointed judge of the Court of Common Pleas for the County of Cuyahoga, Cleveland, Ohio.

Judge GRIFFIN. That is correct, except that I was elected.

Mr. BLAKEY. Turning then to your assignment with the Warren Commission in 1964, would you tell the committee how you were hired?

Judge GRIFFIN. I was first contacted by a man named David Filvaroff, a staff member of the Justice Department. I believe he worked, but I am not certain, in the Deputy Attorney General's office. He is a man I had known when I was practicing law in Cleveland, Ohio. He had been contacted by others in Washington to suggest names of people who might be appropriate to serve as counsel to the Commission. He contacted me and asked me if I would be interested in serving. I told him that I would be.

He suggested I send a résumé to J. Lee Rankin with some kind of cover indicating that I talked with Mr. Vilaroff. I did that. My recollection is at that point I received a telegram back from Mr. Rankin. I may have had a brief telephone conversation with him, but I can't be sure about that. My contacts were primarily with Mr. Filvaroff.

Mr. BLAKEY. What were you told about the goals of the Warren Commission?

Judge GRIFFIN. I was told that our goal was to attempt to determine what the facts were behind the assassination of President Kennedy.

Mr. BLAKEY. Did you have any conversations with Chief Justice Warren?

Judge GRIFFIN. Prior to being hired?

Mr. BLAKEY. Yes.

Judge GRIFFIN. No.

Mr. BLAKEY. Did you have any conversation with Mr. Rankin?

Judge GRIFFIN. Prior to being hired?

Mr. BLAKEY. Yes.

Judge GRIFFIN. I can't recall whether I had a brief telephone conversation with him or not. If so, it wasn't a matter of any substance.

Mr. BLAKEY. Did you have any conversations with Mr. Willens?

Judge GRIFFIN. I never met Mr. Willens until I actually joined the staff.

Mr. BLAKEY. After you came on the staff, what were you told about the goals of the Warren Commission?

Judge GRIFFIN. I should correct this. I have no recollection of conversation with Mr. Willens. It is possible I did but I certainly don't remember at this point.

Mr. BLAKEY. After you came with the Commission what were you told about the goal of the Warren Commission?

Judge GRIFFIN. Essentially what I have just said. I was assigned a particular area to investigate.

Mr. BLAKEY. Who specifically talked with you? Do you recall any conversations with the Chief Justice?

Judge GRIFFIN. Not at the outset. I have really no distinct recollection of the particular individual I talked with. I have a general recollection at the time I arrived I simply met Rankin, and having had the bulk of my conversations with Howard Willens. I really can't be at all accurate about that.

Mr. BLAKEY. Did the Chief Justice actually express to you or the other members of the staff as far as you know what he wanted the Commission to do?

Judge GRIFFIN. We had a staff meeting at some point relatively early in our work. It wasn't in the sense of a formal opening session at which the Chief Justice appeared and said, "Here is your mission." My recollection is that we appeared and we, the staff members, began working at different times and we were given instructions through Howard Willens and perhaps directly from Lee Rankin, I don't recall. We were into our work by the time we first met the Chief Justice. But we did at one point, it is my recollection, have a staff meeting at which the Chief Justice made an appearance. My most vivid recollection is occasions when I had lunch with the Chief Justice which was simply more of a social-working basis.

Mr. BLAKEY. Did he express at that time to you the hopes of the Commission?

Judge GRIFFIN. I don't recall these discussions as being much beyond the normal kind of chit-chat that would take place at lunch.

Mr. BLAKEY. When did you go to work here in Washington?

Judge GRIFFIN. When did I first begin? Your records would be more accurate than my recollection. We discussed this in Cleveland. I was under the impression that I began the 8th of December. That date sticks in my mind. Your record seems to indicate it was the latter part of January when I actually began working. I would defer to the record.

Mr. BLAKEY. Mr. Chairman, I might note that the material prepared by the staff does indicate that Judge Griffin worked, based on the pay records, from February 1, 1964 through September 26, 1964, and that he worked 225 days out of a possible 308, which makes him, next to Mr. Rankin, probably the hardest working single attorney. The average attorney worked only 159 days. The chart on which those figures are based will be introduced in the record this afternoon.

Judge Griffin, I wonder if you would give us some idea of the scope of your assignment.

Judge GRIFFIN. I was assigned with Leon Hubert, who recently died, to investigate what I think we called at that point area 5, which had to do with Jack Ruby and the means and method and motivation for the killing of Lee Oswald, and the question of whether Jack Ruby was involved in any kind of conspiracy to assassinate the President.

Mr. Hubert had the title of Senior Counsel, and I had the title of Junior Counsel. I think the committee is probably familiar with the organization format that was used.

Mr. BLAKEY. Can you give us some indication of how the Commission was organized?

Judge GRIFFIN. Well, on a staff basis Lee Rankin was the General Counsel of the Commission. Howard Willens was his Chief Administrative Assistant. There were 12 of us who were divided up in six areas. We had two lawyer teams consisting of what was conceived of as being a senior lawyer and a junior lawyer.

I might mention the one thing I do remember at the outset was a little bit about what was anticipated would be the length of time that we would serve. It was indicated to all of us that we would serve from 3 to 5 months. It was also indicated at the outset that the hope was that the report would be completed prior to the Democratic National Convention, and that was a target, it was my understanding, that essentially had been indicated by the White House, that it was the President's feeling. Obviously, I had no conversations with the President on this.

As time went on other staff people came on, but initially it was organized in this format I just outlined. Various people came on, including Norman Redlick, and it may be true that Norman Redlick was already at work when I arrived, functioning in a kind of special capacity in which he was not responsible for any exclusive area but was involved in helping out on various aspects, particularly the Oswald investigation. He really played no role of any substance that I can recall in the Ruby end.

Mr. BLAKEY. Mr. Chairman, I might indicate for the record that the pay idea indicates that Mr. Hubert worked 115 days out of a possible 308.

What was your relationship with Mr. Hubert?

Judge GRIFFIN. Mr. Hubert and I had a very good relationship. The reason for the difference in the amount of time Mr. Hubert worked and the amount of time I worked had to do with three things: one was that he was given the expectation that he would not have to give up more than 5 months out of his private practice. I believe at the time he had both a private practice and he was on the faculty of Tulane Law School.

There also developed a personal situation that it became important for many family reasons for him to go back early. A third reason was, however, that Hubert was disenchanted with some of the things that were going on in that he didn't feel he was getting the kind of support that he wanted to get, and he expressed to me a certain amount of demoralization over what he felt was unresponsiveness that existed between himself and particularly Mr. Rankin.

Of course the fourth factor was that Hubert basically felt that when he left that we had gone as far as we could go. He stayed through the period when the investigation was completed but the writing portion and the drawing together portion was really left in my hands after he left.

Mr. BLAKEY. You have given us some indication of what your responsibilities were. I wonder if you could outline in general terms what the responsibilities of the areas were.

Judge GRIFFIN. You want me to enumerate just the labels that were put on those areas as I recall them?

Mr. BLAKEY. Yes.

Judge GRIFFIN. My recollection is not going to be as good as the written record. My recollection is that Arlen Specter and Frank Adams were to be responsible for the rather narrow question of the shots that were fired at the President. But I think it was actually labeled in a different way, that Joe Ball and Dave Bellin were responsible for tracing Oswald's conduct in the period immediately surrounding the assassination, although I am not sure whether their work was separated from Specter's in such a way that Specter took the few hours leading up to the assassination and Belin and Ball took the period from the point of the assassination until Oswald was shot.

Jim Lebel and Albert Jenner had responsibility for trying to determine what Oswald's motive was which involved them heavily in developing a live history of Oswald. Dave Slawson and Mr. Coleman were responsible for the question of whether or not Oswald was involved in a conspiracy, I believe the limited question of whether they were involved in a foreign conspiracy.

It may be that Belin and Ball were concerned with whether he was concerned in a domestic conspiracy. Again my recollection is not good on this.

Mr. Stern, Sam Stern, was responsible for the question of Presidential protection. I don't recall whether he had a senior lawyer working with him. My recollection is that he did not, he was the only one that did not.

Mr. BLAKEY. What was the relationship or interrelationship among the various areas? Were there staff meetings, interchange of memos?

Judge GRIFFIN. We had very few staff meetings of a formal nature. We did have two or three, maybe four or five. The bulk of the communication was on a person-to-person, ad hoc basis. There were some memos, I believe, passed back and forth. Again, I think the records would be more accurate on that than my memory.

Mr. BLAKEY. What was your relationship with Mr. Willens and Mr. Rankin and the Commission? Did you have direct access, for example, to Mr. Rankin?

Judge GRIFFIN. I suppose that it would not be fair to say that we did not have direct access to Rankin. I cannot say at any point when we

tried to see Rankin that we couldn't see him. I don't recall any situation where we were formally required to go through someone else to get there. There was no doorkeeper in a certain sense.

All of those communications that were in writing that went to Rankin went through Howard Willens, but as a practical matter, and I am not sure entirely what the reasons are, Hubert and I did not have a lot of communication with Rankin. We really communicated with him personally very infrequently. We had a certain amount of communication at the beginning. I do remember at the outset Hubert and I had a meeting with Rankin in which we discussed the work of the mission that we had, but I would say that by the first of April we had relatively little communication with Rankin. That is, we might not speak to Rankin maybe more than once every 2 weeks.

Mr. Rankin is a formal person. Hubert and I did not feel comfortable in our relationship with him. I point this out because I think our relationship with Rankin was different than some of the other staff members. I think a number of them would genuinely say, and I would believe from what I saw, that they certainly had much better communication than we did. Whether they would regard it as satisfactory I don't know.

Mr. BLAKEY. What was your relationship to the Commission itself?

Judge GRIFFIN. I don't recall other than sitting in on the taking of testimony once in which Norman Redlick was involved. We never had any direct contact or formal appearance before the Commission.

Mr. BLAKEY. Looking back, would you say that the organizational structure of the Commission was effective to achieve its goals?

Judge GRIFFIN. Are you asking me a question about structure or are you asking me a question about operation?

Mr. BLAKEY. I would say how it actually operated.

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave., N. E.
WASHINGTON, D. C. 20002

EARL WARREN, *Chairman*
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. MCCLOY
ALLEN W. DULLES

J. LEE RANKIN,
General Counsel

Mr. Richard Helms
Deputy Director for Plans
Central Intelligence Agency
Washington, D. C.

Dear Mr. Helms:

Enclosed is a memorandum providing background material and leads in connection with possible associations between Jack Ruby and persons who might have had a political motive for assassinating President John F. Kennedy.

I would appreciate your forwarding to this Commission copies of all records in your files which contain information about Jack Ruby or the persons mentioned in Part C of the enclosed memorandum.

In addition, we would like to confer with you or a knowledgeable member of your staff concerning possible fruitful areas of investigation, both by the Central Intelligence Agency and other agencies, which may appear from an examination of that memorandum and information now possessed by your agency. Hopefully, such a meeting can be held in the near future.

Sincerely,

J. Lee Rankin
General Counsel

Enclosure

Judge GRIFFIN. As far as I was concerned, I did not feel that it operated in a way I felt comfortable.

Mr. BLAKEY. How would you have done it differently?

Judge GRIFFIN. Let me first of all preface it. Hubert and I began to feel after a couple of months that perhaps there was not a great deal of interest in what we were doing, that they looked upon the Ruby activity, based upon information that they saw as being largely peripheral to the questions that they were most concerned with.

We did have a disagreement, pretty clear disagreement, on how to go about conducting the investigation, and I think that again was another reason why perhaps I would say the operation was not as effective as I would have liked to have seen it.

Mr. BLAKEY. Mr. Chairman, that concludes my questions in the area of his assignment and the organization. I do have some other questions but I thought it might be useful, if the committee wants to ask anything at this point, to yield.

Mr. FAUNTROY. Thank you.

Mr. DODD, do you have a question?

Mr. DODD. I want to be careful I don't get into something you are going to go into.

How did you characterize your first set of questions?

Mr. BLAKEY. Basically his assignment and the organization.

Mr. DODD. There has always been some debate as to exactly what the purpose of the Warren Commission was, what was in the minds of the Chief Justice, the President, in regard to the various memos that went back and forth.

You stated earlier that you cannot recall having any meetings ahead of time with any people.

Judge GRIFFIN. Yes.

Mr. DODD. What was your feeling, to the best of your recollection, as to what the purpose of the Warren Commission was?

Judge GRIFFIN. I felt then, and I still feel, despite a lot of misgivings that I had, that the purpose was a genuine purpose, to find out the truth behind the assassination. I do think, however, that there were major political considerations that dictated how this work was conducted. The time frame that was set initially for the work was a political consideration. This investigation was carried on during a period when everyone was vividly aware of the results of the 1950's when Senator McCarthy held a prominent position. There was a great deal of concern that we not conduct an investigation that would have overtones of what people called McCarthyism. So that a lot of the decisions that were made in terms of how we proceeded I think were made against that kind of background.

Mr. DODD. That was your impression from speaking to the various people who were in charge?

Judge GRIFFIN. I have no question about that.

Mr. DODD. I notice the Chief Justice's opening remarks to the Commission referred to their job as not one of collecting evidence but one of evaluating evidence. That is a vast distinction in terms of a Commission that is investigating an assassination.

Judge GRIFFIN. I think that as a staff member we saw our role as collecting evidence. that is. that wherever there appeared to be gaps in

information that had been provided to us by the investigative agencies we had an obligation to try to get beyond those gaps. And where there were contradictions, then to find further evidence that would resolve those contradictions.

However, we did not have an investigative staff. We had lawyers who were taking testimony and functioning as lawyers, but we did not have people on our own who were out conducting initial interviews with witnesses. That was done, and I think both Mr. Rankin and Mr. Willens could speak much more authoritatively on this than I can, but it was my understanding that that was done because there was also a concern that this investigation not be conducted in such a way as to destroy any of the investigative agencies that then existed in the Government. There was a genuine fear expressed that this could be done.

Second, that it was important to keep the confidence of the existing investigative agencies, and that if we had a staff that was conducting its own investigation that it would generate a paranoia in the FBI and the other investigative agencies which would not only perhaps be politically disadvantageous, it would be bad for the country because it might not be justified but it might also be counterproductive.

I think there was a fear that we might be undermining. Again, I think you should talk to Willens and Rankin about this. My impression is that there was genuine discussion of this at a higher level than mine.

I am trying to get a flavor for the atmosphere of the Commission as you walked in on February 2 in terms of presumptions and perceptions.

Judge GRIFFIN. I think that it is fair to say, and certainly reflects, my feeling, and it was certainly the feeling that I had of all of my colleagues that we were determined, if we could, to prove that the FBI was wrong, to find a conspiracy if we possibly could.

I think we thought we would be national heroes in a sense if we could find something that showed that there had been something sinister beyond what appeared to have gone on. I think that everyone that worked on the staff level that I was working at, and I think Howard Willens, with whom I had enough communication, I think, to be able to pass a judgment on him, and the only reason I did not mention others is I did not have the communication.

Mr. DODD. Was that junior counsel concept because of your being the younger guys there? Did you sense there was a different attitude at the top? I appreciate your candor. I can get a sense of what you are saying. Did you believe that that feeling you had about going out to maybe uncover something far more sinister was in contradiction to what the senior counsel and the members of the Commission themselves felt?

Judge GRIFFIN. No; first of all, as far as the senior counsel, Hubert Ball, Jenner, I don't think there was any difference in perspective. I think that designation that was originally set forth vanished very quickly as working relationships developed among people, and it turned out who was doing the work, senior and junior did not mean a thing. In fact, they abolished the label. It does not show up in the report in the final listing of people, and they recognized that.

I think that a number of us, I have no doubt the people I had close communication with, who were essentially Belin, Slawson, to some

extent Lebler, Norman Redlich for a substantial period of time, were determined to prove that the FBI was wrong, and determined to root out—

Mr. DODD. Wrong in what way?

By the way, if I am getting into something you will be inquiring into, I will hold up.

Mr. BLAKEY. You are going into it very well. Don't let me stop you.

Mr. DODD. Is it fair to say from your perceptions that the FBI and agencies of Government at that period of time were convinced that Lee Harvey Oswald was a lone assassin?

Judge GRIFFIN. Right.

Mr. DODD. That was clearly coming from the FBI and the agencies?

Judge GRIFFIN. I think at that point my recollection of conversations, for example, with Norman Redlich were that he took a political view of the FBI. He saw them as a conservative agency which was determined to pin this on someone who was of a different political persuasion. I think he started out with a strong motivation along that line, to prove that they were wrong.

I had worked with the FBI for 2 years when I was an assistant U.S. attorney. I didn't have a political view of them but I frankly didn't think they were very competent. I felt then, and I still feel, that they have a great myth about their ability but that they are not capable by their investigative means of ever uncovering a serious and well-planned conspiracy. They would only stumble upon it. I think their investigative means themselves may be self-defeating. I never found them very creative, very imaginative.

My attitude toward them was that I thought they were honest. I didn't think in a sticky situation that I would have great faith in them.

Mr. DODD. I don't want to editorialize, but you have these feelings: Redlich is suspicious of them for political reasons; you are suspicious of them because of their inability to cope with a situation of this magnitude.

Judge GRIFFIN. Rankin did not trust the FBI, either.

Mr. DODD. Yet you are sitting here and you are evaluating, all you are really doing is evaluating the evidence that they are handing you, with all of your suspicions.

Judge GRIFFIN. We did have other agencies. We had a countercheck on them. We were getting to a certain extent parallel investigations from the Secret Service. We were also getting information back from the Dallas Police Department. A lot of people who were being interrogated by the FBI were being interrogated by other agencies, even the Post Office Department. So that in a lot of things there were ways of having checks.

I think in terms of the scientific information there was a definite effort not to rely on the FBI. As I recall, the Commission did utilize in the ballistics—I don't want to be held to what fields, but it may be in the fingerprint and ballistic areas that they did rely and deliberately went to find people independent of the Federal Government. I think there were some experts from Illinois, as I recall, involved.

Mr. DODD. I am trying to develop the relationship between what is listed as junior counsel and senior counsel in terms of perceptions as you go into this. Again I realize you did not have time to contact them

on a day-to-day basis to draw concrete conclusions, but you may have. I may prejudice your response by my questions.

In terms of the Commission members themselves, the Chief Justice, President Ford and so forth, how did you relate their perceptions in starting out as opposed to what you told me the reactions were from Redlich, Rankin, yourself, and others?

Judge GRIFFIN. I had almost a total lack of contact with the Commission members. I have some thoughts in retrospect now about some of the perceptions, total conjecture but based on other things that have happened, but at the time I did feel that Senator Russell was genuinely concerned about conducting an investigation.

Mr. DODD. Concerned about what?

Judge GRIFFIN. Genuinely wanted to conduct an investigation. Senator Russell genuinely wanted to conduct an investigation as distinguished from simply an evaluation. I may be overstating that, and I say this because he hired a woman named Alfreda Scobey after a couple of months of Commission work to come in and actually do a countercheck on the staff.

It would be difficult for me to reconstruct exactly what was happening that motivated him to do that, but after a while there became within the staff some differences of opinion and some feeling that we were not going far enough. I do recall that at the time Scobey came on, there was expressed through her communications with others that Russell really wanted to make sure that there weren't going to be any stones unturned.

Mr. DODD. I am just talking about that initial period as you come into this position and your feeling and perceptions about what the Commission members actually felt, the Katzenbach memo.

Judge GRIFFIN. I am not familiar with the Katzenbach memo.

Mr. DODD. The memo that Deputy Attorney General Katzenbach sent to Lyndon Johnson on November 26, or so I think it was, some 4 or 5 days after the assassination, saying he thinks it is important that there be an investigation to determine that in fact Lee Harvey Oswald was—the clear implication of the memo was to set aside the uneasy feelings that everyone had and let us establish once and for all that Lee Harvey Oswald did this thing.

Mr. MCKINNEY. He also sent a similar letter to each Commission member at a later date.

Mr. DODD. You have from the Justice Department a clear perception that the President seemed to agree with it.

Judge GRIFFIN. Maybe I can in part answer it in this way, in addition to saying I have no idea what was in their minds, but I think it is important to say that if they had a point of view about this difference from the one I expressed that was a staff point of view, it was never communicated to the staff. We had no knowledge that we were being restrained in any way from conducting the kind of investigation that we wanted to conduct.

If the investigation began to be limited in the method in which we proceeded beyond the staff limitations that we had—that is, the areas we went into and how far we went—I think it may have reflected the point of view that I did hear attributed to the Chief Justice, that in his 20 years as district attorney in Alameda County, he never had seen

a criminal homicide investigation that was as thorough as this; and if we had not found anything that would show any more than already seemed to be the conclusions, there was not anything there to be found.

I recall as pressures began to be put on to move away from investigation and into drafting the report, it was really based on this concept, that what we had going here was a classical investigation into murder, and we had gone far beyond what anybody who had ever had any experience would do, and we had not found anything.

Mr. DODD. I have taken more time than I should have.

I thank the chairman.

Mr. FAUNTROY. Mr. McKinney.

Mr. MCKINNEY. You have covered most of my ground anyway.

Judge, I was interested and was going to follow through on the Commission item. No. 1, I would agree with you on Senator Russell because he expressed his outrage several times at the lack of communication between Federal agencies.

It seems to me that we have two factors here. I just want to get your interpretation on whether I am correct or not. In reading the transcript of the Commission's meetings, time, let's get it over with, Katzenbach letters, we have to put the Nation to rest, so on and so forth, your statement that this has been the most complete investigation, let us get it over with, we have to get the report out, then we have all of you coming in.

It seems to me that there is a great disparity between the Commission and the junior staff, but you did not actually feel that?

Judge GRIFFIN. Let me say it was never communicated to us that it was the Commission that wanted to curtail things. There were two communications that were made as to where this pressure was coming from. The most prominent one was the White House, that there was a general, unspecified reference to the fact that the White House wanted this report out before the convention. That was said to us many, many times. I think the convention was in June.

Second, just by way of human interest, color, perhaps, another date began to be set because the Chief Justice had a trip scheduled to go to Europe, and the hope was that it could be completed before he went on his trip to Europe.

Mr. MCKINNEY. I may have to leave before you finish because I have a trip to Boston.

Judge GRIFFIN. Mr. McKinney, it is difficult for the general public to understand that these human factors play a major role in a lot of these decisions.

Mr. MCKINNEY. Let me ask you a question I have asked each witness on the subject. When you arrived here, the CIA was not what you would call in the best of repute; it had fallen apart on the Bay of Pigs, it had fallen apart on the Cuban missile crisis, it had fallen apart on the Berlin Wall. The FBI was going through its personality problems in severe fashion at that time. When you got here, did you become appalled with the amount of work you had to do in the time you were given, and the fact that you were really going to review Agency material?

Judge GRIFFIN. Yes. I don't know whether I would say appalled, but we were very concerned about it, very anxious about it.

Mr. MCKINNEY. For instance, I am appalled that we have to do what we are supposed to do in 2 years. My question is probability or possibility after the slow start we had.

Judge GRIFFIN. Let me answer that, however, from the standpoint of what Hubert and I were doing. I don't know how the others felt. I think Arlen Specter, for example, may have felt comfortable with the time period. But Hubert and I, we had a completely, we had a scope of investigation that was as great as all the other people put together, because we were investigating a different murder. We had two people who were investigating a conspiracy from one man's point of view, and we had a security question, how did he get into the basement, and so forth.

Hubert and I particularly felt that way. It may not have been valid for everybody else.

Mr. MCKINNEY. I think Mr. Dodd has covered most of my material so I have no further questions.

Mr. FAUNTROY. Counsel may continue.

Mr. BLAKEY. I would like to continue with the relationship between the Warren Commission and both the CIA and FBI.

Mr. Griffin, you have given us some indication of what the relationship between the Commission and the Bureau was, and an indication of what the attitude was between the Commission staff and the Bureau. What did you perceive the attitude to be between the FBI and the Warren Commission?

Judge GRIFFIN. I didn't have any real factual basis for making any judgments about it. My perception just grew out of my past experiences. I felt that it is a big bureaucracy and most of the people I felt within the FBI functioned like a clerk in any other big organization, and they try to do their job and they try to not get in hot water with the boss and get egg over their face, and sometimes they have a couple of bosses, we being one and somebody else being another.

Mr. BLAKEY. Did you have any day-to-day contacts with field agents?

Judge GRIFFIN. Very limited. Day to day, I did not. I think, in fact I know, that Norman Redlich worked closely with a couple of agents, but I did not.

Mr. BLAKEY. Did you have any day-to-day contact with seat of government agencies?

Judge GRIFFIN. What do you mean by seat of government?

Mr. BLAKEY. Here in Washington, as opposed to field agents in Dallas or New Orleans.

Judge GRIFFIN. Did I personally?

Mr. BLAKEY. Yes.

Judge GRIFFIN. No. Everything basically went out from us by way of written memorandum.

Mr. BLAKEY. I would like to outline for you an incident that occurred that may be illustrative of the relationship between the Warren Commission and the Bureau, and ask you if you recall it and then comment on it.

Robert B. Gimberling, who was a special agent of the FBI, acted as coordinator of the FBI's investigation in Dallas. Gimberling's report dated December 23, 1963, which was submitted to the War-

ren Commission on January 13, 1964 and labeled as CD205, contained a transcription of Oswald's address book but omitted the name, address, telephone number, and car license number of Special Agent James B. Hosty. This is Gimberling's report dated February 11, 1964 submitted to the Warren Commission on February 24, 1964 and labeled CD385, which, however, contained the remaining contents of the address book including the Hosty entry.

Judge GRIFFIN. Right.

Mr. BLAKEY. Gimberling submitted the Commission an affidavit dated February 25, 1964, explaining the original omission. Special Agent John T. Hosty, who reviewed the similar transcript submitted a similar affidavit. Both affidavits explained that the omission reflected Gimberling's instructions to the effect that Kesler was to extract all names and telephone numbers the identity of which were unknown together with any other lead information.

On this basis Special Agent Hosty's name was said to have been excluded because it was neither unknown nor lead information.

Do you recall that incident?

Judge GRIFFIN. I recall the Hosty incident. I don't recall that memorandum.

Mr. BLAKEY. What effect, if any, did that incident have on the relationship between the staff and the Bureau?

Judge GRIFFIN. I think it established in our minds that we always had to be worried about them.

Mr. BLAKEY. Do you think it led to any increased or decreased, or about the same, skepticism toward the investigation?

Judge GRIFFIN. I think it increased. I think we never forgot that incident. We were always alert, we were concerned about the problem.

Mr. BLAKEY. Was it discussed at the time among the staff attorneys?

Judge GRIFFIN. Yes, it was. There was a staff meeting about it, as I recall. One of the few staff meetings I have a general recollection of at this point seems to me was one that Rankin called in which we were all brought in on this, and we were all told about the problem and once it had been discovered there was a discussion about whether our discovery should be revealed to the FBI and how should we proceed with it.

Mr. BLAKEY. Would it be fair to characterize the incident then as perhaps producing a more healthy skepticism on the part of the staff and less trust of the Bureau?

Judge GRIFFIN. I think that is right.

Are you trying to contrast it to my earlier statement?

Mr. BLAKEY. Not necessarily. Would it be fair to say that the incident far from adversely affecting the quality of your investigation may have heightened it?

Judge GRIFFIN. No, I don't think that is true.

Mr. BLAKEY. If it made you more skeptical and more probing would it help the investigation?

Judge GRIFFIN. No, I don't think it did. The reason I say that is that I think it basically set the standard for the kind of judgment that was going to be made about how we were going to deal with these problems, and the decision made there was that there was not going to be confrontation, they were going to be given an opportunity to explain

it. So the decision was really, as I recall, to go back and give them an opportunity to clean up their act rather than to carry on a secret investigation that might be designed to lay a foundation for our further impeachment of them.

Mr. BLAKEY. Let me outline for you another incident and ask you to comment on it.

Sometime approximately 2 weeks before the assassination it is said that Lee Harvey Oswald left a note at the Dallas office of the FBI for Agent James B. Hosty. The receptionist who took the note has testified that its contents were as follows: "Let this be a warning. I will blow up the FBI and the Dallas Police Department if you do not stop bothering my wife."

Agent Hosty acknowledges, or has acknowledged, in testimony receiving the note on the same day. He remembers it, however, as saying, "If you have anything you want to learn about me come talk to me directly. If you don't cease bothering my wife I will take appropriate action and report this to proper authorities."

Hosty put the note in his workbox and that on the evening of November 24, 1963, he was instructed by his superior, Gordon Shanklin, who was the SAC in Dallas, to destroy the note and the memorandum he wrote discussing the note and his contact with Lee Harvey Oswald. Hosty destroyed both of them.

When Hosty testified before the Warren Commission on May 5, 1964, at that time he made no mention of the note or its destruction because, he said, he had been instructed by the FBI, the seat of government personnel, not to volunteer any information.

Were you aware of that incident in 1964?

Judge GRIFFIN. No.

Mr. BLAKEY. Had you known of it in 1964 do you think it would have made any difference in how you conducted the investigation?

Judge GRIFFIN. I don't know. I don't know how committed those who made policy were to the idea of avoiding confrontation.

Mr. BLAKEY. Let me ask you one further matter in this regard.

Judge GRIFFIN. Let me say this: I think that the dynamics of the Commission, if there had been a second incident involving Hosty, the dynamics of the staff would have brought tremendous pressure out of the staff not to give Hosty a second chance and the Bureau a second chance on this. I don't know how it would have been resolved.

Mr. BLAKEY. Mr. Griffin, you have indicated that you had general jurisdiction over Oswald's death and therefore Jack Ruby.

Judge GRIFFIN. Don't put it that way. It makes me sound like a conspirator.

Mr. BLAKEY. Were you aware that the Bureau had administratively designated Ruby as a PCI—by PCI I mean a potential criminal informant—during the period March to October 1959?

Judge GRIFFIN. We were aware, it is my recollection at this point, and documents would be more accurate than my recollection—my recollection is that we were aware that Ruby had been contacted by the FBI and it had been hoped that he could provide them with information, that there were as many as six or seven contacts with him that produced any information.

I can't say I had any familiarity with the label PCI.

Mr. BLAKEY. If you had known that administrative designation had been placed on Kuby would it have made any difference on how you handled your investigation of him and his activities?

Judge GRIFFIN. I don't know whether we would have then looked upon this as some—I don't know whether that would have given heightened importance to it or not. I don't know that labeling might have made a difference. It might or might not have.

Mr. BLAKEY. Let me turn now and ask you some questions about the relationship between the Warren Commission and the CIA. How would you characterize the general relationship between the Commission and the Agency? How would you characterize it?

Judge GRIFFIN. I don't know that I am in a position to say that. The only direct contact I ever remember with the CIA was at a meeting. It is my recollection that Helms and another person who was designated as the liaison person were at a meeting with us. They were introduced and the discussion took place about what the formal relationship ought to be or the nature of the relationship, how we communicated with the CIA.

After that I never spoke, to my recollection, with anyone from the CIA.

Mr. BLAKEY. You indicated what the attitude of the staff was toward the FBI. Would you characterize for us what the attitude of the staff was toward the CIA?

Judge GRIFFIN. You know, this is a very impressionistic thing I am going to say. If anybody on the staff has a different view their view is more accurate than mine, but my impression is that I for one trusted them. I guess I for one trusted them, I think.

Mr. BLAKEY. Did you have much contact with agency personnel other than this one meeting where you met with Mr. Helms and Mr. LaRocca?

Judge GRIFFIN. After their failure to respond to us in the inquiry that Hubert and I directed toward them, and after they finally did respond with basically an answer that they didn't have any information that we didn't have already, I was skeptical but I won't go so far as to say I distrusted them.

Mr. BLAKEY. Mr. Chairman, I wonder if we could have the Clerk mark four specific items, a note of March 14, 1964 with the initials HPW on it; a memo of February 24, 1964, Hubert and Griffin to Helms, re Ruby background; three, a letter from Rankin of May 19, 1964 to Helms, re Ruby, and a memo from Mr. Karamessines of September 15, 1964 to Mr. Rankin, re Ruby, as JFK exhibit No. 62.

Will the Clerk show the exhibit to the witness?

Mr. Griffin, are you familiar with these materials?

Judge GRIFFIN. Yes, I am.

Mr. BLAKEY. Mr. Chairman, I wonder if we can incorporate the material in the record at this point so I can ask some questions of the witness.

Mr. FAUNTROY. Without objection it is so ordered.

[The documents referred to, marked JFK exhibit No. 62 and received for the record, follow:]

JFK EXHIBIT No. 62

GENERAL SERVICES ADMINISTRATION ROUTING SLIP																	
TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10						
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<input type="checkbox"/> ALLOTMENT SYMBOL <input type="checkbox"/> APPROVAL <input type="checkbox"/> AS REQUESTED <input type="checkbox"/> CONCURRENCE <input type="checkbox"/> CORRECTION <input type="checkbox"/> FILING <input type="checkbox"/> FULL REPORT <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____				<input type="checkbox"/> HANDLE DIRECT <input type="checkbox"/> IMMEDIATE ACTION <input type="checkbox"/> INITIALS <input type="checkbox"/> NECESSARY ACTION <input type="checkbox"/> NOTE AND RETURN <input type="checkbox"/> PER OUR CONVERSATION <input type="checkbox"/> PER TELEPHONE CONVERSATION				<input type="checkbox"/> READ AND DESTROY <input type="checkbox"/> RECOMMENDATION <input type="checkbox"/> SEE ME <input type="checkbox"/> SIGNATURE <input type="checkbox"/> YOUR COMMENT <input type="checkbox"/> YOUR INFORMATION <input type="checkbox"/>									
REMARKS <p style="font-size: 1.2em; font-family: cursive;">This letter and the memorandum prepared by Messrs. Hubert and Giffis was not sent. The memorandum was delivered by hand to representatives of CIA at a meeting on 3/12/64.</p>																	
FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10						
NAME AND/OR SYMBOL <div style="font-size: 2em; font-family: cursive; text-align: center;">ms</div>						BUILDING, ROOM, ETC. <hr/> TELEPHONE						DATE <div style="font-size: 1.5em; font-family: cursive;">3/14/64</div>					

[Memorandum]

FEBRUARY 24, 1964.

To: Richard Helms, Deputy Director for Plans, Central Intelligence Agency.
From: Leon D. Hubert and Burt W. Griffin, Staff Members, President's Commission on the Assassination of President Kennedy.
Subject: Jack Ruby—Background, Friends and other Pertinent Information.

A. BACKGROUND ON JACK RUBY

Jack Ruby was born on about March 25, 1911, in the United States, the fifth of eight living children of Joseph and Fannie Rubenstein. Three other children are: Hyman Rubenstein, born December 1911, in Poland; Ann Rubenstein Volport, born June 1904, Poland; Marion, a.k.a. Marlan, Rubenstein Carroll, born June 1906, in United States; Eva Rubenstein (Magid) Grant, born in United States, 1909; Sam Rubenstein) Ruby, born December 1912 in United States; Earl (Rubenstein) Ruby, born April 1916 in the United States; and Eileen Rubenstein Keminsky, born July 1917 in United States. Jack and his brothers, Sam and Earl, were known by the name Rubenstein until that name was legally changed by each of them in approximately 1947 or 1948.

Ruby's father, Joseph, was born in Sokolov, Sedlitz Province, Poland on February 2, 1871. He served in the Russian Army Artillery from 1893 to 1898. He married Fannie (Turrell) Rutkowski in 1901. Fannie was born in 1875, one of seven children of a reportedly prosperous Polish physician.

At least two of Fannie's sisters together with her parents remained in Poland. One brother reportedly came to the United States. Joseph also had at least one brother who came to the United States. We have no evidence as to any other family members of either Joseph or Fannie who remained in Europe. Nor have we any information concerning family ties maintained with relatives or friends in Europe.

Jack Ruby spent his early life in Chicago, quitting school at approximately sixteen, and beginning to work thereafter as a ticket scalper and peddler of cheap merchandise. In 1933, he traveled to Los Angeles and remained there and in San Francisco until sometime in 1937. His sister, Eva, accompanied him to San Francisco, and lived with him for most of the time that he was there. Both worked as sellers of subscriptions for daily newspapers in San Francisco. Jack also had employment selling a horse race "tip sheet" and linoleum. Jack was known both by his Chicago and west coast friends as "Sparky" Rubenstein.

Jack Ruby returned to Chicago sometime in 1937 and was employed for undetermined periods of time by the Stanley Oliver Co. and the Spartan Co. We have no further information concerning those companies. He also continued to engage in ticket scalping, the sale of cheap merchandise, and the sale of punch boards. The punch board operation involved traveling throughout New England and the Eastern Seaboard including Wilkes-Barre, Pennsylvania.

Sometime between 1937 and mid-1940, Ruby was employed as an organizer and in other undisclosed capacities for the Waste and Material Handlers Federal Union in Chicago. Paul Dorman later became head of this union. At the time of Ruby's association with the union, the President was Jack Martin, another principal figure was an attorney, Leon Cooke. Cooke was shot by Martin in an argument in December 1939, and died as a result thereof in January 1940. Shortly thereafter, Ruby left the union.

Jack Ruby served in the United States Army Air Force from May 1943 to February 1946. He was stationed the entire time in the United States, obtained the rank of Private First Class, and had Army Serial Number 36666107.

After leaving military service, he was employed for approximately one year with Earl Products Co., a Chicago based business jointly owned with his brothers, Earl and Sam Ruby. His brothers became dissatisfied with him because he allegedly was not devoting full time to that business. As a result, they bought out his interest in 1947. We do not have precise information as to what Jack Ruby was doing while he was also employed with Earl Products; however, he is rumored to have frequented and been employed at various Chicago area night clubs in the capacity of a bouncer or other minor functionary.

In early 1947, he went to Dallas, Texas, to manage the Singapore Supper Club, a business in which his sister, Eva Grant, was engaged. He returned to Chicago sometime in the late summer or early fall of 1947. At about this same time, he became the subject of a narcotics investigation along with his brother, Hyman,

and Paul Roland Jones. Both Hyman and Jack disclaimed any knowledge of Jones' activity in narcotics and were not prosecuted. Jones was prosecuted and convicted by federal authorities.

Sometime in late 1947, after having been interrogated by Narcotics Agents, Ruby returned to Dallas and established permanent residence. He continued to operate the Singapore Supper Club with Eva until sometime in 1948 when she moved to California and alone for an undisclosed period thereafter. At some undisclosed point, Ruby changed the name of the Singapore Supper Club to the Silver Spur. He no longer operates that club. He eventually purchased the Vegas Club and operated it with Eva after early 1959. In 1960, he purchased the Sovereign Club, changed the name to the Carousel Club, and continued to operate it and the Vegas Club until his arrest on November 24, 1963. Both the Vegas Club and the Carousel Club have been put under management other than the Ruby family since Ruby's arrest.

Ruby is considered to be a highly emotional person. He speaks with a lisp, has been described as soft spoken, is generally well mannered and well dressed, but is given to sudden and extreme displays of temper and violence. He is known to have brutally beaten at least 25 different persons either as a result of a personal encounter or because they were causing disturbances in his club. The normal pattern is for Ruby to attack his victims without warning, and few of the beatings of which we have knowledge seem to be the result of prolonged arguments. After many of these assaults, Ruby is known to have apologized to the victim.

Ruby is known to have a strong affection for dogs and a great pride in physical fitness. He has owned as many as seven dogs at one time, and one person has stated that he cared more for his dogs than he cared for people. At various times during his life, he is known to have worked out regularly at the YMCA or other gymnasiums, and he is reported to have owned and kept in his apartment a set of barbells during recent years. He neither smokes, nor drinks, and curses rarely.

He is said to have effeminate mannerisms and is alleged by some to be homosexual. However, there is no direct evidence of any homosexual behavior. Although he has never been married, he is known to have dated and at one time was known as a "ladies man." In recent years, some of the women toward whom he has shown interest have indicated that he had perverted attitudes toward sex. One male witness describes an occasion when he masturbated one of his dogs and apparently derived great pleasure from it.

Ruby's friends and close associates are detailed more fully in a subsequent section. To generalize, it can be said that, while living in Dallas, Ruby has very carefully cultivated friendships with police officers and other public officials. At the same time, he was, peripherally, if not directly connected with members of the underworld. The narcotics episode mentioned above concerning Paul Roland Jones is representative. Ruby is also rumored to have been the tip-off man between the Dallas police and the Dallas underworld, especially in regard to enforcement of the local liquor laws. Ruby is said to have been given advance notice of prospective police raids on his own club and other clubs. However, it must be emphasized that such allegations are in the rumor category. Ruby apparently did not permit prostitution to be carried on in his clubs; nonetheless, his associations with stripteasers and cheap entertainers brought him into constant contact with people of questionable reputation. Ruby operated his business on a cash basis, keeping no record whatsoever—a strong indication that Ruby himself was involved in illicit operations of some sort.

When it suited his own purposes, he did not hesitate to call on underworld characters for assistance. For example, shortly prior to the assassination of President Kennedy, Ruby was involved in a dispute with the American Guild of Variety Artists (AGVA) concerning the use of amateur stripteasers in Dallas. Ruby claimed that AGVA was permitting his competitor to use amateurs but denying him that privilege. When he was unable to get satisfaction from AGVA, Ruby called Barney Baker, a Chicago hoodlum who was reputedly a muscle man for Jimmy Hoffa and had been released from prison in June 1963, to ask Baker to give him assistance in his dispute with AGVA. For the same purpose, Ruby also called Frank Goldstein, a San Francisco gambler, who was a friend of his sister, Eva Grant.

Ruby is not known to have been politically active. He is reported to have been a Democrat and an admirer of President Kennedy and President Roosevelt, however, the evidence on this is not sufficiently reliable to warrant a firm conclusion.

Prior to World War II, he was a member of a vigilante group which physically interfered with meetings of the German-American Bund in an area of Chicago known as White City. Ruby's group was known as the Dave Miller gang, but we have no evidence to indicate whether this group was simply made up of aggressive young men who were looking for trouble and were from the Jewish neighborhood in which Ruby lived or whether it was an organized group with a strong political basis. He is not known to have engaged in any political activities in Dallas. At the time of his arrest, Ruby was found in possession of various radio scripts issued by H. L. Hunt, a prominent American right wing extremist. There is insufficient evidence as to how these radio scripts came into Ruby's possession, their content and Ruby's reaction to them to be able to pass judgment on the relationship of Ruby to any right wing groups.

In about 1959, Ruby became interested in the possibility of selling war materials to Cubans and in the possibility of opening a gambling casino in Havana. He was in contact at that time with a friend, Lewis J. McWillie. Insufficient evidence is available on that episode to evaluate Ruby's connection with any Cuban (anti-Castro or pro-Castro) groups. Ruby is also rumored to have met in Dallas with an American Army Colonel (LNU) and some Cubans concerning the sale of arms. A Government informant in Chicago connected with the sale of arms to anti-Castro Cubans has reported that such Cubans were behind the Kennedy assassination and was financed by Jewish interests.

Religiously, Ruby is Jewish. He was not a regular attendee at the Synagogue, although he did attend the services on high holidays. We have no information as to whether or not Ruby observed any particular Jewish customs in his home or was active in Jewish lay organizations. Nonetheless, it is established that Ruby was very sensitive to anti-Semitism and to his position in Dallas as a Jew.

On balance, it may be said that Ruby's primary interest in life was making money. He does not seem to have had any great scruples concerning the manner in which he might do so; however, he has usually been careful to avoid prosecution by law enforcement authorities. This care did not necessarily involve avoiding violations of the law although there is no evidence that he did commit any flagrant legal violations. His primary technique in avoiding prosecution was the maintenance of friendship with police officers, public officials, and other influential persons in the Dallas community. Ruby appears to be the kind of person who could be persuaded by another person whom he respected (either because of that person's friendship, influence, power, prestige or wealth) to become involved in any activity which was not obviously contrary to the interest of the United States. No one who knows Ruby has indicated that he was politically sophisticated, and some have commented that he was devoid of political ideas to the point of naivete. It is possible that Ruby could have been utilized by a politically motivated group either upon the promise of money or because of the influential character of the individual approaching Ruby. If he is a deviate, blackmail is also possible.

B. THE FOLLOWING GROUPS AND PLACES WERE SIGNIFICANT IN LOOKING FOR TIES BETWEEN RUBY AND OTHERS WHO MIGHT HAVE BEEN INTERESTED IN THE ASSASSINATION OF PRESIDENT KENNEDY

1. The Teamsters Union. Ruby's old union, the Waste Handlers in Chicago, is now a part of the Teamsters. Ruby had a contact with Barney Baker, reputed to be close to Hoffa. Ruby also frequented the Cabana Motel in Dallas, alleged to have been built with Teamster money.

2. The Las Vegas gambling community. Ruby was particularly close to Lewis J. McWillie of Las Vegas.

3. Persons involved in the promotion of fad items. Ruby himself was attempting to sell an item known as a "twist board." in the fall of 1963 and has often been involved in the sale of gimmick-type items.

4. Persons connected with cheap nightclub entertainment.

5. The Dallas Police Department.

6. The Dallas news media, with particular emphasis on entertainment columnists and persons employed at radio station KLIF.

7. The following geographical areas:

- a. Chicago
- b. Denver
- c. Milwaukee

- d. Minneapolis
- e. New York
- f. Los Angeles
- g. San Francisco
- h. New Orleans
- i. Gulf Coast areas (Texas, Louisiana, Mississippi, Alabama, Florida)
- 8. Places frequented by Ruby in Dallas :
 - a. Adelphus Hotel
 - b. Cabana Motel
 - c. Egyptian Lounge
 - d. Sol's Turf Bar.
 - e. Bull Pen Drive-in.
 - f. Vegas Club.
 - g. Carousel Club.

C. THE FOLLOWING PERSONS SEEM, AT THIS WRITING, TO BE THE MOST PROMISING SOURCES OF CONTACT BETWEEN RUBY AND POLITICALLY MOTIVATED GROUPS INTERESTED IN SECURING THE ASSASSINATION OF PRESIDENT KENNEDY

1. Family members

a. *Eva Grant*, born and reared in Chicago, 1909 to 1933. Lived in San Francisco 1933 to 1937 and 1948 to 1959. Known to be in Chicago August 1937 and January 1938. Lived in Dallas approximately 1942 to 1948 and 1959 to present. Married about 1930 to Hyman Magid, divorced about 1932. One son, Ronald Dennis Magid, born 1931. Married Frank Grant, aka Frank Granovsky, in San Francisco, 1936. Lived with him about six months, divorced about 1940. Friendships with Frank Goldstein, San Francisco gambler and Paul Roland Jones, convicted in Dallas about 1948 for narcotics violations. While living in Dallas, engaged in export and import of raw materials and managed night clubs.

b. *Earl Ruby*, born, Chicago, about April 1916, lived in Chicago until 1961. U.S. Navy 1942 to 1944. Sold punch boards on East Coast with brother Jack in early 1940's. Owner and manager of Earl Products, 1944 to 1961. Nervous breakdown 1961. Moved to Detroit and opened Cobo Cleaners in 1961. Telephone records show telegram of undisclosed nature to Havana, Cuba, April 1, 1962, telephone call to Ansan Tool Manufacturing Company, 4750 North Ronald, Chicago, Illinois, owned by Anrei and Mario Umberto, and to Dominico Scorta, 102 West Grant, Chicago, Illinois. Also calls to Welsh Candy Company. Nature of telephone calls in all cases unknown, no further investigation of the call as yet has been initiated.

c. *Anna Volpert*, sister of Jack Ruby, born June 1904 in Poland. Remained in Chicago until early 1930's. Sometime after 1937 but before 1939 moved to Youngstown, Ohio. Resided in Youngstown, with husband until 1959. Husband was engaged in a company known as National Home Improvement Company.

2. Close friends

a. *Andrew Armstrong*, Ruby's Man Friday at the Carousel Club. Resident of Dallas, background unknown, Negro.

b. *Ralph Paul*. Resident of Arlington, Texas, born New York City. About 55 years old, came to Dallas about 1948. Owns Bull Pen Drive-in Restaurant in Fort Worth. Co-owner with Ruby of the Carousel Club.

c. *George Senator*, roommate of Jack Ruby. Background unknown.

3. Other associates and employees

a. *Barney Baker*, Chicago hoodlum. Reported muscle man for Jimmy Hoffa. Requested by Ruby in mid-November of 1963 to assist him in dispute with AGVA.

b. *Karen Bennett Carlin*, employed by Ruby as strip-teaser under name of Little Lynn. Borrowed \$5 from Ruby on Saturday night, November 23, telephoned Ruby Sunday morning, November 24, and says she requested him to send her \$25. Mrs. Marguerite Oswald (mother of Lee Oswald) believes that she knew a Carol Bennett when she (Mrs. Oswald) was employed as a waitress in Dallas. Mrs. Oswald claims that Carol Bennett was the daughter of a Dallas hoodlum who was murdered in a gangland slaying. No information as to whether or not Karen Bennett Carlin and Carol Bennett are the same person or are related.

c. *Bruce Carlin*, husband of Karen Bennett Carlin.

d. *Curtis Laverne Craford*, aka Larry Craford. About 22 years old, itinerant laborer. Worked for Ruby at the Carousel Club from about October 31, 1963 to November 23, 1963. Became close confidant of Ruby. Fled Dallas area Saturday, November 23. Located in rural part of Michigan, November 28.

e. *Robert Cravens*, age unknown. Resident of Los Angeles. Friend of Ruby's. Came to Dallas about October 1, 1963, to operate a show at the Dallas State Fair called How Hollywood Makes Movies. Called Ruby in November 1963 with respect to the sale of some lumber. No other information concerning Cravens.

f. *Leopold Ramon Duces*, life was threatened by a person suggesting that the same group that would kill Duces had been responsible for getting rid of Kennedy. Name "Leopoldo" has been mentioned by others who claim that Ruby was associated with an anti-Castro group in the procurement of arms. Name "Leopoldo" also mentioned by a woman in Dallas who claims she was introduced to a "Leon Oswald," description fitting Lee Harvey Oswald, in October 1963 by anti-Castro Cuban leaders.

g. *Frank Goldstein*, age unknown. San Francisco gambler. Friend of Eva Grant. Requested by Ruby in November 1963 to assist him in his difficulties with AGVA.

h. *Sam Gordon*, west coast resident. Friend of Ruby from childhood in Chicago. Reportedly purchased sixty-first home run ball from Mickey Mantle. General background and connections unknown.

i. *Alex Gruber*, resident of Los Angeles. Friend of Ruby. Visited him in Dallas in November 1963. Received telephone call from Ruby on Friday after the assassination of President Kennedy.

j. *Thomas Hill*, name found in Ruby's notebook. Official of John Birch Society. Resides in Massachusetts.

k. *H. L. Hunt* and *Lamar Hunt*, may be same person. Name Lamar Hunt found in notebook of Ruby. Ruby visited his office on November 21. Hunt denies knowing Ruby. Ruby gives innocent explanation. Ruby found with literature of H. L. Hunt after shooting Oswald.

l. *Lewis J. McWillie*, operates Las Vegas gambling casino. Formerly employed at gambling casino in Havana. Ruby visited him in Havana. Ruby also purchased a gun for McWillie and had it mailed to McWillie in Las Vegas. Ruby and McWillie give innocent explanations of their relationship.

m. *Barney Ross*, former professional prize fighter. Former narcotics addict. Long time friend of Ruby from Chicago days. Ruby visited him at least once a year and telephones him two or three times a year.

n. *Amesi* and *Mario Umberto*, owners of Ansen Tool Manufacturing Company in Chicago. In telephone communication with Earl Ruby.

o. *Billy Joe Willis*, musician employed by Ruby at Carousel Club. Lives in Irving, Texas, across the street from Mrs. Ruth Paine (Friend at whose home Marina Oswald resided).

MAY 15, 1964.

Mr. RICHARD HELMS,
Deputy Director for Plans,
Central Intelligence Agency,
Washington, D.C.

DEAR MR. HELMS: At a meeting on March 12, 1964, between representatives of your Agency and this Commission, a memorandum prepared by members of the Commission staff was handed to you which related to the background of Jack L. Ruby and alleged associates and/or activities in Cuba. At that time we requested that you review this memorandum and submit to the Commission any information contained in your files regarding the matters covered in the memorandum, as well as any other analysis by your representatives which you believed might be useful to the Commission.

As you know, this Commission is nearing the end of its investigation. We would appreciate hearing from you as soon as possible whether you are in a position to comply with this request in the near future.

Sincerely,

J. LEE RANKIN,
General Counsel.

Memorandum for: Mr. J. Lee Rankin, General Counsel, President's Commission on the Assassination of President Kennedy.

Subject: Information Concerning Jack Ruby (aka Jack Rubenstein) and his Associates.

1. Reference is made to your memorandum of 19 May 1964, requesting that this Agency furnish any information in its files relative to Jack Ruby, his activities and his associates.

2. This memorandum will confirm our earlier statement to the Commission to the effect that an examination of Central Intelligence Agency files has produced no information on Jack Ruby or his activities. The Central Intelligence Agency has no indication that Ruby and Lee Harvey Oswald ever knew each other, were associated, or might have been connected in any manner.

3. The records of this Agency were reviewed for information about the relatives, friends and associates of Ruby named in your summary of his background. Our records do not reflect any information pertaining to these persons.

THOMAS H. KARAMESSINES,
Acting Deputy Director for Plans.

Mr. BLAKEY. Judge Griffin, let me direct your attention to the date on the memorandum prepared by yourself and Mr. Hubert, February 24, 1964, and the date and the routing slip that has Mr. Willens' initials, March 12, 1964.

Do you know why there was a 16-day delay in Mr. Willens' communicating this material to the CIA?

Judge GRIFFIN. No, I don't.

Mr. BLAKEY. Was it usual or unusual for him to do something by direct communication as opposed to mail? The note, of course, indicates that the proposed letter which accompanied the memorandum was not sent, rather that it was physically handed to the agency representative.

Judge GRIFFIN. I don't know what their procedure was or, indeed, whether they used couriers rather than mail. I really don't know how things went out.

Mr. BLAKEY. Let me direct your attention as well to the fourth item, the memo of Mr. Karamessines of September 15, 1964, to Mr. Rankin. I take it this is the answer to the oral request of Mr. Willens of March 12, 1964.

Do you know why it took from March to September, some 7 months, to answer the questions raised in your memorandum of November 24?

Judge GRIFFIN. I can only speculate.

Mr. BLAKEY. Were you ever told why it took that long?

Judge GRIFFIN. Never.

Mr. BLAKEY. Was this kind of delay typical in getting a response from a Government agency?

Judge GRIFFIN. I don't believe we ever had a delay of this magnitude about anything else.

Mr. BLAKEY. Could it have been that kind of delay that would have been a factor contributing to your inability to make the deadlines that were being set for you by the Chief Justice and others in your investigation of Jack Ruby?

Judge GRIFFIN. No. You are really asking me the question that goes back to some other memos that aren't in the record at this point, and what happened to the investigations that Hubert and I had suggested be conducted, and why they weren't conducted.

Mr. BLAKEY. We will get to some of that later on. I am wondering now about the relationship between the Agency and your own concerns.

Judge GRIFFIN. The reason it took us so long to do the job was that it was a tremendous amount of work. That was the starting point. The other question about why we weren't allowed—I won't say we weren't allowed—why we got the reaction we did get with respect to certain of our suggested investigations, whatever underlies the delay

in this memorandum may underlie—may, I am not certain—may underlie some of that.

I suspect that within the whole vast apparatus of investigation that was going on it went far beyond the Commission, but even within the Commission different considerations may have affected different people who made decisions. What affected Howard Willens might be very different from what affected Lee Rankin or what affected the Chief Justice.

MR. BLAKEY. Mr. Chairman, I would like to turn from the relationship between the Warren Commission and the Bureau and Agency and ask some specific questions about the character of the investigation itself.

Judge, you previously testified in response to questions by Congressman Dodd and Congressman McKinney that you were under certain political pressures, and I don't mean political pressure in a pejorative sense, a desire to allay public fears, perhaps to work at a smooth transition in national leadership.

Certainly this would be in the context of the political conventions. Let me ask you some specific questions in regard to a perhaps less attractive motivation, for limiting your investigation. I hope you will bear with me if I ask you a series of questions which may sound like a strike force attorney asking hard questions of a witness.

To your knowledge did the Chief Justice have any information while he was serving with the Warren Commission concerning any involvement of U.S. intelligence agencies in plots against Cuba or to assassinate Fidel Castro?

Judge GRIFFIN. I have no direct knowledge on that.

MR. BLAKEY. That he had knowledge?

Judge GRIFFIN. I have no direct information.

MR. BLAKEY. Do you have any indirect information?

Judge GRIFFIN. Nothing that would be information. I only have my speculations.

MR. BLAKEY. To your knowledge did any other commissioner have such information while he was serving with the Warren Commission?

Judge GRIFFIN. I have no knowledge that anybody would have. All I have is speculations.

MR. BLAKEY. The point of time that I am directing your attention to is while you were serving on the Warren Commission.

Judge GRIFFIN. Right.

MR. BLAKEY. To your knowledge did any staff member have any such information while he was serving with the Warren Commission?

Judge GRIFFIN. Not to my knowledge.

MR. BLAKEY. In retrospect was there any conduct on the part of the Chief Justice from which you could or did infer that he had such information?

Judge GRIFFIN. Tell me again what information you are asking me about.

MR. BLAKEY. This goes to whether the Chief Justice or other people in leadership capacity were aware of any involvement of U.S. intelligence agencies in plots against Cuba or to assassinate Fidel Castro.

The question now is whether in retrospect there was any conduct on the part of the Chief Justice from which you could have or did infer that he had such information.

Judge GRIFFIN. The only statement that he made in retrospect from which any inference—there are two statements from which one could make any kind of inference about what he knew about national security problems. One was his statement to us that we did not handle this in a responsible way, and I think my characterization has to be against the background of the fear of McCarthyism; that we didn't handle what we found in a responsible way, we could trigger a thermonuclear war.

I remember that phraseology, thermonuclear war, being used. I don't know whether I heard the Chief Justice say that directly or was told it by Mr. Rankin he had said that.

Mr. BLAKEY. Did he ever explain to you or did anyone else explain to you what he meant by "handle in a responsible way"?

Judge GRIFFIN. I am certain this all came up in the context of protecting confidences, not leaking things to the press and maintaining the internal security of our own investigation. That is the area in which you have to review that.

The other thing was the statement that I was quoted in the press as making, that there might be materials that the Commission had which couldn't be revealed for some extended period of time. I don't remember whether it was 50 years or what the period of time was. Frankly, that statement also surprised me, even at the time, because there was nothing that I saw in my judgment that couldn't have been revealed the minute we concluded our report, with one exception, which I always understood, which had to do with the autopsy photographs, had nothing to do with national security but had to do with personal factors surrounding the Kennedy family. But I never saw any investigative information that in my view justified any secrecy whatsoever.

Mr. BLAKEY. In retrospect was there any conduct on the part of any other Commissioner, that is, other than Chief Justice Warren, from which you could have or did infer that that Commissioner had such information?

Judge GRIFFIN. Not at the time.

Mr. BLAKEY. In retrospect was there any conduct on the part of any staff member from which you could have or did infer that he had such information or she had such information?

Judge GRIFFIN. No, not at the time, nor is there any conduct that I can think of that would fall in that category.

Mr. BLAKEY. While you served with the Commission did you see any document from which you could have or did infer that the Chief Justice or any other Commissioner or any staff member had such information?

Judge GRIFFIN. Never.

Mr. BLAKEY. Were you ever present during a discussion from which you could have or did infer that the Chief Justice or any other Commissioner, or any staff member, had such information?

Judge GRIFFIN. No.

Mr. BLAKEY. Were you ever instructed by anyone, including the Chief Justice or any other Commissioner or any staff member, while you were serving on the Warren Commission, not to pursue any area of inquiry?

Judge GRIFFIN. I was never instructed not to pursue an area of inquiry. Some of the ways we went about opening up areas of inquiry,

since we had limited resources and were under time pressures, required permission, permission to subpoena witnesses to travel, and we needed to clear all requests for information to an agency through the administrative hierarchy of the Commission.

I don't recall, I can't at this point remember if any specific inquiry that we ever sent to an agency was blocked within the Commission. But there were areas of investigation and methods of investigation that we wanted to pursue that were turned down.

Mr. BLAKEY. Did anyone ever suggest to you that certain matters should not be explored as opposed to instructing you not to do it?

Judge GRIFFIN. In a substantive sense, no, that was never done. It all had to do with the method of investigation.

Mr. BLAKEY. Let me turn now from the general question of political pressure and talk to you a little bit about the time pressures that you were under at that time.

Mr. Chairman, I wonder if we could have the clerk mark the memo of Hubert and Griffin, dated May 14, 1964, re the adequacy of the Ruby investigation, as JFK exhibit No. 63.

Mr. FAUNTROY. Without objection.

Mr. BLAKEY. Would the clerk show the memo to the witness.

Judge GRIFFIN. I have a copy of it.

Mr. BLAKEY. Mr. Chairman, I wonder if we can have that memo incorporated in the record at this point in order that I can ask some questions based on it.

Mr. FAUNTROY. Without objection it is so ordered.

[The document referred to, marked JFK exhibit No. 63 and received for the record, follows:]

JFK EXHIBIT No. 63

[Memorandum]

MAY 14, 1964.

To: J. Lee Rankin.
From: Leon D. Hubert, Jr., Burt W. Griffin.
Subject: Adequacy of Ruby Investigation.

1. *Past Recommendations.*—In memoranda dated February 19, February 24, February 27, and March 11, we made various suggestions for extending the investigation initiated by the FBI in connection with the Oswald homicide. Shortly after March 11, 1964, we began preparation for the nearly 60 depositions taken in Dallas during the period March 21–April 2; after we returned from Dallas we took the deposition of C. L. Crafard (two days) and George Senator (two days) worked on editing the depositions taken in Dallas, and prepared for another series of 30 other depositions taken in Dallas during the period April 13–17. On our return from Dallas we continued the editing of the Dallas depositions, prepared the Dallas deposition exhibits for publication, and began working on a draft of the report in Area V. As a consequence of all of this activity during the period March 11–May 13, we did not press for the conferences and discussions referred to in the attached memoranda. The following represents our view at this time with respect to appropriate further investigation.

2. *General Statement of Areas Not Adequately Investigated.*—In reporting on the murder of Lee Oswald by Jack Ruby we must answer or at least advert to these questions:

- (a) Why did Ruby kill Oswald;
- (b) Was Ruby associated with the assassin of President Kennedy;
- (c) Did Ruby have any confederates in the murder of Oswald?

It is our belief that although the evidence gathered so far does not show a conspiratorial link between Ruby and Oswald or between Ruby and others, nevertheless evidence should be secured, if possible, to affirmatively exclude that:

- (a) Ruby was indirectly linked through others to Oswald ;
- (b) Ruby killed Oswald, because of fear ; or
- (c) Ruby killed Oswald at the suggestion of others.

3. *Summary of Evidence Suggesting Further Investigation.*—The following facts suggest the necessity of further investigation :

a. Ruby had time to engage in substantial activities in addition to the management of his Clubs. Ruby's night club business usually occupied no more than five hours of a normal working day which began at about 10:00 a.m. and ended at 2:00 a.m. It was his practice to spend an average of only one hour a day at his Clubs between 10:00 a.m. and 9:00 p.m. Our depositions were confined primarily to persons familiar with Ruby's Club activities. The FBI has thoroughly investigated Ruby's night club operations but does not seem to have pinned down his other business or social activities. The basic materials do make reference to such other activities (see p. 27 of our report of February 18), but these are casual and collateral and were not explored to determine whether they involved any underlying sinister purposes. Nor were they probed in such a manner as to permit a determination as to how much of Ruby's time they occupied.

b. Ruby has always been a person who looked for money-making "sidelines." In the two months prior to November 22, Ruby supposedly spent considerable time promoting an exercise device known as a "twist board." The "twist board" was purportedly manufactured by Plastellite Engineering, a Fort Worth manufacturer of oil field equipment which has poor credit references and was the subject of an FBI investigation in 1952. We know of no sales of this item by Ruby; nor do we know if any "twist boards" were manufactured for sale. The possibility remains that the "twist board" was a front for some other illegal enterprise.

c. Ruby has long been close to persons pursuing illegal activities. Although Ruby had no known ideological or political interests (see p. 35 of our report of February 18), there is much evidence that he was interested in Cuban matters. In early 1959, Ruby inquired concerning the smuggling of persons out of Cuba. He has admitted that, at that time, he negotiated for the sale of jeeps to Castro. In September 1959, Ruby visited Havana at the invitation of Las Vegas racketeer, Louis J. McWillie, who paid Ruby's expenses for the trip and who was later expelled from Cuba by Castro. McWillie is described by Ralph Paul, Ruby's business partner, as one of Ruby's closest friends. Ruby mailed a gun to McWillie in early 1963. In 1961, it is reported that Ruby attended three meetings in Dallas in connection with the sale of arms to Cubans and the smuggling out of refugees. The informant identifies an Ed Brunner as Ruby's associate in this endeavor. Shortly after his arrest on November 24, Ruby named Fred Brenner as one of his expected attorneys. Brunner did not represent Ruby, however. Insufficient investigation has been conducted to confirm or deny the report about meetings in 1961. When Henry Wade announced to the Press on November 22, 1963 that Oswald was a member of the *Free Cuba Committee*, Ruby corrected Wade by stating "Not the Free Cuba Committee; The Fair Play for Cuba Committee. There is a difference." The Free Cuba Committee is an existing anti-Castro organization. Earl Ruby, brother of Jack Ruby, sent an unexplained telegram to Havana in April 1962. We believe that a reasonable possibility exists that Ruby has maintained a close interest in Cuban affairs to the extent necessary to participate in gun sales or smuggling.

d. Bits of evidence link Ruby to others who may have been interested in Cuban affairs. When Ruby's car was seized on November 24, it contained various right-wing radio scripts issued by H. L. Hunt and a copy of the Wall Street Journal bearing the mailing address of a man who has not yet been identified. In May 1963, Earl Ruby, operator of a dry cleaning business, is known to have telephoned the Welch Candy Company (owned by the founder of John Birch Society). The purpose of the call is unknown. Jack Ruby's personal notebook contained the Massachusetts telephone number and address of Thomas Hill, former Dallas resident, working at the Boston headquarters of the John Birch Society. Although it is most likely that all of those bits of circumstantial evidence have innocent explanations, none has yet been explained.

e. Although Ruby did not witness the motorcade through Dallas, he may have had a prior interest in the President's visit. A November 20 edition of the Fort Worth Telegram showing the President's proposed route through Fort Worth, and the November 20 edition of the Dallas Morning News showing the President's route through Dallas, were found in Ruby's car on November 24.

f. On November 16 Jack Ruby met at the Carousel Club with Bertha Cheek, sister of Mrs. Earlene Roberts, manager of Lee Oswald's rooming house. Mrs. Cheek said that she and Ruby discussed her lending Ruby money to open a new night club. Ruby was not questioned about this matter. On November 20, 1963, a woman who may be identical to Earlene Roberts, was reported to be in San Antonio at the time of President Kennedy's visit. The possible identification of Mrs. Roberts in San Antonio has not been checked out. In addition, the link formed by Mrs. Roberts between Oswald and Ruby is buttressed in some measure by the fact that one of Ruby's strippers dated a tenant of the Beckley Street rooming house during the tenancy of Lee Oswald. We have previously suggested the theory that Ruby and Mrs. Cheek could have been involved in Cuban arms sales of which Oswald gained knowledge through his efforts to infiltrate the anti-Castro Cubans. Our doubts concerning the real interest of Mrs. Cheek in Jack Ruby stem from the fact that one of her four husbands was a convicted felon and one of her friends was a police officer who married one of Ruby's strip-tease dancers. We have suggested that Ruby might have killed Oswald out of fear that Oswald might implicate Ruby and his friends falsely or not in an effort to save his own life. We think that neither Oswald's Cuban interests in Dallas nor Ruby's Cuban activities have been adequately explored.

g. Ruby made or attempted to make contacts on November 22 and 23 with persons, known and unknown, who could have been co-conspirators. Ruby was visited in Dallas from November 21 to November 24, 1963 by Lawrence Meyers of Chicago. Meyers had visited Ruby two weeks previously. Ruby also made a long distance call shortly after the President's death to Alex Gruber in Los Angeles. Gruber had visited Ruby about the same time as Meyers in early November. Both Gruber and Meyers give innocent explanations. Meyers claims he was in Dallas enjoying life with a "dumb but accommodating broad." Gruber claims Ruby called to say he would not mail a dog that day, as he had promised to do. Finally between 11:35 p.m. and 12 midnight, Saturday, November 23, Ruby made a series of brief long distance phone calls culminating with a call to entertainer Breck Wall at a friend's house in Galveston. Wall claims Ruby called to compliment him for calling off his (Wall's) act at the Adolphus Hotel in Dallas. Background checks have not been made on these persons.

h. In short, we believe that the possibility exists, based on evidence already available, that Ruby was involved in illegal dealings with Cuban elements who might have had contact with Oswald. The existence of such dealings can only be surmised since the present investigation has not focused on that area.

i. We suggest that these matters cannot be left "hanging in the air." They must either be explored further or a firm decision must be made not to do so supported by stated reasons for the decision. As a general matter, we think the investigation deficient in these respects:

(1) Substantial time-segments in Ruby's daily routine from September 26 to November 22 have not been accounted for.

(2) About 46 persons who saw Ruby from November 22 to November 24 have not been questioned by staff members, although there are FBI reports of interviews with all these people.

(3) Persons who have been interviewed because of known associations with Ruby generally have not been investigated themselves so that their truthfulness can be evaluated. The FBI reports specifically do not attempt evaluation. The exception has been that where the FBI has been given incriminating evidence against Ruby, it has made further investigation to determine whether others might also be implicated with Ruby. In every case where there was some evidence implicating others, those other persons were interviewed and denied the incriminating allegations. Further investigation has not been undertaken to resolve the conflicts.

(4) Much of our knowledge of Ruby comes from his friends Andrew Armstrong, Ralph Paul, George Senator, and Larry Crafard. Investigations have not been undertaken to corroborate their claims.

4. *Specific Investigative Recommendations.*

a. We should obtain photos of all property found on Ruby's person, in his car, or at his home or clubs, now in possession of the Dallas District Attorney. We already have photos of Ruby's address books, but no other items have been photographed or delivered to the Commission. These items include the H. L. Hunt literature and newspapers mentioned in paragraphs 3d and 3e.

b. We should conduct staff interviews or take depositions with respect to Ruby's Cuban activities of the following persons:

i. *Robert Ray McKeown*.—Ruby contacted McKeown in 1959 in connection with the sale of jeeps to Cuba. The objective of an interview or deposition of McKeown would be to obtain information on possible contacts Ruby would have made after 1959 if his interest in armament sales continued.

ii. *Nancy Perrin*.—Perrin claims she met with Ruby three times in 1961 concerning refugee smuggling and arms sales. She says she can identify the house in Dallas where meetings took place. Perrin now lives in Boston. Ruby admits he was once interested in the sale of jeeps, at least, to Cuba.

c. We should obtain reports from the CIA concerning Ruby's associations. The CIA has been requested to provide a report based on a memorandum delivered to them March 12, 1964 covering Ruby's background including his possible Cuban activities, but a reply has not been received as yet.

d. We should obtain reports from the FBI based on requested investigation of allegations suggesting that Earlene Roberts was in San Antonio on November 21.

e. The Commission should take the testimony of the following persons for the reasons stated:

i. *Hyman Rubenstein, Eva Grant, Earl Ruby*.

All are siblings of Jack Ruby. Hyman is the oldest child and presumably will be the best witness as to family history. He talked to Jack on November 22, reportedly visited Jack the week before the assassination, and participated in Ruby's twist board venture. Eva lived with Jack for 3 years in California prior to World War II, induced Jack to come to Dallas in 1947, and managed the Vegas Club for Jack in Dallas from 1959 to 1963. Earl was a travelling salesman with Jack from 1941-1943, a business partner 1946-1947, and made phone calls before November 22, 1963 and afterwards which require explanations.

ii. *Henry Wade*.—This person can testify to the development of the testimony by Sgt. Dean and Det. Archer against Ruby and of seeing Ruby on November 22 in the Police Department building.

iii. *Jack Ruby*.

f. We should take the depositions of the following persons for the reasons stated:

i. *Tom Howard*.—This person is one of Ruby's original attorneys, and is reported to have been in the police basement a few minutes before Oswald was shot and to have inquired if Oswald had been moved. He filed a writ of habeas corpus for Ruby about one hour after the shooting of Oswald. He could explain these activities and possibly tell us about the Ruby trial. We should have these explanations.

ii. *FBI Agent Hall*.—This person interviewed Ruby for 2½ hours on November 24 beginning at approximately 12 noon. His report is contradictory to Sgt. Dean's trial testimony. He also interviewed Ruby on December 21, 1963.

iii. *Seth Kantor*.—This person was interviewed twice by the FBI and persists in his claim that he saw Ruby at Parkland Hospital shortly before or after the President's death was announced. Ruby denies that he was ever at Parkland Hospital. We must decide who is telling the truth, for there would be considerable significance if it were concluded that Ruby is lying. Should we make an evaluation without seeing Kantor ourselves?

iv. *Bill DeMar*.—This person claims to have seen Oswald at the Carousel Club prior to November 22, and this rumor perhaps more than any other has been given wide circulation. Should we evaluate DeMar's credibility solely on the basis of FBI reports?

g. The FBI should re-interview the following persons for the purposes stated:

i. *Alex Gruber*.—To obtain personal history to establish original meeting and subsequent contacts with Ruby; to obtain details of visit to Dallas in November 1965, including where he stayed, how long, who saw him, etc. The FBI should also check its own files on Gruber.

ii. *Lawrence Meyers*. (Same as Gruber.)

iii. *Ken Dowe*.—(KLIF reporter). To ascertain how he happened to first contact Ruby on November 22 or 23; (Ruby provided information to KLIF concerning the location of Chief Curry), and whether KLIF gave any inducements to Ruby to work for it on the weekend of November 22-24.

iv. *Rabbi Silverman*.—To establish when Silverman saw Ruby at the Synagogue and obtain names of other persons who may have seen Ruby at the Synagogue on November 22 and 23. Silverman states that he saw Ruby at the 8 p.m. service on November 22 and at the 9 a.m. service on November 23; but

both of these services lasted at least two hours and we do not know whether Ruby was present for the entire services. Silverman (and others) could "place" Ruby, or fail to do so, during crucial hours.

v. *Mickey Ryan*.—(Same as Gruber plus employment in Dallas.)

vi. *Breck Wall*.—This person was an entertainer at the Adolphus Hotel, Dallas, at the time of President Kennedy's assassination. Ruby called him in Galveston at 11:47 p.m. Saturday, November 23, 1963. He also visited Ruby at the County jail. A background check should be conducted as to this person.

vii. *Andrew Armstrong, Bruce Carlin, Karen Bennett Carlin, Curtis LaVerne Crafard, Ralph Paul, George Senator*.

These six persons were deposed at length because of their friendship with Ruby, familiarity with Ruby's personal and business life, and contacts with Ruby on November 22, 23, and 24. In general, each has presumed to have had no knowledge of Ruby's activities during those three days.

Andrew Armstrong was very active in the operation of the Carousel and worked closely with Ruby for 18 months. His deposition covers Ruby's activities and emotional state generally and particularly several hours on November 22 and 23. A background check should be conducted as to this person and selected parts of his testimony should be checked out to test his veracity.

Karen and Bruce Carlin were the recipients of a \$25 money order bought by Ruby approximately 5 minutes before Ruby shot Oswald. Marguerite Oswald testified that she believed she knew Karen Carlin. Background checks should be conducted on the Carlins.

Crafard fled Dallas unexpectedly on Saturday morning November 23. Although we tend to believe his explanation, we believe a background check on him plus verification of some of his activities on November 23 are warranted.

Paul is Ruby's business partner. A background check should be conducted as to him and his telephone calls during November should be checked out.

George Senator, Ruby's roommate, alleged by Crafard to be a homosexual, claims not to have seen Ruby except at their apartment Sunday morning and for a few hours early Saturday morning. Senator's background and own admitted activities on November 22, 23, and 24 should be verified.

5. *Other areas of Ruby Investigation which are not complete.*

a. Various rumors link Ruby and Oswald which do not appear to be true; however, the materials we have are not sufficient to discredit them satisfactorily. Such rumors include:

i. Communist associations of Ruby;

ii. Oswald's use of a Cadillac believed to belong to Ruby;

iii. After the depositions of Nancy Parrin, Robert McKeown, and Sylvia Odio have been taken, further investigation may be necessary with respect to Ruby's Cuban associations.

b. Ruby's notebooks contain numerous names, addresses, and telephone numbers. Many of these persons have either not been located or deny knowing Ruby. We believe further investigation is appropriate in some instances; however, we have not yet evaluated the reports now on hand.

c. We have no expert evidence as to Ruby's mental condition; however, we will obtain transcripts of the psychiatric testimony at the Ruby trial.

6. *Other Investigative Suggestions*.—We have suggested in earlier memoranda that two sources of evidentiary material have been virtually ignored:

a. Radio, TV and Movie Recordings. Two Dallas radio stations tape recorded every minute of air time on November 22, 23, and 24. We have obtained these radio tapes for all except a portion of November 24, and the tapes include a number of interviews with key witnesses in the Oswald area. In addition, the tapes shed considerable light on the manner in which Dallas public officials and federal agents conducted the investigations and performed in public view. We believe that similar video tapes and movie films should be obtained from NBC, CBS, JBC, UPI, and Movietone News, and relevant portions should be reviewed by staff members. Wherever witnesses appear on these films who have been considered by the Commission in preparing its report, a copy of such witnesses' appearance should be made a part of the Commission records by introducing them in evidence. If one person were directed to superintend and organize this effort, we believe it could be done without unreasonable expenditures of Commission time and money.

b. Hotel and motel registrations, airline passenger manifests, and Emigration and Immigration records.

Copies of Dallas hotel and motel registrations and airline manifests to and from Dallas should be obtained for the period September 26 to December 1, 1963. Similarly, Emigration and Immigration records should be obtained for the period October 1, 1963 to January 1, 1964. We believe that these records may provide a useful tool as new evidence develops after the Commission submits its report. We do not suggest that these records necessarily be examined by the Commission staff at the present time. But, for example, it is likely that in the future, persons will come forward who will claim to have been in Dallas during the critical period and who will claim to have important information. These records may serve to confirm or refute their claims.

Mr. BLAKEY. Mr. Griffin, do you recall the circumstances that led you and Mr. Hubert to prepare this memorandum?

Judge GRIFFIN. In a general sense I do; yes. I don't remember the specific catalytic event but I remember where we were.

Mr. BLAKEY. Were you asked sometime in May to finish your work by June 1?

Judge GRIFFIN. I don't remember the date but we were given a deadline which we felt we couldn't meet, whatever that date was.

Mr. BLAKEY. Was this memorandum prepared in response to that request?

Judge GRIFFIN. At the same time as that kind of pressure was coming, whether it was specifically in direct response to a request I don't know, but for practical purposes that is right.

Mr. BLAKEY. I wonder, Judge Griffin, if I could direct your attention to page 2 of the memorandum and ask you to focus on paragraph 3a. In general terms you indicate that there was a need for further investigation and you observe that the FBI has thoroughly investigated Mr. Ruby's night club operations but does not seem to have pinned down his other business or social activity. Is that correct?

Judge GRIFFIN. Yes.

Mr. BLAKEY. In the period of time after this memorandum was written, that is, between May and July and August when the investigation wound down, did the Bureau subsequently pin down these other activities?

Judge GRIFFIN. I don't think they did. The question in part is whether they did any more as a result. What was Mr. Rankin's response to this memo? I don't know whether we got a written response to this or not. I don't have any recollection of really pursuing this. I have a general recollection of a conversation, I don't remember who it was with, in which we were not told we could not do any of these things but we were told not to go off the deep end, and so forth, and we were in a sense given a light to go ahead but they still made clear to us that we had these deadlines. So I don't know what we did to follow that up.

Mr. BLAKEY. Let me direct your attention now to page 2 of the memorandum, to paragraph c, which then continues over on page 3 and also paragraph f, on page 3, which continues over on page 4.

Judge GRIFFIN. Right.

Mr. BLAKEY. In which you generally indicate that Mr. Ruby had been close to persons pursuing various illegal activities. You note, for example, in September 1959, Mr. Ruby visited Havana at the invitation of a man named Louis J. McWillie, whom you characterized as a Las Vegas racketeer. You also indicate that Mr. Ralph Paul had indicated that Ruby considered Mr. McWillie one of his closest friends.

Judge GRIFFIN. Right.

Mr. BLAKEY. You comment :

In addition we believe that a reasonable possibility exists that Ruby has maintained a close interest in Cuban affairs to the extent necessary to participate in gun sales or smuggling.

Now reading over page 4, paragraph f :

We think that neither Oswald's Cuban interests in Dallas nor Ruby's Cuban activities have been adequately explored.

This of course was written as of May 14. In the period of time after May 14 in your judgment did the Bureau subsequently adequately explore these Cuban matters?

Judge GRIFFIN. In fairness to the Bureau I don't think they had much of a request to explore them. There were some requests made to them for investigation. We did not pursue these matters in a manner I felt at the time, or ever have felt, was satisfactory.

Mr. BLAKEY. Let me direct your attention now to page 3 of the memorandum, specifically paragraph d, in which you generally indicate that there is some possible connection between Ruby and various rightwing groups. Particularly you mention H. L. Hunt, and raise the possibility of some connection between Mr. Ruby and the John Birch Society.

Judge GRIFFIN. Yes.

Mr. BLAKEY. In your judgment in the period of time following May did the Bureau adequately explore these possible rightwing connections?

Judge GRIFFIN. Again, I have to answer that in terms of what we requested them to do. At this point I don't recall what we requested with respect to H. L. Hunt. With respect to Earl Ruby, Hubert and I explored Earl Ruby's connection with Ruby to a very limited extent but we never requested any followup.

We took his deposition on May 14, 1964, and asked him some questions about the Welch Candy Co. We did push a request for information on Thomas Hill. My recollection on that is that the Bureau did everything we asked them to do. Whether they could have done more about it and didn't, that I don't know.

Mr. BLAKEY. I call your attention to page 4, specifically paragraph g, and note that you indicate that Mr. Ruby had a visit from one Lawrence Meyers from Chicago. You comment on the relationship between Mr. Meyers and Mr. Alex Gruber of Los Angeles and conclude: "Background checks have not been made on these persons."

Subsequently did the Bureau do background checks to your knowledge of Mr. Meyers and Mr. Gruber?

Judge GRIFFIN. I don't know. Again I am not certain whether we requested that. I will say that I don't know whether there was anything put in writing, any written response to this memo. Your records I think would reveal that. It is quite possible that based on your conversations with those who received this memo that Hubert and I decided that we had to make—in fact, I know we did this—after we had talked about this we decided we had to make some choices about where we could go, because we had a lot of resistance to these things. We felt that we couldn't expose ourselves to too many dead ends on things that looked like wild goose chases.

I am fairly confident that although we may never have been told not to do certain things, that we made the decision probably ourselves that we should go for the things that we thought might have the best chance of a payoff and avoid any further hassle with others in the Commission over our view on how to conduct the investigation.

Mr. BLAKEY. Let me last direct your attention to page 4 and specifically to paragraph h, and quoting from the record:

In short, we believe that the possibility exists, based on evidence already available, that Ruby was involved in illegal dealings with Cuban elements who might have had contact with Oswald. The existence of such dealings can only be surmised since the present investigation has not focused on that area.

In your judgment did the investigation in succeeding months adequately focus on that area?

Judge GRIFFIN. No.

Mr. BLAKEY. Judge Griffin, I wonder if I could direct your attention to the final report of the Commission, a copy of which is on the desk in front of you, to your right, and ask you to look at page 365 in the official report, and page 340 in the New York Times edition.

Looking now at page 365, the Commission discusses at page 365 in the official report and page 340 of the New York Times report, Ruby's background and associates and it says:

In addition to examining in detail Jack Ruby's activities from November 21 to November 24, and his possible acquaintanceship with Lee Harvey Oswald, the Commission has considered whether or not Ruby had ties with individuals or groups that might have obviated the need for any direct contact near the time of the assassination. Study of Jack Ruby's background, which is set out more fully in appendix XVI, leads to the final conclusion that he had no such ties.

Judge GRIFFIN. Let me understand what that first sentence is there. "The Commission has considered whether or not Ruby had ties with individuals or groups that might have obviated the need for any direct contact near the time of the assassination."

Ties to some intermediate group that might have wanted to assassinate the President?

Mr. BLAKEY. In the context of your memorandum of May were you raising the question whether Ruby had illegal dealings with Cuban elements who might have had contact with Oswald? Do you believe that the succeeding months of investigation from May through September adequately explored those dealings so that this conclusion "leads to the final conclusion that he had no such ties," could have been justified?

Judge GRIFFIN. If this phrase "individual or groups that might have obviated the need," if that is read to mean any Cuban groups or any people interested in dealing with Cuba, I would say no, I would not agree with that last sentence that you read.

I must say I don't know what the first sentence means.

Mr. MCKINNEY. Does that not simply mean that there could have been contact between Ruby and Oswald without physical contact?

Judge GRIFFIN. I know it means that. The question is whether someone had in mind some group that we knew had contact with Oswald. If that is meant to say that we could reach a conclusion that someone that we knew had direct contact with Oswald also had direct contact with Ruby, then this sentence about the firm conclusion is probably

correct, that we could conclude that based upon someone that we know at that time that had a direct contact, we could say yes, he didn't have any direct contact we knew about, but how about the people we don't know about?

Mr. BLAKEY. I would like to know your feeling in May that there might be a relationship between Oswald and Ruby through Cuban elements, and your suggestion in May that that possible connection should be adequately explored.

Judge GRIFFIN. Right.

Mr. BLAKEY. I am raising the question that I understand that you thought it was not adequately explored.

If it was not, I am wondering how the Commission could have concluded on page 365 in the official report and on page 340 in the New York Times report that there were no such ties.

Judge GRIFFIN. Because I think that this report throughout was really written from a very narrow perspective when general terms were used and they really meant someone we already knew, a group we already knew had contact with Oswald. The question was could we find that Ruby had contact with any of those specific individuals or groups, groups not meaning every Cuban in the country but a specific known group that Oswald had made contact with.

Mr. BLAKEY. In the context of that answer, let me direct your attention to page 370 of the official report and the New York Times report on page 346. Reading now from page 340 of the official report and page 348 of the New York Times report, there is an indication of information on a relationship between Ruby and Louis J. McWillie, who you mentioned in your memorandum of May 5; and then in the next designated paragraph, paragraph designated "Possible Underworld Connections," let me direct your attention to the two concluding sentences:

Ruby has disclaimed that he was associated with organized crime activities, and law enforcement agencies have confirmed that denial.

Judge GRIFFIN. I suppose that statement on its face is true, that Ruby has said that he didn't have organized criminal activity and law enforcement agencies have said yes; he is not associated with organized criminal activities.

Mr. FAUNTROY. The law enforcement agencies said that?

Judge GRIFFIN. That is right. I think that is a true statement.

Mr. MCKINNEY. Counsel, I would like to apologize to the witness that I have to leave.

Mr. BLAKEY. On page 801 of the official report and page 707 of the New York Times edition, I quote now from the last paragraph, headed "Underworld Ties." This is from the appendix generally dealing with Mr. Ruby's background:

Based on its evaluation of the record, however, the Commission believes that the evidence does not establish a significant link between Ruby and organized crime. Both State and Federal officials have indicated that Ruby was not affiliated with organized criminal activities, and numerous persons have reported that Ruby was not connected with such activity.

Judge GRIFFIN. Right. I think the key words are "significant link" and that question was: Where did Ruby stand in the organized criminal hierarchy? Was he a big fish, little fish, or was he on the

periphery? It is not an attempt to say that he did not have lots of friends and associates and couldn't perhaps get things done and that they might not call upon him.

Mr. DODD. Counsel, that is clearly what it says. I don't know how you can possibly reach any other conclusion from that statement that he was not associated or affiliated. To say that that statement indicates he was not significantly involved, I think, is not a fair appraisal of it.

Judge GRIFFIN. The question is what you mean by "significant."

Mr. BLAKEY. Do you think a normal person, an average American lay reader to whom this report was directed, in reading that, would have led to believe that Ruby was not associated in any way with organized crime?

Judge GRIFFIN. Let me say this: If anybody who reads the whole appendix there, which lays out all what his associations were—if you just read the last sentence, if you don't read all the other associations that are laid out but if you read one or two pages we have on this and you look at the footnotes, you will see—it is actually one page, I guess—it goes in his past history, so this entire appendix covers a good many pages of laying out what his specific associations were, going all the way back to the 1930's and early 1940's in Chicago.

I don't think anybody who could read this and have all of this information that is in here would have any doubt that there were lots and lots of associations that he had with underworld types and that one could fairly characterize him in a kind of way as a fringe person in the underworld.

Unfortunately, for various reasons, this report is loaded with code words such as "the Commission found no evidence" and this one: "a significant link." It is an attempt by the Commission to say to the public that: "Yes; the average person would read this and, if you read it in the newspapers, you would think there is a lot of stuff here, but we are exercising a professional evaluation and we don't think this is significant."

Mr. BLAKEY. In your professional judgment, did you adequately explore the relationship between Ruby and McWillie, and possible connections with organized crime figures?

Judge GRIFFIN. If we were conducting an investigation that really was a no-time-limit, no-stops investigation into whether there could have been a conspiracy to assassinate the President that involved the underworld, and if we had had one bit of information at that point that was significant that would show that the underworld might have had a motive or might have been connected with someone else who had a motive to assassinate the President, my answer would be that this was not adequate.

But at the point that we stopped this investigation, we didn't know anything about the so-called Mafia connections with the CIA, we knew nothing about the assassination attempts in the Caribbean. The only thing we could see in the underworld types were that they were trying to make some money selling guns to Cuba, and that did not seem to us to justify the next conclusion, that they therefore wanted to assassinate the President.

Mr. BLAKEY. Did you know in 1964 that it was at least alleged that McWillie was manager of the Tropicana Casino?

Judge GRIFFIN. I think that is all in the record.

Mr. DODD. Did you say earlier you were familiar with this memorandum from the Central Intelligence Agency dated, I think, September 17, 1964, in which the CIA states emphatically that they have no information on Jack Ruby or his activities?

Judge GRIFFIN. Including Louis McWillie, for example. His name was in a memo that they were responding to. Louis McWillie's name was given to them by us along with a lot of other people. Understand that we got that memo 8 or 9 days before the report was published. That report was already in galley proof, and the galleys—probably the page proofs—were being read at the time this report came back from the CIA.

Mr. DODD. In your memo of May 14, 2 or 3 months before that, you clearly raise questions about Ruby's possibly becoming involved in purchasing jeeps for Castro, which is a political activity on which the CIA would have some information or they would be derelict in their duty?

Judge GRIFFIN. Absolutely.

Mr. BLAKEY. Were you also aware after May 1960 he took a job at the casino that was allegedly owned by Meyer Lansky?

Judge GRIFFIN. I don't know whether we knew that.

Mr. BLAKEY. Would you have known the name Meyer Lansky in 1964?

Judge GRIFFIN. Yes. That kind of information would not have significantly affected our decision unless we knew two things, at least unless we knew that the Mafia, the underworld types, were being used by the CIA in connection with international Cuban activities. If we had known that the CIA in any way was utilizing underworld people in connection with any kind of Cuban activity, that might have said more for us—most particularly if we had, of course, known there was an effort on some part of the people in our Government to assassinate Castro.

Mr. BLAKEY. You know it?

Judge GRIFFIN. We did not know it.

Mr. BLAKEY. You knew that Ruby had some connection with the underworld?

Judge GRIFFIN. That is all we knew.

Mr. BLAKEY. You knew he was trying to sell jeeps to Castro?

Judge GRIFFIN. In 1959—incidentally, we had rumors on that which we could never confirm from anyone.

Mr. BLAKEY. You were suspicious enough?

Judge GRIFFIN. We were suspicious.

Mr. BLAKEY. You knew the guy had underworld connections, you knew he had political activities in a foreign country?

Judge GRIFFIN. We took the depositions of all of the people who gave us that information. We requested further information from the CIA. We got their September 15 memo. We got nothing to start with from them. We were being told to write the report. We got no further information.

I can't tell you in any kind of detail what we requested of the FBI. I feel fairly certain that we were making requests to the FBI up to the point that we got nothing back. At that point we had nothing to link it in with.

Mr. BLAKEY. Would any of these other names be familiar with you: Jake Lansky? Would that name mean anything to you?

Judge GRIFFIN. Sure.

Mr. BLAKEY. Gerald Catena. Would that name mean anything to you in 1963?

Judge GRIFFIN. Yes; that would not have told us anything that we did not already believe about Lansky anyhow.

Mr. BLAKEY. Would the name David Cellini mean anything to you?

Judge GRIFFIN. No; it would not mean anything to us.

Mr. BLAKEY. Eddie Levinson, who was alleged to own the Riveria Casino?

Judge GRIFFIN. No.

Mr. BLAKEY. Does the name Trafficante mean anything to you?

Judge GRIFFIN. No.

Mr. BLAKEY. Raoul Gonzales or Benny Fernandez?

Judge GRIFFIN. I think the answer would have to be no; it did not mean anything to us.

Mr. BLAKEY. The reason I raise this with you, Judge Griffin, to move off the question of a possible CIA or Mafia connection as a motive: Were you aware in the 1960's the Department of Justice, under Robert Kennedy, had what some people say was a vigorous organized crime drive?

Judge GRIFFIN. Yes.

Mr. BLAKEY. Would the death of the President have possible undermined Robert Kennedy's political support in the Government?

Judge GRIFFIN. You are asking me to speculate now on that? Or did we think about that question? I don't think we thought about it. I didn't think about it.

Mr. BLAKEY. As a matter of fact, did Robert Kennedy remain in the Department of Justice after the President's assassination, under President Johnson?

Judge GRIFFIN. He was elected Senator from New York.

Mr. BLAKEY. In point of fact, he left the Department of Justice, did he not?

Judge GRIFFIN. I will say categorically that by Hubert and me that possibility was not seriously explored. I think what you are saying is the possibility that someone associated with the underworld would have wanted to assassinate the President; isn't that right?

Mr. BLAKEY. To undermine the organized crime program.

Judge GRIFFIN. You see, the difficulty with making that leap was that—I am satisfied everyone who investigates this will have the same conclusion—that Oswald was the person who assassinated the President. There was no showing that Oswald had any connection with organized crime. Therefore, there was no reason to think that, simply because Ruby was involved in organized crime, that that would have been linked to the assassination of the President.

We needed to fill that in, in some way, but that is why the Cuban link is so important. If we had known that the CIA wanted to assassinate Castro, then all of the Cuban motivations that we were exploring about this made much, much more sense. If we had further known that the CIA was involved with organized criminal figures in an assassination attempt in the Caribbean, then we would have had a completely different perspective on this thing.

But, because we did not have those links at this point, there was nothing to tie the underworld in with Cuba and thus nothing to tie them in with Oswald, nothing to tie them in with the assassination of the President.

Mr. BLAKEY. Let me direct your attention back to what has been marked as JFK exhibit No. 63, your memorandum of May 14. Beginning on page 5 and following, there are the names of a number of people that you suggest either should be interviewed by the staff or from whom depositions should be taken or that the Bureau should reinterview in the field.

Judge GRIFFIN. Right.

Mr. BLAKEY. I don't find McWillie among those people. Is there any reason why he was omitted that you can recall now?

Judge GRIFFIN. It may be that we had pursued—this is a request mostly for background information on these people. We identified McWillie very early as a somebody who might be a key link. It may be that at the time we wrote this memo, we had gotten everything we felt we could get out of the FBI, that we could not make a productive request to the FBI, so that we were now focusing on other people in an effort to see if they somehow linked back in. I think that is probably why McWillie was left out.

Mr. BLAKEY. If you knew then what you know today about the relationship between McWillie and such figures as Meyer and Jake Lansky and Trafficante and other organized crime figures who apparently were heavily involved in Cuban gambling and the fact that those Cuban gambling syndicates had a relationship with the CIA in an effort to overthrow Premier Castro, do you think you would have more vigorously pursued McWillie?

Judge GRIFFIN. It is not simply McWillie.

Mr. BLAKEY. And all organized crime, the Cuban connection?

Judge GRIFFIN. I frankly think that if anybody on the staff level that I dealt with had had this information, the memos that Hubert and I were generating—which I expressed my unhappiness about the response to—I don't think they would have been handled in that way.

Now, whether above the staff level that I was dealing with, other people had information which produced a much higher-up decision not to go forward in this area, I don't know.

I have said to Mr. Blakey in our private conversation in Cleveland that it frankly is not conceivable to me that Allen Dulles did not know about everything we are talking about here. I personally would not believe it if he came here and denied it to my face. I also don't believe the President didn't know about this.

Now, how much was then communicated on to the Chief Justice, how specific the communications might have been, my own speculation, like any other citizen's, reflecting my own involvement in this, is that I think the Chief Justice had to be told something pretty convincing in order to get him to take this job.

I don't know how much detail they would have given him but he must have genuinely believed that there was a national security question involved here, not simply a McCarthyism kind of question.

From my own perspective at this point, I have a strong belief, without any more information than I have already expressed, that at least

Allen Dulles, if not one or two other people somewhere in the Commission hierarchy, had some information about the importance of the Cuban problem that wasn't communicated to us.

Mr. DODD. Given that fact, would it not be fair, then, to assume—given the fact you had a group of energetic, young attorneys who were anxious to uncover this thing and, by your own statement earlier, to prove the FBI wrong—that you would have to conclude that some of the key staff people then would also have to be privy to that information?

Judge GRIFFIN. No; I don't know where the "key" goes.

Mr. DODD. What happened to this memo of yours? This is a damn good memo, May 14. Hell, these are exactly the kind of questions we are wrestling with. Had someone asked those questions, talked to people who are no longer with us at this point, we would not be sitting here possibly today. You had 2 to 3 weeks, less than that, before the Commission folded its tent?

Judge GRIFFIN. No; this was in May and the report came out in September.

Mr. DODD. Your last hearings were held in June?

Judge GRIFFIN. Right.

Mr. DODD. June 3 was the date. You had May 14 to June 3, less than 3 weeks?

Mr. FAUNTROY. They responded in September.

Judge GRIFFIN. You see, in order to understand their response, you have to take into account what they were learning outside of the Oswald area—

Mr. DODD. You have touched on some pretty sensitive points in this memo by fluke or otherwise. I think you scared some people.

Judge GRIFFIN. I don't think they were by fluke. I am trying to be totally straightforward with you because I have strong feelings about this in terms of the possibilities that we had in this area. I didn't write this memo for flimsy reasons.

Mr. DODD. I know that.

Judge GRIFFIN. Nothing that has happened since I wrote this memo substantially changes my view about this. So I obviously feel that somewhere along the line somebody pulled the rug out from under us. But I am not willing to jump to the conclusion that it knowingly took place within the staff. Some of this relates to the field.

You see people on a day-to-day basis. It is hard for me to believe that Howard Willens and Dave Slawson and the other people whom I worked with on this thing knew anything significant that I didn't know. I am strongly inclined to believe at that level they didn't know any more than I did.

Mr. DODD. What happened to this memo? You asked the question. On page 4 you say: "We think neither Oswald's Cuban interests in Dallas nor Ruby's Cuban activities have been adequately explored." I can see people at the CIA just flipping out, knowing now what they knew then.

Judge GRIFFIN. CIA never saw this memo, but they saw another one.

Mr. DODD. How do you know they didn't see it?

Judge GRIFFIN. That is true; they may have.

Mr. DODD. What I am getting at is that these are some pretty good questions and, knowing what we know now, I can see where this could have caused some serious—what happened to the memo? What happened to the response?

Judge GRIFFIN. I don't know whether we got a written response back. I can only answer that in a kind of general way. I am trying to recall 13 years ago. I made some notes on my memo, my copy of this, as to what I recall happening. In some cases we went ahead and took testimony. In other cases my notes reflect—at some point I will be happy to share my notes on all of these; these are my personal recollections I made on this—that I think we did what I indicated to Mr. McKinney we did.

We were told, in response to this memo, basically that we still had to start to write, that we had certain deadlines to meet, but we knew they kept getting put back, given the list of people that we wanted to depose and we could do it. "If you want to get some other stuff out to the FBI, okay, but remember they are getting pretty sick of this investigation at the FBI." It was this kind of quality of dialog that was taking place over this memo.

I believe that what happened was that, against that context of things, Hubert and I went back and we looked at this memo and we decided: What do we have in here that we could get something on in a reasonable period of time and let us try to get that, let us put our energies in that direction because we know we have to start producing copy for them at some point; we have to start writing. We made decisions based on that kind of thing.

Mr. DODD. I can see that.

Mr. BLAKEY. Mr. Chairman, I wonder if I could turn to a slightly different area and inquire of Judge Griffin whether there were pressures other than time, for example, resource pressures. I wonder if, in that context, I could ask the clerk to mark a Hubert-Griffin memo of April 4, 1964, to Howard Willens as JFK exhibit No. 64.

I wonder if the clerk will show it to the witness.

Are you familiar with that?

Judge GRIFFIN. Yes, I am.

Mr. BLAKEY. I wonder, Mr. Chairman, if I can have that document placed in the record so that we can ask some questions of the witness based on it.

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, marked JFK exhibit No. 64 and received for the record, follows:]

JFK EXHIBIT No. 64

[Memorandum]

APRIL 4, 1964.

To: Mr. Howard Willens.

From: Leon D. Hubert and Burt W. Griffin.

1. You will recall that after the staff meeting on Friday, we stayed on with Mr. Rankin to discuss the matter of giving us assistance in area V. Three subareas are involved:

a. A checkout of names, telephone numbers, addresses, et cetera found in Ruby's papers. (See area "E")

b. A checkout of all rumors relative to possible associations between Ruby and Oswald; and between Ruby and the gangster element. (See area "F")

c. An analysis of telephone calls by Jack, Eva, and Earl Ruby and by Ralph Paul.

2. Mr. Rankin told us to get Mr. Lenbrandt (Chief Justice Warren's guard) to do this work. Because of the press of time and because we did not really put our minds to it at the moment, we failed to say to Mr. Rankin that each subarea will require a man working full time for a month. There is no possibility that this work can be properly done so as to be useful in writing a report even if it had a deadline date of June 15.

3. In connection with the above and for the other reasons stated below, we do not think the Ruby aspect of the case should be included in the Commission's report.

a. To do an acceptable job on Ruby, it would be necessary to make public statements concerning his character, his background, the possibility that he was lying about his entry into the basement, his motivation and state of mind, et cetera.

b. If Ruby's conviction is refused and our report is in any way hostile to Ruby, the Commission could be justly criticized for issuing a report which impaired his right to a fair trial. On the other hand, if the report gave support to Ruby's already stated version, the prosecution would be justified in criticizing us.

c. Aside from this, is it proper for a Commission of the high rank and prestige of this Commission to comment extensively about a person whose case is on appeal and will surely get to the U.S. Supreme Court?

2. We think that the Commission's report could very properly state that conclusions relative to any aspect of Ruby or his activities are considered improper because of his pending appeal and that a report will be made later.

Mr. BLAKEY. Let me direct your attention to paragraph 2 and note that you are referring in that paragraph to a previous request for assistance in checking the names and telephone numbers and addresses found in Ruby's papers and your comment that—

*** because of the press of time and because we did not really put our minds to it at the moment, we failed to say to Mr. Rankin that each subarea will require a man working full time for a month. There is no possibility that this work can be properly done so as to be useful in writing a report even if it had a deadline date of June 15.

I think that that was written in the context of April, where you were speaking of a May deadline. Is that an accurate reflection of your feeling at that time that you were on the staff?

Judge GRIFFIN. This is more than that. It was also a statement that this fellow Lenbrandt, who was the guard for the Chief Justice, did not strike us as the kind of person we needed for this job. Not only numbers; we didn't want somebody who had a regular job guarding the Chief Justice and part time would go out and gather information for us.

Mr. BLAKEY. Let me ask you, then, a general point. As you know, the conclusion of the Warren Commission was that Lee Harvey Oswald was the assassin of the President. Are you satisfied with that conclusion?

Judge GRIFFIN. Yes, I am. There is no doubt about that.

Mr. BLAKEY. The central conclusion from many people's point of view was that there was no evidence found of a conspiracy to assassinate the President. Are you satisfied with that conclusion?

Judge GRIFFIN. I am satisfied that that statement is true.

Mr. BLAKEY. Are you satisfied with the investigation that led to that conclusion?

Judge GRIFFIN. I am not.

Mr. BLAKEY. What would you have done differently in the area of pursuing the conspiracy allegation or the conspiracy possibility? And, in the context of asking you that question, I wonder, Mr. Chair-

man, if I could ask the clerk to mark a memo dated February 24, 1964, from Hubert and Griffin to Willens in connection with the suggested collection of phone data as JFK exhibit No. 65 and I wonder if the clerk will show it to the witness.

Are you familiar with that memo?

Judge GRIFFIN. Yes, I am.

Mr. BLAKEY. Mr. Chairman, I would ask that that memorandum be incorporated in the record at this point in order that I can ask some questions about it.

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, marked JFK exhibit No. 65 and received for the record, follows:]

JFK EXHIBIT No. 65

[Memorandum]

FEBRUARY 24, 1964.

To: Mr. Howard P. Willens.

From: Mr. Leon D. Hubert and Mr. Burt W. Griffin.

Subject: Further Telephone Records to be Obtained for the Commission.

In furtherance of your conversation with Mr. Griffin on February 20 and our joint memorandum of February 19, the following steps are suggested to be taken as soon as possible for obtaining and preserving telephone records which may be pertinent to the work of this Commission.

Some of the suggestions may impose burdens upon private parties which are not justified by the possible results to be obtained. If so, they should be rejected and the reason for such rejection recorded in order to assure future critics that such efforts were carefully considered.

Paragraphs 1, 2, and 3 seek telephone numbers of phones "reasonably available" to Ruby plus records of calls placed from phones under Ruby's direct control.

Paragraph 4 seeks telephone numbers of all phones reasonably available to certain persons.

Paragraph 5 seeks only phones listed to or under the control of certain people.

Paragraphs 6 to 10 are designed to lay a basis for further investigation.

1. The FBI should immediately obtain the telephone numbers, names of subscriber, location and type of service of all phones reasonably available to Jack Ruby. "Reasonably available" should include, but not be limited to, subscriber and pay telephones at the All Right Parking Garage, Adolphus Hotel, the Egyptian Lounge, Phil's Delicatessen, Cabana Motel, Sol's Turf Bar, Dallas City Hall and Jail, Dallas Morning News, Radio Station KLIF, together with any pay phones within reasonable walking distance of said places or any other places which Ruby frequented. Numbers and information concerning phones "reasonably available" to Ruby in Dallas may be obtained by personal contact with subscribers or the telephone company. Information as to phones available outside Dallas should not involve contact with nonresidents of Dallas.

2. The FBI should immediately obtain with respect to Jack Ruby, for the period August 1 to November 25, 1963, copies of all original telephone company records bearing upon the dates, time, length of call, calling number, billing number, person calling and number called with respect to all telephone calls (including local calls) utilizing any telephone listed to Jack Ruby or any of his Clubs, including pay phones on or near the premises. If the telephone company has no records which would provide information concerning local calls, the FBI should so state.

It is unnecessary at this point to obtain call records from all phones "reasonably available to Ruby" since analysis of calls from such phones would be impossible without further information. However, we contemplate that if we establish a list of suspected intermediaries between Ruby and Oswald, it would be valuable to check telephones "available" to Ruby against calls to the "intermediaries." In addition, it may be valuable to examine records of telephones listed to or used regularly by suspected "intermediaries" for calls to phones "available" to Ruby.

3. With respect to all records requested in paragraph 2, the FBI should indicate in its report what telephone company personnel were questioned, the ques-

tions asked and the answers received, in all investigations which were conducted, so that it may be determined that the records obtained are complete and accurate. We believe that the method of searching for records must be detailed since telephone information forwarded so far has been spotty and inaccurate.

4. To the extent not already provided, the FBI should be requested to obtain for the Commission a list of all telephones (but not call records) reasonably available to the following persons since March 1, 1963:

Andrew Armstrong, 3821 Dickson Circle, Apartment C, Dallas, Tex.
Karen Bennett Carlin, aka Karen Bennett Karlin, aka "Little Lynn," 3609 Meadowbrook, Fort Worth, Tex.

Bruce Carlin, aka Brue Karlin, 3809 Meadowbrook, Fort Worth, Tex.
Marion (aka Marian) Rubenstein Carroll, 1044 W. Loyola, Chicago, Ill.
Eileen Rubenstein Kaminsky, 6724 N. Talman, Chicago, Ill.
Lewis J. McWillie, Las Vegas, Nev.

Hyman Rubenstein, 1044 W. Loyola, Chicago, Ill.

Sam (Rubenstein) Ruby, 11616 Jamestown Road, Dallas, Tex.

Earl (Rubenstein) Ruby, 29925 Woodland Drive, Southfield, Mich.

Eva Rubenstein (Magid) Grant, 3929 Rollins, Dallas, Tex.

Ralph Paul, Arlington, Tex., c/o Bert Bowman, Copeland Road, Arlington Road, Arlington, Tex. (home); Podnuh's Restaurant, Arlington, Tex. (access); John W. Jackson, 1602 Browning, Arlington, Tex. (access); Bull Pen Drive-In, 1936 East Abram, Arlington, Tex. (business).

Anna Rubenstein Volpert, 1044 W. Loyola, Chicago, Ill.

The date March 1 is chosen because it establishes a safe margin for inquiry prior to Oswald's trip to New Orleans. With respect to each of the above persons, the FBI should provide numbers, to the extent possible, not only of home telephones but nearby pay phones, telephones of any businesses in which the individual is employed, telephones of business partners or other similar close business associates, telephones of friends and relatives visited frequently, and telephones at restaurants and other businesses which the individual is known to frequent. For each telephone the FBI should indicate the type of service (pay phone, subscriber phone, limited service telephone), name of subscriber, location of phone, and reason for concluding the phone was accessible to the individual under investigation. This information should be obtained primarily by examining records which will not involve personal contact with persons outside of the telephone companies and without communicating the names of suspects to persons outside the FBI. We realize that such a means of investigation will not provide a complete answer to questions, but we believe other modes of inquiry would be unwise at this time. As to each individual under investigation, the FBI report should indicate what sources were checked and what other information as to possibly accessible phones might be available by direct contact with individuals.

5. The FBI should obtain from a telephone company records check the personal, family and business phones of the following persons during the period March 1, 1963 to present:

Barney Baker, 5900 Sheridan Road, Chicago, Ill. (home); Chicago Loop Auto Refinishing Co., Inc., 3216 South Shields Ave., Chicago, Ill. (business).

Curtis LaVerne Crafard, aka Larry Crafard (including phones available to him on his "flight from Dallas to Michigan").

Sam Gordon, 755 Crescent Drive, Palm Springs, Calif.

Alex Gruber, 5222 W. Olympic, Los Angeles, Calif. (WE 5-1082).

Frank Goldstein, 640 Teresita Boulevard, San Francisco, Calif. (JU 7-7674) (SU 1-7343).

Lawrence Meyers, 3950 N. Lake Shore Drive, Chicago, Ill. (home); Ero Mfg. Co., 714 West Monroe, Chicago, Ill. (business).

Roy William Pike, aka Mickey Ryan, 2344 Connecticut Lane, Apt. C., Dallas, Tex.

Anesi Umberto, Chicago, Ill.

Mario Umberto, Chicago, Ill.

Abe Weinstein, 11028 Westmore Circle, Dallas, Tex.

6. The FBI should confer with the appropriate officials of telephone companies in Chicago, Dallas, Detroit, New York, San Francisco, Los Angeles, and New Orleans to determine what means, if any, are available for obtaining information as to incoming long distance telephone calls to any particular number if the name of the caller is unknown. It is conceivable, for example, that connecting or trunk-line telephone carriers may have automatic recording devices which record the

calling exchange and the dialed number with respect to calls which they transmit. Or, it may be that most telephone companies in large cities are now so fully automated that such information is contained on their IBM cards and these IBM cards could be run through a computer or other device for every telephone subscriber in the area so that such information could be derived mechanically without undue expense or personal effort. Information as to city or telephone company from which a long distance call originated could conceivably be meaningful in light of other data which we have.

7. The FBI should confer with telephone company officials of each company serving Jack Ruby and the persons listed in paragraph four and five to ascertain if that company has any means of providing information, concerning local calls to or from the phones of those persons. Even if no records are maintained by such companies in the ordinary course of business, it may be that certain electronic, mechanical or other entries are routinely made either by telephone transmitting equipment or in connection with business records ordinarily maintained by the telephone company so that by careful examination of such data information concerning local telephone activity on a particular telephone could be obtained. To whatever extent information can be obtained concerning local telephone activity, the Agent should report to the Commission the nature of the information which can be obtained and the means by which it would be obtained. This data should be secured without mentioning particular names or telephone numbers.

8. The FBI should obtain a list of all telephone companies and the chief executive officer serving the following areas:

Texas; Nevada; Los Angeles, Calif.; San Francisco, Calif.; Chicago, Ill.; Detroit, Mich.; and adjacent suburbs in the Detroit metropolitan area, including Southfield, Mich.; Boston, Mass., and adjacent suburbs, including Belmont, Mass.; New York metropolitan area, including suburban Long Island, Connecticut and New Jersey; Miami, Fla.; Washington, D.C. and adjacent suburbs; New Orleans, La.

9. Mr. Rankin should address a letter to the chief executive of each of the telephone companies mentioned in paragraph eight requesting that such companies not destroy until June 1, 1964 any records they may have with respect to telephone service of all subscribers. The letter should request that the source of this policy not be disclosed.

Retention of records on a blanket basis would preserve security as to the thinking of the Commission and will afford the maximum assurance that telephone records will be preserved with respect to persons not yet suspect. We realize that blanket retention may be so burdensome or expensive as to make our request seem unreasonable. If there is any suggestion along these lines, a conference to work out a reasonable system should be suggested.

10. As soon as possible after the Ruby trial and after consultation with the Commission, the FBI should obtain copies of original telephone records uncovered as a result of the investigations requested in paragraphs four and five. These records should be analyzed to determine possible links to Ruby or Oswald. Thereafter, if deemed advisable, records of phones "reasonably available" to Ruby would be analyzed for possible calls to phones reasonably available to suspected intermediaries between Ruby and Oswald.

Mr. BLAKEY. Judge Griffin, as I look over this memorandum, basically what it suggests is that the Commission obtained telephone toll records of a number of phones to which Mr. Ruby had access and a number of people, including, for example, Barney Baker of Chicago, Lawrence Meyers of Chicago, with an effort. I take it, to see if there had been communication between these people.

Judge GRIFFIN. Right.

Mr. BLAKEY. I notice, for example, on page 2 of the memo we have Lewis J. McWillie of Las Vegas, Nev. You comment in the second paragraph of the memo that "Some of the suggestions may impose burdens upon private parties which are not justified by the possible results to be obtained. If so, they should be rejected and the reason for such rejection recorded in order to assure future critics that such efforts were carefully considered."

Mr. FAUNTROY. Will counsel yield for a moment? I am looking at exhibit No. 65 and its length. I wonder what your recommendations would be with respect to a break.

Mr. BLAKEY. I think I have only about three or four questions and I would suspect we can conclude in the next 10 minutes.

Mr. FAUNTROY. Fine.

Judge GRIFFIN. I don't have a pressing engagement; I can stay if there is any desire for that.

Mr. BLAKEY. There is a necessity for a lunch break. We have a witness due at 2, Judge Griffin. If you will bear with us I think we can finish it.

Mr. FAUNTROY. Proceed.

Mr. BLAKEY. Do you recall what happened as a result of this memorandum?

Judge GRIFFIN. I generally recall. I made some notes on my copy. In the numbered paragraphs that follow from here with paragraph 1, which relates to simply obtaining telephone numbers and locations of telephones without the actual underlying calls that were made from it, a request was made for what with respect to Jack Ruby. I can tell you the extent to which we got returns on it. We got some of that information.

I also think, with respect to paragraph 2, we did get that. That was the original telephone company records for telephones that were listed to Jack Ruby or any of his clubs. We got that.

With respect to the request in paragraph 3, whether the FBI reported to us in the fashion that we requested I don't know or even if we made a followthrough on that request.

With respect to paragraph 4, my recollection is that much of that, that information on the specific telephones of the individuals named there, telephone listings to their names, I believe that was given to us.

We were suggesting here going beyond simply their names and getting numbers reasonably available, which required some thought and investigation. I don't believe that was done but I am not certain.

In paragraph 5, I am not certain in paragraph 5 whether we got those telephone company records.

In paragraph 6, I think this is the one requesting a freeze on telephone company records; I will have to read that again. My notes reflect, as I read it prior to coming here, that I concluded that that was not done, paragraph 6.

In paragraph 7, I don't recall—I do remember internal conversations with other staff members about whether that kind of thing was feasible—in other words, getting information on local calls as opposed to long-distance calls that might somehow be utilized by us. I know we never directly had a conversation with telephone company people to find out whether there was anything that we might use that could trigger some information for us.

With respect to No. 8, it is my recollection that that was not done but I am not entirely positive on that.

With respect to No. 9, I would definitely state that that was not done. Although the records could prove me wrong, I am virtually certain no request to freeze records was made to telephone companies.

No. 10, my recollection is that it probably wasn't done but I am not certain about that.

Mr. BLAKEY. You testified that you were not satisfied with the adequacy of the investigation of conspiracy. Would your failure to follow through on this telephone toll call records request be an example of an area where you were not satisfied with the conduct of the investigation?

Judge GRIFFIN. That is right.

Mr. BLAKEY. Mr. Chairman, that concludes my questions. I would like to express my gratitude to Judge Griffin for coming and spending so much of his time with us, taking precious time away from his trial calendar, and my own personal thanks. I appreciate it, Judge. I have no more questions, Mr. Chairman.

Mr. FAUNTROY. I would like to add to your thanks that of myself and that of the committee for your kindness in giving us so much time, Mr. Griffin.

Are there any concluding questions, Mr. Dodd?

Mr. DODD. I really have found your testimony most interesting, Judge. I hope by some of my questions you did not glean anything more than my really trying to determine exactly the frame of mind in which you dealt with it at that particular time. I am sympathetic to outside influence, schedules, all kinds of things that came to bear on it at that time.

Judge GRIFFIN. May I also say to you, Mr. Dodd, and the committee, that I do not feel any sense of purpose in trying to defend what we did for the sake of defending it. To defend it against inaccuracies, yes. For approximately 2 years now I have been trying to communicate with various people in the Congress about my personal feelings which have gone back almost 2 years, that an investigation of the sort that your committee is conducting should be conducted.

I simply want to say to the committee that I am happy to cooperate and assist the committee in any way they think I can be useful.

Mr. DODD. I appreciate that. I am sure we will probably be in more contact with you than you care to hear from us on some of the information we have.

I have one question in my own mind and my ignorance is really responsible for the question. What was Ruby's motivation that came out of the trial for killing Oswald? I had heard he had great affection for the President and so forth. Was that carried through in the trial?

Judge GRIFFIN. That was his defense. Are you also asking me to comment on what I think his motive was?

Mr. DODD. You got to know this fellow pretty well after poring back over his life. I wondered if you had turned up any kind of evidence that he had a deep affection for Kennedy.

Judge GRIFFIN. I don't think his motivation had anything to do with that. Strangely enough, I do think it was tied in with his feelings about anti-Semitism.

Mr. DODD. Would you explain that?

Judge GRIFFIN. I only say this based on the assumption that we don't link him into some kind of a conspiracy. That is an open question as far as I am concerned. But based on the evidence that we have, that, I think, seems to be the most reliable; at the time that the President was assassinated, he was already very much upset about the fact that someone had placed a black-bordered advertisement in the Dallas

Morning News suggesting that the President was a traitor and it was signed by a man whose name was listed as Bernard Weissman.

As we trace Ruby's activities from that point when he was in the Dallas Morning News office and learned that the President had been shot and the reactions of people there and following this on through, it did seem to me that there was a very consistent pattern that showed that Ruby was emotionally involved in the possibility that the assassination of the President was an attempt to discredit the Jews, that this ad which had a Jewish name on it was somehow linked in Ruby's mind to a group, unknown group, that might have wanted to assassinate the President and pin it on the Jews.

He tried to search for Weissman. He found there was no Weissman listed in the Dallas phone book. He checked with his rabbi and found that there was no Weissman in the small Jewish community by this name in Dallas.

He virtually did not sleep. He was on a drug, which was really a reducing pill but has a narcotic effect, called Preludin. Put this together with Ruby's personality and his penchant to be in the limelight and all these other things; Ruby was in a frame of mind by Sunday morning that in some way, as he said to an arresting officer immediately after the arrest, "I want to show the world a Jew had guts."

Now, that does not preclude that someone might not have utilized him in that frame of mind but to me that explains what happened to him.

I have left out a lot of details on this but I feel that was the basic thread behind his emotional state at this time.

Mr. DODD. Thank you. Thank you, Mr. Chairman.

Mr. FAUNTROY. You have made reference, in response to questions from counsel, on instructions which were given you that the staff has to conduct the investigation in a responsible way and that the consequences of irresponsible investigating might be that a thermonuclear war might be precipitated.

Judge GRIFFIN. Right.

Mr. FAUNTROY. Do you recall what your reaction to that formulation was?

Judge GRIFFIN. My reaction basically was that if unsubstantiated or only suspicious but not really solid evidence were developed that this was motivated by a foreign government, whether it be the Russians or Cubans or anybody else, that then political forces would be set afoot in the United States, much as heard in Spanish-American War, that could have forced the country into some kind of retaliatory attack upon someone.

I did not understand this as a statement that we should not find the information or that we should conceal the information if we found it. I always understood it in the context that we should try to get what we could possibly find out. If it led to these kinds of consequences, then we had to be very careful about how it was handled within the Commission.

That was the reason that the Commission was structured the way it was, with important Members from both Houses of Congress. The hope was that if this kind of information which could trigger a demagog such as we were concerned with, the kind of McCarthyism

of the 1950's, that it could be handled in a responsible way within the political process. That is what I always felt it to mean. I still feel it was intended to mean that.

Mr. FAUNTROY. Mr. Griffin, pursuant to our rules, at the conclusion of the questioning, we offer the witness 5 minutes to explain or amplify his testimony. That offer is made to you at this time.

Judge GRIFFIN. I would like to decline the offer. I would like to have the privilege to reflect on what has happened here and perhaps send you something in writing in lieu of any kind of oral statement to you.

Mr. FAUNTROY. I would be very happy to accede to that request.

Judge GRIFFIN. I again want to compliment the committee for conducting this investigation. I have read your rules. I feel that if these rules are adhered to, that this will be a responsible investigation. Conceivably you could be in the same situation that we were in and you will have to wrestle with the same problems. I wish you good luck if you do.

Mr. DODD. We might find ourselves on that side of the table 10 years from now.

Mr. FAUNTROY. Thank you for that wish and for that compliment.

The committee will recess until 2 o'clock.

[Whereupon, at 12:55 p.m., the subcommittee recessed, to reconvene at 2 p.m.]

AFTERNOON SESSION

[The subcommittee reconvened at 2:40 p.m., Hon. Walter E. Fauntroy presiding.]

Professional staff members present: Chief Counsel G. Robert Blakey, E. Berning, M. Wills, R. Genzman, M. Mars, D. Hardway, L. Wizelman, J. Hess, K. Klein, W. Cross, J. Wolf, and A. Purdy.

Mr. FAUNTROY. The committee will come to order.

Pursuant to our meeting of this morning, the executive session will continue.

At this time I will swear our witness.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILLENS. I do.

TESTIMONY OF HOWARD P. WILLENS

Mr. FAUNTROY. Will the witness state his name and address for the record, please?

Mr. WILLENS. Howard P. Willens, W-i-l-l-e-n-s, 4242 Mathewson Drive NW., Washington, D.C. 20011.

Mr. FAUNTROY. Thank you. We are very pleased to have you before the committee. I do understand that you have the committee rules provided you, and you had them prior to your appearance today.

Mr. WILLENS. Yes, I have, Congressman.

Mr. FAUNTROY. The Chair would like to state for the record and for the witness that House Resolution 222 mandates the committee "to conduct a full and complete investigation and study the circumstances surrounding the assassination of John F. Kennedy, including determining whether the existing laws of the United States concerning protection of the President and the investigatory jurisdiction

and capability of agencies and departments are adequate in their provisions and enforcement, and whether there was full disclosure of evidence and information among agencies and departments of the U.S. Government, and whether any evidence or information not in the possession of an agency or department would have been of assistance in investigating the assassination and why such information was not provided or collected by that agency or department—and to make recommendations to the House—if the select committee deems it appropriate for the amendment of existing legislation or the enactment of new legislation.”

The questioning of the witness may now proceed.

Mr. BLAKEY. Thank you, Mr. Chairman.

Mr. WILLENS, I would like to thank you on behalf of myself and the staff for taking time from your very busy practice to come and share with the committee your thoughts and observations about the work of the Warren Commission, and also to thank you for taking time on October 31 to sit and talk with me in your office for several hours about these issues.

Please be assured that the committee appreciates your giving up your time, which is obviously not chargeable to a client except perhaps the public interest.

Mr. Chairman, I thought it might be appropriate at this time to put some biographical data of the witness in the record.

I wonder, Mr. Willens, if I could read some of it and you could indicate whether it substantially is accurate. You were born in 1931; you received a bachelor of arts degree from the University of Michigan, an LL. B. from the Yale Law School in 1956.

After a short tour in the Army, you became associated with Kirkland, Ellis, Hodson, Chaffetz & Masters in Washington, D.C., until 1961, when you went with the Criminal Division of the U.S. Department of Justice as second assistant to the Assistant Attorney General.

Following your service with the Warren Commission, you have served as Executive Director of the President's Commission on Crime in Washington, D.C., and I understand that you are now a member of the firm of Wilmer, Cutler & Pickering, Washington, D.C. Is that substantially correct?

Mr. WILLENS. Yes, Mr. Blakey.

Mr. BLAKEY. Mr. Willens, I wonder if you would indicate to the committee how you came to be associated with the Warren Commission?

Mr. WILLENS. On December 17, 1963, the Deputy Attorney General of the United States, Mr. Katzenbach, inquired of the Assistant Attorney General in charge of the Criminal Division, Herbert J. Miller, Jr., whether I would be available to assist the Chief Justice and Mr. Rankin with respect to their Commission responsibility.

Mr. Miller reported that request to me and, after some discussion, we reached the only conclusion that seemed appropriate under the circumstances, which is that I would be available to assist in any way that the Chief Justice and Mr. Rankin desired.

Accordingly, I called Mr. Rankin and had an appointment with him on December 17 and, following that, a short meeting with the Chief Justice.

After those conversations, it was decided that I would assist the Commission as liaison with the Department of Justice and in doing

the other work that was necessary to begin the Commission's work; and on approximately December 20, 1963, I began to work, on a full-time basis, to assist Mr. Rankin with the work of the Warren Commission. I remained in that capacity until late September 1964, when the report was completed.

Mr. BLAKEY. Mr. Willens, what were you told by those who asked you to come with the Commission what the goals of the Commission would be?

Mr. WILLENS. It was made very clear to me, in personal conversations with both Mr. Rankin and the Chief Justice, that they saw the Commission's responsibility as being solely to obtain all the facts that were relevant to the assassination of President Kennedy and to report those facts fully to the President and to the people of the United States.

Mr. BLAKEY. Did you have any discussions with Mr. Katzenbach over what the Commission ought to do?

Mr. WILLENS. I talked with Mr. Katzenbach at the outset of this assignment and I had occasional conversations with him during the course of my duties with the Warren Commission. Mr. Katzenbach gave me no instructions except to perform to the best of my ability and to help the Commission to do the best possible job that it could.

There were, at the time the Commission was formed, as you know from the record, some differing views as to how to handle the report of the FBI investigation that had been produced in early December and was going to be transmitted to the Commission. This was one of the many issues that developed in December 1963; I was aware that Mr. Katzenbach had views as to whether the Warren Commission should or should not issue a press release summarizing the conclusions reached by the Federal Bureau of Investigation with respect to the assassination.

This is an issue which had been discussed within the Department of Justice to my knowledge before I went with the Warren Commission and was an issue that was addressed in the early days by the Commission itself.

Mr. BLAKEY. What did Mr. Katzenbach want done?

Mr. WILLENS. I believe it was the view of Mr. Katzenbach at the time that it would be in the public interest to make some sort of public statement summarizing the conclusions of the Federal Bureau of Investigation. It is hard to recapture 14 years later the sense of bewilderment and trauma that prevailed at the time, but there was a very substantial feeling held by very responsible people that there was an important public interest that could be served by making public at the earliest possible date some of the conclusions that had resulted from the investigation conducted to that point by the FBI.

The Commission, as you know from the public record, reached a contrary conclusion and decided that its mission and the public interest did not warrant a premature press release with respect to the conclusions of the FBI.

The Commission decided that it should conduct its own investigation, that it should review the underlying materials and that it should not make any public statement regarding its findings until it was satisfied as to what the facts did disclose.

Mr. BLAKEY. Mr. Willens, let me shift our discussion somewhat from your assignment and the goals of the Commission to the organization of the Commission itself. To your knowledge, was the organizational chart of the Commission ever prepared by the Commission?

Mr. WILLENS. I do not recall any organizational chart being prepared of the kind you have made available to me.

Mr. BLAKEY. Mr. Chairman, I wonder if it would be possible to have the clerk mark as JFK exhibit No. 66 an organizational chart prepared by the staff.

Mr. FAUNTROY. Without objection.

Mr. BLAKEY. I wonder if the clerk could show JFK exhibit No. 66 to the witness.

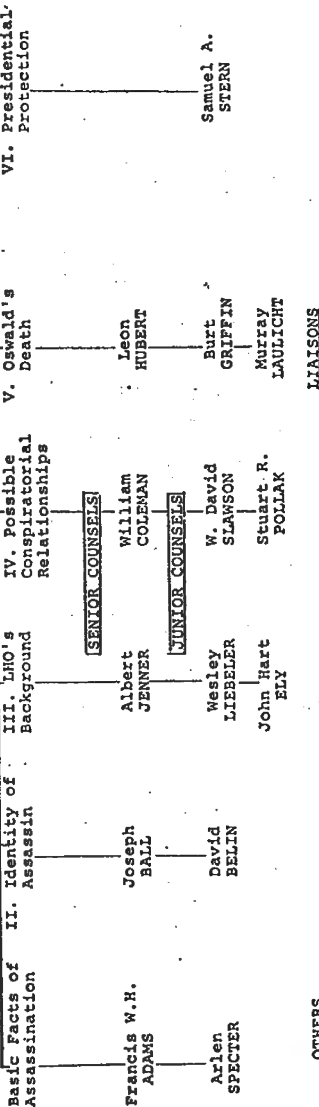
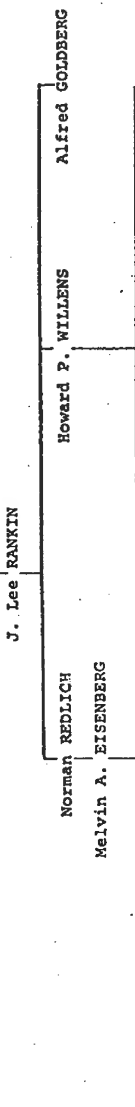
Mr. Chairman, I wonder if we can incorporate that chart into the record at this point in order that I may ask the witness some questions about it.

Mr. FAUNTROY. Without objection, is so ordered.

[The document referred to, marked JFK exhibit No. 66 and received for the record, follows:]

JFK EXHIBIT No. 66

THE WARREN COMMISSION



OTHERS.
 Walter E. Craig - Consultant from ABA
 Arthur K. Marmor - Historian from Air Force
 Richard M. Musk - Lawyer
 John J. O'Brien - IRS
 Edward A. Conroy - IRS
 Overholser (?) - Consultant on the lives of Ruby and Oswald
 Charles Rhyme - Official observer in monitoring the Warren investigation & advising on the individual rights of various witnesses
 Alfredo Sobey - Lawyer
 Charles N. Shafer, Jr. - Lawyer, hired by Wilkens to assist with clerical & administrative duties (from Justice Dept)
 Lloyd L. Weinreb - Lawyer
 Phillip Barson - CPA

LIAISONS
 Jim Davis - assigned from State Dept. to consult with WC about approaching USSR
 Ted Sorensen - White House
 Armlisky - Defense Department
 James J. Malley - FBI
 Thomas Kelley - Secret Service
 R. G. Rocca - CIA
 Abram Chayes - State Department
 Ramsey Clark - Justice Department

Mr. BLAKEY. Mr. Willens, I have in the past shown you a copy of this chart. I wonder if now you would look at it and indicate whether, in your judgment, it accurately reflects the organization of the Warren Commission.

Mr. WILLENS. There are several errors on this chart, none of which perhaps amounts to matters of substance. If it would be of assistance, I will point out some of those errors.

Mr. BLAKEY. It will be of help.

Mr. WILLENS. First I think it is incorrect to have Messrs. Ely, Laulich, and Pollak listed as junior counsel. They were employed by the Commission for limited periods of time and did have specialized assignments, some of which fell into the areas indicated.

Nonetheless, the title of "junior counsel" was reserved to those on the line above their names and they should properly be included under the category of "Others" assisting the Commission.

Second, the description of Arthur K. Marmor as a historian from the Air Force is incorrect. Mr. Marmor, as the report makes clear, was on loan from the State Department. It was Mr. Goldberg who was a historian from the Air Force and that characterization should be properly assigned to him.

The third name on this list, as on others, is misspelled. It must be Mosk. There are references in the materials to Overholser which would make clear what his anticipated function was to be. He was at that time associated with St. Elizabeths Hospital.

Mr. Shaffer, who was a former associate of mine, would probably take issue with the characterization of his duties as clerical and administrative.

Mr. BLAKEY. Where would you place him in the general organization chart?

Mr. WILLENS. Mr. Shaffer belongs where you put him; as a matter of fact, he did assist me with a wide variety of investigative and supervisory responsibilities.

Mr. Barson, who is described as a CPA, is from the IRS and was an agent from the Philadelphia office of the Internal Revenue Service who was made available to us on a loan basis in order to conduct the project of a reconciliation of Oswald's expenditures and income.

Under the column entitled "Liaisons," this is the first occasion I have ever heard of a Mr. Davis, but that is not to say that he didn't do the job that is mentioned here. The liaison with the State Department was the Legal Adviser's Office, as indicated further on the list.

The name of Yrmlisky is most certainly a misspelling and is probably incorrect. It may be a reference to Mr. Yrmlisky. Our principal liaison with the Department of Defense was Mr. Nederlander.

With respect to the CIA, I think it is more accurate to describe Richard Helms as the liaison with the Warren Commission. Mr. Rocca and Mr. Karamessines served as his deputies and assistants in that capacity.

With respect to the Justice Department, I believe the record will show that Mr. Katzenbach designated Herbert J. Miller, Jr., to serve as liaison with the Commission and there is correspondence to that effect.

Apart from those comments, Mr. Blakey, I think that the chart is essentially correct.

I should point out that technically Mr. Redlich, Mr. Goldberg, and myself did not exercise any line responsibility over other members of the staff. We were each serving as an assistant to Mr. Rankin and fulfilled those missions that Mr. Rankin assigned us. From an organizational chart standpoint, therefore, the three of us should be indicated as coming out sideways from Mr. Rankin so as to make clear that we did not have and do not claim to have had a supervisory responsibility over other members of the staff.

Mr. BLAKEY. The basic division of the work of the Warren Commission in the five substantive areas, and subsequently a sixth, I take it, was as a result of a memorandum that you wrote. Is that correct?

Mr. WILLENS. One of the assignments I undertook in my first few weeks with the Commission was to make a recommendation to Mr. Rankin as to how the work of the Commission might be organized. I did write a memorandum in either late December or early January that proposed an organization very close to that reflected on this chart. That was reviewed by Mr. Rankin and presented subsequently to the Commission and did serve, with some amendment, as the organization through which the Commission staff performed its duties.

Mr. BLAKEY. I wonder if you could share with us at this time your rationale in dividing the basic work of the Commission into five areas as designated on this chart.

Mr. WILLENS. I keep thinking of six areas, as is reflected on the chart. I believe the rationale is readily stated. In order to begin and undertake a project of this dimension, there has to be some arbitrary allocation of responsibilities. There is no way to do it that eliminates overlap or possible confusion but this was an effort to try to organize the work in such a way that assignments would be reasonably clear, overlaps could be readily identified and coordination would be accomplished among the various members of the staff.

It did seem to me and others who reviewed this chart that the various areas here did lend themselves to separate treatment, at least at the outset, when our principal task was to marshal the investigative materials that were made available to the Commission, try to identify those areas that needed additional investigation and to outline those questions that had to be addressed by the staff and the members of the Commission.

Area No. 1 with respect to the basic facts of the assassination seemed to carve out an analytical and descriptive area that related to the trip to Texas, the planning for that trip, the security precautions involved on that trip, the facts of the assassination in Dallas, and the subsequent treatment of the President at the hospital.

With respect to the identity of the assassin, it seemed that one of the principal undertakings of the Commission, of course, was to identify the assassin or assassins and to examine all the evidence that bore on that issue. It did seem to be an acceptable issue that would require separate staff attention.

Area No. 3 was to deal with Lee Harvey Oswald's background. There has been some question raised as to how the Commission could assign staff members to investigate Lee Harvey Oswald's background at a time when it had not yet decided who the assassin or assassins were and whether Lee Harvey Oswald was one of the assassins.

I find that a fairly naive criticism of the work. We were not operating on a blank tablet. We did have in front of us not only a summary report of the FBI but very extensive evidence, including physical evidence, indicating that Lee Harvey Oswald was, at the very least, a prime suspect in the matter. We did feel that some initial investigation into his background and into possible relationships of interest and relevance to the Commission's work was warranted.

The fourth area, as reflected on this chart, deals with the possible conspiracy. This was, of course, the second principal question that the Commission had to wrestle with, just as your committee may have to wrestle with it.

Originally this area was defined more precisely as involving the foreign affiliations or possible involvement of foreign countries in the assassination. It was that area that Mr. Coleman and Mr. Slawson were primarily responsible for.

As we proceeded into the investigation toward the writing of the report, we included in this area those findings that related to the possibility of domestic conspiracy involving Oswald, domestic conspiracy involving Ruby, as well as the possibility involving foreign conspiracy.

Area No. 5 was to deal with the detention and death of Lee Harvey Oswald. That again seemed, at the outset, to be, on the whole, a separate area that warranted immediate and thorough attention by staff members with that as a prime responsibility.

We did feel, in terms of the sixth area, of course, that the Presidential protection area was perhaps one of the Commission's most important undertakings because it was perhaps the only area where the Commission could make some contribution to the future so as to prevent future assassinations.

As the chart indicated, Mr. Stern was assigned to that area. It was contemplated that Mr. Rankin himself would serve the function of senior counsel in that area.

Mr. BLAKEY. I wonder if you could comment, Mr. Willens, on the process of communication between these areas as they were broken up. How did it facilitate the sharing of information and ideas?

Mr. WILLENS. I mentioned that one of my responsibilities in the early weeks was to assist in organizing the work of the Commission. Another responsibility was to assist Mr. Rankin in the staffing of the Commission. A third responsibility bears directly on your question, Mr. Blakey. It was my responsibility to review the materials that had been received from the investigative agencies, particularly the FBI and the CIA, and to request all further information that would be relevant to the Commission's inquiry from those two agencies plus a dozen or more other Federal agencies that might have some information of relevance to the investigation.

One way of dealing with the separate areas within which the lawyers were dealing was to make certain that all the materials that came in the office were reviewed in one central place and that any materials that bore even remotely or potentially on an area within the Commission's work were sent to that area.

It was frequently the case that materials in our possession were sent to three or four areas so that each of the groups of lawyers could look at the same material from that group's own perspective and decide

whether it had any relevance in the part of the investigation for which those lawyers were responsible.

I continued that function throughout the Commission and always erred on the side of multiple duplication so as to make certain that the members of the staff in a particular area did get the papers which I thought they needed.

Another way of coordinating among the staff was by the circulation of summary memoranda, which happened on a regular basis throughout the Commission's work. One of the early work products that was requested of the members of the staff was a summary memorandum that attempted to assess the investigative materials in their area, to identify investigative leads that should be pursued, to identify any policy or other issues that should be addressed by Mr. Rankin or the Commission and to make proposals for the taking of testimony by the Commission or staff.

As those memoranda were produced in February and subsequently, they were circulated and available to the members of the staff so that the investigation could, in each area, take advantage of what the other lawyers had discovered and were proposing to do.

A third way of coordinating among the staff was perhaps more informal and related primarily to the ease with which the members of the staff could get together to discuss a problem in which more than one area had a particular interest. There was rarely a day that went by that we did not have lawyers from more than one area sitting down with respect to an investigative request, a list of proposed witnesses, or a proposed line of questioning, to decide what should be pursued in order to further the area's interest that each lawyer or lawyer group might have.

This was subsequently formalized, of course, when we did have witnesses appearing before the Commission when the members of the staff would be canvassed for their suggestions as to what questions should be addressed to the particular witness.

So those are several of the ways we developed to try to coordinate our work and to make as certain as we could that nothing of importance be swept between the cracks.

Mr. BLAKEY. What was the relationship between the junior and senior s'offs?

Mr. WILLENS. The relationship was one of professional collegiality. The designations of senior and junior may seem overly formal and hierarchial. In most areas there quickly developed a close personal relationship between the senior counsel and junior counsel and they worked together as a team. That was obviously more successful in some areas than in others as you would anticipate.

Mr. BLAKEY. What was the relationship between the staff and the Commission?

Mr. WILLENS. By this time you have probably heard a fair amount on that subject and I am sure you have had your own personal experience here on this committee that can serve as a benchmark.

No staff ever feels that the commission or committee for which it works is as knowledgeable as the staff. At the same time members of the Commission staff I think were sufficiently sophisticated and experienced to realize that the members of the Commission had multiple

responsibilities and were men of considerable experience in public life and could bring to the work of the Commission a perspective that some of the members of the staff might not share.

The principal liaison between the Commission and the staff was through Mr. Rankin. Mr. Rankin was the General Counsel of the staff and was the person to whom the Commission looked with respect to the work of the staff. He was the principal staff member who attended all the sessions of the Commission although there were other members of the staff who did participate in the taking of the testimony before the Commission on a fairly regular basis.

Apart from those occasional meetings with the Chief Justice most of the staff's dealings with the members of the Commission occurred on a sporadic and limited basis. There were several members of the Commission, for example, Mr. McCloy and Mr. Dulles, who took a very active interest in the work of the Commission and frequently did have the opportunity to meet with individual members of the staff to discuss a particular problem or area in which the Commission member was interested. Otherwise the interaction was primarily through Mr. Rankin and by the flow of paper between the staff and the Commission.

The flow of paper is best demonstrated by the records that I am sure you have reviewed and I think will demonstrate the effort of the staff to keep the Commission fully informed of the progress of the investigation as it was being handled by the staff.

Mr. BLAKEY. Did Chief Justice Warren come around the office and discuss the investigation with the staff?

Mr. WILLENS. That happened on occasion, yes. The Chief Justice, though, was carrying an enormous burden with respect to full participation in the work of the Court at the same time that he was serving as Chairman of the Commission. Some members of the staff, including myself, did have occasional meetings with the Chief Justice and he did participate in some meetings with other agencies that were of particular interest to him and of importance to the Commission. I do not want to mislead you and suggest that he was constantly available for consultation by the staff because he certainly was not. He did deal on a very regular basis though, to my knowledge, with Mr. Rankin and Mr. Rankin was very conscientious in making certain that members of the staff knew precisely what the Chief Justice did want to have done.

Mr. BLAKEY. You have indicated that Mr. Dulles was around the staff offices on some occasions?

Mr. WILLENS. Yes.

Mr. BLAKEY. Would you share with us what he indicated he thought the Commission ought to do in those conversations?

Mr. WILLENS. I don't remember any general conversations with Mr. Dulles that are responsive to that question. Mr. Dulles did have a particular interest in the possibility of a foreign involvement in the matter and was available for consultation with me or with other members of the staff who had some responsibility for pursuing the allegations and materials on that issue. As the record will reflect he did participate in some of the meetings and the Central Intelligence Agency in connection with that Agency's assistance to the Commission.

Mr. BLAKEY. Did he have any particular area of foreign involvement in which he showed particular interest?

Mr. WILLENS. No.

Mr. BLAKEY. Did he ever express any concern about possible Soviet involvement?

Mr. WILLENS. The question of Soviet involvement was, of course, one that was squarely before the Warren Commission. Certainly the fact that the assassin of President Kennedy was someone who had expatriated or tried to expatriate himself in the Soviet Union and spent several years there could only be a matter of the greatest suspicion and require the Commission's best attention. It is an area that is very difficult to investigate. Mr. Dulles and the other members of the Commission were very sensitive at the outset of the Commission's work to Oswald's Soviet residence and his marriage to a citizen of the Soviet Union and they were very interested in all facets of the investigation bearing on this and exploring it as fully as possible.

Mr. BLAKEY. Did he ever express any concern about possible Cuban involvement?

Mr. WILLENS. There also was a similar interest in exploring that, particularly with the Mexico trip coming so shortly before the assassination. There were from the beginning of the Commission's investigation allegations before the Commission and staff that Oswald had been motivated in one way or another in the assassination by his dealings with respect to Cuba. Our record will indicate that several investigative leads were pursued with respect to Oswald's relationships with pro-Castro groups and anti-Castro groups and various theories were advanced as to what his motivation might have been. One of these theories was that he was prompted by the desire to retaliate against the United States for its attempted invasion of Castro's Cuba in 1961.

Mr. BLAKEY. Let me shift the focus of our concern, Mr. Willens, from the organization of the Warren Commission to the question of staff selection, itself. Did you participate in the selection of the other members of the staff?

Mr. WILLENS. I participated in the selection of several members of the staff to the extent that Mr. Rankin asked me to canvass the available applicants, to develop other applications for positions with the Commission and to make him a series of recommendations on the subject. I did do that during late December or early January.

Mr. BLAKEY. What criteria were employed in the selection of staff members?

Mr. WILLENS. It is particularly with respect to the senior staff that I have fairly limited knowledge. Some of the members of the senior staff were selected before I became associated with the Commission. I know that there was an interest to have among the senior staff men of considerable legal experience, some record of public service and demonstrated independence of judgment. The Commission was interested in having as senior counsel men who, although they might not be able to work on a full-time basis, nevertheless would bring to the work of the Commission a seniority, a wisdom and a demonstrated experience that would help to advise the Commission with respect to its mission and provide support in gaining public respect for the product of the Warren Commission.

I think that in many respects the senior members of the staff have been unfairly criticized over the years for not devoting themselves

full time to the work of the Commission. If I could just make two points on that issue I will make the following:

First, several of the senior counsel did work very hard, specifically Messrs. Ball, Jenner, and Hubert. I know you have some work records with respect to those. I want to state with respect to those three men that they did at various times during the work of the Commission work every bit as hard as the younger members of the staff.

Second, and perhaps more importantly is the fact that none of the senior counsel had been asked in my view to work on a full-time basis with the Commission. Each of them did have many responsibilities and I think in those cases with which I am familiar they made that fact known to Mr. Rankin and the Chief Justice. So it is I think somewhat unfair in retrospect to state that they should be faulted for doing only what they were asked to do, namely make available as much time as they could to the work of the Commission. That may have been a mistake but it is not a mistake that I think can be fairly assigned to the senior lawyers themselves.

Mr. BLAKEY. What criteria were used in the selection of the junior counsel?

Mr. WILLENS. In respect to the junior counsel we were concerned with some diversity of experience in practice and in the criminal field in particular. We were interested in lawyers of some considerable intellectual attainment as could be measured by their academic achievements and by their early years in practice. We were also interested in some diversity of views and some geographical representation.

It seems clear from the hindsight of 14 years that we erred seriously in not having several women among the staff.

I think with those criteria in mind that we did find a group of lawyers who had the characteristics that I emphasized, independence of mind, some considerable experience, including some with extensive trial experience, diversity of views, and some modicum of geographical diversity.

Mr. BLAKEY. What accounts for the heavy predominance of Yale backgrounds? As a teacher at Cornell, I am compelled by my academic associations to ask that question.

Mr. DODD. As a Congressman from Connecticut, I may object to the question.

Mr. WILLENS. I am glad to find some support from members of the committee before I invoke any privileges on that point. They always told us when I was at law school that Yale produced more law professors than any other single law school. In this case several of the people to whom I turned for recommendations and to see whether they would be themselves available for work with the Commission were people I knew through the Yale Law School affiliation. I did turn in some instances to people who graduated from Harvard. At least in one case I recall he reciprocated by recommending someone from the Yale Law School.

I do concede that there is here a predominance of lawyers from Yale and Harvard in the hope that that won't be held against the Commission.

Mr. BLAKEY. At least not by those on the committee associated with Yale.

You raised, Mr. Willens, the question of the time devoted to the work of the Commission by the staff. I think it might be appropriate at this time to ask the Chairman if he will have the clerk mark as JFK exhibit No. 67 a chart prepared by the staff based on the pay record of the Commission. Mr. Chairman, would you ask the clerk to mark that as JFK exhibit No. 67?

Mr. FAUNTROY. Without objection, that may be done.

Mr. BLAKEY. I will ask that the clerk also show the chart to the witness.

Mr. Chairman, I wonder if it would not be appropriate at this time to incorporate the chart in the record in order that I may ask the witness some questions with reference to the chart?

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, JFK exhibit No. 67 and received for the record, follows:]

JFK EXHIBIT No. 67

DAYS WORKED BY WARREN COMMISSION STAFF -- 1964

Day Period During STAFF	2-1	2-15	2-29	3-14	3-28	4-11	4-25	5-9	5-23	6-6	6-20	7-4	7-18	8-1	8-15	8-29	9-12	9-26	Total Days
ADAMS Sr. Counsel Area I	3	3/ 1 hr	2	2	2	1/ 4 hrs	1		2			2							16 day: 5 hr:
BALL Sr. Counsel Area II	10	5	8	5	9	9	5	5	14	9	9	5			1	1			91
BELIN Jr. Counsel Area II	12	10	10	9	9	9	11	12	7	9	6/ 4 hrs	6	6/ 4 hrs	1				8	125
COLEMAN Sr. Counsel Area IV		3	3	5	2	8	3	1	5	5	7	6	2	3	2	3	3	3	64
EISENBERG Jr. Counsel Area V	11	12	14	14	14	11	14	14	14+	9	7	4	4	3	2	1	14	5	167
HUBERT Sr. Counsel Area V	7	13	12	12/ 4 hrs	13	14	11	13	11	14	14	14	14	14	10/ 4 hrs	13/ 4 hrs	14	11	225/ 4 hrs
JENNER Sr. Counsel Area III	11/ 4 hrs	12	9/ 4 hrs	9/ 4 hrs	12	9/ 4 hrs	9	9	8/ 5 hrs	7		2	9	1	3	3			115/ 5 hrs
LIEBELER Sr. Counsel Area I	4	10	9	11	12	14	13	11	12	14	12	11	13	14	8	13/ 4 hrs	14	7/ 4 hrs	203
RANKIN Sr. Counsel Area I		13	14	13	11	14	14	12	12/4	14	14	14	14	11/4	12/4	13	14	11	219/4
REDLICH Sr. Counsel Area IV	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	308
SLAWSON Sr. Counsel Area IV	14	9	11	10	9	7	9	8	9	12	10	12	12	11	11	11	14	7	186
SPECTER Sr. Counsel Area I	12	12	10	11	12	12	11	12	12	12	12	12	11	12	12	12	13	11	211
	12	6	9	9	9	8	8	8	12	12	10	5	9	10	8	4	4	2/ 5 hrs	145/ 5 hrs

Mr. BLAKEY. I wonder, Mr. Willens, if you will indicate whether that chart in at least general outline reflects your own memory of the relative balance of work by the various lawyers who were on it on a per diem basis? I would not expect you, after some 13 years, to remember the number of days.

Mr. WILLENS. I find it difficult to relate these figures to my recollection of the performance of individual lawyers in terms of the amount of time they spent. It has been my experience, in private practice at least, that lawyers differ widely in their assessment of how much time they spend on matters and how valuable their time is. I think in the very roughest terms this gives a fair picture of the days spent during the period by members of the staff. I think that with reference to my earlier comment you should note that several of the senior counsel felt that their primary responsibility was to work in the investigative stages of the Commission's work. In their view the particular contribution they could make would be in the review of investigative materials, the decisionmaking process with respect to additional lines of investigation, the taking of testimony, either before the Commission or by deposition, and the presentation of the results of their investigative work in a first draft report to be reviewed within the Commission staff.

With that view in mind I think you will understand why some of the senior counsel put in substantially more time in the period from February through June 30 than in the following months of July, August, and September, when the principal work being done within the Commission staff was to write the report and to conduct those additional investigations that seemed to be required and were prompted by the ongoing process of depositions and testimony before the Commission.

Mr. BLAKEY. Mr. Chairman, I think it might be appropriate to note for the record at this point the chart covers the pay periods from February 1 through September 26, that it indicates a range of days devoted to Commission work from 308 by Mr. Rankin to 16 by Mr. Adams. It indicates that the average time devoted to the Commission was approximately 159 days and that of the senior counsel, only Mr. Jenner exceeded that average.

I think we ought also to note, in fairness to Mr. Willens, himself, that the chart omits him and no one should construe that as an indication that he did not work for the Commission.

I am correct, am I not, Mr. Willens, in indicating that your salary during this time was paid by the Department of Justice and it is probably true that you put in at least as much time as Mr. Rankin on the work of the Commission?

Mr. WILLENS. It is true that I was on the payroll of the Department of Justice at the time. During this period, from December 20, 1963, to about September 22, 1964, I worked almost exclusively on the work of the Warren Commission. There were a few weeks when I had to spend the majority of my time at the Department of Justice because the other deputy to the Assistant Attorney General was on military leave. With that principal exception and some occasional trips back to the Department, mine was nearly a full-time job. It may be that I would have worked on this measure somewhat less than Mr. Rankin but it was in my view a full-time job.

Mr. BLAKEY. You have indicated, Mr. Willens, that the original understanding among the senior counsel was that they would devote their time to the Commission approximately 3 to 6 months during the investigatory stage. Do you think their absence during the period of time during which the evidence was ultimately evaluated and reduced to the Commission report was an absence that was missed?

Mr. WILLENS. Let me declare I don't know what was the original understanding that each of the lawyers had with Mr. Rankin or the Chief Justice. It is my impression that they probably thought the duty would not be more than 6 months but they undoubtedly said they would give as much time as they could to the undertaking.

With respect to the emphasis on the investigative stage, it is my recollection that most of the senior counsel felt that was the area where they could make the most substantial contribution.

During the rewriting process, however, we did go back to the senior counsel with the revised drafts that related to the portions of the investigation with which they had the most familiarity. We did request their continuing comments on drafts of the report where they had interrogated the witness, or in which we knew they had a particular interest. That did precipitate, as you would expect, during the months of August and September some considerable debate among all the members of the staff and presumably within the Commission as to how best to deal with the investigative materials and what kind of support existed for the various findings that were being tentatively proposed for the Commission's consideration.

I think, Mr. Blakey, they were available to be called upon in the latter stages of the Commission's work and the fact they were not there on a full-time basis did not serve to handicap the Commission's completion of its work.

Mr. BLAKEY. Mr. Chairman, I would like to turn at this time to raise with the witness some questions about pressures under which they obviously labored.

Mr. Willens, you indicated that the general goals, as stated to you by those who were ultimately responsible for the Warren Commission, was to find the truth. I wonder if you will indicate for the record whether there were also any additional political pressures on the Commission, and I don't use the word political in a pejorative sense. For example, were you told or was the impression conveyed to you that one role that the Commission might play would be to allay public fears or to make possible a smooth transition of national leadership or to allay international concerns or even indeed to so conduct the investigation that it might not have about it the character of a witch hunt? I suppose the answer would be either some of the above, none of the above, or one of the above?

Mr. WILLENS. I understand the thrust of the question, Mr. Blakey, although I would object in a deposition to its being multiple or compound.

There undoubtedly were concerns that the Chief Justice and members of the Commission had with respect to the undertaking that the President had asked them to assume. It is hard to recapture today the sense of public turmoil that existed at the time with respect to the assassination and the concerns that were being expressed as to what

impact the assassination might have on the foreign relations of the United States. At no time did anyone tell me that the work of the Commission was to be less than complete because of some need to allay rumors or to make a transition more expeditious.

I was after all an employee of the Department of Justice.

I was personally responsible to the Deputy Attorney General and to the Attorney General of the United States. No one could seriously maintain that the Department of Justice headed by Attorney General Kennedy had any interest in this investigation other than the most thorough and honest canvassing of all the available facts.

Now having said that, it is certainly true that the Commission did not feel it had an endless period of time within which to complete its work. It was not a leisurely undertaking. We did not have a charter that permitted us or encouraged us to proceed at a leisurely pace. We were under an obligation to complete the work as quickly as we conscientiously could. There were certainly disputes within the staff and among the Commission as to how rapidly the work could be completed. As those differences developed, however, the staff repeatedly expressed its views strongly to Mr. Rankin and to the members of the Commission that the investigation could not be completed on any anticipated timetable and we repeatedly emphasized that when there was additional work to be done that additional time had to be afforded.

In every instance where the staff made clear that additional time was required the Commission acquiesced in that conclusion and agreed that the final product should be only that kind of report that was satisfactory to the members of the staff and to the members of the Commission.

Mr. BLAKEY. Let me ask you some specific questions in order that the record might be clear, Mr. Willens.

Did Attorney General Kennedy ever express to you directly or indirectly any desire on his part that the investigation come out in any particular fashion?

Mr. WILLENS. No.

Mr. BLAKEY. Did Deputy Attorney General Katzenbach ever express to you directly or indirectly his desire that the investigation come out in any particular fashion?

Mr. WILLENS. No.

Mr. BLAKEY. Did the Chief Justice ever express such a desire to you?

Mr. WILLENS. No.

Mr. BLAKEY. Did Mr. Dulles ever express such a desire to you?

Mr. WILLENS. No.

Mr. BLAKEY. Did you ever learn directly or indirectly that President Johnson or any member of the White House staff desired that the investigation come out in any particular fashion?

Mr. WILLENS. No.

Mr. BLAKEY. You indicated that there was some concern or some thought expressed about allaying people's fears or smooth transitions or international considerations. Did the staff itself ever discuss these concerns?

Mr. WILLENS. I do not recall any discussions among the staff that focused on those particular concerns. The staff, as you have gathered from your interviews and testimony, was composed of a number of

fairly articulate and forceful individuals. They were of the definite view that they had one assignment with respect to the Commission and that was to conduct a full investigation and report those findings that could be supported by the facts. There were obviously in the investigation of foreign possibilities discussions about the impact that a particular mode of investigation might have on a foreign government if it were discovered.

There was considerable attention given to the communications that were to be addressed to foreign governments. But I think that is to be expected and doesn't relate to any limitation on the staff that flowed from a concern about adverse impact on foreign relations.

Mr. BLAKEY. More particularly, was there ever any pressure put on the Commission to your knowledge or the Commission staff to have the Commission's conclusions agree with those that had already been reached by the Federal Bureau of Investigation?

Mr. WILLENS. No; there was no pressure emanating from the Commission or any other source on the staff to encourage the staff to reach conclusions that were identical or comparable to those of the FBI.

Mr. BLAKEY. Was there any pressure on the Commission or staff from outside the Commission or outside the staff to have the Commission reach a result consistent with that already reached by the Federal Bureau of Investigation?

Mr. WILLENS. I am not aware of any.

Mr. BLAKEY. We have already discussed in the record the letter of Attorney General Katzenbach sent on December 9, 1963, to the Warren Commission asking the Commission to issue a press release stating that the FBI report clearly show that there was no international conspiracy and that Oswald was a loner. How would you construe that letter?

Mr. WILLENS. I do not have the letter in front of me.

Mr. BLAKEY. I am talking about the general impact of that letter. Would it be fair to characterize that as pressure on the Commission or the Commission staff by releasing the FBI report at that early point in time, at least implicitly indicating agreement with its conclusions?

Mr. WILLENS. First of all, there was no Commission staff at the time that the letter was written. As I indicated earlier, the Commission concluded not to publish any press statement affirming the findings of the FBI. The Commission was of the view that it had a separate responsibility under the President's order to conduct its own investigation and make its own findings. Many of the members of the Commission were skeptical regarding the FBI investigation and wanted to review the raw materials and conduct additional investigation before they reached any conclusions that could be publicly stated with any degree of confidence by the members of the Commission themselves.

The Commission did include, as you know, four Members of Congress and they were particularly sensitive to the public concern that was precipitated by the investigation and by the assassination of President Kennedy and they undoubtedly were under pressure from their constituents to make the findings public. But in each case they decided that the work of the Commission required more extensive work and consideration than the FBI had been able to give the matter in

what after all had been a very limited period within which the Bureau could investigate the assassination.

What I have said is not to fault the Bureau for their initial product although the Commission report does take exception to some major issues. The FBI report was prepared under enormous strain and was done so at the direction of the President, in my view in order to make certain that some of the facts with respect to this could be developed rapidly so that the President and the other leaders of the Government could decide what actions were appropriate.

Mr. BLAKEY. Mr. Willens, you have, as have some of the other witnesses appearing before the committee, mentioned the general problem of time and perhaps time as a pressure. Let me at this point review with you some of the key dates in the time between November and September, from the assassination to the release of the report. After I have done that I would like to ask you some general questions on that.

The President was, of course, assassinated on the 22d of November, 1963. President Johnson created a Commission on November 29. The Commission's first meeting occurred on December 5. On December 9, the FBI submitted its four-volume summary report, just 17 days after the assassination. On December 16, Mr. Rankin was sworn in as General Counsel. On December 20, the FBI report from which the summary report was composed began arriving at the Commission offices. On January 10, the Commission's organization was completed. On January 13, the supplementary report was received by the Warren Commission. On January 20, the first staff meeting occurred.

February 3 marks the beginning of the hearings conducted by the Commission, March 14 the date of the Ruby trial. In March the beginning of field investigation by the Commission. The month of April is a month in which approximately half of the depositions were taken. In May Mr. Rankin informed the Commission staff members that they should have their investigation completed by June 1. On June 1 only Mr. Specter had finished his draft. On June 17 the Warren Commission announced that its hearings were completed.

On June 27, the Commission announced that its report would not be released until after the Republican National Convention on July 13. In July most of the senior lawyers left. Primarily Mr. Liebler, Mr. Griffin, and Mr. Slawson remained. In August the report was written in part but the deadlines were extended to September and of course on September 4 the first galley proofs arrived. On September 24, the report was submitted to the President. On September 28, it was released.

A summary of these dates would indicate that the actual FBI investigation, at least initially, extended from November 22 to December 9, a period of 17 days. There were approximately 5 months between the organization of the Commission and the completion of some drafts, approximately 2 to 4 months were spent in writing and rewriting the Commission's report and approximately 3½ months were spent by the Commission engaging in field investigations.

In retrospect do you believe that that time schedule as generally outlined was adequate to do the work?

Mr. WILLENS. I think the time was sufficient to do the work of the Warren Commission. I cannot deny that the work could have gone on for another month or two or six. The question of how much time was one that had to be reassessed from month to month as we pursued the investigation and looked at those remaining lines of investigation that could be explored. There inevitably are going to be loose ends of one kind or another that are going to be left undone at the end of any major criminal investigation. I think that the way you have described the timing, based on the records of the Commission, is substantially accurate.

The only question I would raise for your consideration is whether it is accurate to describe the FBI investigation as limited to the early portion, to the 17-day period you are talking about, and whether you have fairly taken into consideration the fact that as soon as the Commission staff began work in mid-January or thereabouts there began to result a series of investigative requests to the FBI, CIA, and other investigative agencies which built on the investigation already conducted and was a very important component of the overall investigation.

I would also point out that the investigative work did continue through July and August and in some respects into September. You will find in the records of the Commission a substantial volume of important investigative requests that were sent to the FBI and other agencies during those months as it became clear from the testimony of witnesses or from other investigative reports that some leads should be further explored before any Commission findings were arrived at.

Those may be only caveats, Mr. Blakey, and are not directly responsive to your question but I do think it is important to recognize that essentially the Commission had from mid-January to mid-September to do its work and it is certainly true that during that 8-month period most of the investigation was done during the first 5 months of that period and most of the writing was done during the last 3 months of that period.

Obviously there was some writing and assembly of investigative materials during the early months. One of the principal assignments given the lawyers was to absorb what they had assigned to them in their area and to propose a factual narrative or analysis that would inform the members of the Commission what was known and what was unknown. There was a constant stream of summary memorandums that were produced by the staff and then the taking of depositions was a very major and important part of the Commission's factfinding and it was concentrated, as you say, in the months from mid-March through May or thereabouts, with some significant number of depositions taken I believe in June and July.

Nonetheless the record is clear as to what time was available and the record is awfully clear what was done. It is up to you to assess whether what was done was fairly and efficiently done in light of the time available.

Mr. BLAKEY. Mr. Chairman, that concludes my questions in the area of Mr. Willens' assignment, the organization of the Warren Commission, the selection of the staff, the staff's general performance,

and possible pressures under which it operated. I have some additional questions in the area of procedures, the methods of investigation, relationship of the agency, and the writing of the report. But it might be appropriate now for the committee to ask questions at least in those first areas, if it so desires.

Mr. FAUNTROY. Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Mr. Willens, I have become very impressed with the fact that the members of the Commission staff and otherwise were working in a relatively short time frame. I don't think I was fully aware of the fact that this really took only a few months from the very beginning until the last drafts were done, a little less than a year for the entire job. I guess I was under the impression it was a longer period of time. I don't know why. Chief Justice Warren started the investigation at the first meeting, and I could quote him but I will just paraphrase his remarks, mentioned specifically that he perceived his job as Chairman of the Commission and the job of the Commission as one to evaluate evidence rather than conduct an investigation. Now it may just be semantic here but I thought it was rather significant at the outset that he seemed to make the distinction that the Commission was not to serve as an investigative body but really as an evaluator of accumulated evidence.

I wonder if you might comment on that in terms of, one, did we see a sort of evolutionary process that the Commission went through from that being the original idea and then as the work developed it became more an investigative agency, not an agency but an investigative body, rather, or did it in fact maintain its original framework of an evaluator of evidence?

Mr. WILLENS. I think that is an interesting question, Congressman Dodd.

I think that there was no question that many members of the Commission and certainly all of the staff knew that there was a very substantial amount of investigative work to be done, that this was indeed an investigative Commission, with a Presidential charter that had a most important set of crimes to investigate and report. There was at the same time some reticence among some members of the Commission because of the fact that the Commission was an unusual kind of fact-finding agency and was not a court with the responsibility for finding facts through the adversary processes. I think there certainly was some concern as to what kind of factfinding agency the Commission should be. I believe though that any reservation on that score was set aside as soon as it became clear to the members of the Commission as to the scope of the investigation that was necessary in order to resolve the many unanswered questions that were raised by the investigative materials that were turned over to the Commission.

I think the members of the Commission and the staff also became increasingly aware as the public rumor mill began to operate, of the sensitivity of their mission and the need to deal with these various rumors and allegations in the public domain, and that in order to do so effectively it was necessary to check out those various allegations to see whether they had any factual foundation or whether they lacked any factual foundation.

If there was any reservation, in short, to begin with, I think it was cured in the early months of the Commission's work and that the Commission members and staff alike recognized that they were inevitably conducting a mammoth investigation, using the Federal agencies and using their independent staff in order to find out all the facts that were relevant to the assassination of President Kennedy and the murder of Mr. Oswald.

Mr. DODD. Within the 4 days after the assassination, and I don't recall your response to Mr. Blakey's question with regard to your awareness of the Katzenbach memo regarding the directive so to speak of the Commission, that is, to lay to rest the growing concern, both nationally and internationally, with the ramifications of the assassination, and to establish that once and for all that Lee Harvey Oswald was acting alone, you maintained your employee-employer relationship with the Justice Department throughout the entire investigation, is that correct?

Mr. WILLENS. Yes.

Mr. DODD. Your salary and everything came from the Justice Department? You never were paid at all by the Commission itself as a salaried employee of the Commission?

Mr. WILLENS. That is correct.

Mr. DODD. Were you consciously aware at all, either as a result of a direct or indirect communication from Mr. Katzenbach, that he had this feeling or was that a misstatement of his thinking with regard to the Commission's duties at the outset?

Mr. WILLENS. Before I became officially associated with the Commission I was aware of the fact of an FBI report and the issue whether or not some public statement should be made on the subject. As I recall there were some who felt that the entire FBI report should be made public. There were others who thought it should not be but that some form of summary should be made public.

There was a third group who felt nothing should be made public until the Commission had been created and had undertaken its job. I sympathize with those who felt at the time that some public statement would have been a useful gesture if it could have allayed public concern and unrest. I think that was a well-motivated, understandable desire. If the national interest could have been furthered in such a way, I am sure most people considering the issue would have come out that way. In fact, they did not because they concluded no simple public statement could really resolve the uncertainties until all the facts had been developed, and everyone accepted the fact that the FBI could not possibly be asked to develop all the facts regarding the assassination within a week or even 3 weeks or a month.

Mr. DODD. I am not clear as to when you were assigned the liaison responsibilities. Do you recall the date of that?

Mr. WILLENS. I did go over to the Commission on December 17, 1963. In the period between the assassination and December 17 I have some knowledge, very limited, regarding the FBI investigation and the issues that were being discussed within the executive branch regarding the appointment of the Commission and the making of a public statement with respect to the assassination.

Mr. DODD. The reason I ask that, I don't have any reason to believe you necessarily were aware of this or not, maybe you were, on Novem-

ber 21, 1963, and again on December 2, 1963, Mr. McCone—that was when Lyndon Johnson was President—discussed with him various questions surrounding Cuba. He met again on the second with Mr. Bundy. Mr. McCone met with both L.B.J. and Bundy and discussed Cuba again. In light of the fact that we now know that prior to 1963 the Central Intelligence Agency, with certain members of organized crime along with the apparent knowledge of the President, were involved in an effort to assassinate or to do away with Mr. Castro, in some way bring about a change in that government down there, do you think it possible that the Attorney General, then Attorney General Robert Kennedy, being knowledgeable, assuming he was knowledgeable of those particular circumstances, would be somewhat reluctant to have the kind of full-blown investigation that could possibly surface certain pieces of evidence at that time that would have shed a poor light on his brother's administration and that therefore there might very well have been a degree of reluctance to have the kind of full-blown investigation that was contemplated and sought after by some?

His brother in fact was dead. Nothing that the Commission could do would bring him back. There was a lot of personal hurt there, and why open up Pandora's box, particularly when you are dealing with someone who is parading around as having connections with a Free Cuba or Fair Play for Cuba Committee or a lot of the issues that would surface as a result of that kind of full-blown investigation when there were some rather strong ties to Cuba?

Mr. WILLENS. I do not believe that is possible. I know from my conversations with the Attorney General and the Deputy Attorney General that no effort was ever made to influence me with respect to the scope or the thoroughness of the investigation. I was told nothing about what to do but to do my best work to assist the Commission in completing its investigative assignment and reporting its findings in a coherent and persuasive report.

Mr. DODD. You mentioned before that there were no political pressures in response to Mr. Blakey's question, to terminate the Commission's work. Yet a note I have someplace indicates that at a meeting that you had with the Chief Justice in June of 1964, at the time you informed him it was going to take a little longer than originally had been expected, the Chief Justice apparently lost his temper a little bit or became annoyed. I guess—I don't know what the proper description is of that meeting, but he became quite upset with the fact that you were not going to get the work done as planned. The Chief Justice had earlier stated:

Other than obviously wanting to get the job done, which is obviously something we are all interested in, I certainly would like to see this job done, but my primary concern is that it be done right.

I am curious as to whether or not the Chief Justice expressed at that time or prior to or thereafter, that while he would like to see it done he wanted the kind of thorough and complete job that should be done, given the significance of the event. I am concerned why there seemed to be this tremendous concern with the time element when you consider it was an assassination of a President.

Mr. WILLENS. I understand that question, Congressman. I think that one explanation that I have for this and in retrospect is that none of us,

including the Commission or staff, had any real comprehension at the beginning of the Commission's assignment as to exactly how long it would take.

Mr. DODD. Although the Chief Justice did set June 1 as the date from the very first meeting?

Mr. WILLENS. I think that is probably right. Yet I am sure he would concede it was an absolutely arbitrary date. It did not bear any necessary relationship to the scope of the mission or the number of people on board or the obstinacy of the investigative agencies whatever that might develop during the course of those 5 months that he thought it would take. I must say I probably thought at the outset when I went over to the Commission that although I did not know how long it would take I probably thought it would take 6 months. I knew it would take some time to get organized. I knew it would take some time to conduct investigations. I knew it would take substantial time to write a report.

I think in my own mind I underestimated the time it took to do all of those things. I think what came home to the Chief Justice and to other members of the Commission beginning in late May and June was that the job really was more complicated and more controversial than any of us had assumed. I think the Chief Justice was very discouraged by that report to him in June of 1963 that the deadlines he had hoped could be met were not any longer realistic ones because of the need to conduct additional investigation and because of the difficulty in putting together draft sections of the report that were coherent and defensible and ready to be reviewed by the members of the Commission.

To some extent the Chief Justice undoubtedly felt like every chairman does of a commission or committee, that is, he felt that he was a prisoner of the staff or limited by the staff's willingness or ability to complete a particular assignment on the schedule that the Chairman had set. Staffs uniformly tried to do that. Then, when they were unable to do that, their obligation was to come forward and say why they were unable to meet the timetable and propose a different timetable.

I want to be certain that you do understand that as the deadline was constantly put off there were of course events during that year of a political nature that would undoubtedly be in the minds of the media and other persons who were concerned about when our report would come out. There were certainly times when it was discussed whether the report should come out after or before the Republican Convention. There was certainly concern about whether the report would come out in advance of the 1964 election.

Mr. DODD. I have heard everyone say that. I have tried to imagine. I am certain that at the time the President must have been extremely anxious as the investigation was proceeding that he be kept abreast of what was turning up. Having a somewhat passing familiarity with Johnson he never let anything happen that he did not keep apprised of it at all times. He must have been terribly nose-y about what the Commission was coming up with. I say that with all due respect to the President of the United States. He had that reputation. Assuming nothing startling was coming up, the original FBI report seemed to be holding true as far as the investigation, why was it so important that it be done before a political convention or fall election if there was nothing startling in the report other than what we already assumed was true anyway?

Mr. WILLENS. In part the concern was a media concern. There were numerous conversations with media representatives who were apprehensive about being scooped by the report being published at a time when they or their facilities were being allocated to covering some other major political event. That obviously was not a decisive concern but it was something that was brought to the attention of the Commission and various other officials as the Commission's report seemed to be working toward its conclusion. The concern about the election may be difficult to understand now. At the time there were ugly rumors and apprehensions regarding the work of the Commission and the nature of the conspiracy that may have occurred to have caused the assassination of President Kennedy.

It was feared, perhaps without justification, that the report might become a campaign issue if it had not been published in advance of the election.

Mr. DODD. If that was the issue why not wait until after the campaign?

Mr. WILLENS. That is right. The other concern was that if it were postponed until after the election it would be assumed it had been repressed so as to avoid disclosures that might affect the candidacy of the President. Now having said all that, it was clear to me in September as we were in the final stages of this, that if the staff had concluded that the report should not be published it could have been free to recommend that to the Commission, and the history of the relations with the staff of the Commission is that the staff certainly did make its views known to Mr. Rankin and through him to the Commission.

That was not done because although there were differences among the staff with respect to specific outstanding matters I think it was the consensus of the staff that the work had been completed and we were prepared to produce the report.

Mr. DODD. I wondered if there was any serious debate between the staff people over the timeliness of the report, given some of the outstanding questions that lingered in some peoples minds anyway on the Commission?

Mr. WILLENS. I think the record will reflect a certain increase in the pace of memo writing as August and September approached and it was a very constructive and positive process because those memoranda detailing problems with the chapters and with the nature of the investigation forced everyone on the staff and the members of the Commission to pause in their deliberations and decide whether or not in fact the investigation was sufficiently completed to justify making findings and including them in a proposed report.

I have no quarrel in abstract or with the benefit of hindsight with the concerns that were expressed by members of the staff regarding the adequacy of the investigation or the sufficiency of the draft sections of the report. It was not a majority view at all that the publication of the report should be deferred because of these outstanding matters. In every case the outstanding matter was resolved before the report was finally completed and published.

Mr. DODD. I have overextended my time. Let me just ask one other question here. Again reviewing the synopsis of the various meetings that the Commission had, at one of the first meetings, if not the first

formal meeting, you had been on board 3 or 4 days about this time, around December 20, the Chief Justice began a meeting by emphasizing that rumors should be quenched or squelched. He was talking about rumors. I am curious if you can recall what the rumors were? Is there something other than rumors about what the committee was doing or not doing? Was that really what it was about?

Mr. WILLENS. I think the reference there was intended to refer to the various allegations in the foreign press and in some segments of the domestic press regarding foreign or domestic conspiracy, either of a left-wing nature, right-wing nature, any variety you could identify. I think it is to those rumors that the Chief Justice was referring in a way that suggested that these were matters of great public moment that had to be investigated by the Commission and resolved hopefully as speedily as possible.

Mr. DODD. I would think though, and again I will editorialize a bit and ask you to comment on it, if I were a young attorney and sitting there at a meeting with the Chief Justice of the United States who is sitting here, and he then announces that we want to squelch any of these rumors that are going around about conspiracies involving other people, I wouldn't necessarily want to suggest that we ought to go seeking out conspiracies, but certainly there was some evidence there that deserved looking into beyond a homicide investigation, particularly when you are talking about the assassination of a President of the United States. I wonder if you, although still a young man, 14 years ago even a young man, can state what was the reaction of a group of young attorneys who were looking at the Chief Justice who said he wants to squelch these rumors.

Was there not a tendency to express the desire you wanted to examine thoroughly some things you might find important to proceed on? What was the reaction of a group of young people in a room like that with the Chief Justice saying something like that?

Mr. WILLENS. First of all none of the members of the staff including me were at that meeting. That is not to evade your question because that statement has been made publicly on more than one occasion. The staff was not influenced by any desire of a single member of the Commission to squelch rumors at the cost of conducting a full and honest investigation. As young as we were, we were given a very substantial public responsibility and no person, member of the Commission or not, was going to stand in the way of any of us completing our responsibility. That was certainly the way I felt about it and I had a particularly personal sense of involvement in this investigation. It was also the view that was shared by my colleagues. You have now seen sufficient of them to know that they are a talented, aggressive, and independent group of lawyers. Fourteen years ago they were, shall we say, perhaps less wise and even more aggressive and articulate and ambitious than they are today when they have all been mellowed by the years. They were drawn from private life.

They had no motivation in this except to do the best job possible. They knew, as this committee investigation demonstrates, that their work was going to be scrutinized in detail for decades to come. With all due respect to the Chief Justice, if we differed with him regarding the attitude to be taken with respect to the investigation we pursued our

own views of what to be done and it was in that vein that the stuff did its work.

Mr. DODD. Thank you. Thank you, Mr. Chairman. I appologize for taking so much time.

Mr. FAUNTROY. It is quite all right. I am anxious to get into the other matters. We do want to proceed to that. I just have one related question.

Mr. WILLENS. is it your testimony that at no time prior to December 17, 1963, or subsequent to the initial call to you, were you aware of a sentiment which had been expressed to Walter Jenkins as early as 2 days after the assassination, a sentiment that had been conveyed by Mr. Katzenbach to Mr. Bill Moyers 4 days after the assassination, that there was a need to convince the public that Oswald was the real assassin and that he acted alone? At no time were you aware of that feeling on the part of Mr. Katzenbach?

Mr. WILLENS. No; that is not my testimony, Congressman. I was aware that there was such a feeling held by some people in the department including Mr. Katzenbach. I was aware that how to deal with the matter and whether to appoint a Commission and whether to make a public statement were issues that were being much debated within the executive branch. I was not a party to any of the meetings in which any of these issues were discussed. I was, however, one of the few people who was aware of the issues being discussed and the fact of the FBI investigation and of the probability that a Commission would be appointed.

Mr. FAUNTROY. That sentiment was not expressed to you in the conversations subsequent to the 17th and prior to your going on board?

Mr. WILLENS. I think that once a decision had been made to handle the public's need via a Presidential Commission, that the attitude changed significantly as to the pressure or urgency of quelling public rumors or convincing the public that Lee Harvey Oswald was a sole assassin. It may be that after the FBI report was produced and examined by responsible authorities that they concluded that no quick public statement could serve the needs of the country in ascertaining the facts and eliminating uncertainty which was not warranted by those facts.

So once a decision was made I believe to appoint a Presidential Commission I think there was a concession by most of the people involved that public elaboration of this should be deferred until the Commission completed its work.

Mr. FAUNTROY. Counsel, will you proceed now?

Mr. BLAKEY. Mr. Willens, let me direct your attention to the general issue of procedures and methods of investigation conducted by the Commission. As I am sure you are aware, the simple question in any investigation is not so much what you do as what you don't do. In this context I would ask that the Chairman direct the clerk to mark as JFK exhibit No. 68 a memorandum of February 27, 1964, from Mr. Hubert to Mr. Rankin. And ask that it be shown to the witness.

Mr. FAUNTROY. The clerk is so directed.

Mr. BLAKEY. Are you familiar with that memorandum, Mr. Willens?

Mr. WILLENS. Yes; a copy of this memorandum was made available to me in advance of the hearing.

Mr. BLAKEY. Mr. Chairman, I would ask that the memorandum be incorporated in the record at this point so that I may ask Mr. Willens some questions based on it.

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, marked JFK exhibit No. 68 and received for the record, follows:]

JFK EXHIBIT No. 68

[Memorandum]

FEBRUARY 27, 1964.

To: Mr. J. Lee Rankin, General Counsel.

From: Leon D. Hubert, Jr.

1. I have given some thought as you know (see my memos of February 19 relative to particular problems) to what policy should be developed as to future investigations by the Commission; but this memo concerns broader aspects of the same problem. I wish to pass them on to you not for the record, but so that this memo may be used as a point of departure for discussion. Let me say further, that if this general problem has already been considered by the Commission, please simply disregard this memo.

2. As I see the whole picture to date, there has been an intensive investigation starting November 22 but diminishing in intensity as time has passed. I think this diminution has occurred because the normal and usual techniques have been nearly exhausted. This investigation has produced a great mass of material which has proved useful for deductive and inductive reasoning.

3. However, the fact is that so far, the Ruby materials on hand are not sufficient either to exclude the possibility of a conspiracy or to warrant a conclusion that there was none.

4. In regard to the investigation to date, as what I choose to call the "first effort," I now pose the following problems:

a. Is there to be a "second effort," aside from the taking of testimony by the Commission? I think there should be.

b. If so, then a decision should be made as to the degree of intensity of that effort, and a policy arrived at, at least in the nature of establishing a set of norms, as to how far it should go. I realize that to some extent each aspect of the "Second effort" will be sui generis; but norms would help.

5. I suggest that in arriving at the norms consideration should be given to whether most of the people of this country (say 75 percent) living and yet to be born, will accept a cessation of investigation at any given point (discussed below), and also whether other investigators of this or another generation will accept cessation at the same point. I believe they will, if it is demonstrated that continuation of investigation was not justified because the possible result was too remote and tenuous to warrant the expenditure of the required time and funds. I have in mind as an example one of the matters I have submitted to you to wit: Suppose 500,000 people left the country after November 22; they are remotely suspect because presumably a culprit would want to get out of the United States. Now, if we were reasonably certain of finding the President's assassin or a conspirator, the notion and particular critics would readily accept the work, time and money involved in sifting through this vast material; and moreover would be critical of the fact that the work was not done; and this irrespective of the cost. However, if the chances of finding anything of value were extremely remote, I think there would be acceptance of cessation of this particular line of investigation effort.

6. I suggest that the problem of deciding when to stop in any area or simple episode depends upon the rules of diminishing returns; but where lies the line of demarcation creates a real problem. I suggest that each advisor in his own area can make his judgment and pass it to you for acceptance, rejection or modification. But then you must pass it to the Commission because the problems are so grave that only they should make the decisions; and as indicated above, a set of norms would be helpful, since most decisions for cessation will fall into one of three or four norms and could be disposed of by stating that cessation was decided upon by application of the conditions of a stated norm. Other cessations, not falling within a norm, would have to be dealt with specifically.

Mr. BLAKEY. Mr. Willens, the memorandum of Mr. Hubert to Mr. Rankin generally raises the question of character of the investigation and the general issue of when not to conduct investigations. I note that it generally describes the picture of the investigation as indicating it was rather intensive in the period of time immediately following November 22. I am referring to paragraph 2. But that it diminished in intensity as time passed. Mr. Hubert ascribed that diminishing intensity primarily to the exhaustion of the normal and usual techniques of investigation.

He then commented in paragraph 3 that the Ruby materials on hand were not sufficient either to exclude the possibility of a conspiracy or to warrant a conclusion that there was none. He raised then the general issue in paragraphs 5 and 6 about the question really of diminishing returns. How much expenditure of time and effort should the Commission make in pursuing allegations of one kind or another.

I will ask you in the context of that memorandum whether you were aware in February of discussions like this about how far you should go and what the general position of Mr. Rankin and the Commission was in response to memoranda of this character?

Mr. WILLENS. Yes; I can respond to that question in a general way. It was of concern to all the members of the staff to have some sense of what kind of investigative effort was contemplated by the Commission. There was an uncertainty, as reflected in Mr. Hubert's memorandum, as to exactly what kind of investigation the staff was authorized to request. In other areas there was no uncertainty and the lawyers there produced investigative requests as quickly as they had mastered the materials and came forward with some coherent requests to address to the FBI and the CIA or one of the other agencies.

This memorandum has to be looked at particularly in the context of its date. It was shortly after the date of this memorandum, which is February 27, 1964, that the Commission authorized an extensive program of depositions by the staff. The significance of that fact is sometimes overlooked. It was the fact of depositions by the staff and the permission to conduct investigation following up on deposition testimony that constituted essentially the second effort that is described here by Mr. Hubert. I don't think it is fair to say that the investigation had diminished at the time that Mr. Hubert wrote this memorandum.

The initial assignment of the staff though, as I said earlier, once they arrived on duty, was to master the materials in their area and to propose a second effort of investigation consisting of specific requests of investigative agencies, consisting of identifying those witnesses which should be called before the Commission or deposed by members of the staff and identifying any further issues in their area that they thought required the attention of the Commission. As of late February 1964 these memoranda were coming in from members of the staff and being reviewed by Mr. Rankin, Professor Redlich and myself, and decisions at that point were being made about an overall program of investigation which was responsive to the staff analyses that could be presented for approval to the Commission.

The records of the Commission will reflect that in early March the Commission did receive a memorandum over Mr. Rankin's signature outlining a proposed course of investigation which was adopted without reservation by the members of the Commission.

Mr. BLAKEY. In light of your answer, Mr. Willens, I wonder, Mr. Chairman, if the clerk could be requested to mark as JFK Exhibit No. 69 a memo of March 25, 1964, of Mr. Willens to Mr. Rankin, responding I think in part to the general subject raised by Messrs. Hubert and Griffin.

Mr. FAUNTROY. The clerk is so instructed.

Mr. BLAKEY. I wonder if the clerk could also be instructed to show the memorandum now marked JFK Exhibit No. 69 to the witness.

Mr. FAUNTROY. The clerk is so instructed.

Mr. BLAKEY. Are you familiar with this memorandum, Mr. Willens?

Mr. WILLENS. Yes, I am.

Mr. BLAKEY. I wonder, Mr. Chairman, if you would direct that that be incorporated in the record in order that I might ask some questions of the witness based on this document?

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, marked as JFK Exhibit No. 69 and received for the record, follows:]

JFK EXHIBIT No. 69

[Memorandum]

MARCH 25, 1964.

For Mr. J. Lee Rankin, General Counsel.

From: Howard J. Willens.

The attached is one of the specific investigative requests proposed by Messrs. Hubert and Griffin which requires, in my view, further consideration. I am opposed to sending out this request, without further documentation, for the following reasons:

1. I think that we should develop this type of information only if we have some specific allegation regarding travel or contacts by an identified person at a particular time and place which appears possibly relevant to our inquiry. If sufficient information has not been developed in the course of the extensive investigation already conducted to meet this requirement, then I think the probabilities of the additional inquiry yielding information of value are too slight to justify the extensive inquiry proposed. As Messrs. Hubert and Griffin have recognized in their several prior memoranda, this is a problem of balancing considerations. One consideration which looms increasingly large in my opinion is the tentative target date for the completion of this investigation. This is not to state that any meaningful allegation should not be investigated because of time factors. I do feel, however, that the attached does not appear to be based on a meaningful allegation and therefore our limited time and effort should not be expended by projects, such as this, which do not promise to yield very much.

2. If Messrs. Hubert and Griffin were to demonstrate that the materials currently in their possession raise an allegation meeting the above criteria, then I think the way to check the allegation out is to ask the FBI to review the relevant files in the Department of State. Only after this is done should we request original documents from State, in my opinion, unless there is some special reason why the original document is necessary.

Mr. BLAKEY. As I read JFK exhibit No. 69, Mr. Willens, the general issue being raised is not so much the technique of investigation, for example, depositions, as we saw reflected in a previous memorandum, but rather the nature of allegations that should be pursued. I am not so much concerned with the specific allegation reflected on the memoranda that were attached to this memorandum but rather the general issue of what kinds of allegations should be followed up. I take it by reading paragraph 1 that what you were suggesting to Mr. Rankin was that on the whole allegations that were not in some way supported, to be

called meaningful allegations, should probably not be followed out and I will quote now the second to the last sentence in paragraph 1.

One consideration which looms increasingly large in my opinion is the tentative target date for the completion of this investigation. This is not to state that any meaningful allegation should not be investigated because of time factors. I do feel, however, that the attached does not appear to be based on a meaningful allegation and, therefore, our limited time and effort should not be expended by projects such as this, which do not promise to yield very much.

I wonder if you could comment on this, Mr. Willens? Did the Commission accept this recommendation that there should be some distinction between meaningful and nonmeaningful allegations and if so what criteria were employed in determining the difference between meaningful allegations and I take it unmeaningful allegations?

MR. WILLENS. I do not know whether this issue was ever presented to the Commission in the terms that the memorandum defines the question. I believe my memorandum, JFK exhibit No. 69, is in essential agreement with Mr. Hubert's memorandum of February 27, JFK exhibit No. 68, to the extent that it indicates that there is a balancing process which must be undergone in deciding which investigative request to send out to the agencies and which allegations should be pursued.

Mr. Hubert was one of the members of the staff who did address this issue in general terms. I do not remember the specific investigative request that JFK exhibit No. 69 was addressed to but I do believe, and continue to believe, that there are limitations on investigative resources available either to the Warren Commission or presently to this committee and that judgment has to be exercised as to how best to use those investigative resources. My effort in this memorandum was to suggest that any allegation should be checked out if you could tie an allegation to a particular person or a particular time and place. My concern at the time was with overly general and vague investigative requests that would deny us access to investigative resources for other more specific lines of investigation and would promise to produce very little of value.

On any specific investigative request I am sure there could have been conflicting views. My general reaction is that I approved almost all investigative requests coming from the staff without any question whatsoever. My recollection is, however, that there were numerous occasions when I raised the question with a staff member as to the utility of the particular request, the particular objective that he had in mind, and the extent to which there might be other ways of obtaining the necessary information.

Usually we were able to resolve those differences of view without any difficulty. If we were not able to do so they were presented to Mr. Rankin for his final decision as to whether the investigative request would or would not go out. I think it is fair to say that the records will reflect many more investigative requests coming from Messrs. Hubert and Griffin which prompted debate than there had been from other areas and that prompts, I am sure, some of the rhetoric in this memo and other memoranda that you have undoubtedly seen or will see suggesting that we ought to sit down and try to work this out.

MR. BLAKEY. Mr. Chairman, I wonder if we could have the clerk directed to show the witness what has already been marked and admitted into the record, JFK exhibit No. 65.

Mr. FAUNTROY. The clerk is so directed.

Mr. BLAKEY. It is a memorandum of February 24, 1964, from Messrs. Hubert and Griffin to Mr. Willens. Do you recall this memorandum, Mr. Willens?

Mr. WILLENS. I did not recall it until a copy was recently made available to me. I am now familiar with it.

Mr. BLAKEY. We have had testimony in the record that as a result of this memorandum some of the suggestions for developing telephone numbers and phone call records were followed and that others were not. Generally the broader scope of the request, for example, as represented in paragraph No. 9 that there be a general freezing of phone call records was not implemented and that an effort was not made to ascertain all of the reasonably available phone and phone call records to some of the parties identified in the record. I wonder if you could share with the committee, if you recall, your reasons or Mr. Rankin's reasons for not pursuing the telephone call records suggested here by Mr. Hubert and Mr. Griffin?

Mr. WILLENS. I do not have any specific recollection or discussions regarding this memorandum. My recollection does coincide, however, with the testimony that you have summarized. My recollection is that the broad-based request here was not implemented by a letter to the FBI but that throughout the remaining months of the investigation some of the specific inquiries suggested here with respect to telephone calls and telephone records were made and reports produced regarding those requests. I think that the reason the broader requests were not taken is anticipated very neatly by Mr. Hubert's and Mr. Griffin's second paragraph which I quote, "Some of the suggestions made impose burdens on private parties which are not justified by the possible results to be obtained. If so, they should be rejected and the reason for such rejection recorded in order to assure future critics that such efforts were carefully considered."

I believe that the broad requests were not accepted by Mr. Rankin or by me for this very concern. I do not know whether the records show any written statement of our reasons as Mr. Hubert and Mr. Griffin suggest would be appropriate. I agree with that suggestion and I think my custom was to make notes with regard to the disposition of some of the matters in dispute such as this one but I do not have a recollection of so doing in this precise case. I am confident that I would not have made a decision of this kind without consulting with Mr. Rankin and discussing the matter fully with him. It was also his practice that if I made my recommendation to him that was contrary to the views expressed by other members of the staff that he would typically have them in to discuss the matter with them so that he could make a final disposition of the matter, having heard all points of view.

That was his practice. I do not know whether it was followed in this precise case but I suspect that it would have been.

Mr. BLAKEY. Mr. Willens, there are obviously only a limited number of ways in which conspiracy allegations can be pursued. There was not available to the Commission sophisticated electronic surveillance techniques that would deal with the formation of the conspiracy. It is doubtful that physical records would be in existence or that the

Commission had access to search warrant authority to seize them. Basically all you could do was to engage in field interrogation and depositions. I wonder why you would have foregone the opportunity to examine long distance call records in pursuit of the conspiracy allegation? Had you done so and you had developed a pattern of preassassination communications between some of the individuals identified subsequently by Messrs. Griffin and Hubert, who were associated with Mr. Ruby and perhaps even with Mr. Oswald, it might have been possible to pursue these associations and precipitate Commission interrogation based on those calls?

Would it be a fair characterization that by failing to do this you lost, and probably permanently, the ability to pursue, however, tenuous, some of the associations?

Mr. WILLENS. I would not accept that characterization. If your investigation discovers that it did have those consequences then I think that is an important conclusion for you to report. The Commission did have the subpoena power, it could have subpoenaed records if it had elected to do so. It had close liaison with the Texas law enforcement officials and undoubtedly they had some authority to pursue these matters if they wanted to or if we suggested to them that might be useful.

There was a very extensive investigation into the Ruby area involving his relationships with many of the people identified in this memorandum. I think it is shortsighted to look at this memorandum alone without looking at all the subsequent investigative requests in the Ruby area and make a judgment on the basis of that kind of inquiry as to whether the Ruby investigation was adequate. In that connection, I think you should look at the exchange of memoranda, which you have not supplied me, of June 1, 1964, whereby I requested Mr. Hubert and Mr. Griffin to inform me of any outstanding investigative requests for any additional investigations they wanted to have made in order to satisfy themselves of the adequacy of the Ruby investigation.

They responded in a memorandum of the same date reporting they were satisfied with the adequacy of the investigation and there would be presented to me within the next few days all the investigative requests that would be required in order to assist them in the preparation of their report. Those memoranda do reflect a clear and on the record communication between us with respect to the adequacy of the investigation and the proper disposition of their investigative requests.

In subsequent months they did submit additional investigative requests and those were almost without exception honored.

Mr. BLAKEY. Mr. Chairman, I think it might be appropriate that the staff be directed at this point to obtain those memoranda and that the Clerk be directed to incorporate them in the record at this point.

[For copies of these memoranda, see IV JFK Hearings at 559-60.]

Mr. FAUNTROY. The staff is so directed.

If Counsel will yield, I would like to raise one question with Counsel. Do we have documentation dealing with the rejection and the reasons for rejection of the specific requests noted in document exhibit No. 65?

Mr. BLAKEY. Not to my knowledge. I will make an effort to see to it as our investigation continues, that if that document is developed that it be made available to the committee.

Mr. FAUNTROY. Without objection.

Mr. DODD. Along that same line of questioning, we saw the May 24 memo I think from Mr. Griffin to Mr. Hubert as well in which they outlined a rather detailed request for certain information. I am curious, you are looking at 7 or 8 days later, the June 1 memo that you are talking about that I have not seen yet, there must have been something that ensued between May 24 and June 1. It is a rather detailed, long memo requesting a bit of leeway in terms of investigating further allegations surrounding Jack Ruby. I would be curious as to what transpired between May 24 and June 1. Do you recall at all? Are you familiar with the May 24 memo?

Mr. BLAKEY. May 14.

Mr. WILLENS. I think I have seen that memorandum although it is not one of those in front of me at the moment. Yes, it was about that time, Congressman Dodd, that we were trying to make certain that we were completing the investigative stage of the matter and proceeding to the preparation of the report. It so happens, with all due respect to my colleagues, that the lawyers in this particular area were somewhat slower in producing an acceptable draft section of the report than was true of their associates in other areas.

That prompted some concern and discussion by Mr. Rankin and me and Professor Redlich with them. It became clear that a lot of these investigative requests were, shall we say, detracting from their effort to understand, assimilate and analyze what, in fact, was already available to the Commission. So, the memorandum from me to them of June 1, 1964, was designed to make certain on the record that we had before us all investigative requests that they thought at that time were necessary to provide them with the necessary material on the basis of which they could write their assigned portions of the report.

Now there were differences of view from time to time between me and all members of the staff. There were many differences of view among the members of the staff and I often was in a position of trying to moderate those disputes and accommodate the different interests of the members of the staff. It was my responsibility to help the Commission complete its investigation and complete the writing of the report and to do so consistently with the standards that I set for the staff.

So there were many discussions with Mr. Hubert and Mr. Griffin individually and together and many of them were participated in by Mr. Shaffer or by Mr. Redlich or by Mr. Rankin. I believe when it was all said and done they did a superior job in pressing with the investigation and producing their sections of the final report.

On or about June 1, however, there was a point at which we were trying to assess where we were in light of the fact—coincidentally June 1 was the anticipated publication date of the report based on earlier hopes—and we were trying to assess where we were in terms of our investigation, how long it would take to complete the report, so that Mr. Rankin would have some informed basis on which to advise the members of the Commission as to the progress of the Commission's work. I believe it is that process that precipitated the memorandum

of June 1 and it had a very healthy effect because it did elicit from Mr. Hubert and Mr. Griffin a barrage of limited, sound investigative requests that went out without dispute.

Mr. FAUNTROY. Mr. Willens, this memorandum of May 14 is a source of great concern to us, dealing with the adequacy of the Ruby investigation. You are saying to us that the memorandum of June 1 will satisfy us, as it did you, that the concerns raised here and not responded to in terms of investigative direction, were adequately dealt with?

Mr. WILLENS. That is right, Congressman. By May 14 we had received a series of memoranda outlining proposed investigative requests in the Ruby area. Many of them were the subject of some differences of view although in almost each instance some investigation did go forward in response to the request from Mr. Hubert and Mr. Griffin. Having received the May 14 memorandum, and I believe by that time a preliminary draft prepared by Mr. Hubert and Mr. Griffin with respect to their assigned portion of the report, we were concerned as to the extent to which the investigation was completed in their area and the extent to which their report could be reviewed and submitted to the members of the Commission.

It was at that time that I felt it would be useful to confront the problem straight out and to elicit from them all investigative requests which in their judgment were necessary to insure that the investigation was an adequate one. There is a responsive memorandum to the effect that if their investigative requests were sent forward they would consider the investigation to be a sufficient one.

Mr. FAUNTROY. Counsel.

Mr. BLAKEY. Public Law 8-202 which came from Joint Resolution 137 of the 88th Congress, signed by the President on September 13, 1963, in subparagraph (B) authorized the Commission to issue subpoenas and in subparagraph (E) provided immunity for those who testified before the Commission if they claimed the privilege and were compelled to testify. The staff has been unable to find any indication that any witness testifying before the Commission felt it necessary to claim the privilege of self incrimination and consequently be granted immunity. Should we draw from that the inference that it was the policy decision made not to call any witness before the Commission whose testimony could only be secured on grant of immunity?

Mr. WILLENS. No, I don't think you can draw that conclusion. I have a recollection of one or two witnesses who advised the Commission or the staff that they might invoke their constitutional privilege under the fifth amendment. I do not recall their names or whether in fact they were subsequently deposed and elected not to claim the privilege. I have a recollection that one of the people I am thinking of was associated with one of the rightwing groups but I am not sure that is the case. I am sure the record will reflect what happened.

I agree with your recollection that no witness did in fact invoke the fifth as I recall and there were no instances where immunity was granted. There were on at least one or two occasions discussions of that possibility within the staff, I believe. I do not recall any discussion of a general policy not to utilize the authority available to the Commission under the statute.

Mr. BLAKEY. Mr. Chairman, I have a number of questions in the area of the general relationship between the Commission and the agencies, both the FBI and the CIA, and also having to do with the writing of the final report. In view of the late hour and the indulgence of the witness now to what amounts to almost 3 hours of questioning, I wonder if it might not be appropriate to adjourn now and ask him to return at a later point in time when perhaps all of us can be refreshed, and while we might impose on him again, nevertheless at least let him be fresh when we are doing it?

Mr. FAUNTROY. I have no objection to that.

Mr. DODD. After 3 days, I am ready.

Mr. BLAKEY. I would like at this time to extend again my appreciation to Mr. Willens for taking time from his very busy practice to share with us his thoughts and observations on the work of the Commission and say to him that I personally look forward to the opportunity to talk to him again about these very important matters.

Mr. WILLENS. I am available at your convenience, Mr. Chairman.

Mr. FAUNTROY. Thank you. With that we will adjourn this session and reconvene at the call of the Chair.

[Whereupon, at 4:50 p.m., the hearing was adjourned, subject to the call of the Chair.]

EXECUTIVE SESSION DEPOSITION

THURSDAY, AUGUST 17, 1978

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE ASSASSINATION
OF PRESIDENT JOHN F. KENNEDY OF THE
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

Deposition of J. Lee Rankin, called for examination by counsel for the committee, pursuant to notice, in the offices of the Select Committee on Assassinations, House Annex No. 2, Second and D Streets SW., Washington, D.C., beginning at 10:52 a.m., before Annabelle Short, a notary public in and for the District of Columbia, when were present: Gary Cornwell, deputy chief counsel; Kenneth Klein, assistant deputy chief counsel; Michael Goldsmith, counsel; and Michael Ewing, counsel.

Mr. KLEIN. The time is 10:52 on August 17, 1978. We are present in the House Select Committee on Assassinations offices.

My name is Kenneth Klein and I am the assistant deputy chief counsel for the committee and I have been authorized by the committee to take sworn depositions under oath pursuant to House Resolution 222 and committee rule 4.

Would you please state your name, sir.

Mr. RANKIN. My name is J. Lee Rankin.

Mr. KLEIN. Miss Short, are you authorized in the District of Columbia to swear a witness and to take a deposition?

Miss SHORT. Yes; I am a notary public in the District of Columbia.

Mr. KLEIN. Would you please swear the witness.

Whereupon, J. Lee Rankin was called for examination by counsel for the committee and, having been first duly sworn by the notary public, was examined and testified as follows:

By Mr. KLEIN:

Q. Mr. Rankin, is it correct that you are here voluntarily and not subject to subpoena?

A. That is correct.

Q. Have you been advised that you have the right to have a lawyer present at this time?

A. Yes.

Q. Have you been given, pursuant to our rules, a copy of the Committee Rules and House Resolutions 222, 433, and 760?

A. Yes.

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Q. Have you had an opportunity to look through the rules?

A. I have glanced through them. I have not read them in detail.

Q. And you are aware that if you want to read them, you can.

A. Yes. You gave me a copy and if I need to consult them at any time, I will.

Q. In particular have you had an opportunity to read rule 4?

A. Yes.

Q. I will state at this time that pursuant to our rules at the completion of this deposition the stenographer will type up a transcript of the deposition. The original copy will be sent to you, you will be asked to read through it and make any corrections and send the original back to us. If you desire a copy, it will then be sent to you to keep for your records.

A. I do desire a copy.

Q. That will be done.

Sir, what was your position with the Warren Commission?

A. I was the General Counsel.

Q. Could you tell us how it came about that you were appointed to this position?

A. Yes. I was asked by Chief Justice Earl Warren by telephone whether I would undertake the position and I told him I would have to let him know. He said that he would like very much for me to do it, that it would take only about 3 months at the outside and I would have a staff to help me, could select the staff. I responded, I think the same day, that I was willing to undertake the work or the position. However, I said probably some of the other Commissioners would not want me and therefore he better ask them and find out whether they were interested in my doing the work. He said they have already done that and they were unanimous in wanting me and to get down as soon as I could and get sworn in and get started.

Q. Was there any talk at that time about the goals of the Commission?

A. No.

Q. Did there come a time when you did speak to Chief Justice Warren about the goals?

A. No. The first day that I had not all the staff but a considerable part of it together I had a meeting with the staff and told them that their only client was truth and that is what they were here for, was to search for the truth and to have it as completely as possible and there were no other considerations. That was my own decision as to what our responsibility was and our duty under the Executive order of the President and I never had anybody on the Commission or otherwise that indicated we had any other responsibility or duty.

Q. Did you ever specifically discuss goals with the Chief Justice?

A. Not as such. I discussed with him the fact that we were going to try to examine every witness that we could secure that could give any light in regard to the assassination and that we would make every inquiry about who actually committed it, whether there were any associates or assistants, whether there was any conspiracy, all of the various activity in connection with it that we could obtain information about and to make a written report as completely as possible to the President and the American people about whatever we learned.

Q. Who made the determinations as to the size and composition of the staff?

A. I made the decision as to the various areas of interest that had to be considered and I then presented that proposal informally to the Chief Justice and the members of the Commission. I don't think there was any formal action approving but there was informal approval or consensus and we proceeded on that basis.

Q. To clarify what you just said, at the time you made this proposal of the areas that you felt were necessary to investigate, had you at that time resolved the composition and size of the staff or did that come subsequent?

A. That came subsequently in that we didn't know at that point the size of the stenographical staff that we would require because that would depend upon the amount of material that had to be typed and filed and photocopies and all of that type of work. It was generally thought by me that there should be probably a senior attorney and a younger attorney for each of the respective areas and I had that in mind at that time. I never had any indication from the Chief Justice or any member of the Commission that we were to be limited on funds. I was to exercise reasonable judgment and that we would receive the necessary support from whatever parts of the Government that support was required by approval or otherwise and that we were to be financed out of the President's funds since we were a commission appointed by Executive order and all I had to do was properly account for and see that none of the funds were spent for any improper or illegal purpose.

There was a question at one time raised with the Commission about the problems of whether we should try to get an independent investigative staff and I examined the various possibilities that way and the availabilities in the country and the time that it would take to try to secure such a staff and be able to have any knowledge of its competency and ability and then get it working on the job. It appeared to me, and I so advised the Commission, that it would be a long time before we got any such staff put together that could handle all the problems that were involved with the size of the investigation that we would be engaged in and we had so many facilities from the Government that the President had insured the Commission that it would cooperate fully with the Commission and that it seemed prudent to try to use the intelligence facilities that the Government had at hand.

Q. As we understand it there were five basic areas of investigation. I think they were the basic facts of the assassination, the identity of the assassin, the background of Lee Harvey Oswald, the conspiracy investigation, and the death of Lee Harvey Oswald. Is that a correct statement?

A. That is my recollection of it, yes.

Q. When you say that you made a presentation to the Commission pertaining to the areas of the investigation, are these the areas that you presented to them at that time?

A. Yes, that is as I recall it.

Q. Then if I understand you, with the five areas determined you made the judgment that for each area there should be two staff counsel,

a senior and a junior, and then went about picking the counsel to fit these areas.

A. Yes.

Q. How did you go about determining the different areas that you ultimately chose?

A. Well, they just seemed obvious.

Q. Well, I meant did you have any help doing it, for example? Did you read FBI reports or was it just obvious, like you say?

A. Well, we had at that point the FBI's report about the assassination which as I recall had been leaked or available to the press and we had that. We didn't have the detailed materials of the FBI yet and so it seemed like that was a reasonable analysis of the problem.

Q. As you recollect, once the staff was actually chosen there were no alterations in the original five major topic areas, that they remained the same.

A. I think so.

Q. Who picked the staff members?

A. I did.

Q. Did you have a criteria that you used to pick them?

A. Well, in the senior men I tried to get lawyers of very considerable experience in various fields and some distribution geographically so that the country would feel that various parts of the country were represented. In the younger men I tried to get those who had indicated a considerable skill and ability in their law school and other educational opportunities and men who had the reputation of being industrious.

Q. In retrospect was it a good staff for the work that you had before you?

A. I found it to be generally a very good staff. I think probably the younger members were of more assistance to me than some of the older members.

Mr. KLEIN. Let me state for the record the deputy chief counsel, Gary Cornwell, has entered the room and is now sitting with us.

Mr. CORNWELL. Hello.

The WITNESS. Hello.

The one factor that I did not examine with regard to the staff as much as I would from my having had this experience was their ability to write and most of them had demonstrated a considerable ability to write in Law Review or other legal materials by their record but my experience taught me that some people are fluent in writing and others while they are skilled at it have great difficulty in getting started and finishing and getting the job completed. I don't know just how I would have tried to have anticipated that problem and worked it out but it became a serious difficulty for me in my work as General Counsel. Looking back on it, I would have much preferred that I had not only all the skills that I did in the staff but the additional one that as soon as we had completed the investigation they would go right to work and write a fine piece in which they described their activities and the results.

By Mr. KLEIN:

Q. If I might show you this chart, it is entitled "Day's Work by the Warren Commission Staff, 1964." Maybe you could take a look at that.

A. Yes.

Q. It was a long time ago but basically does it appear to be an accurate chart?

A. I would not have any knowledge of that. I never tried to develop such a chart. I know that relatively it points out that some were more available and more active than others.

Q. That was what I was going to ask you about. It appears from the information that the committee has gathered that a number of the senior attorneys ultimately took a lesser role in the investigation than might have been originally planned for them. Would you have a comment on that and the problems that arose?

A. Well, that is true. The senior attorneys were all hired with the understanding that they would be able to get away from time to time and take care of their practice, otherwise I could not secure them at all, and I think that was somewhat the problem of Mr. Ball. Mr. Jenner I think was quite available and worked rather steadily. Mr. Hubert I think became somewhat disenchanted toward the end. Mr. Adams I think was interested in being on the staff at first but never expected to put any work in on it—didn't.

Q. I think also Mr. Coleman was not present a great deal of the time.

A. Mr. Coleman we had problems with because he was a very active Black man who had gone with a principal firm in Philadelphia and had too many clients and in order to keep our commitment we said that he could keep his practice going so he would not have it destroyed while he was working with the Commission. He had many activities; he had to return to Philadelphia which was handy so they called him back repeatedly because he was in demand by his firm to help. He never indicated any lack of interest or purpose to try to help where he could.

Q. To what extent did the absence of a number of the senior counsel affect the investigation?

A. I don't think it materially affected the investigation as far as its thoroughness is concerned. It threw an unreasonable burden upon some of the younger men in the various areas where senior men were supposed to have carried some of that burden and those younger men did take on that responsibility and were competent enough to carry it out.

Q. Do you think that the results or the method of investigation would have been significantly different in any manner had either these senior attorneys or other senior attorneys had a more active role in it? Might it have gone into other areas using other techniques of investigation had senior attorneys been present to a greater extent?

A. I think my thoughts about that would be entirely speculative. I didn't see any adverse effect due to the fact that the younger men were so industrious and they seemed to be quite thorough in their work.

Q. We discussed the five areas which the investigation was divided into and you have told us how you determined the areas. What, if any, pre-dispositions did you have after reading the FBI report when you were about to embark on this investigation?

A. Well, I proceeded in the start of the investigation with the assumption that the FBI report was merely what they thought about

the situation and it didn't have any effect on what we did and I never was caused to believe by any member of the Commission that we were to support it in any way or to assume that it was either adequate or complete or correct.

Q. Upon beginning your investigation, what were your thoughts about Lee Harvey Oswald and his role in this case?

A. I think I assumed that he must have been involved some way and that is all.

Q. Did you have any thoughts relative to a possible conspiracy?

A. I thought the most obvious possible conspiracy was either the Soviet in some way or eastern European countries involved with the Soviet or possibly Cuba. I also thought there could be a possibility of some kind of conspiracy within the country. The most obvious seemed to be in the right wing in the country in light of the President's more liberal attitude and so forth in his conduct of the Government, but those were merely the obvious possibilities and we constantly searched to see if we could find any sign regardless of who the leader might be involved.

Q. Looking back are you satisfied with the investigation into the possible conspiracies which you have mentioned?

A. Well, I am somewhat disturbed by what the Senate committee discovered about the fact that they say in their report as I read it that there were at least eight different activities of some kind directed toward the assassination of Castro in which the CIA was involved, their use of underworld people in connection with it, and that that information was all available in the Government and never disclosed to us, that Castro had said that if the Kennedys could engage in this kind of activities why others could, too, and the FBI apparently from the information you have given me of the reports of the committee had information to a considerable degree about these activities of the CIA and didn't disclose them to us. It is very difficult to do anything thoroughly with the people that are supposed to be cooperating with you and part of the same government that you are involved in and should have their loyalty to their country withholding information from you in the process.

Q. I want to go into this area with you in much more detail a little bit later but would it be fair to say that due to the circumstances which you have just discussed that your staff was not able to adequately investigate the conspiracy aspect of this case?

A. Well, I can't say that because if we had had that information and if we had done as thoroughly as I think we did in other areas that we knew about, we might have run out of all the leads and found nothing there except what has been apparently revealed to date to the Congress in their various committees showing that there are all kinds of lines but nothing that really proves any kind of a conspiracy existed. At least that is the way I read such materials I have seen and read in the papers. What I am saying is that I cannot say that if we had had all the information and had the opportunity that we should have had with a complete disclosure to investigate thoroughly everything, every lead, that we would have found a conspiracy and have been able to lay it out because I have not found anybody to date that has produced any credible evidence that there was such a conspiracy.

Q. Basically I am not asking if you think that you would have found the conspiracy, just whether if you found one or not you would have been able to more adequately investigate the whole conspiracy aspect had you had the information that you have mentioned.

A. Well, we certainly would have gone in the investigation that we made if we had that information to every possible source that seemed reasonable or a remote possibility as to any conspiratorial activity and we would certainly have examined the whole range of our own Government's activity in assassinations.

Q. Looking back is it possible to adequately investigate the conspiracy aspect of this case without this type of information which you did not have at the time?

A. Well, my problem with that is that I think your question assumes that there was some kind of conspiracy at the end—

Q. No; it is not meant to make that assumption. Regardless of whether at the end you would have found the conspiracy or not, can you say that it has been adequately investigated without the kind of information that you did not have at your disposal?

A. Well, we certainly could not investigate the things that were withheld from us unless we just happened on to it in some way and apparently that was quite skillfully withheld from many people in the Government and the press and everybody else for a long period of years.

Q. As I say, we will get back to that area in a little while.

Would you describe for us the communication that existed between Chief Justice Warren and yourself?

A. Well, I think that it was every day; practically every day. When the Court was in session he would come over afterward or before and then he would have a short period of time with me. I never dealt with him on the basis that he could run the Commission by himself. I didn't conceive that my responsibility and he didn't either in all my dealings with him. If there was a problem, oftentimes he would deal with the housekeeping aspects of the Commission and in broad terms tell me to go ahead on certain matters or if they were small or if they were of any importance he would take them up with the rest of the Commission. He never gave me any instructions that were just his own.

Q. How knowledgeable was he with respect to the day-to-day operations of the investigation?

A. Quite knowledgeable in that he asked me and I tried to report to him. He would go around to various members of the staff and ask them how they were getting along and so forth. He didn't try, that I know of, to inquire about how their work was progressing in such a way as to sort of look like he was checking up on what I told him or anything like that but I tried to give him a daily progress report of how things were moving and what was immediately ahead of us, what hearings we should be involved in, how soon and all of that kind of business.

Q. As to the substantive decisions with regard to the actual running of the investigation, did you make most of those?

A. No, the substantive decisions were all made by the Commission. I would recommend. I didn't have authority to execute on my own.

Q. What communication existed between the Commissioners and yourself?

A. Well, sometimes the different Commissioners would ask me about certain testimony in a hearing, they wondered what this meant or that meant individually or they would make their own comments what they thought of it. Generally we had a meeting and the Commission was told informally about how things were progressing and if they had any doubts any one of them would say so and generally they didn't. They didn't complain about anything and wanted to go ahead and get done.

Q. How often did you meet with them, approximately?

A. I don't know. I think that is all of record, but I would have no idea.

Q. In your opinion were the Commissioners as a group knowledgeable about the facts in this case?

A. Yes, they were. It has always been my opinion that in light of the responsibilities they each had and the work that they were involved in in the Government that they devoted much more thought and time to it than I ever expected they could, and that is not revealed as much by the record as by the fact of what happened because there were quite a few times that Senator Russell was not able to attend the hearings, and he was so disturbed about that at one time that he spoke to the Chief Justice and said maybe he should resign because he was not able to perform his responsibility as he wanted to in accordance with his concept of his obligations. The Chief Justice was disturbed about that and spoke to me and asked me to see him, and particularly with the idea that if Senator Russell resigned it might appear that there was disharmony in the Commission and that he felt things were not being done properly, and therefore that was the reason for his resignation and even though he would say otherwise and try to make it as clear as possible, it still would be read into it by the press and commentators and so forth.

So, I went to see him. I had always had a relationship with him personally, so that he was completely frank with me. I went to his office and he told me about the disturbance with the work he had, the Armed Services Committee and civil rights and other things that he was active with in the Congress and the Senate, that he was not attending the Commission hearings as much as he wished he could, that he had difficulty reading the transcript because he had to read all these other things every night and he hardly had enough time during the nights to get this done.

I asked him whether there was anything about the way the Commission was being run or anything that I was doing that was not satisfactory and he assured me that he was entirely satisfied, in fact was pleased with what he saw, but he was not participating enough. I told him about the problem that if he should leave the Commission how it might be misunderstood by the country and by people regardless of what he said, and he said: "Well, I recognize that. I don't want to do it, but I have this problem."

I said, "Well, what if we supplied you a lawyer who would attend the hearings just like you would and would read the transcript and try to make the digest for you and keep you fully informed?"

He said, "Well, then I will stay on if you do that."

I said, "Well, we will undertake to do that." So we did.

Now that is an example. I think that they showed a familiarity with the record of the hearings and the progress of investigation that I was impressed with. When you consider what else they were doing it is just the most remarkable thing. I often wonder why we would have a committee of personalities that were so involved that they had before they were appointed to the Commission anything. They had more than enough to do in all of their assignments but I recognized that the President was very wise in selecting someone that represented the various constituencies that they did and had shown competence in government and knowledge over a long term of years. I just felt he was in the dilemma of picking someone without those qualifications who had more time and, it has been my experience in life, that some of the busiest people perform the best.

Q. Were you totally satisfied with the performance of the Commission?

A. Yes. I had no problem in that regard at all.

Q. You have told us that you would present recommendations to the Commissioners and then they would make the decisions. Were there instances where they rejected your recommendations?

A. I don't recall any. I think that the only time we had a serious problem in that regard was whether we should accept the assurances of the FBI about whether Lee Harvey Oswald had been involved with the FBI as an agent that was concealed by a number or some other method in their system and I think—well, I was disturbed by it myself and so I may have caused some of the difficulty because it presented serious problems to me and I related it to them and tried to analyze it for them and they recognized those problems and then tried to consider the alternatives and I think everybody finally concluded that J. Edgar Hoover would not swear to a lie.

Q. In that case, did they overrule your recommendation or was there a recommendation by you in that area or in that instance?

A. I thought that that was the best we could do, was to get that. The Commissioners had some problems about my temerity in insisting that J. Edgar Hoover come and swear to it. They thought that was almost *lèse majesté* to treat Mr. Hoover that way, but I told them I thought the record would be seriously incomplete without it and I didn't care whether he was angry with me or the whole Commission because of it and that we should do it.

Q. Speaking of specific members of the Commission, over the years a number of them have—some publicly, some privately—made statements expressing a degree of doubt as to whether there might have been a conspiracy in this case. Specifically, I speak of Senator Russell who made a public statement to that effect, and I think that it has also been stated that Representative Boggs expressed some doubts. Do you have any recollections of conversations you had with them or statements they have ever made to you about their doubts with respect to a conspiracy in this case?

A. Well, the only doubts that any of them expressed that I recall were at the time of the draft of the report about conspiracy, and I think that we tried to be very careful to make the report clear that we had found no evidence of a conspiracy. We did not ever claim that we had proved a negative so that a conspiracy could not have occurred

that we could not find any evidence on. When the Commissioners examined that carefully, I think my impression was that they were all willing to accept that, that that is something they would agree to and would not dissent from or want any minority report and they so voted. They were unanimous on that.

Now whether or not from the other side they were assured that there was never going to be discovered that there was a conspiracy, I think that is all they were ever talking about and that is all they have ever expressed to me, that, well, you have not proved that there was no conspiracy and we didn't claim that they did.

Q. Do you have any comment to make on the statements that President Johnson is quoted to have made after leaving the Presidency to the effect that he believed there was some kind of a conspiracy?

A. I would like to see the quotation. I don't believe he ever said that. I don't think he ever said that he thought there was a conspiracy. He may have said that he was not satisfied that there was not a conspiracy. Do you have the quotation on that?

Q. Perhaps if we take a break we can provide for you some notes we have from the reporter Howard K. Smith who provided us notes of an interview that he had with President Johnson in which I believe the President stated that he felt there was a conspiracy. When we take a break, we will try and provide that for you.

A. Was this from a telecast or some notes that he had that he never gave on television?

Q. As I understand it, it is notes of an interview but it never appeared in any televised program.

A. I would not have much confidence in it then. If he was not willing to put it on the air, I would not believe it.

Q. Dealing with the Commissioners, I have showed you prior to taking this deposition these two documents for the record. One is dated December 12, 1963, to Mr. Mohr from Mr. DeLoach, subject: "Assassination of the President." The second is dated December 17, 1963, again from Mr. Mohr to Mr. DeLoach, and that states, subject: "Lee Harvey Oswald Internal Security"—the letter "R," and then it says under that "The Presidential Commission."

You have had an opportunity to look through those documents?

A. I have.

Q. The memos indicate that Congressman Gerald Ford who was a Warren Commissioner on at least two occasions went to speak with Mr. DeLoach and provided him with information as to what was happening during internal Warren Commission meetings, what opinions were being expressed by different Commissioners, general information such as that, and Mr. DeLoach indicates that these meetings were meetings between himself and Mr. Ford, and were to be kept in the strictest confidence.

At the time that you were serving on the Warren Commission staff, did you have any knowledge that Mr. Ford was meeting with Mr. DeLoach?

A. No; I had no knowledge of such meetings and I had no knowledge that they occurred now. I don't accept those memorandums as the truth. I would like to know what the former President of the United States says about the matter before I would believe him, par-

ticularly in light of what has happened in the Bureau in recent years, and I would like to see the memos associated with that and around it that may have been withheld.

Q. Let me ask you this. You have had an opportunity to look at these memos, and I will let you read them now if you like. The information attributed to Mr. Ford describing Commission activities, to your recollection is the information correct?

A. I have no personal knowledge of Warren Olney's being considered as General Counsel for the Commission. I heard about it afterward, but that was what somebody told me. And I don't know anything about this meeting when he says that it purports to say that former President Ford objected to Dulles and Boggs. I don't know anything about that. I never heard about it until I read this memo, so I don't know what the facts are.

I don't think this memo of the 17th is accurate. I don't understand it the way it reads because it is my impression now that there was not a question of preliminary release. The FBI report had already been leaked at that point and so it does not seem to me the Commission ever had the question of whether it was going to release the report. Can you refresh my memory? Had it not been leaked before the 17th of December?

Q. I am informed that it had been leaked prior to that.

A. I am sorry to interject that way, but I can't answer your question very well. That was my impression. So the Commission didn't have the problem of whether they would release it, it was already out, and it is a question of whether they would repudiate it or say that that was a valid report, they would rely on, and it certainly made it plain that they did not rely on it.

Q. Let me ask you this. Accepting your statement that you have no knowledge of such meeting and do not accept these memos as being accurate, if there were any meetings between any member of either the Warren Commission staff or any of the Commissioners themselves in which that person provided information to the Federal Bureau of Investigation relating to internal Commission matters, would you consider that significant with regard to the conduct of the Commission's investigation?

A. My problem would be what kinds of leaks were there—you certainly understand, I am sure, and Congress would certainly understand—but I could not tell any member of the Commission that they could not talk to whoever they pleased about the work of the Commission. They were free agents, they were powerful men in the Government, and my task was not to tell them, "I am telling you what the Commission is going to do and don't you ever tell anybody," and so forth. I just didn't conceive that I had any such right. On the other hand, if there was information being furnished to the FBI that might alert them to ways of trying to defeat the investigation, I would certainly be shocked and angry, and try to do something about it.

Q. That is what I am referring to, that—as you have already stated in your statement—the Commission was engaged in making certain decisions which affected the FBI. For example, what to do about the allegation that Lee Harvey Oswald was an FBI informant and what to do about the fact that Agent Hosty's name was not in the list of

names provided to you from the Oswald notebook, considering that the Commission was engaged in making decisions regarding the FBI. Would your opinion be that the FBI was being simultaneously informed of what the Commission was saying, the decisionmaking process, what the different opinions were of different members of the Commission with respect to these questions pertaining to the FBI? Would that be a problem with regard to the integrity of the Warren Commission investigation?

A. Well, I think you are asking me to assume an awful lot that I am not sure ever happened. You see, these memorandums don't show anything like that as I read them. They are very preliminary from on December 12 and 17. Where are all the other memorandums that show the other information that they got or did they get any other? I am assuming you are not withholding anything from me so if they didn't get any more than this, this is not much of a leak. Do you follow me?

Q. Yes.

A. If they did get more, they are not telling us. On the other hand, to try to respond to your question, if what we were doing was leaked in such a way that whenever we got something that might help the Commission with its investigation but might reflect adversely on the FBI that was communicated to them so they could try to do something to prevent us from getting it or hinder us in some way, then I would have brought it to the Commission's attention and the President himself if I had to. I would not have hesitated but I certainly would not assume that from this memorandum.

Q. OK. I should state for the record that we do not at this time have any other memorandums which we have not provided to you in this area. We are showing you what we have.

A. I assumed that and I don't in any way reflect on you about it but the mere fact that you got these two and no more would either presumably be the FBI does not have any beyond that which is December 17 or that possibly they are lying about it and I don't say they are, of course.

Q. Another Commissioner was Allen Dulles who had been the Director of the Central Intelligence Agency prior to serving with the Commission. What effect, if any, did Mr. Dulles' prior service with the Central Intelligence Agency have on his ability to serve as a neutral member of the Warren Commission?

A. Well, we assumed at that time that he would be a substantial asset to the Commission, that if there was any tendency of the CIA not to cooperate fully or help the Commission in the investigation that he would see that that did not continue and help us to get everything available. It would appear now assuming, and I don't know this, that Allen Dulles knew these things about the activities of the CIA and with regard to assassinations that have been revealed by the Senate committee that he helped to withhold the information or at least did not disclose it, assuming he knew it, so as to assist us in our investigations.

Q. Looking back now on the various actions and statements by Mr. Dulles when he was serving as a member of the Commission, do you recall him either pushing the investigation in any directions or trying to restrict it from going into any areas?

A. My impression, looking back on it, is that he never at any time indicated any reticence about investigating or searching for evidence as to conspiracy, either domestically or foreign, that he was completely cooperative in considering any material that we had and trying to follow it down and search out for the truth on it.

Q. Was much use made of his prior Central Intelligence Agency experience in determining what areas the investigation should go into and what techniques it should utilize?

A. Not very much. We didn't want, or I didn't—I can't speak for the Commission but I didn't want to be controlled by any member of the Commission as to the areas we would go into. I felt that our duty was to be exhaustive in regard to every possibility and I didn't want to ask for any assistance that might be something that I had to climb over later in the nature of suggestions that might be opposing and so I didn't ask that type of suggestions from any Commissioner, urging all the time that we investigate every place and never meeting any objections to proceeding.

Q. According to Senate testimony Dulles personally authorized the Castro assassination plots in the fall of 1960. With that in mind do you think that his presence on the Commission and the fact that he never informed the Commission or the staff of his knowledge of this type of CIA activity—do you think that there were other areas that he in any way could have affected by his lack of candor of the staff?

A. Well, in the first place I would not believe that Mr. Dulles did authorize such action from anything that I have seen or that I have heard. My impression of the materials that I have been furnished by you with regard to the report of the Senate committee in its investigation is that there is a considerable amount being withheld and there may be a lot of false testimony in some of the information furnished in connection with what they describe as the eight assassination attempts.

To me as a lawyer in my experience in life for a good many years I have the impression that where they felt that you had some other information or the Senate committee had some other information like an Inspector General's report or other things that they could not avoid, you got something out of them and there is a vast amount that they either are not telling or they are telling their own version of the way they want it to look and I would not rely on any of it. I don't mean that you have not gotten some material but I don't think you have gotten all of it by any means.

Q. Could you clarify your last statement to us as far as who would be manipulating the data to which you are referring?

A. I don't mean that this committee or the Senate committee are manipulating anything. You are trying to get, I assume, the truth just like I was in my investigation but the witnesses, it appears to me from reading and having read hundreds, maybe thousands of records in my professional life, were not frank and open about their disclosures and they have problems that you can readily recognize about personal liability for some of the things they were engaged in and all of those things so that they have all kinds of possible motivation

to not tell you the whole story and it seems to me it is replete with possibilities of that kind.

Q. So you are suggesting that testimony to the effect that Allen Dulles was personally responsible for the Castro assassination attempts does not convince you that that was actually the fact?

A. That is true. Now just think. Allen Dulles is dead; he cannot say a word about it, poor fellow. The fellow that did anything about it has to have somebody to unload it on so he passes it up to the dead man. How convincing or credible is that? That is the kind of record you run into all the time.

Look at Mr. Hoover. Everything that happened Mr. Hoover did. Anything now that anybody living can point to, that is criticized. Maybe Mr. Hoover did do it, but it is certainly an easy way out. Why should I believe that? In the experience of life I think any jury would have difficulty with it. It could happen but where is the memorandum, where is the paper?

You have got testimony of people who have every interest to point the finger at somebody else instead of taking responsibility themselves. I note that they didn't say the President approved it. Why didn't they? Well, that would be going pretty far but there is not any kind of paper to substantiate any of that stuff.

Q. Moving to another area, would you tell us what you felt were the pressures that were on the Commission, the Commission staff, in 1964?

A. Well, let me try to do it first with regard to the Commission. The Commission had a general responsibility to the people to try to find the answers with regard to who the assassin was, what Ruby had to do with it and whether there was a conspiracy. It also had an obligation to do it as promptly as possible because the entire country was disturbed by this and it had its impact in foreign capitals throughout the world, too.

A large part of the people, the world, were greatly disturbed by President Kennedy's death and the disturbance continued from there. Many people were unhappy about it and the fact that this man with so many aspirations for the country, for the world, had had his life terminated and I think the Commissioners felt a heavy responsibility in that regard. The staff were involved in doing the work and I felt that they were dedicated. I never found any of them, any single one, that indicated that he was looking for something other than the truth and I was exerting pressure on them all the time to get along with their work and not do any loafing or neglect their responsibilities.

My experience in working with people and lawyers, too, is that they are not always motivated to go to work 8 or 10 hours a day and do it every day without some prodding. Days are different and how they feel about it and so forth. I had to keep after them and I did and I always checked constantly about whether they were getting the preliminary investigation, whether they had read the FBI reports, Secret Service or other intelligence agencies and what they had done about personal interviews, whether they were prepared to have a hearing and how soon if they were not presently and I exert the pressure about that.

There was talk about trying to get the report out. I was told, as I told you, that it would only take 3 months for my job in the first place

and then we were going to try to get it out in 6 months and that seemed obviously impossible soon after I got there and then we were under the time pressure to try to get it done within a year as a reasonable time. A great deal of pressure came from the press and the public who wanted to get an answer to some of these questions.

I felt that we were spending a considerable amount of money but no one ever raised that question except myself. On the other side of that question I told the Chief Justice and then the Commission that I thought all of our appendixes should be printed, all of the basic material we had, and I asked the Printing Office what it cost and they said something around \$1 million or thereabouts. When I told the Chief Justice that he was very much shocked. He said, "My, we can't spend money like that."

I said: "Well, I think the report without it is not going to have the validity that it will have if it is supported and people can check out what we did."

He said: "Well, that is up to the Congress. I don't know whether they will approve anything like that or spend the money. You better go talk to the other members of the Commission."

So I went first to Senator Russell and told him what I recommended strongly and why. He said, "I agree with you." He said, "How much is it going to cost?" I told him about \$1 million and he said: "Go right ahead, don't worry about it. We will get the money for you."

I said, "Well, what about my talking to Congressman Boggs and Congressman Ford and Senator Cooper?"

"Don't worry about it. I will talk to them. We will get the money. You go ahead and do it."

I went back to the Chief Justice and we all agreed that is what we would do.

So I did exert considerable pressure about not dillydallying when we had gotten down to a place where we had exhausted our various leads and getting started to write. Like I told you before, some seemed to hang back about ever getting started writing and they had good minds, their investigation was good, they saw their materials but just write it out. Even to make a draft seemed to be hard for some of them to do and finally we had to do the writing for some areas for their materials and put it together and then rewrite it and so forth and have them read it and make any suggestions or changes and corrections and so forth.

I feel that we probably could go on for 20 years with such an investigation and keep on trying different leads but you know that is not practical in the Government and I could not recommend anything like that. It seemed like we should get to a place where we did the best we could with the leads we had and the information we had and then report to the people and let them have a judgment about what we did.

Q. At the time did you feel that you had adequate time to investigate the case?

A. Yes; I did. I felt that we had done everything reasonable from the information that we had obtained. The only area I was bothered about was the conspiracy and then I was always fighting with that idea of trying to prove the negative. I knew better. I knew that you

can't. It was always possible and it is possible in the next 100 years that somebody will come out and actually be able to show that there was some conspiratorial action but that seems to me to be a question of proof. You have to present the evidence that is credible and I don't think there has been any so far.

Q. Looking back today with 20-20 hindsight, was the time devoted to the investigation adequate?

A. Well, I think so. Certainly it would not have been adequate if we had gotten this information that you have about the CIA's activity and FBI's knowledge of it and so forth. I am sure there would have been quite a serious upheaval in the Commission and the Government and everything if they had known that that information was withheld and I am confident the President would have been active in that area if he had known that.

Q. Were there any political pressures applied to either the staff or to the Commission?

A. No. Nobody was ever selected on the basis of political activity or background. I didn't even know what party they belonged to or didn't belong to. Nobody ever indicated any political interest from the President on down. If you mean by political whether there was an active interest in trying to get a report to the people, there was that by all the Commissioners.

Q. What about a political pressure with respect to finishing the report by a certain date prior to the election, prior to the convention?

A. Well, in my opinion—you are talking about November?

Q. Yes.

A. There was never any chance. Now maybe other people saw it differently but as soon as I saw the size of the job, we could not meet that kind of a deadline.

Q. I mean November of 1964.

A. Yes. As I said, I was told it would only take 3 or 4 months when I came down and as soon as I saw the size of the problems and the job and started outlining the areas I knew that was unreasonable and I always thought if we could get it done within about a year, by the end of 1964, that we would have accomplished a great deal but I never had that as a target date. I think everybody on the Commission wanted it done as fast as it could be done properly. They all had more than enough to do without this.

Q. Did the Chief Justice give you a date and say this is the date I want that report finished by?

A. Well, he gave me a number of times, that we certainly ought to be able to get this out in a couple of months now and then he gave me another couple months and we went on that way. I would just tell him it is impossible, we have got too much yet to do. We had to go through or I would not have had anything to do with it. I would have resigned. We had to go through and run out our leads and complete our various areas and feel that we had done all we reasonably could.

Q. We have, as I am sure you know, taken testimony from other members of the staff.

A. I have not seen any of it.

Q. A number of them had testified to the effect that the Chief Justice had made it clear to the staff that he wanted the report finished

before the November election. Do you recall any admonitions from the Chief Justice that it must be finished by that time?

A. Nothing like that. I think he did say that it would be better for the country if they didn't have this problem about what our report was going to be before the convention so that that would not be something that would be brought up and be made a political issue or anything like that. I never thought there was any prospect of that. I never indicated to them that they had to meet any such deadline or anything like that, it was impossible. If you look at the progress of our work at that point, you know that we just weren't far enough along for anybody to believe that could happen. I think it was just something to use as a prod to push us along and try to make us get our work done.

Q. Let me refresh your recollection. The report was finished before the election in fact. The election was in November of 1964 and the report was finished in September of 1964. It was finished before the election but after the political conventions.

A. I know it was after the conventions. When were they, in July?

Q. Yes. I am just wondering if you are mixing up the conventions with the election.

A. September 24. When was the election? The election was November 4?

Mr. EWING. Yes.

By Mr. KLEIN:

Q. So in fact the report was completed before the election.

A. Yes.

Q. Now refreshing your recollection on that, do you recall whether there was pressure to finish the report before the election which is in fact what happened?

A. I don't remember if it was the election that was involved. I have a strong recollection that we were constantly exhorted to get along with our work and get it done. I don't remember talk about anything about the election being involved but I do remember about the conventions that it would come up and be an issue and controversy and one party against the other and so forth. At least it could be talked about and so we ought to try to get it out before that and that was impossible, and I told the Chief Justice. I don't think there was any pressure because of that and I don't remember the discussion of the election as a date to me with the staff but I know that I had to urge a number of them to start writing and not just let it drift from day to day because we just could not have that.

Q. With respect to pressure, was there any discussion between either yourself and the Chief Justice or yourself and the Commissioners or yourself and the staff members about the possible repercussions should your investigation determine that there was a conspiracy involving some foreign country such as Cuba or the Soviet Union?

A. Well, I think we had some discussions on this in the staff—I don't remember the Commissioners—in which it was speculated about if we find a conspiracy with the Soviet Union involved or Cuba and so forth, what is going to happen or somebody in the Government. We said that is not our problem, we will find it and tell the story no matter what happens, and they all agreed that was our job. We could all

speculate on what a mess it might make in foreign affairs or domestic.

Q. The knowledge of the grave repercussions which could result—if, for example, the Soviet Union were determined to have been involved—did that knowledge affect the investigation in any manner at all?

A. I didn't observe that it did in any way. It seemed to me that maybe it is because quite a number of our people were young but they were eager to get the information and get it out and didn't care who it hurt or helped. Maybe that is youth and a lack of recognition of all the hazards but I think they also recognized that any withholding would be very damaging to any of the staff or the Commission forever with the public; their reputations would be destroyed.

Q. Were there ever any discussions with the Chief Justice about possible repercussions should the Soviet Union be involved?

A. No. I never had anything from him except find out what the truth was.

Mr. KLEIN. Maybe we should break for lunch now.

[Discussion off the record.]

Mr. KLEIN. Back on the record.

By Mr. KLEIN :

Q. Was the course of the investigation in any way affected by the feeling that it was important to allay public fears and a smooth transition of government and the possible thought that finding a single assassin who acted alone would facilitate this?

A. Not to my knowledge in any respect, either by the commissioners or myself or by the staff.

You have got so many things in there that I don't know what you are trying to get at but you just got too many things in there, I can't separate them out.

Q. I will make it simpler.

Would you say that—

A. Allay public fears, of course there was an interest in the Commission particularly and the staff, too, that the public learn the facts, whatever they were, and the mere fact that they didn't have anyone to look to to get the whole story seemed important with regard to the public being disturbed about the situation. I assume that is why the President appointed a commission.

Q. Did you ever have an opportunity to speak with Robert Kennedy relevant to the investigation?

A. No. My only contact with Robert Kennedy was when he made arrangements to have the testimony of Mrs. John Kennedy and he went with us to take that testimony and I think that appears in the record.

Q. Did you ever speak with President Johnson?

A. Yes, but I never discussed the assassination with him.

Q. Or the investigation?

A. I told him that we were going to come up there and deliver the report and made the arrangements in that regard and that is all. He never tried to directly or indirectly interfere or say anything that I knew of about the Commission's activities.

Q. Showing you this document which consists of a first page which is a memorandum from Mr. Belmont to Mr. Evans, subject: Assassination of President Kennedy, and the second and third pages are a memo-

randum from Deputy Attorney General Katzenbach, and the date on both documents is November 25, 1963, have you had an opportunity to read the Katzenbach memo?

A. Yes, but I never saw that before. Mr. Ewing I guess gave me a copy to look at, or you did today, I don't know.

Q. At the time you were general counsel for the Warren Commission you had no knowledge that Mr. Katzenbach had written this memo on November 25, 1963?

A. I don't recall it at all.

Q. In this memo Mr. Katzenbach indicates that he believes that "the public must be satisfied that Oswald was the assassin, that he did not have confederates who are still at large, and that the evidence was such that he would have been convicted at trial." The memo, as I said, is dated November 25, 1963.

Were you ever aware of any pressures either on yourself or on the commissioners from the Department of Justice to put out a report this early saying that Lee Harvey Oswald was the assassin?

A. No, there was not any such pressure. I know there was not. I don't recall ever having a communication with Mr. Katzenbach or anybody from the Department that they ever had such ideas.

Q. Do you think that now upon learning of Mr. Katzenbach's beliefs in this memorandum dated November 25, 1963, that this belief which the Deputy Attorney General had in any way could have affected your investigation?

A. Well, I am sure it didn't and if anybody had given me that kind of a memo and told me that was my job, I would never have taken it. If I had gotten it after I started, I would have resigned.

Q. You touched earlier on the subject of a decision not to hire independent investigators and to rely on the existing Federal agencies.

A. Yes.

Q. Again using 20-20 hindsight, was that a good decision?

A. Well, I think it was a good decision without this element of dishonesty as far as withholding information, evidence by CIA action and FBI, and so forth, as they knew CIA action. Even with that I think the problem of trying to establish an independent investigative staff is overwhelming and when you consider the man-hours of the intelligence community of the Government that we used, I don't know where they would be available in the country and I am sure that you would not have the competency of the best men that the Bureau had when I knew it in the Department of Justice and the assistance of the Secret Service and the Army and all the various intelligence agencies. If you try to put that together, I doubt whether you could find it in all the peace forces of the country and I don't mean to denigrate them at all but when you take the number of people that were used on this investigation and the man-hours and all, it would take a tremendous staff just in personnel let alone knowledge and ability of investigations. Then we used, as is obvious I think from our report, various members of the intelligence community from different agencies to check up on each other and they resented that but I think it helped us.

Q. Were you aware whether there was any communication between the different intelligence agencies which might have somewhat limited the effectiveness of using one to check the other?

A. No; I was not aware of anything like that. I did know that at times there was—I heard that there was criticism by either generally the Secret Service against the FBI for making them look bad about some investigation that was not as complete as they had done but not anything that would be of the character of trying to compare notes in advance or anything like that. I felt that there was a deep resentment by the Secret Service against the FBI for making them look bad and by the FBI against the Secret Service for vice versa.

Q. Was there ever any consideration to using the Federal agencies by hiring some investigators of your own, sort of a combination, make use of the Federal manpower but also have some independent investigators?

A. Well, I gave some thought to that and I finally concluded that I would lose more than I would gain, that the whole intelligence community in the Government would feel that the Commission was indicating a lack of confidence in them and that from then on I would not have any cooperation from them, they would universally be against the Commission and try to trip us up.

Q. How would you characterize the Commission's relations with the Federal Bureau of Investigation?

A. Well, they were fairly good at first and then as we became more critical at times and the Hosty incident came up and the question about Oswald and the Director being required to swear personally about whether Oswald had any connection with the FBI and our asking the Secret Service from time to time to investigate things the FBI had already investigated and go back over their tracks, it didn't warm up much at least on a friendly basis.

Q. Did it at any time become an adversary relationship?

A. Well, I went to see Mr. Hoover before we finally put out our report and I had known him when I had been with the Department of Justice for 6 years and always had cordial relations but he was pretty feisty when I saw him; any friendship we had had in the past was not very apparent then.

Q. Did you think at that time that you were getting the full cooperation of the Bureau?

A. Well, I thought so to this extent. I thought they would never lie about anything and that if we had any difficulty it might be that they would not bore in as hard as we would like to have them but I thought we could tell that and insist on either following it up which we did a great many times by sending them back to do it again and to do it more thoroughly or putting the Secret Service to do it and they resented that so much that they were a little more careful after that about trying to be more thorough, and so forth. But to have them just lie to us, I never anticipated that.

The things that have happened in the Bureau in the last few years have been revealed in the press, and so forth. I never thought the Bureau was capable of that. When I was with the Department of Justice I never thought they were capable of it and I didn't think agents would do such things. So I was rather sanguine about that and I don't think the country believed the FBI would do such things.

Q. Were their responses to your staff's requests timely?

A. Yes, I think they were remarkably good. I really felt ashamed at times with that of the demands we put on them. It was beyond any

reasonable requirements or rights that we had and we asked them to work very long hours at times because we were trying to get something done when we thought it was more available and might not be later, things of that type. I think they could have said, "Look, we have been doing a tremendous amount for you and there ought to be an end to this some time," but I never received that kind of treatment even to the last.

Mr. KLEIN. Let us recess for lunch.

[Whereupon, at 1 p.m., a recess was taken until 1:20 p.m.]

AFTERNOON SESSION

Mr. KLEIN. We have just completed a short break for lunch and we will now continue with questions to Mr. Rankin.

[Whereupon, J. Lee Rankin having previously been sworn by the notary public, resumed the stand and testified further as follows:]

By Mr. KLEIN :

Q. You are aware of the fact that approximately 17 days after the assassination the FBI had a report with their findings that Lee Harvey Oswald was the assassin and that he acted alone, is that correct?

A. I am not sure about the time. I know it was shortly afterward.

Q. Considering that FBI was the primary investigative arm of the Warren Commission, what, if any, effect did it have on your investigation that they had already reached a conclusion as to who the assassin was?

A. Well, the principal effect it had on our people in the Warren Commission, including the Commissioners, was that they had already taken their position and that we had to be careful about anything that they gave us.

Q. Do you think it affected the incentive of the people working on this case to properly investigate the areas which you had designated to be investigated?

A. Yes. I think that they all felt that we ought to just take them their report and go on home but we didn't and we just kept piling it on them to give us the information that we wanted from every place we had a lead.

Q. Do you think that this feeling had affected your investigation in any way?

A. No, because we made them go back and do it where we thought it was inadequate at all and we made it plain to them that we would only accept a good workmanlike job. It may have affected our investigation in that they did not do original work to try to find out the information that they would, if it was an open matter and they were just working on it in that manner, I don't know about that, I never saw any sign of it but it is possible.

Q. For example, did you ever have the feeling that if you gave them a particular assignment they would go as far as they had to go to fulfill your request that they might not, but that they might not go into it to a further extent than they might if it were not for the fact that they had already reached their conclusion?

A. I don't think so because I think everybody who worked on the investigation from the Bureau realized that his job and his future

depended upon the FBI's not being criticized because of the way he did his work and I think they were so sensitive to that that it protected us in having them to do a good job because if they slipped and we would point the finger at them and Hoover would be on their back and discipline accordingly.

Q. On the other hand, if by following the leads you wanted them to investigate, they did it with great enthusiasm and found information which led to a conclusion different from the FBI report, might that not also have led to great embarrassment for the Bureau?

A. Yes, that is true, and if they had found something like that, I am sure that if we had received it it would be only after Mr. Hoover had examined it carefully himself and didn't dare withhold it from us. Now that is looking from now rather than at the time he didn't think he would deliberately lie.

Q. Were there ever any pressures from the Bureau to investigate certain areas or not to investigate certain areas?

A. No. Whenever we got critical about anything that happened in the Bureau's investigation, it was obvious they didn't like it. It was a distasteful job but we put it back to them in such a way that they were on the spot and I never saw any sign that they ducked out.

Q. Did you ever get any indications from the Bureau that a particular area should be left alone or you should go easy in that area due to national security ramifications?

A. The only thing that I got that impression at all about what this business about whether or not Oswald had a number as an agent and the Bureau had a system that I think is public now that some agents were identified by numbers or some other system rather than their names and they expressed a fear that covers would be taken off of a good many of their agents if we went down the list and checked every number out to see whether Oswald could be identified and in that process we had to go through taking each number and finding out who really had that assigned and then our whole staff would know every covered agent that they had, as you see. That did disturb them and that is why we finally were willing to take J. Edgar Hoover's statement about that situation. I thought and the Commission thought that they had a pretty serious point for us to brush aside, that we reveal all the covered agents that they had that are identified by numbers to our whole staff and then expect it to not get out so as to destroy some of it.

Q. You are referring to the fact that Hoover had some of his agents, I believe about eight of them, sign affidavits saying that Oswald was not any kind of an informant. Is that what you are testifying to?

A. Yes; and also that Oswald was not an agent.

Q. Yes. In retrospect—

A. You see, we could identify the fact that Oswald was not there on any of their lists, that was easy, and so forth, but when you got into these special numbers then you had to go back and find out who is covered by that number so as to conceal his identity and then you would have all of the special agents that were so covered identified and revealed.

Q. Once again, looking upon that decision with 20-20 hindsight knowing what you know today, do you think it was adequate to allow Hoover to present the Commission with these affidavits rather than having some kind of independent investigation?

A. Well, I think we still, even if we had the problem today, have the dilemma that I have seen in the Government a number of times where, and I see it is involved right now in various areas about the CIA and the FBI and intelligence community whether you want to have a disclosure that is going to destroy any usefulness as far as protecting the national security is concerned and weigh that against what you might get out of it.

Q. Granted that it is a difficult problem, my question still would be looking back on it would you have resolved it in the same manner knowing what you know now?

A. I think I would have accepted it because I think the Commission would have made me because I think in the Government the tendency has been not to make that revelation when it is thought that it might seriously damage the national security.

Q. You are also aware from the materials that we have given you of the letter allegedly written by Lee Harvey Oswald to FBI Agent Hosty which was subsequently destroyed by Agent Hosty. Am I correct that you are aware of this?

A. I am aware that there was such a letter and it was destroyed. I am not aware of its contents because it seems conflicting in your memo as to what the contents were. Apparently the receptionist thought she saw a precise contents and Hosty and possibly others claim that they were different. What she saw seemed to me was much more practical material than the recital of the others and I am aware of what you showed me about that.

Q. What is the significance of the fact that the FBI did not inform the Warren Commission of the letter or of its destruction?

A. I think there is considerable significance. In the first place, Hosty was doing quite a bit of work on the inquiries that the Commission made and if we had known that he had destroyed any of materials relating to the investigation or his activities we would not have allowed him to do anything more that we knew of in connection with work for the Commission. There is an implication from that note and its destruction that there might have been more to it and that the Bureau was unwilling to investigate whatever more there was and never would get the information to us. Now that is just a guess. There is, of course, no credible proof and so we really don't know how much there was to the incident and especially what could have been found out about it if it had been examined closely upon the event.

Q. You are disturbed about the omission of information pertaining to this letter?

A. Of course.

Q. A second incident relating to the FBI was the omission of Hosty's name from a list which was provided to the Warren Commission of names appearing in Oswald's notebook and I believe you were aware when you were serving on the Commission of this omission, is that correct?

A. That is correct.

Q. What are your thoughts relative to that incident?

A. Well, we were very much disturbed about it at the time and it was only Mr. Hoover's assurances about it that sort of made us accept it and that was an entirely different climate. It was a time when I am

sure all the Commissioners and I certainly believed that Mr. Hoover would not do that unless it was the truth and all of the things that have come out in these later years about Mr. Hoover and the Bureau and various personnel had not been made known to me or the public or the Commissioners so it is quite different looking at it from this day than from then.

Q. The omission becomes much more significant in light of other facts which have become known to you?

A. Well, it raises more questions. It does not prove anything. There is no affirmative proof in it. You just wonder whether there are other reasons than mere fact that it was not there.

Q. On a broader scale, the knowledge that you now have that has come out about information omitted that was not provided you by the FBI, does this general fact that this type of thing was going on and at the time you never saw it on the broad scale to which it existed, does that bother you today as to how it affected the investigation?

A. Well, it does in certain areas. It does in regard to the CIA assassination activities and the fact that that was known to the FBI and that they concealed it. Those I think are much more serious than any of these others because that was an act of concealment and it raises the question of whether there are others and whether the Bureau would make a good, thorough investigation of ordinary matters but when it got into something that would involve considerations that appear to be present in those withholdings they are governed by entirely different standards. Even then we don't have anything out of it that shows that there was a conspiracy and I assume that where your staff is checking out all the possible leads on that, then if you had something that was concrete evidence you would have been out with it long before this or somebody would and so it just raises doubts about the way our Government has been conducted and the fact that it seems to be more important to people that they protect their particular agency or Bureau than their own country. It does not prove that there was ever a conspiracy. By that I mean conspiracy to kill President Kennedy. There may have been a conspiracy as far as the Commission was concerned and what they were going to do to it, and it has worked.

Q. Was the possibility ever considered that the Mafia might have been involved in some manner in the Kennedy assassination?

A. Yes, I think that we examined that to a considerable extent in regard to Ruby because he had some background and I don't know whether I can distinguish between the underworld and the Mafia, whether it was—I think the Mafia is limited to certain groups of the underground and not the whole underworld but certainly he had some background with underworld connections and we tried to follow that out in the leads we had. It didn't seem to reveal anything as far as conspiracy was concerned and except for his ability to kill Oswald, Ruby didn't demonstrate any characteristics that you would consider particularly skilled or the type of person that the Mafia would select to be one of their men or assistants or anything like that. So all of those things raised doubts about that.

We also, or I realize and I think everybody did, the problem of trying to prove anything with regard to activities in the Mafia and the fact

that people don't live very long after they testify when they are connected with the Mafia in any way.

Q. Were you made aware that the Bureau had extensive electronic surveillance, wiretaps, on most major organized crime figures from 1959 to 1965?

A. I was not aware of that at all until maybe 2 or 3 years ago and then I heard inquiries about whether or not there were such wiretaps during the time I was in the Department of Justice, it came to my attention. I had been assured by Mr. Hoover and I had been in the presence of Attorney General Brownell when he assured Mr. Brownell that there were no domestic wiretaps, the only ones were foreign wiretaps within the Presidential power which were very limited and only done upon the approval of the President or the Attorney General, excuse me. And then I learned that it was a fact that the Department had departed from that practice and gone ahead and put wiretaps on various personnel that they felt were involved in organized crime and I knew or I was confident that was after I left the Government. That is how it came to my attention.

Q. The conversation you had with Mr. Hoover and Mr. Brownell, when did that take place?

A. Well, I think it was 1956 or 1957, somewhere in there.

Q. And you said you learned later that they did have domestic wiretaps. When was that that you learned that?

A. That was in 1971 or 1972.

Q. And in 1963 had you inquired whether they had any domestic wiretaps at that time?

A. No, I had not. I thought it was illegal and I assumed that they were not doing illegal acts.

Q. Let me make clear that the wiretaps that I am referring to were unlawful.

A. I always thought that they were and as a lawyer in my experience the constitutional law and so forth and I just assumed that the Bureau didn't do those things.

Q. Considering that they did exist and considering the nature of your investigation which was not courtroom trial, had you been informed that the Bureau had this electronic surveillance of organized crime figures, would you have requested conversations recorded in 1963, possibly early 1964, of certain figures?

A. Well, I don't know. That is highly speculative. I will tell you my problem with that would be that I would have on the Commission the Chief Justice of the United States in all of these other Government officials who would be involved in using material that was in my opinion highly illegal, violation of people's constitutional rights and whether I should put them in that kind of a position knowingly would be a serious question. I don't think that their duties as Commissioners would require that they step up and violate the Constitution. I have not ever thought that a man in public office had a duty or a right to violate the law in order to carry out his official position.

Q. My question actually would not involve them violating the law, it would merely violate reading or listening to tapes which were taken in violation of the law.

A. They would be using the product and how could these men in public life justify knowing that that was going on, asking for it and using it?

Q. On the other hand—

A. They stood against that all the way through in their whole life, they are opposed to that type of thing.

Q. On the other hand, it might be that there were conversations relating directly to the subject which you were investigating and which might very well since no one knew what was in these tapes might very well have led to a solution to many of the unanswered questions.

A. Yes; I think that is just like saying it would have been a good thing not to have Castro around and, therefore, you should proceed to assassinate him regardless of what laws you are breaking.

Q. Turning to the Central Intelligence Agency, do you recall who the people were at the Agency with whom you had direct contact in your investigation?

A. No, I don't.

Q. Do you recall speaking to Richard Helms at any time?

A. I know he testified. I am sure he testified.

Q. Do you know if his involvement was more than just testifying?

A. Well, I have, it seems to me, a recollection that he was an important figure in our liaison with the CIA and either we were directed by Mr. McCone or someone else but I think Mr. McCone to deal with him and he would have other people in the CIA that we could then talk to and work with and so forth.

Q. How would you characterize the Commission's relationship with the CIA?

A. Well, it seemed to be very precise and regular, something like you are dealing with another country. Like Ambassadors deal with each other.

Q. Was it an adversary relationship in any way?

A. Not in appearance. It is obvious they were now but from what you have learned they were I think smooth about it. They were polished diplomats.

Q. That would be in as distinguished from your relations with the Bureau which eventually did become strained, is that correct?

A. Yes, there were times when relations with the Federal Bureau of Investigation could be characterized as kind of surly and we were partners of convenience rather than enjoyment.

Q. And although the CIA might have been doing much the same withholding they managed to do it in a friendly manner?

A. Yes; but I really don't think that the Bureau was withholding generally, and to me what the CIA withheld is of major importance because of the nature of the information and the size of it and the whole picture and their intimacy with it, and the Bureau's withholding was of somebody else's activities and not as to anything of that seriousness, I think, as far as I have been able to find so far with regard to their own activities.

Q. When you referred to the CIA's withholding, you are referring to the fact that there were plots to assassinate Fidel Castro?

A. Yes; according to the committee's report.

Q. And you as General Counsel of the Warren Commission were never told of any such plots?

A. That is correct; I never was.

Q. And to your knowledge was the Chief Justice ever informed of such plots?

A. Well, some of the material that I was given indicated that after the Commission had made its report and I had left and all that, the Chief Justice did receive some information from Drew Pearson and he promptly reported to the President, I guess, and the President directed that the FBI investigate it, and they reluctantly did without any thoroughness, without even giving background material to the agents or the people that did the investigation, according to this material that you gave me.

Q. But to the best of your knowledge during the course of the investigation, the Chief Justice had no information pertaining to the CIA assassination plots?

A. He never imparted any to me and I am confident that he never withheld anything from me, so I am sure he would not have, and his reaction when he did learn of it according to your memo is of reporting it promptly to the President is characteristic of him.

Q. You have touched on this withholding by the CIA a number of times today. It was in your opinion a very significant withholding?

A. Yes; I think so, and I think it was selfish, in their own interests in accordance with the information I have which, of course, is not to my own knowledge just what you supplied me from your materials.

Q. You are referring in this case to the materials from the Church committee?

A. That is right. And I think that the only construction you could put on it was that if the country had been informed that they were engaged in this type of assassination plots, that it was very possible that they had caused a reaction from Cuba or from someone interested in Castro or connected with him that caused the assassination of President Kennedy, or that they might have even been engaged themselves in a plot against the President and that that was more dangerous than withholding, and it is very possible the FBI had the same kind of thinking that would be so damaging to the intelligence community and everything that they did and wanted to do, that they didn't dare reveal it.

Q. Is there any question but that your investigation would have followed new avenues had you been informed of what these plots were?

A. No; we certainly would have followed every lead down. I don't want to claim that we would have found something you didn't find or that we could have broken behind the underworld shield of keeping information or all the other problems that are involved in that, but at least we ought to have had the opportunity to try.

Q. Had you known about these plots, might your investigation have focused more on the Agency itself than it ultimately did?

A. Well, I don't know whether I could do better than the Congress has in trying to find out what happens in the CIA.

Q. I am not really asking if you would have been successful but would not have been directed more toward the Agency than it was?

A. I think that we would have been alerted to the type of thing that they were capable of and would have tried to find out as much as we could from them but probably also use all other possibilities to check

them because I think the Commission would have come to the conclusion they could not rely much on anything they did if they had found out that they were involved in the assassination plots against the heads of countries.

Q. Would their relationship with the underworld also have had an effect on your investigation?

A. I am sure that we would have had some effect that would be substantial from learning about that relationship. It would cause us to try to exhaust any possibilities there and also to follow up more on the assumption with Ruby that there might have been some of their connections; that is, the CIA's connections with the underworld that were involved there and the fact that they were involved it seems to me would also compromise almost any of their activities as far as we were concerned because it is easy to see how the CIA could get itself in the position of being blackmailed with regard to law enforcement or its activities by reason of that connection and obligations to it.

Q. In determining whether there was any connection between Oswald who was known to have certain Cuban affiliations and Ruby who was known to have some type of underworld associations, might it have changed the course of your investigation, at least to focus, to know that the CIA with their assassination plots was dealing with the underworld and thereby connecting Cuba with the underworld, the two areas in which Ruby and Oswald each had connections?

A. Well, I think we would have followed up on that and tried to ascertain the extent of such connection, if any. I still see a difficulty in trying to connect Oswald up with Ruby through the Cuban and underworld picture because it seems to me it looked like it could be a possibility from this, but it does not look like you ever get them connected, and Oswald is so foreign from most of Ruby's world, including as far as we could determine that he never visited the place or places that Ruby had, that it is very possible that we would have found this came out to an empty picture, but at least we would have the opportunity to find out.

Q. Let me suggest a concrete example. I have shown you this memo of February 24, 1964, to Mr. Willens from Mr. Hubert and Mr. Griffin. and it concerns some recommendations made by Mr. Griffin and Hubert with respect to freezing certain telephone records.

A. Yes.

Q. Now I will show it to you once more.

A. I am familiar with it. I think you ought to describe it a little more though, how far ranging it is.

Q. It is certainly—well, there are a number of suggestions; I think there is altogether 10 paragraphs, 10 sections. Ultimately some of these suggestions were accepted and some were rejected as far as freezing the records.

A. Yes.

Q. Might—

A. But some of them are so involved so much and such large expense to all of the telephone companies and everybody else that would have to do it that it just seemed unreasonable to try to spend all that money without more justification for it.

Q. Which is the point I am getting to which is that the object of this memo was to see if some connection could be established between Ruby

and Oswald through their respective associates. Had you had some knowledge of the CIA Mafia plots which at least offered a tentative possibility that the Cuban area and the Mafia area might have some connection—

A. This was not just through their various associates. This was through the telephone calls of the various associates.

Q. I understand.

A. Which is more limited. It also involves a more remote prospect, too.

Q. I understand. My basic question is might some of these recommendations which were rejected have been looked at more carefully possibly even accepted if knowledge of the CIA Mafia assassination plots were known to you?

A. Can you refresh my memory as to which ones were rejected?

Q. There were some specific associates or names that were rejected although at this time I can't say which ones and I know the general recommendation that all phone call records from a number of cities, Texas, Nevada, Los Angeles, San Francisco, is all together 11 cities, that those would all be frozen might this request have been looked at in a different light? If more information were known about the CIA's Mafia assassination plots.

A. Well, it might have made a difference. The one about freezing records—that was 11 cities or some such number—is such a shotgun approach to the problem that generally I didn't approve of that kind of an activity because that can involve unlimited expense and unlimited time and no assurance of any return whatsoever. I tried to—I think we had had a followup on the more identifiable and one step could be indicated as being prior associates and having some information and knowing something about them. So I think that it could have had an effect in that while we would not, I don't believe, approve anything so general as that I would have I think been favorable to trying to go specifically into what particular associates might be there that would have any prospect of connection with Ruby or with this problem, the Mafia or underworld and then go on to a particular locality and so forth based on more specific information.

Q. To your recollection did the CIA ever indicate to you, to the Chief Justice, or to the Commission in general that you should not pursue a line of investigation because of national security reasons?

A. They never did to me and they never did to any member of the Commission that I know of.

Q. Did you ever have a feeling that the CIA was trying to encourage you to go in a particular direction in your investigation?

A. No.

Q. Do you recall being informed by the CIA that they had information from a Soviet defector relating to Lee Harvey Oswald in Russia?

A. Yes.

Q. I should inform you that our committee has top secret clearance and has been provided with all materials relating to this defector that you would not be revealing to us any information that we are not supposed to be receiving.

Do you remember the name of the defector?

A. No; I don't.

Q. Does the name Nosenko—

A. No.

Q. Do you recall what you were told with respect to Nosenko?

A. No. I do recall that we heard there was a defector from the Soviet that could give us some information about Oswald, we were very elated. It is my recollection now that it didn't pan out and we became very disappointed.

Q. Do you recall why it didn't pan out?

A. No, you would have to refresh my memory about that.

Q. Before I do that, let me ask you one question. Do you recall the substance of what he had to say?

A. No; I am quite sure there was nothing about a conspiracy. Whether he was supposed to have been an agent or something, I am not sure.

Q. Do you recall whether there was any discussion with the CIA representatives as to whether Nosenko was a legitimate defector? As opposed to being a dispatched KGB agent?

A. Well, it seems to me my recollection that they were quite suspicious that he might be dispatched to carry certain information to cause us to believe that something probably didn't have any truth to it.

Q. Do you recollect any of these discussions?

A. No, but I think that is about the substance of it.

Q. Was there any consideration given to whether members of the staff or your Commission should interview Nosenko?

A. I don't recall any. I don't know whether he was able to speak English or not. I don't really recall that.

Q. I think that our records will reflect that at that time he did speak English and had been interviewed in English by the Agency. Can you give us any reasons as to why your people might not have wanted to interview him?

A. Well, I don't recall whether they wanted to or not. My own reaction is that at that time we did not have doubts about the CIA and we had no one that purported to have still in trying to determine who was a plant and who was not a plant and, therefore, that we would be in kind of discipline act that we had no experience with and we would be lost as far as any skills concerned in the field.

Q. To your knowledge was any information gained from Nosenko incorporated into the final report of the Commission?

A. I don't recall any. See, when we discussed with the CIA people about the problem of whether someone was being planted or a genuine defector and so forth, they purported to give us, maybe it was not valid but we accepted it at the time detailed discussion of how you had to know about things within the Soviet and various matters that you could ask about during the periods of time and activities and who was engaged in them and that whole background of vast amount of material that would disclose whether somebody—what he really knew and what he didn't know and what he failed to know that would reveal what his connections were and whether he actually had the connection and experience in that whole Soviet setup that would verify his story or would promptly show that some of it was fixed that this was special knowledge and that we would be just children trying to make inquiries and could be easily fooled.

Q. Was any consideration given to the fact that although the CIA certainly would be the experts on all information pertaining to Nosenko's background in the KGB and his manner of defection but that members of your staff might very well have superior knowledge as to Oswald and be able to make a more educated judgment on the question of whether Nosenko was telling the truth about Oswald?

A. No; I don't think that is true that our people would be superior in that regard. We didn't have enough information about Oswald at any time to be informed in depth. We had certain things that we had gotten in this period in the Soviet, in this country and in the Marines but all of that was either not very unusual or information that some of it could have been planted on us by Oswald and some of it with regard to his life before he went to the Soviet. You know, for instance, incompetency in regard to language and communication and all of that, his difficulty to explain as compared with some of his accomplishments and it also puzzled us and I don't think that in the time that we studied we could have—I think we have been very conceited to think that we were so experienced that we would know more about him than someone who had spent time with him or knew him from his activities. I just don't think we would have sufficient skill to compare what they might know within what happened in the Soviet and what we knew. In fact, I think all of us felt we didn't know enough about what happened within the Soviet and what was truth and what was manufactured for us and whether he went to the Embassy for ulterior purposes or valid purposes, and all of that kind of a problem, and we frankly told the people in the CIA we knew of no way to break down behind that kind of a society and they didn't seem to be able to either. They didn't have any information to give us as to how they could get more accurate information about what Oswald did while he was there.

Q. Was it your belief that the CIA had any kind of expertise as far as Oswald was concerned?

A. I always had the impression that they knew quite a bit about the history and that they appeared to know about as much as we did about his life. They knew a lot of his background material, about how he grew up, and his mother's problems and his problems and his Marine history and all that kind of business, what we knew about in the Soviet.

Q. If I were to tell you that the person from the Agency who questioned Nosenko about Oswald personally knew nothing about Oswald other than what he read in the newspapers, would that greatly surprise you?

A. It would. Just as much as I, would this memo about the agents going to a lawyer to ask about the conspiracy and not having any background testimony. If you told me that the FBI had operated that way back at this time I would say it can't be, they just don't do that, but it does reveal a lot though that they would do anything like that purporting to think to be helping us and—that is just ordinary homework.

Q. Were you under any impression as to whether the Agency was specifically trying to check out any of the information given to them by Nosenko about Oswald?

A. I got the impression that they were doing that and were going to do it carefully.

Q. I am distinguishing checking out information that Nosenko gave about Oswald as opposed to checking out other types of leads provided by Nosenko.

A. Yes.

Q. Were you of the impression that—

A. I don't want to give the impression, however, that if they concluded that whenever they did conclude, as I recall, they did that he was not a valid defector, that they would do much more than just try not to reveal that they discovered him or found him out and go away but I don't think you can do very much after that to try to learn anything from him.

Q. Would you be surprised to learn that on April 4 the Agency began what they called hostile interrogations of Nosenko and that the first time they questioned him in depth about Oswald was not until July. When did they conclude that he was not a valid defector?

Well, my point is that Nosenko came over in the beginning of February of 1964, he was questioned from February until April 4, and at that time he was not confined, he was not in prison in any manner. Beginning on April 4 hostile interrogations began although it is difficult to say at what point somebody did not believe he was a legitimate conspirator. At that point he was confined, he was imprisoned beginning April 4 and up to that time he had not been questioned in depth about Oswald.

Would that surprise you?

A. Well, it would not surprise me that they would not ask him about Oswald before they had verified whether they thought he was a valid defector. We were certainly interested in that and didn't care about a lot of fabrications furnished us that had been planted—why they waited until July I don't know and I could not tell without seeing more of what happened in that interval.

Q. What was the relationship of the State Department to the Commission?

A. Well, we thought it was friendly.

Q. Do you have any reason now to think it was otherwise?

A. Well, no; I don't. I always felt that by the nature of the things nothing that anybody ever told me that the State Department would not be pleased if we found that the Soviet was involved in the conspiracy to kill the President of the United States or that Castro from Cuba was involved in any such conspiracy. It just seemed to me that that would pretty much blow up foreign affairs and all their former concepts and conclusions, and so forth, but that was just my own thinking, but I didn't think that had anything to do with what we were doing.

Q. With respect to that, was there ever any pressure put on your Commission or your staff by the State Department to investigate certain areas or not to investigate certain areas?

A. No; there never was. Not to my knowledge, I never heard of any such thing.

Q. Do you recall the Commission making a request to the Soviet Government for information about Oswald and his stay in Russia?

A. Yes.

Q. The materials received were documents of a public nature as opposed to, for example, part of a KGB file, their own reports, their own

surveillance. My question is, did the Department of State have any influence in the type of documents you requested or type of documents you ultimately received?

A. Not that I know of. I don't know that they just requested any certain documents. On the other hand, I would not have been surprised that they didn't have anything from the KGB if they asked for it and I would not be surprised that they didn't ask for it knowing that they would not get it any more than I would expect that we would give them anything from the CIA or the FBI that we had.

Q. Do you know if the Department of State had any role in determining what type of documents we should request?

A. I don't think so. I think we asked them to ask for whatever they would give us and we wanted as much as possible and I think we made that clear to them but I do not know—we would not get any more than they wanted us to have.

Q. It is my belief that the request that was sent to the Soviet Government specifically asked for documents that were of a public nature as opposed to saying give us any files which you might have or your Government might have on the surveillance. Do you recall any discussion on what should be requested?

A. No; I don't recall any discussion at this time.

Q. Do you recall the Commission taking up the question of whether the X-rays and photographs taken at the President's autopsy should be seen by the Commission?

A. Yes; I remember that.

Q. And do you recall that the decision was made that the Commission staff would not be allowed to see the X-rays and photographs?

A. Yes; I remember that.

Q. Could you give us your recollections of why that decision was made?

A. Well, basically there was I think it came from the Chief Justice who had received the communication. He related from Robert Kennedy that the family would—either I don't know how it was expressed, either hope or urge or something stronger than that, that the X-rays would not become a part of the official record of the Commission so that they would have to be published which was our public position at the time, anything we had published, and, therefore, the American people and everybody else would remember the President as having all these pictures and the terrible things that he had suffered from the assassination.

Q. At the time did you agree with that decision that the staff should not even be allowed to see the X-rays and photographs?

A. Yes; because they had the testimony of the doctors.

Q. With 20-20 hindsight knowing as you do the great controversy which has arisen over what those X-rays and photographs show, was it a good decision not to allow the staff to view them?

A. I think so. I think they had all the basic information that was involved. If we had it in the record we would have printed them and I think condemnation for that would have been a great furor, too.

Q. Could not some kind of a compromise have been made where one possibility might be to crop them in some manner, another might be to make a special exemption where the staff at least has an oppor-

tunity to see them to question the doctors about them and not put them in the record? Was that considered?

A. Well, I never considered any cropping and I never changed evidence in my life.

Q. I don't mean cropping in terms of altering, I mean simply instead of showing a picture of the President's head so that it would be recognized as being the President it be cut in such a manner that you might see the wounds but not see, say, the face or some distinguished feature of the hair but not in any way to alter the evidence. I am not suggesting that.

A. Well, I never thought of that. I don't think it would work because everything we took out would be the parts that people would say we were concealing and that would be worse I think than what happened, what we did do. There was not anything about the examination of the doctors that could have been added to in my opinion by seeing the X-rays and nobody has come out with anything since people have seen them in my opinion that reveals any new knowledge or any failure to ask questions or anything that does not confirm what we had before.

Q. Let me suggest something to you.

A. Yes.

Q. By questioning the doctors since they were the only ones who had seen the wounds you were restricted questioning with three doctors involved in the autopsy, is that correct?

A. Yes.

Q. If these doctors had made some type of error, maybe not with regard to how many bullet wounds but possibly the location, it would appear that there would be no way that your Commission could have learned of it if the doctors had made an error in that without looking at the photos and X-rays.

A. Well, I think that may be a possibility but it seems to me it is very remote. The men that did the examination on the President of the United States were most able men that were in that locality in that field and their knowledge was more complete than anybody else's and as far as I know there has not been any withholding there and everyone that has looked at them since has confirmed what they said about it so it seems to me the net effect is that both the family and the public have been spared kind of an exhibition.

Q. If I were to suggest to you that the men who performed the autopsy were far from being as you testified the most competent that could have been obtained, why in fact rather inexperienced in performing autopsies, might that affect your answer?

A. Well, I think you would have to prove that before I would—

Q. Connected with the investigation itself your Commission had by law the right to call a witness and if the witness invoked the fifth amendment privilege against self-incrimination your Commission had the power to grant immunity, is that correct?

A. That is correct.

Q. Am I also correct that no witness asked for immunity and it was never, therefore, granted?

A. That is right.

Q. Was there ever a policy decision that no witness would be called who would request immunity?

A. No. We didn't have that problem. We would have to make that decision if any witness had claimed or indicated that unless he was granted immunity he would not testify but we never had the question raised.

Q. Do you recall members of the Commission going to Texas to speak to Jack Ruby?

A. Just one.

Q. Who was that?

A. The Chief Justice.

Q. And are you aware that Ruby in Texas requested that he be brought to Washington?

A. Yes; I think that is true.

Q. Have you ever discussed with the Chief Justice why this request was not honored?

A. I had forgotten about that. You will have to refresh my memory. Do we have any record about that?

Did he continue to ask after or when we were down there, do you remember?

Q. This is a transcript of Jack Ruby speaking with the Chief Justice when the Chief Justice and other members of the Commission—

A. One other member, Mr. Ford.

Q. Were you also present?

A. And myself.

Q. When the three of you went to Texas.

A. Yes.

Q. And that is the transcript that you are referring to that refreshed your recollection?

A. Yes. He asked if we could not come back to Washington and the Chief responded to him as the transcript says, he says we had no power to take him to Washington and we had no way to take care of prisoners. I don't get the impression that he went much further than that—that is, Ruby. He seemed to recognize that that was an answer and that he was not going back to Washington.

Q. Let me read to you just one statement by Ruby and I think he makes this point a few times.

I may not live tomorrow to give any further testimony. The reason why I add this, to this, since you assure me that I have been speaking sense by then, I might be speaking sense by following what I have said, and the only thing I want to get out to the public, and I can't say it here, is with authenticity, with sincerity of the truth of everything and why my act was committed, but it can't be said here.

It can be said, it's got to be said among people of the highest authority that would give me the benefit of doubt. And following that, immediately give me the lie detector test after I do make the statement.

That is from page 169 of the transcript.

Ruby seems to be indicating that he has something he wants to tell the Commission but can't say it in Dallas. Do you have any recollection of that conversation and why even though his statement was somewhat cryptic the Commission would not have jumped at an opportunity to see if he did in fact have anything to add?

A. I remember the conversation now that you brought the transcript to my attention. And I think that the Chief Justice and former President Ford and myself all felt that he didn't have anything more to say, that he just wanted to come back to Washington on the trip and they presented all kinds of problems for us to get him back there and have protection as a prisoner and have jurisdiction over him and take the jurisdiction away from the authorities down in Dallas and it just seemed like it was one of those idle statements that he was making.

Q. Considering the report itself, how was it determined which witnesses to rely on when the Commission came to its final conclusions?

A. I don't understand the question.

Q. The Commission presented conclusions in its final report.

A. Yes.

Q. In arriving at those conclusions it accepted certain testimony as being credible and rejected other testimony. My question is, what criteria was used in determining which testimony should be accepted and which rejected?

A. Well, each time, as I recall, the Commissioners would have a reaction as to a witness from the transcript or from observing him or both when they did observe and they quite readily arrived at the conclusion as to those that they could put any credence in and those they could not. I don't remember any time that there was any disagreement on that about any witness.

Q. In many instances the Commission reached firm conclusions with regard to the testimony. The Commission has been criticized by certain critics as being a brief for the Government position. Was there ever any kind of discussion as to whether the Commission should come out with firm, definite conclusions as opposed to portraying different possibilities, in other words, not rejecting certain testimony sort of possibly ending up with a more ambiguous report but one that would have included testimony that was in some cases conflicting?

A. Oh, there was not any question but what the Commission treated with conflicting testimony and it examined it, commented on it, and said why it didn't accept some. There was discussion about conclusions and when there was doubts a discussion was an agreement that the doubt should be revealed and I think that is apparent in the report. I think if there had been any real differences in judgment of the witnesses and their credibility and those that were worthy of belief and the Commission between the staff and the Commission would certainly come out in some way before or in the preparation of the report or beforehand but there was not.

The only thing that the Commission didn't do was to speculate that if so and so was telling the truth, and we don't believe he was, why it might have turned out this way. We didn't do that kind of thing but I don't think anybody thought that is what we should do.

Q. Was there any kind of pressure on the Commission to come out with definite conclusions, maybe not what the conclusions ought to be but there should be definite conclusions regarding the facts of the assassination?

A. Not at all.

Q. For example, the Commission developed what has come to be referred to as the single bullet theory. Would it have been acceptable

for the Commission not to have reached a definite conclusion as far as how many bullets there were and what individual bullets hit what person or was there some kind of pressure that you have to decide how many bullets there were and what each bullet did?

A. Only the fact. Facts don't leave you anything else as a conclusion. It forces it.

Q. Recent polls have shown that a majority of the American people don't accept the conclusion of the Warren Commission that Lee Harvey Oswald was the single lone assassin of the President. Why do you feel that 14 years after the Commission's report such doubts continue to exist?

A. Well, people don't have much confidence in government today anyway in any level, you know, and that is the first problem. Then the attacks on the report are probably 50 or 100 to 1 and there is no one going out and saying the report is perfect, is right and so forth and every time someone makes an attack on it that attack stands by itself and is not exposed to any cross-examination or public report of the weaknesses in the claims and someone can say over in France that he has got the conspirator, he will tell it to the President alone, and that gets all kinds of publicity over in this country and nobody says how foolish can you be, all those things. So how can you expect any other result? People are entitled to their doubts and most of them have not read the report. If you take a census of those that read the report and what their opinion is, it might be more interesting than to have people that have never even looked at it or cared. I think when you get through and you make your report you will find that the public will be asking the question, what did you do for all this money? And I don't think that will be any fairer than the other response.

Q. To your knowledge what percentage of all files relating to the President's assassination were turned over to the Commission by the FBI? What percentage of the FBI's files relating to the assassination did they turn over to you?

A. I have no knowledge.

Q. Were you under the impression you had 100 percent?

A. You mean today or then?

Q. Today.

A. I don't know that we thought we had 100 percent but I think we thought we had 100 percent of anything that could make any contribution.

Q. Well, you were making requests to them and I assume you were keeping track of what your requests were and making sure you were getting answers.

A. That is right.

Q. Did you have any type of understanding as to whether you would be provided with other files which didn't involve requests that you made but which did involve the assassination in any way?

A. Yes. I had a direct understanding with J. Edgar Hoover that we would have full cooperation. They supplied every assistance they could give to the investigation.

Q. Well, let me phrase it another way. Was it your understanding that while the Warren Commission was carrying on its investigation the Bureau was free to have their own investigation?

A. Yes. Very clearly, and if anybody came to them in any place in the country and gave them any information, and there were cases where they did in any office about the assassination, they were free to take it and get the information and then have it for their purposes and our purposes, too.

Q. The second part of that answer is what I am interested in and that is if some information were given to the FBI and they investigated it, of course, if it came out positive, then I expect that you would have expected to receive that information; is that correct?

A. Well, no; I think that contributing to the investigation would be more than just positive. We had innumerable inquiries that were never positive and they just turned out to be duds but we wanted to know about them just the same. Sometimes we had to know somebody was supposed to know all about a conspiracy and know that it was nothing as well as anything else.

Q. I think you have jumped one step ahead of me. As the first point you would expect to receive all information of any lead which turned out positive.

A. Yes.

Q. And as the second point which is what I was going to get to next, did you have an understanding that if they received a lead, which they worked on and even if it didn't come out positive but they spent considerable amount of time on it that you would still receive information about that lead and about the work they had done?

A. Yes.

Q. Did you have the same understanding with regard to the CIA?

A. Well, I thought we did. We, of course, didn't expect them to have any domestic information and didn't anticipate they would have any volume like the FBI because this is a domestic event, but wherever there was anything that would bear on it in any way, positive or otherwise, we expect them to reveal it and call it to our attention.

Q. This might be a difficult question or one that you don't want to answer, but did any of the Commissioners appear to you to be significantly more informed than the others or significantly less informed than the others?

A. Well, I think there were some gradations of the extent of their information, but as I said before I really was surprised that all of them knew as much as they did about it and tried to become informed affirmatively, tried, as I observed, to become informed as much as possible, and I don't know whether you knew Senator Cooper or not but he was not too articulate sometimes in the Commission and so forth, but it was surprising how he would come up with comments from time to time about the hearing he attended or some transcript that he had read and so forth, and I found that was true with practically all of them from time to time so that even though some of them didn't attend and I didn't try to have them punch a clock or anything about when they came or whether they would attend hearings and why they didn't attend a hearing, oftentimes I knew they were on the floor, both Congressman Boggs and Congressman Ford, and I also knew that the Senators were on the floor at various times just because of reading the papers and so forth, and could not attend. Mr. Dulles

was generally there; Mr. McCloy generally came. I think for a public body they did remarkably well.

Q. What were the circumstances of Senior Counsel Leon Hubert, his disenchantment with the Commission?

A. Well, it came to my attention that he and Mr. Griffin had some differences and I was much impressed with Mr. Griffin's work and his thoroughness; sometimes he was irritating to Hubert about it because he was so thorough and he didn't want to pass any little detail, and I could understand both of their attitudes but I recognized how important it was to have that thoroughness, particularly when you were trying to develop facts and find out what they were in an investigatory manner rather than work with them after they are developed, and later it seemed to me Mr. Hubert wanted to be rather free to have any kind of depositions or hearings wherever and whenever he wanted to, and we just weren't that freewheeling. We had to make some plans and find out whether it was going to contribute or why they thought it would contribute to the investigation so it would have some justification for it. All those things seem to bother him.

Q. What was your reaction to the apparent leaking of that early FBI report?

A. Who could protest against what Mr. Hoover did back in those days?

Q. Did you have the feeling that it was an attempt to preempt the Commission?

A. I always thought it was an attempt, but I felt it never was going to accomplish it because I was not going to get it.

Q. You talked a few times about money and how yourself and the Chief Justice kept an eye on it. Do you recall or did you ever know what the total cost was of the Warren Commission investigation?

A. No; I didn't. I don't think that figure is—I tried to work out a scheme of getting a copyright on it for the Government and I got along pretty well with my Commission on the idea for a while but then I had to present to the Congressmen and Senators the problems that had developed early about the copyright laws and the Government having copyright and the holding of information in the Government by reason of it and that probably was not as a precedent, it was not a good idea, but I anticipate that we would have sales of the report that could run into several millions of dollars and get our money back, but I finally had to give that up. I assume that it could have cost somewhere between \$1 million and \$2 million. Did you see any figures on it?

Q. I have been informed by a member of our staff close to \$2 million.

A. I think a large part of that was the publication cost because of the fact that we had 20 or 21 volumes of appendixes as well as the report itself, and I don't think the Government ever charged its cost for the publication.

Q. Looking again back with 20-20 hindsight, what mistakes did the Commission make?

A. Well, it is clear that it made a mistake by believing that the FBI would not conceal from it. It also made a mistake by believing that the CIA would not withhold information from it. Those were obvious and they could have been material, I don't know, it depends on how you think how material they are, but certainly we would have done much more if we had had that information.

I think if I had it to do today, I would not have had those X-rays published; and if I had a choice between concealing or not showing part of the X-ray and not showing any, I would have chosen not showing any because I think the moment we started withholding anything whatsoever except secret or top secret materials, that we would have no credibility. I think the report, the work that was done, and the form of it and the quality language is comparable to the best, and I think that 15 years is a pretty good period for it to stand up without any serious retraction from it.

Q. Might it have been a mistake not to let Ruby come back to Washington?

A. No; I never thought Ruby wanted anything more than a trip and maybe an opportunity to talk to the President or these Commission officials in this setting, and if we had the information about connection to the Mafia and it had led anyplace, then—or if you had found something that led to some place, then I could say, well, if we had gotten Ruby back here maybe he would have told us, but unless you bring forth something that establishes Ruby had more to say, I don't think it means anything.

Q. Of the five areas one of them was devoted to conspiracy. Considering the many, many, many problems that arise in trying to investigate conspiracy and the many possibilities, in retrospect again with 20–20 hindsight might it have been better to assign more resources than actually were assigned to investigate the conspiracy possibilities?

A. Well, as I recall we really had a double concentration on that because of the Cuban and the Soviet. It was not like one little patch, it was both and I think that we really exhausted all that we had without this new material that you got from the CIA and the FBI knowing about it. Certainly if we had had that it would have bulked larger, the conspiracy area, the examination and the investigation and report and we would have run out all the various leads and probably it is very possible that we could have come down with a good many signs of a lead down here to the underworld. Someplace in Cuba it got down to the end of that and we could not get any more and that is all we could report, at least we would have gone that far. We would have taken more personnel and more work and all the rest. The same would be true it seemed to me as a whole area in the Government that knew about these attempts at assassination, who was involved. It is an ideal situation as I hope I—I was not unfair to your work in connection with that but when I read those reports—it was not your committee but the Church Committee's report—it was an ideal situation for them to just pick out any way they wanted to tell the story and fit it in with the facts that had to be met and then either blame the rest of it on somebody else or not tell any more or polish it off. I don't think that could have happened back in 1964. I think there would have been a much better chance of getting to the heart of it. It might have only revealed that we are involved in all of these things and who is involved in it and who approved it and all that. But I think that that would have at least come out.

Q. Well, that is all I have right now.

As I told you before off the record, another member of our staff wanted to speak to you a little bit but I wanted to afford you an oppor-

tunity now for the hours that we have spoken to say anything that you would like to say.

A. Well, all I have to say is that up to date I have not found any proof in the press or anyplace else that there was a conspiracy and I had hoped that if anything like that had to happen you would bring it all out, lay it on the table and prove it beyond reasonable doubt but I assume that you have not got the proof or any leads that you think are going to take you to that and I think that the Commission did quite a remarkable job. I don't mean by that that I as General Counsel did, I think the Commissioners have always said, felt that they made the decisions, made the conclusions, and it was their work, and they ought to be respected for it.

Q. Are you finished?

A. Yes.

Q. In that regard, I don't know whether I asked you earlier which is exactly what were your responsibilities as General Counsel?

A. I was to see that a report got out and that all of the investigation was completely thorough and exhausted and that we abided by the law in everything that we did and that we had a very intelligent, intelligible report that could be understood not only by the experts, but by the common people and that the Congress and the whole Government and the American people would be pleased with it. That was my assignment.

Mr. KLEIN. That is quite an assignment.

On behalf of the committee and myself also I would like to thank you very much for sitting with us and talking with us.

The WITNESS. Pleased to do it.

By Mr. CORNWELL:

Q. I apologize first. I have been out of the room quite a bit and I just have a few questions but they may have already been asked of you and if they have, I apologize.

A. That is quite all right.

Q. During the early parts of your testimony you expressed the view based on your experience that even though in one sense of the word a price is paid, a sacrifice is made, for the choice of very active, involved men to serve as Warren Commission members, your opinion, based on your experience, is that nevertheless oftentimes the busy people are best, on balance, simply because of their experience, their talents, whatever. What I wanted to ask you was, accepting that as being valid for the selection of Commission members, what is your view as to the propriety of applying that principle to the Senior Counsel?

In other words, if you had that part of it to do over again, would you have people on your staff who were hired with the agreement that they could follow their private pursuits while they were also attempting to attend to Warren Commission business?

A. I think I would. First with regard to the first part of your question about the members of the Commission, I want to also add that it is the industry of people that are busy that I also rely on. My experience in life is that people that are very busy usually do well in anything that they undertake in addition, while people that aren't busy maybe never do anything very well, and so in that compromise you get those benefits and you get the detriments that go with it.

I also felt that these men on the Commission represented enough of the important positions in the political life of our country so that if anybody could be believed by the people when they made a report those people who represent a group that the public would tend to believe and especially being on both sides of the aisle and the Chief Justice in his position and so forth. I thought that would be helpful so I thought that was a skilled selection with benefits and detriments all mixed up in the Commission.

Now with regard to the senior counsel, in recruiting all kinds of legal talent over the years, some 40 years—more than that—I feel that it is helpful to get men of more mature experience in the law to work with younger men. They may not have the industry, they may not work as hard as the younger men but they may have been over the ground and say, “Hey, look, we have been over there, I have been over there, I have been over that, don’t waste your time on that” and so forth. They may have tried cases before and know more about witnesses, know about who is more believable than the younger man, and it would be ideal to hire them. But if you get senior men of maturity in the practice of law and they are available to hire, they probably have not got much of a job and they may never have been successful in the practice, they may be the failures and, therefore, you have got to compromise there again. That is the problem. So in any experience I found that I would rather have maybe an hour’s time of somebody like Bruce Bromley or Herbert Brownell or Nick Katzenbach with a great depth of experience, who is a remarkable lawyer and is very thorough. Few lawyers I know of are as thorough. He is somebody plodding about it, sometimes tiresome but he never misses on some little point that may be decisive. I don’t mean these men who were senior counsel were all in that category at all or any of them but generally I would prefer to have men of such abilities.

Q. So if you had it to do over again you would opt for the same basic selection process for the senior counsel that you used in 1964?

A. I probably should have—there is one member that you can see that did not attend hardly at all and I certainly should have gotten rid of him really.

Q. Who was that?

A. That was Francis Adams and he really didn’t contribute anything.

I had no Blacks except Coleman and I selected him because he was both a Supreme Court law clerk and a fine record I think at Harvard. He was a clerk on the law review and he was a member of one of the big firms in Philadelphia and where do I get a Black that has that much background in those days? So I had to the only way I could get him, he had just gone with that firm just 2 or 3 or 4 years or something like that and he just could not afford to pull out and see what happened to him. Then when I got him, he is a fine fellow, and he is a hard worker and he has a fine legal mind but he had attracted a good amount of Black business into this firm and they want whites all over the place waiting on them. When they first got a Black man that they could take their law business to and so they were constantly calling him back and nobody else to do—now that is not true with a lot of firms. You know in Curvatt or Melbank Tweed of others they have they can

delegate up and down the line without any real difficulty as long as they keep some supervision. But this was an entirely different problem but I could not—I didn't think—feel I should operate without ever asking a Black to be on and then I didn't want just anybody and that was about—I could not name even two or three in the country like that with that kind of a background.

Q. You were asked some questions and discussed at some length the question of President Ford's relationship with the FBI.

A. Yes.

Q. I suppose that at least hypothetically anyone would recognize that in the process of putting together an investigation of the magnitude that you all were faced with, various types of liaisons all of the agencies were necessary in order to make the system work.

Did President Ford, to your knowledge, in any way perform such a function with any part of the FBI?

A. Not to my knowledge. I didn't know about it and I didn't mean to be critical of this memo but I know that when the FBI writes memos when I was in the Department and I understood this and I am sure you must see it, you have seen a lot of the memos, they always write that the FBI way so whether or not President Ford did what he said I would not believe unless President Ford said it or somebody else rather than men in the Bureau, particularly in light of what has happened in the last few years. I think it is *too* one sided.

Now former President Ford might have said something along this line, it might look a lot more attractive to Mr. Hoover to have it in a form where it says he wants this to be very hush-hush between us, he is consulting, he is going to keep right on giving us all the latest dope and here is a wonderful liaison that this man has established with one of the members of the Commission but where are all the other members? For the next so many 200 days or so? That is all I am raising about.

Q. You may already have been asked this question but there were a number of memos written by the staff in the final days concerning the rewrite process. What was the basic nature of the issues during that period? Was it hypothetically something concerning some theory of persuasion? In other words, the way in which you presented what in fact was a unanimous opinion or conclusion or on the other hand was it in fact a dispute over what the facts were and then once you tell me that, what was the source of the decision, who did it come from, who finally decided how to solve those kinds of problems?

A. I finally decided any such issues and in all the cases that I now remember if you can refresh my memory I will try to deal with them, they were only something that I can consider an overstatement of what the evidence showed and then I said it had to be cut back to the point that the evidence would sustain and then Mr. Redlich worked on it, Mr. Willens with me rewriting and so forth and I never said that it would be cut back until I had a hearing in which the person who had letter written it or investigated, sometimes they didn't write, they never got to the place where they would write it up, we had to take their materials and write it up in a few cases at the last because they just could not seem to start to write but those that did write and those that had anything to say about the draft that they wanted it differently

stated were given a hearing at which they took the opposition that we thought required to be cut down, they did that right in front of me and argued it out and if they could convince their version went on the basis that they knew more than anybody else but they had to be—they could not just talk it, they had to produce the evidence. That is the way we worked.

Q. So it was simply a matter of conforming the choice of words to the actual strength of the evidence?

A. That is right, and I didn't want any kind of an overstatement. I wanted everything to be as precise as possible but I don't think there was any real leaning but if there was going to be any leaning it would be toward an understatement rather than an overstatement.

Q. One particular contention in which this problem comes to our attention is the Liebeler memorandums which were written after there were roughly polished drafts and in some cases galley proofs and there are a number of different problems that he focused on in those memorandums but a principal one was of the nature you just described, what he felt according to the memorandums were overstatements of the strength of the evidence on various points. You, I take it, would have often found the same problem that Liebeler did.

A. That is right.

Q. And in what were the final drafts; is that correct?

A. Well, not often but that is the only thing that we did have any difficulty about.

Q. Who prepared those drafts which created the problem of overstatements?

A. Usually the man working in the field. He would overstate it.

Now with regard to Mr. Liebeler you have to recognize that he was an extreme conservative in a rather hot bed of liberals on our staff and he early became disenchanted with some of the others, not really about the investigation but they had a lot of crackpot liberal ideas as far as he was concerned and he had a lot of crackpot conservative ideas, radical conservative as far as they were concerned, and then when they would go to lunch they would go after each other and they would come back and they would not be able to talk to each other for a couple of hours afterward while they were working away and that just hung on and so he got so that whatever he did they didn't think too much of and whatever he saw of theirs he was always critical of.

I thought that I needed that in the staff so that I had some kind of a spectrum in the kind of people and I didn't have just one outlook because I felt that there was a considerable number of people in the country who were liberals that didn't think that anyone like Oswald who was a professed Marxist could ever come to the place of trying to kill President Kennedy who is a liberal. And there were conservatives who thought that this was a liberal plot and to try to blame the conservatives with it and they were both at each other's throats from all our mail and everything all the time to try to show the others were involved in some kind of a conspiracy and trying to plant this on the other crowd. So I wanted to have at least an awareness of that frame of mind and approach on the Commission at all times or in the staff and Liebeler was good for that, he raised it constantly and it kept us from being blind to it. The fact that Oswald tried to kill Walker and

that he could try to even recruit himself into Walker's group was difficult for both of the different factions to understand, how anybody—but it seemed to me that was the key to Oswald's character. He wanted the limelight and if he could not get it with the Marxist position he would get it with the Fascist position or whatever would do it for him and so—but that presented kind of a problem to me about my staff working together and Liebelier tended to be critical and he went so far as during the work of the Commission he grew a beard which was not in the days of beards generally like they are now and it was a great beautiful beard, all red, and it was—it irritated all these opposing groups. Another thing that was bad about him and it irritated, I think, the Chief Justice some but I always said, look, he has a right to have his hair the way he wants it and if he wants a beard, he has a right to that, too. And so we forgot about that but I think that it would have been hard for either one of them to write the most polished, skillful report that could have stood up against the attack of the others and so I had to act as a referee and determine that some of Liebelier's positions were correct, supportable in the evidence and the other I could not support why it had to go.

Q. People who have spent a good portion of their time analyzing and reanalyzing the report over the years and have come to be known as critics have among other things criticized the report in part for overstating the evidence, especially the strength of it as it might indicate there was no conspiracy. Was there any pressure from the Chief Justice or the Commission members from a political perspective in the good sense of the word, international relations or some other sense to write the report that way, to try to be sure that the American public's doubts and concerns could be washed away with the report?

A. None at all. It was a part that I watched very closely myself, that part of the report, although I watched it all but I thought that that area was one that was subject to attack and I thought that we had the task of trying to state clearly what we did have and what we didn't and I think that is what we did.

Q. Why were there no public hearings ever held?

A. There was a public hearing, Mark Lane was there. That was the only one that was ever asked for and he asked for it and some of the Commission members—off the record.

I said, look, we said we would give a public hearing to anybody that asked for it and that is part of our rules and I don't want to be connected with a Commission that does not do what it says. So we had it.

Q. Rephrasing the question, what I really wanted to ask you was why weren't there more extensive public hearings or was it ever considered to wind up the investigation with a series of public hearings at which the evidence could be presented?

A. We never did give consideration of winding up with public hearings in which evidence could be given. In looking at it now—and I think I can recall my thoughts then, I would have been opposed to that because I wanted—I thought we had two tasks. First, I thought when I first was asked to do this job I thought we had an investigating job and I finally worked up to the proposition we had not only an investigative job but a writing job and I wanted the writing to be done with sufficient skill to be a quality document and I thought that it would

not only be read by the American people and everybody up and down the line as far as knowledge and experience and training is concerned but also by the world and the press of the world and so I thought that newspaper accounts of what they thought was important in the hearings would be destructive and I wanted to get it consolidated in one place, then I thought let them work on it as much as they wanted to.

On the other hand, I strongly agreed that if anybody wanted a public hearing he was entitled to it, that this was a matter of his own civil and personal rights and while this was not a prosecution or a court hearing or anything that was the right that I thought the Commission should grant.

Q. What, if any, impact do you think that decision that you all made has had on the long-term acceptance of the report?

A. None. I don't think the public cares about the public hearing except that if they had said it looks like a conspiracy here that would have stuck in people's minds for the rest of the time no matter what was in the report.

Q. You don't think the public would have tended to believe your conclusions any more if they had seen a number of the witnesses testify?

A. Well, you look at the areas of attack. One of them is a single bullet. You tell me how you would present that so as to convince the American public that one bullet went through two men in the way that did. I think it would take considerable skill because it took a long time for the Commission to understand that and they squirmed and squirmed to try to find some other rational explanation and they could not find it and if you tell the American public in a TV session, for instance, or public session that way that there is no conspiracy, that you have not found any, that you have searched out this and that, do you think that is going to convince them? That is not our problem. It is not the fact of whatever is presented in the report, it is all those massive things that come and someone comes from Paris and he says I will tell the President alone, nobody else, who the conspirators are. I've got their names and everything and that is believed in various places in the country.

Q. I understand.

I have one final subject to ask you about. We understand that the Chief Justice as perhaps other members of the Commission was very reluctant to accept the job and that several attempts were made to convince him. What, if any, arguments were used in the process to try to bring him around?

A. I know there were. I know that he turned the job down when the President first asked him to do it. I know that from his telling me and I know that he was finally persuaded to do it by talking to the President in which the President said it is not only important to the American people that you be the chairman because you're believable but in all the capitals of the world where the story is that our Government killed its own President I think you're about the only person that they will believe. If you find that to be not the case and that there was no conspiracy and he says that is terribly important to our country standing its reputation throughout the world because he was firmly opposed to the idea of either the Chief Justice or any member of the court being involved in other activities.

Q. Earlier you were asked questions about a memorandum which Walter Jenkins wrote.

A. Yes.

Q. And in particular a part of that memorandum which referred to several aspects of a potential investigation which would complicate our foreign relations. Do you have any knowledge of whether or not something along those lines may have been said to the Chief Justice in order to get him to take the job?

A. Well, the only thing that I know of was what he told me which was the effect of his being chairman of such a Commission and that that would make whatever was decided by the Commission believable when he knew of nobody else that would have that credibility throughout the world.

Q. You, I believe, testified earlier that you had prior to us asking you the questions about this memorandum no knowledge of the fact that Hoover had that view; is that correct?

A. Yes; that is correct.

Q. And summarily, you told us that up until recent years you had no knowledge of the assassination plots.

A. That is correct.

Q. Let me ask you then, let's assume that because of the lack of knowledge in those two subject matters during the time whatever the Chief Justice might have said to you might not have conveyed this impression but now couch your knowledge of those facts with your recollection of his conversations, did he ever say to you which now looking back had in it an indication that he had received such information himself that the President or perhaps Mr. Hoover or someone else had explained to him there were particular aspects of the investigation which were extremely sensitive and that he should take the job because he could handle those problems?

A. No; not at all and I am convinced that my relationship with the Chief Justice from my working with the Solicitor General with the court and from the first day I acted as General Counsel that he would not have withheld that information from me if he had had it and he would have insisted upon its investigation and I am also convinced that what he did when he heard about that so typical of him I think in 1967 that he said get busy and call the President and get this investigated and he wanted it followed up which is the attitude throughout my work with him on the Commission.

Mr. CORNWELL. I have no further questions. Thank you for taking your time.

Mickey Goldsmith has some questions for you.

The WITNESS. Fine.

[At this point, 4:10 p.m., the proceedings went into top secret session and is contained in a separate transcript.]

CERTIFICATE OF NOTARY PUBLIC

I, Annabelle Short, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand to the best of my ability

and thereafter reduced to typewriting; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of this action.

ANNABELLE SHORT,
Notary Public in and for the District of Columbia.

My commission expires November 14, 1980.

(285) Attachment H: Deposition of Howard P. Willens.

EXECUTIVE SESSION DEPOSITION

FRIDAY, JULY 28, 1978

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE ASSASSINATION
OF PRESIDENT JOHN F. KENNEDY OF THE
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

Deposition of Howard P. Willens, called for examination by counsel for the committee, pursuant to notice, in the offices of the Select Committee on Assassinations, room 3501, House Annex No. 2, Second and D Streets SW., Washington, D.C., beginning at 9:15 a.m., when were present: G. Robert Blakey, chief counsel.

Mr. BLAKEY. We will go on the record.

Would you swear the witness.

Whereupon, Howard P. Willens, was called as a witness by the committee and, having been first duly sworn by the notary public, was examined and testified as follows:

By Mr. BLAKEY:

Q. Mr. Willens, would you state your name and address for the record.

A. My name is Howard P. Willens, W-i-l-l-e-n-s. My home address is 4242 Mathewson Drive NW., Washington, D.C.

Q. Mr. Willens, I would like for the record to thank you for returning and sharing with us some of your time on what I know is a very busy schedule.

Let me recall for the record that you appeared before the Kennedy subcommittee on November 17, 1977. At that time did you have occasion to read our rules?

A. Yes; I did.

Q. You know then that this deposition is voluntary.

A. Yes.

Q. And that you have a right to counsel.

A. Yes.

Q. And a right to transcript, et cetera.

A. Yes.

Q. We appreciate your coming back and helping us out.

In your appearance on November 17, 1977, the committee discussed with you your biography, your assignment with the Commission, the organization of the Commission, staff selection, staff performance, the various pressures that were present in the operation

of the Commission, its procedures and methods of investigation. I understand you had an opportunity now to review that testimony, is that correct?

A. Yes; I have reviewed the transcript.

Q. Is there anything that you would want to change or clarify or add to that testimony other than grammatical corrections?

A. Yes. I have submitted for you certain minor editorial suggestions with respect to that transcript. At the conclusion of today's deposition I would like to make a brief statement for the record regarding the work of the Warren Commission and this committee. It is my understanding that your rules permit such a statement to be made by a witness and I am confident that in any event you would afford me that courtesy.

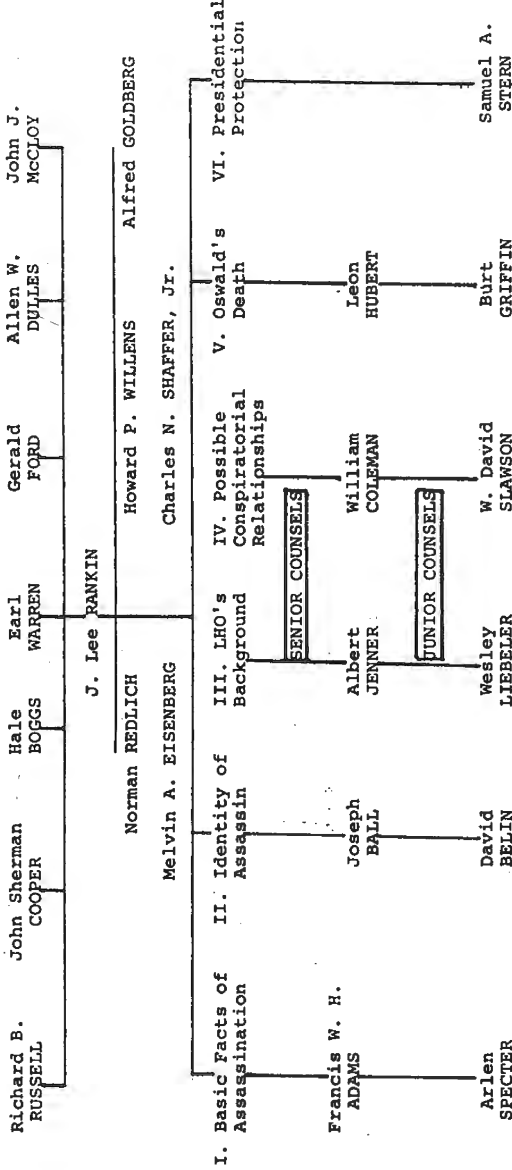
Q. That presents no problem.

Mr. Willens, when you appeared before the committee on November 17 I showed you what was then marked JFK exhibit No. 66 and is now marked Willens exhibit No. 1.

[Willens exhibit No. 1 was marked for identification.]

JFK #66
Willens #1

THE WARREN COMMISSION



LIAISONS

- Jim Davis - assigned from State Dept. to consult with W C about approaching USSR
- Ted Sorensen - White House
- Adam Yarmolinsky - Defense Department
- James J. Malley - FBI
- Thomas Kelley - Secret Service
- Abram Chayes - State Department
- H. Miller - Justice Department
- R. Helms - CIA

Q. I show you what has now been marked Willens exhibit No. 1. It is a retyped version as you can see of JFK exhibit No. 66. Does that chart now accurately reflect the broad organizational outlines of the Commission?

A. Yes; I believe this chart is a generally accurate portrayal of the organization of the Commission.

Q. Thank you.

Mr. Willens, at page 8-108 of your testimony on November 17 I asked you about the various possible pressures that operated on the work of the Commission. Specifically I talked about the need perhaps to allay public fear, to bring about a smooth transition in the National Government, issues of international concern and the concern perhaps that the work of the Commission might become a McCarthy type of witch hunt. You commented at that time generally on the pressures that operated to shape the Commission's work. I wonder if I could ask you specifically to comment on each of these four elements.

Did any outside source in any way put any pressure on you, and by you I mean the Commission and the Commission staff, to allay public fear?

A. I am not sure I understand the question, Professor Blakey. The concerns you have listed were indeed concerns that were in the minds of many persons following the assassination of President Kennedy. The question, it seems to me, is not whether any one of these concerns in fact existed but whether it operated in any significant way to influence the Commission and its staff to conduct an investigation or reach conclusions differently than would be the case in the absence of such a concern. Although I acknowledge the existence of this concern, therefore, I do not believe that it operated to circumscribe our efforts in any way that affected either the scope of the investigation or the substance of our findings. Perhaps if you want to ask me a further more specific question regarding this particular concern, I can be more responsive.

Q. Let me see if I understand your answer. Are you indicating that each of these four concerns were at least present in 1963-64 in the general atmosphere in which the Commission operated?

A. Yes; I believe so although I think your approach proceeding with them individually is sound and it may be useful to continue doing that.

Q. Well, let me ask you specifically then. Can you recall any incident involving an outside source in which an effort was made to pressure the work of the Commission, and I don't use that in a pejorative sense, to act in such a way as its work and its final report would allay public fear? Can you recall any specific incidents in which that pressure was put on you?

A. No; I do not recall any incident involving an outside source that operated in the way you have described.

Q. How about from inside the Commission, either the Commission itself or the Commission staff? Can you recall any incident in which staff members or Commission members expressed this concern and based on that concern made an effort to shape the Commission's work?

A. No; I do not recall any such incident. There was a discussion widely in the media at the time regarding this and the other concerns you have identified. Speaking from my own knowledge alone I recall some occasional discussion among members of the staff with respect to these widely publicized concerns. We recognize these concerns and we respected their legitimacy. We did not, however, believe that our investigation or findings should be influenced by them other than trying to do the most conscientious and thorough investigation whose conclusions hopefully would serve to allay some of the concerns you have identified.

Q. What about the concern of effecting a smooth transfer of national power? Was there any pressure outside the Commission on this question or based on this consideration?

For example, did the White House or anyone associated with the White House ever convey to the Commission a concern that its work go smoothly in order that the transfer of power from President Kennedy to President Johnson would go smoothly?

A. I am not aware of any such a communication from the White House to representatives of the Commission. I believe by the time the Commission in fact was in the process of conducting its investigation that much of the earlier concern regarding a smooth transition had been allayed by the developments of the months of December and January. I am sure you recall, however, that there were some allegations involving President Johnson that were before the Commission and there was understandably among all persons associated with this effort of a desire to investigate those allegations and satisfy the public, if possible, that these allegations were without merit.

Q. Were you aware of any inside pressures stemming from this concern?

A. No.

Q. Were you aware of any pressures dealing with issues in international relations that bore on the Commission from an outside source?

A. Of the various concerns you have mentioned, this is the one about which I have the sharpest recollection. I do remember from discussions preceding my designation to assist the Commission and subsequent to my beginning work with the Commission involving this particular concern. As I mentioned in my testimony before the subcommittee, there was considerable speculation and apprehension arising from the fact that the apparent assassin of President Kennedy had lived for several years in the Soviet Union and had married a citizen of the Soviet Union. As a result of these and other facts there was considerable concern whether the assassination was organized or promoted by any foreign power and even if it had not been a part of a foreign conspiracy whether allegations to that effect would have a detrimental impact on the relationships between the United States and certain important foreign powers. Having said that, however, I believe that this particular concern did not deter us from trying to conduct such limited investigation as we could into the possibility of a foreign conspiracy.

Q. In addition to the concerns stemming from Mr. Oswald's relationship to the Soviet Union, was there any concern expressed from

any outside source dealing with Mr. Oswald's at least expressed admiration for the Cuban Government?

A. Yes. I would say really that there was almost an equal attention being given to the hypothesis that Oswald's participation in the assassination was prompted by or a part of a conspiracy originating in Cuba or with supporters of Cuba.

Q. Can you recall any specific incident involving an outside source bringing to the Commission either the Soviet concern or the Cuban concern?

A. Well, these concerns were being pressed upon the Commission from several different sources. First the investigative agencies and certain executive departments, in particular the Department of State, were bringing to the Commission their concerns with respect to these possible foreign entanglements in the assassination. In addition, the media were full of allegations and speculations regarding these possible foreign relationships with Oswald. Apart from these as sources, I don't recall any more specific or pointed source that either was necessary or did in fact serve to present these allegations or concerns to the Commission.

Q. I believe the record would show that the two principal agencies that you dealt with in an investigative capacity would be both the FBI and the CIA, is that correct?

A. Yes.

Q. In general, how did the Commission perceive pressures from the FBI on the question of international concerns? Was it to find a Soviet conspiracy or to find a Cuban conspiracy or in the national interests to be careful in investigating that an international incident occurred? I don't want to put words in your mouth but you understand my question.

A. I do not remember any pressure from the FBI tending in either of those two directions. For the most part I believe the record will reflect that the investigation of the Commission directed at possible foreign entanglements was conducted through the CIA rather than the FBI. On the other hand, the FBI carried the major burden with respect to investigating, as I remember, Oswald's affiliations with various Cuban groups to the extent those occurred within the United States. So the FBI did have a substantial investigative commitment in exploring that particular possibility of foreign entanglement. I do not remember the FBI treating this particular area of investigative concern with any greater or lesser concern or aggressiveness than characterized other areas in which the Bureau carried the major investigative responsibility.

Q. What about the CIA, did they pull or tug you in any direction in this area?

A. It is hard to speak about the activities of the CIA now in view of the disclosures that have been made during the past several years.

Q. I am really asking you from the perspective of one who was centrally involved with the investigative agency or of putting requests to them and receiving them, did you perceive at that time that the Agency was pulling or pushing the Commission in any one particular direction?

A. I recall two reactions at the time. First, I remember that the Agency was especially sensitive with respect to its investigative tech-

niques and sources and that they certainly wanted to encourage us not to make requests or more importantly make disclosures in the report that might hamper the further utilization of their investigative sources and methods.

Second, my recollection is that some of the responsible officials at the CIA were very experienced and aggressive investigators with a very substantial interest in satisfying themselves whether there was any illicit or conspiratorial involvement by a foreign government in the assassination of President Kennedy. In essence, my judgment at the time was that they were thoroughly motivated to apply their best efforts to learn what the true facts were regarding foreign involvement in the assassination although they recognized that their ability to satisfy anyone on this score was rather limited.

Q. Specifically, did you perceive at any time on the basis of those people you came in contact with at the agency that they were pressing or advocating a Cuban based conspiracy to assassinate President Kennedy?

A. No; I did not have an impression based on my contacts that they favored any particular explanation of a foreign entanglement. I had rather the sense that they considered almost every possibility of sufficient seriousness to be explored by them if not by us.

Q. In your judgment had they had that pet theory, do you think you would have felt the pressure?

A. I think that they would have felt free to set forth their hypothesis to us if they thought it might influence us or if they felt it was not being given sufficient consideration by us. In retrospect though it is hard to recall any very likely substantive discussions with CIA officials regarding their hypotheses or the investigative avenues that we at the Commission would most profitably pursue. I have the feeling now, and this is probably based on more recent things, that the Agency was largely conducting its own inquiries separate from those of the Commission and sharing with the Commission only such results as they felt were absolutely required.

Q. You were the person on the Commission who had the greatest contact with the investigative agencies, both in receiving and transmitting investigative requests, weren't you?

A. I did have major responsibility in preparing and submitting investigative requests to the investigative agencies. As I indicated earlier, I did typically review proposed investigative requests, discuss them with the responsible staff members and pursue any differences of views on the subject by presenting the proposed request to Mr. Rankin for his final disposition. I did also meet at regular intervals with representatives of the investigative agencies. Other members of the staff, however, did have very substantial exposure and contact with members of the investigative agencies, especially those members of the staff engaged in some of the more technical work focusing on the physical evidence.

Q. But apart from Mr. Rankin himself you would have been the only staff member who had a perspective as broad as the Commission's mandate in dealing with the various agencies, is that correct?

A. I think that is generally correct. My only caveat arises from my uncertainty as to what Mr. Rankin and the Commission might have

been doing independently with the agencies that I was not aware of.

Q. So at least then from your perspective if either the agency or the FBI was trying to sell a pet theory of the Cuban involvement or the Soviet involvement, do I understand you correctly that you were not aware of any particular selling job being done on you?

A. That is correct. This line of questioning has been limited to theories relating to foreign entanglement and I am purporting now to discuss whether those agencies had any institutional interest in the investigation that they may have been trying to protect or further by trying to influence the work of the Commission.

Q. Mr. Willens, for example, it has been alleged at least in the press most recently that the Cuban Government has taken the position that the CIA was at that time attempting to lay the blame for the assassination on the Cuban Government and I am asking these questions most pointedly to ascertain from you who I would suppose to be one of the persons in a position to know or to have felt that pressure if it existed in 1963-64. Do I understand you then to say that if it existed you didn't see it?

A. In the sense of a strong and decided effort by the CIA to influence us to believe there was a Cuban conspiracy, my answer is that I do not recall any such pressure. I do recall the CIA personnel being keenly interested in the possibilities of either a Soviet or a Cuban involvement in the assassination. I recall also some considerable disquiet about the Oswald trip to Mexico City shortly before the assassination.

I am not sure that the agency then or perhaps now feels that all the questions with respect to that trip have been adequately resolved. To that extent I want to suggest that they were committed to investigating these matters, I believe, but that they did not have any special bias that came through to me at least in conversations I had with officials of the Agency.

Q. I believe in your November 17, 1977, testimony you indicated that the principal person through whom the Agency interacted with the Commission was Mr. Helms, is that correct?

A. Yes; that is correct. He did have two deputies whose names were mentioned in my earlier testimony who also participated in this effort.

Q. Can you recall anything in Mr. Helms' conduct that then you interpreted or now that you might in retrospect interpret as an effort to sell Cuban-based conspiracy to the Commission?

A. It seems now to be a matter of public record. The CIA in the years preceding the assassination of President Kennedy had in place plans to explore ways of assassinating Castro. It seems also to be a matter of public record that the Agency did not in fact disclose these activities to representatives of the Warren Commission or, to put it more precisely, I am not aware that any such information was communicated to the Warren Commission.

Q. We can come back to that specific topic a little later.

A. Yes; but I am suggesting, and the reason I raise the question now is that this failure would have cut against any effort by the CIA really to focus our attention on involvement by the Cuban Government because it would have naturally raised among representatives of the Commission a question as to the basis for that hypothesis by the CIA and some further questioning regarding the information in the Agency's possession relating to Cuba.

Q. Did you perceive at the time any effort to push you away from looking into possible Cuban involvement or a Soviet involvement by the Agency?

A. No. Let me just add that the record of the Commission's investigative activities will show the kind of investigative reports that we received from the CIA and it may be that this committee with the benefit of the last 14 years and other techniques may conclude that the Agency did in fact communicate information to us designed to minimize our concern about a foreign involvement.

Q. But at least you weren't aware in 1963 that there was an effort to direct your attention elsewhere?

A. I do not remember any such effort.

Q. All right. I have asked you the questions about outside pressures involving the Agency. You mentioned the State Department. Can you recall any effort by any of the people associated with the State Department; for example, Mr. Chayes indicated to you concerns by the Department of State of an international character?

A. My recollection is that the Department of State emphasized only the need to deal with such allegations carefully and responsibly. As I recall, there was considerable discussion regarding the substance and style of the communication to be addressed to the Soviet Union relating to the work of the Commission.

Q. Can you tell us more about that specific contact and the role of the State Department in shaping it?

A. I do not have a very specific recollection. My belief is that we consulted with the State Department on more than one occasion regarding the kind of inquiry to be addressed to the Soviet Union and the likelihood that any such request would be honored by the Soviet Union.

Q. Can you recall the State Department's position on the likelihood that it would be honored?

A. I believe that the Department of State had some preliminary indication that a request for factual information with respect to Oswald from the Soviet Union would be honored. Beyond that, however, I don't recall whether we were encouraged not to ask particular questions or discouraged from the entire effort.

Q. For example, do you recall making a distinction or discussing a distinction between public record information and I suppose I would call it police information? By public record information I mean a marriage certificate, application for a visa. By police information I mean internal reports of the KGB dealing with interviews or surveillance of Lee Harvey Oswald.

A. I don't remember that distinction but it certainly sounds now as though it makes considerable sense and might well have been discussed.

Q. Do you recall in fact that the form of the request seemingly called for only public record information?

A. I do not have that specific recollection of the request that was actually made.

Q. Do you recall getting anything other than public record information with signatures that you could not read?

A. No; I do not have a recollection of receiving anything other than the material such as you have described.

Q. Was it ever brought to your attention or to the other staff members or Commission members at least to your knowledge that there existed police information in the Soviet Union dealing with Lee Harvey Oswald?

A. I do not remember.

Q. Do you recall any situation in which Mr. Helms discussed with you—by you I mean either the Commission or you being a staff member—that Lee Harvey Oswald was apparently subjected to police surveillance in the Soviet Union and that the Soviet Union had that information?

A. I do have a recollection of either knowing or assuming that to be the fact. I do not recall what the source of my knowledge or assumption was. Of course Mr. Helms may have had conversations with members of the Commission, in particular Mr. Dulles, that explored the kind of problem in detail other than in any conversation in which I participated.

Q. Can you recall anything of this character influencing the way in which the State Department requested the request should be made?

A. I may not be reconstructing this appropriately. My sense is that we recognize that only certain kinds of information could be obtained through formal diplomatic channels and that other perhaps more relevant or meaningful information could be obtained only through channels available to the CIA. We were trying to utilize both avenues to the best effect. I believe that the CIA had the responsibility for utilizing what sources and methods it had in those days to obtain such information as it could.

Q. What I am really specifically worried about now is the form of the Commission's request and certain responses of the Soviet Government seemingly operated on the level of public information and I am wondering whether the agency and/or the State Department influenced any way in which the Commission asked for information formally from the Soviet Union so that only public information was asked for and received.

A. I don't remember the considerations that went into so limiting the request through formal diplomatic channels. I have a general recollection that we were depending on the CIA to get any nonpublic information that might be available to it. I have the recollection also that we thought it would be clearly inappropriate in a formal diplomatic communication to inquire of the Soviet Union whether Lee Harvey Oswald was an agent of the KGB. It seemed to us that there was a certain futility involved in asking that kind of question through a formal diplomatic note and I assume that the Department of State would have strongly advised against so doing.

Q. All right. Just to round out this point on a slightly different aspect of it, do you recall receiving either formally or informally from the agency any information that the agency had obtained other than through formal diplomatic channels on Lee Harvey Oswald from the Soviet Union?

A. Yes.

Q. Could you share that with me now?

A. Well, I think such materials as we obtained are in the records of the Commission. I do not know whether they continue to be protected by a security classification or not.

Q. For the record, you ought to be aware that the committee has access to all the information, both classified and not classified, that is made available to the Commission or is currently in existence in the agency. My question really was not designed to ask you to disclose classification information as much as to comment whether you were aware and more specifically of the existence of any Soviet defectors at about 1963-64 and any information that they may have had bearing on Lee Harvey Oswald.

A. Yes; I was aware of the reports from the CIA with respect to a Soviet defector whose knowledge with respect to Oswald was being evaluated by the agency at the time and as to which the agency eventually offered some assessment on which the Commission felt it could rely. I do have a recollection also that there was other information originating from sources in addition to the defector of a kind that may have included nonpublic information of the sort you are referring to.

Q. Can you recall for us what the agency's position was at that time on the quality and accuracy of information obtained from Soviet defectors about Lee Harvey Oswald?

A. I cannot speak in terms of more than one defector. There may have been others and it was my understanding then and is even more fully understood by me now that the handling of defectors by the agency is a very sophisticated and controversial line of work. It is my understanding now that there was a considerable controversy regarding the credibility of the particular defector to whom I am making reference.

I think the record probably has to stand as the best evidence of what their ultimate assessment was. As I recall, they cautioned us against premature or extensive reliance on the information coming from this particular defector but that near the end of our work my recollection is that we were given reason to believe that the defector had supplied some information that was confirmatory of conclusions that the Commission might otherwise reach with respect to the absence of Soviet involvement in any conspiracy.

Q. Did the Commission rely to any degree on that information? It of course does not appear as such in the Commission's report and I would ask then as to whether any reliance was placed on that in writing the final report although there are no citations to the testimony of a Soviet defector either given formally or informally to the Commission.

A. I really could not answer that question without reviewing the records of the Commission and the deliberations with respect to the findings set forth in the Commission report.

Q. Could you make a comment in a general way? I am not really worried about any specific three lines in the Commission's report but rather that the general orientation of the Commission toward its conclusions. For example, the conclusion of no Soviet involvement or single assassin to the degree that the defector's information tended to support no Soviet involvement or single assassin, can you recall that defector's confirmation of those two theses played a role or was a factor in the willingness of the Commission to decide either of those two issues?

A. It is my recollection that the Commission tried to resolve those two issues without reliance on the information coming from the Soviet defector. However, I believe that some members of the Commission and staff undoubtedly found some small comfort in the fact that a defector did exist who was characterized as possibly reliable by the CIA whose statements did not contradict the findings that the Commission was otherwise disposed to make.

I think you can be confident that if the Soviet defector had stated knowledge of Soviet Union involvement in the assassination that the Commission would have qualified its conclusions with respect to the two issues even more than was done in the report as published. To that extent, therefore, the existence of this defector and the assessment at the time by the agency were relevant to the Commission's conclusions.

Q. Following up this same line of inquiry and perhaps jumping ahead in what I hope would be a very orderly discussion, nonetheless it seems to be appropriate to raise it here, the Commission had available to it information stemming from what was described as unusually reliable sources dealing with the Cuban Government. Do you recall receiving a transmission from the Federal Bureau of Investigation outlining that the Bureau had an unusually reliable source of information closely connected to the Cuban Government whose information, if believed, would tend to indicate that Lee Harvey Oswald acted alone? I am doing my best to express this in indirect terms.

A. But your question refers to a transmission from the FBI, is that correct?

Q. To the Commission.

A. And by transmission do you mean something different than a report?

Q. Yes; a letter.

A. I have a recollection of a source described as confidential and reliable being utilized in connection with the Cuban aspect of the Commission's investigation. I do not have a recollection of that transmission or a reference to a source from the FBI as opposed to the CIA but I may be mistaken in that connection.

Mr. BLAKEY. Let me suggest that we take a 2-minute break and we can resume.

[Whereupon, a short recess was taken.]

Mr. BLAKEY. We can go back on the record.

By Mr. BLAKEY:

Q. Mr. Willens, let me show you a copy of what has been previously marked as Warren Commission Document 1359 which is a letter from J. Edgar Hoover, the Director of the Federal Bureau of Investigation, to the Honorable J. Lee Rankin and ask if you would look at it, please.

I might also note that the document also has a JFK document No. 002734.

Have you seen that letter previously?

BEGIN INSERT ON D-310

OFFICE OF THE DIRECTOR



Commission No. 1359

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

June 17, 1964

BY COURIER SERVICE

Honorable J. Lee Rankin
General Counsel
The President's Commission
200 Maryland Avenue, Northeast
Washington, D. C.

Dear Mr. Rankin:

Through a confidential source which has furnished reliable information in the past, we have been advised of some statements made by Fidel Castro, Cuban Prime Minister, concerning the assassination of President Kennedy.

In connection with these statements of Castro, your attention is called to the speech made by Castro on November 27, 1963, in Havana, Cuba, during which Castro made similar statements concerning this matter. The pertinent portions of this speech are set out in the report of Special Agent James J. O'Connor dated May 8, 1964, at Miami, Florida, beginning on page 30.

According to our source, Castro recently is reported to have said,

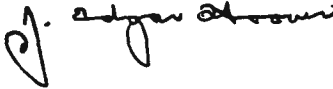
The source then advised that Castro's speculation was based

Honorable J. Lee Rankin

It will be noted that the information furnished by our source at this time as having come from Castro is consistent with and substantially the same as that which appears in Castro's speech of November 27, 1963, and which is referred to above.

This additional material is set forth for the Commission's information and no further action is contemplated by this Bureau concerning it.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Edgar Hoover". The signature is written in a cursive style with a large, stylized initial "J" and a long, sweeping underline.

A. I think so.

Q. The letter in the form in which it has been shown to you had certain sections excluded because of their sensitive character. Nevertheless, do you recall the letter as well as the contents that are excluded in the copy shown you?

A. I do not have any recollection of the comments which were attributed to Mr. Castro in that communication but which are not contained in the letter as was shown to me.

Q. Can you recall generally whether what Mr. Castro may have said at that time concerning the assassination of President Kennedy may have played any part in the Commission staff or the Commission itself being willing to find the absence of Cuban involvement or to affirm the probable validity of a single assassin theory?

A. I do not recall that we had any evidence or investigative leads implicating Mr. Castro personally or his government generally in the assassination. I am assuming that the comments attributed to Mr. Castro in that communication were not admissions that Mr. Castro or government officials acting at his direction had been involved in any way with the assassination of President Kennedy. Assurances of that kind were undoubtedly considered by the Commission staff and members of the Commission in evaluating the overall investigation and reaching a finding with respect to the possibility of Cuban involvement. My concern now, of course, is that additional sources of information may have been available to the investigative agencies with respect to this matter that were not fully exploited and results made available to the Commission pertaining to such results bore directly on the possibility of an informed conspiracy.

Q. Let me ask you the last of the four elements that I discussed with you previously. Can you recall any outside or inside pressures or discussions that reflect a concern that the Commission's effort might be a McCarthy-type witch hunt?

A. I have the recollection that concerns of that kind were presented to the Commission both through the media and through other sources. I believe it is a desire to prevent any such accusation that the Commission developed certain procedures with respect to its proceedings to protect the rights of individuals whose activities were being investigated by the Commission and to exercise caution in the framing of conclusions with respect to what the evidence showed.

Q. Can you recall any specific discussions with specific people where the question of a witch hunt came up? Not necessarily in those terms.

A. As our records reflect, there was considerable controversy early on in the work of the Commission regarding the protection of Lee Harvey Oswald's rights as a criminal suspect who could not be brought to trial. As you know, those deliberations resulted in certain procedures and safeguards being put in place to try to make certain that the Commission's conclusions with respect to Oswald were based on a fair assessment of all the relevant evidence. That is the only context in which I remember this particular issue coming up over any period of time.

From time to time there were published expressions of concern that the Commission not prematurely or unfairly reach a conclusion that because Lee Harvey Oswald had gone to Russia that there was a Soviet conspiracy. These expressions of concern balanced the other expres-

sions to the effect that the Commission should not reach inappropriately any conclusion that this was the product of a right wing conspiracy prompted by conservative interests who were dissatisfied with the administration of President Kennedy. We had assured a wide range of concerns and wide conspiratorial theories and the proponents of each were pressing their theories and trying to urge the Commission to reject an alternative explanation.

Q. Mr. Willens, let me show you what has been previously marked as Willens exhibit No. 2 which is a memorandum from the then Deputy Attorney General Nicholas deB. Katzenbach to Mr. Moyers in the White House dated November 25, 1963. I take it you have had an opportunity to see that before today, is that correct?

page
page
W. News # 2

November 25, 1963

MEMORANDUM FOR MR. HOYERS

It is important that all of the facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.

2. Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists. Unfortunately the facts on Oswald seem about too pat--too obvious (Marxist, Cuba, Russian wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered.

I think this objective may be satisfied by making public as soon as possible a complete and thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

The only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. This has both advantages and disadvantages. It think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement that all the facts will be made public property in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

Nicholas deB. Katzenbach
Deputy Attorney General

A. Yes; I have reviewed this memorandum in the course of preparing for my testimony before this committee. I do not have a recollection of seeing this memorandum at the time that it was prepared in 1963.

Q. Were you generally aware that memorandums of these kinds were circulating in the Government at that time?

A. I was generally aware that Mr. Katzenbach was having conversations regarding how best to deal with the assassination and what disclosures, if any, should be made to the public with respect to the assassination.

Q. You did not know then of this memorandum in 1963 or 1964?

A. I do not recall seeing it at or about the time it was written. I do not believe also that it came into the possession of the Warren Commission but I might be mistaken in that regard.

Q. At page 8-112 of your testimony on November 17 we discussed a letter of Mr. Katzenbach to the Chief Justice dated December 9, 1963. Let me show you a copy of what has been marked as Willens 2-B and ask you whether you are familiar with that letter.

You have seen that letter before today, this morning?

Willens Exhibit 2B)
FBI

Shut page
 for page

December 8, 1963

The Chief Justice
 The Supreme Court
 Washington, D. C.

Dear Mr. Chief Justice:

At the direction of President Johnson, I am transmitting herewith to you and to the other members of the Commission copies of the report of the Federal Bureau of Investigation on the assassination of President Kennedy and on the subsequent shooting of Lee Harvey Oswald. You will note that in some aspects the investigation is continuing and further information will be made available to the Commission as it develops. The Secret Service and the Department of State have also prepared reports with respect to the preparations made to guard the President and certain background information in the hands of the State Department with respect to Oswald. You will have these promptly.

This report is not a classified document since it does not contain defense information. However, we have been treating it as a highly classified document and I trust that you and the other members of the Commission will do likewise until such time as you determine to release matters contained within it. Within the Government it is being read by a very limited number of people on a "need to know" basis.

You will recall that at the time of announcing the Federal Bureau of Investigation investigation, and prior to the appointment of the Commission, President Johnson announced that the FBI report would be made public. I have,

however, informed him of your request that this report not be released until the Commission has had time to review all of the facts and evaluate them. At the same time I am sure you are aware that there is much public speculation and rumor in this connection which would be desirable to allay as quickly as possible. For example, the latest Gallup poll shows that over half the American people believe that Oswald acted as part of a conspiracy in shooting President Kennedy, and there is considerable rumor in this country and abroad to the effect that Ruby acted as part of the same or a related conspiracy.

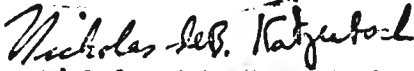
I think, therefore, the Commission should consider releasing--or allowing the Department of Justice to release--a short press statement which would briefly make the following points:

(1) The FBI report through scientific examination of evidence, testimony and intensive investigation, establishes beyond a reasonable doubt that Lee Harvey Oswald shot President Kennedy on November 22, 1963. The evidence includes ballistic tests, fingerprints and palm prints, clothing fibers and other technical data which places Oswald at the scene of the crime and establishes that he fired the shots which killed President Kennedy and wounded Governor Connally of Texas.

(2) The FBI has made an exhaustive investigation into whether Oswald may have conspired with or been assisted by any organization, group or person, foreign or domestic, in carrying out this cowardly act. In this regard, the FBI has questioned hundreds of persons and checked out numerous rumors and reports. To date this aspect of the investigation has been negative. No evidence has been uncovered indicating that any organization, group or person, including Dallas night club owner, Jack Ruby, was involved with Oswald in the assassination of President Kennedy, or that the subsequent shooting of Oswald was part of a conspiracy.

I would be happy to discuss any of the matters contained in this letter or in the report with you or other members of the Commission at any time you should desire. I am, of course, always at your service.

Sincerely yours,

A handwritten signature in cursive script that reads "Nicholas deB. Katzenbach".

Nicholas deB. Katzenbach
Deputy Attorney General

A. Yes; I have seen that letter before my testimony here this morning.

Q. Were you aware of the letter in 1963 or 1964?

A. I was aware that the Deputy Attorney General officially sent to the Commission copies of the FBI report. I do not believe that I participated in the drafting of this letter at the Department of Justice although it is possible that I was aware of its existence at the time even though I did not participate in its drafting.

Q. Can you recall any member of the Commission discussing it?

A. I remember some very early conversations with Mr. Rankin and the Chief Justice with respect to the question whether anything should be made public about the assassination based on the work of the FBI. I think I was aware that the Deputy Attorney General had expressed his views on this subject and that the Chief Justice believed that no disclosures should be made until the Commission had undertaken its inquiry. I think this was one of the first policy issues presented to the Commission although I was not at the meeting where it was discussed.

Q. Would it be fair to characterize this letter as an example of the kind of outside pressures that were put on the Commission with an apparent design to shape its work?

A. Well, I do have some difficulty with your use of the word "pressure." The letter I think is an effort to inform the Chief Justice of a possible course of action for his consideration and that of the other members of the Commission. It was a question that had to be resolved because of the President's earlier statement to the public that the results of the FBI inquiry would be made public. Since that statement was on the public record there was obviously a need to deal with it so as to either make a public statement as had been promised by President Johnson or provide some satisfactory explanation as to why such a public statement could not usefully be made at that time.

Q. Do you recall any staff discussions of the Katzenbach letter?

A. I do not recall discussions among the staff about the Katzenbach letter. By the time the staff was assembled, more than a month had elapsed since the date on that letter and the Commission in the interim had reached a conclusion that there would be no public statement based on the FBI report. That was a conclusion of the Commission with which I believe the staff was in general agreement.

Q. At page 8-138 of your testimony of November 17 I showed you JFK exhibit No. 65 which was a memorandum from Mr. Hubert and Mr. Griffin to yourself dated February 24, 1964, dealing with telephone records. At that time you raised a question of the response that had been made to JFK exhibit No. 63 which was a Hubert-Griffin memorandum to Mr. Rankin dated May 14, 1964, raising questions about the adequacy of the Ruby investigation. You noted at that time that there was also an exchange of memorandums on June 1, 1964, between yourself and Mr. Hubert and Mr. Griffin. In that context let me show you what has previously been marked Willens exhibits Nos. 3 and 4. You have had an opportunity to see them this morning, have you not?

[For copies of JFK 63 and 65, see *supra* testimony of Burt Griffin; and for Willens Nos. 3 and 4; see IV HSCA-JFK Hearing, pp. 548-60.]

A. Yes.

Q. Are these the exchange of memorandums you referred to in your testimony of November 17?

A. Yes.

Q. All right. Is there anything that you would like to add to your testimony of November 17 in light of these two exhibits?

A. Yes; there is. I am disturbed by the fact that these documents have been produced for the purpose of securing testimony at this late stage in this committee's investigation. I was troubled by the thrust of your previous interrogation with respect to the adequacy of the investigation by the Warren Commission in the Ruby area where the responsible attorneys were Mr. Hubert and Mr. Griffin.

I understand furthermore that the adequacy of this investigation has been the subject of testimony that the committee has elicited from witnesses other than myself before I appeared in November. The general thrust of the questioning was to the effect that the investigation in this Ruby area was incomplete and that limitations had been placed on the responsible attorneys by myself or Mr. Rankin. I think that hypothesis is a thoroughly appropriate one for the committee to investigate but that if you do explore this issue you have a responsibility to put into the record and elicit testimony concerning all the relevant documents pertaining to the issue.

The fact that the staff did not present these two documents to me or others at an earlier date gives rise to some concern as to why that happened. There certainly are two possibilities. First, it is possible that these documents had not been found by the staff of this committee in the course of reviewing the Warren Commission records in which event the adequacy of this committee's investigation is suspect. Second, it is possible that the committee staff found these materials but elected not to present them to me or other witnesses whose testimony was being sought regarding the adequacy of the Ruby investigation.

If the second hypothesis is accurate, it suggests that the committee staff is biased in its underlying approach, and is motivated by a desire to document preconceived notions regarding the adequacy of the Warren Commission investigation. I mention these possibilities not really to suggest that either is supportable but only to demonstrate that this committee's work is subject to challenge and error as the work of the Warren Commission and to that extent I hope that when the committee staff and the full committee addresses this issue of the adequacy of the Ruby investigation you will take into light the substance of these memorandums and the fact that some of the earlier testimony you have obtained and the documents that predate June 1, 1964, must be evaluated in light of the subject of these particular memorandums.

Q. In addition to seeing these two memorandums today, were they forwarded by me to you shortly after your appearance on November 17?

A. Yes; they were.

Q. Would that indicate that the staff has had access to these documents since the end of November?

A. Yes; it certainly would indicate that you did ascertain their existence and presumably you realized them since late November 1977.

Q. And that would mean that there are at least three hypotheses or possible ways of interpreting that these documents would be shown to

you now. The third would be that they were found shortly after your testimony and perhaps in light of your testimony and that they have indeed shaped the committee's investigation since that time and are being shown to you now in a deposition taken to complete your testimony of November 17 in a spirit of fairness and completeness.

A. Yes. I appreciate that fact but my concern really goes to the testimony of other witnesses that have been presented to this committee. My concern is that other witnesses may not have had their recollection refreshed by these particular memoranda and accordingly may have testified based on the earlier memoranda that the investigative efforts in the Ruby area were improperly restrained by persons like myself acting in a reviewing capacity.

Q. And if you learned that there was an exchange of correspondence between the committee staff and other witnesses periodically making an effort to bring each witnesses' testimony up in light of the developing investigation, I take it you would be willing to indicate that your concern was allayed.

A. That would be helpful to allay my concern; it would still leave open both of the hypotheses that I have identified regarding the adequacy of the staff's search for the relevant materials or the existence of possibly a bias with respect to this investigation.

Q. Which in any case could not be finally determined until our record was read as a whole at the conclusion of our investigation; isn't that correct?

A. That is correct.

Q. Let me concentrate a little more on where we were on November 17. We had just begun, I think, to discuss the relationship between the various Federal agencies and the Warren Commission. Let me specifically, if I may, call your attention back to subjects we covered a little bit this morning but I want to cover in a little more detail and that is the relationship between the Warren Commission and the FBI.

How would you characterize the relationship between the Bureau and the Warren Commission on the question of its general attitude toward being cooperative or uncooperative?

A. I think the FBI honored its responsibilities of generally cooperating to its fullest capability with the Commission's investigation.

Q. Would you characterize its responses as timely or untimely or none of the above?

A. I believe that the Bureau on the whole responded in a timely fashion to the request of the Commission. There were, as the records reflect, some investigative requests that took longer than others to answer and there were instances where the Bureau representatives and the Commission staff negotiated with respect to particular requests that caused some special difficulty.

Q. Did you perceive at any time, based on your contacts with the Bureau, that there was any kind of an adversary relationship between the Commission and the Bureau?

A. The relationship was certainly not free of controversy. Let us be clear about the fact that the Bureau had conducted a substantial investigation before the Commission was completed and had reached certain conclusions regarding the facts of the assassination. In particular the Bureau had concluded that Lee Harvey Oswald was a single assassin,

that the assassination had occurred in a particular way and that there was no evidence of any conspiracy. It would be completely understandable for the FBI to be concerned about the possibility that the investigation of the Warren Commission would disprove one or more of the findings of the FBI and they were undoubtedly sensitive to this possibility that did contribute from time to time to a relationship that might be described as arm's length if not adversarial.

Q. You indicated, and quite properly, that when the Warren Commission came into existence it found an investigation substantially underway and I take it that you would probably agree with the characterization of that investigation as one that was largely self-directed by the FBI. After the Warren Commission came into existence, would you care to indicate for the record the degree to which the locus of the decisionmaking in that investigation shifted from Bureau officials to the Warren Commission?

A. Yes. I think that is a useful perspective and I have two things to say about it. First, the Bureau remained free to conduct whatever investigation it desired with respect to the assassination. It certainly was not inhibited by the Commission regarding such investigative efforts as it might have decided were appropriate under the circumstances. Second, the Commission staff did believe that its initial job was to review the investigative materials and by that I do mean the underlying materials rather than the summary FBI report and make such additional investigative requests to the FBI as seemed warranted.

The records of the Commission will reflect during the several months beginning in approximately February a substantial number of detailed investigative requests were designed to elicit from the FBI specific responses to specific questions that members of the Commission staff thought should be explored. In that respect the Commission entered the picture as a new decisionmaker to direct the Bureau's investigative effort in the sense that the Bureau was one of the investigative arms available to the Commission to develop the pertinent facts.

Q. In fact, did the Bureau continue to conduct the investigation on its own initiative?

A. I do not know to what extent the Bureau did not conduct the investigation other than that specifically requested by the Commission. I have the sense that our investigative requests were so extensive and numerous that it engaged in substantial Bureau resources but I do not know whether in addition they conducted other investigation.

Q. You cannot recall now receiving the product of investigative effort that you had not requested after you came into existence and had begun to make requests of your own?

A. Well, no, that is not entirely correct. I do have a recollection of occasional communications from the Bureau that were unsolicited in the sense that they contained facts or allegations coming to the attention of Bureau agents or informants.

Q. But it would be your judgment, if I understand your testimony correctly, that the basic initiative was being taken by the Commission and not the Bureau?

A. All I can speak about is the initiative undertaken by the Commission, and as to that it seemed clear that one of the important steps in our investigation was to master the investigative materials supplied to the

Commission by the FBI and the other investigative agencies and to organize a further investigative effort to look at leads that came to our attention.

Q. Let me turn your attention now to the question of whether any relevant evidence was withheld from the Commission by the February investigation and show you what has been marked as JFK exhibit No. 70. You have had an opportunity to review that prior to your testimony, have you not? For the record it is a memorandum dated February 12, 1964, of yourself summarizing a staff meeting in reference to the allegation that Lee Harvey Oswald was an undercover agent for the FBI, is that correct?

EXHIBIT #5

1

February 12, 1964

MEMORANDUM FOR THE RECORD

FROM: Howard P. Willens

RE: Staff meeting February 11, 1964

This staff meeting was called by Mr. Rankin to put before the staff the question of the proper handling of the allegations of Lee Harvey Oswald as an undercover agent of the Federal Bureau of Investigation or other federal investigative agency.

Mr. Rankin reviewed for the members of the staff some of the salient facts regarding these allegations. He reported to the staff on the Commission meeting at which this matter was discussed with Texas officials Carr, Wade, Alexander, Jaworski and Storey. He also brought before the meeting the fact that the FBI in the Gemberling report of December 23, 1963 had omitted information to the effect that the name, address, telephone number, license number of Special Agent James P. Hosty, Jr. of the Dallas office of the FBI was contained in Oswald's address book. To complete the factual picture he pointed out to the staff that the Commission had received the letter of the FBI dated January 27, 1964 in which the fact that some of this information was contained in Oswald's address book was officially communicated to the Commission by the Bureau. Mr. Rankin indicated that this matter was an extremely difficult one which had concerned him and members of the Commission during the past few weeks.

The opinions of the members of the staff varied widely. Some thought that nothing should be done at this time until we had a further opportunity to appraise fully the work of the FBI, at which time a proper letter could be addressed to the FBI. Some members of the staff thought the significance of this omission was not particularly great and that no further action should be taken at this time. Most of the members of the staff, however, thought that the omission of the Hosty information was of considerable importance and could not be ignored by the Commission. There was discussion as to the

(short)

EXHIBIT #5

possibility of the adverse effect on the relationship with the FBI if this matter were brought to its attention. The thought was expressed that pointing this omission out to the FBI might in fact produce more accurate reports by the FBI in the future. I suggested that the group consider the possibility of addressing a letter to the FBI which would request an explanation from the Bureau regarding this matter. The majority of the members of the staff present at the meeting did not agree with the proposal that something of this sort be done in the near future.

At the end of the meeting Mr. Rankin suggested that the members of the staff consider all the facets of this problem more fully and indicated that there would be a subsequent staff meeting to discuss this further.

A. Yes; that is correct. I have had the opportunity to review this exhibit.

Q. How would you characterize this incident and its impact on the work of the Commission?

A. Well, my recollection is refreshed by this memorandum and I do have the recollection as indicated here that the omission of the Hosty information from Oswald's address book was, and I quote, "of considerable importance and could not be ignored by the Commission." End quote. I believe that was the predominant staff sentiment at the time and we were generally upset by an incident which we thought was some question on the readiness of the FBI to supply all information forthrightly to the Commission.

Q. For the record, at this point let me kind of summarize some of what the Hosty omission might be further described as. Mr. Robert P. Gemberging was a special agent of the FBI who acted as a coordinator of the FBI's assassination investigation. Gemberging's report dated December 23, 1963, submitted to the Warren Commission on January 13, 1964, and labeled CD 205 contained a transcription of Oswald's address book but omitted the entry of a name, office address, telephone number and license number of Special Agent James P. Hosty. His report dated February 11, 1964, submitted to the Warren Commission on February 20, 1964, and labeled CD 385, however, contained the remaining contents of the address book including the Hosty entry. He submitted to the Commission an affidavit dated February 25, 1964, explaining the original omission. Special Agent John T. Kesler who had reviewed the original transcription submitted a similar affidavit. Both affidavits explained that the omission reflected Gemberging's instruction to the effect that Kesler was to extract all names and telephone numbers, the identities of which were unknown, together with any other lead information. On this basis Special Agent Hosty's name was said to have been excluded because it was neither unknown nor lead information.

What impact did this set of events in this meeting that you have had here have on the trust between the staff and the Federal Bureau of Investigation?

A. I think it had an adverse effect on the relationship between the staff and the Bureau that could be rehabilitated only over a fairly lengthy period of time. That was healthy in the sense that it alerted the staff to the possibility that the FBI might have institutional or other interests that were not fully consistent with the objectives of the Warren Commission. To that extent I think it caused the staff to exercise more initiative to review investigative reports more carefully and to make certain that the investigation could be fairly characterized when it was finally completed as an investigation by the Commission and its staff rather than investigation by the FBI.

Q. It has subsequently become public that there was an apparent destruction of a note delivered by Lee Harvey Oswald to the FBI. Let me read to you a short description of that situation.

Sometime approximately 2 weeks before the assassination it is said that Lee Harvey Oswald left a note at the Dallas office of the FBI for Special Agent James P. Hosty. The receptionist who took the note remembers its contents more or less as follows:

Let this be a warning. I would blow up the FBI and the Dallas Police Department if you don't stop bothering my wife.

Special Agent Hosty has not acknowledged that he received the note on the same day. Nevertheless, he remembers it as saying:

If you have anything you want to learn about me, come talk to me directly. If you don't cease bothering my wife, I will take appropriate action and report this to proper authorities.

Hosty says he put the note in his workbox. He also indicates that on the evening of November 24, 1963, he was instructed by Gordon Shanklin, the special agent in charge of the Dallas field office, to destroy the note and a memorandum he wrote discussing the note and his contacts with Lee Harvey Oswald. Accordingly, Hosty destroyed them.

Hosty testified before the Warren Commission on May 5, 1964, and during that testimony he made no mention of the note or its destruction because he had been instructed by the FBI not to volunteer information.

Had you been aware of this information in 1964, do you think it would have affected the course of your investigation?

A. Are you talking about the Oswald note or are you talking about the knowledge that the Oswald note had been destroyed by Mr. Hosty?

Q. Both.

A. If we had known about the Oswald note, I think it would have provided us still further confirmation of the findings reached by the Commission with respect to the adequacy of the liaison between the FBI and the Secret Service. If the substance of the note was more or less as recalled by the receptionist, it would have revealed a particular level of emotional intensity and capacity for threatened violence that might plausibly have prompted the Bureau to be more concerned about Oswald in light of the impending Presidential visit than was in fact apparently the case. At the same time though the note itself would have been largely confirmatory of facts already known to the Commission from the FBI and other sources; namely, that the FBI did have a file on Oswald and numerous contacts with him before the visit of President Kennedy to Dallas in November 1963.

With respect to the destruction of the note, I think it is clear that knowledge of this fact would have prompted the most serious kind of criticism of the FBI by the Warren Commission. I find that reported destruction of a note to be inexcusable and the saddest possible commentary on the mentality that apparently prevailed in those days at the FBI. I do not think our knowledge of either fact, however, would have prompted any additional investigation with respect to the substance of our inquiry that might have developed facts other than those that were ultimately set forth in our report.

Q. Both of these incidents raise questions about the relationship between Lee Harvey Oswald and the Federal Bureau of Investigation. I am sure you are familiar with the concern expressed by some that Lee Harvey Oswald far from having an adversary relationship with the Bureau as the note destruction incident might have indicated had instead an agent's relationship with the Bureau.

What significance do you think there would have been to the fact, assuming it could be established, that Oswald may have been an informer or an undercover operative for the FBI?

A. I don't think I understand the question.

Q. Suppose your inquiry into Oswald's background had demonstrated that he was an informant for the FBI reporting on the activity of an organization such as Fair Play for Cuba. Had that informant file not been more complicated than what I described to you as being among the materials considered by the Commission, would that (a) have affected your investigation or (b) assuming that nothing additional was known, would that have affected your ultimate conclusions about the assassination?

A. I certainly think that knowledge that Oswald was an informant of the FBI would have affected our investigation. It would have raised serious questions regarding the origin of that relationship between Oswald and the Bureau and any knowledge by the Bureau regarding Oswald's propensity for violence or his plan to assassinate the President. It would have raised 14 years ago an issue that is very much in the newspapers today regarding the extent to which law enforcement agencies find themselves acquiring information from informants who themselves participate in criminal conduct, so at the very least it would have involved an investigation addressed toward that kind of possibility arising from Oswald's status as an informant of the FBI.

I cannot begin to speculate whether it would have resulted in any differing conclusion of the Commission since by this time we are piling speculation upon speculation since it remains my conviction that Oswald was not in fact an informant of the FBI as that term is customarily used. In fact, the destruction incident that we have just been reviewing cuts against any suggestion that Oswald was an informant in my view because the Bureau would perhaps have engaged in a more substantial reconstruction of the pertinent records if they had not been trying to conceal any such relationship.

Q. Let me show you what has been previously marked as JFK Exhibit No. 71 which is a letter dated November 14, 1977, from you to me and ask you if you are familiar with it and its attachments?

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page

002288

JFK # 5/1

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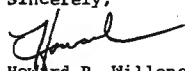
G. Robert Blakey, Esq.
Chief Counsel and Director
Select Committee on Assassinations
U. S. House of Representatives
3331 House Office Building
Washington, D.C. 20515

Dear Bob:

In response to your letter of November 11, 1977, I will reserve Thursday afternoon for an appearance before the House Select Committee on Assassinations. I will plan to be present at 2:00 p.m. unless I hear from you before noon that you would like to have me come earlier.

During our discussion on October 31, 1977, I mentioned a letter that I wrote to the New York Times regarding the article published in that newspaper on February 23, 1975. Enclosed for your information is a copy of that letter.

Thank you for the materials enclosed with your letter.

Sincerely,

Howard P. Willens

Enclosure

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 WALTER T. WINDSOR, JR.

February 24, 1975

Mr. Ben A. Franklin
 Washington Bureau
 The New York Times
 1920 L Street, N.W.
 Washington, D.C. 20036

Dear Mr. Franklin:

I appreciate the professionalism with which you approached the story on the Warren Commission which was published in the Times (page 32) on Sunday, February 23, 1975. I disagree strongly, however, with the suggestion that relevant material was withheld from the Commission. I feel that once again the New York Times has been used, by those who desire, for motives beyond my comprehension, to discredit the conclusions of the Warren Commission. The following are my reasons for believing that your story is fundamentally inaccurate.

First, there is clear evidence in the Commission's record that the Bureau memorandum dated June 3, 1960, was reviewed by the Commission. I offer the following facts in support of this assertion:

(a) The memorandum was found in the National Archives among the Commission's official papers. In the absence of any credible suggestion that the memorandum was inserted into these files after the Commission concluded its work, I hope you will agree that its presence alone in the National Archives suggests that it was given appropriate consideration by the Commission before its Report was published.

(b) The Commission stated in its Report (page 433) that it reviewed "the complete files on Oswald, as they existed at the time of the assassination, of the Department of State, the Office of Naval Intelligence, the FBI and the CIA." Both an FBI spokesman and I confirmed that the Bureau files on Oswald were in fact reviewed as asserted in the Commission's Report. In the absence of any credible evidence that the Commission, the Bureau or I were lying or that the June 3, 1960, memorandum was not in the files at the time of the Commission's review, I believe it is reasonable to suggest that the Commission's statement should be considered valid.

(c) The Commission's own public documentation confirms that the June 3, 1960, memorandum was in the FBI files reviewed by the Commission. Commission Exhibit No. 834, published in Volume XVII at pages 804-813, is a letter from the Bureau to the Commission dated May 4, 1964, which lists the contents of the FBI file concerning Oswald up to November 22, 1963. Item 14 is described as follows:

"A letter from this Bureau to the Department of State dated June 3, 1960, furnishing the State Department data in the possession of the FBI concerning Lee Harvey Oswald and requesting the State Department to furnish this Bureau any information it may have concerning Oswald."

This is obviously the same memorandum which your story alleges was withheld from the Commission.

Second, your story demonstrates the risks inherent in relying upon the fragmentary and hastily solicited recollections of selected members of the Commission's staff. I am confident that none of the staff members interviewed, if they had been aware of my statements to you and the facts summarized above, would have asserted that the memorandum in question was withheld from the Commission. Let me amplify a bit:

(a) Contrary to the suggestion in your story, the responsibility for checking out rumors was not assigned exclusively to any two or three members of the Commission's staff. This was a responsibility of all the members of the staff, operating within the general parameters of their individual assignments. It is not surprising to me, therefore, that neither Mr. Slawson nor Mr. Coleman recall this particular memorandum. The memorandum is both without substantive significance and irrelevant to the area of concern to Messrs. Slawson and Coleman, since it is concerned not with the activities of Oswald abroad but rather with the "possibility" that someone might somewhere, at some time, seek to pose as Oswald using his personal documents.

(b) The responsibility for reviewing the files in existence at the time of the assassination in the possession of the Bureau and other intelligence agencies was specifically assigned to one member of the staff. This task was given to Samuel A. Stern, currently one of my law partners, who had primary responsibility for studying the area of Presidential protection and making appropriate recommendations. For various reasons, both Mr. Rankin and I also took a particular interest in this area of the Commission's work. It was in that connection that I personally took upon myself the responsibility for reviewing the Bureau file on Oswald as it existed at the time of the assassination. In short, it is my best recollection that at least two members of the staff -- Mr. Stern and I -- reviewed the FBI files which contained the June 3, 1960, memorandum. I expect that we were also responsible for ensuring that this memorandum, and indeed most of the contents of the Bureau file, found its way to the Commission and into its files.

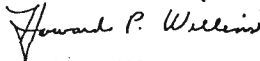
(c) The concern expressed by the Bureau of the "possibility" that an impostor could be using Oswald's identification data was not the kind of rumor or allegation which had to be dealt with in the "Speculations and Rumors" section of the Commission's report. As is apparent from this section of the Report, it was intended to rebut those widespread allegations which, if true, would contradict the conclusions reached by the Commission on the critical issues, i.e., did Oswald shoot the President, did he act alone, was he an agent of a foreign power, etc. I hope you will agree that the Bureau's suggestion of a "possibility" in its June 3, 1960, memorandum did not require separate analysis and publication in the Report. Among other reasons, no facts were advanced by the Bureau, or subsequently came to the attention of the Commission's staff, that an effort to use Oswald's papers as feared by the Bureau in 1960 had, in fact, been made by anyone other than Oswald himself.

Third, your story demonstrates how the critics of the Warren Commission have demonstrated such an impressive ability to survive. Unable to find any real substantive grounds for attacking the Commission's work, they have concentrated on the procedures followed by the Commission and its staff. As you recognized in preparing your story, there is no reason to believe that the Bureau memorandum of June 3, 1960 -- even if it had not been seen by the Commission -- in any way impeached the findings of the Commission. But, of course, it was seen, and I hope you will agree that once this fact is accepted there was simply no story worthy of either your time or space in the Times.

As I mentioned over the phone, I have been reasonably discreet during the past decade about my work with the Warren Commission. I have urged a similar course, with limited success, upon many of my former associates. I have written this letter, however, because my patience has finally been exhausted and because your article provides such a graphic example of human and institutional frailties. I hope you will not take this letter personally and that, before you write another article on the Warren Commission, you will be my guest for lunch.

I am sending copies of this letter to various of the Commission staff members mentioned in your article and to two old friends at the Times, Jack Rosenthal and Roger Wilkins. Both know me very well and, in particular, know how I approached my assignment on the Commission staff.

Sincerely,



Howard P. Willens

cc: Mr. J. Lee Rankin
Mr. William T. Coleman, Jr.
Mr. W. David Slawson
Mr. Samuel A. Stern
Mr. Richard Frank
Dr. Alfred Goldberg
Mr. Roger Wilkins
Mr. Jack Rosenthal

Data on Oswald Apparently Withheld From Key Warren Investigation Aides

By BEN A. FRANKLIN
Special to The New York Times

WASHINGTON, Feb. 22—J. Edgar Hoover sent a memorandum to the State Department in 1960 raising the possibility that an impostor might be using the credentials of an American defector named Lee Harvey Oswald, who was then in the Soviet Union.

This memo from the director of the Federal Bureau of Investigation and two subsequent State Department memos related to it were apparently not shown to key investigators of the Warren Commission, which examined the assassination of President Kennedy and determined that Oswald, acting alone, was the assassin.

The late Mr. Hoover's warning of the "possibility" that an impostor could be using Oswald's identification data, in the Soviet Union or elsewhere, came more than two years before the murder of the American President in Dallas on Nov. 22, 1963. The impostor theory was rejected, by implication but not directly, in the published report of the Warren Commission, and its significance could not be determined.

Body Identified as Oswald

The body of the man who the commission concluded had shot the President—and who was shot to death by Jack Ruby two days later—was identified by his mother and other relatives and also by fingerprints and other physical features as that of Lee Harvey Oswald.

But the apparent withholding of information from the commission investigators responsible for checking Oswald's activities in foreign countries supported a theory of some critics of the commission's final report that the panel had come to its conclusion regarding Oswald without having had all the facts.

A spokesman for the F. B. I. said, in response to questions, that "we can definitely state, without hesitation, that a copy of the Hoover memo was shown to a member of the Warren Commission staff in the presence of an F. B. I. agent." However, the spokesman said that he could not identify the commission staff member to whom the memo reportedly had been shown. Neither J. Lee Rankin, the former general counsel of the commission, nor any of his former staff aides who were most involved in investigating Oswald's background said they could remember seeing it.

However, Howard P. Willens, now a private lawyer here, identified himself in an interview today as the

"and I don't remember one way or the other."

He recalled, however, that his duties "required me to see everything that Oswald had done as a defector to the Soviet Union."

Mr. Hoover's memo was dated June 3, 1960. Its contents suggest that the F. B. I. director raised the possibility of an impostor because of certain facts the memo recounts.

It cited a Foreign Service dispatch concerning Oswald's declaration in Moscow on Oct. 31, 1959, that he would renounce his citizenship and noted that he had surrendered his passport.

It also cited a report of an F. B. I. agent in Dallas of May 12, 1960, which said that Oswald's mother, Marguerite C. Oswald, "stated subject had taken his birth certificate with him when he left home."

The agent's report indicated that Mrs. Oswald was apprehensive about her son's safety because she had written him three letters and they had all been returned to her undelivered.

Mr. Hoover concluded: "Since there is a possibility that an impostor is using Oswald's birth certificate, any current information the Department of State may have concerning subject will be appreciated."

Two internal State Department memos transmitted Mr. Hoover's warning. One, dated June 10, 1960, went to the department's Soviet desk. The other, dated March 31, 1961, was sent from one section of the Passport Office to another.

Concern on Passport

The latter memo indicated concern that a revalidated passport to be issued to Oswald in preparation for his return to the United States in June, 1962, not be mailed to him through the Soviet postal system but be delivered to him "only on a personal basis" at the Embassy in Moscow.

The Warren Commission subsequently developed that in July, 1961, Oswald's passport was handed back to the man who Moscow Embassy officials were satisfied was the same Oswald they had first met in 1959, when he angrily announced his intention to renounce his citizenship. The State Department had ruled by then that he had not given up his citizenship.

None of these documents—not the Hoover memo nor either of the State Department memos—was in the department's Oswald file as it was given to the Warren Commission in 1964, according to Mr. Slawson, member of the commission pub-

any impostor memo in the State Department files. He recalled that Mr. Kennedy had died at about 2 P.M. Washington time and said that if any Oswald documents had been taken from the files before he and his assistants took custody of them and placed them under guard that night, "somebody would have had to be thinking awfully hard and moving awfully fast."

"I am absolutely certain," he said, "that we gave the commission all the documentation that was in the files that night."

F.B.I. file. Mr. Willens, who was then the commission's special liaison officer to the Justice Department, said today that "while I do not think that anyone can state now with the necessary precision whether or not he saw the Hoover memo, it is my best recollection that I did, in fact, see that memo."

"I do not want to be in a public debate with my old colleagues," Mr. Willens said, "but I know that there was discussion of this among others on the staff concerned with the activities of Oswald abroad. I am concerned with continued public references to the notion that the commission overlooked obvious facts."

Suggests Reopening Inquiry

Shown the F.B.I. memos and the two State Department documents—discovered in the National Archives here by a private researcher—W. David Slawson, a lawyer who checked out rumors about Oswald for the commission in 1964, said he thought the assassination inquiry should be reopened.

Mr. Slawson, who is now a law professor at the University of Southern California, said he and other investigators had never been shown the memos. "We were the rumor runners, and we certainly should have seen this material, as we did a great deal of other stuff that we showed to be unfounded," he said.

"It may be more significant that we did not see it, in terms of a possible cover-up and the reasons for it, than if we had seen it," he continued. "I mean, I don't know where the imposter notion would have led us—perhaps nowhere, like a lot of other leads. But the point is we didn't know about it. And why not?"

Two other commission staff members shared with Mr. Slawson the responsibility for checking out rumors. Neither recalled specifically having seen the memos, but they tended to discount any thought of a renewed investigation.

One of them, Dr. Alfred Goldberg, who wrote the gossip-puncturing "Speculations and Rumors" section of the commission's report, said in an interview.

"I don't have any recollection of having seen that [Hoover] memorandum. As a matter of fact, I am fairly certain I didn't."

"While I think we might have done more had we seen it—we might have engaged in more research, we might have looked for more, we might have asked for more from the State Department and the F.B.I.—in terms of the outcome, I don't believe it would have made any difference."

William T. Coleman Jr., who was Mr. Slawson's immediate superior at the commission, and who was nominated last month by President Ford to be Secretary of Transportation, was asked during an interview whether he had seen the memos.

"It's been 10 years," he said,

pages of unpublished commission records were declassified by the State Department and placed on public file in the National Archives.

Among them is G. Harris, a 45-year-old New Yorker who has spent nearly a decade in Kennedy assassination research, found the Hoover and State Department memos.

How the memos came to be missing from the State Department's Oswald file given to the commission but included in the same file placed in the Archives remains unclear.

At the State Department, a spokesman said there would be no comment because all former officials who might have knowledge of the Oswald file had died or retired.

Mr. Slawson, citing recent disclosures about domestic activities of the Central Intelligence Agency, said:

"It conceivably could have been something related to the C.I.A. I can only speculate now, but a general C.I.A. effort to take out anything that reflected on them may have covered this up." Mr. Slawson added that he had been "impressed at the time with the intelligence and honesty of the C.I.A. people I dealt with."

Denial by C.I.A.

A C.I.A. spokesman denying that the agency had ever had any connection with Oswald, said the agency had no record of ever having seen the Hoover memo and had not engaged in a cover-up.

A former State Department official who was familiar with the Oswald file suggested that Mr. Hoover himself might have ordered his memo removed from the file before it was sent to the commission, to avoid embarrassing the bureau.

The former official, Richard A. Frank, now a lawyer here with the Center for Law and Social Policy, said in an interview that as the department's assistant legal adviser in 1963-64 he had been unaware of the Hoover memo, although he had a major responsibility for assembling the Oswald records sent to the commission.

He said it seemed possible that the memo "was so unsupportable by anything the F.B.I. had on Oswald that, when the Oswald file suddenly became the object of a most intensive search and review, Mr. Hoover and his friends in the security operation at State simply made it disappear."

A former senior F.B.I. official who worked on the assassination inquiry said in an interview that he could not recall such a memo as part of the case file.

Abram Chayes, the department's legal adviser in 1964, who assured the commission in testimony then that "very aggressive efforts" had been made to collect and transmit the full Oswald file, was interviewed by telephone in Moscow, where he was attending a legal conference.

He said he had no memory of

A. Yes; I am.

Q. The letter and attachments speak pretty much for themselves. Nevertheless, is there anything that you would like to add for the record at this time about the newspaper article and your own previous letter which is an attachment to your letter of November 14, 1977?

A. No.

Q. Let me turn your attention now to the relationship between the agency, the CIA, and the Warren Commission. Would you generally characterize that relationship as cooperative or uncooperative or none of the above?

A. I would describe it as cooperative.

Q. How would you describe their performance on the question on the issue of time? Were they timely in their responses with you?

A. Yes; I think they generally were although I think there were one or two investigative requests that were not responded to promptly.

Q. We previously talked about the possible adversary character of the relationship between the Commission and the Bureau. Did a similar relationship, however characterized, exist or come to exist between the Commission and the agency?

A. I did not think so at the time although with the benefit of hindsight it probably should have.

Q. We have also previously discussed the dynamics of the nature of the investigation shifting to some degree from the Bureau to the Commission. Did a similar process take place between the agency and the Commission?

A. I would not describe it in the same way. We made many fewer investigative requests of the CIA than we did of the FBI and I certainly never had the impression that the CIA felt restrained in any way from doing what it thought was necessary or useful in connection with conducting any inquiry that it wished to with respect to the assassination.

Q. Did they in fact furnish a great deal of information to the Commission on their own initiative that was not in response to the specific questions by the Commission?

A. I recall very little information that was submitted by the CIA other than in response to a specific Commission request.

Q. Let me show you what has been previously marked as JFK exhibit No. 62 which is a series of items basically dealing with a request made by the Commission of the Agency and on the top having a memorandum in your own handwriting apparently dated March 12, 1964. You have had an opportunity before today to see these documents, have you not?

[For a copy of JFK 62, see *supra*, testimony of Burt Griffin.]

A. Are you referring to all the materials that you have just handed me?

Q. No; I am primarily referring to the materials associated with your short cover memorandum.

A. Yes, I have seen these before.

Q. Can you recall to whom the request in the Agency was given?

A. Well, as I see by reference to a letter dated May 19, 1964, from Mr. Rankin to Mr. Helms that the memorandum of February 24, 1964, was delivered to Mr. Helms at a meeting on March 12, 1964. That

would coincide with my recollection of how we generally conducted business with the CIA.

Q. But you had no specific memory of giving it to Mr. Helms?

A. No.

Q. Can you recall why the investigative request was apparently held for approximately 16 days from the time the draft memorandum was given to you until you recall it having been given to Mr. Helms?

A. No; I don't have a recollection of the reasons for the decision to handle the matter at a meeting rather than by correspondence. I think we all anticipated that the matter would require discussion with the CIA representatives and it may be that we had a meeting with the CIA for other reasons and decided simply to add this to the agenda of such a meeting. I don't recall that there was any particular controversy about any inquiry to the CIA for a review of files to acquire what information they might have in those files relating to Ruby or other persons whose names arose during the course of the Ruby investigation.

Q. If only this written record were examined, it would tend to indicate that it took from approximately March to September for the Agency to respond to this request. There is testimony before the committee that the written record does not always adequately reflect the verbal communications. Does that square with your memory?

A. Well, as I indicated, I did recall a few investigative requests that were not responded to promptly by the CIA. This may have been one of those that I had in mind. I am confident that the failure to respond more promptly was undoubtedly brought to my attention either by Mr. Hubert or Mr. Griffin with the request that some follow-up be made as to the reasons for the delay. I do not recall personally, however, any conversation that I had with a CIA representative on this subject.

Q. Assuming this written record is correct or approximately correct, would delays of this magnitude have been typical of the Agency's response?

A. I don't believe that delays of that kind would have been typical. Also, I think that the agency was more responsive to our request than this particular written record would suggest. I am reasonably confident that if the agency had any information in its files with respect to Ruby or other of the figures mentioned in that memo they would have advised us orally before any written response was made so as to give us the substance of our information before they confirmed it in writing.

Q. You recall then that there was an extensive oral dialog between the agency and the Warren Commission?

A. I would not describe it as extensive but there were certainly occasional telephone conversations relating to investigative requests and I am surmising, and that is all it is, that the CIA might well have informed us of the substance of the September communication if my date is correct in oral form before they confirmed it in writing. Much of the correspondence in September was designed to confirm on the record information that had been previously communicated orally so that a committee such as this would have a firmer factual record on which to proceed than the clouded recollections of ancient staff members.

Q. I do understand you correctly saying though that if one were only to come and read the written record, one might come up with an impression of substantial delays that in fact might have had impact on the work of the Commission where in fact they did not because oral communications had been made. What I am really getting at, Mr. Wilens, is that, as I am sure you are aware of, critics have analyzed the record of the Warren Commission and through a series of Freedom of Information suits the forms of the CIA, and relying largely on the written record and not the memory of ancient staff members, have sharply criticized the agencies for not being responsive to the Warren Commission and I am trying to get for our record your judgment whether that kind of criticism where it is based only on the written record is wholly accurate or wholly fair.

A. No; I don't think it is wholly accurate because the written record provides only a partial record of what actually transpired.

Q. Let me change the direction a little bit of my questions. Since 1964 it has been public knowledge that the Central Intelligence Agency and certain organized crime figures were involved, as you previously indicated, in efforts to assassinate Premier Castro. Had you been aware of the relationship between agency personnel and organized crime figures in this kind of activity, do you think it would have affected the course of the Warren Commission's investigation?

A. Yes; I think knowledge of that particular relationship might have prompted a specific investigative request to the CIA to utilize those relationships and sources to find out what Cuban involvement, if any, existed with the assassination. It may have been that the CIA utilized these relationships and sources independently and satisfied themselves that no evidence of Cuban involvement could be developed through these relationships and sources.

I do not know what in fact they did on this subject. In response to your question, however, if we had known of these relationships, we would have requested that every effort be made to exploit these relationships and sources and to report to the Commission the results of any such inquiries. I cannot state now that that would have in any way changed the ultimate findings of the Commission but it would have added another dimension to our investigative effort.

Q. Let me take two possible examples of investigative decisions and let's see if we cannot analyze them with some hindsight. Let me show you initially the exhibit previously marked as JFK exhibit No. 65. I believe you had an opportunity to review this memorandum previously.

On November 17 we discussed at least preliminarily the question of to what degree the Commission reviewed various phone records. This memorandum raises that general question. Had you known of the Mafia-CIA plots involving Premier Castro, in retrospect now do you think you might have pursued an effort to trace the telephonic communications through toll records to a greater extent than you did?

A. I think that is possible but I think it probably would have been done on a more focused basis than was proposed in this memorandum of February 24, 1964. We are discussing now a course of investigation prompted by full disclosure by the CIA of its relationships with or-

ganized crime figures in connection with a possible assassination of Premier Castro. If we had been confided in by the Agency, we might jointly have concluded that certain extensive investigative efforts should be directed at particular members of organized crime or particular time frames when those persons might have been in Cuba or in communication with people in Cuba or in some other way have had leads that would have permitted a focused and potentially useful course of investigation. In other words, knowing of the CIA's relationship with a handful of organized crime figures with respect to a potential Cuban assassination does not necessarily make appropriate a broad scale review of all telephone records of all organized crime figures who might have any relationship whatsoever with the assassination.

Q. Apart from the question of the CIA's relationship to organized crime figures that might have prompted additional investigation, was it presented to you as an active possibility that organized crime figures on their own might have been involved in the assassination?

A. That was one of the main allegations that was reflected in the original investigative material supplied by the FBI.

Q. Was it ever brought to your attention in 1963 or 1964 that the Federal Bureau of Investigation had conducted extensive unlawful electronic surveillance of the major figures involved in organized crime in the period of 1963, 1964?

A. I do not think so.

Q. You seem somewhat hesitant in answering me. Do you have a little bit of a memory that you may have known about it or heard about it?

A. Well, there is so much that has come to light in the intervening 14 years with respect to the FBI's techniques of electronic surveillance. Some of the electronic surveillance that I did become aware of in my capacity as a supervisory lawyer in the Criminal Division related to what I believe was considered lawful electronic surveillance at the time but then again I have a feel where you are the expert and so it is unfair to me that I have any recollection here that is useful to you.

Q. Let me be a little more specific. The committee has had brought to its attention that the Federal Bureau of Investigation had hot wire taps that were at that time thought to be lawful under section 605 of the Federal Communications Act where there was only interception and no public disclosure but rather bugs—that is, electronic bugs—placed inside a home or an office, that the Bureau had in existence somewhere between 75 and 100 bugs on the major figures of organized crime specifically—the Costa Nostra in New York, Chicago, Buffalo, Pittsburgh, Philadelphia, Detroit and some on the west coast—that hundreds of volumes of logs and notes based on the work of the investigative clerks in listening to this existed within the FBI in 1963 and 1964.

Was either the existence of this program or the products of that program ever brought to the attention of the Warren Commission?

A. I do not recall. I was aware that an extensive investigative program was underway with respect to organized crime. I had every reason to believe that the FBI and the Criminal Division which had responsibility for the overall prosecutorial effort would bring to the

attention of the Warren Commission any information developed by any source that pertained to the work of the Warren Commission. I was aware also that the Bureau would frequently submit investigative reports attributing information to confidential but undisclosed sources. To that extent I was aware that there were sources to which the Bureau attached a considerable confidence and importance and so it may be that those undisclosed and confidential sources were the means by which information obtained through this program that you referred to was made available to the Department of Justice or to the Warren Commission.

Q. To your knowledge was there any effort made by the Commission, by the Department of Justice or the Bureau to survey that electronic surveillance to determine whether there was any indication in it either direct or circumstantial that any of the major figures of organized crime might have had motive, opportunity, or the means to assassinate the President in Dallas?

A. I do not know whether any effort of that kind was made. I do not believe it was made, if it was made at all, at the request of the Warren Commission because I for one did not know that such a program was in effect at the time.

Q. Had you known it, would you have asked for that kind of survey to be made?

A. That certainly would have been a very reasonable and logical investigative request to have made and it is my hope that in fact it was done by the Bureau but I am confident that you and the committee have information one way or the other.

Q. Do you know of any informal communications between the Bureau and the Commission that might have given on a confidential basis and not in a written form the product of any such examination by the Bureau of this material?

A. No.

Q. OK.

A. The only other thing I can say on this general subject is that the Commission did have substantial confidence in the Bureau's ability to investigate allegations with respect to organized crime figures. There were many investigative reports submitted on this general subject as I recall and I think the Commission was inclined to regard this particular kind of investigation as something peculiarly within the competence of the FBI and to involve none of the controversy that was associated with some of the other kinds of investigative activities in which the Commission and the Bureau were jointly involved.

Q. Let me show you what has been previously marked JFK exhibit Nos. 72 and 73. Exhibit No. 72 is a memorandum dated April 1, 1964, from Mr. Slawson to Mr. Rankin and exhibit No. 73 is a memorandum of April 24, 1964, from Mr. Slawson to Mr. Rankin. Both of these memorandums deal with an allegation by John B. Martino that Castro may in some way have been involved in the assassination of President Kennedy.

You have had an opportunity before this morning to see these memoranda; is that correct?

[EXHIBIT No. 72]

WDS :mfd :1Apr64

Memorandum to : J. Lee Rankin.

From : W. David Slawson.

Subject : Allegations of John V. Martino, Author of the Book Entitled, "I Was Castro's Prisoner".

Reference is made to Commission Nos. 657 and 662, dealing with the statements of Mr. Martino, copies of which are attached hereto. The substance of Mr. Martino's assertions is that the death of the President resulted from a Castro plot, which itself resulted from a plot by President Kennedy to overthrow Castro through a "second Bay of Pigs Invasion." Mr. Martino has been questioned on his sources but he refused to disclose their identity although he describes them in general terms such as, "a person high in the Cuban Government."

The assertions of Mr. Martino are of more than usual interest for two reasons. First, because he is the author of the book, "I Was Castro's Prisoner," published in August 1963, by Devin-Adair Company of New York City, co-authored by Nathaniel Weyl, described as the author of "Red Star Over Cuba," and is therefore a person in whose statements the public at large may place considerable trust and indeed, despite his suspicious reluctance to name any of his sources, we ourselves must accord some consideration. Second Nathaniel Weyl is quoted on page 2 of Document No. 662 as saying that a friend who ran for President of Cuba in 1958 will testify soon before the Senate Internal Subcommittee as to alleged contacts between Jack Ruby and "Praskin" in Cuba, and this may tie in somehow with Mr. Martino. Burt Griffin has told me that the name "Praskin" is known to him from his Ruby investigatory work.

Nothing appears from Mr. Martino's testimony which would indicate that he could claim a Fifth Amendment privilege were he subpoenaed by the Commission and asked to disclose his sources. His book was published in August 1963 and it would therefore appear that his information as to the alleged plot backed by Castro to kill President Kennedy are not sources that he came upon in the preparation of his book. Therefore, there does not appear to be any basis for his assertion of a "newspaper reporter's privilege," if such a privilege has any legal basis.

Howard Willens and I have discussed this briefly and he asked that I write this memorandum and state my own conclusion. My tentative conclusion is that Mr. Martino should be asked to testify before the Commission and subpoenaed if necessary.

Enclosures (2)

[EXHIBIT No. 73]

WDS : mfd :24Apr64

Date : April 24, 1964.

Memorandum to : J. Lee Rankin.

From : W. David Slawson.

Subject : Allegations of John B. Martino, Author of the Book Entitled, "I Was Castro's Prisoner"; Supplemental Memorandum.

Reference is made to my memorandum to you on this subject dated April 1, 1964. In that memorandum I concluded that we should follow up on Mr. Martino's allegations of a Cuban conspiracy behind Lee Harvey Oswald's assassination of the President. Since that memorandum was written, the FBI has independently followed up on Mr. Martino. The FBI reports that have come in are Commission Nos. 810 and 812.

In substance, what has happened is this: Both John Martino and Nathaniel Weyl, the writer who helped Martino write his book, has [sic] been asked to name their sources or other evidence. With one exception, both men have refused to do so, although Martino has gone so far as to admit that his sources are not primary sources but only men who told him that they had sources who could prove what was said. Martino especially seems rather vague on where he got his information. The one exception is that Weyl named a man named "Buchanan" who used to work in Miami for an anti-Castro group who is supposed to have told Weyl that Lee Harvey Oswald was seen among some pro-Castroites in Miami in March 1963 and October 1962 passing out Fair Play for Cuba literature. When approached on this, Buchanan backed up the statement in general but was very vague on when exactly and where he saw Oswald. Buchanan finally said it was his brother who really saw Oswald.

The tenor of both Commission reports is that Weyl and Martino have no real evidence for their allegations. In view of the fact that the FBI has already fol-

lowed up on this subject, and because this follow-up has shown the weakness of the allegations, I feel that my conclusion in the April 1 memorandum that the Commission should call Martino as a witness no longer holds. I would now recommend that we let the whole thing drop unless some new evidence which changes the picture appears.

A. Yes; I have a recollection of seeing these.

Q. There is no indication on either of these memorandums that they went to you or through you. Do you recall seeing them in 1964?

A. Yes. It would be frequently the case that I would see such memoranda even though I was not the addressee.

Q. These memoranda indicate that this particular allegation was handled only through field interviews, that there was no effort being made to subpoena Mr. Martino and request from him an identification of the source to which he attributes the allegation. There is nothing here or in any other records of the staff of the Commission that indicates that a subpoena was considered as a possible investigative technique in addition or that a subpoena might be employed whether or not Mr. Martino would have a lawful grounds on which to refuse to answer. I am thinking now of the fifth amendment or some other lawful privilege.

Do you think that had you known in 1964 of the allegations involving the agency in efforts to assassinate Premier Castro that this kind of lead that was followed only through field interviews might have been more vigorously pursued by subpoenas and immunity grants or other more potent investigative techniques?

A. I can do nothing more than speculate in response to that question and I am reluctant to do so. This particular investigative lead was pursued as the memoranda reflect through FBI interviews of the principal figures and the reports of those interviews were reviewed by the responsible Commission attorney. I obviously took no objection then and I do not take any objection now to the conclusion reached here that no further investigation was required at the time.

If we had known of agency sources or specialized capability with respect to Cuba, any such allegation as this would have appropriately been the subject of an investigative request to the CIA as well as pursuing the normal FBI avenue. This is an example of a kind of an allegation that one might have transmitted to the CIA and asked for them to conduct such investigation as seemed appropriate, particularly with respect to the individuals here involved, the conversations that allegedly took place regarding a Cuban involvement. We obviously did not do so with respect to the CIA and I think it is probably what we would have done had we known then some of the facts that we have discussed here earlier today.

Q. An examination by the staff of the Warren Commission materials and the Warren Commission report itself, 492, does not indicate that Mr. Martino was called before the Commission and deposed or even placed under oath for an affidavit. In addition to asking you whether any additional investigative techniques might have been employed through the agency, I would ask you to reflect and perhaps speculate whether if you may have had a more concrete understanding that Premier Castro may have had a motive to take revenge on President Kennedy for the CIA plots, might you not have more vigorously pursued this allegation, for example, by deposing him and placing him under oath or by calling him before the Commission?

A. I see nothing now that would have held out any greater promise of our obtaining relative information from Mr. Martino than was available at the time. I do not attach quite the same significance as you do to taking a deposition of a person under oath but there is one assumption underlying your questioning that I think deserves some examination. You are assuming that really we were not aware of the possibility that Premier Castro had a motive to participate in any way in an assassination attempt on President Kennedy. That is clearly not the case.

There was ample evidence in the historical record at the time that Premier Castro might have felt that the United States and President Kennedy in particular were trying to overthrow his government and that certainly would seem to provide a sufficient possibility of a motive so as to justify exploration by the Commission staff of any meaningful allegations as suggesting Cuban involvement with Oswald in this assassination attempt. It was for that reason that we did try to explore to the best of our ability those allegations that came to our attention that suggested some Cuban or Cuban-related involvement. I am confident that with the benefit of hindsight there were some of those allegations that were investigated excessively and other allegations that were not sufficiently investigated.

Q. Let me see if I cannot rephrase your answer and see if you will accept it. Without the concrete knowledge of actual Government participation in the effort to assassinate Premier Castro, it is your testimony that if you had sufficient knowledge nonetheless of the possibility that the Commission in your judgment adequately pursued that line of inquiry and that had you known concretely of the assassination plots, it is unlikely that you would have done too many things too terribly different.

A. Well, that is generally my position with the exception that we would have specifically enlisted the assistance of the CIA on a regular basis on any investigations relating to Cuba. I am confident if we learned of any indication that Castro personally was aware of the United States sponsored efforts directed at his assassination, then in that case we would have attached a higher priority—perhaps the highest possible priority—to these allegations so as to satisfy ourselves if we were able to regarding any involvement of the Cuban Government.

Q. Mr. Willens, let me see if I cannot clarify and perhaps pin down precisely what the status of your knowledge was as to the possession on the part of the Commission or Commission members, Commission staff, of the Castro plots. Specifically to your knowledge did the Chief Justice have any information while he was serving on the Warren Commission concerning any involvement of any U.S. intelligence agency in plots against Cuba to assassinate Fidel Castro?

A. I do not know.

Q. To your knowledge did any other Commissioner have any such information while he was serving on the Warren Commission?

A. I do not know.

Q. To your knowledge did any staff member have any such information while he was serving on the Warren Commission?

A. I believe not.

Q. In retrospect was there any conduct on the part of the Chief Justice from which you could have or might have inferred that he had such information?

A. No.

Q. In retrospect was there any conduct on the part of any other Commissioner from which you could have or might have inferred that he had such information?

A. Not that I recall.

Q. In retrospect was there any conduct on the part of any staff member from which you could have or might have inferred that he had such information?

A. Not that I recall.

Q. Did you see any document from which you could have or might have inferred that either the Chief Justice or other Commissioner or any staff member had such information?

A. No.

Q. Were you ever present during any discussions from which you could have or did infer that the Chief Justice or other Commissioner or any staff member had such information?

A. No.

Q. Were you ever instructed by anyone, including the Chief Justice or any Commissioner or any staff member or anyone else, while you served on the Warren Commission staff not to pursue any area of inquiry?

A. No.

Q. Were you ever instructed by anyone while you served on the Warren Commission staff not to pursue any area of inquiry because the area might endanger the national security?

A. No.

Q. Did anyone ever suggest to you that certain matters should not be explored for any reason?

A. No.

Q. Did anyone ever suggest to you that certain matters should not be explored for reasons of national security?

A. No.

Q. Let me change the subject if I might a little bit. I have only this one last subject. I hope to get you out in time for lunch, assuming you either eat a late lunch or eat quickly.

Let me ask a little bit about the writing of the final report and its processes.

Let me show you what has been previously marked as Willens Exhibit 5. I believe you have not had an opportunity to see it previously. Nevertheless it purports to indicate which staff member had primary responsibility for writing the various chapters or rewriting the various chapters of the report. I wonder if you would look at it and indicate whether that generally corresponds with your memory?

A. No; it does not.

Q. Would you indicate for the record to what degree that exhibit does not reflect the true facts?

A. This exhibit is in serious error with respect to almost everyone of the eight chapters of the report. I do not know what the source of this exhibit was and I don't know that it is worth your time or the committee's time to try to correct it.

Q. The source of the exhibit is from Epstein's book.

A. I suspected as much and that is just further confirmation of the substantial errors that characterize Mr. Epstein's original work. One of the difficulties of Mr. Epstein's review of this subject was that he interviewed only selected members of the Commission staff and among those that he interviewed several, including myself, elected not to talk to him about some matters that we regarded as confidential to the work of the Commission.

Have you questioned other witnesses with respect to this exhibit?

Q. No.

A. Do you regard this as something that is to be addressed in your committee report?

Q. Not necessarily. Perhaps the best way to handle this would be if you want to write me a short letter later in which you could indicate to the best of your memory who had the primary responsibility to each of these sections, we could incorporate it at the end of your testimony.

A. Why don't I take this exhibit under advisement then and see whether I can supply helpful information to you with respect to it.

Q. All right.

A. I would just generally say that the exhibit underestimates the number of people who contributed to the writing of the report and it overstates the contributions made by certain individuals. It also reflects a lack of precision as to the origin of the material that went into these various chapters. The chapters as they finally emerge in the Commission report were the product of considerable discussion and debate among the Commission's staff and the full Commission. Eventually proposed drafts that were prepared by some staff members were divided and found their way into several different chapters as we elected to reorganize the report and this summary neglects to trace back to the original drafters the individual subsections of individual chapters in the report. There were approximately 20 members of the Commission staff who participated in a substantial way in writing the Commission report.

If you let me consider it further, Mr. Blakey, to see if I can supplement that brief statement with any more detailed statement, that might be useful.

Q. I might say this is the actual identity of individuals who wrote the particular sections and it may well only be of historical interest and for some inquiry. Someday in the future one may want to go back and figure that out. The Committee is, however, very interested in processes and not so much the people by which the material examined by the Commission ultimately found its way into the particular form that it took in the Warren Commission report. As I am sure you are aware, there has been considerable criticism of the Commission, sometimes not so much on the substance of what it said but on its manner of presentation and sometimes what it omitted. Consequently, the processes that are in the Commission document are a matter that the committee is very vitally concerned in so that if you would make an effort to reconstruct as best you can that process and its personalization and individuals, I can assure you that that letter's content would find its way into the committee's report.

A. If you have specific questions about the process, why don't you address them to me and I will see if I can answer them.

Q. Why don't we try some. Let me show you what has previously been marked as JFK exhibit No. 74. This is a memorandum of your own to Mr. Rankin dated August 8 commenting on what I take it is a relatively mature version of chapter 4 entitled "The Assassin." Let me ask you a couple of questions about that memorandum.

[EXHIBIT No. 74]

Date : August 8, 1964.

Memorandum to : Mr. J. Lee Rankin, General Counsel.

From : Howard P. Willens.

Subject : Chapter IV—Draft dated 7/21/64.

I think that this Chapter needs substantial revision. I suggest the following comments for your consideration.

1. As a matter of general style, this Chapter is different from any of the other chapters and should be brought into conformity. I have the following specifics in mind :

a. The headings and subheading used in the table of contents and in the text of the chapter should be phrases rather than sentences.

b. Marina Oswald and Lee Harvey Oswald are occasionally referred to as Marina and Lee Oswald. I do not think that Marina Oswald should ever be referred to as Marina and believe that Oswald should be referred to as Oswald or as Lee Harvey Oswald.

c. I do not think that we need to use the prefix Mr. in the text of the Report.
d. For witnesses who have appeared before the Commission or members of the staff, I believe we should use the past tense when referring to their testimony rather than the present perfect, i.e., "testified" rather than "has testified".

e. In many sections of the chapter there is an inadequate introductory paragraph setting forth the conclusions documented in the subsequent discussion. The paragraphing in the chapter needs watching, since there is no consistent handling of paragraph length.

2. In view of the importance of the chapter, I think that we can afford more than a single long paragraph as an introduction to the overall chapter. This would permit the Commission to speak in the introduction of the other evidence considered in the chapter, but not relied upon, although I have other suggestions to make regarding the handling of this material.

3. I still have a question about the validity of including as a minor finding Oswald's capability with a rifle. I think our case remains the same even if Oswald had limited or negligible capability with a rifle. In a way, we are emphasizing an argument we don't particularly need, which prompts controversy and may tend to weaken the stronger elements of our proof. I believe that this material should be discussed somewhere, and probably in this chapter, but I question whether it should be elevated to one of our eight major conclusions on which the Commission relies. An alternative to consider might be to place the question of Oswald's capability as a subheading to one of the first two major conclusions.

4. I think that the first major section should be entitled solely "The Assassination Weapon". The first subheading should be "Purchase of Rifle by Oswald". The subsequent discussion should set forth the conclusion of the Commission that Oswald purchased the rifle based on (a) handwriting analysis of the rifle purchase documents, (b) Oswald's rental of P.O. Box 2915, (c) prior use of alias Hidell.

5. On page 4 I do not see the significance of the first full paragraph, with the exception of the first sentence. We know that Oswald lived in Dallas at the relevant time and I do not believe it is significant that Oswald did not receive mail from the box after he left Dallas for New Orleans on April 23.

6. The next major subhead should be the section beginning on page 8 dealing with Oswald's palmprint. I think there should be some reference here to the fact that palmprints are as good a basis for identification as fingerprints, plus an appropriate reference to the appendix.

7. In the third line from the bottom of page 8 the meaning of the word "lifted" is not clear to the lay reader. Similarly with the reference to the "powder" in

the second line on page 9. The last sentence of the first full paragraph on page 9 might be combined with the prior statement on page 8 about the metal of the rifle in a separate paragraph offered as explanation for the lack of other prints on the rifle, assuming recent use. If there are any statistics or other evidence on this point, I think they should be set forth and explained. This is a more controversial matter than I believe we have considered..

8. The section on fiber analysis lacks a conclusion in the text as opposed to the subheading. On page 10 in the second line, I do not think that the fibers in the shirt he was wearing should be described as "similarly colored" at this point.

9. With regard to the section beginning on page 10 we should consider reorganizing the discussion as follows :

First paragraph.—Covering Marina's testimony on pictures including dates, places, number, etc.

Second paragraph.—Setting forth the Commission's conclusion that the pictures were in fact taken with Oswald's camera at Neely Street, and are not superimposed.

Third paragraph.—Dealing with the conclusion that the rifle in the picture is Lee Harvey Oswald's rifle. If this reorganization is not adopted at the very least there should be an introductory paragraph setting forth the conclusions reached by the Commission regarding these pictures.

10. With regard to the last paragraph on page 13 I would consider mentioning the name of the magazine. I also think some reference should be made to the fact that the Commission has examined these pictures and reached certain conclusions regarding the curvature of the stock problem and the scope situation. In short, I think it is necessary to expand this discussion.

11. I am concerned by the lack of introduction to the section beginning on page 13A and the fact that the conclusions drawn here seem to be somewhat elusive. If we are stating only that he was on the 6th floor 35 minutes before the shots were fired, that is one thing. If we are going to rely on Brennan in part, then we should state a conclusion at the beginning of this section which reflects our analysis of the eyewitness testimony. I realize that the "access" point has a colorful history going back several months, but I am not persuaded that it contributes very much.

12. It might be desirable prior to examining the scientific evidence to have a short section dealing with the site, setting forth the descriptive material now contained on page 14 and including other material in the chapter describing the cartons which were used to construct a barricade from the rest of the floor.

13. There still is a little too much of the Ball-Belin approach in this for my taste. For example, on page 14 I do not see why the reader has to know the cartons were forwarded to the Federal Bureau of Investigation for chemical processing, since subsequent testimony demonstrates that. Similarly, on page 15 the finding of the palmprint by Lt. Day is of no particular significance.

14. The conclusion sought to be drawn from this section seems to me to go too far. I do not know why we place "great" weight on the fingerprint and palmprint identification to prove he was at the window. The basic question is *when* he was at the window and when we come near to that question we back away from it. Furthermore, we never do make an effort to refute the many other possibilities for those fingerprints which are consistent with Oswald's innocence.

I would consider combining the section on the paper bag with the section on the cartons. The section on the paper bag also lacks a topic sentence pointing out the conclusion. I wonder why we have the description of the paper bag here since it could be a sandwich bag and still be used to make the point that is involved here. I question whether the whole section on carrying the rifle into the TSB should not be before this "access—presence". That organization would permit us to introduce the paper bag in the most appropriate context.

15. Much of the material in the first full paragraph of page 17 should be relegated to the Appendix so far as I am concerned.

16. If we have any testimony as to the state of the southeast corner early in the morning, I think it should receive greater emphasis in the text, since it provides greater support for linking Oswald with the cartons and bag found in the corner after the assassination.

17. In the section on eyewitness identification, we should make some reference back to chapter 3 and Brennan's testimony there.

18. On page 21 the fact that another eyewitness identified Oswald in a way similar to Brennan does not seem to me to help support Brennan's identification.

I would eliminate this comparison here and perhaps make a reference to it later on when the Tippit shooting is discussed.

19. Throughout the discussion of Brennan's testimony we should reaffirm his testimony as to the source of the shots. On page 23 I think we go out of our way to qualify the Commission's reliance on Brennan's testimony. I see no reason why we should pick Brennan out as the subject for the second paragraph on page 23. He is a good witness despite his declination to identify Oswald positively in the police lineup. Why not place this paragraph at the end of the entire section on eyewitness testimony. The record on Brennan speaks for itself. The last sentence in this paragraph is obvious, since we have stated several times that our findings that Oswald is the assassin is based on many different categories of evidence.

20. It seems to me that the last paragraph on page 23B gives Fischer and Edwards more weight than Brennan. At least they are blessed with the "consistent with" characterization, which I think is overworked in his chapter.

21. I have substantial problems with the section beginning on page 24. I would consider placing the first subsection, dealing with the rifle's location in the Paine garage, in the first section of the chapter dealing with Oswald's ownership and conditional possession of the rifle. I do not think that this discussion here is necessary to the argument that he carried the rifle in on Friday. Also the testimony discussed here is more relevant here to the possession of the rifle than it is to the location of the rifle in the Paine garage. The first of these two points is the more important conclusion and it should be bolstered by all available evidence.

22. I do not follow the argument contained in the first full paragraph of page 24. We do not have to prove that Oswald never took the rifle out of the garage in order to make the point that the garage was its usual storage place. I would consider eliminating the paragraph entirely.

23. After the above relocation of the Paine garage section, I would consider organizing this section as follows:

First conclusion.—The paper bag contained the assassination weapon.

Second conclusion.—Lee Harvey Oswald carried this bag to work.

- (a) He made the bag from TSBID material;
- (b) He had the opportunity to make the bag;
- (c) He carried this bag on Friday;
- (d) He had handled the bag.

Third conclusion.—He lied about the curtain rod story and the paper bag.

On reviewing this again I am persuaded once more that this entire section should go before the section dealing with Oswald's presence in the window.

24. The discussion at the bottom of page 27 regarding disassembling seems to have limited relevance. I would consider combining the paragraph with the one at the end of this subsection.

25. On page 32 I question the relevance of the last sentence of the first full paragraph dealing with the location of the bag. I do not see how this is relevant to the conclusion that the bag contained the rifle. If this point is to be made, I think it should be made as part of the general description of the assassination scene as proposed in one of my earlier comments.

26. The third line on page 33, I do not think that the meaning of the word "matched" is clear.

27. I think that the way that the Frazier-Randle testimony is handled on pages 38-40 may well be the best possible way. It does occur to me, however, that under my proposed reorganization this testimony would be pertinent to the conclusion whether the bag contained the assassination weapon. Perhaps the organization should be changed so as to prove first that Oswald carried the paper bag to work, and then turn to the question whether the bag contained the assassination weapon. The Frazier-Randle testimony could then be set against the scientific evidence as well as the other evidence bearing on this issue.

28. The characterization of the killing of Tippit on page 42 as a desperate act of escape may be true, but I would like to discuss this further. Perhaps this point could be made in the overall introduction or conclusion of the chapter after all the other evidence is set forth.

29. On page 45 I would not begin the discussion of Tippit eyewitnesses with Helen Markam. On page 46 I think we should have at least a paragraph on Helen Markam's alleged description of Oswald as "short", stocky and bushy-haired.

30. The sentence at the bottom of page 59 is not necessary here in view of the introductory paragraph which is contained in this subsection.

31. The discussion at pages 60-64 gives me some difficulty. I do not see why we have to proceed witness by witness in making the points to be made here. I would suggest that the paragraphs might be along these lines.

- a. Lee Harvey Oswald entered the theater at such and such a time.
- b. Police officers were summoned to the scene and entered the building.
- c. Lee Harvey Oswald was apprehended and in the source of this may have attempted to kill the arresting officer.
- d. Excessive force was not used by the Police officials.

32. I am still troubled by the location of the section dealing with the interval of time between the assassination of President Kennedy and the murder of Officer Tippit. Once we have found that he did both acts, what could have happened in the interval which would be "inconsistent with" his having done this. In other words, once you prove that he did both acts what is the relevance of speaking of the intervening events. If there is anything in the intervening events which casts doubt on his committing either of the two acts, that is a different matter. In that event, the activity during the intervening period would be an element of evidence to be weighed in reaching the conclusion as to whether the actor is guilty of the crime in question. That is not our case here. The end result of this rambling may be the suggestion that this section be treated in chronological fashion after the assassination of President Kennedy and prior to the case against Oswald for the murder of Tippit.

33. Regardless of where it is located, I think that the full paragraph of the section should state the basic conclusions regarding Oswald's movements during this period of time. For example, the Commission concludes that Oswald went from the 6th floor to the 2nd floor by the stairway, through the lunchroom and out the front door of the building before 12:34 when the building was not closed off. He then took a bus and a taxi, went to his apartment, and proceeded to the site of the Tippit killing.

34. I do think that we should conclude that Oswald was in the process of flight or at least that some of the events suggest that he was.

35. With the above recommendation in mind the testimony beginning at page 72 would be handled different. This testimony would be set forth and appraised on the issue as to how and when Oswald descended from the 6th floor. In such a discussion the Commission could rely on some witnesses and reject the testimony of others, such as Victoria Adams.

36. On page 76, I think that we have to do something more with the Lovelady picture. It occurs to me that we should probably do a paragraph or section dealing with Oswald's known whereabouts at 12:30. In setting forth the limited amount of evidence as to his whereabouts at this time we could reject the allegation that the picture in question shows him standing in the doorway at the time of the assassination.

37. With regard to the treatment of the General Walker shooting, I think that we need a paragraph summarizing the investigation, or lack of it, conducted by the Dallas Police Department after the Walker shooting. We also should set forth briefly the fact that Walker initiated an investigation into the matter. Our conclusion that Oswald was probably responsible builds of course on the fact that it was an unsolved crime. We have to make some reference to the investigation made by Keaster and Roberts, whose statements regarding Duff should be made part of the record and have been collected by Liebelier.

38. I am of the mind now that there should be no other evidence section at the end of the chapter. This means that we have to find a place for each of the subsections. I think that the paraffin tests discussion should be set forth early in the Report, after the discussion of Oswald's ownership of the rifle. It could be set forth by the Commission in a frank statement that the Commission has no scientific evidence as opposed to eyewitness and circumstantial evidence that Oswald fired the rifle on November 22.

39. I would eliminate the section now labeled clothing identification and make the point in the course of setting forth the testimony of the Tippit witnesses. It is clear enough what the Commission relies upon and what it does not rely upon and we do not need this section.

40. The Nixon attempt problem presents a more difficult problem. I would consider discussing this under the case heading as the General Walker shooting so as to cover all prior similar acts in one section. In the course of that section we could state our evidence supporting the conclusion that he fired at General Walker and why we believe he did not attempt to shoot Nixon. An alternative

to this would be to make referene to this incident only by a single sentence in Chapter 4 and treat it more fully in Chapter 7, as an illustration of Oswald's personality and treatment of his wife. I do not think it should be handled at the end of this chapter.

41. The section drafted by Mr. Liebeler on the Irving sports shop story can be handled earlier in the chapter dealing with the ownership of the rifle. I think it is reasonable to set forth the evidence supporting the conclusion that Oswald owned and handled this weapon and make the point also that the Commission has no credible evidence that Oswald owned another rifle. It also might be worked in where we state that the rifle was shipped with the scope already on.

For example, I note on page 2, paragraph 3, the memorandum employs words like "case," "argument," "weaken." Aren't these the words appropriate to a brief, a legal brief?

A. These are the words that come naturally to a lawyer reviewing a written product. We thought it was important to have a fair and comprehensive treatment of the evidence. We also thought it would be desirable to support the Commission's conclusions in as useful and as persuasive a way as possible.

Q. It has been suggested by some that the Commission's report was in fact not a fair and objective analysis of the evidence but rather a brief in behalf of the Government's position; to wit, the single assassin theory. I wonder if you would comment on this.

A. I do not agree with that criticism obviously. I think there are several examples in the report that could be allowed in a response to that criticism; for example, the decision of the Commission not to rely on the eyewitness testimony of Mr. Brennan.

Q. Let me explore that with you if I might. On page 3 of this memorandum, paragraph 11, that very issue is raised and it is also raised on page 4, paragraph 18, and page 5, paragraphs 19 and 20. How did the staff and the Commission arrive at a decision in reference to Mr. Brennan's testimony? Would you describe the processes that led you to handle Brennan in one way as opposed to another?

A. Well, the process is not really very, very mysterious. There were initial drafts of the report or assessment of the relevant evidence going back as early as February and March of 1964. As we turned from the investigative stage of the report to the writing stage of the report, the responsible attorneys would make an initial cut at presenting the relevant evidence, evaluating it and supporting their conclusions.

Q. In what sort of way?

A. In this particular case they were trying to use those standards that they thought would be the likely product of a contested trial. They were sensitive in this area in particular to the fact that there was no cross examination that could be used to challenge the eyewitness testimony of a person such as Mr. Brennan and there was a sensitivity to that concern supplemented by the fact that other evidence seemed more credible that led the staff attorneys and ultimately the Commission to conclude that some evidence should not be relied upon and other evidence should be emphasized.

Q. Do I understand you correctly to be saying that where information or evidence might have been subjected to sharp challenge in an adversary proceeding there was an inclination of the Commission staff not to rely on it but to rely instead on evidence that could not have been as sharply criticized or challenged?

A. That certainly was a general effort. I don't know how well it was achieved in the overall report but I do know that it was of particular

concern with respect to the evidence implicating Lee Harvey Oswald. This exhibit that I have in front of me, JFK exhibit No. 74, reflects a process by which the report ultimately emerged; it represents a detailed review by me of a proposed draft including the substantive and organizational changes that I thought would be useful.

I had the general responsibility of submitting my views with respect to any portion of the report and I think I generally took advantage of that opportunity and performed that responsibility. After such a memo would be prepared by me or by Professor Redlich, customarily the drafts would be either rewritten by the responsible attorneys or Mr. Redlich and I or in some instances Dr. Goldberg would take the responsibility for incorporating the revisions into another draft.

The drafts were generally commented upon by attorneys in other areas as well, particularly the most sensitive parts of the report, so that as the redrafting continued the use of a large number of staff members was taken into account. Mr. Rankin had the final responsibility for the drafts that went forward to the Commission and he looked primarily to Professor Redlich and myself to present to him a draft with which both of us were in agreement.

Q. The committee has available to it in its record now testimony indicating that there was some controversy over the general structure of the report, and now I am referring to what the staff here has called the long-run/short-run report. The short-run report was one that in relatively clear and black letter terms made an effort to resolve as sharply as possible most controversies presented to the Commission appropriately qualified but nevertheless resolved. The long-run version would have been a report that included within the language of the report and its footnotes a great deal more of the ambiguity of the evidence and a clearer and a franker recognition of the ambiguities in the testimony and the unresolved questions.

I grant that neither of these two characterizations would fully or adequately describe the document that was ultimately published. Nevertheless, they might well represent tendencies in a draft. The testimony in the record tends to indicate that the option taken by the Commission was the short-term. I don't use that in a pejorative sense. That is, to write as clear and forceful and determined a report as possible. The option of writing a report that contained more ambiguity and more unanswered questions was not adopted. I wonder if you would comment on that general description of the report and its tendencies.

A. Well, I don't accept those characterizations as having any relevance to this end product. When the report came out it was regarded as being a lengthier and more thoroughly documented report than most people had anticipated. There was a considerable desire within the staff at least to prepare a report that would deal substantially and usefully with all the important questions addressed in the investigation.

The numerous appendixes attached to this report and the decision to publish simultaneously the underlying evidence suggests to me a disposition quite contrary to the suggestion that this was a short run product designed to avoid controversy and overlook the ambiguities inherent in the investigation. The report I think reflects the limita-

tions of the Commission's efforts in important respects when it concludes as to the existence of a conspiracy and only that. There is no evidence regarding such a conspiracy and the significance of that conclusion has to be evaluated in light of the investigation that was conducted up to that point by the Commission in the various investigative agencies. I think as a qualified conclusion that was appropriately made and that left others free, like this committee, to explore facts that have developed in the intervening years to re-examine that conclusion and see whether it is still a legitimate conclusion or not.

I think the suggestion that the report should have reflected ambiguities and hold open more serious questions is both unrealistic and not very useful. We are, after all, dealing with a public report issuing over the signatures of seven extremely experienced and prominent public figures. We are well accustomed to the ambiguities of life and also the necessity of reaching conclusions notwithstanding the existence of such ambiguities. They and the staff tried to do so in an honest and complete way, and I am sure that we all anticipated that criticism of whatever kind would come over the years and should be expected.

Q. Let me direct your attention to page 4, paragraph 13, of JKF exhibit No. 74. There is a reference in the memorandum to the Ball-Belin approach. Do you recall what that was?

A. This characterization was not intended to be a critical one. My recollection is that the initial draft of this section of the report that was prepared by Mr. Ball and Mr. Belin devoted a considerable amount of space to tracing the chain of custody of particular items of evidence, for example, in the way that you would have to do if you were presenting the matter in court. That is completely understandable in light of the considerable litigation experience of both of them and particularly Mr. Ball.

My sense as someone who was trying to organize and present the material was that the lay reader of this report did not need that kind of detail in a report that already promised to be very long and ought to focus in on the issues of real controversy. I think it is that which I had in mind by the reference here to the Ball-Belin approach. That is more a difference in style than in substance and reflects my views as to what kind of a report ultimately should be produced.

Q. Nevertheless I take it from your previous answers that trial-type standards on custody and authentication were applied to the evidence that you ultimately relied upon.

A. I would not want to go so far as to say that. I mean there was concern about custody and authentication but even if there was some concern that does not necessarily mean that the body of this report should contain a detailed recital of the chain of custody of particular items of physical evidence if the writers of the report are comfortable with the conclusion that the evidence that they are relying upon was not tampered with during the relevant period.

Q. Let me make an effort to paraphrase you so I understand. You are saying that the Commission staff in evaluating evidence if it didn't apply trial-type standards on custody authentication at least only used that evidence that it was comfortable with and then in writing the report did not necessarily set forth the processes by which it came to

arrive at a judgment that they were comfortable with; for example, whether the rifle taken from the depository was indeed the rifle that Lee Harvey Oswald bought or whether the rifle first found in the depository is indeed the rifle ultimately examined by the ballistics people.

A. We certainly would not have relied on physical evidence where we had any reason to suspect that there had been some substitution so as to make the results of examining that evidence not reliable.

Q. The absence sometimes in the report of the detailed discussion of the reasoning process that led you to decide that a particular rifle was identical within a particular photograph that was authentic is not an indication that the Commission staff did not explore those questions prior to relying on the evidence.

A. That is correct, and I think that certainly is an option that that could have been considered in writing the report; that is, to provide a more detailed explanation of the reasoning process in general terms at least if not with respect to each specific piece of evidence relied upon.

Q. Although I might be moved to comment that if your one-volume report lacked a certain readership, then the two-volume report filled with the tedious record systems entitled "Only to Lawyers" might have been even less well read.

A. I suppose we would have addressed that kind of issue the way we did the more scientific questions that were considered in the appendixes but we did limit our discussion of the quality of our evidence only to a few very important items in the report of the kind that we previously mentioned.

Q. What is included in the report is important. What is not included in the report is sometimes important, too.

In that context let me show you what has been previously marked JFK exhibit No. 42. This deals with a question of a possible threat by Premier Castro to kill President Kennedy and whether or not that threat might have come to the attention of Lee Harvey Oswald. The memorandum addresses the issue of whether that should have been reflected in the final report. The official report at page 414 and the New York Times report at page 390 in general terms discussed this issue but at least to my reading do not explicitly adopt the suggestion that Mr. Liebler had made to Mr. Rankin in his memorandum on the 16th.

Do you think that had the Commission known of the CIA plots that this kind of material might have found its way explicitly into the final report?

[EXHIBIT No. 42]

Date: September 16, 1964.

Memorandum to: Mr. Rankin.

From: Mr. Liebler.

Reference: Quote from "New Orleans Times-Picayune" of September 19, 1963 concerning Fidel Castro's speech.

We previously discussed the possible inclusion in Chapter VII of the quote from the New Orleans Times-Picayune of September 9, 1963 concerning Fidel Castro to the effect that U.S. leaders would not be safe themselves if U.S. promoted attacks on Cuba continued. You and Mr. Redlich took the position that we could not include the quote unless there was some evidence that Oswald had actually read that particular newspaper. I stated that the material was relevant and the possibility that Oswald had read it should be discussed. I was not, however, at that time able to indicate any other situation in which materials had been discussed on the possibility that Oswald had read it, in the absence of any specific proof that he had.

I now note, however, in reviewing the galley of Chapter VI, that an extensive discussion of the "Welcome Mr. Kennedy" advertisement and the "Wanted for Treason" handbill are included. The following statement appears in connection: "There is no evidence that he [Oswald] became aware of either the 'Welcome Mr. Kennedy' advertisement or the 'Wanted for Treason' handbill, though neither possibility can be precluded."

Our discussion of the possible inclusion of the Castro quote had obvious political overtones. The discussion set forth in Chapter VI concerning the "Welcome Mr. Kennedy" advertisement and the "Wanted for Treason" handbill have similar overtones. One of the basic positions that you have taken throughout this investigation is that the groups on both ends of the political spectrum must be treated fairly. I have agreed with that proposition in general, even though we have disagreed at times on specific applications of it.

It appears clear to me, however, that if we are precluded from including the quote from the New Orleans newspaper concerning Castro's speech on the grounds that we have no evidence that Oswald actually read it, even though we do know he read a great deal, the same must be true of the "Welcome Mr. Kennedy" advertisement and the "Wanted for Treason" handbill. The discussion in Chapter VI actually admits that the "Welcome Mr. Kennedy" advertisement in the November 22, 1963 "Dallas Morning News" probably did not come to Oswald's attention. Under those circumstances it would seem to me that fairness indicates either the deletion of the discussion of the advertisement and the handbill that is now set forth in Chapter VI or the inclusion of the Castro statement in Chapter VII.

A. I can't say.

Q. Do you recall this particular controversy at all?

A. I remember seeing that memorandum. There were several such issues that were raised in the last week's effort to conclude the writing of the Commission report. People were working very hard. There was a keen sense of history involved in preparing the report. There was apprehension of all kinds with respect to our ability to complete a satisfactory report. There were numerous instances where differences of views came to light with respect to what should be contained in the report and how it should be stated.

Q. This is just one example.

A. This is just one example and reflects a very substantial contribution that Mr. Liebler made throughout the Commission's investigation to keep people's attention focused on the need for fairness and political balance and to be careful about matters of detail.

Q. Should any particular significance be attached to the omission in the final report of explicit reference to the Castro threat?

A. I don't think so but I do not really recall very clearly now what, if anything, is included in the Commission report regarding this particular hypothesis.

Q. You can, if you want to, examine this. I think on page 414 is the only reference at least that I have been able to find. You have in this a general section entitled "Entrance in Cuba" and you have a paragraph—I am reading now from page 319 of the New York Times version. I think you have page 414 of the official version.

A. I noticed on page 414 of the official version that there is a reference to a substantial difference in political views between Cuba and the United States, specifically the reference to a statement by Castro that Cuba could not accept a situation where at the same time the United States was trying to ease world tensions it also was increasing its efforts to tighten the noose around Cuba.

I note also a sentence from page 414 to this effect: "The general conflict of views between the United States and Cuba was, of course, re-

flected in other media to such an extent that there can be no doubt that Oswald was aware generally of the critical attitude that Castro expressed about President Kennedy."

On page 415 there is a sentence that reads as follows: "While some of Castro's more severe criticisms of President Kennedy might have led Oswald to believe that he would be well received in Cuba after he had assassinated the American President, it does not appear that he had any plans to go there."

It seems to me that those sentences demonstrate the resolution of the controversy raised by Mr. Liebler's memorandum. The resolution seems to have been a generalized reference to the kind of criticism that existed at the time and that might have well come to Oswald's attention but without the need to focus on particular embodiments of that Castro criticism where there was no evidence that Oswald did in fact see the specific newspaper item.

Q. That concludes my questions this morning, Mr. Willens. Let me say again I appreciate your time and effort to come over and share with us your thoughts, and I will look forward to reading your subsequent submission on the processes that led to and were involved in the writing of the report. I would like at this time to extend to you the opportunity to make any additional statement, that you want to for the record.

A. Thank you. It will be short.

I do want to summarize some of my views with respect to the work of the Warren Commission and the review of that work by this committee.

First, I have not and do not oppose the work of this committee. It is certainly most appropriate for an instrumentality of the Congress to evaluate the findings of the Warren Commission in light of the technical developments and the disclosures of the last nearly 14 years. In addition, anyone who serves the public in any capacity, especially on a project as visible and historical as the Warren Commission, must be prepared to have his or her work subjected to the closest public scrutiny.

All I or anyone associated with the Commission can ask is that the judgment this committee ultimately renders be reasoned and fair. By reasoned I mean a process of careful consideration of all the pertinent evidence and factors and the framing of documented and balanced conclusions in light of the relevant evidence and factors. By fair I mean the application of a mature and humane judgment that recognizes that errors are inevitable and that the establishment of priorities is necessary in any public endeavor. In particular I ask for some understanding of the incredible public pressures operating upon the Commission and staff to complete its work as the end of 1964 approached.

Second, I will not reiterate at any length my views regarding the ability or integrity of the members of the Commission and staff. Any such opinions of mine are obviously self-serving.

To the extent that the record of the Commission's work provides evidence of conflicting viewpoints among staff members, two points might be made.

First, the Commission had nothing to hide about the way it did its business. The difficulties are reflected in the records of the Commission for all subsequent interested parties to evaluate.

Second, such differences surely must be expected of a staff of reasonable, mature and highly independent professionals. Nothing would have warranted suspicion as much as a unanimity of views among the members of the Commission staff.

Third, I hope the committee will have the courage to conclude publicly that the Warren Commission was correct in its major findings, if that is indeed its conclusion. It will be an easy and attractive course to avoid such an assessment by finding deficiencies in the way in which the Warren Commission did its work and lamenting the passage of time that has made further investigation fruitless. The public deserves more than this. If the findings of the Warren Commission are not soundly based on the evidence, this committee should so state but if the opposite is true and the committee concludes that the Warren Commission was essentially right, then the public deserves to be told this as well.

Last, as you approach public hearings I hope you will give careful thought to the fairness of your presentation of the facts. If you have concluded that the Warren Commission was deficient in its operating procedures, I hope you will consider giving an opportunity to members of the Commission or staff to comment on your findings or to testify in your public hearings. I offer this suggestion not because of any vested interest in the findings of the Warren Commission but in an age where governmental institutions are so persuasively distrusted it seems only fair to make certain that all perspectives are evaluated before concluding that the Warren Commission or any other Government agency associated with the assassination investigation of President Kennedy did anything less than extend its best efforts to deal honestly with a most challenging public assignment.

Thank you for your courtesy.

Mr. BLAKEY. You're welcome.

[Whereupon, at 12:10 p.m., the deposition concluded.]

CERTIFICATE OF NOTARY PUBLIC

I, Annabelle Short, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand to the best of my ability and thereafter reduced to typewriting by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel by the parties thereto nor financially or otherwise interested in the outcome of the action.

ANNABELLE SHORT,

Notary Public in and for the District of Columbia.

My Commission expires November 14, 1980.

(286) Attachment I: Letter and attachments from Judge Burt W. Griffin to G. Robert Blakey, November 23, 1977.

COURT OF COMMON PLEAS

003477

COUNTY OF CUYAHOGA

CLEVELAND, OHIO 44113

BURT W. GRIFFIN
JUDGE

November 23, 1977

Mr. Robert Blakey
Chief Counsel
House Committee on Assassinations
House Annex #2
3rd and D Streets, S.W.
Washington, D.C.

Dear Bob:

When I returned home from Washington on November 17th my 14 year old son (thank God for 14 year old sons) mentioned to me that he had been rummaging in our attic and had found a stack of Warren Commission papers.

Lo and behold when he brought them down, they were xeroxed copies of nearly every memo which I had written in 1964, together with some other inter-office communications to me from other staff members. I now remember that these were sent to me some months ago by Paul Hoch, a Warren Commission researcher in San Francisco. I had never looked at them and merely stashed them away.

I have now reviewed all of them and am forwarding four for your consideration.

The enclosed papers, together with others which I have not sent, suggest four important amendments to my testimony:

1. There are memoranda in the file showing that Leon Hubert was at work in Washington for the Commission at least as early as January 14, 1964, and it is my recollection that I began work before Hubert. Perhaps, you do not fully understand the significance of the pay records which you have summarized.

2. There are a number of inter-office memos dated prior to May 1, 1964, which show rather substantial amounts of communication from Hubert and me to others working in the conspiracy area and vice-versa. Your staff people are probably aware of these.

3. The June 1, 1964 memo that I have enclosed shows quite clearly that Hubert and I told Willens "we believe the investigative requests now underway will serve to correct all the matters specified in our memorandum of May 14th." In light of

that statement, I don't see how I can now complain about the follow-through on the investigative matters requested in paragraphs four and five of the memorandum (pages 5,6,7,8,9 & 10). Moreover, other letters bearing Mr. Rankin's signature, which I have not sent to you, show the nature of the investigation that we requested with respect to the specific matters set forth in those pages. There are also, among the papers sent to me by Paul Hoch, a few other letters prepared around June 1, 1964, with Mr. Rankin's signature, which were not sent to the investigative agencies. Apparently, we did do some compromising. But obviously I was prepared to put in writing to Howard Willens my satisfaction with the investigation we were doing, and I will not now attempt to put the jacket on someone else within the commission staff.

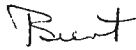
4. On page 46 of an unpublished early draft of the conspiracy chapter, I wrote as follows:

"The CIA has no information suggesting that Jack Ruby was involved in any type of Cuban or other foreign conspiracy."

Since that draft was obviously written before the September 14th letter which you showed me from the CIA, I have to conclude that we had received oral communications from the CIA telling us that they had no information and that we ultimately insisted on their putting their oral statements to us in writing. That, I believe, is why the CIA letter came so late. This may not change your conclusion about the CIA cooperation in connection with our requests for information on Ruby, but it does flesh in some more detail on how they responded to that request.

Do not hesitate to contact me if you wish to discuss these matters further.

Sincerely,



Burt W. Griffin
Judge

BWG/mjm

Enclosures

M E M O R A N D U M

June 1, 1964

TO: Mr. Howard F. Williams

FROM: Leon D. Hobart, Jr.
Burt G. Griffin

In response to your memorandum of June 1, 1964, we expect that by Wednesday June 3, 1964 all of the investigative requests which are now appropriate will have been delivered to you.

With respect to Break Hall, we believe that it may later be appropriate to question him, Joe Peterson, and Ralph Paul through the FBI or by deposition concerning the telephone calls Ruby made between 11:38 p.m. and 11:46 p.m. on Saturday November 23. However, we do not wish to undertake such questioning until the results of our other requests have been examined. In addition, it should be emphasized that further investigative requests may become appropriate in the course of reading the Ruby trial transcript, examining further evidence to be produced by Ruby or his attorneys, writing a final draft, and foot-noting.

Nonetheless, we believe the investigative requests now underway will serve to correct all the matters specified in our memorandum of May 14. We presume that our suggestions for obtaining radio tapes, television tapes, hotel and motel records, and airline passenger manifests are of such a broad nature as to be outside the scope of any requests by way of letters to the FBI; but we understand that consideration has been given to these suggestions and that a decision will be made in the future as to whether or not these suggestions will be implemented.

Griffin/jr/6-1-64
CC: Griffin chron file
Mr. Rankin

SEP 22 1964

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Pennsylvania Ave. & 9th St. N. W.
Washington, D. C. 20535

Dear Mr. Hoover:

In confirmation of a telephone conversation Monday, September 21, 1964 between Mr. Burt W. Griffin of our staff and Mr. Swanson of your office, I would appreciate your forwarding as quickly as possible a letter stating whether or not prior to November 24, 1963 there was any information in your files concerning subversive activities of Jack Ruby.

Your cooperation in the work of the Commission is appreciated.

Sincerely,

SIGNED

J. Lee Rankin
General Counsel

Griffin/jv/9-22-64
CC: Griffin &ron file
Mr. Rankin
Mr. Willens

227, Jack

2-1-2

September 14, 1964

Int MEMORANDUMTO: J. Lee Rankin
General Counsel

FROM: Durt W. Griffin

Pursuant to your request, the Federal Bureau of Investigation has provided for examination all reports in its files pertaining to the activities in the Dallas-Fort Worth area during the year 1963 of all persons associated with the anti-Castro Cuban groups, known as ALFA 66, JURE and Directorio Revolucionario Estudiantil (DIRE).

I have examined these reports and have found no names or activities mentioned which are recognizable by me in any way as being connected with Jack Ruby, with any of Jack Ruby's known associates or any activities in which Jack Ruby participated.

Griffin/jv/9-14-64
CC: Griffin chron file
Mr. Rankin
Mr. Willens

by SA ROBERT L. FROST / 42 Date dictated 11/20/63
This document contains information and recommendations of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

COMMISSION EXHIBIT No. 3031-Continued

COMMISSION EXHIBIT No. 3032

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535



September 24, 1964
BY COURIER SERVICE

Honorable J. Lee Rankin
General Counsel, Commission
200 Maryland Avenue, Northeast
Washington, D. C.

Dear Mr. Rankin:

Reference is made to your letter dated September 23, 1964, wherein you requested a letter advising whether or not the Bureau has any information in its files of this Bureau concerning any subversive activities of Jack L. Ruby.

Please refer to my letter dated April 7, 1964, wherein you were advised that a thorough search had been made of all FBI records prior to November 23, 1963, wherein any mention was made of Ruby. The result of this search, which was made on July 1, 1964, and prior to November 23, 1963, were furnished to you at that time.

Sincerely yours,
[Signature]
Special Agent in Charge

COMMISSION EXHIBIT No. 3033

President's Commission
on the
Assassination of President Kennedy
on November 22, 1963
Washington, D.C. 20540

MEMORANDUM
FOR THE RECORD
SUBJECT: JACK RUBY
RE: JACK RUBY
DATE: 9/24/64

September 24, 1964

TO: J. Lee Rankin
General Counsel
FROM: Bart F. Griffin

I have personally examined all reports of the Federal Bureau of Investigation for the Dallas and Fort Worth area pertaining to subversive activities during 1950 and have found no reports identifiable with Jack Ruby or any of his known associates.

[Signature]

COMMISSION EXHIBIT No. 3034

(287) Attachment J: Letter from Howard P. Willens to G. Robert Blakey, December 14, 1978.

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December 14, 1978

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Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, D.C. 20515

Dear Bob:

In the course of my deposition on July 28, 1978, I undertook to comment on the enclosed exhibit purporting to identify the members of the Warren Commission staff that authored particular chapters of the report.

I am sorry for the delay in responding to your request that I review this document. I had hoped to find the time to review materials that I am confident exist reflecting the internal workings of the Commission staff regarding the writing of the report. I have not been able to do so, however, and I am therefore unable to inform you and the Committee on this subject with the thoroughness and precision that I would like to.

Most importantly, this summary is seriously flawed and should not be relied upon by the Committee for any conclusions whatsoever. Without resurrecting old controversies with Mr. Epstein, it is a matter of public record that he interviewed only a few members of the Warren Commission staff

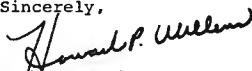
and that only some of those interviewed responded to his questions with respect to the authorship of various sections of the report. Accordingly, his summary substantially overstates the contributions of some members of the staff, understates the contributions of others, and does a disservice to the 20 or more members of the staff that participated significantly in preparation of the final report.

Although I had originally intended to do so, I have decided that it would not be productive for me to try and recall the contribution made by each member of the Commission staff to each chapter of the report. Any effort by me to do so without refreshing my recollection with materials from the files of the Commission would undoubtedly suffer from the same inaccuracies that I attribute to Mr. Epstein's effort to do so.

As I am sure you know from your own experience now, any final report emanating from a committee has numerous authors. Each chapter of the Warren Commission report went through 6 or more substantial redrafts, with different persons assuming editorial responsibility at different times. I am sure this will prove to be the case also as your Committee completes its final report.

I hope that this letter is useful and that you understand my reticence in trying to be more exact.

Sincerely,



Howard P. Willens

Enclosure

Who Wrote What

- Chapter 1 - "Summary & Conclusions" - Norman Redlich
- Chapter 2 - "The Assassination" - primarily written by Redlich, although Specter and Stern contributed.
- Chapter 3 - "The Shots from the TSBD" - originally written by Specter and submitted in June. The chapter was rewritten by Redlich.
- Chapter 4 - "The Assassin" - originally written by Ball and Belin. In late June the Re-editing Committee rejected this chapter. Redlich rewrote the chapter which took him ten weeks.
- Chapter 5 - "Detention and Death of Oswald" - Griffin and Laulicht submitted the draft in August. Goldberg rewrote it.
- Chapter 6 - "Investigation of Possible Conspiracy," Pollak wrote the section on LHO's movements abroad and Slawson wrote the rest. Pollak then rewrote the entire chapter. Goldberg rewrote the chapter again.
- Chapter 7 - "LHO: Background and Possible Motives" - Liebeler wrote it originally and Goldberg rewrote it.
- Chapter 8 - "The Protection of the President" - Sam Stern wrote the first draft. Howard Willens rewrote the chapter.

Rankin appointed Norman Redlich, Alfred Goldberg, Howard Willens, and himself as a "Re-editing Committee."

Goldberg also wrote the Rumors Appendix

REFERENCES

- (1) Letter from FBI Director J. Edgar Hoover to President Lyndon B. Johnson, Mar. 23, 1963 (JFK Doc. 015037).
- (2) Memorandum to the files by Presidential Assistant Walter Jenkins, Nov. 24, 1963 (JFK Doc. 015038).
- (3) Deposition of Nicholas deB. Katzenbach, Aug. 4, 1978, House Select Committee on Assassinations, p. 46 (JFK Doc. 014569).
- (4) *Ibid.*, p. 8.
- (5) Memorandum from Walter Jenkins to Bill Moyers, Nov. 25, 1963 (JFK Doc. 015038).
- (6) Memorandum from Deputy Attorney General Nicholas deB. Katzenbach to Bill Moyers, Nov. 25, 1963.
- (7) See ref. 3, pp. 59-60.
- (8) "Public Papers of the Presidents of the United States, Lyndon B. Johnson, Book 1: Nov. 22, 1963 to June 30, 1964" (Washington, D.C.: U.S. Government Printing Office, 1965).
- (9) Leon Jaworski interview, "Oral History Project," p. 21 (JFK Doc. 003411).
- (10) Memorandum from Walter Jenkins to President Lyndon B. Johnson, Nov. 29, 1963 (JFK Doc. 015039).
- (11) See ref. 3, p. 9.
- (12) Memorandum from FBI Director J. Edgar Hoover to Messrs. Tolson, Belmont, Mohr, Sullivan, DeLoach, and Rosen, Nov. 29, 1963 (JFK Doc. 015040).
- (13) Lyndon B. Johnson, "The Vantage Point" (New York: Popular Library edition, 1972), p. 26.
- (14) *Id.* at p. 27.
- (15) *Ibid.*
- (16) "The Memoirs of Chief Justice Earl Warren" (Garden City, N.Y.: Doubleday & Co., Inc., 1977), pp. 356-358.
- (17) Chief Justice Earl Warren, "Oral History Project," pp. 16, 17 (JFK Doc. 003409).
- (18) Testimony of Gerald R. Ford, Sept. 21, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1979), vol. III, p. 578 (hereinafter referred to as Ford testimony, Sept. 21, 1978, III HSCA-JFK hearings, 578).
- (19) See ref. 13, p. 26.
- (20) *Ibid.*
- (21) See ref. 9, pp. 22, 23.
- (22) *Id.* at p. 24.
- (23) See ref. 6; see ref. 2.
- (24) Memorandum from Assistant FBI Director Cartha DeLoach to Associate FBI Director Clyde Tolson, Dec. 12, 1963 (JFK Doc. 015040).
- (25) Executive session testimony of Norman Redlich, Nov. 8, 1977, hearings before the House Select Committee on Assassinations, pp. 144, 74 (JFK Doc. 014665) (see attachment A, this staff report); executive session testimony of Arlen Specter, Nov. 8, 1977, hearings before the House Select Committee on Assassinations, pp. 57, 11 (JFK Doc. 014665) (see attachment A of this staff report).
- (26) See ref. 13, p. 26.
- (27) Memorandum to the files of Warren Commission staff member Melvin Eisenberg, Feb. 17, 1964 (JFK Doc. 015041).
- (28) *Ibid.*
- (29) The New York Times, Nov. 26, 1963, p. 15.
- (30) "The Whole Truth," The New York Times, Nov. 26, 1963, p. 36.
- (31) The Washington Post, Nov. 26, 1963.
- (32) "Indians Believe Oswald Was Only a Tool," The New York Times, Nov. 28, 1963, p. 33.
- (33) See ref. 25, Redlich executive session testimony, p. 71; see ref. 25, Specter executive session testimony, p. 52; executive session testimony of Wesley Liebeler, Nov. 15, 1977, hearings before the House Select Committee on Assassinations, p. 114 (JFK Doc. 014668) (see attachment B of this staff report); executive session testimony of Howard P. Willens, Nov. 17, 1977, hearings before the House Select Committee on Assassinations, p. 85 (JFK Doc. 014694) (see attachment C of this staff report).

- (34) Executive session testimony of W. David Slawson, Nov. 15, 1977, hearings before the House Select Committee on Assassinations, p. 88 (JFK Doc. 014668) (see attachment B of this staff report).
- (35) See ref. 25, Specter executive session testimony, p. 7.
- (36) See ref. 25, Redlich executive session testimony, p. 71.
- (37) Executive session testimony of Judge Burt W. Griffin, Nov. 17, 1977, hearings before the House Select Committee on Assassinations, p. 19 (JFK Doc. 014694) (see attachment C of this staff report).
- (38) See ref. 34, Slawson executive session testimony, p. 10.
- (39) *Id.* at p. 87.
- (40) *Id.* at p. 88.
- (41) See ref. 33, Liebeler executive session testimony, p. 143.
- (42) *Id.* at p. 157.
- (43) See ref. 18, Ford testimony, Sept. 21, 1978, HSCA-JFK hearings.
- (44) Testimony of John J. McCloy, Sept. 21, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1979), vol. III, p. 605 (hereinafter referred to as McCloy testimony, III HSCA-JFK hearings, 605).
- (45) Deposition of J. Lee Rankin, Aug. 17, 1978, House Select Committee on Assassinations, p. 6 (JFK Doc. 014027) see attachment D of this staff report).
- (46) Warren Commission executive session transcript, Dec. 5, 1963 (JFK Doc. 000493).
- (47) See ref. 18, Ford testimony Sept. 21, 1978, III HSCA-JFK hearings 47.
- (48) See ref. 33, Willens executive session testimony, p. 91.
- (49) See ref. 25, Specter executive session testimony, p. 9.
- (50) See ref. 25, Redlich executive session testimony, p. 79.
- (51) See ref. 37, Griffin executive session testimony, p. 15.
- (52) See ref. 25, Specter executive session testimony, p. 10.
- (53) *Id.* at p. 48.
- (54) See ref. 34, Slawson executive session testimony, p. 60.
- (55) See ref. 33, Willens executive session testimony, p. 105.
- (56) See ref. 37, Griffin executive session testimony, pp. 11-12.
- (57) See ref. 25, Redlich executive session testimony, pp. 73-74.
- (58) See ref. 34, Slawson executive session testimony, p. 58.
- (59) See ref. 25, Specter executive session testimony, p. 10.
- (60) See ref. 45, Rankin deposition, p. 96.
- (61) See ref. 33, Liebeler executive session testimony, pp. 118-119.
- (62) *Ibid.*
- (63) See ref. 45, Rankin deposition, p. 43.
- (64) *Id.* at pp. 97-98.
- (65) See ref. 34, Griffin executive session testimony, p. 59.
- (66) *Ibid.*
- (67) See ref. 25, Redlich executive session testimony, p. 78.
- (68) See ref. 25, Specter executive session testimony, p. 9.
- (69) See ref. 25, Redlich executive session testimony, p. 129.
- (70) See ref. 44, McCloy testimony, Sept. 21, 1978, III JFK hearing, 602.
- (71) See ref. 18, Ford testimony, Sept. 21, 1978, III HSCA-JFK hearings, 583.
- (72) *Id.* at 582.
- (73) See ref. 37, Griffin executive testimony, pp. 17-18.
- (74) See ref. 25, Specter executive session testimony, p. 9.
- (75) See ref. 33, Willens executive session testimony, pp. 94-96.
- (76) See ref. 37, Rankin deposition, p. 13.
- (77) *Id.* at pp. 14-15.
- (78) See ref. 25, Specter executive session testimony, pp. 16-17.
- (79) See ref. 33, Willens executive session testimony, p. 97.
- (80) See ref. 25, Redlich executive session testimony, p. 82.
- (81) See ref. 37, Griffin executive session testimony, pp. 22-23.
- (82) *Id.* at p. 82.
- (83) See ref. 25, Specter executive session testimony, p. 18.
- (84) See ref. 34, Slawson executive session testimony, p. 14.
- (85) See ref. 25, Specter executive session testimony, p. 19.
- (86) See ref. 25, Redlich executive session testimony, p. 83.
- (87) See ref. 33, Liebeler executive session testimony, p. 127.

- (88) Edward J. Epstein, "Inquest" (New York: Viking Press, 1966), p. 131; minutes of the Warren Commission executive session of Sept. 18, 1964 (JFK Doc. 000076).
- (89) See ref. 25, Specter executive session testimony, p. 14.
- (90) See ref. 44, McCloy testimony, Sept. 21, 1978, III HSCA-JFK hearings, 607.
- (91) "Warren Commission Report," p. 19.
- (92) Testimony of John Sherman Cooper, Sept. 21, 1978, hearings before House Select Committee on Assassinations, 95th Cong. 2nd sess. (Washington, D.C.: U.S. Government Printing Office 1979) vol. III, p. 600 (hereinafter referred to as Cooper testimony, Sept. 21, 1978, III HSCA-JFK hearings, —).
- (93) See ref. 25, Specter executive session testimony, pp. 20-21.
- (94) *Id.* at p. 50.
- (95) See ref. 33, Willens executive session testimony, p. 115.
- (96) See ref. 25, Specter executive session testimony, p. 64; see ref. 25, Redlich executive session testimony, p. 103.
- (97) See ref. 34, Slawson executive session testimony, pp. 49-50.
- (98) *Id.* at pp. 86-87.
- (99) See ref. 37, Griffin executive session testimony, p. 27.
- (100) See ref. 45, Griffin executive session testimony, p. 100.
- (101) *Id.* at p. 101.
- (102) See ref. 44, McCloy testimony, Sept. 21, 1978, III HSCA-JFK hearings, 601.
- (103) See ref. 17, p. 28.
- (104) *Id.* at p. 26.
- (105) *Id.* at p. 17.
- (106) See ref. 34, Slawson executive session testimony, p. 52.
- (107) See ref. 37, Griffin executive session testimony, p. 10.
- (108) *Id.* at p. 26.
- (109) *Ibid.*
- (110) See ref. 33, Willens executive session testimony, p. 125.
- (111) *Id.* at pp. 16-17.
- (112) See ref. 25, Redlich executive session testimony, p. 144; fn. 25, Specter executive session testimony, p. 57; and fn. 37, p. 24.
- (113) See ref. 33, Liebeler executive session testimony, p. 154; see ref. 34, p. 101.
- (114) See ref. 33, Willens executive session testimony, p. 130.
- (115) See ref. 34, Slawson executive session testimony, p. 11; see ref. 25, Redlich executive session testimony, pp. 74-75; see ref. 33, Liebeler executive session testimony, p. 154; see ref. 25, Specter executive session testimony, p. 11.
- (116) See ref. 34, p. 11.
- (117) *Id.* at pp. 101-102.
- (118) See ref. 44, Cooper testimony, Sept. 21, 1978, III HSCA-JFK hearings, 601-02.
- (119) See ref. 18, Ford testimony, Sept. 21, 1978, III HSCA -JFK hearings, 589.
- (120) See ref. 25, Redlich executive session testimony, pp. 146-147.
- (121) *Ibid.*
- (122) See ref. 46, p. 1.
- (123) *Id.* at p. 2.
- (124) *Id.* at p. 39.
- (125) S.J. Res. 137, Public Law 88-202.
- (126) See ref. 46, p. 8.
- (127) See ref. 46, Dec. 19, 1963, p. 3 (JFK Doc. 000501).
- (128) *Id.* at p. 12.
- (129) See ref. 46, Dec. 16, 1963, p. 11 (JFK Doc. 000475).
- (130) *Id.* at p. 12.
- (131) *Id.* at p. 18.
- (132) *Id.* at p. 14.
- (133) *Ibid.*
- (134) *Id.* at p. 43.
- (135) *Id.* at p. 44.
- (136) *Id.* at p. 9.
- (137) *Id.* at p. 15.
- (138) *Id.* at p. 13.

- (139) *Id.* at pp. 46-47.
 (140) *Id.* at p. 22.
 (141) Letter from J. Lee Rankin to Richard M. Helms, Mar. 16, 1964 (JFK Doc. 000094 and 003872) ; Memorandum from Richard M. Helms to J. Lee Rankin, May 6, 1964.
 (142) "The Documents," *The New Republic*, Sept. 27, 1975, p. 28.
 (143) *Id.* at p. 27.
 (144) See Warren Commission executive session transcript, Jan. 27, 1964, p. 128 (JFK Doc. 000001).
 (145) *Id.* at p. 137.
 (146) *Ibid.*
 (147) *Ibid.*
 (148) *Ibid.*
 (149) *Id.* at p. 139.
 (150) *Id.* at p. 140.
 (151) *Id.* at p. 141.
 (152) *Id.* at p. 142.
 (153) *Ibid.*
 (154) *Ibid.*
 (155) *Id.* at pp. 143-154.
 (156) *Ibid.*
 (157) *Id.* at p. 163.
 (158) *Id.* at pp. 163-165.
 (159) *Id.* at pp. 168-171.
 (160) *Id.* at p. 177.
 (161) *Id.* at p. 182.
 (162) Memorandum from FBI Director J. Edgar Hoover to J. Lee Rankin, Jan. 27, 1964.
 (163) XVII Warren report hearings, 814.
 (164) See CE 835, Warren Commission report.
 (165) See CE 825, Warren Commission report.
 (166) See Committee Report II, D., 3(d).
 (167) See Warren Report at pp. 484-490.
 (168) Secret Service Doc. No. 767 (JFK Doc. 002769).
 (169) See ref. 33, Liebeler executive session testimony, p. 169.
 (170) See ref. 46, Apr. 30, 1964, p. 5351 (JFK Doc. 000496).
 (171) *Ibid.*
 (172) *Id.* at pp. 5885-5886.
 (173) *Id.* at p. 5864.
 (174) See ref. 33, Liebeler executive session testimony, p. 115.
 (175) See ref. 33, Specter executive session testimony, p. 39.
 (176) *Id.* at p. 11.
 (177) See ref. 34, Slawson executive session testimony, pp. 15-16.
 (178) See ref. 25, Redlich executive session testimony, p. 120.
 (179) See ref. 37, Griffin executive session testimony, p. 20.
 (180) *Ibid.*, p. 35.
 (181) See ref. 25, Redlich executive session testimony, p. 77.
 (182) See ref. 33, Specter executive session testimony, p. 11.
 (183) See ref. 34, Slawson executive session testimony, p. 16.
 (184) See ref. 37, Griffin executive session testimony, p. 20.
 (185) *Id.* at p. 19.
 (186) See ref. 34, Slawson executive session testimony, p. 10.
 (187) *Id.* at p. 11.
 (188) *Id.* at p. 13.
 (189) See ref. 37, Griffin executive session testimony, p. 18.
 (190) *Id.* at p. 20.
 (191) See ref. 34, Slawson executive session testimony, p. 18.
 (192) See ref. 25, Redlich executive session testimony, p. 118.
 (193) See ref. 33, Specter executive session testimony, p. 39.
 (194) See ref. 37, Griffin executive session testimony, p. 28.
 (195) See para. 228 ff. of the HSCA staff report on the Warren Commission.
 (196) *Id.* at p. 35.
 (197) See ref. 25, Redlich executive session testimony, p. 103.
 (198) *Id.* at p. 72.
 (199) *Id.* at p. 122.

- (200) *Id.* at p. 95.
- (201) Memorandum for the record by Howard P. Willens, "Staff Reaction to Hosty Problem," Feb. 12, 1964.
- (202) See ref. 37, Griffin executive session testimony, pp. 30-32.
- (203) See ref. 45, Rankin deposition, pp. 27-28.
- (204) *Id.* at p. 53.
- (205) *Ibid.*
- (206) *Id.* at pp. 51-52.
- (207) See ref. 34, Slawson executive session testimony, p. 17.
- (208) *Ibid.*
- (209) Memorandum from W. David Slawson to Raymond Rocca, June 6, 1964 (JFK Doc. 002539 and 002962).
- (210) *Ibid.*
- (211) *Id.* at p. 34.
- (212) *Ibid.*
- (213) See para. 154, 157 and 158, of the HSCA staff report on the Warren Commission.
- (214) See ref. 209, p. 12.
- (215) *Id.* at p. 104.
- (216) *Id.* at p. 105.
- (217) See para. 268 of the HSCA staff report on the Warren Commission.
- (218) See ref. 34, Slawson executive session testimony, p. 103.
- (219) *Id.* at p. 24.
- (220) *Id.* at p. 61.
- (221) See ref. 33, Liebler executive session testimony, p. 164.
- (222) See ref. 25, Redlich executive session testimony, p. 72.
- (223) Testimony of James R. Malley, September 20, 1978, III HSCA-JFK hearings, 444.
- (224) See, e.g., *infra* para. 216-18.
- (225) "The Investigation of the Assassination of President John F. Kennedy; Performance of the Intelligence Agencies," book V, final report, Senate Select Committee to Study Governmental Operations with respect to intelligence, 94th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1976), p. 47 (S. Rept. 94-755) (hereinafter SSC, book V).
- (226) *Id.* at p. 46.
- (227) *Ibid.*
- (228) See ref. 225, staff interview with William Sullivan, Senate Select Committee to Study Governmental Operations, SSC, book V, pp. 78-79.
- (229) *Id.* at p. 5.
- (230) *Id.* at p. 85.
- (231) *Ibid.*
- (232) *Ibid.*
- (233) See ref. 223, Malley testimony, p. 33.
- (234) *Id.* at p. 41.
- (235) *Id.* at p. 47.
- (236) See ref. 223, p. 84.
- (237) *Ibid.*
- (238) *Ibid.*
- (239) *Ibid.*
- (240) *Ibid.*
- (241) Memorandum of James H. Gale to Clyde Tolson, September 30, 1964, as quoted in SSC, book V, p. 54 (see ref. 225).
- (242) Testimony of Nicholas deB. Katzenbach, September 21, 1978, III HSCA-JFK hearings, p. 50.
- (243) *Id.* at p. 47.
- (244) *Ibid.*
- (245) *Id.* at p. 53.
- (246) See ref. 203, Rankin testimony, p. 48.
- (247) See para. 124, HSCA staff report on the Warren Commission.
- (248) *Ibid.*, para. 114 and 115.
- (249) See ref. 225, SSC, book V, p. 57.
- (250) *Id.* at p. 31.
- (251) *Id.* at p. 57.
- (252) *Ibid.*

- (253) Ibid.
 (254) Id. at p. 38-59.
 (255) Testimony of Richard M. Helms, September 22, 1978, IV HSCA-JFK hearings, 31.
 (256) Ibid., p. 20-21.
 (257) See para. 259, HSCA staff report on the Warren Commission.
 (258) Ibid., para. 256.
 (259) See ref. 225, SSC, book V, pp. 57-60.
 (260) See para. 257, HSCA staff report on the Warren Commission.
 (261) Ibid., para. 115
 (262) See ref. 255, Helms testimony, pp. 29-30.
 (263) Ibid.
 (264) Id. at p. 149.
 (265) See para. 183-187 and 137, HSCA staff report on the Warren Commission.
 (266) See CE 3045, Warren Commission report.
 (267) See CE 3146, Warren Commission report.
 (268) Warren report, p. 324.
 (269) Executive session testimony of Leon Brown, House Select Committee on Assassinations, p. 139 (JFK Doc. 008343).
 (270) Id. at 138.
 (271) Id. at 139.
 (272) Ibid.
 (273) Ibid.
 (274) Id. at p. 141.
 (275) Id. at p. 142.
 (276) Id. at p. 144.
 (277) Ibid.
 (278) Id. at p. 143.
 (279) Id. at p. 140.
 (280) Id. at p. 144.
 (281) Id. at p. 145.
 (282) Ibid.
 (283) See ref. 33, Liebler executive session testimony, p. 133.
 (284) Draft cover letter to a memorandum from Leon D. Hubert and Burt W. Griffin to Richard M. Helms, "Jack Ruby—Background, Friends, and Other Pertinent Information," Feb. 24, 1964 (JFK Doc. 001927).
 (285) See ref. 284, attached routing slip.
 (286) See ref. 37, Griffin executive session testimony, p. 37.
 (287) CIA internal memorandum for the record on CIA meeting with Leon D. Hubert and Burt W. Griffin, Mar. 12, 1964.
 (288) Letter from J. Lee Rankin to Richard M. Helms, May 19, 1964.
 (289) Memorandum from Thomas H. Karamessines to J. Lee Rankin, Sept. 15, 1964.
 (290) Letter from Burt W. Griffin to G. Robert Blakey, Nov. 23, 1978 (JFK Doc. 003477).
 (291) Ibid.
 (292) Letter from J. Lee Rankin to John McCone, Director of Central Intelligence, Feb. 12, 1964.
 (293) Internal memorandum, Central Intelligence Agency, Mar. 3, 1964.
 (294) Memorandum from Howard P. Willens to J. Lee Rankin, Mar. 9, 1964.
 (295) Ibid.
 (296) Memorandum for the record, Mar. 12, 1964; letter from Rankin to Helms, Mar. 16, 1964, see ref. 141.
 (297) Memorandum from Samuel Stern to J. Lee Rankin, Mar. 27, 1964.
 (298) See Warren Commission Doc. 674, National Archives.
 (299) Warren Commission hearings, 129.
 (300) CIA internal memorandum, Nov. 25, 1963, CIA item 173A.
 (301) CIA internal memorandum, May 12, 1964, CIA item 298.
 (302) Memorandum from David Slawson to Howard P. Willens, Feb. 21, 1964.
 (303) Memorandum from David Slawson to J. Lee Rankin, Mar. 27, 1964.
 (304) Ibid.
 (305) See ref. 302.
 (306) See ref. 34, Slawson executive session testimony, pp. 42-43.
 (307) Ibid.

- (308) Executive session testimony of Robert Gemberling, p. 85.
- (309) Ibid.
- (310) Id. at p. 86.
- (311) Ibid.
- (312) Id. at p. 93.
- (313) Ibid.
- (314) Id. at p. 104.
- (315) Ibid.
- (316) Id. at p. 132.
- (317) Id. at p. 104.
- (318) Ibid.
- (319) Id. at p. 107.
- (320) Ibid.
- (321) Book V, Senate Intelligence Committee report, p. 70.
- (322) Id. at p. 74.
- (323) Ibid.
- (324) Id. at p. 70.
- (325) Ibid., pp. 67-68, 73.
- (326) See para. 363, HSCA staff report on the Warren Commission.
- (327) Book V, Senate Intelligence Committee report, p. 71.
- (328) Ibid.
- (329) Id. at p. 72.
- (330) Id. at p. 73.
- (331) Id. at p. 74.
- (332) See ref. 255, Helms testimony, pp. 151, 172.
- (333) See ref. 255, Helms testimony, pp. 178-9.
- (334) Id. at p. 183.
- (335) Memorandum from David Slawson to J. Lee Rankin, Sept. 6, 1964.
- (336) See ref. 34, Slawson executive session testimony, p. 27.
- (337) Ibid.
- (338) Id. at p. 28.
- (339) Ibid.
- (340) Id. at p. 27.
- (341) See ref. 25, Specter executive session testimony, p. 46.
- (342) See ref. 25, Redlich executive session testimony, p. 132.
- (343) See ref. 203, Rankin testimony, p. 91.
- (344) See ref. 242, Katzenbach testimony, p. 23.
- (345) Id. at p. 19.
- (346) See ref. 203, Rankin testimony, p. 28.
- (347) See ref. 242 Katzenbach testimony, p. 20.
- (348) See ref. 33, Liebler executive testimony, p. 171.
- (349) See ref. 37, Griffin executive session testimony, pp. 38-61.

ANALYSIS OF THE SUPPORT PROVIDED TO THE
WARREN COMMISSION BY THE CENTRAL
INTELLIGENCE AGENCY

Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

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I. FOREWORD

(1) The Central Intelligence Agency's (CIA) performance in providing support to the Warren Commission has been a source of public concern during the past 15 years. Critics have repeatedly charged that the CIA participated in a conspiracy to suppress information relevant to the assassination of President Kennedy. During 1976, these critics' assertions were the subject of official inquiry by the Senate Select Committee to Study Government Operations (SSC). The SSC, in its report regarding "The Investigation of the Assassination of President John F. Kennedy: Performance of the Intelligence Agencies," reached the following findings:

The committee emphasizes that it has not uncovered any evidence sufficient to justify a conclusion that there was a conspiracy to assassinate President Kennedy.

The committee has, however, developed evidence which impeaches the process by which the intelligence agencies arrived at their own conclusions about the assassination, and by which they provided information to the Warren Commission. This evidence indicates that the investigation of the assassination was deficient and that facts which might have substantially affected the course of the investigation were not provided the Warren Commission or those individuals within the FBI and the CIA, as well as other agencies of Government, who were charged with investigating the assassination. (1)

(2) The committee sought to examine in greater detail the general findings of the SSC. It particularly focused its attention on the specific issue of whether the CIA or any employee or former employee of the CIA misinformed or withheld information relevant to the assassination of President Kennedy from the Warren Commission. In addition, the Committee attempted to determine whether, if the Warren Commission were misinformed or not made privy to information relevant to its investigation, it was because of conscious effort by the Agency or its employees.

(3) In investigating this matter, the committee reviewed a 1977 task force report by the CIA (1977 TFR). (2) This report was highly critical of the SSC's findings pertaining to the AMLASH operation* and asserted that the SSC's Final Report conveyed the mistaken impression that the CIA had made a limited effort to assist the Warren Commission. The 1977 TFR disagreed with this characterization and noted that the "CIA did seek and collect information in support of the Warren Commission. Additionally, it conducted studies and submitted special analyses and reports." (4)

*The AMLASH operation was characterized by the SSC as one of the CIA's Castro assassination plots. (3)

(4) In order to demonstrate further the scope of support provided by the CIA to the Warren Commission, the 1977 TFR contained a comprehensive listing of CIA-generated material made available to both the U.S. intelligence community and the Warren Commission regarding the assassination of President Kennedy. In this respect, the evidence supports the 1977 TFR, in which it is stated that :

This compilation [of CIA-generated material] is appropriate to consideration of the extent of the CIA effort, to the extent that it reveals something of the results of that effort. (5)

(5) In its examination of the Agency's comprehensive listing of CIA-generated material, the committee followed the organization of these materials by the 1977 TFR. The 1977 TFR detailed four inter-related categories of Kennedy assassination material :

- (6) (1) Agency information disseminated to the intelligence community (formal and informal disseminations) ;
- (7) (2) Material disseminated to the Warren Commission ;
- (8) (3) Information disseminated to the FBI et al. regarding rumors and allegations regarding President Kennedy's assassination ; and
- (9) (4) Memorandum submitted by the CIA to the Warren Commission on rumors and allegations relating to the President's assassination.

(10) In reviewing these categories, the committee concentrated its focus upon those CIA materials that the 1977 TFR documented as having been made available in written form to the Warren Commission.

(11) During the course of this study, additional Agency files were reviewed in an effort to resolve certain issues that arose during the review of the 1977 TFR materials. Where apparent gaps existed in the written record, files were requested and reviewed in an effort to resolve those gaps. Where significant substantive issues arose related to the kind and quality of information provided the Warren Commission, files were requested and reviewed in an effort to resolve these issues.* In the end, approximately 30 files, comprising an approximate total of 90 volumes of material, were examined and analyzed in preparation of this staff report.

(12) The evidence set forth here must be qualified. During the course of the past 15 years, the CIA has generated massive amounts of information related to the assassination of President Kennedy. Certain documents requested by the committee for study and analysis were not located. Whether these documents were merely filed incorrectly or actually destroyed, gaps in the written record still exist.

(13) Second, due to dissimilar standards with respect to the relevancy of materials to the committee's investigation adopted by the CIA and the committee, certain files requested by the committee for review were made available to the committee in redacted form or were with-

*E.g. : CIO JFK assassination materials provided the Rockefeller Commission ; CIA materials pertaining to Luisa Calderon Curallero ; AMLASH ; CIA "Soft Files" pertaining to Lee Harvey Oswald ; CIA materials generated by Warren Commission but carrying Agency classification.

held.* The evidence collected in this staff report is based on the evidence *available* to the committee, which might not have been all the relevant evidence to which the Agency had access.

(14) Due consideration, moreover, must be given to the role that oral discussions and briefings between the Warren Commission and CIA representatives may have played in the supply of assassination-related information. The subject and substance of these discussions and briefings may not always be reflected by the written record reviewed in this study. Consequently, the committee conducted interviews, depositions, and executive session hearings with key Warren Commission staff and members and former or present CIA representatives in an effort to resolve questions that were not addressed by the written record.

(15) This staff report examines the following subjects generated by the committee's study in the following order:

- (16) (1) The organization of the CIA's investigation of President Kennedy's assassination;
- (17) (2) The working relationship of the Warren Commission staff and those CIA representatives concerned with Warren Commission inquiry;
- (18) (3) The standards of investigative cooperation that the Warren Commission staff believed governed the quality and quantity of information supplied by the CIA to the Commission;
- (19) (4) The CIA's responsibility for protection of its sensitive sources and methods and the effects of the responsibility on the Warren Commission investigation; and
- (20) (5) The substance and quality of information concerning Luisa Calderon passed on to the Warren Commission, the results of this committee's investigation of Calderon and her significance to the events of November 22, 1963.

(21) The investigation by the committee of the CIA involved an extensive analysis of some of its sensitive sources and methods. Because these sources and methods are protected by law from unauthorized disclosure [see 505 U.S.C. 403(d)(3)], portions of this report have been written in a somewhat conclusory manner designed to avoid referring explicitly to such sensitive sources and methods. A classified staff report dealing explicitly with these sensitive sources and methods is in the committee's files. (6)

II. ORGANIZATION OF THE CIA'S INVESTIGATION OF PRESIDENT KENNEDY'S ASSASSINATION

(22) In his executive session testimony before the committee, Richard Helms, the CIA's deputy director for plans during 1963, described the Agency's role in the investigation of President Kennedy's assassination as follows:

(23) This crime was committed on United States soil. Therefore, as far as the Federal Government was concerned, the

*CIA files pertaining to A-1 and an Agency employee's personal safe holdings were made available to this Committee subject to Agency deletion. Because the committee's legislative mandate was limited in terms of time, H. Res. 433, 95th Cong., 1st sess., 1977, the policy decision was made to negotiate for documents rather than engage in time-consuming lawsuits.

primary investigating agency would have been the Federal Bureau of Investigation without any question. The role of the CIA would have been entirely supportive in the sense of what material we are [sic] able to acquire outside the limits of the United States with reference to the investigation. * * * For investigative purposes, the Agency had no investigative role inside the United States at all. So when I used here the word "supportive," I meant that in the literal sense of the term. We are [sic] trying to support the FBI and support the Warren Commission and be responsive to their requests, but we were not initiating any investigations of our own or, to my recollection, were we ever asked to. (7)

(24) On November 23, 1963, Helms had called a meeting of senior-level CIA officials to outline the Agency's investigative responsibility vis-a-vis the assassination. (8) At that time, Helms placed John Scelso, a desk officer in the Western Hemisphere Division and headquarter's Mexico branch chief, in charge of the Agency's initial investigative efforts. * (9)

(25) Scelso testified before the committee that he was given charge of the Agency's investigation on the basis of two considerations: (1) his prior experience in conducting major CIA security investigations; and (2) the observation of Oswald in Mexico (Scelso's headquarters responsibility) reported to the CIA less than 2 months prior to the assassination. (13) Scelso also noted that during the course of his investigative efforts, Helms did not pressure him to adopt specific investigative theories nor reach conclusions within a set period of time. ** (14)

(26) Scelso described in detail to the committee the manner in which he conducted the Agency's investigation:

* * * practically my whole branch participated in the thing. We dropped almost everything else and I put a lot of my officers to work in tracing names, analyzing files.

*During the course of the Agency's investigation, liaison with the FBI was handled for the CIA by a former FBI agent who was chief of the Special Investigations Group of the CIA's Counter-Intelligence Staff. (10) He characterized his functions with respect to the Agency as follows:

I knew that we [at CIA] did not have the basic responsibility for investigating the assassination of the President. If there was a crime committed in the course of this activity, it belonged to the FBI. I recognized that it was our responsibility to give the fullest cooperation to the FBI to protect the Agency with regard to any aspects of our operations, you understand, and at the same time giving them cooperation, and I was in close contact with Mr. Sam Papich [of the FBI], and always fully cooperated, and he always fully cooperated with me. (11)

[This officer] noted that his office (CI/SIG), at the direction of the Chief of Counterintelligence, James Angleton, was designated the central point for collection of assassination-related information made available to the FBI. (12)

**Raymond Rocca, chief of research and analysis for CIA's Counterintelligence staff, characterized Scelso's responsibility not as a mandate to investigate, but rather to "coordinate traffic (code facilitation, telegram or telegraphic consideration) for working with the DDP with respect to what was being done over the whole world. . . ." (15) Rocca referred to this phase of CIA activity by a cryptonym. (16)

We were flooded with cable traffic, with reports, suggestions, allegations from all over the world, and these things had to be checked out. We were checking out just dozens and dozens of people all the time.(17)

(27) Scelso stated during his testimony that CIA field stations worldwide were alerted to the Agency's investigation "and the key stations were receiving tips on the case, most of which were phony. We did not send out instructions saying everybody participate in the investigation."(18) It was his recollection, however, that throughout his tenure as coordinator of the Agency's investigation, the Mexican branch was the only CIA unit directly involved in investigatory activities related to President Kennedy's assassination.*(19)

(28) Scelso effectively coordinated a voluminous flow of cable traffic related to the assassination. During the first half of December, he issued a summary report that described Oswald's activities in Mexico City from September 26, 1963, to October 3, 1963. Scelso characterized the summary report as incomplete by comparison to assassination-related information then available to the FBI but not provided to the CIA until late December 1963.**(20)

(29) Following issuance of this report, Helms shifted responsibility for the CIA's investigation to the Counterintelligence Staff.(22) He testified that this shift was a logical development because the investigation had begun to take on broader tones.(23)

(30) Helms' reasoning was expanded upon by Raymond Rocca, chief of research and analysis for the CIA's Counterintelligence Staff, who testified before the Committee that the shift in responsibility described by Helms was caused in part by the establishment of the Warren Commission.(24) Rocca added:

(31) It was entirely appropriate in the [initial] phase that he [Scelso] would have that [responsibility] for the Agency investigation.] But the minute you had a commission set up outside, the line obviously had to be the Director, and from the Director to his Chief of Operations overseas, because the spread involved then all of the divisions. Here you had Mr. [Scelso] being asked to sign off on cables that had to do with [other international concerns,] and it would have seemed to me utterly administratively simply a hybrid monster.(25)

(32) James Angleton, chief of the Counterintelligence Staff supported Rocca's belief that "the spread [of investigative responsibility] involved . . . all of the [CIA] divisions." Angleton testified to this committee that the Agency's efforts to gather and coordinate information related to the assassination underwent a metamorphic transition. Initially, Angleton noted, the Director, Deputy Director, Division Chiefs and Case Officers approached the Warren Commission's requirements

*The CIA does not agree with this statement. According to the Agency, all of its branches were tasked immediately after the assassination. Subsequently, 10 of its stations were tasked to pursue investigative leads.

**Approximately 2 days after President Kennedy's assassination, Scelso prepared a summary report, provided to President Johnson by Helms. This report stated that Oswald probably was a lone assassin who had no visible ties to Soviet or Cuban intelligence though such ties could not be excluded from consideration.(21)

in a piecemeal fashion. Eventually Angleton testified, the Agency was able to focus its resources to avoid duplication of effort and provide a system for the central referencing of assassination-related information as such information was developed. (26)

(33) The record reveals that during this second phase of CIA information collection efforts in support of the Warren Commission investigation, the concentration of Agency resources shifted in emphasis from exploration of Oswald's activities in Mexico City to his residency in the Soviet Union during 1959-62 and possible association with the Soviet intelligence apparatus. (27) Rocca commented that during this phase, primary interest in support of the Warren Commission was to pursue Soviet leads:

* * * on the assumption that a person who spends four years * in the Soviet Union, under his circumstances, had to be of specific interest to Soviet State security and their collateral authorities. (28)

(34) Rocca concluded that the areas on which the CIA tended to concentrate concerned the Soviets:

(35) * * * because the people he [Oswald] was in touch with in Mexico had traces, prior traces, as KGB people. They were under consular cover and obviously could have been doing and were undoubtedly doing a consular job in those earlier contacts. (29)

(36) Nevertheless, Rocca did indicate that Cuban aspects of the CIA investigation were not ignored "because there was a lot of material that came through and went to the Commission that concerned the Cubans." (30)

(37) Helms also testified that the possibility of Cuban involvement was a source of deep concern within the Agency. (31) He added, however, that development of information pertaining to Cuban knowledge of or participation in the assassination was very difficult to obtain. (32)

(38) Angleton was in agreement with Rocca's analysis that during the second phase of the Agency's effort the CIA concentrated its resources on exploring possible Soviet influence on Oswald. (33) He indicated that in part, this simply reflected inadequate CIA resources:

(39) I personally believe that the United States intelligence services did not have the capabilities to ever come to an adjudication [of the Cuban aspect]. I don't think the capabilities were there. (34)

(40) As noted above, the counterintelligence Staff was given responsibility in late December 1963-early January 1964 for the coordination of CIA efforts to assist the Warren Commission in its investigation. At that time, Raymond Rocca was designated point of contact with the Commission. (35) Rocca's research and analysis component was concerned with:

(41) analytical intelligence, analytical brainpower, which meant all source, all overt source comprehension; a study of cases

* In fact, Oswald spent 2 years, eight months in the Soviet Union.

that had ceased to occupy operational significance, that is, closed cases, to maintain the ongoing record of overall quality and quantity of counterintelligence being performed by the entire DDP operational component; * * * the Deputy Director for Plans. (36)

(42) Rocca testified that assassination-related information generated by CIA components was directed to his staff (as designated point of contact with the Warren Commission) in the normal flow of day-to-day work. (37)

This information was then reviewed by Rocca or his assistants, who included [Agency employee] (Soviet Expert), [Agency employee] (general research and document search man for the U.S. intelligence community and its resources), and [Agency employee] (who had transferred to the CIA from the FBI a number of years prior to the assassination). (38) During the course of the Warren Commission investigation, [this group] worked with those CIA divisions that were producing substantive information related to the assassination. (39) Rocca and his group effectively coordinated the large volume of cable traffic available to them pertaining to the assassination.

(43) Rocca testified that even though the Counterintelligence/Research and Analysis Unit was the Agency's point of reference with regard to the Warren Commission, neither his staff nor the counterintelligence staff in general displaced the direct relations of Helms or any other concerned Agency official with the Warren Commission. (40) Rocca indicated that in some instances J. Lee Rankin of the Warren Commission would go directly to Helms with requests; in other instances, David Slawson, a Commission staff counsel, conferred directly with [Agency employee] of Rocca's staff. * (41)

(44) The record reveals that on certain issues of particular sensitivity, Rocca was not permitted to act as the Agency's point of contact with the Warren Commission. He testified that "compartmentalization was observed notwithstanding the fact that I was the working level point of contact." (44) Rocca cited by way of example the case of the Soviet defector Yuri Nosenko. Rocca testified that he did not attend any of the Agency discussions pertaining to Nosenko's case. (45) Rather, responsibility for the case was assigned to the Chief of Soviet Russian Division, in addition to Helms. (46)

(45) Rocca described the counterintelligence Staff mail intercept program, HT-Lingual, as a second example of an Agency matter about which he had no knowledge nor input vis-a-vis the Agency's support role to the Warren Commission. (47) Rather, Angleton and [Agency employee] handled the disposition of this particular material. (48)

(46) In summary, it was Rocca's testimony that an internally decentralized information reporting function, coordinated by the

*Although James Angleton functioned as Rocca's direct superior during the course of the Warren Commission investigation, he did not participate on a regular basis in the Agency's efforts to supply substantive information to the Warren Commission, nor did he deal on a direct basis with Warren Commission representatives, excepting Allen Dulles on an unofficial basis. (42) Nonetheless, Angleton testified to this committee that he did attempt to keep apprised of developments as the investigation progressed through consultation with Rocca. (43)

Counterintelligence staff, best characterized the organization of this second phase of the Agency's investigative efforts to assist the Warren Commission. (49)

III. THE WARREN COMMISSION-CIA WORKING RELATIONSHIP

A. OPINIONS OF WARREN COMMISSION AND CIA REPRESENTATIVES REGARDING THE WARREN COMMISSION-CIA RELATIONSHIP

(47) The Warren Commission was created on November 29, 1963, by Executive Order No. 11130. Pursuant to that order, the Commission was in part empowered " * * * to evaluate all the facts and circumstances surrounding such assassination * * * " In addition, the order made clear that "all executive departments and agencies are directed to furnish the Commission with such facilities, services and cooperation as it may request from time to time."

(48) The committee contacted both members of the Warren Commission staff and those representatives of the CIA who played significant roles in providing CIA-generated information to the Commission. The general consensus of these people was that the Commission and the CIA enjoyed a successful working relationship during the course of the Commission's investigation. (50) William Coleman, a senior staff counsel for the Warren Commission who worked closely with Warren Commission staff counsel W. David Slawson on matters that involved the CIA's resources, characterized the CIA representatives with whom he dealt as highly competent, cooperative and intelligent. (51) Slawson expressed a similar opinion regarding the Agency's cooperation and quality of work. (52)

(49) J. Lee Rankin, General Counsel for the Warren Commission, testified that the Warren Commission and its staff were assured by the CIA that the Agency would cooperate in the Commission's work. (53) John McCone, Director of Central Intelligence at the time of President Kennedy's assassination and during the Warren Commission's investigation, supported Rankin's testimony in this regard by characterizing the CIA's work vis-a-vis the Warren Commission as both responsive and comprehensive. (54) (McCone had been responsible for insuring that all relevant matters were conveyed by the CIA to the Commission.) (55) McCone testified that:

(50) The policy of the CIA was to give the Warren Commission everything that we had. I personally asked Chief Justice Warren to come to my office and took him down to the vault of our building where our information is microfilmed and stored and showed him the procedures that we were following and the extent to which we were giving him—giving his staff everything that we had, and I think he was quite satisfied. (56)

(51) Rocca likewise characterized the Agency's role as one of full support to the Commission. He stated under oath that Helms had given the following directive:

(52) All material bearing in any way that could be of assistance to the Warren Commission should be seen by CI staff and R and A and marked for us. He issued very, very

strictly worded instructions—they were verbal in so far as I know—that we were to leave no stone unturned. (57)

(53) Rocca added that, to his knowledge, Helms' orders were followed to the letter by all CIA employees. (58) He concluded that on this basis "the CIA was to turn over and to develop any information bearing on the assassination that could be of assistance to the Warren Commission." (59)

(54) A different view of the CIA's role regarding the supply of CIA's information to the Commission was offered by Helms. Helms, who served as the CIA's Deputy Director for Plans during the Warren Commission investigation, was directly responsible for the Agency's investigation of President Kennedy's assassination and the establishment of CIA policy vis-vis the Warren Commission. (60) He testified to the committee that the CIA made every effort to be as responsive as possible to Warren Commission requests. (61) He added further details regarding the manner in which the CIA provided its information to the Commission:

(55) An inquiry would come over [from the Warren Commission]. We would attempt to respond to it. But these inquiries came in individual bits and pieces or as individual items * * * Each individual item that came along we took care of as best we could. (62)

(56) It was Helms' recollection that the CIA provided information to the Warren Commission primarily on the basis of the Commission's specific requests. He said:

STAFF COUNSEL. In summary, is it your position that the Agency gave the Warren Commission information only in response to specific requests by the Warren Commission?

Mr. HELMS. That is correct.

I want to modify that by saying that memory is fallible. There may have been times or circumstances under which something different might have occurred, but my recollection is that we were attempting to be responsive and supportive to the FBI and the Warren Commission. When they asked for something we gave it to them.

As far as our volunteering information is concerned, I have no recollection of whether we volunteered it or not. (63)

(57) Helms' characterization of fulfilling Warren Commission requests on a case-by-case basis rather than uniformly volunteering relevant information to the Warren Commission stands in direct opposition to Rankin's perception of the CIA's investigative responsibility. Rankin was asked by staff counsel whether he was under the impression that the Agency's responsibility was simply to respond to questions addressed it by the Warren Commission. In response, Rankin testified:

(58) Not at all and if anybody had told me that I would have insisted that the Commission communicate with the President and get a different arrangement because we might not ask the right questions and then we would not have the information and that would be absurd. (64)

(59) Slawson supported Rankin's position, testifying that Warren Commission requests to the CIA were rarely specific. "The request was made initially that they give us all information pertinent to the assassination investigation." (65)

B. THE CIA'S FAILURE TO DISCLOSE CIA ANTI-CASTRO ASSASSINATION PLANS TO THE WARREN COMMISSION

(60) An unfortunate consequence of the Warren Commission's reliance on the CIA to provide the Commission with all relevant material is reflected in the subsequent exposure of the CIA's anti-Castro assassination plots and the Agency's failure to provide this information. (66) Rocca indicated that he had no knowledge at the time of the Warren Commission investigation of Agency efforts to assassinate Castro. (67) Consequently, he was not in position to communicate this information.

(61) The record also reveals that the CIA desk officer to whom Helms initially gave the responsibility to investigate Lee Harvey Oswald and the assassination of President Kennedy had no knowledge of such plots during his investigation. (68) Scelso testified that had he known of such assassination plots, the following actions would have been taken:

(62) We would have gone at that hot and heavy. We would have queried the agent (AMLASH) about it in great detail. I would have had him polygraphed by the best operative security had to see if he had [sic] been a double-agent, informing Castro about our poison pen things, and so on. I would have had all our Cuban sources queried about it. (69)

(63) As the record reflects, these plots were known to few within the CIA. Mr. Helms' testimony regarding these plots reveals that some Agency employees compromised the policy of its Director to supply all relevant information to the Warren Commission. The following exchange between committee counsel and Helms illustrates the extent of the Agency's compromise:

STAFF COUNSEL. Mr. Helms, I take it from your testimony that your position is that the anti-Castro plots, in fact, were relevant to the Warren Commission's work; and, in light of that, the Committee would like to be informed as to why the Warren Commission was not told by you of the anti-Castro assassination plots.

Mr. HELMS. I have never been asked to testify before the Warren Commission about our operations.

STAFF COUNSEL. If the Warren Commission did not know of the operation, it certainly was not in a position to ask you about it.

Is that not true?

Mr. HELMS. Yes, but how do you know they did not know about it? How do you know Mr. Dulles had not told them? How was I to know that? And besides, I was not the Director of the Agency and in the CIA, you did not go traipsing around to the Warren Commission or to Congressional

Committees or to anyplace else without the Director's permission.

STAFF COUNSEL. Did you ever discuss with the Director whether the Warren Commission should be informed of the anti-Castro assassination plots?

Mr. HELMS. I did not, as far as I recall. (70)

(64) McCone testified that he first became aware of the CIA's anti-Castro assassination plots involving CIA-Mafia ties during August 1963.* He stated that upon learning of these plots, he directed that the Agency cease all such activities. (75) When asked whether the CIA desired to withhold information from the Warren Commission about the Agency anti-Castro assassination plots to avoid embarrassing the Agency or causing an international crisis, he gave the following response:

(65) I cannot answer that since they (CIA employees knowledgeable of the continuance of such plots) withheld the information from me. I cannot answer that question. I have never been satisfied as to why they withheld the information from me. (76)

(66) Regarding the relevancy of such plots to the Warren Commission's work, Warren Commission counsels Rankin, Slawson, and Specter were in agreement that such information should have been reported to the Warren Commission. (77)

(67) Rocca testified that had he known of the anti-Castro assassination plots, his efforts to explore the possibility of a retaliatory assassination against President Kennedy by Castro would have been intensi-

*On August 11, 1963, a *Chicago Sun Times* article reported that the CIA had in the past been in contact with Chicago Mafia figure Sam Giancana. Upon being apprised of this article, McCone requested a report about the article from Richard Helms. The memorandum that Helms provided to McCone stated:

1. Attached is the only copy in the Agency of a memorandum on subject, the ribbon copy of which was sent to the Attorney General in May of 1962. I was vaguely aware of the existence of such a memorandum since I was informed that it had been written as a result of a briefing given by Colonel Edwards and Lawrence Houston to the Attorney General in May of last year.

2. I spoke with Colonel Edwards on the telephone last evening, and, in the absence of Mr. Bannerman on leave, I was with Colonel Edwards' assistance able to locate this copy. As far as I am aware, this is the only written information available on Agency relationships with subject. I hope this will serve your purpose.

3. I assume you are aware of the nature of the operation discussed in the attachment. (71)

Attached to the above memorandum was a May 14, 1962, memorandum from Sheffield Edwards to Attorney General Robert Kennedy which described the CIA-Giancana connection as having been terminated prior to McCone's assumption of the CIA directorship. (72) McCone concluded that the CIA-Giancana operation concerned the assassination of Fidel Castro. (73) The 1967 CIA Inspector General's Report concluded that August 1963 was:

* * * The earliest date on which we have evidence of Mr. McCone's being aware of any aspect of the scheme to assassinate Castro using members of the gambling syndicate. (74)

fied. He stated that: "a completely different procedural approach probably would and should have been taken." (78)

(68) Scelso offered a highly critical appraisal of Helms' nondisclosure to the Warren Commission:

STAFF COUNSEL. Do you think Mr. Helms was acting properly when he failed to tell the Warren Commission about the assassination plots?

Mr. SCELSO. No, I think that was a morally highly reprehensible act, which he cannot possibly justify under his oath of office, or any other standard of professional public service. (79)

C. AGENCY'S LEGAL RESPONSIBILITY TO PROTECT SENSITIVE SOURCES AND METHODS—FACTORS AFFECTING THE CIA RESPONSE TO WARREN COMMISSION REQUESTS

(69) The length of time required by the CIA to respond to the Warren Commission's request for information was dependent on (1) the availability of information; (2) the complexity of the issues involved in the request; and (3) the extent to which the relevant information touched upon sensitive CIA sources and methods. On the first two points, Helms testified that when the CIA was able to satisfy a Commission request, it would send a reply back. With respect to timing:

(70) . . . some of these inquiries obviously took longer than others.

For example, some might involve checking a file which was in Washington. Other inquiries might involve trying to see if we could locate somebody in some overseas country.

Obviously, one takes longer to perform than the other. (80)

(71) Under law, the Director of Central Intelligence has always been required to protect sensitive sources and methods from unauthorized disclosure ([50 U.S.C. § 403(d)(3)]). As a result of this responsibility, in some instances the Agency initially limited access by the Commission to CIA original source materials. (81) J. Lee Rankin expressed the opinion that on occasion, the Agency's effort to protect its sensitive sources and methods affected the quality of the information to which the Warren Commission and its staff were given access. (82)

(72) The committee was fully aware that traditional intelligence reporting procedures do not normally include revealing sources and methods. Moreover, Federal law obligates the CIA to protect its sources and methods from unauthorized disclosure. Had the Warren Commission investigation been conducted under normal conditions, revealing sources and methods would not have been expected, much less required. Nevertheless, it may be argued because the circumstances of this investigation were extraordinary, no possible source of relevant evidence should have been considered an unauthorized disclosure.

(73) The committee identified two related areas of concern in which the Agency's desire to protect its sensitive sources and methods may have impeded the Warren Commission's investigation. These were:

(74) —Initially not providing the Commission with original source materials pertaining to Oswald's trip to Mexico;

(75) —The Agency's reluctance to reveal the origin of a photograph of an unidentified man who had mistakenly been linked to Oswald.

(76) The CIA's concern over revealing the existence of sensitive sources and methods was evident from the inception of the Warren Commission. Scelso commented that "we are not authorized at first to reveal all our [sensitive] operations." (83) He did, however, testify that:

(77) We were going to give them intelligence reports which derived from all our sources, including [sensitive] sources, including the [sensitive sources] and the information gotten from the interrogation of Silvia Duran, for example, which corresponded almost exactly with the information from the [sensitive sources]. (84)

(78) Scelso's characterization is supported by examination of the background to the first major CIA report furnished the Warren Commission, dated January 31, 1964, regarding Oswald's trip to Mexico City. (85) Much of the information provided to the Warren Commission in this report was based on sensitive sources and methods, identification of which had been deleted completely from the report.

(79) The CIA policy limiting Warren Commission knowledge of CIA sources and methods was articulated as early as December 20, 1963, at which time a cable was sent from CIA headquarters to a [foreign country] station. The cable stated:

(80) Our present plan in passing information to the Warren Commission is to eliminate mention of [sensitive sources and methods] in order to protect [* * *] continuing ops. Will rely instead on statements of Silvia Duran and on contents of Soviet consular file which Soviets gave [State Department]. (86)

(81) The basic policy articulated in the December 20, 1963, cable, as it specifically concerned the CIA's relations with the FBI, is also set forth in a CIA memorandum of December 10, 1963. (87) In that memorandum, [an Agency employee] of the CIA Comterintelligence Staff, Special Investigations Group, wrote that he had been advised by Sam Papich, FBI liaison to the CIA, that the FBI was anticipating a request from the Warren Commission for copies of the FBI's materials which supported or complemented the FBI's five volume report of December 9, 1963, that had been submitted to the Warren Commission. Papich provided [the Agency employee] with this report, which indicated that some U.S. agency was conducting a sensitive operation abroad and asked him whether the FBI could supply the Warren Commission with the source of this operation. The [Agency employee] memorandum shows that he discussed this matter with Scelso. After a discussion with Helms, Scelso was directed by Helms to prepare CIA material to be passed to the Warren Commission. The [Agency employee] then made the following notation regarding sensitive sources and methods:

- (82) He [Scelso] was quite sure it was not the Agency's desire to make available to the Commission at least in this manner—via the FBI—sensitive information which could relate to sensitive sources and methods * * * [The] Agency desired to establish some other policy with regard to meeting the needs of the Commission.* (88)
- (83) The CIA policy of eliminating reference to Agency sensitive sources and methods is further revealed by examination of an Agency cable, dated January 29, 1964, sent from CIA headquarters to a CIA [unit]. (91) This cable indicated that knowledge of Agency sources and techniques was still being withheld from the Warren Commission, and stated that on Saturday, February 1, 1964, the CIA was to present a report on Oswald's Mexico City activities to the Warren Commission that would be in a form protective of the CIA sources and techniques. (92)
- (84) On February 1, 1964, Helms appeared before the Commission. It is likely that he discussed the CIA memorandum to the Warren Commission of January 31, 1964.** (93) On February 10, 1964, Rankin wrote Helms in regard to that CIA memorandum. (94) A review of Rankin's letter indicates that as of his writing, the Warren Commission had no information pertaining to CIA's [sensitive sources and methods] that had generated the information on Oswald.
- (85) Rankin inquired in the February 10, 1964, letter whether Oswald's direct communication with employees of the Soviet Embassy in Mexico City (as stated in paragraph 1 of the January 31 memorandum) had been obtained by [sensitive source and methods] or by interview. Manifestly, had the Warren Commission been informed of

* The opinion expressed by Scelso as of December 20, 1963, was set forth on January 14, 1964, in a formalized fashion when Helms expressed his concern regarding exposure by the FBI of Agency sources to the Warren Commission. Helms wrote that the CIA had become aware that the FBI had already:

called to the attention of the Commission, through its attorney, that we have information [as determined from Agency sources] coinciding with dates when Oswald was in Mexico City and which may have some bearing on his activities while in that area. (89)

Helms further indicated that the CIA might be called upon to provide additional information acquired from checks of CIA records and agency sources. He suggested that certain policies be employed to enable CIA to work cooperatively with the Commission in a manner which would protect CIA information, sources and methods. Among the policies articulated were two which Helms claimed would enable the Agency to control the flow of Agency originated information. In this way the CIA could check the possibility of revealing its sources and methods inadvertently. The policies articulated were:

(1) Your Bureau not disseminate information received from this Agency without prior concurrence.

(2) In instances in which this Agency has provided information to your Bureau and you consider that information is pertinent to the Commission's interest, and/or complements (or otherwise is pertinent to information developed or received by your Bureau through) other sources and is being provided by you to the Commission, you refer the Commission to this Agency. In such cases it will be appreciated if you will advise us of such referral in order that we may anticipate the possible further interest of the Commission and initiate action preparatory to meeting its needs. (90)

**See paragraphs 78.

the sensitive source and method, this inquiry by Rankin would not have been made.

(86) Nevertheless, it was Rocca's recollection that during the time period of January 1964–April 1964, Warren Commission representatives had visited the CIA's headquarters in Langley, Va., and had been shown the original source materials derived from sensitive CIA sources and methods.(95) Rocca, however, did not personally make this material available to Commission representatives and was not able to state under oath precisely the point in time at which the Warren Commission first learned of these operations.(96)

(87) On February 19, 1964, the CIA responded to Rankin's inquiry of February 10.(97) The Agency response indicated that Oswald had contacted the Soviet consulate and was also interviewed at the consulate. Nevertheless, the Agency still did not explicitly reveal the source of this information.(98)

D. WARREN COMMISSION KNOWLEDGE OF CIA SENSITIVE SOURCES AND METHODS

(88) During the period of March–April 1964, David Slawson drafted a series of memorandums that, among other issues, concerned Warren Commission knowledge of and access to the material derived from relevant CIA sensitive operations. CIA headquarters had obtained the raw data generated by these sensitive operations almost immediately after the assassination.(99) A review of these memorandums tends to support the belief that the Warren Commission, through Messrs. Slawson, Coleman and Willens, did not obtain access to CIA [original source] materials until April 9, 1964.(100) On that date, Coleman, Slawson and Willens met with a CIA [representative] who provided them with [raw data] derived from [sensitive operations].*

(89) It appears doubtful that the Commission had been given direct access to this material prior to April 9. Nevertheless, by March 12, 1964, the record indicates that the Warren Commission had at least become aware of the CIA [sensitive operations] that had generated information concerning Oswald.(102) Slawson's memorandum of March 12 reveals that the Warren Commission had learned that the CIA possessed information concerning conversations between the Cuban Ambassador to Mexico, Hernandez Armas, and Cuban President Dorticos.** The Dorticos-Armas conversations, requested by the Warren Commission representatives at a March 12 meeting with CIA officials, including Richard Helms, concerned Silvia Duran's arrest and interrogation by the Mexican Federal Police.(104) Helms responded to the Commission's request for access that he would attempt to arrange for the Warren Commission's representatives to review this material.(105)

(90) Another Slawson memorandum, dated March 25, 1964, concerned Oswald's trip to Mexico. Slawson wrote that the tentative conclusions he had reached concerning Oswald's Mexico trip were derived

* Slawson, when interviewed by this committee, stated that he became aware of the *existence* of CIA [sensitive operations] probably prior to his April 9, 1964, trip to Mexico City and no later than during his visit to Mexico City.(101)

**These conversations had been summarized in the CIA's January 31, memorandum concerning Oswald's activities while in Mexico City.(103)

from CIA memorandums of January 31, 1964, and February 19, 1964, and, in addition, a Mexican Federal Police summary of interrogations with Silvia Duran, her brother Ruben, husband Horacio, and a handful of friends, conducted shortly after the assassination. (106)

(91) Slawson said:

A large part of it [the summary report] is simply a summation of what the Mexican police learned when they interrogated Mrs. Silvia Duran, an employee of the Cuban consulate in Mexico City, and is therefore only as accurate as Mrs. Duran's testimony to the police. (107)

(92) These comments indicate that Slawson placed qualified reliance on the Mexican police summary. Moreover, there is no indication that Slawson had been provided the [raw data] pertaining to Duran that had been obtained by means of [sensitive CIA sources and methods]. In fact, by virtue of Slawson's comments concerning the Mexican police report, it would appear that the Warren Commission, as of March 25, had been provided little substantive information pertaining to Silvia Duran. As Slawson revealed, the Commission had been forced to rely upon the two memoranda that did not make reference to the [sensitive operations], and a summary report issued by the Mexican Federal Police. Thus, the Agency had for over 3 months precluded exposing [raw data] generated by its [sensitive operations] to the actual review and analysis of the Warren Commission. (108)

(93) The evidence indicates that Slawson had not been given access to the [raw data] pertaining to Duran that had been generated by CIA [sensitive operations.] This is further supported by his memorandum of March 27, 1964, in which he states his conclusion that Oswald had visited the Cuban Embassy at least twice and probably on three occasions. (109) This conclusion, he again wrote, was based upon an analysis of Silvia Duran's testimony before the Mexican police. This memorandum bears no indication that he had reviewed any [raw data] pertaining to this issue.

(94) The record supports the judgment that as of April 2, 1964, the Warren Commission, although aware of their existence, had still not been given access to the above-referenced series of [original source materials]. A memorandum of that date by Coleman and Slawson posed one question to the CIA and made two requests for information from the Agency: (110)

(95) (1) What is the information source referred to in the November 28 telegram that Oswald intended to settle down in Odessa:

(96) (2) We would like to see copies of the [raw data] in all cases where the [raw data] refer to the assassination of related subjects:

(97) (3) We would especially like to see the [raw data] in which the allegation that money was passed at the Cuban Embassy is discussed. (111)

(98) The question initially posed by (item 1) in the above-referenced memorandum of April 2 concerns a [sensitive CIA operation]. (112) Obviously, if Slawson found it necessary to request the source of the

information, he had not as yet been provided access to the original material by the CIA.

(99) Item No. 2 of the above listing tends to show that the Commission had not been given access to certain [sensitive raw data] concerning the assassination.

(100) Item No. 3 of the above listing reveals that the [sensitive raw data] pertaining to the Dorticos-Armas conversation of November 22, 1964, in which the passing of moneys was discussed, had not, as of April 2, been provided to the Commission, despite the Commission's having specifically requested this information at a March 12, 1964, meeting between Commission representatives and Agency representatives. (113)

(101) On April 3, 1964, Coleman and Slawson expressed their concern about getting complete access to all materials relevant to Oswald's Mexico City trip:

(102) The most probable final result of the entire investigation of Oswald's activities in Mexico is a conclusion that he went there for the purpose of trying to reach Cuba and that no bribes, conspiracies, etc. took place.

(103) * * * *In order to make such a judgment (that all reasonable lines of investigation that might have uncovered other motivations or possible conspiracies have been followed through with negative results), we must become familiar with the details of what both the American and Mexican investigatory agencies there have done. This means reading their reports, after translation, if necessary, and in some cases talking with the investigators themselves.* [Emphasis added.] (114)

(104) Nevertheless, as the record tends to show, Coleman's and Slawson's desire for a thorough investigation was subject to the limitations imposed by the CIA's concern for protecting its sources and methods from disclosure. Given the gravity and significance of the Warren Commission's investigation, the Agency's initial withholding of original source material from the Commission staff may have impeded its ability to reach accurately reasoned conclusions with respect to Oswald's activities while in Mexico City.

(105) On April 8, 1964, Slawson, Willens, and Coleman flew to Mexico City, Mexico, to meet with the representatives of the State Department, FBI, CIA, and the Government of Mexico. (115) The group was met by U.S. Ambassador Freeman, Claire Boonstra of the State Department, Clark Anderson of the FBI and a [CIA representative]. (116) That same day, the [CIA representative] made available the [raw data] concerning Oswald and Duran that the Agency had [collected]. (117) In addition, he provided the group with photographs for the time period covered by Oswald's visit. (118) David Slawson wrote:

(106) * * * The [CIA representative] stated at the beginning of his narrative that he intended to make a complete disclosure of all facts, including the sources of his information, and that he understood that all three of us had been cleared for Top Secret and that we would not disclose beyond the

confines of the Commission and its immediate staff the information we obtained through him without first clearing it with his superiors in Washington. We agreed to this. (119)

(107) The [CIA representative] described to the Commission staff members the CIA's course of action directly following the assassination, indicating that his staff immediately began to compile dossiers on Oswald, Duran and everyone else throughout Mexico whom the CIA knew had had some contact with Oswald. (120) He revealed that all known Cuban and Russian intelligence agents had quickly been put under surveillance. Slawson concluded:

(108) The [CIA representative's] narrative plus the material we were shown disclosed immediately how incorrect our previous information had been on Oswald's contacts with the Soviet and Mexican (sic) Embassies.* Apparently the distortions and omissions to which our information had been subjected had entered some place in Washington, because *the CIA information that we were shown by the [CIA representative] was unambiguous on almost all the crucial points.* We had previously planned to show the [CIA representative] Slawson's reconstruction of Oswald's probable activities at the embassies to get the [CIA representative's] opinion, but once we saw how badly distorted our information was we realized that this would be useless. Therefore, instead, we decided to take as close notes as possible from the original source materials at some later time during our visit. (121)**

(109) It may be that the "informational distortions" that Slawson notes were merely the product of Slawson's mistaken analysis of the CIA material provided to him. The record does reflect that Slawson had reviewed the CIA's January 31 memorandum that accurately summarized all of the [raw data] in question. (123) Nevertheless, as the result of his direct review of the active [raw data] derived from the original source material, Slawson was able to clarify substantially his analysis of Oswald's activities while in Mexico City. (124)

(110) It may be argued therefore that the CIA's reluctance to provide the Warren Commission with its original source material may have hampered the efficiency of the Commission's investigation of Oswald's Mexico City activities. In the process, the CIA's reluctance conflicted with President Johnson's Executive order that the executive agencies:

(111) * * * furnish the Commission with such facilities, services and cooperation as it may request from time to time. (125)

E. THE PHOTOGRAPH OF AN UNIDENTIFIED INDIVIDUAL

(112) On November 23, 1963, an FBI Special Agent showed Marguerite Oswald a photograph of a man. (126) This photograph had been supplied to the FBI on November 22 by the CIA. (127) It had

*The reference should be to the Cuban Embassy.

**A separate Slawson memorandum of Apr. 21, 1964, records the results of his notetaking from original source materials following the [CIA representative's] disclosures. These notes dealt exclusively with the [sensitive raw data] pertaining to Duran and Oswald for the period September 27 to October 1, 1963. (122)

been obtained in early October 1963 and at that time had been linked by some [Agency employees] to Lee Harvey Oswald. (128) The subject of the photograph, however, bore no resemblance to Lee Harvey Oswald.

(113) On February 10, 1964, Marguerite Oswald testified before the Warren Commission and recounted the circumstances under which she was shown the photograph. (129) Mrs. Oswald testified that she believed this photograph to have been of Jack Ruby. (130)

(114) Thereafter, on February 12, 1964, J. Lee Rankin wrote to Thomas Karrassesines, assistant deputy director for plans (DDP), requesting both the identity of the individual in the photograph and an explanation of the circumstances by which the photograph had been obtained by CIA. (131)

(115) On that same day, in a separate letter, Rankin wrote to McCone regarding materials that the CIA had disseminated since November 22, 1963, to the Secret Service, but not to the Warren Commission. He requested copies of these materials, which included three CIA cables concerning the photograph of the individual originally identified by some [Agency employees] as Lee Harvey Oswald and thereafter shown by the FBI to Oswald's mother. (132)

(116) John Scelso testified about the reasons why the CIA did not explain to the Commission the origin of the photograph:

(117) We did not initially disclose to the Warren Commission all of our [sensitive] operations. In other words, we did not initially disclose to them that we had [such operations] because the November photo we had [of the unidentified man] was not of Oswald. Therefore it did not mean anything, you see? (133)

STAFF COUNSEL. * * * So the Agency was making a unilateral decision that this was not relevant to the Warren Commission. (134)

Mr. SCELSO. Right, we were not authorized, at first, to reveal all our [sensitive] operations. (135)

(118) On March 5, 1964, Rocca wrote in an internal memorandum to Helms that "we have a problem here for your determination." (136) Rocca first outlined Angleton's desire not to respond directly to Rankin's request of February 12 regarding the CIA material forwarded to the Secret Service since November 23, 1964. (137) Rocca then stated:

(119) "Unless you feel otherwise, Jim would prefer to wait out the Commission on the matter covered by paragraph 2 [of the above-referenced February 12 letter to McCone requesting access to CIA reports provided the Secret Service after November 22, 1963]. If they come back on this point he feels that you, or someone from here, should be prepared to go over to show the Commission the material rather than pass it to them in copy. Incidentally, none of these items are of new substantive interest. We have either passed the material in substance to the Commission in response to earlier levies or the items refer to aborted leads, for example, the famous six photographs which are not of Oswald . . ." (138)

(120) On March 12, 1964, representatives of the Warren Commission and the CIA conferred regarding the February 12 request for the materials forwarded to the Secret Service by the Agency. (139) The record indicates that the Commission at the March 12 meeting pressed for access to the Secret Service materials. (140) Rankin wrote to Helms on March 16 that it was his understanding that the CIA would supply the Commission with a paraphrase of each report or communication pertaining to the Secret Service materials

with all indications of your confidential communications techniques and confidential sources deleted. You will also afford members of our staff working in this area an opportunity to review the actual file so that they may give assurance that the paraphrases are complete. (141)

(121) Rankin further indicated that the same procedure was to be followed regarding any material in the possession of the CIA prior to November 22, 1963, which had not as yet been furnished because it concerned sensitive sources and methods. (142)

(122) Helms responded to Rankin's March 16 letter on March 24 with two separate communications. (143) The initial letter of response provided the Commission with a copy of the October 10, 1963, CIA dissemination to the FBI, State Department, Immigration and Naturalization Service and Navy Department (and to the Secret Service on November 22) regarding Lee Harvey Oswald and his presence at the Soviet Consulate in Mexico City. The response revealed that on October 23, 1963, the CIA had requested from the Navy two copies of the most recent photograph of Oswald in order to check the identity of the person believed to be Oswald in Mexico City. (144) The CIA stated that it had determined at some unspecified time that the photograph earlier obtained by a [sensitive source]* and shown to Marguerite Oswald on November 22, 1963, was not Lee Harvey Oswald. (145) The Agency explained that it had checked the photograph against the press photographs of Oswald generally available on November 23, 1963. (146)

(123) The second letter from Helms revealed that on November 22, 1963, immediately following the assassination, and on November 23, 1963, three cabled reports were received at CIA headquarters regarding photographs of an unidentified man who had visited the Cuban and Soviet Embassies during October and November 1963. (147) Paraphrases of these cables, which did not reveal sensitive sources and methods, were attached to the second letter. (148) The Agency wrote that the subject of the photograph referenced in these cables was not Oswald. It was further stated that:

(124) In response to our meeting of 12 March and your memo of 16 March, we will arrange for Mr. Stern and Mr. Willens to review at Langley the original copies of these three disseminations to the Secret Service and the cables on which they were based, as well as the photographs of the unidentified man. (149)

*This should not be confused with the two Navy photographs.

(125) On March 26, William Coleman wrote in a memorandum for the record:

(126) The CIA directed a memorandum to J. Lee Rankin (Commission Document No. 631) in which it set forth the dissemination of the information on Lee Harvey Oswald. I realize that this memorandum is only a partial answer to our inquiry to the CIA dated March 16, 1964 and I hope that the complete answers will give us the additional information we requested. (150)

Coleman went on to state:

As you know, we are still trying to get an explanation of the photograph which the FBI showed Marguerite Oswald soon after the assassination. I hope that paragraph 4* of the memorandum of March 24, 1964 [CD 631] sent Mr. Rankin by the CIA is not the answer which the CIA intends to give us as to this inquiry. (151)

(127) The following day, as agreed by Warren Commission and Agency representatives, Samuel Stern of the Commission visited CIA headquarters in Langley, Va. (152)

(128) Sterns' memorandum of his visit reveals that he reviewed Oswald's file with Rocca. (153) Stern indicated that Oswald's file contained those materials furnished previously to the Warren Commission by the CIA. (154) The file also contained:

(129) Cable reports from the CIA of November 22 and 23, 1963, of a person who had visited the Cuban and Soviet Embassies during October and November [sic] 1963; and reports on these cables furnished on November 23, 1963, by CIA to the Secret Service. (155)

(130) Stern noted that these messages were accurately paraphrased in the attachments to CD 674 provided the Warren Commission on March 24, 1964. (156) Stern also reviewed the October 9, 1963, cable from a CIA unit to CIA headquarters reporting Oswald's contact with the Soviet Embassy in Mexico City. (157) In addition, Stern examined the October 10, 1963 cable from CIA headquarters reporting background information on Oswald. (158) Stern recorded that these messages were accurately reported in the CIA's January 31 memorandum to the Warren Commission reporting Oswald's Mexico City trip. (159)

(131) Last, Stern noted that Rocca provided him for his review a computer printout of the references to Oswald-related documents located in the Agency's electronic data storage system. (160) He stated "there is no item listed [. . .] which we [the Warren Commission] have not been given either in full text or paraphrased." (161)

(132) Thus, by March 27, a Warren Commission representative had been apprised of the circumstances surrounding the mysterious photograph.**

*Paragraph 4 of CD 631 stated that CIA concluded, based upon press photographs of Oswald generally available on November 23, 1963, that the photograph of the unidentified individual was not of Oswald.

**Helms, in a sworn affidavit before the Warren Commission, stated that the photograph shown to Marguerite Oswald had been taken outside of the continental United States sometime during the period July 1, 1963, to November 23, 1963. (162)

F. LUISA CALDERON CARRALERO

(133) The committee devoted considerable attention to the following memorandum that was obtained as a result of a review of the Oswald file: (163)

(134) Subject: Comments of Luisa Calderon Carralero

1. A reliable source reported that on 22 November 1963, several hours after the assassination of President John F. Kennedy, Luisa Calderon Carralero, a Cuban employee of the Cuban Embassy in Mexico City, and believed to be a member of the Cuban Directorate General of Intelligence (DGI), discussed news of the assassination with an acquaintance. Initially, when asked if she had heard the latest news, Calderon replied, in what appeared to be a joking manner, "Yes, of course, I knew almost before Kennedy."

2. After further discussion of the news accounts about the assassination, the acquaintance asked Calderon what else she had learned. Calderon replied that they [assumed to refer to personnel of the Cuban Embassy] learned about it a little while ago.

(135) Rocca, in response to a 1975 Rockefeller Commission request for information on a possible Cuban conspiracy to assassinate President Kennedy, wrote regarding Calderon's comments:

(136) Latin hyperbole? Boastful ex post facto suggestion of foreknowledge. This is the only item in the [sensitive operation] coverage of the Cubans and Soviets after the assassination that contains the suggestion of foreknowledge or expectation.* (165)

(137) Standing by themselves, Luisa Calderon's cryptic comments may not have merited serious attention. Her words may indeed have indicated foreknowledge of the assassination but may equally be interpreted without such a sinister implication. Nevertheless, the committee determined that Luisa Calderon's case merited serious attention in the months following the assassination.

* Regarding the issue of whether Calderon's comments could reasonably be interpreted to indicate possible foreknowledge, the CIA position is as follows:

During the Rockefeller Commission inquiry, Calderon's conversation was identified as a possible item of information from the Agency's Cuban and Soviet [sensitive sources] that might suggest foreknowledge of a plot to assassinate the American President. This involves a faulty translation * * * [Calderon's statement]. In answer to * * * [a] * * * question as to whether she had heard the latest news, Calderon said: "Si, claro, me entere casiantes que Kennedy." The verb *entere* is mistranslated. *Me entere* (the first person of the verb *enterarse*, past tense) should be translated as " * * * I found out (or I learned) [about it—the assassination] almost before Kennedy [did]." In other words, Calderon was saying she heard about the shooting of Kennedy almost at the time the event took place. . . . (164)

The narrow interpretation of Calderon's comments assigned by the Agency is not the only reasonable one. The translation of *me entere* as either "I found out" or "I learned about" does not foreclose interpretation of Calderon's comments as a suggestion on her part of possible foreknowledge of President Kennedy's assassination. The interpretation, in any event, should have been left to the judgment of the Warren Commission, not the CIA.

(138) Luisa Calderon's name first surfaced in connection with the assassination, on November 27, 1963, in a cable sent by then-Ambassador Mann to the State Department. (166)

(139) In that cable, Mann stated:

. . . Washington should urgently consider feasibility of requesting Mexican authorities to arrest for interrogation: Eusebio Azcue, Luisa Calderon and Alfredo Mirabal. The two men are Cuban national and Cuban consular officers. Luisa Calderon is a secretary in Cuban Consulate here. (167)

(140) This cable does not state the basis for arresting Calderon.¹ Nevertheless, the CIA's copy of this cable bears a handwritten notation on its routing page. That notation states: "Info from Amb Mann for Sec. Rusk re: . . . persons involved with Oswald in Cuban Embassy." Mann went on to state in urgent terms: "They may all quickly be returned to Havana in order to eliminate any possibility that Mexican government could use them as witnesses." (169)

(141) According to CIA files, Calderon made reservations to return to Havana on Cubana Airlines on December 11, 1963, less than 4 weeks after the assassination. (170)

(142) Calderon, Azcue and Mirabal were not arrested nor detained for questioning by the Mexican Federal Police.² Nevertheless, Silvia Duran, a friend and associate of Calderon's and the one person believed to have had repeated contact with Oswald while he was in Mexico City, was arrested and questioned by the Mexican police on two separate occasions. (172)

(143) During her second interrogation, Duran was questioned regarding her association with Calderon. There is no indication in the reinterrogation report accounting for the questioning of Duran about Calderon. (173) The information regarding Duran's interrogation was passed by CIA to the Warren Commission on February 21, 1964, more than 2 months after Calderon had returned to Cuba. (174)

(144) During May 1964, information from a Cuban defector tying Luisa Calderon to the Cuban Intelligence apparatus was reported to the CIA. The defector, [A-1], was himself a Cuban intelligence officer who supplied valuable and highly reliable information to the CIA regarding Cuban intelligence operations. (175) At that time, Joseph Langosch, Chief of Counterintelligence for the Special Affairs Staff,³ reported the results of his debriefing of the Cuban defector, [A-1]. Langosch's memorandum stated that [A-1] had no direct knowledge of Lee Harvey Oswald or his activities but was able to provide items of interest based upon the comments of certain Cuban intelligence service officers. (176) Specifically, [A-1] was asked if Oswald was known

¹ Although Mann could not recall his motivation when interviewed by the committee staff, Mann was prompted to request the arrest of Calderon on the basis of [an] allegation that Calderon was present at the Cuban Embassy when Oswald was allegedly given a sum of money, presumably to carry out the assassination of President Kennedy. (Pp. 23-30, 40-43.) (168)

² Azcue could not have been arrested because he had left Mexico for Cuba on November 18, 1963. (171)

³ The Special Affairs Staff was a CIA component concerned with Cuban operations.

to the Cuban intelligence services before November 23, 1963. [A-1] told Langosch :

Prior to October 1963, Oswald visited the Cuban Embassy in Mexico City on two or three occasions. Before, during, and after these visits, Oswald was in contact with the Direccion General De Inteligencia (DGI), specifically with Luisa Calderon, Manuel Vega Perez, and Rogelio Rodriguez Lopez. (177)

(145) Langosch thereafter wrote that Calderon's precise relationship to the DGI was not clear. As a comment on this statement, he set forth the CIA cable and dispatch traffic that recorded her arrival in Mexico during January 1963 and departure for Cuba within 1 month after the assassination. (178)

(146) On May 7, 1964, Langosch recorded additional information he had elicited from [A-1] regarding Oswald's possible contact with the DGI. (179) Paragraph 3 of this memorandum, stated in part:

(147) a. Luisa Calderon, since she returned to Cuba has been paid a regular salary by the DGI even though she has not performed any services. Her home is in the Vedado section where the rents are high. b. Source [A-1] has known Calderon for several years. Before going to Mexico, she worked in the Ministry of Exterior Commerce in the department which was known as the "Empresa Transimport." Her title was Secretary General of the Communist Youth in the department named in the previous sentence. (180)

(148) On May 8, Langosch further disclosed [A-1's] knowledge of the Oswald case. (181) He paraphrased [A-1] knowledge of Calderon as follows:

(149) I thought that Luisa Calderon might have had contact with Oswald because I learned about 17 March 1964, shortly before I made a trip to Mexico, that she had been involved with an American in Mexico. The information to which I refer was told to me by a DGI case officer . . . I had commented to (him) that it seemed strange that Luisa Calderon was receiving a salary from the DGI although she apparently did not do any work for the Service. (The case officer) told me that hers was a peculiar case and that he himself believed that she had been recruited in Mexico by the Central Intelligence Agency although Manuel Pineiro, the Head of the DGI, did not agree. As I recall, (the case officer) had investigated Luisa Calderon. This was because, during the time she was in Mexico, the DGI had intercepted a letter to her by an American who signed his name OWER (phonetic) or something similar. As you know, the pronunciation of Anglo-Saxon names is difficult in Spanish so I am not sure of how the name mentioned by [the Cuban case officer] should be spelled. It could have been "Howard" or something different. As I understand the matter, the letter from the American was a love letter but indicated that there was a clandestine professional relationship between the writer and Luisa Calderon. I also understand from (the case officer)

that after the interception of the letter she had been followed and seen in the company of an American. I do not know if this could have been Oswald. . . .(182)

(150) On May 11, 1964, Rocca wrote a memorandum to Helms regarding the information Langosch had elicited from [A-1].(183) Rocca proposed that

The DDP in person or via a designee, preferably the former, discuss the [A-1] situation on a very restricted basis with Mr. Rankin at his earliest convenience either at the Agency or at the Commission headquarters. Until this takes place, it is not desirable to put anything in writing.(184)

(151) On May 15, 1964, Helms wrote Rankin regarding [A-1's] information about the DGI, indicating its sensitivity and operational significance. (185) Attached to Helms' communication was a paraphrased accounting of Langosch's May 5 memorandum.(186) In that attachment, the intelligence associations of two Cuban diplomatic employees, Manuel Vega Perez and Rogelio Rodriguez, were set forth. Nevertheless, that attachment made no reference whatsoever to Luisa Calderon.

(152) Howard Willens of the Warren Commission requested, as a followup to the May 15 memorandum access to the questions used in Langosch's interrogation of [A-1].(187) On June 18, 1964, an [Agency employee] of Rocca's Counterintelligence Research and Analysis Group took the questions and [A-1's] responses to the Warren Commission's office for Willens' review. The only mention of Calderon Willens found in the May 5 memorandum was as follows: "The precise relationship of Luisa Calderon to the DGI is not clear. She spent about six months in Mexico from which she returned to Cuba early in 1964."(188) Willens was not shown Langosch's memoranda of May 7 and May 8, 1964, that contained much more detailed information on Luisa Calderon, including [A-1's] report of her possible association with Lee Harvey Oswald and/or American intelligence.*(189)

(153) The evidence indicates that the CIA did not provide a report of Calderon's conversation of November 22 to the Warren Commission. Consequently, even though the Warren Commission was aware that Calderon reportedly had connections to intelligence work, as did other Cuban Embassy officers, the vital link between her background and her comments was never established for the Warren Commission by the CIA. The agency's omission in this regard may have foreclosed the Commission's actively pursuing a lead of great significance.

(154) In an effort to determine the manner in which the CIA treated the Calderon conversation, this committee posed the following questions to the CIA :

(155) 1. Was the Warren Commission or any Warren Commission staff member ever given access to the [raw data] of Calderon's con-

*It should be noted that these memoranda of May 5, 7, 8, 11 and June 19 with attachments are not referenced in the Calderon 201 file. (See CIA [list] of Calderon 201 file). Their existence was determined by the committee's independent review of *other agency files*.

versation dated November 22, 1963? . . . If so, please indicate when this report was provided to the Warren Commission or its staff, which CIA official provided it, and which Warren Commission members or staff reviewed it.

(156) 2. Was the Warren Commission or any member of the Warren Commission or any Warren Commission staff member ever informed orally or in writing of the substance of the above-referenced conversation of November 22, 1963? If so, please indicate when and in what form this information was provided, and which CIA official provided it. (190)

(157) The CIA responded by memorandum :

Although the [Mexican unit] considered the conversation of sufficient possible interest to send a copy to headquarters, the latter apparently did nothing with it, for there appears to be no record in the Oswald file of such action as may have been taken. A review of those Warren Commission documents containing information provided by the agency and still bearing a Secret or Top Secret classification does not reveal whether the conversation was given or shown to the Commission.* (191)

(158) The available evidence thus supports the conclusion that the Warren Commission was never given the information nor the opportunity by which it could evaluate Luisa Calderon's significance to the events surrounding President Kennedy's assassination. Had the Commission been expeditiously provided with this evidence of her intelligence background, association with Silvia Duran, and her comments following the assassination, it may well have given more serious investigative consideration to her potential knowledge of Oswald and the Cuban Government's possible involvement in a conspiracy to assassinate President Kennedy.

(159) Two difficult issues remain that were raised by the evidence. First, why did the Agency not provide the Calderon conversation to the Warren Commission? Second, why did the Agency not reveal to the Warren Commission its full knowledge of Calderon's intelligence background, her possible knowledge of Oswald and her possible connection to the CIA?

(160) The first question can be explained in neutral terms. It is reasonably possible that by sheer oversight, the report of conversation was filed away and not recovered or recollected until after the Warren Commission had completed its investigation and published its report.**

(161) As for the Agency's failure to provide information concerning Calderon's intelligence background, the record reflects that the Commission was merely informed that Calderon may have been a member of the DGI. (193) The memoranda that provided more extensive examination of her intelligence background were not made available for the Commission's review. Significantly, the May 8 memorandum written by Joseph Langosch following his debriefing of [A-1] indicated that

*The committee also questioned J. Lee Rankin about the Calderon conversation. Rankin did not recall that the Warren Commission had ever been told about Calderon's comments. (192)

**See above CIA explanation at paragraph 157.

[A-1] and a second Cuban Intelligence officer believed Calderon to be a CIA operative. (194) Nevertheless the evidence would seem to indicate that this information was not provided the Warren Commission because there was no basis in fact for the allegation.

(162) The committee sought to determine whether Calderon had any possible association with the CIA. Agency files reviewed and interviews with Agency personnel reveal no connection between Calderon and the CIA. (195)

IV. BALANCE OF THE EVIDENCE

(163) As this staff report indicates, the Warren Commission and the CIA struggled with serious issues bearing on President Kennedy's assassination and the protection of national security. In most instances, the evidence indicates that the CIA acted in a responsible and professional manner. Nevertheless, the evidence does show at least three separate instances of deficiencies in the reporting of information to the Warren Commission.

(164) The first instance—the Agency's failure to report the anti-Castro assassination plots to the Warren Commission has been explained in terms of the Commission's failure to request this information (implicit in this logic is the argument that the plots were not relevant to the Commission's investigation). The evidence, however, shows that these plots were in fact highly relevant and should, therefore, have been reported to the Warren Commission. Moreover, as the Commission was apparently unaware of the plots, it presumably was not in a position specifically to request this kind of information.

(165) The second instance—stemming from the CIA's legal responsibility to protect its sources and methods from unauthorized disclosure—resulted in delayed access by Warren Commission staff members to original source materials. Although the CIA exhibited high standards in reporting to the Warren Commission information derived from sensitive sources and methods, the evidence indicates that the Commission's investigation might have been added had such sources and techniques been directly available.

(166) Finally, the evidence shows that Luisa Calderon's comments expressing possible foreknowledge of President Kennedy's assassination should have been reported to the Warren Commission. Her known association with Cuban diplomatic personnel in Mexico City and reported association with the DGI add to the force of the facts. Had her comments been reported to the Warren Commission, they might have merited the Commission's serious attention. In this regard, the Commission did not have the opportunity to make its own judgment.

Submitted by:

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Research Attorney.

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- (2) CIA Classified Document 1977 Task Force Report, Introduction to tab E (hereinafter cited as 1977 TFR).
- (3) See ref. 1, SSC, book V, pp. 67-75.
- (4) See ref. 2, 1977 TFR.
- (5) Ibid.
- (6) Classified Staff Report, "HSCA Investigation of CIA Support to the Warren Commission," Dec. 10, 1978, House Select Committee on Assassinations (JFK classified document 015036).
- (7) Executive Session Testimony of Richard Helms, Aug. 9, 1978, House Select Committee on Assassinations, pp. 17-18 (JFK classified document 014719) (hereinafter Helms Executive Session Testimony).
- (8) See ref. 1, SSC, book V, p. 25.
- (9) Deposition of John Scelso, May 16, 1978, House Select Committee on Assassinations, pp. 111-112 (JFK classified document 014728) (hereinafter Scelso Deposition); see ref. 6, Helms Executive Session Testimony, p. 10.
- (10) Deposition of [Agency Employee], June 20, 1978, House Select Committee on Assassinations, pp. 7 and 52 (JFK classified document 014735); see ref. 9, Scelso Deposition, p. 80.
- (11) Id. at p. 52.
- (12) Id. at pp. 52-53.
- (13) See ref. 1, SSC, book V, p. 25; see ref. 9, Scelso Deposition, pp. 111-112.
- (14) See ref. 9, Scelso Deposition, p. 112.
- (15) Deposition of Raymond Rocca, July 17, 1978, House Select Committee on Assassinations, p. 9 (JFK classified document 014718) (hereinafter Rocca, Deposition).
- (16) Ibid.
- (17) See ref. 9, Scelso deposition, p. 131.
- (18) Id. at p. 133.
- (19) Id. at p. 134.
- (20) Id. at pp. 114-115; CIA report by John Scelso to chief/counterintelligence, Dec. 13, 1963.
- (21) See ref. 9, Scelso deposition, p. 114.
- (22) Ibid., Scelso deposition, p. 136; see also ref. 15, Rocca deposition, in which Rocca stated that responsibility shifted from Scelso to CI staff on January 12, 1964.
- (23) See ref. 6, Helms executive session testimony, p. 14; see also Scelso deposition, p. 138.
- (24) See ref. 15, Rocca deposition, pp. 12-13.
- (25) Id. at p. 12.
- (26) Deposition of James Angleton, Oct. 5, 1978, House Select Committee on Assassinations, pp. 76-77 (JFK classified document 014720 (hereinafter Angleton deposition); see also ref. 15, Rocca deposition, p. 23.
- (27) Id. at pp. 32-33 and 44; see ref. 6, Helms executive session testimony, p. 23.
- (28) See ref. 15, Rocca deposition, pp. 32-33.
- (29) Id. at p. 33.
- (30) Id. at p. 44.
- (31) See ref. 6, Helms executive session testimony, p. 21.
- (32) Id. at p. 138.
- (33) See ref. 26, Angleton deposition, p. 86.
- (34) Id. at p. 93.
- (35) Ibid.
- (36) See ref. 15, Rocca deposition, p. 7; see also ref. 26, Angleton deposition, p. 77.
- (37) Id. at pp. 16-17.
- (38) Id. at p. 17.
- (39) Ibid.
- (40) Ibid.; Rocca testified that neither CI staff nor his staff displaced the CIA's Soviet Division (represented by [Agency employee] Chief of the Soviet Russian division and his assistant, [Agency employee] in its contact with the Commission; nor did counterintelligence/research and analysis displace Scelso in his contact with the Warren Commission).
- (41) Id. at p. 36.
- (42) See ref. 15, Rocca deposition, pp. 17-18. See ref. 26, Angleton deposition, p. 78.

- (43) *Id.* at p. 81.
- (44) See ref. 15, Rocca deposition, p. 18.
- (45) *Ibid.*
- (46) *Ibid.*
- (47) *Id.* at pp. 19-20.
- (48) See ref. 9, Scelso deposition, p. 113, in which Scelso stated that counter-intelligence staff, including [Agency employee], was repository of HT-Lingual intercepts; but see also deposition of [Agency employee], HSCA, July 20, 1978, pp. 83-84 (JFK classified document 014735), in which [Agency employee] stated that he did not know whether the Warren Commission had knowledge of the HT-Lingual program because it was not his responsibility to provide the Commission with material derived from the HT-Lingual program.
- (49) See ref. 15, Rocca deposition, p. 10; ref. 26, Angleton deposition, pp. 75, 80; see also CIA document, Raymond Rocca memorandum for the record, April 1, 1975, re: Conversation with David W. Belin, April 1, 1975; in which it is stated that Helms remained the senior official in charge of the overall investigation, with counterintelligence staff acting as a coordinator and repository of information collected.
- (50) See ref. 15, Rocca deposition, p. 18; see also ref. 6, Helms executive session testimony, pp. 9 and 24.
- (51) Staff interview of William Coleman, Aug. 2, 1978, House Select Committee on Assassinations.
- (52) Executive session testimony of W. David Slawson, Nov. 15, 1977, House Select Committee on Assassinations, p. 17 (JFK document 008625) (hereinafter Slawson executive session testimony); see also JFK exhibit 23, hearings before the Select Committee on Assassinations, U.S. House of Representatives, 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1979), vol. I, p. 190 (hereinafter HSCA-JFK hearings).
- (53) Deposition of J. Lee Rankin, August 7, 1978, House Select Committee on Assassinations, p. 4 (JFK Classified Document 014874) (hereinafter Rankin Deposition); see also deposition of John McCone, August 17, 1978, House Select Committee on Assassinations, p. 9 (JFK Classified Document 014729) (hereinafter McCone deposition).
- (54) See ref. 53, McCone deposition, p. 5.
- (55) *Id.* at pp. 5-6.
- (56) *Id.* at p. 9.
- (57) See ref. 15, Rocca deposition, p. 14.
- (58) *Id.* at p. 24.
- (59) *Id.* at p. 26.
- (60) *Id.* at p. 23.
- (61) See ref. 6, Helms executive session testimony, p. 10.
- (62) *Id.* at pp. 10-11.
- (63) *Id.* at p. 34.
- (64) See ref. 53, Rankin deposition, p. 4.
- (65) See ref. 52, Slawson executive session testimony, p. 29.
- (66) See ref. 1, SSC, book V; see also Alleged Assassination Plots Involving Foreign Leaders, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Operations, S. Rep. No. 94-465, 94th Cong., 1st sess. (Washington, D.C., U.S. Government Printing Office, 1975 (hereinafter cited as SSC, Alleged Plots)).
- (67) See ref. 15, Rocca, p. 50.
- (68) See ref. 9, Scelso deposition, pp. 73 and 142-143.
- (69) *Id.* at p. 166.
- (70) See ref. 6, Helms executive session testimony, pp. 30-31.
- (71) Memorandum to Director of Central Intelligence, re: Sam Giancana, from Richard Helms, August 16, 1963, in SSC Alleged Plots, p. 107 (see ref. 66).
- (72) *Id.* at pp. 107-108.
- (73) *Ibid.*
- (74) CIA Inspector General's report, p. 70.
- (75) See ref. 53, McCone deposition.
- (76) *Ibid.*
- (77) See ref. 53, Rankin deposition, pp. 61-63; ref. 52, Slawson executive session testimony, p. 27; executive session testimony of Arlen Specter, November 8, 1977, House Select Committee on Assassinations, pp. 45-46 (JFK document 013094) (hereinafter Specter executive session testimony); but see also executive

session testimony of Wesley Liebeler, November 15, 1977, House Select Committee on Assassinations, p. 71 (JFK Document 008625) (hereinafter Liebeler executive session testimony).

- (78) See ref. 15, Rocca deposition, p. 45.
- (79) See ref. 9, Scelso deposition, p. 153.
- (80) See ref. 6, Helms executive session testimony, p. 25.
- (81) See ref. 9, Scelso deposition, p. 158.
- (82) See ref. 53, Rankin deposition, pp. 22-23; see ref. 9, Scelso deposition 153.
- (83) Ibid.
- (84) Ibid.
- (85) CIA FOIA Document No. 509-803.
- (86) Classified CIA Document, December 20, 1963, DIR. 90466.
- (87) CIA memorandum for file, December 20, 1963, CI Soft File.
- (88) Ibid.
- (89) CIA FOIA Document No. 474-191.
- (90) Ibid.
- (91) CIA FOIA Document No. 498-204.
- (92) Ibid.
- (93) CIA FOIA Document No. 509-803; CIA FOIA Document 498-204.
- (94) Letter from J. Lee Rankin to Richard M. Helms, February 10, 1964 (JFK Document 003872).
- (95) See ref. 15, Rocca deposition, p. 89.
- (96) Ibid.
- (97) Letter from Richard M. Helms to J. Lee Rankin, February 19, 1964, CIA FOIA Document No. 553-808A.
- (98) Ibid.
- (99) See classified staff study, "Lee Harvey Oswald, the CIA and Mexico City," House Select Committee on Assassinations, pp. 178-185.
- (100) Warren Commission classified document, memorandum of W. David Slawson, April 22, 1964, p. 22.
- (101) Staff interview with W. David Slawson, August 11, 1978, House Select Committee on Assassinations, p. 3 (JFK Document 010623).
- (102) Warren Commission classified document, memorandum of W. David Slawson, Mar. 12, 1964.
- (103) CIA FOIA Document No. 509-803.
- (104) Warren Commission classified document, memorandum of W. David Slawson, Apr. 22, 1964, pp. 3, 19, and 45-46.
- (105) Warren Commission classified document, memorandum of W. David Slawson, Mar. 12, 1964, p. 6.
- (106) Warren Commission classified document, memorandum of W. David Slawson, Mar. 25, 1964, p. 20.
- (107) Ibid.
- (108) See refs. 73-75 and accompanying text in this report.
- (109) Warren Commission classified document, memorandum of W. David Slawson, Mar. 27, 1964, p. 2.
- (110) Warren Commission classified document, memorandum of William Coleman and W. David Slawson, Apr. 2, 1964.
- (111) Ibid.
- (112) Warren Commission classified document, memorandum of W. David Slawson, Apr. 21, 1964, p. 1.
- (113) Warren Commission classified document, memorandum of W. David Slawson, Mar. 12, 1964.
- (114) Warren Commission classified document, memorandum of William Coleman and W. David Slawson, Apr. 3, 1964, p. 11.
- (115) Warren Commission classified document, memorandum of W. David Slawson, Apr. 22, 1964, p. 1.
- (116) See ref. 100, Slawson memorandum, pp. 9-10.
- (117) Ibid.
- (118) Ibid.
- (119) Ibid.
- (120) Ibid.
- (121) Id. at p. 24.
- (122) Warren Commission classified document of W. David Slawson, Apr. 21, 1964.
- (123) See ref. 100, Slawson memorandum, pp. 52-54.

- (124) Id. at p. 24.
- (125) Executive Order No. 11130, Nov. 29, 1963.
- (126) Report of the President's Commission on the Assassination of President Kennedy (Washington, D.C.: U.S. Government Printing Office, 1964), p. 364 (hereinafter cited as the Warren Report).
- (127) CIA classified document, Mar. 24, 1964, DDP4-1555, Warren Commission document 64.
- (128) Ibid.
- (129) Warren Report, Vol. I, p. 153.
- (130) Ibid.
- (131) Letter from J. Lee Rankin to Thomas Karrassines, Mar. 12, 1964 (JFK Document 003872).
- (132) Letter from J. Lee Rankin to John McCone, Mar. 12, 1964 (JFK Document 003872).
- (133) See ref. 9, Scelso deposition, p. 158.
- (134) Ibid.
- (135) Ibid.
- (136) CIA FOIA document No. 579-250.
- (137) Ibid.
- (138) See ref. 26, Angleton deposition, pp. 131-132, in which Angleton stated that the only reason for not providing the Warren Commission with access to (these materials) was due to the Agency's concern for protecting its sources and methods.
- (139) Letter from J. Lee Rankin to Richard Helms, Mar. 16, 1964 (JFK Document 003872); Warren Commission classified document, memorandum of W. David Slawson, Mar. 12, 1964.
- (140) Warren Commission classified document, memorandum of W. David Slawson, Mar. 12, 1964.
- (141) Letter from J. Lee Rankin to Richard Helms, Mar. 16, 1964 (JFK Document 003872).
- (142) Ibid.
- (143) CIA FOIA document No. 622-258 (hereinafter CD 631); CIA classified document FOIA 621-259 (hereinafter CD 674).
- (144) See ref. 143, CD 631.
- (145) Ibid. (See also testimony of Marguerite Oswald, I Warren Commission Hearings, 152.)
- (146) Ibid.
- (147) See ref. 143, CD 674.
- (148) Ibid.
- (149) Ibid.
- (150) Warren Commission classified document, memorandum of William Coleman, Mar. 24, 1964.
- (151) Ibid.
- (152) Warren Commission classified document, memorandum of Samuel Stern, Mar. 27, 1964.
- (153) Ibid.
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- (158) Ibid.
- (159) Ibid.
- (160) Ibid.
- (161) Ibid.
- (162) Affidavit of Richard Helms, Aug. 7, 1964, XI Warren Commission Hearings, 469-470.
- (163) This memorandum paraphrased the original source materials. See JFK Exhibit F-518, HSCA-JFK hearings.
- (164) CIA document memorandum regarding Luisa Calderon conversation, undated 1979, p. 1.
- (165) CIA classified document, memorandum of Raymond Rocca, May 23, 1975, p. 15.
- (166) CIA FOIA document No. 138-598.
- (167) Ibid.
- (168) See ref. 1, SSC, Book V, pp. 28-30 and 40-43.

- (169) Ibid.
- (170) CIA classified document, Apr. 26, 1965.
- (171) CIA FOIA document No. 717-312, attachment C.
- (172) CIA FOIA document No. 98-137, CIA FOIA document 34-595.
- (173) CIA FOIA document No. 559-243.
- (174) Ibid.
- (175) CIA classified document, memorandum of Joseph Langosch, June 23, 1964.
- (176) Ibid.
- (177) Ibid.
- (178) Ibid.
- (179) CIA FOIA document No. 687-295, attachment 2.
- (180) Ibid.
- (181) Ibid., attachment 4.
- (182) Ibid.
- (183) CIA FOIA document 687-295.
- (184) Id. at p. 2.
- (185) CIA FOIA document 697-294.
- (186) Ibid., attachment.
- (187) CIA FOIA document 739-316.
- (188) Ibid.
- (189) Ibid.
- (190) Classified letter from HSCA to CIA, August 28, 1978.
- (191) CIA classified document, memorandum regarding Luisa Calderon conversation, Aug. 28, 1978, p. 8.
- (192) See ref. 53, Rankin deposition, pp. 18-19.
- (193) CIA classified document, memorandum of Joseph Langosch, May 5, 1964.
- (194) CIA FOIA document No. 687-295, attachment 4.
- (195) See ref. 6, Helms executive session testimony, p. 136; see ref. 15, Rocca deposition, p. 148; classified staff summary of interview of former CIA employee, Joseph Langosch, Aug. 21, 1978, House Select Committee on Assassinations (JFK classified document); classified staff summary of interview with CIA employee, Aug. 11, 1978, House Select Committee on Assassinations (JFK classified document 014740). Further details analyzing this issue are set forth in the classified HSCA staff report upon which this study is based. Classified staff report, "HSCA Investigation of CIA Support to the Warren Commission," House Select Committee on Assassinations, Dec. 10, 1978 (JFK classified document 015036).
- (196) See ref. 2, 1977 TFR, p. 10.

POLITICS AND PRESIDENTIAL PROTECTION:
THE MOTORCADE

Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
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SUMMARY

(1) It has been suggested that the selection of a motorcade route that resulted in the passage of President John F. Kennedy's open limousine at low speed immediately below the Texas School Book Depository Building in Dallas, Tex., and in the closest possible proximity in Dealey Plaza to the grassy knoll, was probably no mere coincidence; that the use of a motorcade and the selection of its route was more likely controlled by the conspiracy that planned the President's death; and that the Secret Service, since it had responsibility for protecting the President, may have been more than simply a negligent bystander in the decisionmaking process. (1) The list of suggested conspirators who allegedly arranged this aspect of the assassination ranges from the Secret Service itself, to right-wing businessmen, and even includes the Governor of Texas, John B. Connally (2)—the Governor, perhaps, being an innocent dupe, since it is unlikely (in the extreme) that he would have wittingly arranged to have shots fired at the limousine in which he and his wife were also to ride.

(2) The results of the committee's investigation of these allegations are described in this staff report. In summary, the evidence indicates that political considerations dictated that there would be a motorcade, and what its route would be, and that the Secret Service's protective responsibilities were subordinated to those political considerations. The committee found no evidence of conspiracy in the processes that led to the use of the motorcade or the selection of its route.

(3) The political considerations that apparently led to those two fortuitously critical decisions were traditional Democratic Party politics and, as such, were characterized by a struggle between liberal and conservative wings of the party: between the conservative wing of the party in Texas led by Gov. John B. Connally, and liberal elements, including Texas Senator Ralph Yarborough, but primarily, of course, centering around the President himself. In the end, ironically, it was the tension and compromise between the two views that produced the fatal motorcade route. If either side had been able to dictate its desires without compromise, the assassination might never have occurred.

(4) On one hand, Governor Connally, who was asked by the President to arrange the trip as a means of broadening and strengthening his support among conservatives in Texas, selected the Dallas Trade Mart, a new and attractive convention hall on the Stemmons Freeway, for the luncheon site. It had the attribute of appealing to the conservative business element, but the drawback of limiting the number of guests that could be accommodated.

(5) The President, on the other hand, believed that his availability to the people by motorcade was a major factor in his successful campaign for the Presidency, (3) and since his schedule in Dallas did not involve a major public speech before a large audience, but included

only a "limited" speaking engagement before a "select group" at the Trade Mart, the President felt even more strongly that a motorcade should be used to broaden his exposure.(4) Both Governor Connally and Frank Erwin, executive secretary of the Texas State Democratic Committee, objected to the staging of a downtown motorcade.(5) Connally opposed the motorcade because the strain placed on Kennedy of "exuding enthusiasm" would have been excessive, especially in view of his tight schedule, and because he considered it a possibility that an embarrassing picket or sign might be held up before the President during the motorcade.(6) Erwin objected to a downtown motorcade because it exposed the President unnecessarily to the possibility of an embarrassing incident provoked by the right-wing element in Dallas.(7) Supporters of right-wing extremist leader Gen. Edwin Walker were feared,(8) since Lyndon Johnson and Adlai Stevenson, in 1960 and 1963, respectively, had been publicly assaulted by radical conservatives in Texas.(9) The memory of these occurrences was still vivid, and many Connally associates were still concerned that the image of Dallas would be tarnished by an incident in which the President would be publicly embarrassed.(10) Erwin was so concerned about this aspect of the trip that when he first heard that the President had been harmed, his first thought was that a right-wing extremist had been responsible.(11) In the end, President Kennedy's wishes prevailed, and there was a motorcade.(12) Its route was a simple by-product of the decision to hold the luncheon at the Trade Mart.(13)

(6) Two luncheon sites had initially been considered: the Women's Building at the fair grounds which was located in the central southern part of the city,(14) and the Dallas Trade Mart, which was located on Stemmons Freeway to the west and north of Dealey Plaza.(15)

(7) The Secret Service initially preferred the Women's Building for security reasons,(16) and the Kennedy staff preferred it for political reasons.(17) If the Women's Building had been selected, the Presidential motorcade would have entered Dealey Plaza on Main Street west of Dealey Plaza and traveled eastward on Main Street, traversing the Plaza briefly, at high speed,(18) without taking any turns in or around the Plaza.(19) Such a west-to-east route through Dealey Plaza on Main Street would have decreased the probability of the occurrence of the assassination for two reasons. First, the Presidential limousine would have presented a more difficult target at which to shoot because it would have been moving more quickly and would have been positioned one block farther away (to the south) from the assassins' locations than it was when the assassination occurred on Elm Street.(20) Second, the President, who rides in the right rear of the limousine in accord with military protocol, would have been positioned so that Mrs. Kennedy would have been seated between him and any gunfire emanating from the Texas State Book Depository (TSBD) and the grassy knoll.(21)

(8) Nevertheless, in this case the President deferred to the Governor: the Women's Building was rejected, and the Trade Mart was selected.(22) The result, then, was the deployment of the motorcade westward through downtown Dallas and, in turn, the inclusion of the turn, northward from Main Street onto Houston Street and then

westward from Houston onto Elm Street, which placed the limousine directly in front of the line of fire.

(9) The Secret Service was, in fact, a bystander in the process; its protective functions were subordinated to political considerations. The committee found no evidence indicating that a conspiracy affected either the President's decision to incorporate a motorcade into the Dallas itinerary, or the Governor's decision to insist on a Presidential appearance at the Trade Mart, or the Secret Service's acquiescence in those controlling decisions.

I. THE ORIGINS OF THE PLAN FOR PRESIDENT KENNEDY TO VISIT TEXAS

(10) Governor John B. Connally of Texas indicated that the idea of a Presidential visit to Texas arose first in the spring of 1962, during the Texas gubernatorial campaign.⁽²³⁾ Vice President Lyndon B. Johnson approached Connally with the information that the President wished to come to Texas for the purpose of fundraising.⁽²⁴⁾ Connally was not interested at that time in attempting to coordinate such a trip for various reasons. First, he was in the midst of a campaign for Governor, was running against an incumbent, and his initial showing in voter polls had been poor.⁽²⁵⁾ Second, he became involved in a statewide campaign for the general election after winning the primary and he had doubts about the capacity of his organization both to do justice to a Presidential visit and simultaneously to run an effective campaign.⁽²⁶⁾ Nevertheless, since Connally won the gubernatorial election and apart from Vice President Johnson, was the Texan who was closest to the administration, the Vice President continued to remind him about the President's interest.⁽²⁷⁾ Connally continued to hesitate to commit himself to a specific time for the Presidential visit. As Governor, he had to prepare a legislative program for his first session with the Texas State Legislature, which was scheduled to convene on January 20, 1963. That session was to last 120 days. Nevertheless, upon its completion, Connally became willing to undertake the organization of a Presidential visit.⁽²⁸⁾

(11) It was his understanding from the beginning that the President wanted to raise money.⁽²⁹⁾ It also became apparent that the President wished to shore up his sagging popularity in a State that he considered, with Massachusetts, to be one of the two primary political objectives for the Presidential campaign of 1964.⁽³⁰⁾ In 1960, Kennedy had carried Texas by the small margin of 46,000 votes, despite Johnson, a Texan was his running mate.⁽³¹⁾ The President's legislative program had not fared well in the first year of his Presidency, and the President was concerned about the 1964 election. For these reasons, a visit to Texas had assumed great importance.⁽³²⁾

(12) Connally believed that, for specific reasons, the President wished to come to Texas under Connally's auspices rather than under the auspices of Vice President Johnson or on his own. Since a Governor of a State is the titular head of his party and sets the political tone of his State, neither Kennedy or Johnson would have considered it politically advisable to visit a State without the political support of the Governor.⁽³³⁾ And in Connally's opinion, Kennedy had another, more narrowly focused reason for wanting to come to Texas. Connally had

developed a base of support among the moderates and conservatives in the Texas Democratic Party.(34) The President hoped to obtain political benefit by associating with Connally, the leader of the moderate and conservative interests whose support Kennedy needed in Texas.(35) The liberal wing of the party still supported Kennedy; but the moderates and conservatives thought of Kennedy as anti-business.(36) The President mentioned this to Connally and said that it disturbed him because he had no intention of dismantling the free enterprise system.(37) Kennedy wanted to talk with and, he hoped, to appeal to the people who had not supported him in the Presidential campaign of 1960.(38)

(13) The first important meeting between the President and the Governor took place in El Paso, Tex., in June 1963.(39) Kennedy suggested August 27 as a possible date for the visit because that was the Vice President's birthday. The Governor objected since inclement Texas weather at that time of year resulted in the absence of many Texans from the State for vacations.(40) Apart from the President's suggestion that four or five fundraising dinners be held in the major Texas cities, no final decision was reached regarding the date for the trip or the itinerary.(41) Nevertheless, the decision to make the trip was considered final as of this time.(42)

(14) From June to early October 1963, the Governor and the Vice President intermittently discussed the objectives and format of the trip.(43) Johnson advised Connally that the President felt that four or five fundraising dinners would constitute an acceptable program. The Governor expressed the opinion that it would be a mistake so to organize the visit, Johnson responded by saying that that was what the President wanted and Connally had better have "a real good reason" for objecting.(44)

(15) In early October the President and Governor Connally met in the Oval Office. Connally told Kennedy that a Presidential visit consisting of four or five consecutive fundraising dinners would be considered by Texans as a financial rape of the State.(45) On the basis of Connally's discussions of the matter with political leaders in the State, the Governor's recommended course of action was that the President meet with moderate and conservative business and political leaders who had not supported him in 1960 and that he attempt to convert them in nonpolitical settings. The President agreed.(46)

II. THE PROCESS OF THE SELECTION OF DATES FOR THE TRIP AND THE PLANNING OF THE ITINERARY

(16) The specific dates of the trip had been resolved prior to this October meeting. Presidential advance man Jerry Bruno stated that although he was given formal notice of the Texas trip on October 21 by Presidential Appointments Secretary Kenneth O'Donnell,(47) he believed the President and O'Donnell had developed long range plans prior to the 11 State conservation tour in late September.(48) No dates for Texas were mentioned at that time, but the September 26, 1963, issue of the Dallas Morning News printed an article stating that on November 21 and 22, 1963, the President would visit several Texas cities.(49)

(17) Connally made it clear to the President that it would be Kennedy who would pick the dates of the trip.(50) Although in testimony Connally stated he had no specific recollection of having known prior to October that November 21 and 22 were the selected dates for the Texas visit, he did acknowledge that he must have known.(51)

(18) Governor Connally was careful to emphasize that the purpose of the Presidential visit was not to resolve differences within the Democratic Party of the State of Texas.(52) Appointments Secretary O'Donnell had advanced this view in his testimony before the Warren Commission. According to O'Donnell:

There were great controversies existing. There was a party problem in Texas that the President and Vice President felt he could be helpful, as both sides of the controversy were supporting President Kennedy, and they felt he could be a bridge between these two groups, and this would be helpful in the election of 1964. I think that is the major reason for the trip.(53)

As Governor Connally stated:

. . . this (the complaints that Texas liberals were not being permitted to participate in the planning of the trip or to obtain tickets to the various trip functions) raised the question that has since been discussed in great length, that the President came to Texas to resolve the differences in the Democratic Party in Texas. Nothing could be further from the truth. The two individuals who were most involved in the split in the Party were Senator Ralph Yarborough and Vice President Johnson, and both of them were in Washington, D.C. This is where the trouble was.

The trouble arose basically over Federal patronage and Federal appointees and Vice President Johnson was trying to get every Federal appointee he could get, and so was Senator Yarborough. . . .

And indeed if the President was interested in resolving that difficulty, he had Vice President Johnson right across the street in the Old Executive Office Building, he had Senator Yarborough right here on the Hill, and he could have gotten them together in 10 minutes. But that wasn't the purpose of his trip to Texas at all, it had nothing to do with it.(54)

The Governor stated that Texas was basically a one-party State where political differences had divided liberal from conservative elements for many decades and where, throughout the Governor's political career, recurrent conflict between the two forces was considered a normal state of affairs. The Governor, recalling an incident during which fist fights broke out within the Texas delegation on the floor of the Democratic Party Convention in Chicago in 1940, stated that the President was too astute a politician to attempt to resolve the differences in the Democratic Party in the State of Texas.(55)

(19) The Governor stated that an early consensus was achieved about concluding the trip with a major fundraising dinner in Austin, an event that would have allowed the Texas Legislature a chance to meet the President.(56) The Governor understood at this point that

the visit would involve a single day.(57) To make the most of the time available, the Governor suggested to the President that he visit San Antonio, Houston, Fort Worth, Dallas, and Austin all in 1 day.(58) This itinerary is confirmed by Bruno, Kennedy's advance man, who met with Walter Jenkins, described as "Vice President Johnson's right-hand man," on October 24. Bruno's notes record that he and Jenkins discussed ". . . the proposed stops for the trip [which] were San Antonio, Houston overnight, Fort Worth, Texas Christian University, and a fundraising dinner in Austin."(59) Although the luncheon in Dallas was omitted from Bruno's original note, Dallas was always included.(60)

(20) The passage quoted above, because of its reference to an overnight stop, indicates that the 1-day tour planned by Governor Connally was modified to include a testimonial dinner for Congressman Albert Thomas of Houston on the evening of November 21, 1963.(61) Congressman Thomas, chairman of the Appropriations Committee, was considered one of the most powerful members of the House.(62) He enjoyed the support of both conservatives and liberals in his Houston Congressional District.(63) As a result of his terminal illness, and in appreciation of his distinguished career in public service, a testimonial dinner was being given for him. This occasion, along with the President's close relationship with Thomas, resulted in a Presidential decision to extend the span of his visit, adding the afternoon and evening of November 21 to the 1-day trip already planned for the 22d.(64) The San Antonio visit to inspect the new Aerospace Medical Center at Brooks Air Force Base was rescheduled for Thursday.(65) Originally, the President had planned to remain overnight in Houston, then fly to Fort Worth on the following morning in order to receive an honorary degree from Texas Christian University, and then fly to Dallas for a midday luncheon.(66) No site for the luncheon had been selected as of Bruno's arrival in Texas on October 28.(67) As late as October 30, Bruno visited Houston to finalize plans for the President's appearance at the Thomas dinner and to examine the accommodations for Kennedy and his party at the Rice Hotel.(68) The overnight stop at Houston was changed to an overnight stop at Fort Worth when Kennedy accepted an invitation to the Houston dinner.(69) In the meantime, TCU had decided not to award the President an honorary degree.(70) That change was made on November 1.(71) A breakfast with the Fort Worth Chamber of Commerce was substituted on November 1 for the canceled honorary degree ceremony.(72)

(21) Since the Governor personally emphasized the scheduling of a luncheon in Dallas.(73) and because that suggestion dovetailed conveniently with the President's insistence on the staging of a motorcade through downtown Dallas,(74) the final sequence of cities to be visited was established without opposition from any person when the overnight stop was changed from Houston to Fort Worth.(75) It was then decided that on November 21 Kennedy would dedicate the Aerospace Medical Center at Brooks AFB in San Antonio.(76) This would precede the President's appearance at the Albert Thomas testimonial dinner,(77) the event around which the Texas trip was built.(78) In Fort Worth, a prebreakfast speech in

front of the Texas Hotel(79) and Kennedy's breakfast appearance before the Chamber of Commerce filled the time gap caused by the cancellation of the ceremony at TCU.(80) The Dallas luncheon and the fundraising dinner at the Governor's mansion in Austin completed the schedule for the day.(81) It was the Governor's opinion that Austin was the best city in the State for a major fundraising affair because it was the Texas capital.(82)

III. TEXAS CHRISTIAN UNIVERSITY APPEARANCE

(22) In his testimony before the committee, Governor Connally did not specify whose idea it was to have the President appear at Texas Christian University.(83) Advance man Jerry Bruno first learned of the TCU appearance when Connally associate Walter Jenkins mentioned it in their first meeting on October 24.(84) The itinerary presented to Bruno by Jenkins represented Connally's preferences.(85) Jenkins told Bruno that Connally had proposed the trip, and from this Bruno inferred that Connally had proposed the itinerary.(86)

(23) Nevertheless, Bruno's interpretation does not establish the fact that the honorary degree was Connally's idea originally, because Jenkins did not assert this, and Bruno's notes of the meeting do not record any specific information on the point.(87)

(24) The minutes of the meeting of the Board of Trustees of TCU held on November 1, 1963, did not mention this question. Those minutes record only that, "Concerning a special item presented by Chancellor E. Sadler on the recommendation of the University Council", the University would "tender its facilities to the Governor of Texas and the City of Fort Worth . . . for the purpose of extending a warm invitation to the President of the United States to speak on the TCU campus during his visit to Texas in November. Motion passed."(88) This language permits the inference that it was Chancellor Sadler's idea to invite the President, but no specific identification of the original proponents of the TCU appearance is made.

(25) A resolution of the question is offered by TCU trustee Sam P. Woodson, Jr., who was present at the November 1, 1963, trustees' meeting.(89) Although he was not able to produce any documentation to support his recollection, Woodson recalled that in late October 1963, the Governor contacted Chancellor Sadler and proposed that the President be awarded an honorary degree. Woodson's understanding at the time was either that the President "wanted an excuse to come down to Texas" or that the Governor "in some sense wanted to provide the President with such an excuse."(90) He recalled also that the chancellor thought it was appropriate and decided to introduce the matter to the board.(91)

(26) Woodson's explanation of the reasons for the board's decision not to confer the degree is as follows:

(27) University procedure required that candidates for honorary degrees be nominated from within the university and be evaluated by both the faculty senate and the student senate, this provided opportunities for approval or disapproval individual cases.(92) In Kennedy's case, because of the belief that the Governor was trying to

manipulate the board at the expense of democratic university procedures,(93) it was decided that normal procedures should be maintained because they protected the university from awarding degrees to recipients who had not been scrutinized by all concerned interests.(94) (28) On the other hand, some Board members felt that it would be disrespectful to the Office of the President to turn the President down. In such a unique case as this, no precedent that would be harmful to the university's procedures would be established.(95) Woodson himself voted in favor of the award on these grounds and believed that the trustees would have approved the award if there had been time for the proposal to go "through channels".(96)

(29) Bruno stated that no consideration of an alternative program at TCU was given by the Presidential staff. The embarrassment to the President, were it to become known that he had been turned down for an honorary degree, eliminated the possibility of an appearance at TCU for some other purpose.(97) It is ironic that if the honorary degree ceremony at TCU had been held, especially with a subsequent reception of some kind, logistical complications might have delayed the President's arrival in Dallas and thereby interfered with the scheduled occurrence of the mid-day motorcade. If such a delay had occurred, the opportunity might have been lost for an assassin to take advantage of certain conditions that promoted Kennedy's assassination. Such conditions included the physical absence of many employees from their places of employment (such as the TSBD) during the mid-day lunch hour, and the presence of large crowds on the streets immediately after the shooting.*(98)

IV. THE POLITICAL CONTROVERSY SURROUNDING THE SELECTION OF A SPEECH SITE FOR THE PRESIDENT'S APPEARANCE IN DALLAS

(30) The decision to send the motorcade in an eastward or westward direction along Main Street was dependent upon the prior selection of a site for the President's luncheon speech.(103)

(31) In Dallas, Governor Connally arranged(104) for the cosponsorship of the luncheon by several prominent civic organizations: the Dallas Citizens' Council, the Dallas Assembly, and the Graduate Research Center of the Southwest.(105) Connally indicated that such groups were chosen because they could give the occasion a nonpolitical flavor.(106)

(32) Connally's understanding of the political function of the trip—to permit the President an opportunity to meet with the constituency in Texas whose support would be indispensable during the 1964 Presi-

* An interesting subsidiary issue regarding itinerary planning and motorcade route selection is whether Oswald, when he took the job at the Depository on Oct. 15, 1963, knew President Kennedy planned to visit Dallas and that his motorcade would pass through Dealey Plaza.(99) It is, of course, possible that Oswald could have anticipated well before Oct. 16 that Dallas would be included in the Texas itinerary. The Sept. 28 issue of the Dallas Morning News printed an article stating that the President would visit major cities of the state on Nov. 21 and 22.(100) And it could be inferred that the Presidential motorcade would pass through Dealey Plaza. This is because Dealey Plaza was part of the traditional parade route through Dallas.(101) However, knowledge of an eastward versus westward direction would not have been possible before Oct. 16, since the route was not finalized until Nov. 15.(102)

dential campaign, the moderate and conservative business and financial interests—led him to conceive of the Dallas visit in limited terms. The President would arrive in Dallas, proceed directly to the Trade Mart, the city's prime commercial center, deliver a speech to the leadership of Dallas' business community, and leave the city. (106A) Frank Erwin, the executive secretary of the Texas State Democratic Committee, believed that Connally's introduction might well convince that leadership that the President was "OK" and "could be trusted" with the Presidency. (107) For Connally, the Trade Mart was the appropriate setting for the Presidential speech. Architecturally it had the style and flair of the Kennedys themselves. The building was new, convenient to reach from the Stemmons Expressway, and generally impressive. (108)

(33) Frank Erwin, who assisted Connally through the process of planning the Presidential visit, commented on Connally's relationship with big business and financial interests in Texas. In Erwin's opinion there was no possibility that the conservative, affluent supporters of Connally would have wanted to mix at a public occasion of any kind with the various elements in the liberal wing of the party. (109) Erwin stated his belief that even such high-ranking persons as the liberal Senator Ralph Yarborough of Texas and the president of the AFL-CIO were not welcome at social and political functions sponsored by Connally's conservative supporters. (110) The appearance of such liberals would have led to a walkout by the conservative Connally associates. Hence, the State democratic committee, of which Erwin was Executive Secretary, insisted that the luncheon be held at the Trade Mart. (111)

(34) The Kennedy staff, on the other hand, preferred the Women's Building, which they saw as providing a better forum for contact with liberal elements in the party. Politically, the large size of the Women's Building would have allowed 4,000 people to be admitted and would therefore have benefited Kennedy by permitting his liberal constituents to participate in the luncheon. (112) In their view, that location, in conjunction with a motorcade, would have enhanced their ability to reach the poor, the middle class, labor, and ethnic minorities. (113)

(35) The route necessitated by the Kennedy staff's preference for the Women's Building would have led eastward along Main Street toward the fair grounds, which lay to the southeast of the Main Street business district. (114) The motorcade's access to the western end of Main Street on the western side of Dealey Plaza would have been provided by a cloverleaf exit that led into the Plaza from the expressway, just west of the Dealey Plaza triple overpass. (115) After passing through the overpass, the motorcade would then have continued, at what Bruno stated was the President's customarily high rate of speed—40 or 50 miles per hour—into Main Street within Dealey Plaza. (116) The distance on Main Street from the bottom of the triple overpass to the point where crowds would be gathered (at the Houston Street intersection) would have been crossed at that speed. Deceleration of the motorcade would have commenced when the crowds were reached. (117)

V. THE ROLE OF THE SECRET SERVICE IN THE RESOLUTION OF THE SELECTION OF THE SPEECH SITE AND THE MOTORCADE ROUTE

(36) On November 4, 1963, Gerald Behn, special agent in charge (hereafter SAIC) of the White House detail of the Secret Service, telephoned Forrest Sorrels, the SAIC of the Dallas field office, stating that the President would probably be visiting Dallas "about November 21" and that two buildings had been suggested for a luncheon site. (118) One was the Trade Mart, which according to Behn's information had about 60 entrances and 6 catwalks suspended above the floor area where the luncheon was planned. The second was the Women's Building at the fair grounds, whose structure and appearance Behn did not, according to Sorrels, describe in equally complete detail. (119)

(37) On that same day, Sorrels made a survey of both locations and reported back to Behn by telephone. He stated that he and Special Agent (hereafter SA) Bob Steuart of the Dallas office had visited the Trade Mart and the Women's Building. Sorrels reported that the Women's Building was preferable from the standpoint of security because the building had only two entrances at either end, each of which was large enough to permit only one car to pass through. (120) Nevertheless, Sorrels told Behn that the Women's Building "was not satisfactory for that [Presidential] type of function" because of its low ceilings, exposed air-conditioning, and highly visible steel suspension supports. As for the Trade Mart, Sorrels told Behn that because of the many entrances and exits in the Trade Mart, there would be a problem of acquiring sufficient manpower to cover all areas securely. (121)

(38) Sorrels did not say that the Trade Mart would be impossible to secure because he felt that the necessary precautions could be undertaken. (122)

(39) Prior to November 5, Bruno had returned from Dallas with photographs of the Trade Mart's interior to show Behn. These photographs revealed, in full detail, the catwalks suspended above the floor. (123) Bruno was concerned about the catwalks because of an incident involving Ambassador Adlai Stevenson. (124) Other members of the President's political staff were also well aware that, while visiting Dallas during October 1963, Stevenson had been insulted and spat upon by right-wing extremist hecklers. (125) Bruno was concerned that someone could use the catwalks as a vantage point from which to embarrass the President. (126)

(40) After Behn met with Bruno and Ken O'Donnell, Behn announced on November 5 that he favored the Women's Building. (127) According to Bruno, Behn was in charge of trip security. Therefore, Behn had instructed O'Donnell that the Women's Building was his selection. Bruno stated that O'Donnell personally confirmed this version of the course of events. (128) Behn, in his testimony before the committee, stated that O'Donnell held the power to make the ultimate decision, that Behn himself lacked such power, and that O'Donnell simply informed Behn that the Trade Mart was the final selection and ordered him to secure it. (129) Regardless of where ultimate power resided, a consensus was reached between Behn and O'Donnell. Because of the catwalks and many entrances, Behn announced to Bruno

in Washington, D.C., on November 5 his decision favoring the Women's Building. (130) It was Bruno's impression at this time that the report from the Dallas field office was neutral, since the local office was capable of securing either place. (131)

(41) For Bruno, the input of the Dallas field office was of secondary import. It has been his impression from working with Behn that he was the Secret Service official who had power, as SAIC of the White House detail, to make final decisions in matters of security. (132) The basis for this assertion by Bruno was that Bruno had personally accompanied and observed Behn during the advance work for the entirety of the President's 11-State conservation tour that had begun on September 24, 1963. He and Behn had looked at every stop on that tour.* (133)

(42) In accordance with standard operating procedure in the Secret Service, a special agent from the White House Detail went to Dallas to advance the trip and arrange for the President's security once the speech site and motorcade route were selected. (134) In this case, the White House Detail advance agent was Winston G. Lawson. (135) Lawson testified before the Warren Commission that he arrived in Dallas on November 12, and that on the morning of November 13 he visited the Trade Mart with Dallas SAIC Forrest Sorrels, Dallas SA Robert Steuart, and with Jack Puterbaugh, an advance man serving the Democratic National Committee and the White House. (136) Lawson gave Behn a positive report on the Trade Mart because of factors that Sorrels did not mention: (1) the Mart's internal security system, which barred entry to everyone but lessees of commercial space and their customers; (2) the absence of a kitchen at the Women's Building; and (3) the obstruction of proper TV coverage by the Women's Building interior. (137) Lawson agreed with Sorrels that the interior decor at the Women's Building was unseemly for a President. (138)

(43) The Warren Commission obtained no testimony or other information from Behn or Bruno about the controversy over speech site selection that was initially resolved, according to Bruno, by the selection of the Women's Building. (139) Hence, the Warren Commission evaluated Lawson's and Sorrels' testimony without reference to Bruno's perspective. Bruno's perception as of the period between November 6 and 12 was that:

We got word that the local Secret Service agents there had looked at the site [Trade Mart], and this is coming from Governor Connally, and they saw no reasons not to go there. (140)

(44) Apparently, by "local agents," Bruno was referring to Sorrels and the special agents under his supervision in the Dallas field office. Bruno stated that the local agents in Dallas had decided to withdraw

*In his 1978 deposition (p. 35), Bruno stated that Behn disclosed to Bruno that Behn, implicitly having ultimate power to decide where to send the Presidential motorcade, chose the Women's Building, and in the Nov. 6, 1963, entry in Bruno's typewritten notes (p. 8), Bruno indicated that the decision favoring the Women's Building was reached on Nov. 5. In contradiction of his 1978 deposition, however, the entry of November 6, 1963 clearly stated that O'Donnell held and exercised the power to make the final decision and accordingly gave orders to Bruno and Behn to implement the decision. See references at footnotes 130, 133.

their earlier objections to the Trade Mart, and instead recommended it. If any local agent did in fact make such recommendations despite Behn's prior decision on November 6 favoring the Women's Building, this would have presented a clear case of a subordinate agent contradicting the SAIC of the White House detail. (141) Bruno insisted that this in fact took place:

Jerry [Behn] got word that the local agents claim that they could secure it [the Trade Mart] and we were going to have to go with that. (142)

(45) Apart from Bruno's assertion, the committee found no record of any such communication from any local agent. Sorrels was not asked by the Warren Commission whether he made any recommendations to Behn, or had any contact with Behn about speech site security, after November 4; nor did Sorrels inform the Committee that any such contact between himself and Behn took place. Hence, it is largely speculative as to whether Sorrels or any Dallas agent had any impact subsequent to Behn's November 6 selection of the Women's Building. (144) Further, Lawson could not recall for the Warren Commission whether his oral report of November 13 was made to Behn or to one of his assistants. (145) Lawson had "no idea" whether Behn had made any recommendations. (146) Lawson was not sure how much weight his opinion carried in such situations. All he knew was that the decision about the motorcade was made in Washington, and that he assumed that it was made by the White House. (147) His statement to the committee added to his Warren Commission testimony only the information that the selection of the speech site and motorcade route involved Behn and O'Donnell "at very least." (148)

(46) Bruno's explanation of how the matter was finally resolved is found in his journal in the entries of November 14 and 15, 1963:

November 14—The feud became so bitter that I went to the White House to ask Bill Moyers, then Deputy Director of the Peace Corps, and close to both Connally and Johnson, if he would try to settle the dispute for the good of the President and his party. On this day, Kenney O'Donnell decided that there was no other way but to go to the mart.

November 15—The White House announced that the Trade Mart had been approved. I met with O'Donnell and Moyers who said that Connally was unbearable and on the verge of cancelling the trip. They decided they had to let the Governor have his way. (149)

(47) If Bruno's assertions are true, the role of the Secret Service is clear: Although security considerations were taken into account, in the end political considerations prevailed. The determinative factor was the desire of President Kennedy and Mr. O'Donnell not to place the President in the untenable position of appearing unable to lead the party in solving party disputes and of appearing weak in the South. (150)

(48) Moyers' recollection about these matters was less than clear. He could not recall whether it was ever questionable that a motorcade

would occur in Dallas. (151) He could not recall whether there had been a debate about the selection of the speech site. (152) He could recall no discussion with Governor Connally about the site for the President's luncheon, (153) but instead said his discussions involved "who was participating and the necessity of cooperation." (154) In fact, he could not remember whether he had even visited Dallas. (155)

(49) Moyers did confirm one aspect of Bruno's November 14-15 entries, however. He stated that the Presidential staff would overrule the Secret Service when "overriding political considerations were paramount." (156) O'Donnell would listen to the Secret Service, but not always accept their suggestions. (157) None of the President's political advisers "ever let [the Secret Service] have the last word" because the advisers' interest in the President's political welfare outweighed security factors. (158) Moyers characterized the reaction of the Secret Service when being overruled as that of "good soldiers," that is, "loyal to their obligation, but they accepted the fact that the President of the United States is also the chief political figure of our society." (159) This seems consistent with Bruno's statement that, when faced with the political dilemma of how to react to Connally's insistence on the Trade Mart, the President and O'Donnell made a decision based on political concerns. (160) The Secret Service was powerless to comment at that point, much less to intervene.

(50) In his testimony before the committee, Governor Connally recalled that the issue of having a motorcade was not resolved until the week of the assassination, as Bruno had stated. (161) But with respect to the problem of choosing a speech site, Connally stated that he was largely ignorant of any controversy. (162) Connally's version of the decisionmaking process was that whenever such problems could not be resolved on the staff level, he would "just make a decision we are going to do thus and so," or sometimes "call somebody at the White House and get it worked out." (163) With respect to the interrelationship between the speech site and the motorcade route, Connally did acknowledge that "if the Women's Building had been chosen, the motorcade could have gone another route and probably would have." (164)

(51) Bruno indicated that Moyers was asked to visit Texas on behalf of the President to settle the conflict over the speech site and motorcade route. (165) Moyers indicated that both O'Donnell and Kennedy asked him to smooth over the differences between different Democratic Party factions. (166) Moyers at first objected on the grounds that as Department Director of the Peace Corps, his presence in Texas would involve that agency in partisan politics. The President overrode Moyers' objection by saying that Moyers, a Texan with close personal and professional ties to Vice President Johnson and good professional relations with Connally, should go to Texas and permit the President to worry about the Peace Corps. (167)

VI. THE PUBLICATION IN DALLAS NEWSPAPERS OF THE MOTORCADE ROUTE

(52) One function Moyers performed, as a representative of the President, was to insist that the motorcade route be published. (168) Moyers coordinated the President's visit to Texas from Austin. He

worked the Dallas situation by phone through his Dallas representative, Ms. Elizabeth Harris. (169) He had chosen Ms. Harris because she was a Dallas native, had been married to a prominent Dallas person, and had been an associate of Moyers in the Peace Corps. (170) (53) Moyers stated that the only "major decision" he made with respect to Dallas was that:

... some 24 hours before the President arrived, there was a dispute as to whether or not to print in the newspapers the route, and Betty Harris called me ... and said they were not going to print the route of the ... [motorcade] procession and I said, "Oh, yes they are. He's not coming down here to hide. He's coming down here to get a public reaction, and the decision is to print the route of the President's procession," and I don't know what Betty did after that, but the route was printed. (171)

Moyers later amended his recollection of when this decision occurred.

I think it was the second night before his—preceding his arrival ... and we were printing the route in the other papers, and I couldn't see why an exception should be made in Dallas. (172)

(54) Moyers was in contact with the Secret Service at this time, and was aware of the security implications of printing the motorcade route. He recalled asking the Secret Service agent stationed with him in Austin, whom Moyers characterized as having been "in charge of the Dallas trip," whether there was any reason why the route should not be printed. Moyers believed the agent agreed with him that the route should be published. (173)

(55) In Dallas, Ms. Harris was working directly with the Connally representatives and the Secret Service. Her conception of the "basic problem", as she defined it for Moyers over the telephone, was that the conservative city fathers of Dallas did not want to do anything for the liberal Democrats, who were led by Senator Ralph Yarborough. The two groups were fighting both about the distribution of tickets for the luncheon and also about the publicity to be given about the motorcade. The conservative faction wanted it to look like Kennedy was not popular in Dallas, and hence frowned upon publication of the route because that would draw crowds. (174) The matter of popularity was of special significance because at that time the polls reflected a decline in the President's popularity on the national political scene. (175)

(56) Ms. Harris distinctly recalled a meeting that occurred on either the Monday or Tuesday prior to the assassination. She described this as a "confrontation meeting" that was attended by Governor Connally, Robert Strauss (a Connally associate), Sam Bloom, a Dallas advertising man in charge of publicity for Connally, and Winston Lawson of the Secret Service, whom she described as "totally neutral". (176) She recalled that she took one side of the argument regarding publication of the motorcade route and that Sam Bloom and Strauss took the other. (177) During this meeting, she used "pressure"—an appeal for the status and prestige of the office of the Presidency—to persuade Bloom to publish the route not on Friday morning, November 22, but a few days earlier. (178) Her purpose in having

it published ahead of time was to help "get the crowd out." (179) Hence, the route was published in the Dallas Times Herald on Wednesday afternoon and the Dallas Morning News on Thursday morning. (180)

(57) Ms. Harris' perception of the role of Secret Service Agent Lawson during the controversy was that he seemed concerned primarily about route selection because of the time factor and only secondarily about the security factors. (181) Lawson did not seem to "get too much into the political aspect;" "he was a nuts and bolts man" who worked closely with the local police "to make sure that all of the arrangements were as his superiors in Washington wanted to have them." (182)

(58) Ms. Harris and Lawson were not oblivious to the threat of right-wing extremism. They did not consider it when planning the publicity and motorcade route. Ms. Harris stated that, in the case of the Adlai Stevenson incident, "he had been spat upon . . . I was aware of that. We knew that." (183) As to the Edwin Walker assassination attempt, "We did know he had been shot at;" "Lawson and I were very well aware of it because I saw Lawson quite often and we worked late. . . . I knew that he was working with Curry on getting a fix on the known troublemakers." (184) But nothing Ms. Harris learned about right-wing extremism caused her to reduce the pressure she put on Bloom to publish the route earlier than November 22:

You got (sic) to remember that in 1963, it was very hard for anybody to recognize that anything worse than a spitting incident would occur. I was extremely anxious and Moyers and I frequently discussed this. We wanted to bend over backwards to avoid another Stevenson episode because it had gotten tremendous publicity, and we felt it would not at all be in the interests—in Kennedy's interests for a thing like that to happen. Except for the kooks that might go out with a gun, I can't say that it ever occurred to any of us that there was—that death would occur. We were worried about appearances. (185)

(59) Before the Warren Commission, Lawson stated that at a meeting in Dallas on November 18, he announced that the routes had been finalized "unless it was changed later." (186) This remark implied that he did not have control over the final determination of the route, and that such a decision might well be made by civilian political persons. (187) He recalled (from reading the paper the following day) that the route was published on November 19; but at the time he did not know who announced it. (188) It thus seems clear that communication with the Secret Service about publication of routes was minimal.

VII. THE RESIDUAL ROLE OF THE SECRET SERVICE IN MOTORCADE PLANNING

(A) THE MAIN STREET-HOUSTON-ELM TURN

(60) As the Dallas SAIC Forrest Sorrels told the Warren Commission, he selected the Main-Houston-Elm turn through Dealey Plaza because it was the "most direct" route to the Trade Mart. (189) Sor-

rels' questioning by Warren Commission staff counsel Samuel M. Stern, however, prevented a total picture of motorcade route logistics from emerging. Stern asked Sorrels why the expressway was approached from the Elm Street ramp instead of from Main Street just beyond the triple overpass at the western boundary of Dealey Plaza. Sorrels explained that the size and cumbersomeness of the motorcade, along with the presence of a raised divider separating the Main Street lane from the Elm Street lane at the foot of the ramp up to the expressway, deterred him from trying to route the motorcade under and through the overpass on Main Street. Such a route would have assigned the drivers in the motorcade the almost impossible task of making a reverse S-turn in order to cross over the raised divider to get from the Main Street lane into the Elm Street lane. (190) However, this question-and-answer process failed to make clear that the Trade Mart was accessible from beyond the triple overpass in such a way that it was not necessary to enter the Elm Street ramp to the expressway. The motorcade could have progressed westward through Dealey Plaza on Main Street, passed under the overpass, and then proceeded on Industrial Boulevard to the Trade Mart. (191)

(61) George L. Lumpkin, assistant police chief in Dallas in 1963, was consulted by the Secret Service about the motorcade aspect of security planning. (192) Lumpkin explained that the alternate route, continuing straight on Main through and beyond Dealey Plaza and thereby reaching the Trade Mart on Industrial Boulevard, was rejected because the neighborhood surrounding Industrial Boulevard was "filled with winos and broken pavement." (193) Additionally, Lumpkin stated that Kennedy wanted exposure and that there would have been no crowds on Industrial Boulevard. (194)

(62) Advance Agent Lawson informed committee investigators that he had nothing to do with the selection of the Main-Houston-Elm turn before November 14, since only Main Street, not Dealey Plaza, had been selected for the motorcade at that time. He did not specify the exact date on which the turn was selected nor did he identify the person selecting the turn. (195) Sorrels stated that he and Lawson did drive the entire route together, but did not specify when this occurred. (196)

(63) Sorrels' Warren Commission exhibit No. 4 suggested that both men drove the entire route on November 18. (197) It is not certain that both men knew about the turn earlier than this date.

(B) THE PROTECTIVE RESEARCH SECTION

(64) In making a determination as to whether the advance agents for the Texas trip, as well as local field agents, were duly informed of any potential problems that might occur, a thorough review of the function of the Secret Service Protective Research Section was conducted. The Protective Research Service (PRS) was meant to function both as repository of information about threats to the security of Secret Service protectees and as a provider of such information to agents in all types of assignments. It acquired and made available information received from its own agents and from other sources. (198)

(65) In 1963, information acquired from any source external to the

Secret Service, when presented informally to a local Secret Service office, was relayed by the local office of PRS headquarters in Washington. (199) What was not set forth in the Warren Commission report was a description of how threat information was processed and analyzed by PRS and of how the results of its analysis were communicated to local field offices. Lawson's Warren Commission testimony suggested that the Washington, D.C. office would ordinarily provide agents with information about Presidential trips within that city, and that PRS seldom provided advance agents with threat information before their departure. But nothing more specific was given. (200).

(66) Roy Kellerman was the special agent in charge of the Texas trip. Since that assignment required him to travel with Kennedy, (201) he was removed from active investigation in Dallas concerning evidence that suggested danger to the President. Nevertheless, his testimony is important due to his account of breakdowns in Presidential security during the Texas visit.

(67) Secret Service procedure required an inquiry to be made of the PRS about one week before a trip was assigned. Kellerman testified that he received the assignment to coordinate the Texas trip on November 17, 1963, and that by custom the check with PRS was made a week ahead of that date (on or about November 10). (202) Kellerman was not sure who made the check but believed it was either Gerald Behn, Chief of the Secret Service White House Detail, Floyd Boring, Assistant Chief, or one other agent whose name he could not recall. (203) He further stated that he received no information, and that he considered this "unusual." (204) By comparison, Winston Lawson, advance agent for Dallas, knew of his role in the Dallas trip no later than November 8, (205) 9 days before Kellerman, his supervisor who ostensibly had the "overall" responsibility, (206) began to undertake basic trip planning.

(68) On November 8, Lawson checked with PRS at the Executive Office Building, learning that there were no active subjects in the Dallas area and that no JFK file existed. (207) Further comparison discloses that by November 13, Lawson was in Dallas and in contact with local Secret Service Agents Sorrels and John Joe Howlett, with whom he met concerning protective investigations of local anti-JFK suspects. (208)

(69) Kellerman also testified about an inquiry in Dallas which was conducted prior to November 22, in order to locate anti-JFK subjects. When asked specifically about right-wing individuals, scurrilous literature, and extremist groups known to be in Dallas, he claimed virtually total ignorance. (209) He insisted that no one told him anything about an investigation of threat information submitted to the Secret Service in Dallas on November 21 and 22 by the FBI. (210) Additionally, Kellerman observed that it was strange that among five cities in one State and despite the anti-Adlai Stevenson demonstration in Dallas on October 1963, no information about suspects was forthcoming and nothing had been given him. (211)

(70) The Secret Service final report for the November 21 trip to Houston mentioned two active subjects. (212) Both individuals had made specific threats in Houston. (213) Nevertheless, Kellerman was not questioned about Houston. (214)

(71) However, without being questioned about the San Antonio leg of the Texas strip, Kellerman did recall the receipt of PRS information prior to November 21 regarding anti-Presidential picketing that did in fact occur in San Antonio on that date. (215)

(72) The importance of Kellerman's testimony is that, as the one agent who was in direct contact with Kennedy and his innermost circle of advisers, and who was therefore ideally placed to relay information that provided cause for alarm, he was effectively sealed off from the information that he needed to perform with maximum protective effort.

(73) As regards SAIC Sorrels' role, both Sorrels and Howlett cooperated with the special services bureau of the Dallas Police Department, the police in Denton, Tex., Felix McKnight of the Dallas Times-Herald, and the FBI. (216) The FBI was interested in a Ku Klux Klan suspect from a neighboring area. (217) Additionally on November 21, Dallas field office FBI agent James Hosty informed the local Secret Service office of a handbill accusing Kennedy of being a traitor. (218)

(74) The results of these investigations indicated that there were no known, periodically checked PRS subjects; that no formerly institutionalized persons were out on release; and that neither the DPD nor the Secret Service could link anyone with the "traitor" handbill. (219)

(75) White House Detail agent Lawson's position was that the responsibility for any investigation was that of the PRS or Sorrels, and was not his. (220) Although Secret Service procedure allowed him to investigate or not, on the basis of discretion, he did not because he knew that the Service preferred to have the local agents, who have to work with the police on a daily basis, maintain liaison and conduct investigations. (221) Secret Service procedure would not necessarily require him to receive information solely from the local office. It could come from Washington PRS as well. In his opinion, the handbill presented no "direct threat" to John Kennedy. (222)

(76) When interviewed by the committee, Sorrels stated that in November 1963 all known PRS subjects within the jurisdiction of the Dallas field office were in mental hospitals. Hence, he was surprised when he heard about the circulation of the "JFK—Wanted for Treason" handbills. His reaction was to determine who the printer was, bring him in, and interview him. (223) Sorrels stated that the standard procedure for the White House Detail advance agents and the field office SAIC was to become familiar with the entire threat profile before endeavoring to contact the local police department. (224)

(77) When interviewed by the committee, Lawson said that as a White House Detail agent, his duties were limited to shift work and advances, and that in effect, he was not encouraged to participate in the process of investigating threats at the local level and referring them back to PRS. (225) Lawson's only recollection concerning PRS procedures was that when PRS received information about a threat subject from a local agent or a White House detail agent making an advance, the subject was given a file number. "In the old days," files consisted of a folder containing 3 by 5 cards and PRS had the job of coordinating what were called "collateral" investigations in the same or an adjacent district. (226) At no time while he was in Dallas did

Lawson receive information about threats to the President made in other regions. (227)

(78) White House Detail SAIC Gerald Behn described to the committee the procedures in use in PRS at this time. He disclosed the great extent to which the PRS was the central focus of protective operations. Information from the field about active or potential threats to the President were referred to PRS directly from the local office before they were referred to the Chief of the White House Detail. The SAIC of the White House Detail (Behn) would receive reports from the field only from White House Detail advance agents. He and the SAIC of the PRS (Robert I. Bouck) would then discuss the matter with the overall Chief of the Secret Service, Mr. James Rowley. (228)

(79) Behn did not recall whether PRS distributed information to Winston Lawson about the October 1963 heckling and harassment of Adlai Stevenson in Dallas, Tex. Nor could he recall whether any information was distributed prior to the November 21 Texas trip about Dallas area right-wing extremist Edwin Walker. Behn specifically stated, as to the availability to him of information about both Walker and Stevenson, that "no one in PRS passed it on." (229) When asked if he himself warned any agents about either one of those subjects, he said that he did "not remember any discussion with any agent." (230)

(C) PHYSICAL PROTECTION ALONG THE MOTORCADE ROUTE

(80) In reviewing the performance of the Secret Service, consideration must be given to the Dallas Police Department also, since the agency defined and supervised the functions of the police during Kennedy's visit. The activities of the Secret Service, in collaboration with the DPD, covered many areas of security apart from PRS activities.

(81) Arrangements made by the Dallas police included provisions for traffic control to contain the crowd; followup assignments for each officer directing him to subsequent stations after the motorcade has passed his post; assigning at least two officers to each intersection, one to cover traffic primarily, the other to control the crowd; and the stationing of officers at all over- and underpasses. (231) The Secret Service notified the DPD frequently about their joint responsibility for crowd control and crowd observation, but no followup instructions were made in writing nor did Lawson, as the Dallas advance agent, make any written checklist of such instructions. Lawson indicated that it was not normal for there to be such written directions. (232)

(82) At Love Field, the DPD put men on the roofs of buildings surrounding the landing area. Detectives mingled with the crowd, while officers patrolled both sides of a chain-link barricade fence. One of the two service roads linking two general public areas were closed off for motorcade use. The danger from rooftops was not great, since no building faced the side of the plane where the President disembarked. The next most adjacent building was only one story and was blanketed by crowds. Nevertheless, officers were placed on top of this building as well as on the ones adjacent, but there was no check made of offices providing vantage points overlooking the area where the President's plane would land. (233)

(83) Advance agent Lawson testified in 1964 that the Secret Service did not check buildings along a motorcade route except under three circumstances: Presidential inaugurations, visits by a king or a president of a foreign country, or when the motorcade route has been known for years. (234)

(84) Some question remains concerning the conduct of Sorrels and Lawson as to possible violation of the guideline compelling inspection of buildings when a motorcade route has been standard for years. (235) Sorrels stated categorically to the Warren Commission that Main Street was the best choice for parades in that it went through the heart of the city, flanked on either side by tall buildings which maximized the opportunity for large numbers of people to see the parade. He added that this route was used for a Presidential motorcade in 1936, when President Roosevelt traversed Main Street from east to west, just as Kennedy's motorcade would have done had the Women's Building been selected. (236)

(85) Lawson testified that standard Secret Service operating procedure required agents to watch all windows, but he could not recall giving the instructions to watch them. (237) He stated that Sorrels' obligation to watch windows was greater than his own. His duties, while stationed in the lead car immediately in front of the Presidential limousine, included looking directly to the rear at the President in order to coordinate the motorcade's speed and maintain radio contact with Dallas Chief of Police Jesse Curry about adherence to schedule. (238) Although Lawson may have looked at the Depository Building, he was doing too many things at once to notice it. (239)

(86) Sorrels, riding in the lead car, did not have the same supervisory duties as Lawson and was in fact freer to observe windows. He recalled observing the facade of the Depository, but recalled nothing unusual; hence, he did not study it intently. (240)

(87) Lawson readily admitted that windows posed an added danger in a narrowing area that required the motorcade to slow down, especially given the President's "usual" action of standing up to wave. (241)

(88) Lawson further testified that on the morning of November 22, he received a call from Kellerman in Fort Worth asking about weather conditions in Dallas and whether the bubble-top on the President's car would be used or not. During that call, Lawson was told the bubble-top was to be on if it was raining, and off if it was not. (242)

(89) The final decision in this matter was made by Bill Moyers. Moyers had been on the phone to Ms. Harris, informing her that the President did not want the bubble. He told Harris to "get that God-damned bubble off unless it's pouring rain." (243) Shortly thereafter the weather began to clear. Ms. Harris approached Sorrels about the bubble-top and together they had the special agents remove the glass top. (244)

(90) Dallas Police Department Capt. Perdue W. Lawrence was assigned, on the basis of his familiarity with escort security, to be in charge of traffic control for the motorcade. (245) He recalled that he received this assignment on November 19. (246) His immediate superior was Deputy Chief Lunday, head of the traffic division, who was in turn commanded by Assistant Chief Charles Batchelor. (247) Law-

rence testified that approximately 2 days before the President's arrival, he discussed with Lunday and Batchelor the stationing of motorcycle escorts. At this meeting, no Secret Service agents were present. They agreed to use 18 motorcycles. Some of these were to be positioned "alongside" the Presidential limousine. (248)

(91) Dallas Police Department documents indicate that at a meeting between Chief Curry, Deputy Chief R. H. Lunday, and Captain Lawrence on November 19, it was agreed that a motorcycle escort should be used, "with men on either side of the motorcade [sic], with five at the rear, four motorcycles immediately ahead, and three motorcycles to precede the motorcade by about two blocks." (249)

(92) Lawrence was subsequently invited to a DPD/SS coordinating meeting held on November 21. At 5 p.m. he was told to report to the meeting. (250) It was here that a change in motorcycle escort plans occurred. The coordination meeting, according to DPD documents, was attended by Curry, Batchelor, Deputy Chiefs Lumpkin, Stevenson, Lunday, and Fisher, Captains Souter, Lawrence, and King, Inspector Sawyer, and Secret Service agents Sorrels, Lawson, and David Grant. The meeting touched on various topics; however, particular emphasis was given to the use of motorcycles as Presidential escorts. (251)

(93) Lawrence's account of the change that was introduced by the Secret Service is as follows:

. . . I heard one of the Secret Service men say that President Kennedy did not desire any motorcycle officer directly on each side of him, between him and the crowd, but he would want the officers to the rear. (252)

. . . when it was mentioned about these motorcycle officers alongside the President's car, he (the S.S. agent) said, "No, these officers should be back and if any people started a rush toward the car, if there was any movement at all where the President was endangered in any way, these officers would be in a position to gun their motors and get between them and the Presidential car . . ." (253)

(94) Comparison reveals that the DPD document that describes the November 21 meeting is vague in contrast to Lawrence's explicit assertion that the Secret Service changed the "alongside" distribution of motorcycles to a rearward distribution. The DPD document for November 21 stated:

Lawrence then said there would be four motorcycles on either side of the motorcade immediately to the rear of the President's vehicle. Mr. Lawson stated that this was too many. that he thought two motorcycles on either side would be sufficient, about even with the rear fender of the President's car. Lawrence was instructed to disperse the other two along each side of the motorcade to the rear. (254)

(95) In contrast to Lawrence's testimony, this document indicated that the alteration by the Secret Service of motorcycle distribution concerned the number of motorcycles, not their physical locations in relation to the Presidential limousine. Still, the DPD and Lawrence

versions do corroborate one another in that they indicate a reduction of security protection in terms of number and placement of officers.

(96) Lawson's testimony in 1964 was that it was his understanding that the President had personally stated that he did not like a lot of motorcycles surrounding his limousine because their loud noise interfered with conversations taking place within the limousine. For this reason the four motorcycles were positioned "just back" of the limousine. (255) Lawson stated to the committee that he had "no recall of changing plans" (i.e. for motorcycles) at the Dallas Police Department/Secret Service organizational meeting of November 21. (256)

(97) There are several instances of failure by the motorcycle officers to adhere to Lawson's final plan involving two cycles on each side and to the rear of the Presidential limousine. (257)

(98) Officer Marion L. Baker confirms the original Lawrence testimony as to the alteration by the Secret Service of a prior DPD plan. Baker had originally been instructed to ride right beside Kennedy. He was later informed by his sergeant that nobody was to ride beside the car, but instead the officers were to fall in beyond it. They received these instructions about 5 or 10 minutes before the motorcade left Love Field. (258)

(99) As to actual deployment of the cycles, DPD officers Billy Joe Martin and Bobby W. Hargis were assigned to ride immediately to the left and rear of Kennedy's limousine.* (259) Martin stated that he rode 5 feet to the left and 6 to 8 feet to the rear of the back bumper. (260) He indicated that he saw Hargis to his right as he left Houston for Elm. (261)

(100) Hargis, too, rode to the rear left side of the limousine and remained even with its bumper rather than move "past" the President's car. He testified that as he turned left onto Elm Street, he was staying right up with Kennedy's car, though crowd density prevented him from staying right up next to it. Nevertheless, because of the thinning out of the crowd by the triple overpass, Hargis stated that he was right next to Mrs. Kennedy when he heard the first shot. (262)

(101) Officers M. L. Baker and Clyde A. Haygood were assigned to the right rear of the Presidential limousine. (263) The activity of both indicated again a departure from standard maximum security protection. Haygood, for example, admitted that although he was stationed to the right rear of Kennedy's car, he was generally riding several cars back (264) and offered no explanation for this. Haygood testified before the Warren Commission that he was on Main Street at the time of the shooting. (265)

(102) Baker stated that in addition to being instructed by his sergeant not to ride beside the President's car, he was also instructed by him to fall in beyond the press car. (266) Baker interpreted this assignment as an order to place himself about six or seven cars behind Kennedy. (267) Baker was on Houston Street at the time of the first shot. (268) Haygood and Baker were too far from the Presidential limousine to afford Kennedy any protection. They were in no position

*Both Baker and Martin stated to the committee that it was at the President's request that they made no effort to stay in close formation immediately to the rear of the Presidential limousine. See footnotes 259 and 266, *infra*.

to rush forward to intercept danger had there been a street-level incident, yet the forward interception capability of the motorcycles was the basic rationale for Lawson's November 21 rearward deployment of the motorcycles. (269)

(103) Kellerman who rode in the right front seat of the Presidential limousine testified before the Warren Commission that there were two motorcycles on each side of the rear wheel of the President's car. (270) Nevertheless, he was not asked either about the reason for that positioning or whether the two motorcycles on the right side were there at the time of the shooting.

(104) The Secret Service's alteration of the original Dallas Police Department motorcycle deployment plan prevented the use of maximum possible security precautions. The straggling of Haygood and Baker, on the right rear area of the limousine, weakened security that was already reduced due to the rearward deployment of the motorcycles and to the reduction of the number of motorcycles originally intended for use.

(105) Surprisingly, the security measure used in the prior motorcades during the same Texas visit show that the deployment of motorcycles in Dallas by the Secret Service may have been uniquely insecure. The Secret Service Final Survey Report for the November 21 visit to Houston stated that in all motorcade movements, "six motorcycles flanked the Presidential limousine and an additional 33 motorcycles were used to flank the motorcade and cover the intersections." (271) There is no mention in the Fort Worth Secret Service Final Report about the deployment of motorcycles in the vicinity of the Presidential limousine. (272)

(106) The Secret Service knew more than a day before November 22 that the President did not want motorcycles riding alongside or parallel to the Presidential vehicle. (273) If the word "flank" denotes parallel deployment, and if in fact such deployment was effected in Houston, then it may well be that by altering Dallas Police Department Captain Lawrence's original motorcycle plan, the Secret Service deprived Kennedy of security in Dallas that it had provided a mere day before in Houston. (274)

(107) Besides limiting motorcycle protection, Lawson prevented the Dallas Police Department from inserting into the motorcade, behind the Vice-Presidential car, a Dallas Police Department squad car containing homicide detectives. For the Secret Service, the rejection of this Dallas Police Department suggestion was not unusual in itself. Lawson testified before the Warren Commission that with the exception of New York City motorcades, it was not the Secret Service's standard practice to insert a police homicide car into a motorcade. (275) He did not remember who recommended either its insertion, its proposed placement, or its cancellation. (276)

(108) On November 14, 1963, Lawson met with Dallas SAIC Sorrels and Dallas Police Department Chief Jesse Curry and "laid out the tentative number of vehicles that would be in the parade and the order in which they would be." (277) Curry stated at the organizational meeting on November 21 that he "thought we had planned that Captain Fritz [Chief of DPD Homicide] would be in the motorcade behind the Vice President's car." (278) Sorrels spoke up at that point

and stated that "nothing was discussed on that." (279) Lawson explained that a car with Secret Service agents would follow the Vice President's car and added that the protective detail would like to have a police car bring up the rear of the motorcade. (280) Curry then instructed Deputy Chief Lunday to take care of the matter. (281)

(109) Lawson was asked by the committee why, in his preliminary survey report of November 19, (282) he made no mention in the sequenced list of motorcade vehicles of the DPD homicide car that Curry believed on November 14 to have been included and whose absence Curry protested at the meeting of November 21. He answered that "the DPD could have put it [a DPD car] in on their own"; that "he could not recall who took it out"; that he was "not sure it was scheduled to be there"; and that "he didn't know who canceled the DPD car because he didn't know who decided to include it." (283)

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(2) *Ibid.*; chapter III, page 32 (Secret Service); chapter II, pages 1-12 (right-wing businessmen); chapter III, pages 28, 31, 34, 35 (Governor John B. Connally). See also outside contact (with anonymous phone caller), August 17, 1978, pages 1-2 (JFK document No. 010827).

(3) Deposition of Jerry Bruno, August 18, 1978, House Select Committee on Assassinations, pages 27-28 (JFK document No. 014025).

(4) Testimony of Kenneth O'Donnell, May 18, 1964, hearings before the President's Commission on the Assassination of President John F. Kennedy (Washington, D.C.: U.S. Government Printing Office, 1964) (hereinafter referred to as Warren Commission Hearings); volume 7, page 443.

(5) Staff interview of Frank Erwin, July 29, 1978, House Select Committee on Assassinations, page 13 (JFK document 010696). See also testimony of John B. Connally, September 6, 1978, hearings before the House Select Committee on Assassinations, 95th Congress, 2d session (Washington, D.C.: U.S. Government Printing Office, 1979), volume I, page 28 (hereinafter referred to as Connally testimony), September 6, 1978, I HSCA-JFK hearings, 28.

(6) *Ibid.*, HSCA-JFK hearings, 29.

(7) Staff interview of Frank Erwin, July 29, 1978, House Select Committee on Assassinations, page 10 (JFK document No. 010696).

(8) *Id.* at p. 10.

(9) *Id.* at p. 10. See also testimony of Kenneth O'Donnell, May 18, 1964, Warren Commission hearings, volume VII, page 444.

(10) Bruno deposition, August 18, 1978, House Select Committee on Assassinations, page 13 (JFK document 014025). See also deposition of J. Eric Jonsson, July 26, 1978, House Select Committee on Assassinations, page 17 (JFK document No. 014022).

(11) Staff interview of Frank Erwin, July 29, 1978, House Select Committee on Assassinations, page 10 (JFK document No. 010696).

(12) Testimony of Kenneth O'Donnell, May 18, 1964, Warren Commission hearings, volume VII, page 443.

(13) *Id.* at p. 443.

(14) Map of Dallas, Tex., copyright by Rand McNally, House Select Committee on Assassinations (JFK document No. 014976).

(15) *Ibid.*

(16) Staff interview of Frank Erwin, July 29, 1978, House Select Committee on Assassinations, page 9 (JFK document No. 010696). See also deposition of Jerry Bruno, August 18, 1978, House Select Committee on Assassinations, pages 34-35 (JFK document No. 014025). See also, testimony of Dallas Field Office SAIC Forrest Sorrels, May 7, 1964, Warren Commission hearings, volume VII, page 335.

(17) Bruno deposition, August 18, 1978, House Select Committee on Assassinations, page 31 (JFK document No. 014025). See also testimony of Kenneth O'Donnell, May 18, 1964, Warren Commission hearings, volume VII, page 443.

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(19) *Id.* at pp. 40-41.

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(21) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 51.

(22) Testimony of Kenneth O'Donnell, May 18, 1964, Warren Commission hearings, vol. VII, p. 443. See also Bruno deposition, Aug. 18, 1978, HSCA, p. 48 (JFK Document No. 014025).

(23) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 11.

(24) *Id.* at pp. 11, 12, 13.

(25) *Id.* at p. 11.

(26) *Id.* at p. 12.

(27) *Id.* at p. 12.

(28) *Id.* at pp. 12-13.

(29) *Id.* at pp. 11, 12, 13.

(30) *Id.* at p. 13.

(31) *Id.* at p. 13.

(32) *Id.* at p. 13.

(33) *Id.* at p. 14.

(34) *Id.* at p. 13.

(35) *Id.* at pp. 13, 16.

(36) *Id.* at p. 13.

(37) *Id.* at p. 14.

(38) *Id.* at p. 16.

(39) *Id.* at p. 16.

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(43) *Id.* at p. 16.

(44) *Id.* at p. 16.

(45) *Id.* at pp. 16, 17.

(46) *Id.* at pp. 16-17.

(47) Bruno deposition, Aug. 18, 1978, HSCA, pp. 4-5 (J. F. K. Document No. 014025). See also notes of Jerry Bruno, Dec. 13, 1977, HSCA, p. 1 (JFK Document No. 004074).

(48) Bruno deposition, Aug. 18, 1978, HSCA, pp. 5, 6 (JFK Document No. 014025).

(49) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 19-20. See also JFK Exhibit No. F-17.

(50) *Id.* at p. 24.

(51) *Id.* at p. 24.

(52) *Id.* at p. 18.

(53) Testimony of Kenneth O'Donnell, May 18, 1964, Warren Commission hearings, vol. III, pp. 441-442.

(54) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 18.

(55) *Id.* at p. 18.

(56) *Id.* at p. 25.

(57) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 26.

(58) *Id.* at p. 26.

(59) Bruno deposition, Aug. 18, 1978, HSCA, p. 11 (JFK document No. 014025). See also typewritten notes of Jerry Bruno, Dec. 13, 1977, p. 1 (JFK document No. 004074).

(60) Bruno deposition, Aug. 18, 1978, I HSCA-JFK hearings, p. 11. See also handwritten notes of Jerry Bruno, Sept. 7, 1978, p. 1 (JFK document No. 011337).

- (61) Connally testimony, July 6, 1978, I HSCA-JFK hearings, 26.
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- (64) *Ibid.*
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- (67) Typewritten notes of Jerry Bruno, Dec. 13, 1977, HSCA, pp. 1, 2 (JFK document No. 004074).
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- (69) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 26.
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- (71) Typewritten notes of Jerry Bruno, Dec. 13, 1977, HSCA, p. 8 (JFK document No. 004074).
- (72) *Id.* at p. 8. See also Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 26.
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- (75) Typewritten notes of Jerry Bruno, Dec. 13, 1977, HSCA, p. 8 (JFK Document No. 004074). See also Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 26.
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- (77) *Ibid.*
- (78) *Ibid.* See also testimony of Kenneth O'Donnell, May 18, 1964, Warren Commission hearings, vol. VII, p. 442.
- (79) Connally testimony, I HSCA-JFK hearings, 28.
- (80) *Id.* at p. 29. See also typewritten notes of Jerry Bruno, Dec. 13, 1977, HSCA, p. 8 (JFK document No. 004074); Connally testimony, I HSCA-JFK hearings, 26, 29, 32.
- (81) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 24-25, 26.
- (82) *Id.* at p. 25.
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- (89) *Id.* at pp. 6, 8.
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- (97) Bruno deposition, Aug. 18, 1978, HSCA, p. 22 (JFK document No. 014025).
- (98) Testimony of Buell W. Frazier, Mar. 11, 1964, Warren Commission hearings, vol. II, p. 233. See also Warren Commission Exhibit 698; JFK exhibit F-13.
- (99) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 49.
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- (102) Typewritten notes of Jerry Bruno, Sept. 7, 1978, HSCA, p. 9 (JFK document No. 011337).
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- (105) Deposition of J. Eric Jonsson, July 26, 1978, HSCA, pp. 4-6 (JFK document No. 014022).
- (106) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, 27 (statement of the basic plan), 28 (objection to a lengthy downtown motorcade).
- (106A) Staff interview of Frank Erwin, July 29, 1978, HSCA, pp. 2-7, 9 (JFK document No. 010696).
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- (109) Staff interview of Frank Erwin, July 29, 1978, HSCA, p. 7 (JFK document No. 010696).
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- (111) *Id.* at p. 9.
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- (115) *Id.* at p. 39.
- (116) *Id.* at pp. 41-42.
- (117) *Id.* at pp. 41-42.
- (118) Testimony of Forrest Sorrels, May 7, 1969, Warren Commission hearings, vol. VII, p. 334.
- (119) *Ibid.*
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- (121) *Ibid.*
- (122) Staff interview of Forrest Sorrels, Mar. 15, 1978, HSCA, p. 2 (JFK document No. 007032).
- (123) Bruno deposition, Aug. 18, 1978, HSCA, p. 35 (JFK document No. 014025).
- (124) *Id.* at p. 30.
- (125) Deposition of Ms. Elizabeth Forsling Harris, Aug. 16, 1978, HSCA, p. 25 (JFK document No. 013152).
- (126) Bruno deposition, Aug. 18, 1978, HSCA, p. 30 (JFK document No. 014025).
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- (128) Bruno deposition, Aug. 18, 1978, HSCA, p. 35 (JFK document No. 014025).
- (129) Executive session testimony of Gerald Behn, Mar. 15, 1978, HSCA, pp. 73, 74 (JFK document No. 014670).
- (130) Bruno deposition, Aug. 18, 1978, HSCA, p. 35 (JFK document No. 014025). See also typewritten notes of Jerry Bruno, Dec. 13, 1977, p. 8 (JFK document No. 004074).
- (131) Bruno deposition, Aug. 18, 1978, HSCA, p. 36 (JFK document No. 014025).
- (132) *Id.* at pp. 34, 35.
- (133) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, pp. 318, 319. See also staff interview of Winston Lawson, Jan. 31, 1978, HSCA, pp. 1-5 (JFK document No. 007066).
- (134) *Ibid.*
- (135) Lawson testimony, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 319.
- (136) *Id.* at pp. 322, 336.
- (137) Lawson testimony, Warren Commission hearings, vol. IV, p. 337.
- (138) *Id.* at p. 337.
- (139) For the basis of Bruno's belief that the Women's Building was initially selected as the final choice, see footnotes 127, 128, 130, *supra*. The omission of the Warren Commission to obtain exhibits or to take testimony either from Behn or from Bruno is documented at Warren Commission hearings, vol. XV, pp. 755, 757, 815.
- (140) Bruno deposition, Aug. 18, 1978, HSCA, pp. 36, 37 (JFK document No. 014025).

- (141) *Id.* at p. 36.
- (142) *Id.* at p. 37.
- (143) Testimony of Forrest Sorrels, May 7, 1964, Warren Commission hearings, vol. VII, pp. 335-341. See also staff interview of Forrest Sorrels, Mar. 15, 1978, HSCA, pp. 2-3 (JFK document No. 007062).
- (144) See footnotes 127-131, *supra*.
- (145) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 337.
- (146) *Id.* at p. 337.
- (147) *Id.* at pp. 337, 338.
- (148) Staff interview of Winston Lawson, Jan. 31, 1978, HSCA, p. 5 (JFK document No. 007066).
- (149) Typewritten notes of Jerry Bruno, Sept. 7, 1978, HSCA, p. 9 (JFK document No. 011337).
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- (151) Deposition of Bill Moyers, Aug. 16, 1978, HSCA, p. 26 (JFK document No. 014018).
- (152) *Id.* at p. 26.
- (153) *Id.* at p. 28.
- (154) *Id.* at p. 28.
- (155) *Id.* at pp. 25, 29.
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- (157) *Id.* at p. 33.
- (158) *Ibid.*
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- (161) Connally testimony, Sept. 6, 1978, I HSCA-JFK hearings, p. 49.
- (162) *Id.* at p. 51.
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- (166) Moyers deposition, Aug. 16, 1978, HSCA, p. 6 (JFK document No. 014018).
- (167) *Ibid.*
- (168) *Id.* at pp. 22-23.
- (169) *Id.* at p. 22.
- (170) *Id.* at pp. 22, 23.
- (171) *Id.* at p. 23.
- (172) *Id.* at p. 23.
- (173) *Id.* at p. 24.
- (174) Deposition of Ms. Elizabeth Forsling Harris, Aug. 16, 1978, HSCA, p. 11 (JFK document No. 013152).
- (175) Connally testimony, Jan. 6, 1978, I HSCA-JFK hearings, 13.
- (176) Deposition of Ms. Elizabeth Forsling Harris, Aug. 16, 1978, HSCA, p. 13 (JFK document No. 013152).
- (177) *Id.* at p. 13.
- (178) *Id.* at p. 14.
- (179) *Ibid.*
- (180) *Id.* at pp. 21-22.
- (181) *Id.* at p. 22.
- (182) *Ibid.*
- (183) *Id.* at p. 25.
- (184) *Id.* at p. 26.
- (185) *Id.* at p. 25.
- (186) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. VII, p. 341.
- (187) Staff interview of Winston Lawson, Jan. 31, 1978, HSCA, p. 7 (JFK document No. 007066).
- (188) *Id.* at p. 7. See also Lawson testimony, Apr. 23, 1964, Warren Commission hearings, vol. VII, pp. 340, 341; staff interview of Jack Puterbaugh, Apr. 14, 1978, HSCA, p. 3 (JFK document No. 008580).

- (189) Testimony of Forrest Sorrels, May 7, 1964. Warren Commission hearings, vol. VII, p. 337.
- (190) *Id.* at pp. 337, 338.
- (191) Staff interview of George L. Lumpkin, Nov. 3, 1977, HSCA, p. 1 (JFK document No. 003087).
- (192) *Id.* at p. 1.
- (193) *Id.* at p. 2.
- (194) *Id.* at p. 2.
- (195) Staff interview of Winston Lawson, Jan. 31, 1978, HSCA p. 3 (JFK document No. 007066).
- (196) Staff interview of Forrest Sorrels, Mar. 15, 1978, HSCA, p. 4 (JFK document No. 007062).
- (197) Sorrels Exhibit No. 4, Nov. 30, 1963, Warren Commission hearings, p. 2, vol. XXI, p. 547.
- (198) Executive session testimony of Robert I. Bouck, Nov. 17, 1977, HSCA, pp. 7-31 (JFK document No. 014609).
- (199) *Ibid.* See also deposition (book II) of 1963 Secret Service Chief James Rowley, Aug. 24, 1978, HSCA, pp. 8, 64 (JFK document No. 014026). A report from a field office, if addressed to the office of the chief, would be delivered either to PRS or to the office of the head of protective operations.
- (200) Lawson testimony, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 343.
- (201) Testimony of Roy Kellerman, Mar. 9, 1964, Warren Commission hearings, vol. II, pp. 63, 105.
- (202) *Id.* at pp. 106, 107.
- (203) *Id.* at p. 107.
- (204) *Id.* at p. 108.
- (205) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. VII, p. 319.
- (206) Testimony of Roy Kellerman, Mar. 9, 1964, Warren Commission hearings, vol. VI, p. 105.
- (207) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 321.
- (208) *Id.* at pp. 322, 323.
- (209) Testimony of Roy Kellerman, Mar. 9, 1964, Warren Commission hearings, vol. II, pp. 108, 109.
- (210) *Id.* at p. 109.
- (211) *Ibid.*
- (212) *Id.* at pp. 109-111.
- (213) Secret Service Final Survey Report (Presidential visit of Nov. 21, 1963 to Houston, Tex.), Mar. 19, 1978, HSCA, p. 7 (JFK document No. 014979).
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- (217) *Id.* at p. 339.
- (218) *Id.* at p. 339.
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- (221) *Id.* at pp. 323, 345.
- (222) *Id.* at pp. 323, 344, 345.
- (223) Staff interview of Forrest Sorrels, Mar. 15, 1979, HSCA, p. 3 (JFK document No. 007062).
- (224) *Id.* at p. 3.
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- (226) *Id.* at p. 11.
- (227) *Id.* at p. 9.
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- (229) *Id.* at p. 4.
- (230) *Id.* at p. 5.
- (231) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 326.

- (232) *Id.* at pp. 326, 327.
- (233) *Id.* at pp. 339, 340.
- (234) *Id.* at p. 333.
- (235) *Id.* at p. 333.
- (236) Testimony of Forrest Sorrels, May 7, 1964, Warren Commission hearings, vol. VII, p. 337.
- (237) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, pp. 328, 329.
- (238) *Id.* at p. 331.
- (239) *Id.* at p. 330.
- (240) Testimony of Forrest Sorrels, May 7, 1964, Warren Commission hearings, vol. VII, p. 343.
- (241) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 330.
- (242) *Id.* at p. 349.
- (243) Deposition of Ms. Elizabeth Forsling Harris, Aug. 16, 1978, HSCA, p. 28 (JFK document No. 013152).
- (244) *Id.* at p. 28.
- (245) Testimony of Perdue Lawrence, July 24, 1964, Warren Commission hearings, vol. VII, p. 581.
- (246) *Id.* at p. 378.
- (247) *Id.* at p. 579.
- (248) *Id.* at p. 579.
- (249) Stevenson Exhibit No. 5053, Nov. 30, 1963, Warren Commission hearings, vol. XXI, p. 567.
- (250) Testimony of Perdue Lawrence, July 24, 1964, Warren Commission hearings, vol. VII, p. 580.
- (251) Stevenson Exhibit No. 5053, Nov. 30, 1964, Warren Commission hearings, vol. XXI, pp. 589-571.
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- (254) Stevenson Exhibit No. 5053, Nov. 30, 1963, Warren Commission hearings, vol. XXI, p. 571.
- (255) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. VII, pp. 338, 339.
- (256) Staff interview of Winston Lawson, Jan. 31, 1978, HSCA, p. 8 (JFK document No. 007066).
- (257) Testimony of Winston Lawson, Apr. 23, 1964, Warren Commission, vol. IV, p. 338. See also footnote 257, *supra*.
- (258) Testimony of Marion L. Baker, Mar. 25, 1964, Warren Commission hearings, vol. III, p. 244.
- (259) Staff interview of Billy Joe Martin. Sept. 27, 1977, HSCA, p. 1 (JFK document No. 002393). See also staff interview of Billy Joe Martin, Jan. 17, 1978, HSCA, p. 1 (JFK document No. 014372). Martin confirms the Presidential objection to the close positioning of motorcycles.
- (260) Testimony of Billy Joe Martin, Apr. 3, 1964, Warren Commission hearings, vol. VI, p. 290.
- (261) *Id.* at p. 290.
- (262) Testimony of Bobby W. Hargis, Apr. 8, 1964, Warren Commission hearings, vol. VI, p. 294. See also staff interview of Bobby Weldon Hargis, Jan. 17, 1979, HSCA, p. 1 (JFK document No. 14362). Crowd pressure removed Hargis from his position and pushed him rearward. See also staff interview of Robert W. Hargis, Oct. 26, 1977, Select Committee on Assassinations, pp. 1-2 (JFK document No. 003300).
- (263) Testimony of Clyde A. Haygood, Apr. 9, 1964, Warren Commission hearings, vol. VI, p. 297. Cf. staff interview of Clyde A. Haygood, HSCA, p. 1 (JFK Document No. 002392).
- (264) Testimony of Clyde Haygood, Apr. 9, 1964, Warren Commission hearings, vol. VI, p. 297.
- (265) *Id.* at p. 297.
- (266) Testimony of Marion L. Baker, Mar. 25, 1964, Warren Commission hearings, vol. III, p. 244. See also staff interview of Marion L. Baker, Jan. 17, 1978, HSCA, p. 1 (JFK document No. 014899). Baker corroborated Martin's account (see footnote 259, *supra*) of the President's objection to close positioning of

motorcycles and asserted that the President was responsible for Baker's position near the press bus.

(267) *Id.* at p. 245.

(268) *Id.* at p. 245.

(269) See footnote 253, *supra*.

(270) Testimony of Roy Kellerman, Mar. 9, 1964, Warren Commission hearings, vol. II, p. 70.

(271) Secret Service Final Survey Report (Presidential visit of Nov. 21, 1963, to Houston, Tex.), Mar. 19, 1978, HSCA, p. 6 (JFK document No. 014979).

(272) Secret Service Final Survey Report (Presidential visit of Nov. 22, 1963, to Fort Worth, Tex.), Mar. 19, 1978, HSCA, p. 3 (JFK document No. 014980).

(273) Testimony of Clinton J. Hill, Mar. 7, 1964, Warren Commission hearings, vol. II, pp. 136-137. See also testimony of Winston G. Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 338.

(274) See footnote 271, *supra*.

(275) Warren Commission testimony of Winston Lawson, Apr. 23, 1964, Warren Commission hearings, vol. IV, p. 334.

(276) *Id.* at p. 334.

(277) Stevenson Exhibit No. 5053, Nov. 30, 1963, Warren Commission hearings, vol. XXI, p. 563.

(278) *Id.* at p. 570.

(279) *Id.* at p. 570.

(280) *Id.* at p. 570.

(281) *Id.* at p. 571.

(282) Warren Commission Exhibit No. 767, Warren Commission hearings, vol. XVII, p. 596.

(283) Staff interview of Winston Lawson, Jan. 31, 1978, HSCA, pp. 7, 8 (JFK document No. 007066).

POSSIBLE MILITARY INVESTIGATION OF
THE ASSASSINATION

Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

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(539)

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POSSIBLE MILITARY INVESTIGATION OF THE ASSASSINATION

HUFF ALLEGATION

(1) In March 1977, the committee received information that the military had conducted an investigation of Oswald after the assassination. The information came in a letter from Gloria Deane Huff of Pinehurst, Idaho, who wrote that her present husband, Larry Huff, had participated in one of the investigative teams while in the military. (1) Mrs. Huff indicated that she wanted to bring this information to the attention of the committee because, despite all the published reports about the assassination and subsequent Government investigations, she had never seen any information about the investigation in which her husband participated. (2)

THE COMMITTEE'S INVESTIGATION

(2) Pursuant to the information received from Mrs. Huff, the committee undertook to verify the alleged investigation and any reports that may have resulted. The committee requested pertinent files of the appropriate agencies* and interviewed persons who would have had direct knowledge of such an investigation.

(3) The committee contacted Larry Huff at his home in Pinehurst, Idaho, by telephone on March 21, 1977. (3) At that time, he confirmed the substance of the letter his wife had sent the committee. He additionally identified the commanding officer, Lt. Gen. Carson A. Roberts, who, according to Huff, would have been in charge of the investigative team at Camp Smith, Hawaii, which was purportedly the base from which one investigative team originated. (4) Huff said during the telephone interview that Lieutenant General Roberts served as commander in chief of the fleet of the 1st Marine Brigade, Pacific Marine Force. (5) According to Huff, the teams were dispatched to Japan and Dallas and the report of the investigation was classified "Secret—For Marine Corps Eyes Only." (6)

(4) On March 23, 1977, the committee wrote Lt. Col. Carl Miller of the Marine Corps Liaison Office and requested all Marine Corps documents concerning the assassination of President Kennedy; (7) the request was phrased broadly to include any materials of such an investigation which might not be easily identifiable. On June 6, 1977, the committee wrote Gen. Louis Wilson, Commandant of the Marine Corps, and made a similar request. (8)

(5) The committee then sought to contact the individuals who were responsible for compiling records of Oswald's military background. It

*Included among the agencies contacted were the Department of Defense and the U.S. Marine Corps, both headquarters and various bases.

was believed that evidence or reports of such an investigation after the assassination would have appeared in Oswald's file. The committee contacted Lt. Col. Bill Brewer of the Intelligence Division of Marine Corps Headquarters on August 1, 1977. (9) Brewer had been in charge of compiling the Oswald military file for the use of the Warren Commission. (10) Brewer stated that the Warren Commission had been interested primarily in records concerning Oswald's security classification in the military and that his records check had only included local records within the individual commands where Oswald had served and did not include records that were classified secret or top secret. (11) He said his office had no investigative jurisdiction. (12)

(6) The committee has contacted Roy Elmquist of the Office of Naval Intelligence on August 1, 1977. Elmquist stated that the only investigative request to the Office of Naval Intelligence from the Marine Corps that had any bearing on Oswald or the assassination concerned the death of Martin Schrand, who had served at Cubi Point Naval Air Station in the Philippines at the same time Oswald had in 1958 and who had died from a gunshot wound while on guard duty. (13) Elmquist stated further that any other investigation pertinent to the assassination would have been conducted by the FBI. (14)

(7) On August 2, 1977, the committee wrote Capt. Donald Nielsen, the Assistant Secretary for International Security Affairs of the Department of Defense, and requested all material concerning Lee Harvey Oswald and the investigation of the assassination of President Kennedy in the possession of the Naval Investigative Service. (15)

(8) On February 15, 1978, in a phone conversation with committee staff, Huff further identified the airplanes that he said were used in the investigation by the military. He stated at that time that one plane flew from El Toro or Camp Pendleton in California to Dallas in December 1963. (16) He said the plane was a KC-130. The second plane had flown from Camp Smith, Hawaii, to Atsugi Naval Air Station in Japan between December 7 and 22, 1963. (17) It was a C-54 plane with serial No. 50855. (18) Huff identified the commander of the plane as Chief Warrant Officer Morgan. (19)

(9) On March 9, 1978, the committee requested the following documents from the Department of Defense:

1. Any and all records (including logs and crew lists) pertaining to or concerning the flight of a C-54 military plane, serial No. 50855, which departed Camp Smith, Hawaii on December 7, 1963 for Japan and returned on December 22, 1963.
2. Any and all records (including logs and crew lists) pertaining to or concerning the flight of a KC-130 military plane which departed El Toro or Camp Pendleton base in California the first weekend in December 1963 for Dallas, Tex.
3. Any and all records, including classified material, concerning or referring to an investigation by the Marine Corps or the Air Force Office of Special Investigations into the J. F. K. assassination. It is believed the investigation took place at Atsugi Air Base, Japan, and the El Toro Marine Base, Santa Ana, Calif., in December 1963. (20)

The committee also included in that request that Lt. Gen. Carson Roberts and Chief Warrant Officer Morgan be made available for

interview, or if either man is no longer a member of the military, that the committee be provided with the last known address for each.(21)

(10) On April 19, 1978, the Department of Defense responded that the Air Force had no records on Roberts or Morgan and that it had no flight records concerning either military plane identified in the committee's request.(22) Regarding the records of the alleged military investigation, the Department of Defense responded that it had no record that the Air Force Office of Special Investigations had conducted an investigation into the assassination of President Kennedy in Japan or California in 1963.(23) The Department explained that it believed the alleged investigation was being confused with an investigation that was conducted on Oswald's half-brother, John Edward Pic.(24) According to the Department, the Pic investigation records were destroyed because no "derogatory information" (which presumably means information which would have been relevant to the assassination investigation) was developed; portions of that file relating to Oswald, however, were still on file and available for review by the committee at the Pentagon.(25) In May 1978, the Department of Defense provided the committee with the present addresses of Lieutenant General Roberts(26) and Chief Warrant Officer Morgan,(27) who had both retired from the military.

HUFF INTERVIEW AND DEPOSITION

(11) Larry Huff was interviewed and deposed by the committee on May 8 and 9, 1978, to get further details of the investigation Huff related to the committee. During the deposition in U.S. district court for the Eastern district of Washington at Spokane, Wash., on May 9, 1978, Huff stated under oath that on December 14, 1963, he departed Kaneohe Base in Hawaii in a C-54-T aircraft, serial number 50855, for Wake Island, with Chief Warrant Officer Morgan as pilot. (28) He stated that the plane continued from Wake Island to Tachikawa, Japan.(29) Huff stated that there were 10 to 12 CID military investigators on that flight.(30) They disembarked at Tachikawa, Japan, which Huff identified as the closest landing base to the base at Atsugi.(31)

(12) Huff stated that he would have received written orders for the flight the day before from Major Rice, who was the commanding officer at Kaneohe Bay.(32) Huff said that the orders from Rice normally originated from the command of the Fleet Marine Corps of the Pacific at Camp Smith, over which Lieutenant General Roberts was commanding officer.(33) In the case of this flight, Huff did not know for sure where the orders originated, but that they could also have come from Marine Corps headquarters.(34).

(13) Huff explained that he had served as a navigator at Camp Smith and that his normal responsibilities included transporting military crews.(35) He had received no debriefing or special instructions for this flight; he said he learned the purpose of the trip by the CID investigators through conversations on the plane during the flight. Huff said that no other intelligence personnel were present on the flight.(37)

(14) During the deposition, Huff used a log he maintained during his career in the military for the exact dates of the flights and other

data about the plane. He made those logs available to the committee. The log entry for December 14, 1963 states that a C-54 with serial No. 50855 flew from Kaneohe Bay to Wake Island with Warrant Officer Morgan as pilot; the flying time was 11.1 hours.(38) On December 15, the same plane continued from Wake Island to Guam; it flew from Guam to Okinawa on December 16 and then to Tachikawa by way of Hong Kong on December 20, 1963.(39)

(15) Huff stated in the deposition that he returned to Kaneohe Bay after leaving the investigators in Japan to investigate Oswald's activities at Atsugi.(40) He also said that he believed he returned to Japan to pick the CID team up later in December 1963.(41) According to Huff's logbook and his testimony, he made two trips from Tachikawa during that period, one on December 22, 1963 (which presumably would have been the flight when Huff returned to Hawaii after leaving the investigative team) and another on January 21, 1964, from Kaneohe Bay to Iwakuni and Atsugi in Japan; he returned from the latter trip on February 5, 1964.(42) The trips in January had Captain Kruse as pilot of the plane, which was identified as a VC 54-P, serial number 90392.(43)

(16) Huff stated in the deposition that the return flight from Japan to Kaneohe Bay included the same team of CID investigators he had flown earlier.(44) On the return flight, he had spoken with the investigators about their work in Japan and was told they had spent the entire stay investigating Oswald.(45) Huff said that during that flight he was allowed to read the report prepared by the investigators.(46) He described the report as being typewritten, about 20 pages,(47) and classified "Secret, for Marine Corps Eyes Only."(48) Huff recollected that the substance of the report dealt with interviews of individuals and that it contained psychological evaluation of Oswald.(49) Huff remembered the conclusion being that Oswald was incapable of committing the assassination alone.(50) Huff said he read the report for about 30 minutes.(51)

(17) Huff was asked during the deposition what circumstances existed that would have allowed him to see such a report.(52) He replied that it was not unusual for him to have had access to it: he had been granted a secret clearance by the military on March 5, 1956, which would have allowed him access to classified materials.(53) Huff stated that he has never seen the report again nor heard any reference to it.(54) He surmised that the report would be kept in intelligence files either at the Intelligence Division of Camp Smith or with the Commandant of the Marine Corps in Washington, D.C.(55)

(18) Huff stated during the deposition that he did not recall the names of any of the CID team and that he had never flown with them before.(56) Besides the captains of the two flights, Huff could not recall exactly who the other members of the crew were. Nevertheless, he stated that he usually flew with a radio operator named Ralph K. Fall and another navigator named Roy Gibson.(57)

(19) Huff also stated that soon after the assassination in November 1963, he had received word of another investigative team which was to travel to Dallas to investigate the assassination. Huff said in the deposition that he was at El Toro Marine Corps Air Station in Cali-

fornia on November 23, 1963.(58) His logbook entry for that period indicates that Huff flew from Kaneohe Bay to El Toro on November 16 and 17 and that he left El Toro and returned to Kaneohe Bay on November 23. (59) Huff said that while at El Toro, he had had a conversation with George Moffitt, a friend who was also a senior navigator at El Toro.(60) According to Huff, Moffitt told Huff that he, Moffitt, had received orders to prepare a navigation team to assist a flight going to Dallas to conduct an investigation.(61)

(20) Huff said he left El Toro soon after hearing this from Moffitt and never heard any results or the outcome of that flight. He did not know if Moffitt actually went along on the flight.(62) He identified Moffitt as a master gunnery sergeant at El Toro.(63)

(21) When the committee interviewed Huff at his home on May 8, 1978, in preparation for the deposition the next day, Huff gave them a list of addresses and phone numbers of military friends he had served with.(64) Huff explained that the list had been mailed to him earlier that year in preparation for a reunion being planned.(65) The list contained a cover letter outlining plans for the reunion.(66) George Moffitt's address and phone number were included on that list.(67) In an attempt to provide the names of other personnel from Kaneohe Bay and Camp Smith, Huff stated additionally that Tom Allen was the chief mechanic at Camp Smith and that Allen might be able to remember details about the use of military planes at Camp Smith. (68) The list also contained an address and telephone number for Tom Allen.(69) The Committee attempted to locate Allen at that address but could not do so.

MOFFITT INTERVIEW

(22) The committee did contact George Moffitt in California and arranged a time for an interview. When contacted by the committee, Moffitt stated that he wanted to clear the interview with the military and have the assistance of military counsel. (70) The interview took place on June 15, 1978, in the Office of Legal Counsel at El Toro Marine Base. During that interview, Moffitt stated that he worked as a navigator at El Toro with the rank of master gunnery sergeant. (71) When asked about his activities in November and December 1963, Moffitt stated that he did not believe he had participated in a flight to Dallas.(72) Moffitt stated he is certain that he never told Huff that he participated in either the planning or execution of a trip to Dallas in connection with an assassination investigation.(73) Moffitt said additionally that he had no information or knowledge of anyone participating in such a military investigation following the assassination. (74)

(23) Moffitt said he knew Larry Huff and that they were together at the time of the assassination.(75) Moffitt said he knew the names of Chief Warrant Officer Morgan, Major Rice, Tom Allen, Ralph Fall, and Captain Kruse, but that he could not recall where he knew each of those men. (76) He recalled that Lt. Gen. Carsons Roberts was the commanding officer of the Fleet Marine Force operating out of Camp Smith. (77) He said that at least one C-54 plane was detailed to Roberts. (78)

(24) Moffitt said that it would not be unusual for him to transport CID personnel; (79) he had received a top secret clearance in 1961.

(80)

(25) Moffitt said he did not know for sure if he traveled to or from Dallas in November 1963, but that master logs maintained by the military would indicate the record of such flights. (81) In addition, Moffitt provided the committee with his personal log book which he also maintained during his military career. (82) The only entry by Moffitt for November 1963 indicates a total flight time of 17.5 hours and a notation of "KC-130 F", presumably referring to a type of plane. (83) The log book spans the period from August 1957 through May 1964; however, the period December 1962 through December 1963 only carries notations for the types of plane, with no information regarding origins of flights or destinations such as are made for all of the other months in the book. (84)

(26) Moffitt was asked by the committee during the interview if he knew of any reason why Huff would give the information to the committee regarding an alleged military investigation of the assassination contrary to the information being given by Moffitt. Moffitt responded that he knew of no such reason and that he had no reason to question Huff's credibility. (85) Moffitt explained that he and Huff were good friends and that their relationship had included house sitting for each other when one was sent overseas. (86) During the interview, the Marine Corps attorney who was present repeated the question of whether Moffitt knew of any reason to doubt Huff's credibility and Moffitt repeated that he did not. (87) The Marine Corps attorney then repeated the question a second time; that time Moffitt replied that he believed Huff had a mental problem in the past and perhaps that was a reason to question Huff's credibility. (88) Moffitt did not elaborate or offer any details about Huff's purported mental problem.

ROBERTS INTERVIEW

(27) Lt. Gen. Carson A. Roberts was interviewed by a committee staff investigator on May 25, 1978, at his home in Whispering Pines, N.C. Roberts had retired from military service on March 1, 1964. (89)

(28) During the interview, General Roberts stated that he was in command of Camp Smith at Kaneohe Bay, Hawaii, at the time of the assassination in November 1963. (90) He knew of no military flights nor investigations by military or civilian personnel connected with the assassination of President Kennedy. (91) General Roberts was asked specifically if he recalled any information about a flight of CID investigators from Kaneohe Bay to Atsugi, Japan, to probe into the background and associations of Lee Harvey Oswald. (92) General Roberts said that he had no such knowledge, did not issue the orders for any such flight, and that if such a flight or investigation had come to his attention, he would have remembered it. (93) However, he also stated that it would be possible for such orders to be issued from naval headquarters in Washington, D.C., and that he might not necessarily have known about those orders. (94)

(29) When asked about the planes which were under his personal command, General Roberts consulted the log book he maintained dur-

ing his military service which he then kept at his home. After reviewing the log, he stated that a V-5-54-P model plane with serial No. 90392 was assigned to him at the time of the assassination.(95) General Roberts said the log book indicated that he did not participate in any flights from June 1963 to January 1964.(96) He stated that it would have been unusual for his plane to have been used for any missions without his knowledge. He explained also that he only maintained records of flights on which he personally flew.(97)

(30) General Roberts told the committee investigator that log books and any official records concerning the plane would be sent to either Marine Operations or to the Bureau of Aeronautics in Washington, D.C., when the plane was no longer in use by the military.(98)

MORGAN INTERVIEW

(31) Roger G. Morgan was interviewed by committee staff by telephone on November 7, 1978. He stated that he was a commanding officer of military transport flights at Kaneohe Bay in Hawaii at the time of the assassination.(99) When asked if he had flown a team of CID investigators to Japan in December 1963 in connection with an investigation into the assassination of President Kennedy, Morgan said that he would not normally have known who his passengers were on the military transports, even if they had included a team of CID investigators.(100) Further, his flight orders would not necessarily have included that information.(101) Morgan also said that after so many years, he could not remember such a flight or incident, but that he had no recollection of having had anything to do with an assassination investigation.(102) Morgan was asked if he would consult his personal flight logs to see if they shed any light on any flights to Japan he might have participated in after the assassination.(103) He then asked that the committee write him what specific information it wanted from his log books and he would consult them for that.(104) The committee sent a letter to Morgan on that same date requesting information about the dates, crews and destinations of military flights on which he participated from Kaneohe Bay to Atsugi or Tachikawa, Japan, in December 1963.(105)

(32) Morgan identified Lt. Gen. Carson Roberts as the Commander of the Pacific Fleet at Kaneohe Bay at the time of the assassination.(106) He stated that Maj. Don Rice was also an executive officer at Kaneohe Bay at that time.(107)

CONTACTS WITH CID OFFICERS

(33) Based on that information from Morgan, the committee requested on November 9, 1978, that the Defense Department make Major Rice available for interview.(108) On June 26, 1978, the committee had already requested that Major Rice be made available, based on the information provided by Larry Huff;(109) however, the Defense Department had not been able to locate material identifiable with Major Rice because the committee could not at that time, provide Rice's first name.

(34) In a further effort to determine whether the military had in fact conducted an investigation of Oswald or the assassination which

might contain information not released previously, the committee requested that the Department of Defense identify the chief CID officers who would have had knowledge of or involvement in such an investigation. On June 19, 1978, the committee requested in writing that the chief CID officers who were stationed at El Toro Marine Base in California and Camp Smith in Hawaii in November and December 1963 be made available for interview. (110) The committee also requested that the chief CID officer for the Marine Corps for that period also be made available to the committee. (111)

(35) Because Huff, Moffitt, Lieutenant General Roberts had all indicated their belief that information concerning flights master logs for military air and crews of military aircraft would be located in files permanently at Marine Corps headquarters, the committee requested in writing to the Defense Department on June 26, 1978, that it be provided access to "any and all master logs, concerning or referring to military aircraft stationed at Camp Smith, Hawaii and El Toro Marine Base in November and December 1963." (112)

(36) In a letter dated July 26, 1978, the Department of Defense provided information concerning the number and type of military aircraft stationed at El Toro and Kaneohe Bay in 1963. According to that letter, 15 model KC-130F planes were among the total aircraft stationed at El Toro from October through December 1963; those planes were further identified as Lockheed transport planes. (113) Additionally, two model C-54P planes were stationed at Kaneohe Bay during the same period. (114) Those planes are identified as Douglas Skymaster transport planes. (115)

(37) In the July 26 letter, the Department of Defense stated that no master logs for military aircraft could be obtained through Marine Corps headquarters, but that the committee could request that information through the Washington National Record Center of the General Services Administration. (116)

(38) In a memorandum dated July 14, 1978, the Department of Defense responded to the committee's letter of March 19, 1978, requesting that CID personnel be identified and made available for interview. (117)

(39) Based on the last known address provided by the Defense Department, the committee was unable to locate retired gunnery sergeant H. E. Aubrey, who was identified as the chief CID investigator at Camp Smith in November-December 1963.

(40) On November 6, 1978, the committee interviewed by phone Harold Flower, who served as a CID officer at El Toro Marine Base at the time of the assassination. Flower stated Howard Bearden was in command of the CID unit at that time; Bearden was deceased. (118) Flower stated that to his knowledge, no investigation of the assassination or of Oswald was conducted in his command, and he had no knowledge of such an investigation. (119) Flower said that if the Office of Naval Intelligence had conducted such an investigation out of El Toro, he would have known about it. (120) Flower was also asked if it were possible that such an investigation could have been conducted out of El Toro using civilian investigation personnel who would not have necessarily been under the command of his CID unit. Flower said that if the local FBI office had conducted an inquiry at El Toro, he would

have known about it, because he personally knew all of the Special Agents stationed at the local FBI field office in nearby Santa Ana, Calif. (121) Flower said that although he had heard that Oswald had been stationed at the Marine Corps Air Facility at Santa Ana, he had no other knowledge of Oswald's military background. (122) Flower stated additionally that the Air Facility at Santa Ana had its own CID unit, which would be the appropriate repository of information about Oswald. (123)

MORGAN LETTER

(41) On December 8, 1978, the committee received a letter from former CWO Roger G. Morgan dated December 5, 1978. In the letter, Morgan said he had consulted his personal log books of his military service as had been requested by the committee. (124) Morgan stated in the letter:

My personal log books do reflect the fact that I was the commander of a flight from Kaneohe Bay, Hawaii to Tachikawa AFB in Japan and return on the dates in question.

The aircraft type was a C-54, assigned to Marine Aircraft Group 13, Kaneohe Bay, Hawaii. The aircraft bureau number was 50855. The names of other crew members or passengers is not contained in these personal records, but could be found in official records. (125)

Submitted by:

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GARY CORNWELL,
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SURELL BRADY,
Staff Counsel.

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- (2) *Ibid.*
- (3) Staff outside contact report, Larry Huff, Mar. 21, 1977, HSCA (JFK document).
- (4) *Ibid.*
- (5) *Ibid.*
- (6) *Ibid.*
- (7) Letter to Lt. Col. Carl Miller, Mar. 23, 1977, HSCA (JFK document No. 013563).
- (8) Letter to Gen. Louis Wilson, June 6, 1977, HSCA (JFK document No. 013562).
- (9) Staff outside contact report, Aug. 1, 1977, HSCA (JFK document No. 015030).
- (10) *Ibid.*
- (11) *Ibid.*
- (12) *Ibid.*
- (13) Staff outside contact report, Aug. 1, 1977, HSCA (JFK document No. 015029).
- (14) *Ibid.*
- (15) Letter to Capt. Donald Nielsen, Aug. 2, 1977, HSCA (JFK document No. 013564).
- (16) Staff outside contact report, Larry Huff, Feb. 15, 1978, HSCA.
- (17) *Ibid.*
- (18) *Ibid.*

- (19) Ibid.
- (20) See outside contact report, Nov. 9, 1978, for reference to letter to Harold Brown, Secretary of Defense, Mar. 9, 1978, HSCA (JFK document No. 015048).
- (21) Ibid.
- (22) Staff outside contact report, Apr. 19, 1978, HSCA (JFK document No. 007369).
- (23) Id. at pp. 6-7.
- (24) Id. at p. 7.
- (25) Ibid.
- (26) Staff outside contact report. May 1, 1978, HSCA (JFK document No. 007656).
- (27) Staff outside contact report, May 5, 1978, HSCA (JFK document No. 008120).
- (28) Deposition of Larry Cecil Huff, May 9, 1978, HSCA, p. 7 (JFK document No. 014615).
- (29) Ibid.
- (30) Id. at p. 9.
- (31) Id. at p. 7.
- (32) Id. at p. 8.
- (33) Ibid.
- (34) Id. at p. 9.
- (35) Ibid.
- (36) Id. at p. 10.
- (37) Id. at p. 15.
- (38) Aviator's flight log book of Larry Huff (JFK document No. 013552).
- (39) Ibid.
- (40) See ref. 28, Huff deposition, p. 11.
- (41) Ibid.
- (42) See ref. 38.
- (43) Ibid.
- (44) See ref. 28, Huff deposition, p. 12.
- (45) Ibid.
- (46) Ibid.
- (47) Ibid., p. 13.
- (48) Ibid.
- (49) Ibid.
- (50) Ibid.
- (51) Id. at p. 15.
- (52) Id. at pp. 13-14.
- (53) Id. at p. 14.
- (54) Id. at p. 15.
- (55) Ibid.
- (56) Id. at p. 9.
- (57) Id. at p. 10.
- (58) Id. at p. 16.
- (59) See ref. 38.
- (60) See ref. 28, Huff deposition, p. 16.
- (61) Ibid.
- (62) Id. at p. 17.
- (63) Id. at p. 16.
- (64) Letter from Roger E. Leblanc, June 15, 1977, with list attached (JFK document No. 013551).
- (65) Ibid.
- (66) Ibid.
- (67) Ibid.
- (68) Huff interview, May 8, 1978, HSCA, p. 2 (JFK document No. 008531).
- (69) Ibid.
- (70) Staff outside contact report, June 14, 1978, HSCA (JFK document No. 010037).
- (71) Staff interview of George Moffitt, June 15, 1978, HSCA, p. 1 (JFK document No. 10145).
- (72) Ibid.
- (73) Id. at p. 3.
- (74) Id. at p. 2.
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- (76) Id. at p. 3.
- (77) Id. at p. 1.
- (78) Id. at p. 2.
- (79) Ibid.
- (80) Id. at p. 3.
- (81) Id. at p. 2.
- (82) Aviators flight log book of George Moffitt (JFK document No. 013554).
- (83) Ibid.
- (84) Ibid.
- (85) See ref. 71, Moffitt interview, p. 5.
- (86) Ibid.
- (87) Ibid.
- (88) Ibid.
- (89) Staff interview of Gen. Carson A. Roberts, May 25, 1978, HSCA, p. 1 (JFK document No. 009408).
- (90) Ibid.
- (91) Ibid.
- (92) Id. at pp. 1-2.
- (93) Id. at p. 2.
- (94) Ibid.
- (95) Id. at p. 3.
- (96) Id. at p. 2.
- (97) Id. at p. 3.
- (98) Id. at p. 2.
- (99) Staff outside contact report, Nov. 7, 1978, HSCA, p. 1 (JFK document No. 013020).
- (100) Ibid.
- (101) Id. at pp. 1-2.
- (102) Id. at p. 1.
- (103) Ibid.
- (104) Ibid.
- (105) Staff letter to Roger G. Morgan, Nov. 7, 1978, HSCA (JFK document No. 013080).
- (106) Staff outside contact report, Nov. 7, 1978, HSCA, p. 2 (JFK document No. 013020).
- (107) Ibid.
- (108) Letter to Harold Brown, Secretary of Defense, Nov. 9, 1978, HSCA (JFK document No. 015048).
- (109) Letter to Harold Brown, Secretary of Defense, June 26, 1978, HSCA (JFK document No. 015048).
- (110) Letter to Harold Brown, Secretary of Defense, June 19, 1978, HSCA (JFK document No. 015048).
- (111) Letter to Harold Brown, Secretary of Defense, June 26, 1978, HSCA (JFK document No. 015048).
- (112) Ibid.
- (113) Fact sheet from Department of Defense, July 26, 1963, tab A (JFK classified document No. 103).
- (114) Ibid.
- (115) Ibid.
- (116) Ibid., enclosure 2, p. 10.
- (117) Memorandum to the House Select Committee on Assassinations from Judy Miller, Office of the Secretary of Defense, July 14, 1978 (JFK document No. 009986).
- (118) Staff outside contact report, Nov. 6, 1978, HSCA (JFK document No. 013005).
- (119) Ibid.
- (120) Ibid.
- (121) Id. at p. 2.
- (122) Ibid.
- (123) Ibid.
- (124) Letter from Roger G. Morgan to House Select Committee on Assassinations staff, Dec. 5, 1978 (JFK document No. 013576).
- (125) Ibid.

