

JFK Exhibit F-464

Chief,

Chief,

Chief of Station,

- Lee Harvey OSWALD

For information

For the record we forward herewith a memorandum by ^{staff employee} in which he gives his recollections of interest in Subject following ^{OSWALD} Subject's return to the United States from the USSR. ^{Chicago}

US

Encl.

Distribution

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Document Number

435-173A

for FOIA Review on

MAY 1976

12 Dec 1963

DEC 16 1963

25 November 1963

SUBJECT: Mr. Lee Harvey Oswald

TO :

1. It makes little difference now, but I had at one time an interest in Oswald. As soon as I had heard Oswald's name, I recalled that as I had discussed -- sometime in Summer 1960 -- with [redacted] the laying on of interview(s) through [redacted] or other suitable channels. At the moment I don't recall if this was discussed while Oswald and his family were en route to our country or if it was after their arrival.

2. I remember that Oswald's unusual behavior in the USSR had struck me from the moment I had read the first State dispatch on him, and I told my subordinates something amounting to "Don't push too hard to get the information we need, because this individual looks odd." We were particularly interested in the info Oswald might provide on the Minsk factory in which he had been employed, on certain sections of the city itself, and of course we sought the usual [redacted] that might help develop foreign personality dossiers.

BIOGRAPHIC INFORMATION

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

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Addendum

4. As an afterthought, I recall also that at the time I was becoming increasingly interested in watching develop a pattern that we had discovered in the course of our bio and research work [redacted] : the number of Soviet women marrying foreigners, being permitted to leave the USSR, then eventually divorcing their spouses and settling down abroad without returning "home". The [redacted] case was among the first of these, and we eventually turned up something like two dozen similar cases. [redacted] became interested in the developing trend we had come across. 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 experience in the U SSR, that we showed intelligence interest in the [redacted] story.

PROPERTY OF

C.I.A memorandum
to Chief, with/attached
memorandum, 11.25.68.
re using Oswald.

P. 571

Memorandum from
Hoover to Department
of State, 6.30.60, re
Oswald imposter theory

p. 573

JFK EXHIBIT F-467

JFK Exhibit F-467



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. 105-82555

WASHINGTON 25, D. C.

Date: June 3, 1960

To: Office of Security
Department of State

From: John Edgar Hoover, Director

Subject: LEE HARVEY OSWALD
INTERNAL SECURITY - R

Reference is made to Foreign Service Despatch Number 234 dated November 2, 1959, concerning subject's renunciation of his American citizenship at the United States Embassy, Moscow, Russia, on October 31, 1959.

It is noted that among other items, subject surrendered his United States Passport Number 1733242 to an American Embassy official. His last known residence as indicated in your despatch was The Metropole Hotel, Moscow, where he was residing in a non-tourist status.

Your attention is directed to the report of Special Agent John W. Fuin, Dallas, Texas, dated May 12, 1960, entitled "Fuin Transmitted to Residents of Russia; Internal Security - R," a copy of which was furnished to the Department of State on May 24, 1960.

In that report you will note that subject's mother, Mrs. Marguerite C. Oswald, Fort Worth, Texas, advised that she recently received a letter addressed to her son from the Albert Schweitzer College in Switzerland indicating that Lee Oswald was expected at the college on April 20, 1960. She stated subject had taken his birth certificate with him when he left home. She was apprehensive about his safety because three letters she had written him since January 22, 1960, have been returned to her undelivered.

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.

Office Memorandum • UNITED STATES GOVERNMENT

TO : SCW

DATE: June 10, 1960

FROM : Emery J. Adams, For the
Director, Office of Security

SUBJECT: C. ALD, Lee Harvey

Ref : SY memorandum June 6

There are transmitted for your consideration the attached documents and/or reports relating to the subject. Should additional data be required, the basic document, when not attached, or the SY file, can be made available upon request.

The information transmitted herewith is for your confidential use only and not for dissemination outside the Department.

Please handle the attached material as indicated:

☐ A. RETURN TO SY.

☒ B. RETAIN OR DESTROY.

Since the final paragraph of the attached FBI memorandum indicates the possibility of an imposter using the subject's birth certificate, please furnish this office with any current information available on him for transmittal to the FBI.

cc: PTT
SCS
SCA - Mr. Dorsz

Attachment:

FBI memo dated 6/3/60 at Washington.

SY file

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

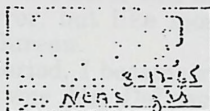
TO : PT/F - Mr. John T. White

DATE: March 31, 1961

FROM : PT/U - Edward J. Hickey

SUBJECT: Lee Harvey Oswald, Your Memorandum dated March 31.

In view of the fact that this file contains information first, which indicates that mail from the mother of this boy is not being delivered to him and second, that it has been stated that there is an imposter using Oswald's identification data and that no doubt the Soviets would love to get hold of his valid passport, it is my opinion that the passport should be delivered to him only on a personal basis and after the Embassy is assured, to its complete satisfaction, that he is returning to the United States.



Mr. CORNWELL. Was the Warren Commission told about either such matter, to your knowledge, Mr. President?

President FORD. Not to my best recollection.

Mr. CORNWELL. Finally, the committee has received some evidence there may have been an employee in the Cuban consulate in Mexico City which may have had foreknowledge of the assassination, and the employee may have been a member of Cuban intelligence.

Did you ever receive any such information, to your memory, during the course of the Warren Commission's deliberations?

President FORD. It is my best recollection we were not so informed.

Mr. CORNWELL. Thank you. I have no further questions.

Chairman STOKES. Thank you, Counsel. At this point, the Chair will recognize the gentleman from Ohio, Mr. Devine, for such time as he may consume, after which the committee will operate under the 5-minute rule. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. President, we welcome you here this morning and we appreciate it must be a bit difficult after 14-plus years to recall everything that occurred on this Commission, particularly due to the vast responsibilities that were put upon you, as both Vice President and President of the United States, during the intervening time.

With all due deference to the other members of the Warren Commission that are present, you did attain, probably, the reputation of being the most conscientious member of the Commission,

having attended more meetings and interviewed more witnesses than anyone else on the Commission at that time.

In that conclusion, Mr. Chairman, would Ms. Berning make available to the President JFK exhibits F-441 and F-442.

Mr. President, I think you have had an opportunity to, on a previous occasion, review these two memorandums, one of which is dated December 12, 1963; the other December 17, 1963, both memorandums being authored by the Assistant Director of the Federal Bureau of Investigation, Mr. Cartha DeLoach.

And I would like to ask you if these memorandums, you had a chance to review them, are accurate with respect to the conversations with you and what, if any, relationship you had with the FBI during the operation of the Warren Commission.

President FORD. Congressman Devine, I appreciate the opportunity to respond to the two memorandums from Mr. DeLoach, one of December 12, 1963, and one of December 17, 1963. And if the committee will permit, I will read a prepared statement because I wish to be very accurate in this regard.

During my service in the Congress from January 3, 1949, until appointed to the Warren Commission, I had had an excellent relationship with the FBI. It was not on a frequent basis. I barely knew J. Edgar Hoover, but like most Americans, had great respect for him and the Bureau.

Over that period, I became reasonably well acquainted with Lou Nichols, who was Mr. DeLoach's predecessor. Mr. Nichols had a longstanding relationship with eight or nine editors of Booth newspapers in Michigan, including the Grand Rapids Press, which was the Booth paper in my hometown.

I met with Mr. DeLoach through Mr. Nichols, and when Mr. Nichols retired and whenever I had a congressional matter involving the FBI, I would contact Mr. DeLoach. These were contacts well before my appointment to the Warren Commission.

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.

In my December 12, 1963 discussion with Mr. DeLoach in my office, I told him of this temporary internal conflict with the Commission—within the Commission, I should say. In that same meeting with Mr. DeLoach, we discussed several other matters, including involving possible decisions of the Commission, and I related the visit to my office by Mr. John McCone, who was then director of the Central Intelligence Agency.

Mr. DeLoach gave me additional information on the matter discussed by Mr. McCone. On December 17, 1963, I again met with Mr. DeLoach in my office and the subjects discussed are set forth in the copy of the memo from Mr. DeLoach to Mr. Moore.

In reference to these meetings with Mr. DeLoach, and my questions relating to my relationship as a Commission member with the FBI, I will state the following:

One, I do not have any memoranda which shows that after December 19, 1963, I had any contact with Mr. DeLoach, and I know of no other memoranda from any source.

Two, the two contacts with Mr. DeLoach, which were prior to December 20, were made during the organizational period of the Commission and before any investigations or hearings were undertaken by the Commission.

Three, to my best recollection, the DeLoach memos appear to be accurate, but the relationship mentioned by Mr. DeLoach did not continue during the investigation period of the Commission.

Mr. DEVINE. On Sunday, June 7, 1964, Mr. President, you and I, I think, Chief Justice Warren went to Dallas and had an interview with Jack Ruby. Do you recall that situation?

President FORD. I recall it vividly, Mr. Devine.

Mr. DEVINE. You may further recall that during this conversation, Mr. Ruby said as follows, and this appears on page 194 of the transcript:

Gentlemen, if you want to hear any further testimony, you will have to get me to Washington soon, because it has something to do with you, Chief Warren. Do I sound sober enough to tell you this?

Chief Justice WARREN. Yes; go right ahead.

Mr. RUBY. I want to tell the truth, and I can't tell it here. I can't tell it here. Does that make sense to you?

I would ask you, Mr. President, why was Ruby not taken to Washington for further questioning as he requested?

President FORD. First, the Chief Justice, the Chairman of our Commission, and myself, along with several staff members, thoroughly interrogated Jack Ruby in Dallas on that Sunday afternoon; the interrogation went 3 or 4 hours.

We believe that we had fully probed from him all of the information that he had available, and the Chief Justice, the Chairman and I reported back to the other members of the Commission the interrogation that we had of Jack Ruby. The other members of the Commission had full access, of course, to the transcript.

It is my best recollection that the other members of the Commission agreed with the Chief Justice and myself that it was not necessary to bring Jack Ruby from Dallas to Washington and to go through another interrogation of him in the Nation's capital.

Second, as the transcript indicates, Jack Ruby did request a polygraph examination. At his request, that was given, and the Commission and the staff of the Commission had the benefit of that polygraph and that interrogation. So, when you brought it all together, the interrogation by the chairman and myself and the staff, plus the polygraph, it did not seem necessary to bring Jack Ruby down to Washington for further investigation or interrogation.

Mr. DEVINE. In other words, it was the feeling of the Commission, or at least a majority of them, that no meaningful purpose would be served by transporting him from Dallas to Washington, is that right?

President FORD. That is correct, sir.

Mr. DEVINE. In another vein, Mr. President, if you know, why did Earl Warren agree to accept the position as head of the Warren Commission?

President FORD. I assume that the responsibilities of the Chief Justice—

Mr. DEVINE. Would you hold a minute, I think we have lost our sound.

Thank you Mr. President. Let me repeat the question, if you know, why did Chief Justice Warren accept the assignment as head of the Warren Commission?

President FORD. 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. I am sure that was the personal reaction and feeling of the Chief Justice.

Mr. DEVINE. I know that you were personally reluctant to accept it because you did not seek the assignment and I doubt if any of the other members did. What was Allen Dulles' role on the Commission?

President FORD. Allen Dulles had an identical relationship and role on the Commission with the rest of us. He was unique, however, in that he had served for a considerable period of time as the Director of the CIA, so that as a member of the Commission he could draw on that experience and expertise in any matters that involved the foreign intelligence problems.

It is my best judgment, Mr. Congressman, that we were fortunate to have had a person like Allen Dulles on the Commission because of his background.

Mr. DEVINE. Would you know, Mr. President, what his informal relations were with the CIA, since he was the retired Director? Did he have an opportunity to obtain more information for the Commission because of that unique position?

President FORD. To my best knowledge, he had no unusual relationship with the Central Intelligence Agency other than the fact that he had been a former Director. As I said a moment ago, I believe that background and experience was beneficial to the Commission and not harmful or detrimental to our investigation and our recommendations and conclusions.

Mr. DEVINE. To put it another way, Mr. President, you then don't feel that his former relationship with the CIA in any way hindered the operations of the Warren Commission?

President FORD. Not at all, sir.

Mr. DEVINE. If you know, why has the public acceptance of the findings of the Warren Commission diminished to reasonably low proportions over the years? This is speculation, but we would like to have the benefit of your thinking.

President FORD. Because I would like to be very precise I have a written statement which I would like to read in this regard.

Public acceptance of the Warren Commission findings has diminished for several reasons. No. one, the critics who have obtained the widest publicity have either deliberately or negligently mislead the American people by misstating facts and by omitting crucial facts in their discussions.

Second, there is general public cynicism about any report of an assassination of a President. The record shows questions after

many years are still being raised as to the assassination of other Presidents.

Third, the overwhelming majority of the American people have not read the entire Warren Commission report.

Now, under point one, let me make this specific matter a matter of the record.

The coverup of the underlying facts, in my opinion, of the Tippit murder has been a hallmark of critics of the Warren Commission. For instance, in the introduction to one of the best selling books professing Oswald's innocence, one reads, and I quote:

The plain fact is there is no evidence at all to explain how or why the Dallas police instantly pounced on Oswald and until some adequate explanation is given no one can be blamed for entertaining the most likely hypothesis, viz, that the Dallas police had undisclosed reasons for arresting Oswald even before they had valuable evidence pointing towards him.

Once that hypothesis is admitted almost all of the evidence accepted by the Commission can be reinterpreted in a different way.

In my opinion, no investigation of the tragic assassination of the President can be complete without including an investigation of the murder of Dallas police officer J. D. Tippit. Almost all who have claimed that Lee Harvey Oswald was innocent of the murder of President Kennedy have also claimed that Oswald was innocent of the murder of Tippit. This is despite the fact that at least six eye witnesses, who either saw the murder or saw the Tippit gunman leaving the murder scene with a gun in hand, identified that gunman as Lee Harvey Oswald.

Moreover, Oswald was arrested with the Tippit murder weapon in his possession. The arrest of Oswald was an outgrowth of the acts of an alert citizen in Dallas, J. Calvin Brewer, who managed a shoe store in the neighborhood of the Tippit shooting. Shortly after Brewer learned from radio newscasts about the shooting of Tippit in his neighborhood, he became suspicious of the way a man first ducked into the entryway of his shoestore, where police sirens were heard coming down the street, and then left the front of the store soon after the police sirens subsided.

Brewer followed the man down the street into the Texas Theater and then had the cashier call the police. When the police arrived at the theater, Brewer pointed out the man who was Lee Harvey Oswald. As the policeman approached Oswald pulled out a revolver. Carrying a concealed gun is a crime. The fact that Oswald had such a weapon in his possession, and drew it, is highly suspicious. Subsequent evidence provided that this very revolver had been purchased through the mail by Oswald under the same alias he used to acquire the rifle used in the assassination of President Kennedy.

Both Oswald's revolver and Oswald's rifle were mailed to the same post office box in Dallas. Witnesses at the Tippit murder scene saw the gunman throw cartridge cases into the bushes as he reloaded his revolver; an irrefutable ballistic evidence proved that those cartridge cases came from Oswald's revolver, to the exclusion of all other weapons in the world. This exactly corresponds with the ballistic evidence that proved that the bullet found off Governor Connally's stretcher in Parkland Hospital in Dallas, and the two large bullet fragments in the President's limousine which came

from the bullet which struck President Kennedy's head, came from Oswald's rifle, to the exclusion of all other weapons in the world.

Now, the point I wish to make is that in too many cases some of the critics of the Warren Commission have either misstated or omitted facts that were developed by the Commission and in the process of either an omission or misstatement have led the public to have less than full support for the commission's recommendations and conclusions.

Mr. DEVINE. Thank you. I have one question in a completely different vein.

As you know, one of the mandates that the Congress has placed on this select committee is to ultimately make recommendations. You as President were the subject of a number of attacks, and fortunately escaped with your hide.

President FORD. I am pretty healthy now.

Mr. DEVINE. You certainly look so.

President FORD. I am glad she missed.

Mr. DEVINE. Not wanting to be distasteful, and God forbid that another situation would occur like occurred during the Kennedy years, I hope we never have another assassination or assassination attempt, but it is my understanding that if such a thing would occur they would go through the same autopsy procedures as they did back in 1963; whoever is President would be taken to Bethesda Hospital, and he would be looked at probably by clinical pathologists rather than forensic pathologists. It is my understanding also, Mr. President, that the Metropolitan Police Department here has anticipated that type of need for any so-called VIP and that they have put together what they call an executive autopsy procedure where they have everything available, they have videotapes available, they have forensic pathologists available. That leads up to this question, Mr. President, do you in your capacity as former President, as a former Member of the Congress that has been deeply involved in the Warren Commission and the assassination problems, do you have any recommendations that you would like to make to this committee either legislatively or procedurally as it may relate to an assassination like this occurring in the future?

President FORD. Well, No. 1, I am glad that some plans have been laid to maybe make the procedure in the case of another tragedy in better, more professional hands. I am talking about the autopsy. From what I read, this committee has determined that the autopsy procedure in Bethesda was not conducted by the experts or professionals in that area. That was of course unfortunate, and I trust that what is now laid out would eliminate whatever the difficulties were at the time of President Kennedy's assassination.

If such an assassination were to take place again, I am certain that there would be a public demand for some organization to undertake and investigate the full facts. I don't think the public would be satisfied with anyone or all of the Federal agencies themselves investigating and coming to conclusions. So you come down at the bottom line, I would recommend that in such a tragedy that what President Johnson did would be repeated. I see no better alternative. I just hope it doesn't happen again, but if it did I think that is the best option.

Mr. DEVINE. Do you feel there is any need for further legislation in this area? As you know at the time of the occurrence of the Kennedy assassinaion, it was not within the jurisdiction of the Federal Bureau of Investigation to investigate nor have jurisdiction in matters of this nature. That has been changed during the interim period.

President FORD. As I recall, that was a recommendation of the Commission and Congress responded to it, so at least legislatively we probably have a better circumstance today than we did in 1963. And other things have improved after as you have indicated. I would like to make a comment so the record is clear.

Even though there may have been some inadequacies, at the time the autopsy was undertaken in Bethesda, as I understand it, the individuals who investigated and actually reviewed the material on the autopsy, a very prestigious group from what I read, they have come to the conclusion which is the same as those who did it before, Kennedy was shot from behind.

Mr. DEVINE. Fine. Thank you, Mr. President.

Chairman STOKES. The time of the gentlemen has expired. Committee will now operate under the 5-minute rule.

Mr. President, in the commission arriving at the conclusion that Lee Harvey Oswald was the lone assassin, to what degree did the Commission struggle with the question of motive and what was the final conclusion relative to his motive?

President FORD. My best recollection, and I repeat it is 14 years later, is that we were not able to precisely pin down a motive for the assassination by Lee Harvey Oswald of President Kennedy.

There was no way of really being definitive as to that motive and so we could only speculate.

Chairman STOKES. Did it come to the attention of the Commission that the CIA had in their possession a Soviet defector by the name of Yuri Nosenko, who claimed to have information about Lee Harvey Oswald while he was living in Soviet Russia.

President FORD. It is my best recollection the commission was cognizant of the existence of Mr. Nosenko. It is also my best recollection that there was no certainty within the intelligence community of the Federal Government as to whether he was a plant, on the one hand, or a bona fide, on the other. There was that difference of opinion. And so the commission had to make its own decision as to the validity of whatever information he had.

Chairman STOKES. I would take it from that then that in terms of the Agency, that is the CIA, they were unable to give you some definitive information relative to his bona fides, so you might then come to a conclusion relative to any information regarding Oswald in the Soviet Union.

President FORD. I think that is generally correct, Mr. Chairman. Yes, sir.

Chairman STOKES. Now, yesterday we had a former agent from the FBI who testified before our committee, and the way he explained the investigative procedure was that the Commission conducted its own investigation, that the FBI conducted their own investigation, and I think the term he used "they did their own thing, we did our own thing; if they requested anything from us we gave them whatever they asked for."

Would it be your recollection that that was the way that the Commission operated investigatively and FBI operated?

President FORD. Let me put it my way.

Chairman STOKES. Sure.

President FORD. The FBI, and I use that as an example, under took 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 additional 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 of 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.

Chairman STOKES. Mr. President, was the Commission made aware of the fact that as a result of an investigation or inspection which was directed by J. Edgar Hoover, that 17 agents were found to be deficient in the preassassination investigation relative to Oswald?

President FORD. To my best recollection, at least I was not familiar with any reprimand or corrective action taken by the Director.

Chairman STOKES. Thank you, Mr. President. My time has expired.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

It is good to have you here, Mr. President, and Senator Cooper and Mr. McCloy, as the three members of the Warren Commission that can testify today. I think one of the problems the Warren Commission has had is that you went out of existence immediately upon the filing of the report, and you haven't had the opportunity to answer your critics. There has been no official Warren Commission. And so I think it is very appropriate that you have this chance to answer for the historical record today.

Following up on the question Mr. Devine asked, one of the mandates of this committee is how should we deal with the eventuality of a high-level assassination in the future. The Warren Commission was the first citizens' commission, as I understand it, which investigated an assassination. In the past we have left it up to the normal course of the judicial system.

You have had experience with citizens' commissions. You appointed the Rockefeller Commission I believe. And you served on this commission. In view of your experience, do you feel that a high-level political assassination should be dealt with by a citizens' committee, or should we leave it up to the normal workings of the judicial system?

President FORD. I would strongly advocate a high-level citizens' commission as was done by President Johnson. To leave it up to the agencies of the Federal Government, in my opinion, would multiply cynicism and skepticism as to the conclusions. We certainly have had our problems with all the critiques that have been floating around in recent years but I think if the in-house agencies of the Federal Government had done the job and come to the same

conclusion we did, the critiques would have been far, far greater. So I recommend what President Johnson did as a possibility for the future.

Mr. PREYER. One further question on that score. The Warren Commission did not employ its own investigative staff and used agencies in place to develop the basic information—FBI, CIA, Secret Service. You have indicated that Warren Commission decisionmaking was independent of any conclusions of those agencies and that you crosschecked their information.

But in the future, if a citizens' commission is set up, would it be your judgment that they should employ its own investigative staff as well as forming its independent conclusions with a limited staff, or do you feel that using agencies in place and forming your judgment on that as the Warren Commission did is the best way to go?

President FORD. 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 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 in a timely and responsive manner.

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.

After getting the benefit of their experience and reports, we undertook by a wide variety of procedures to verify or to undercut what they had given us.

Mr. PREYER. Thank you, Mr. President.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. Mr. President, it is a pleasure to have you here. Basically, to follow up on Judge Preyer's line of questioning, the then Assistant Attorney General, Mr. Katzenbach, in a deposition to this committee, and I quote from page 19, stated:

Perhaps naively but I thought that the appointment of Allen Dulles to the Commission would ensure that the Commission had access to anything that the CIA had. I am astounded to this day that Mr. Dulles did not at least make that information available to the other Commissioners. He might have been skeptical about how far it was to go to the staff or how it might be further investigated because there was somewhat more of an aura of secrecy surrounding the CIA in 1964 than there is in 1978.

We have found out that there were CIA files and information, of course, that were not given to the Warren Commission.

So following through on the judge's questions, did you at the time feel information was being withheld, and how would you handle this if another commission were to be formed to make sure the Commission knew it was getting all information?

President FORD. I had the feeling then, as a member of the Commission, that we were getting all of the information from any one or all of the Federal agencies, including the Central Intelli-

gence Agency. Obviously, there was some information as to assassination plots that, to my best recollection, was not given to us. I can't give you a 100-percent guarantee how you can get that information. It depends on individuals, it depends on the system.

Why we weren't given it, quite frankly, I don't understand.

Mr. McKINNEY. Continuing on in that same deposition, on page 20, Mr. Katzenbach says:

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 cover up information that somebody else was guilty of something of the kind, but if the Bureau had made any mistake or anything for which the public might criticize the Bureau, the Bureau would do its best to conceal that information from anybody, including the Commission.

Of course, we find out now that this was true in the case of the action brought against the agents for a supposed failure before the assassination in handling the case of Lee Harvey Oswald.

Again, it seems to be a fact that the Bureau was withholding information from the commission, despite a Presidential mandate. Is there any way that you could suggest that we, as a committee, could—again, I keep hoping this will never have to happen—give a legislative or governmental standing to this type of commission, should it ever have to be formed again, which would override this type of bureaucratic decision within agencies such as the CIA or the FBI?

President FORD. I don't believe it is necessary to have a legislative charter for a commission of this kind. If my recollection is correct, we did get, as a commission, legislative authority to put witnesses under oath and to interrogate them under those circumstances.

As I recall, we had to get special legislation for that purpose, which we did. I think that's enough, or I think that's sufficient to insure that we have the power to pursue any and all angles.

Mr. McKINNEY. I want to thank you very much for taking time out of your schedule, and it is a pleasure to have you here. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you very much, Mr. Chairman.

Mr. President, to reiterate the remarks of my colleagues, it is a pleasure to have you here with us on Capitol Hill, particularly in the Cannon Building. You were telling us earlier it was your place of residence as a Member of Congress for some years.

President FORD. I had an office down on the third floor down the hall for 16 years.

Mr. DODD. Welcome back. I would like to, if I could, Mr. President, direct your attention to the two memos I think you have in front of you, exhibits 441 and 442. Those are the DeLoach memos. And I would like to, if I could, ask you to respond to some questions with regard to the December 12, 1963, memo first, particularly two paragraphs, the very first paragraph of the memorandum and the next to the last paragraph of the memorandum.

The first paragraph, for purposes of the record, reads, and I am quoting from it:

I had a long talk this morning with Congressman Gerald R. 'Jerry Ford' R-Michigan in his office. He asked that I come up to see him. Upon arriving, he told me he wanted to talk in the strictest of confidence. This was agreed to.

Referring to the next to the last paragraph of the same memo, again I am quoting Mr. DeLoach here:

Ford indicated he would keep me thoroughly advised as to the activities of the Commission. He stated this would have to be on a confidential basis, however, he thought it should be done. He also asked if he could call me from time to time and straighten out questions in his mind concerning our investigation. I told him by all means he should do this. He reiterated that our relationship would, of course, remain confidential.

Mr. President, I would like to ask you some questions about this, if I could. First of all, the December 5 and December 16 meetings of the commission, is it my understanding those meetings were closed to the public and press; these were executive sessions?

President FORD. I don't recall those precise meetings, Mr. Congressman, but it is my best recollection that all meetings of the Commission were in executive session; not only those, but all that followed.

Mr. DODD. And as I understand it, Mr. DeLoach would not necessarily have had access directly to the meetings. There was liaison with the FBI, but he was not the liaison.

President FORD. He was not the liaison person, but there was an FBI liaison officer there, as I recall, at all hearings.

Mr. DODD. If I understood your testimony accurately this morning, you stated that you felt that the information that was contained in these two memorandums, two documents, was basically accurate, and yet you said that you had terminated your relationship with Mr. DeLoach in terms of these kinds of meetings after this December 17 meeting you had with him.

Can I, therefore, conclude that Mr. DeLoach's statements with regard to the next to the last paragraph on the second page of the December 12 memorandum is wrong?

President FORD. As I said in a prepared statement which I read in reference to both memorandums, it is my best recollection that we no longer had contacts, as indicated in these two memos, and to my best information, there are no other memorandums that would indicate a continuing relationship.

There are these two, all of which meetings took place in the organizational phase of the commission's operations. To my best knowledge, and I asked the staff of the committee to check most carefully, there are no other memorandums indicating contacts with Mr. DeLoach.

Mr. DODD. Mr. President, in that second sentence of that next to the last paragraph, quoting it again, he stated, referring to you, I believe, "This would have to be on a confidential basis. However, he thought it should be done." Do you recall what your motivation was, if that is a correct statement, that the time you thought it should have been done and then having changed the relationship, at that particular time, why you felt that it might be important to have this kind of a confidential relationship with Mr. DeLoach?

President FORD. First, as I said in the prepared response earlier, I, like most Americans, at that time had great respect for the Director, Mr. J. Edgar Hoover, and for the achievements and the

accomplishments of the Federal Bureau of Investigation. I had developed a personal relationship, on a very off-and-on basis, with Mr. DeLoach. If I had a question as a Member of Congress that involved the FBI, such as you would have today, there is somebody over at the FBI you can call, and he will come and see you.

That's the kind of relationship I had with Mr. DeLoach. If I had a problem that involved the FBI, my contact at that time was Mr. DeLoach. I don't know who your contact would be at the present time, but there is a person at the FBI who will respond to your inquiries, and that was my relationship with Mr. DeLoach.

At the outset, during the organizational phase of the commission, we had some problems. We were concerned about what appeared to be the attitude of the chairman. Second, several others on the commission thought he wanted a one-man commission. Most of the members of the commission didn't agree with that. There were other organizational matters that I thought I could get a better feel for if I talked to Mr. DeLoach and had the benefit of his or the FBI investigations. That's why I had those two meetings, and, to my best recollection, that relationship terminated at the conclusion of the December 17 meeting.

Mr. DODD. Mr. President, you anticipated my next question. I wanted to know, if I could, from you, why you felt it was important that you share this information specifically with the FBI, particularly when it seems to have been, at least, on a couple of internal matters—who should be chief counsel, for instance, whether or not there should be a press release issued on the FBI report.

Granted, it was on the FBI report, but that again, sounds more like an internal matter to the commission—what they should be doing, when the Chief Justice wanted to finalize the report. I am curious about why the FBI, why not someone else?

President FORD. Well, in the course of a conversation, maybe 15 minutes, you cover a lot of subjects. Some of it may be related to or pertinent to the organizational—organization of the commission, some of it may have been just general information. I can't help but indicate here that in one of these memos, it does state that John McCone, then head of the CIA, came to see me, and it is also indicated in here that Mr. McCone went to see other members of the commission. Was that improper? Mr. McCone was the head of an organization which was in the process of being investigated by the Commission. I don't think you turn a person away, a person of that responsibility, and I didn't, and I think it was perfectly proper. I don't know what other members of the commission did, but you have to remember, we were a unique group that was trying to get all the information we could. It was our obligation. It was mandated by President Johnson. In the organizational phase, we had a lot of questions, and, frankly, I think it was very proper to do what I did.

Chairman STOKES. The time of the gentleman has expired.

Mr. DODD. Could I ask unanimous consent to proceed for a couple of additional minutes, Mr. Chairman?

Chairman STOKES. Without objection, the gentleman is recognized.

Mr. DODD. Thank you, Mr. Chairman. You mentioned in the memo, as well, that you thought these meetings ought to be confi-

dential. Was it your understanding, given the personal relationship of Mr. DeLoach, that there would only be information you should share with him as an individual, or did you fully expect him to report to supervisors or superiors of his within the Bureau as to any common suggestions and statements that you might have made to him in those meetings?

President FORD. I didn't pursue what the process would be after he left my office. Frankly, it didn't occur to me I should check it out. I only know what our two relationships were on those two occasions, December 12 and December 17, 1963.

Mr. DODD. Did you, Mr. President, by any chance, you mentioned that Mr. McCone sought out various other commission members. In fact, he sought out you to talk to you about something. Did you seek out anyone else in any other agency to talk to at that time, other than Mr. DeLoach?

President FORD. Not to my best recollection.

Mr. DODD. I gather from what you had mentioned just a minute ago that there were other personnel from various investigatory agencies that did contact other members of the commission from time to time. Is that an accurate statement of your testimony?

President FORD. I can't verify it one way or another. I have no way of knowing who might have contacted other members of the commission, and certainly my memory at this point would not be sufficiently accurate to make such a charge.

Mr. DODD. Am I to understand that because of the confidentiality or the nature of these two meetings with Mr. DeLoach, that the other members of the Warren Commission, at the time, were not aware of the fact you had met with Mr. DeLoach?

President FORD. To my best recollection, I didn't indicate to him that I had those meetings; no.

Mr. DODD. Did Mr. DeLoach—granted this is going back a long time—but do you recall whether or not he shared any information with you as to their feelings that you brought back to the commission? Was it comments, statements, suggestions, or anything that he might have said to you that you then brought to the commission as a member of that commission?

President FORD. I don't recall that any advice or suggestions he made were conveyed by me back to the commission; no. At least that's my best recollection.

Mr. DODD. Mr. Chairman, I thank you. I have no further questions. Again, Mr. President, I appreciate your being here today.

President FORD. Thank you.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman. Mr. President, I would like to first join with my colleague in thanking you for appearing here this morning. I only have one question for you, Mr. President. Do you feel that the Warren Commission received full and honest information from the FBI and the CIA in regards to Oswald's alleged connection with foreign governments?

President FORD. To the best of my recollection, I think we got from any and all of the Federal agencies all of the information they had as to Oswald's connection with any foreign government.

Mr. FORD. One additional question. What about the Secret Service, did the Warren Commission ever have dialog or communication with the Secret Service?

President FORD. Oh, yes, we had testimony, as I recollect, from the Director, who was Mr. Rowley at the time. We interrogated, as a commission staff, made a thorough investigation of the advanced procedures of the Secret Service, the actual operations of the Secret Service while President Kennedy was in Dallas. The commission and the staff, in my opinion, made a very thorough investigation of all the responsibilities and activities of the Secret Service; yes, sir.

Mr. FORD. Thank you very much, Mr. President, and, again, I thank you for coming. Mr. Chairman, I yield back my time.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Mr. President, I join with the others in saying what a pleasure it is to have you here. You have been really my only claim to distinction as a freshman Congressman here. You would be amazed how many times when I am introduced to somebody, they say, this is the fellow who occupies Gerald Ford's seat and the seat you held with such distinction for 25 years.

President FORD. Thank you.

Mr. SAWYER. Going back to this Tippit situation, one thing that has bothered me consistently, and I have to confess up until now I haven't had any substantial enlightenment on it, I just wonder if you have formed an opinion, not with respect to whether Oswald shot Tippit, I am totally satisfied on that and I think the evidence is overwhelming on that, but why Tippit stopped Oswald is a perplexing question in that at that point in time, as you may recall. Oswald had gone to an entirely different area of the city, far removed, he was only walking up the street. The description that had been issued was a general description that would be just kind of an average guy in size and general appearance. Did you form any opinion on that?

President FORD. Unfortunately, because of his murder, we never got any testimony from Officer Tippit, but I assume that he was a good officer and he had been alerted that there had been an assassination. I suspect that any well-qualified, alert officer was anxious to pursue anything that was suspicious.

I think we ought to compliment and congratulate Tippit for undertaking this effort that he did. Unfortunately, it resulted in his death. But why he did, other than carrying out his responsibilities, I wouldn't know.

Mr. SAWYER. Do you think that there would be any advantage in a criminal law applying to such a commission, let's say, as the Warren Commission, making it a Federal crime for any Agency personnel to withhold or not provide all pertinent information that they are requested to provide?

President FORD. I haven't studied this but are there not present laws on the statute books that would permit such a charge?

Mr. SAWYER. I can't answer you.

President FORD. If not, I think that ought to be investigated.

Mr. SAWYER. Fine. Thank you very much, Mr. President.

That is all I have, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman, and I want to join with the others in expressing my appreciation for your coming this morning.

I have just two areas I would like to explore briefly with you. I would like to return for just a minute to your earlier statement concerning bullet fragments found in the Presidential limousine. In reviewing the Warren Commission, I find that the FBI tests of the fragments, both through spectography and neutron activation analysis, could not in fact determine the origin of the fragments.

I just want to read briefly from the Commission report:

Each of the two bullet fragments had sufficient unmutated area to provide the basis for an identification. However, it was not possible to determine whether the two bullet fragments were from the same bullet or from two different bullets. With regard to the other bullet fragments discovered in the limousine and in the course of treating President Kennedy and Governor Connally, however, expert examination could demonstrate only that the fragments were "similar in metallic composition" to each other, to the two larger fragments and to the nearly whole bullet.

Is it your recollection that other evidence or other tests were run on the bullet fragment other than what I have had access to?

President FORD. I am not able to recollect that detail as to what other tests, if any, were conducted at that time.

Mr. FITHIAN. Thank you.

I would like to ask you about something that has been troubling me throughout our investigation and some reports that there was unusual pressure to either arrive at an early conclusion that it was Oswald alone, or to arrive at unanimity that Oswald was the lone assassin, et cetera.

There was a report in 1975 pertaining to a June 4 meeting of the commission, and the report in the Washington Star indicated that Ford provoked "a near uproar in the panel when on June 4, 1964 he charged that outside forces were trying to pressure the commission to decide in advance that Oswald was a solitary assassin."

I wonder if you would help the committee out by commenting on that report?

President FORD. 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.

Mr. FITHIAN. I want to return briefly to the unanimous question in just a moment. But is it then your testimony that in your judgment the FBI had not decided prematurely, that there was no evidence that you had that the FBI withheld information from the commission or gave information to the commission that would make the Bureau look better instead of "everything that you asked for"?

President FORD. I suspect that the FBI, after its investigation, came to the conclusion that Oswald was the assassin. I suspect there is evidence, reports, around the Bureau, or maybe over in our

files, that that was their conclusion, but I emphasize their conclusion did not determine the conclusion of the commission. When they came to as a conclusion was helpful to the commission, but didn't decide for the commission what our conclusion was.

Chairman STOKES. Time of the gentleman has expired.

Mr. FITHIAN. I ask unanimous consent to ask one additional question.

Chairman STOKES. Without objection, the gentleman is recognized.

Mr. FITHIAN. Mr. President, it has been reported many places that there was some difficulty in arriving at unanimity of the conclusiveness of the evidence for the final report and that in order to get the unanimity, which is the historical record now, certain very carefully drafted language, such as no evidence to the contrary, or according to the evidence presented to us, and then the conclusion. Would you care to comment on the effort at drafting the report in such a way, did you have any problem arriving at the unanimity short of drafting some very careful, artful language?

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

Mr. FITHIAN. Well, thank you, Mr. President.

Thank you, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Nebraska, Mr. Thone.

Mr. THONE. Welcome back, Mr. President. The hour is late. Just one question. There was no question but that the Federal Bureau of Investigation has a lot of background material on Lee Harvey Oswald that should have alerted them, I am sure did alert them, to the fact that he could very well have been a security problem. They also knew, as I understand it, at least one agent knew, that he was working in the Texas Book Depository.

It is my understanding that that information was not then transmitted to the Secret Service.

Do you have any thoughts or suggestions regarding this obvious breakdown in communication?

President FORD. At one time I knew that whole story, but I must say I can't recall all of the details.

I think the conclusion of the Commission was that there had to be a better liaison between the FBI and the Secret Service and/or any other agencies involved in intelligence, et cetera, and I trust and hope that that interrelationship has been improved. It wasn't the best at that time, as my memory serves me.

Mr. THONE. Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

I, too, want to welcome you to the committee today and thank you for your answers to our questions.

Mr. President, was there a sitdown meeting of the Warren Commission with the FBI, the CIA, and the Secret Service at the very beginning of the Warren Commission's investigation to outline an investigative plan for the commission?

President FORD. I do not recall any meeting of the full commission with the Director of the FBI, the Director of CIA, and the Director of the Secret Service. I am not sure such a meeting was necessary or essential.

Our first responsibility was to appoint a staff, which we did, and to layout a procedure by which we would investigate, et cetera. Mr. Rankin and the Chief Justice, if my memory is accurate, had the basic man to man relationship with the head of the FBI, the Secret Service and the CIA, and it is my feeling that that interrelationship was sufficient from the point of view of myself as a member of the commission.

Mr. EDGAR. Did the commission itself have an investigative plan?

President FORD. Well, we have a plan that was under the direction of the commission and implemented by the staff, and that was a very specific investigation method, procedure, and I think it worked.

Mr. EDGAR. The reason for my question is that we have uncovered some information that the Secret Service and the FBI and the CIA didn't talk together very well and did not share information with each other prior to the assassination, and that there is some evidence that even after the assassination each of them worked separately and apart from each other. Wouldn't it have been a proper role of the Warren Commission to act as a coordinating function between these agencies to get them to share information about Lee Harvey Oswald or about the investigation?

President FORD. If you will return or look at, Congressman Edgar, the report of the commission, page 24, under subparagraph small (c), the report says, and I will read it for you:

The Commission has concluded that there was insufficient liaison and coordination of information between the Secret Service and other Federal agencies necessarily concerned with Presidential protection.

It goes on, but that is a summary of the rest of the paragraph.

Yes, I think we found there was insufficient liaison, coordination, before the assassination. I don't think it was necessarily required that they have liaison afterwards in the course of the investigation. To do their respective responsibilities effectively, cooperation was essential before the assassination.

Mr. EDGAR. Thank you.

Moving to another area. In reference to the disciplinary action of the 17 agents of the FBI, to the best of your recollection, when did you first come to know about the disciplinary action?

President FORD. To be honest with you, I did not know of any disciplinary action at any time while I was a member of the commission.

Mr. EDGAR. Do you think that knowledge of that information would have been helpful to the commission in light of the fact that J. Edgar Hoover indicated that part of the reason for the disciplinary action was that the agents should have been aware of Harvey Oswald's background and placed him on the security index?

President FORD. It might have been helpful to the commission but I don't think it would have altered in any way the recommendations or conclusions. I think we might have been helped by that information, but I don't think it would have changed any other commission conclusions.

Chairman STOKES. Time of the gentleman has expired.

Mr. EDGAR. Mr. Chairman, I would like to ask unanimous consent for 2 additional minutes.

Chairman STOKES. Without objection, the gentleman is permitted.

Mr. EDGAR. Mr. President, you mentioned the importance of Officer Tippit. I wonder if you could speculate for us where Harvey Oswald was going at the time of the shooting of Officer Tippit?

President FORD. I have no immediate recollection of where he was going at that time. I would have to refresh my memory but I could give you any firm answer.

Mr. EDGAR. Did you have an opportunity as part of the commission to retrace Lee Harvey Oswald's steps from his rooming house to the shooting of Mr. Tippit and then to the—

President FORD. Yes; I went to Dallas with the Chief Justice and we spent a full day not only interrogating Jack Ruby but going over precisely Oswald's movements as we understood them, during that whole period. We went, again I can't recall the number, by the house where the woman was on the porch, et cetera.

Mr. EDGAR. In that journey, did you also travel to Jack Ruby's apartment?

President FORD. I don't recall that.

Mr. EDGAR. Let me just ask one final question, then.

Mr. President, what would you do to improve the protection of the President of the United States?

President FORD. Well, having experienced 30 months of the protection and their continuing protection at the present time, I think they do a very professional job. They are an outstanding group of people. They are well organized and have fine leaders.

I only know firsthand that in two instances they did a very, very superb job in responding to an assassination attempt. In the case of Fromm in Sacramento, an agent, Larry Boondorf, really moved effectively and quickly.

In San Francisco, again, what was done I thought was very professional. I am very grateful as to how they handled themselves, what they have done, and the way they are organized. I know of no way you can improve it from my personal experience.

Mr. EDGAR. Thank you, Mr. President.

No further questions.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Connecticut, Mr. Dodd, is seeking additional recognition.

Mr. DODD. Just one question, if I may, and this will be the last one. I know you are running behind.

Today you stated that there were a number of alleged incidents or facts that were relevant to one degree or another to the assassination which you and the other members of the commission, or many of them, were not aware of at the time you served on the commission.

You refer specifically to the existence of the Hosty letter and its contents, or its alleged contents; the allegations that Lee Harvey Oswald might have been an FBI informer; J. Edgar Hoover's so-called second Oswald theory in 1959 when he was overseas; assassination plots against Fidel Castro; and just recently here, in questioning from Congressman Edgar, the disciplinary action that was taken against the agents in the FBI; things that you were not privy to at the time you were serving on the commission. I raise those points to ask you this question.

Without—and I understand your answer with regard to the conclusions in light of these additional revelations—but putting that aspect of it aside, the conclusions, in terms of an investigation, would you agree that the investigation of the Warren Commission, I mean that, for example, the witnesses interrogated, in light of these four or five facts or allegations that I have just mentioned, in light of that, do you feel that the investigation of the Warren Commission would have called upon additional witnesses, that the investigatory process would have changed as a result of those additional facts and information?

President FORD. To a degree, but I do not believe that there would have been any significant change in the process or the methods. Obviously we wanted to have all information, including the information that you have related. Unfortunately, for various reasons, it was not made available to the commission.

But I refer again to what I said earlier. I do not think our lack of information in those instances had any adverse impact on our conclusions or would have changed the conclusions.

Mr. DODD. Thank you, Mr. President.

Thank you, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine, is seeking additional recognition.

Mr. DEVINE. Thank you, Mr. President, again for your total cooperation and appearance here.

I ask unanimous consent that JFK exhibits F-441 and F-442 be admitted in evidence at this point in the record.

Chairman STOKES. Without objection, they may be admitted to the record at this point.

[The above referred to JFK exhibits F-441 and F-442 were admitted into evidence and follow:]

JFK EXHIBIT F-441

Memorandum

TO : Mr. Mohr

FROM : C. D. DeLoach

SUBJECT: ASSASSINATION OF THE PRESIDENT

DATE: December 12, 1963

I had a long talk this morning with Congressman Gerald R. (Gerry) (R. - Michigan) in his office. He asked that I come up to see him. Upon arriving he told me he wanted to talk in the strictest of confidence. This was agreed to.

Earl Ford told me he was somewhat disturbed about the manner in which Chief Justice Warren was carrying on his Chairmanship of the Presidential Commission. He explained that the first mistake that Warren made was his attempt to establish a "one man commission" by appointing a Chief Counsel, Warren Olney, that was his protege. Ford stated that after the mention of Olney's name by the Chief Justice, at their first meeting, Allen Dulles, former Director of CIA, protested quite violently. Because of Dulles' protest, the other members told Warren that they would like to talk more about Olney prior to giving their consent.

On the occasion of their second meeting, Ford and Hale Boggs joined with Dulles. Hale Boggs told Warren flatly that Olney would not be acceptable and that (Boggs) would not work on the Commission with Olney. Warren put up a stiff argument but a compromise was made when the name of Lee Rankin was mentioned. Warren stated he knew Rankin and could work with him.

Nicholas de B. Ford told me that he was currently having problems inasmuch as the majority of the members of the Commission desired to go along with the recommendation made in Deputy Attorney General Katzenbach's letter to the Commission dated 12-9-63. In this letter, Katzenbach recommended that the Commission make an immediate press release pointing out that the FBI report clearly showed there was no international conspiracy or collusion and that Oswald was a loner. Ford stated he was a minority one that did not want to give out any press release until the Commission had had a thorough opportunity to review and discuss the FBI report. (I noted that the report was on his desk at the time of our meeting.)

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Jones

DD:sa

JAN 3 1964

DEC 30 1963

CONTINUED NEXT PAGE

DEC 27 1963

-JFK Exhibits F-441-

DeLoach to Mohr 12-12-63
 Re: Assassination of the President

I told Ford in strict confidence that the Director concurred with his viewpoint. I mentioned that our investigation thus far had conclusively shown that Oswald operated by himself and that Ruby additionally was a loner. However, FBI investigation was still pending on a large number of rumors, speculation and gossip and it, therefore, would be quite unfair for the Commission to take a stand prior to all the evidence being turned in. Ford stated this was his point entirely and that although he was a minority of one he intended to stick to his point.

Ford told me that John McCone, Director of CIA, had, approximately one week ago, gone up to his office and told him that CIA had uncovered some "startling information" in the Oswald case. McCone proceeded to tell Ford that a source of CIA's in Mexico had seen money exchange hands between Oswald and an unknown Cuban Negro. Ford stated this excited him greatly inasmuch as it definitely tended to show there was an international connection involved in the assassination of the President.

This shows how glib McCone is. W
 I told Ford that apparently McCone had failed to follow up on this matter. I mentioned that CIA's source had recanted his story and had indicated that it was a figment of his imagination. However, to prove the unstable tendencies of this source, the source had later claimed that he was actually telling the truth. I pointed out that we were still checking some angles of this, however, the CIA source was obviously either untruthful or somewhat of a psychopathic liar. Ford stated he could certainly see this.

*When will we finish? W**
 Ford indicated he would keep me thoroughly advised as to the activities of the Commission. He stated this would have to be on a confidential basis, however, he thought it should be done. He also asked if he could call me from time to time and straighten out questions in his mind concerning our investigation. I told him by all means he should do this. He reiterated that our relationship would, of course, remain confidential.

We have had excellent relations with Congressman Ford for many years. He has been given an autographed copy of the Director's book "A Study of Communism" and has been in touch with my office on numerous occasions in the past.

ACTION:

Contact will be maintained with Congressman Ford.

* SEE MEMO
 12-13-63
 Sef: HET.

Well handled
W *P* *J*

Memorandum from
DeLoach, 12.17.63, subject,
LHO-Internal Security
Presidential Commission.

P. 596

JFK EXHIBIT F-442

UNITED STATES GOVERNMENT

Memorandum

Mr. Mohr

DATE: December 17, 1963

FROM :

C. D. DeLoach

SUBJECT:

LEE HARVEY OSWALD
INTERNAL SECURITY - R
THE PRESIDENTIAL COMMISSION

I talked with Congressman Gerald Ford (R-Michigan) at his office at 1:15 afternoon. The facts concerning the allegations of [redacted] (that Oswald receive \$6,500 in the Cuban Consulate, Mexico City, on September 18, 1963) and the recanting of such false facts were made very clear to Congressman Ford. He told me he was glad to get the further facts concerning the matter, particularly the view of the story that John McCone of CIA had told him originally. 11117

With respect to the meeting of the Presidential Commission on December 13, Congressman Ford told me that the members of the Commission, including the Chief Justice, agreed unanimously that no preliminary release should be made to the press regarding the facts as outlined in the FBI report.

Chief Justice Warren told the Commission that they should strive to have their hearings completed and the findings made public prior to July, 1964, when the Presidential campaigns will begin to get hot. He stated it would be unfair to present the findings after July, 1964.

Several members of the Commission indicated that Oswald's handwritten statements in the exhibits section of the report should be typed out for clarity. [redacted] was instructed to contact our liaison man, Inspector Malley, in this regard. [redacted] is being given 100 copies today - 8/11/64

There was no criticism of the FBI at yesterday's meeting. There were allegations made by any one, including the Chief Justice, that the FBI had leaked portions of this report. I again went over very carefully with Congressman Ford the fact the FBI had not had any "leaks" whatsoever. I told him we were well aware that the Department had done considerable talking; furthermore, it now appeared somewhat obvious that members of the Commission were beginning to leak the report. I referred to this week's issue of "Newsweek" magazine which contains a rather clear analysis of the report. I told Congressman Ford that "Newsweek" was owned by the "Washington Post" and that apparently some one was trying to curry favor. I told him we, of course, did not get along very well with either the "Washington Post" or "Newsweek." He replied that he was in the same boat, that he liked neither one of these publications.

- Mr. Belmont
- Mr. Rosen

XEROX

REC 53

DEC 27, 1963

JAN 2 1964

DEC 30 1963

SOVIET SECTION 2

JFK Exhibit F-442

12/17/63

DeLoach to Mohr
 Lee Harvey Oswald
 IS-R
 The Presidential Commission

I told Congressman Ford in strict confidence that apparently Chief Justice Warren was very close to Drew Pearson and obviously used Pearson from time to time to get his thoughts across to the general public. I mentioned Pearson's articles of December 14-16, 1963. I told Congressman Ford as he well knew 98% of the facts in these articles were absolutely false.

Congressman Ford told me that several members had been somewhat surprised, however, pleased that the FBI's report had been in narrative form rather than written in a straightforward factual manner. I told him this, of course, was for the convenience of the Commission. He then mentioned Chief Justice Warren had expressed the desirability of seeing the actual reports which back up those in narrative form. I told him the Director had issued very specific instructions that these reports be made ready for the Commission. I told him they were quite lengthy and would be considerable material to wade through.

Two members of the Commission brought up the fact that they still were not convinced that the President had been shot from the sixth floor window of the Texas Book Depository. These members failed to understand the trajectory of the slugs that killed the President. He stated he felt this point would be discussed either but, of course, would represent no problem.

Three members of the Commission expressed disappointment that E. J. Baughman, former Chief of Secret Service, had seen fit to make a number of ill-considered remarks concerning the operations of the Secret Service in the press. The Commission does not agree with Baughman and criticized him quite thoroughly. They nevertheless plan to call him before the Commission and take testimony.

At the Commission meeting yesterday, Lee Rankin, the Chief Counsel, was authorized to hire two so-called "technicians" who will assist him in research and development of the Commission's findings. The Commission was told by Rankin that these men were skilled attorneys. One of these individuals is named Adams, former Police Commissioner in New York. Another individual is a person by the name of Jenner, an attorney from Chicago. The Commission was advised that both of these men are available for immediate employment. Congressman Ford stated he raised the question as to checking the backgrounds of these individuals. He was told by Rankin that both of them had very satisfactory backgrounds and belonged to no organizations inimical to the best interest of the U. S. Government.

Upon leaving Congressman Ford advised me that he will be in Michigan on a skiing vacation with his wife and children between December 22, 1963 and January 1, 1964. He stated I should call him at any time his assistance was needed.

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He stated he had one problem. He wanted to take the FBI report with him yet he had no way of transporting it in complete safety. I told him I felt the Director could want him to borrow from us one of our Agent briefcases that contains a lock. He stated this would be ideal and he would appreciate loan of a briefcase very much.

ACTION:

This matter will be followed very closely. If there are no objections, I will deliver an Agent briefcase containing a lock to Congressman Ford tomorrow, December 18, 1963.

Chairman STOKES. Mr. President, at the conclusion of a witness testimony before this committee, he is entitled under our rules 5 minutes. He may take that 5 minutes for the purpose of commenting upon his testimony or explaining it or expanding upon it in any way, and I would extend to you at this time 5 minutes for that purpose.

President FORD. Well, thank you, Mr. Chairman.

I will not take that time. I do wish to express my appreciation to you, the committee members, and the staff for their consideration. It has been a pleasure to be here. I will give my time to my former associates on the commission, John Sherman Cooper and Joe McCloy, who I am sure will be very helpful in expanding or improving on my observations here this morning.

I thank you very, very much.

Chairman STOKES. Thank you, Mr. President, for not only the time you have expended with our staff and Mr. Cornwell prior to your appearance here today, but taking time out of what we know is a very busy schedule to appear here and to offer the testimony we have received this morning.

As one of your former colleagues here in the House, it has been an honor to have had you here.

President FORD. Give my best to everybody.

Chairman STOKES. Thank you, we certainly will.

All persons are requested to remain in their seats for security reasons until President Ford has left the room.

Professor Blakey.

Mr. BLAKEY. Our next two witnesses this morning, Senator John Sherman Cooper and Mr. McCloy, will be called as a panel.

Mr. Cooper received an A.B. degree from Yale University in 1923, and an LL.B. from Harvard Law School in 1925. He served the State of Kentucky as U.S. Senator from 1947 through 1953 through 1955, and 1957 through 1973. Currently he is in private practice in Washington, D.C. as counsel of Covington and Burling.

Mr. McCloy received an A.B. degree from Amherst College in 1916 and an LL.B. degree from Harvard Law School in 1921. He is admitted to practice in New York and the District of Columbia. Currently he is in private practice in New York with the firm of Bilbank, Tweed, Hadley & McCloy.

Mr. Chairman, at this time it would be appropriate to call both Senator Cooper and Mr. McCloy.

Chairman STOKES. The committee calls both witnesses.

TESTIMONY OF JOHN SHERMAN COOPER AND JOHN J. McCLOY

Chairman STOKES. Gentlemen, would you raise your right hands. Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McCLOY. I do.

Mr. COOPER. I do.

Chairman STOKES. Thank you, you may be seated.

The Chair recognizes counsel for the committee, Mr. Gary Cornwell.

Mr. CORNWELL. Thank you, Mr. Chairman.

Chairman STOKES. Would you have identified for the record, counsel, the gentleman who has so ably assisted President Ford and who will be assisting these gentlemen?

Mr. CORNWELL. It is Mr. Dave Belin. He was a member of the Warren Commission staff and he has been here as counsel for the President.

Mr. McCLOY. He is not acting as counsel for me. I know him and have great respect for him but he is not here as my counsel.

Mr. CORNWELL. Senator Cooper, I am sure that the committee will wish to explore with you whatever areas you may wish to elaborate on or that you may have any disagreement with in respect to the President's testimony. I just have one question I would like to ask you.

You are quoted as stating in a televised broadcast recently that there were disagreements among the commission members, that, and I quote:

I think the most serious one of the ones that come to me most vividly, of course, is the question of whether or not the first shot went through President Kennedy and then through Governor Connally.

Would you mind explaining to us the nature of that disagreement and how it was resolved?

Senator COOPER. If you don't mind, may I make just a short preliminary statement?

First, I do want to thank the chairman and members of the committee for inviting the remaining members of the Warren Commission to be here. I think it has importance that we can give you our view of our work, our responsibilities, at a time 14 years before this date.

Also, I appreciate the fact that recent studies and events in the intelligence community have raised new questions which have caused you to conduct this investigation.

I would like to say that I agree wholeheartedly with the statement made by President Ford. We conducted our investigation, in the way he explained. I don't know whether you will go into that

question with me, but 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.

We knew each other. I had known every member of the commission before in some way. I cannot say we were intimate friends but we did know each other.

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

The original judgment of the FBI, the Secret Service, and the CIA was that there were three shots. I don't think that convinced us except as a statement by people, many of them who were familiar with ballistics.

This question troubled me greatly. If not the first witness, one of the first witnesses, was Governor Connally of Texas. I remember very clearly this testimony. He said, "I heard a shot, I turned immediately to the right, and looked over my shoulder in the direction of the Texas School Book Depository." Later, he said, "I am familiar with firearms and I knew the shot came from that direction. I then turned back, I wanted to look at the President, over my left shoulder. In turning back, I knew I was struck by a bullet." He then fell or was pulled into the lap of his wife who was sitting to his left in the jumpseat, and he said, while lying there, he heard a shot and there fell over on him, into, I believe his hands, brain tissue, which, of course, he believed came from the President.

We heard later the testimony of ballistics experts. Some contended that because of the time element and relying to some degree upon the Zapruder films and other films, that it was not possible to turn off three shots in such a limited specified time. Others testified that certainly there was the time, that the rifle was a perfect rifle for that kind of firing, that the alignment was correct, there was a slight deviation at the end, but it was perfectly possible within the area and time space, which was I think between 5 seconds and 8 seconds.

I must say, to be very honest about it, that I held in my mind during the life of the Commission, as I have since, that there had been three shots and that a separate shot struck Governor Connally. It was determined, as shown in the report of the Commission, which I can read to you, but I know you are familiar with the report. It states there was disagreement on this issue, particularly as the subject was debated, that there were different opinions about it.

The majority believed that the same shot struck both President Kennedy and Governor Connally, but the report ended by saying, in effect, whatever was the fact, whether there was one, whether two or three shots, that it did not alter the conclusion of the Commission that Oswald was the sole assassin and there was no conspiracy.

Mr. CORNWELL. Mr. McCloy, again I am sure the committee may wish to explore with you whatever comments you may have in light of the President's testimony and which you may agree or

disagree with, but I would like to ask you about one subject matter. In an interview with our staff previously, and I hope I am quoting you substantially accurately, you expressed the view that the Commission did have enough time to reach its conclusions, but that you were greatly disturbed by the rushed composition and writing of the report.

I wonder if you would explain that to us and comment upon it, if you would.

Mr. McCloy. I will be very glad to. I would like to read a very brief statement from some notes about my general attitude toward this examination and the conclusions which we arrived at 14 years ago.

With respect to this particular question that you put to me, there was a book called I think, "Rush to Judgment," or some such title, and I had that in mind when I received this inquiry. There was no "rush to judgment." We came to a judgment in due course. There were some questions of style in regard to the preparation of the report where I would like to have had sort of a lawyer-like chance to make it a little more clear, from my point of view, as to what our conclusions were, but I had no question whatever about the substance of the report.

As I say, it had only been a matter of style and 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 our conclusions. It was just a matter of putting them into good form.

I may anticipate some of your questions in this very brief statement I will read from my notes here, but I would like to put one or two points before you, if I may.

You, of course, know I was appointed by President Johnson to this Commission. He called me up personally and asked me to serve, and he referred to some of my prior experience in government. I had known President Johnson before and he was aware of some earlier work I had done in the investigative field. I gathered that this was one of the reasons why he desired to have me serve.

He personally enlisted, I think, all our services, and we all had a deep sense of responsibility to present to the President and to the people the facts, all the facts, relating to the assassination.

I believe that the Commission did acquit itself of that responsibility. I had a strong impression after our first meeting with the Commission, which we had early on, that each of the men—let's put it this way, not one of the members of the Commission had any prior conceptions as to facts surrounding the assassination. As Chief Justice Warren very bluntly put it, "truth is our only goal."

There are one or two things that I would like to say in addition to the reaffirmation of my belief that the report of the Commission does contain all the essential facts surrounding the assassination. I think it has stood well the test of time, and in short, I think it is a straightforward, objective, and reliable report of the essential circumstances of that great crime.

I don't want to reexamine all of the evidence or defend the conclusions here. Probably, if I tried to defend them, it would take up too much time in the first place, and in the second place, it

probably wouldn't be looked upon as an objective analysis which got through with it.

But I do wish to point out one or two things that I think I have not been sufficiently stressed, as far as I can tell, in the course of this investigation. We are, in New York, handicapped by the fact that we don't have any newspapers and we can't follow from day to day what has transpired down here. But I would like to attempt to give you in perhaps better perspective before this committee the contractions which were made to the essential integrity and accuracy of the report by the trained and conscientious investigators who took part in making it.

And I would refer, first, to the much-maligned Dallas police force. I also refer, of course, to the FBI investigators and those from the CIA who were called on to assist, and the Secret Service and a number of other agencies. And, lastly, I would like to do justice to the Commission itself and its staff in arriving at these conclusions. These factors have not been sufficiently stressed either here, so far as I know, and indeed, in any of the commentaries I have seen over the years.

By and large, I would say that we had the benefit of very skillful and valuable investigative services in the course of reaching our conclusions.

In the course of our work, I had ample opportunity to come into contact with the people that were doing this work and I have formed, generally, a very favorable impression of the quality of that work. And coming back for a moment to the Dallas police force, I think that it was rather remarkable the way that police force, bedeviled as they were by newspaper reporters and the press at that point and under the other pressures they were under, performed and that they should be given credit for the prompt and, in many cases, excellent police work which resulted in the very early apprehension of the assassin.

The Dallas police were responsible for the early collection of evidence which came to be of vital significance and they were almost beset by all of these other agencies that were pounding around them at the time, including those of the Commission. I was rather impressed with the way they handled themselves in spite of the fact that there was a great dereliction of duty in connection with the provisions they made for the security of Oswald, resulting in his death. But my point is, in spite of that, you can't and shouldn't deny the Dallas police credit for an assiduous and, I think, prompt and efficient bit of police work.

The FBI made some mistakes and some misinterpretations, and we criticized them for the lack of full surveillance of Oswald and they probably should have undertaken before the assassination. But their work generally, I think, was of rather high order, and I don't see that, as President Ford said, the mistakes, such as I can recall them now, had any relevancy or any reflection upon the conclusions which the Commission reached.

I would refer to the staff of the Commission itself, which has already been referred to by President Ford. It is not true we didn't have our own investigative facilities. There was a very distinguished group of litigating lawyers that constituted the staff. I remember I was called upon to make suggestions as to who was

might get from my knowledge of the bar. We had a very impressive list and they did excellent work.

It is not true, as has been alleged, that we relied entirely on the agencies of the Government. Mr. Ford has brought that all out. I subscribe to what he said.

But I would also like to refer to the Commission itself. The Commission itself had considerable ability, in terms of experience in investigative procedures. Here is Judge Cooper; he was also a judge as well as a Senator. He was a county judge in Kentucky, and I am sure in connection with that position he had a great deal of experience in investigative work and in balancing judgments on evidence.

Hale Boggs, who is deceased, had a lot of investigative work in the House, certainly. I don't know that he ever held an office as a prosecuting attorney, but Senator Russell, who is also now dead, had been, as I recall, a county attorney or prosecuting attorney.

Justice Warren, himself, had been not only the former Governor of the State of California, but he had been attorney general and I think he had been a State prosecuting officer before that.

You know the experience of Allen Dulles. As for myself, I don't want to overemphasize it, but I spent 10 years of my life on a case which people have now forgotten about, but it was a rather famous case at one time. It was called the Black Tom case. It involved litigation—you probably heard of it—it had international and national prominence, at one time. It is hard to conceive of any experience that required any more exacting or more sustained investigative work than that litigation did. The outcome of it finally didn't take place until just before the beginning of World War II. It related to crimes that had been committed by the German Government in this country while we were neutral in World War I—murder, arson, explosions, and sabotage were involved. I won't go into all the details of it, but it took years of my time and experience, and I had rather extensive investigative training as a result of it.

I am simply saying that this Commission was far from a naive group. When the President asked me to take this position, he referred to my Black Tom experience. He said, you have a reputation for having some investigative experience. But he said, what I have in mind is something in the nature of the royal Commission which the British made such good use of and still do.

It was something after that pattern that he was thinking in terms of the Presidential Commission that he set up. I don't know if that throws a great deal of light on what his motivations were, but certainly he put a great deal of pressure on us in terms of the responsibility that he was putting on our shoulders. He was clearly very sensitive of how important an investigation this was.

So, I think the combination of the investigative experience, of not only the staff but of the Commission itself, was rather impressive. They weren't, as I say, naive. They had the know-how and the experience of weighing facts and evidence. It may be some of them didn't attend all the formal meetings, but the record doesn't show what work they did do outside of meetings. For example, I personally traced every step that I think that Oswald took after he committed the crime.

I sat there in the little cubbyhole he had from which he shot at the school depository; I worked and reworked the bolt of the rifle. I have had a good bit of experience with firearms and I knew a good bit about ballistics. I spent a lot of time in match shooting, using bolt-action rifles. And I tested for myself what I thought a man could do in terms of firing that particular rifle. And the contacts that we had with the various witnesses and the staff, none of which are a part of the record, are perhaps not understood. I think if you had a realization of all this work, you would find that the Commission as a whole was really most assiduous in terms of its application to its task. It didn't simply sit back and accept something that was handed to it.

Perhaps I would suggest that the sum total of the experience, of the investigative experience of the Commission far exceeded that of all the commentators that came along after the event and broke into print purporting to be experts in the matter.

We, of course, had some questions and differences of view; we talked to each other—Senator Cooper, I recall, had considerable doubt about this question of the path of the bullet which hit Connally. If I may just draw for a minute on my personal experience—perhaps I shouldn't do this—but it influenced my judgment. It was an important element in arriving at my own judgment in regard to that bullet, the so-called single bullet theory.

Twice in my life, and I am sure a number of people in this room may have had a somewhat similar experience, I stood right alongside of a man as he was shot. The first man—it was in World War I in France—was killed. The second man recovered from his wound. The circumstances of the second experience were really quite amazing. I am convinced, after my experience, that on occasion, when you are shot, you don't know the minute you are hit. There is a sort of a perceptible period following the impact before you get the full realization that you have been hit.

In the first case, it was a fellow officer in World War I. We were not far apart and he quietly said, "Jack, I think I am hit." He shortly collapsed subsequently and died of his wound.

The other experience, which is almost unbelievable, was in Berlin when we were rehearsing for the reception of President Truman, who was going to visit us at the American headquarters in Berlin after the war. I had been, as you know, an official of the Government, Military Governor, and later High Commissioner for Germany, and Gen. Lucius Clay, my predecessor as Military Governor was with me, and we began to rehearse the ceremony because President Truman was coming along that afternoon to visit the headquarters.

We were rehearsing, for example, who would step up and first shake hands with the President, when the bugles should sound off, et cetera—"You are going to do this and you that." There was a friend of mine who was on Clay's staff and who later became a very distinguished jurist in Massachusetts. He became Chief Judge of the Supreme Judicial Court. His name was Cutter, and we designated him to pose as the President.

We said, "you are going to be President Truman, you are going to be the President and are to stand here." We started through the rehearsal. This was in front of the headquarters in Berlin and, by

George, Cutter turned to me at a certain point, sort of hesitated and said, "Jack, I think I'm shot," and in a little while, he collapsed. You can imagine what a tizzy that created.

There were Secret Service people all around. Here was the man we were setting out to impersonate the President of the United States who was shot. And here again there was a very definite perceptible period following the shooting before he fully realized he was hit.

I know Governor Connally very well; I have shot quail with him and I know he's a good shot and I know he is familiar with firearms. Frankly, I don't think he knew exactly when he was hit. I saw his recent testimony—at least somebody reported to me, perhaps indirectly, that he wasn't as certain now as when he first appeared before us—before our Commission when he said he was sure it wasn't the same shot which hit President Kennedy which hit him. I don't know where that bullet could have gone if it didn't go through Governor Connally. Moreover, Governor Connally didn't know until the next day, I think it was, that he had been shot in the hand, as well as in the body.

I am suggesting that the certainty which he felt earlier isn't entirely reliable. The Germans have a word for it. They call it the "nachschlag." I believe those who had been close to places where people have been shot are frequently aware of a perceptible delay on the part of the victim in registering an awareness of the shot.

Insofar as the conspiracy issue is concerned, there has been so much talk about it that I don't think I need to dwell on it any further. I no longer feel we simply had no credible evidence or reliable evidence in proof of a conspiracy, but I rather think the weight of evidence is affirmatively against the existence of a conspiracy, though it falls short of proof.

I know how difficult, and you all know how difficult it is, to prove a negative. Somebody may pop up at some point and come forth with some affirmative testimony that would be credible when you have not been able to find it. But we weren't able to find it in spite of all our rather extensive efforts. And I think we inquired of every agency that purported to have any information about it and all of the reports which came back to us were negative.

I wouldn't know what kind of an agency could have told Oswald to stand ready in Dallas to shoot the President of the United States or at some other point when the opportunity arose. It was hard for me to concoct a conspiracy, whether with the assistance of Oswald or not, when there were so many fortuitous circumstances. Oswald clearly, in my judgment and everybody else's judgment, I think, who purports to be objective about it, was the undisputed assassin of the President of the United States, and that in a very brutal manner he indisputably killed Tippit closely following the assassination. He also had tried to kill General Walker. If Walker hadn't pulled his head back the minute of the shot, he would have been a goner, too.

Oswald, the evidence shows, was a killer and he was a loner. Having said that, my chief objective is now to try to give this committee the conviction that the Warren Commission was a rather well-equipped organization, because of its experience and because of the standing of the members, to perform its duties. This

is relative to the question as to what should be done if this situation arose again.

This is something that has been puzzling me as to what one should do, because I know the disrepute in which the findings of the Commission, our Commission, have been held. The Gallup Polls, I have been told, have shown that some 80 percent didn't believe our report to have been thorough and reliable.

I didn't talk this over with President Ford, but I was interested when he was asked the question. He said he thought he would do pretty much the same thing as President Johnson did. I had rather come to that conclusion myself because I have the feeling—that may be too subjective—that the Commission was a very thorough bipartisan unit, got together and hammered out an objective, reliable report. It did act in somewhat the same manner as the royal Commissions of Great Britain have done in the past. They have proven to be a rather effective form of investigating body.

I would hesitate to put legislation in the books now that would tend to set a rigid form for future investigations. I think you have to deal with the situations as they develop. I do believe that things have improved and some defects disclosed. I believe better communication between investigating agencies is apt to take place in the future, partially due to the criticism we made in our report of the prior work of the FBI in terms of surveillance, as well as in the findings of this committee. I don't know, however, that you can today sit down and work out a piece of legislation that ought to cover all future assassination. Let's hope that we never have a recurrence.

Suppose I just stop here and let you carry on with any other questions you may have, and I will try to answer them to the best of my ability.

Mr. CORNWELL. Thank you. That answered my question and have no further questions, Mr. Chairman.

Chairman STOKES. Thank you, counsel. Do any other members of the committee have questions?

Mr. Sawyer, the gentleman from Michigan.

Mr. SAWYER. Just more of an observation than a question. I think that the most puzzling and unsatisfactory part of the conclusions of the Warren Commission, to me, had always been the single-bullet theory. I had trouble with that. I think that the evidence that has been produced before this committee, and what I think was a superior scientific analysis by some NASA people who worked with that question, I think, at least in this committee member's opinion, has made me a total convert to the single-bullet theory, and I think we have, to any reasonable mind, now proved that beyond a reasonable doubt.

I don't think there was any deficiency in the Warren Commission members. I just think that there was a superior scientific analysis of it, particularly one that made use of a still picture from the opposite side of the street of Magruder which, by placement of things in a car, was able to position Mr. Connally in the car at a position laterally, considerably to the left of the President, which had never really appreciated before. So that it was their conclusion that the bullet that went through the President's neck could not have missed Governor Connally.

Mr. McCLOY. I don't think it could have missed Connally. 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 taken at the time.

We took the testimony of course, of the doctors and probably with the X-rays—we wouldn't have been able to read the X-rays if we hadn't had the doctors' testimony. I believe later on a more thorough examination of those pictures and the X-rays and photographs with the respective positions of the President and Connally did produce a more convincing proof of where that bullet went.

As I say, I don't know where else it could have gone. I have talked with Governor Connally about it on a number of occasions, and I was very much interested to see he was a little shaken the last time he testified here. He had a conviction earlier that it was a second bullet that hit him.

Mr. SAWYER. I think we have had some evidence that would tend to bear out Governor Connally's recollection. I think there has been considerable evidence now that the first bullet missed everything, and it was the second bullet that hit the President and Governor Connally which then coincides with his testimony because he probably would not have heard the shot that hit him. But in any event, I also wanted to commend you on your conclusionary statement in the Warren Commission that there was no evidence of a conspiracy because you, as a lawyer, I am sure, appreciate about as far as you can go in proving a negative is to say that there was no evidence of the affirmative.

Mr. McCLOY. That's right.

Mr. SAWYER. Thank you very much. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you very much, Mr. Chairman, Mr. McCloy and Senator Cooper, it is wonderful to see you again, particularly you, Senator Cooper. I remember meeting you on a number of occasions when you served in the Senate. It is a pleasure to see you here this morning.

Senator COOPER. Thank you. Pardon me, could you speak just a little bit louder?

Mr. DODD. I will try and speak a little more clearly. It is nice to see you here this morning. I would like to just ask you, if I could, one question. You heard this morning the testimony of President Ford.

Senator COOPER. Yes.

Mr. DODD. And I specifically asked him some questions with regard to a memo that was drafted by Mr. DeLoach from the FBI pursuant to a conversation.

Senator COOPER. Yes.

Mr. DODD. That then Congressman Ford had with Mr. DeLoach.

Senator COOPER. Yes.

Mr. DODD. At the outset of the Warren Commission hearings. President Ford, in his response to my question this morning, indicated that it was not an uncommon thing for a Member of Congress to have a relationship with the Federal Bureau of Investiga-

tion, have someone there you might know, talk over things with and so forth. That was the gist, as I understood it, in part anyway, of his answer to my question.

My question to you, Senator Cooper, is this: As a member of the Warren Commission and also as a Member of Congress, at the time that the Warren Commission began its work, did you have any such meetings or interviews with anyone from the Federal Bureau of Investigation or the Central Intelligence Agency which you initiated on your own to report in a confidential way the happenings of executive sessions of the Warren Commission?

Senator COOPER. First, I never initiated nor did the FBI ever initiate any conversation or correspondence with me. I met Mr. Hoover socially. I never talked to him about anything connected with his work. We just met him. I knew Mr. McCone chiefly because my wife was from California and had known him. It happened his wife was from my State, Kentucky. We saw each other socially, but never during this time or after did we ever discuss the work of the Warren Commission or the work of the CIA as it applied to the Warren Commission.

Mr. DODD. Thank you, Senator.

Senator COOPER. I never discussed with the Secret Service during this time any of their duties or their responsibilities outside the hearings. After it was over, 2 or 3 years later, I was accompanying President Johnson to Kentucky on a trip. Mr. Youngblood of the Secret Service was in the car with us. President Johnson got out and spoke to everybody on a country road for 50 miles. Mr. Youngblood turned around and said—I was in the same car—he said, "you remember what I told you?" As he had told the Commission, it is almost impossible to protect the President who wants to see the people.

Mr. DODD. Thank you, Senator.

Senator COOPER. I was asked this one question, and I am not going to take up your time, but in order that my first answer may not be misconstrued, would it be permissible for me to make two or three comments?

Mr. DODD. Certainly.

Senator COOPER. First, I would like you to consider the difference in the time from 1963 to date. The FBI, at that time, was headed by Mr. Hoover who had been appointed Director continuously. He had, I would say, a good reputation. I don't think anybody ever thought about the CIA meddling in internal affairs.

The shock of the President's death called for an immediate investigation. It actually lay in the jurisdiction of Texas. There was no law that would permit the Congress to investigate. We were given that right by statute, also the right to subpoena witnesses and also to give immunity.

We never gave immunity to anyone. We provided complete protection to witnesses—right of attorney, right of record, right to cross-examine, and open hearing if they desired. Only Mr. Lane asked for an open hearing. We also had advisers sitting in with us from Texas: Mr. Jaworski, well-known today, the president of the American Bar Association; also Mr. Louis Powell, now Justice Powell of the Supreme Court, sat in at times. They took turns. And Mr. Eberstadt of New Orleans, former president of the American

Bar Association. Now, I just want to say this. As far as the killing of the late President Kennedy, we will always remember it with sadness. There is no evidence of any kind except that is directed toward Oswald: his rifle was purchased under an assumed name, but directed to his post office box; the cartridge shells which were down on the floor; the tests which showed that this was the only rifle which had the markings which were shown on the bullets; the fact that a man was seen by several witnesses, not identified, but seen in the window with the general description of what he looked like; his flight immediately; the fact that within a few minutes it was radioed that the killer perhaps came from the Texas Book Depository and radio cars were circling the city.

That is the reason Tippit was circling the city; the fact Tippit was killed and his killing witnessed by several witnesses brought Oswald to the Texas police offices. The police had already found the cartridges and the rifles and the bag in the Texas School Depository and within a half an hour, those facts were known.

Now, people have said that somebody told them that they saw somebody on the railroad bank or saw somebody going over the bank, but no one has ever been able to show any cartridges, any rifle, any pistol, no one has ever found anything other than the evidence about Oswald.

I would like that to be known; these facts are in the summary which I think is a very good one. The intelligence investigation under the leadership of Senator Church, which I know has helped cause this investigation by you, points out that the agencies did not disclose certain facts to us and that certain plots were going on. At the time we were in session, they should have been disclosed to us. They were not disclosed to us. We knew nothing about them.

There was no testimony of conspiracy—Oswald's efforts to get in touch with the Soviets and with the Cuban Fair Play groups in New York were rebuffed, rebuffed at every step—I think he felt he was a failure and for the United States and for President Kennedy and all of us. He knew he was a failure at everything he tried, frustrated, with a very sad life, but he was a Marxist. Very curious, at the age of about 13 years, he began to study Marxism and he kept on in his writing, affirming that he was a Marxist.

Probably he did want to show himself as a great, supreme Marxist. Rather, like the anarchists of the last century, he didn't care if he was killed or not. They just wanted to be known.

We found no trace of any conspiracy. Our staff not only received the reports from these agencies, they examined them. They questioned them. They went to the files of the FBI and CIA to see if there were any informants, if Oswald was an informant. They did a thorough job and I join with President Ford and Mr. McCloy in praising them. But they did not disclose to us all the facts.

I wanted to make this statement to make it clear that I concur wholly in what President Ford and Mr. McCloy have said, that we did our best. We found what we could at that time—the truth. If somebody else can find something else which we didn't find, that, of course, is a duty on their part, as is the truth. It will be the truth.

I do make this final statement. I don't think many people have ever read the report. Who has read 26 volumes of this case? How

many read the summary? If you read the summary, it takes a lot of time. Everything is in there and one of the reasons I know for people have read the summary is, there are some very interesting little side stories in it, that newspapermen and others would have published.

For example—and I will quit—the press dodger that was put out on the streets in Dallas. In this summary, it shows that that author just before he was discharged from the Army in Munich, he and comrade demanded to go back to Dallas; they were trying to figure out ways they could make the quickest, and they said, we will go back to Dallas and we will infiltrate the John Birch and YAF and that's what they did.

I just have talked too long, but I congratulate you on the effort you are making. I am very proud to come back, to speak on this disinterested effort we have made and I believe that, with all due respect, that the decisions we made, when we turned our final report over to President Johnson, will stand in history.

Mr. DODD. Thank you very much, Senator, for your statement.

Mr. McCloy, if I can I would like to just address the very same question I did to Senator Cooper, the first initial question I had for him, the same one I had in the light of the questioning, that followed this morning with President Ford, and that is whether or not you, as a member of the Commission, at any time, whether during the organizational meetings of the Warren Commission or any time after that, initiated any contact on your own in a confidential manner to report or confide in those agencies with regard to the happenings of the Warren Commission?

Mr. McCLOY. No, I had no such contact. I saw their agents and talked to them but I initiated no contact with them whatever.

Mr. DODD. Thank you very much. Thank you, Mr. Chairman. Chairman STOKES. Time has expired.

Any more members seeking recognition?

Mr. McCLOY. May I make one addition to the record. I don't like to let that Berlin situation stand without pointing out the reason that Mr. Cutter was shot was because a major was cleaning his pistol three or four blocks from where this took place and the bullet came in and hit this man that was posing as President of the United States, and everything quieted down after that. But it was an extraordinary circumstance.

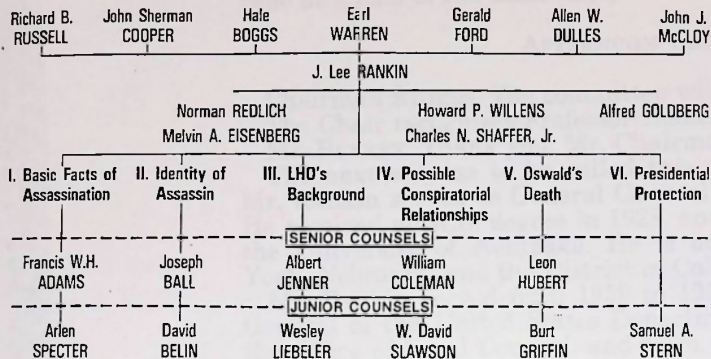
Chairman STOKES. Gentlemen, Mr. McCloy and Senator Cooper on behalf of the committee, I want to thank both of you for having appeared here today and taken the time to give us the benefit of your observations with reference to the service you rendered while members of this very distinguished panel of Americans, and you certainly have been very helpful to this committee, and we also appreciate the time you have expended with our staff, and at this time, does counsel have something further?

Mr. CORNWELL. Before we adjourn, it might be a good idea to make a matter of record JFK exhibits F-476 and F-477, a chart of the Warren Commission and a photographic blowup of the Warren Commission members that have been displayed during the testimony of the last three witnesses, and perhaps we could enter them into the record at this time?

Chairman STOKES. Without objection, it may be entered into the record at this time.

[The above referred to JFK exhibits F-476 and F-477 follow:]

THE WARREN COMMISSION



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

JFK EXHIBIT F-476



JFK EXHIBIT F-477

So again we thank you very much for having appeared, and you are now excused.

Mr. McCLOY. Thank you very much.

Senator COOPER. Thank you.

Chairman STOKES. At this time the committee will stand in recess until 1 p.m., in the afternoon.

[Whereupon, at 11:50 a.m., the committee was recessed, to reconvene at 1 p.m. of the same day.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

The next witness to be called this afternoon is J. Lee Rankin. Mr. Rankin served as General Counsel to the Warren Commission. He received an A.B. degree in 1928, and LL.B. degree in 1930, from the University of Nebraska. He is admitted to practice in New York, Nebraska, and the District of Columbia.

Mr. Rankin served from 1953 to 1956 as an Assistant Attorney General of the United States Department of Justice, in charge of the Office of Legal Counsel, and from 1956 to 1961 as the Solicitor General of the United States.

After serving as General Counsel to the Warren Commission, he became the corporation counsel for the city of New York from 1966 to 1972. Currently he is in private practice in New York with the firm of Rankin and Rankin.

It would be appropriate at this time, Mr. Chairman, to call Mr. Rankin.

Chairman STOKES. The committee calls Mr. Rankin.

Please raise your right hand to be sworn. Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth and nothing but the truth, so help you God?

Thank you, you may be seated.

The Chair recognizes counsel for the committee, Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman.

Sir, could you please state your full name for the record?

TESTIMONY OF J. LEE RANKIN, FORMER GENERAL COUNSEL OF THE WARREN COMMISSION

Mr. RANKIN. My full name is James Lee Rankin.

Mr. KLEIN. Mr. Rankin, what was your position with the Warren Commission?

Mr. RANKIN. I was General Counsel.

Mr. KLEIN. And could you give us an idea of what your duties were as General Counsel?

Mr. RANKIN. I had the executive responsibilities for the staff working under the Commission.

Mr. KLEIN. Were you in charge of the day-to-day operations of the Warren Commission staff?

Mr. RANKIN. Yes, I was.

Mr. KLEIN. How did it come about that you became General Counsel for the Commission?

Mr. RANKIN. I was called by Chief Justice Warren and asked whether I would be willing to serve as General Counsel for the Commission and I told him I would have to call him back, and I finally said I would but probably the rest of the Commissioners

would not want me and he had better find out whether they wish me to be General Counsel.

He said he had already found out before he asked me and they were unanimous about my being the General Counsel.

I then came down and was sworn in as Counsel.

Mr. KLEIN. Was there any discussion at that time about the goals of the Commission?

Mr. RANKIN. The only discussion was that we were to try to find out who the assassin was and whether there was anyone else involved in it beyond the person whom we found to be the one who committed the act.

Mr. KLEIN. Mr. Chairman, at this time I would ask that the chart already up, marked JFK F-476 be received as a committee exhibit.

Chairman STOKES. Without objection, it may be received.

[The above referred to JFK exhibit F-476 was entered previously.]

Mr. KLEIN. Looking at that chart, which is on the extreme left, Mr. Rankin, it is entitled "The Warren Commission", is that an accurate representation of the personnel who worked for the Warren Commission?

Mr. RANKIN. Yes, it is. It does not include all of the personnel, of course, but does set forth the upper layers of it, and the Commissioners.

Mr. KLEIN. Could you tell us how the investigation itself was organized?

Mr. RANKIN. I proposed an investigation that would consist of five parts and went to the Chairman, the Chief Justice, and the Commissioners, with that proposal, and it was accepted and that is the way we proceeded. They are all described on the chart there.

Mr. KLEIN. How did you determine what the five parts it would be organized into would be?

Mr. RANKIN. Well, it seemed to be a logical division of the responsibilities of trying to discharge our requirements under the executive order of the President.

Mr. KLEIN. Do you recall at this time what the five areas were?

Mr. RANKIN. Well, I wouldn't wish to miss any of them. If you have them, if you will just recite them, I can tell you whether they are correct or not.

Mr. KLEIN. The facts of the assassination, the identity of the assassin, the background of Lee Harvey Oswald, conspiracy, investigation and death of Lee Harvey Oswald. Are those the five areas?

Mr. RANKIN. That is correct.

Mr. KLEIN. How many lawyers were assigned to each of these areas?

Mr. RANKIN. There were two on each of the areas.

Mr. KLEIN. Would it be fair to say the the the Federal Bureau of Investigation did most of the investigation for the Warren Commission?

Mr. RANKIN. Well, that would be accurate as to the proportions, if you mean by most, percentage-wise, but we used all of the intelligence agencies of the Government before we got through and sometimes we used one intelligence agency on matters that we were not satisfied concerning and which were worked upon by

another intelligence agency. Oftentimes we wanted a doublecheck or felt that there were some inaccuracies or we were not completely satisfied, and asked some other agency that had no apparent relationship to check on the matter for us.

Mr. KLEIN. Whose decision was it to use Federal agencies opposed to hiring investigators?

Mr. RANKIN. That 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 that matter, let alone have any progress on it.

Mr. KLEIN. In 1964, at the conclusion of the investigation, what was your opinion of the performance of the Federal Bureau of Investigation?

Mr. RANKIN. Well, as to their cooperation with us, I thought that was good. We were critical about some of the things that happened about alerting the Secret Service, about information that they knew about and we learned they had not informed the Secret Service about. That was all in the report.

But as far as not being frank and open with us and revealing what information they had, we assumed that they did that. I did at least, and I think the Commission did.

Mr. KLEIN. You have partially anticipated my next question which is, today, 1978, with what you learned over the course of the years, what is your opinion with respect to the performance of the Federal Bureau of Investigation?

Mr. RANKIN. Well, I have been very much disappointed with some of the things that have been revealed and I have, of course, no personal knowledge about those matters. I have just read the news in the press from the reports of investigations by the Senate committee and others, but I had a close relationship with J. Edgar Hoover while I was in the Department of Justice and it was always friendly, but also professional, and I thought good. I never believed that he would withhold information or have it withheld from anybody like the Commission or that the FBI would do that.

It seemed to me from my experiences that they were more professional than to do anything of that character. When I learned that they were supposed to have known about plans for an assassination that were underway in the CIA, according to the investigation of the Senate committee, and did not report it to us, and that we didn't receive any such information from the CIA, it was quite disheartening to me to know that that kind of conduct was a part of the action of our intelligence agencies at that high level.

Mr. KLEIN. I only asked the question as applying to the FBI, but your answer applies to the CIA and the FBI; is that correct?

Mr. RANKIN. I think it was our experience as it is revealed by the investigation on the Senate committee. With the CIA it is worse than with the FBI because the FBI apparently did not originate the assassination plans and apparently the CIA did. So the FBI only happened on to them or were informed about such plans and they did not convey them to us.

But the CIA, they were apparently involved in them and did not alert us to the situation at all, give us any opportunity to take the action that we should have had the chance to, of investigating that type of information.

Mr. KLEIN. As General Counsel of the Warren Commission, you had no knowledge whatsoever of the assassination plots against Fidel Castro?

Mr. RANKIN. That is true, I did not.

Mr. KLEIN. What were some of the pressures, the political pressures, time pressures, that were exerted upon the Warren Commission staff?

Mr. RANKIN. We had pressures from the beginning on 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. 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. I think we adhered to that, that we never departed from that standard, any of the Commission or myself or the staff. We tried as conscientiously as possible to convey the information explicitly that we discovered.

Mr. KLEIN. The report, the final report was completed in September of 1964. Was there any pressure to get that report out before the election in November?

Mr. RANKIN. 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, if 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 the report out for any such purpose and not adequately make a report or investigate whatever sources we were able to find.

Mr. KLEIN. Were there any pressures exerted not to find a foreign conspiracy because of the dire consequences that such a conspiracy might have for war or peace?

Mr. RANKIN. None at all. There was a conscientious effort throughout to try to discover anything that would reveal that there was a conspiratorial action about the assassination of the President.

Mr. KLEIN. On that question of a possible conspiracy, the Commission has been criticized over the years for not devoting enough time, effort, and resources to investigating the question of whether there was a conspiracy to assassinate the President. Would you tell us first, do you believe that the Commission did devote adequate time and resources to that question, and second, would you give us an idea of how the Commission went about investigating whether there was a conspiracy?

Mr. RANKIN. Well, I think that they did an adequate job in that regard. The problem of what could be discovered concerning whatever happened in the Soviet Union and whether there was any

involvement there was necessarily a very difficult matter because of the closed nature of their society. Our opportunity, even with the best penetration that we were able to learn of by our own intelligence people, to reach within that society and discover material that could be relied on, was quite sparse to say the least.

We, within the domestic community, made great efforts, and we followed out as far as we thought there was any reason to believe that there was a possibility of any Cuban involvement. If we had had the information from the CIA, we certainly would have run out those leads and tried to find out whatever we could in the area, but we were not given the advantage of that.

Mr. KLEIN. The Commission has received a good deal of criticism to the effect that in some areas in the final report the evidence was not strong enough to support the conclusions reached in the report; and that some staff members immediately prior to the issuance of the report stated that in certain areas they felt the evidence was not strong enough to support the conclusions.

What would be your position in reply to this criticism?

Mr. RANKIN. I do not think it is a valid criticism. I examined, I think, every word of the report before it was printed and I constantly tried to understate rather than overstate the findings, the position of the Commission on all of the various matters that it acted upon and reported upon.

These positions were carefully reviewed by the Commissioners, in fact by each one of them, and they argued them, and the staff presented such materials they had and the Commissioners examined it. They participated in hearings and it was their disposition, so expressed, that the report not overstate what the Commission found and the evidence that would support it.

Mr. KLEIN. In connection with this issue of whether the report overstated the evidence, I would like to read you a portion from a deposition of Mr. David Slawson, one of your staff counsel he made the statement in 1978, when he was deposed by this committee.

I stand corrected, it was at an executive hearing before this committee, that he made this statement. He said, "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."

Do you agree with this statement by Mr. Slawson?

Mr. RANKIN. No, I don't. That was not in character with the Chief Justice in my experience with him. He was explicit that he thought we should not spare any effort in trying to find out the answer to the question whether or not there was any other involvement than Oswald in the assassination. But with regard to what we should say about it, or report about it, he was always very vehement and expressive that we should tell it exactly as it was.

Mr. KLEIN. As you sit here today, do still believe the conclusions of the Warren Commission to be correct?

Mr. RANKIN. I do.

Mr. KLEIN. In retrospect, what, if anything, would have been done differently in the Warren Commission's investigation?

Mr. RANKIN. As I have said, if we had the information from the CIA and FBI, that they failed to give us, certainly those leads should have been followed out to discover whether or not there was anything of a conspiratorial nature involved. I assume that this committee has been doing that and that if you had anything of that kind we would know it by now, one way or the other.

But otherwise it has been suggested we could have taken a longer time. Of course, you could go on and on for years on anything of that kind. But I think there are reasonable limits and the Congress, I am sure, recognize that. I think the American people do. They realize that you can't spend forever on matters of that kind and there is a limit to the amount of money that the people would want to spend, all within reasonable limits, I think.

We never had any difficulty on problems about money. We were assured that by the President. Our expenses were paid out of the Presidential funds. We received any money we needed, and we were never at any time told that we were to limit ourselves in that regard. Nevertheless, we would certainly not have wanted a staff just staying on and on nitpicking at a lot of little things that didn't have apparently any prospect of success.

Mr. KLEIN. Thank you.

Mr. Chairman, I have no further questions.

Chairman STOKES. Thank you. You say you have no further questions?

Mr. KLEIN. No.

Chairman STOKES. Thank you, counsel.

The procedure at this point will be the Chair will recognize the gentleman from Michigan, Mr. Sawyer, for such time as he may consume, after which we will go to the 5-minute rule.

Mr. SAWYER. Counsel, Mr. Rankin, has the fact that the Warren Commission report, according to all polls, received so much poor acceptance by the American people, given you any pause to reflect on whether you went about it correctly or not?

Mr. RANKIN. Not really. You know, as a part of my job as General Counsel, I researched all of the assassinations and a number in regard to other countries, and went into the materials that were available about the assassination of President Lincoln. I discovered that there was a large body of opinion that didn't believe any of the findings about Lincoln's assassination, and about other people that had been assassinated. Apparently that is the lot of anybody that works in this kind of a field.

Mr. SAWYER. Did you make any effort either as a staff or, to your knowledge, as a Commission, to determine just where Oswald was going at the time he was intercepted by Officer Tippit?

Mr. RANKIN. We speculated on it but speculations aren't worth much.

Mr. SAWYER. Did you come to any reasonable hypothesis as to where he was going?

Mr. RANKIN. We all agreed that he was on his way to try to escape but where we didn't know, and everything from that point on was just one person's guess against another's.

Mr. SAWYER. Of course, I presume you were aware that the direction in which he was heading at the time that he was con-

fronted by Tippit kind of led to nowhere with respect to either escape routes or anything, just out in the neighborhood?

Mr. RANKIN. We didn't think that was really the complete answer because at that point he was very hardpressed and we thought he was more in the posture of just running.

Mr. SAWYER. Well, did you find out that Jack Ruby's apartment was about two or three blocks up the street, also on the direct route he was going?

Mr. RANKIN. Yes.

Mr. SAWYER. Did you also find out that in the Dallas newspaper announcement of the President's visit, that on the same page was the identity of an informant who had substantially destroyed the Communist Party in Texas by informing to the FBI and he was identified as living just about two blocks up the street, also on the direct route he was going?

Mr. RANKIN. I don't recall that I was aware of that.

Mr. SAWYER. But other than just the fact that on this some 14½ or 15 minute walk he had taken through a neighborhood after leaving his roominghouse, other than just running or escaping, you had formed no hypothesis on where he may have been going or what his intent may have been?

Mr. RANKIN. That is true, we did not.

Mr. SAWYER. With respect to—As you are undoubtedly aware, much of the criticism of the Warren Commission report and much of the basis of the various critics who have written extensively on the subject has been centered about one thing, principally the single bullet theory and the fact that available time did not permit one assassin. You made a decision or you and the Commission not to allow access to the autopsy information. Are you still satisfied with that decision as being a sound one?

Mr. RANKIN. Yes, I am. I think it has been revealed, that the basis of the decision was that the Kennedy family did not wish to have the pictures of the President, as shown by the X-rays and the other pictures after the assassination attempt, be the way that the American people and the world would remember the dead President. We thought we had good evidence from the doctors who were involved at the hospital in Dallas and also at the autopsy, and we did not want the President's memory to be presented in that manner, and we had already promised the American people that the investigation that everything that we obtained, except for such matters as involved national security, would be made available to them, so we would have had to publish it, if we used it ourselves.

In light of that, I think the choice that was made was correct and I don't think it has done any harm. I still would hate to have published throughout the world those pictures as a remembrance of our President.

Mr. SAWYER. On the other hand, Mr. Rankin, this committee staff and the committee made all of that original material available to a panel of pathologists, but we did not feel any necessity to make the pictures themselves public. To the extent they were relevant we had drawings made from the original and produced them and were able, I feel, to have totally laid at rest the one bullet theory, because of the ability to determine the points of entry of wounds and exits to be able to project back from those

wounds to locations from which firings occurred, and I don't think we were in any way compelled to or did do anything either distasteful or shocking at all as far as our public exhibitions of the situation were concerned.

Mr. RANKIN. As far as I know, you haven't promised the American people that you would give them everything that you have received. Maybe you have, I am not aware of it, but we had, the Commission had. The Commission would not have been willing to cover up anything or withhold anything after such a promise.

Mr. SAWYER. Well, do you feel then that you may have made an error in promising to make all original material available, or do you feel you may have made an error in not making the material available to pathologists?

Mr. RANKIN. No, I don't think either one was an error. I think if we hadn't promised the people and done what we did about giving them everything that we, the Commission examined, that was not involved in national security, the Commission's work would have had little credence with the people. I also think that once having done that the Commission couldn't say, well, we did everything but this and this and this and that we aren't going to give you—

Mr. SAWYER. In other words, then, if I understand you, because you made this commitment and didn't feel like this was material you wanted to make public for taste reasons or feeling reasons, you just didn't even look at it then, you let this promise govern your investigation?

Mr. RANKIN. There was another factor that it was merely additional evidence, that is cumulative. The evidence of the doctors was equally good as far as the law goes and was of first quality, so that it wasn't as though we were without evidence.

Mr. SAWYER. Based on the testimony of those doctors and the evidence developed, they were, for example, like 4 inches off on the point of entry of the head wound, which, of course, projected, would be a horrendous error.

Mr. RANKIN. I don't know that. I have heard that your staff discovered that and that Dr. Humes has admitted that he was that much off. At the time it was, and since, until I heard that, it was difficult to imagine that a man conducting an autopsy could make that kind of a mistake when he was observing the body that he was examining, and so forth.

Mr. SAWYER. Well, now that you have heard that, are you still satisfied with the decision not to even allow access to the X-rays and autopsy original data?

Mr. RANKIN. I think I would not allow access if you combined with that the obligation to publish the X-rays as they are, because I think that, with the importance of President Kennedy to the people of this country, and to the world, and as an American public leader, I think that is very valuable even today.

Mr. SAWYER. Would you have taken that position vis-a-vis any relevant information that if you decided that either because of embarrassment or damage it might do to the FBI or the CIA or international relations, or whatever, that because of this self-imposed obligation to publish in general, you just then followed the proposition of not even looking at it?

Mr. RANKIN. No, and I think our work shows that we did not.

Mr. SAWYER. Are you still happy with your decision to use the FBI as your sole investigative source?

Mr. RANKIN. Well, that does not meet my, does not conform to my testimony, in my opinion. I thought I—I tried to make it plain that we used all of the intelligence agencies of the Government and we used Secret Service and others, including Military Intelligence, to check back on the FBI from time to time.

We also had a couple of investigators who were not important in the whole scheme of things. They could not do enough. But we had many files of investigations that the FBI made and if we had had a force to equal the number of man hours that we used the FBI, Secret Service, Military Intelligence, the cryptography people and all the others that we used in the Government, there would have been many thousands, and I think it would have been impossible and we would not have gotten out a report for years.

Mr. SAWYER. But as you probably know now, information was withheld by the FBI with respect to the so-called Hosty note from Oswald threatening to burn down a police station, or allegedly so.

Mr. RANKIN. Yes, but Congressman, if you look back at that period we, all of us, did not believe the FBI was capable of that kind of conduct, at least I did not, and none of the commissioners did. And I think all of our ideas about what people in government are capable of and do has changed, but back then we did not think they would do such things.

Mr. SAWYER. Did you ever receive any advice from the FBI about the 17 agents that were subjected to administrative discipline because of their mishandling of the pre-assassination information about Ruby—not Ruby, Oswald?

Mr. RANKIN. I think that is very shocking too. I think we were entitled to that information and a frank disclosure by Mr. Hoover that he felt they should be disciplined and why, and that we should have been able to go into that and try to discover whether it had any effect on our work.

Mr. SAWYER. I assume you feel the same way about the CIA's nondisclosure of alleged assassination plots that they may have participated in, vis-a-vis Castro.

Mr. RANKIN. I do.

Mr. SAWYER. I am interested in the fact that you had received advice that Yuri Nosenko, a KGB officer who had defected, was available and willing to testify, had you not, before the Warren Commission.

Mr. RANKIN. Yes, I had.

Mr. SAWYER. And that he professed to have first-hand knowledge of Oswald's activity in Russia during the period that Oswald was in Russia.

Mr. RANKIN. Congressman, you did not include in your statement, as I understood it, that the CIA had told us that he was a fake and not a real KGB officer and that he was probably just planted on us. That was the information we got from the CIA about him, and it was in light of that that we did not call him because we thought, the Commission thought, they would just be the dupes of such a plan, if that was true.

Now, we certainly did not have the expertise, even with Allen Dulles on the Commission, to be able to judge whether a man was

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truly a KGB agent or a plant. They, as the people in government skilled in that work ought to know such things. They spent a lifetime at that work, told us so that we felt, the Commission felt that there was no purpose to examine him after such advice and they did not want to be used to assist in the distribution of any information that the KGB; or anybody else; would be interested in having distributed to the American people through the Commission by somebody that was making a dupe of them.

Mr. SAWYER. Well, did you opt to have the man at least interviewed by one of the staff to form a judgment yourselves?

Mr. RANKIN. No. I had nobody on the staff and I had no Commissioner with such expertise. I do not think Allen Dulles could have done it; or could have had the skill, the expertise to make that kind of a judgment? Our information was that the CIA put a group to work on Nosenko to try to examine all of his background and find out whether he had enough knowledge of various events and matters within the Soviet picture to be a true KGB agent. We were led to believe, at least I was—it was my belief that these people had sufficient knowledge and the skill that was required so as to determine anything of that kind.

Mr. SAWYER. So that, then, because of the doubt cast on his veracity by the CIA, you opted not to even have the staff talk to him or even check what he had to say, is that right?

Mr. RANKIN. No; they were not telling us his veracity—whether he was truthful or not, except insofar as he was representing that he was a KGB agent. They were telling us that he was not a real agent and that seemed to me very important with regard to what he might have to say about the matter.

Mr. SAWYER. You are aware that the CIA has now reversed themselves totally on that position, I assume.

Mr. RANKIN. Yes; but I am shocked by the way they arrive at that conclusion and the procedures they apparently went through as I observed from some of your TV programs.

Mr. SAWYER. Are you satisfied with the decision of the Commission to hold all executive session hearings rather than public hearings? Do you think that may have contributed to the lack of acceptance of the report?

Mr. RANKIN. We had one open hearing.

Mr. SAWYER. That was because Mark Lane demanded—

Mr. RANKIN. That was Mark Lane, and I think you had similar experiences—

Mr. SAWYER. Who would naturally demand a public hearing, right?

Mr. RANKIN. I do not think it helped with your hearing, although I think you handled it well in regards to some of the problems developed.

Mr. SAWYER. As some people who watched it said that Mr. Lane had done for the legal profession what the Boston Strangler did for the door-to-door salesman.

Mr. RANKIN. We had no indication by the public that they were unhappy with our failure to have more open hearings. I cannot answer the question about whether it would have helped. But I have been impressed with this committee's open hearings. They seem to have gone well and the reaction I have heard from various

people to some of the evidence has been impressive; they have been convinced by some of it.

Of course, they were not convinced by all of it; but you cannot expect that.

Mr. SAWYER. Another thing that I was interested in was that at the conference or interview or interrogation, whichever, that President Ford and the Chief Justice and some staff members had with Mr. Ruby while he was incarcerated in Dallas, he said, according to the transcript, substantially that he would like to tell the whole truth but he cannot tell them the whole truth while he is in Dallas, and if they would transport him to Washington, he would tell the whole truth.

Was any follow-up ever done on that at all by the staff or otherwise?

Mr. RANKIN. No, there was not. We were all convinced that Ruby was interested in a trip to Washington rather than how much he could enlighten the Commission. It seemed quite apparent when you observed him and his approach to the whole suggestion.

Mr. SAWYER. Were you there at the time?

Mr. RANKIN. Yes.

Mr. SAWYER. Is that the impression you got individually?

Mr. RANKIN. Yes, I thought that he was quite enamored with the idea of coming to Washington and he even wanted to see the President. It was easy to imagine what that would all develop into if you got started on it.

Mr. SAWYER. There were no followup attempts, though, to try to elucidate that situation?

Mr. RANKIN. No, there were not.

Mr. SAWYER. Was any check ever made or any check requested by the Commission to have the possible organized crime participation of this situation investigated?

Mr. RANKIN. Well, we did the checking that is revealed by our report and appendices in that regard. We did not find enough possible connections to go beyond what we did. When I heard about some of the information that the Senate committee had developed about plans for the use of personalities from organized crime in connection with the proposed Castro assassination, or efforts or plans, or whatever you want to call that activity, it did disturb me some as to that aspect. I said to some of your staff, "I assume they were following up on that, and are running that out," to be sure they investigated out to the end of it.

Mr. SAWYER. The FBI liaison officer who appeared before this committee and who was acting as the sort of sole or principal liaison between the FBI and the Commission said that they had never involved or were never asked to or ever did involve their organized crime section of the FBI in the matter. Is that consistent with your recollection of it?

Mr. RANKIN. That is, yes.

Mr. SAWYER. So, you did not have access what electronic surveillance may have been available in that section that may have related to their interest in doing away with President Kennedy; am I correct on that?

Mr. RANKIN. That is correct.

Mr. SAWYER. Thank you very much. I have nothing further, Mr. Chairman.

Chairman STOKES. Thank you. The time of the gentleman has expired.

Mr. Rankin, it appears to me that there are two things that the Commission was looking for and could find neither. One was a motive for Lee Harvey Oswald to commit the crime and the second was the question of whether there was or was not a conspiracy. Would that be true, the Commission was trying to ascertain the facts of those two things?

Mr. RANKIN. It is true, they were. I felt they did find an answer to the first one you described. They felt there was no motive beyond Oswald's own ambition for notoriety and position and so forth that was gone into at some length in the report.

Chairman STOKES. Let me ask you this: Whatever his activities were in Soviet Russia, do you think that it is possible that that could have provided some insight into motivation by way of background?

Mr. RANKIN. I do not think so beyond what we presented. Now, I am quite aware, as I think the report shows, that we only said that we were unable to discover any such information about conspiracy or conspiratorial activity. What else he might have done that we never could get any information about in our efforts through the State Department or CIA or anyone else, is just a matter of speculation.

Chairman STOKES. It would seem that in that area, that is where Yuri Nosenko would have been very important to the Commission in terms of what he was able to tell the CIA about Oswald while he was in Soviet Russia, would it not?

Mr. RANKIN. Well, if they got anything from him. When they reported to us, they did not report that they got any word about his associations with Oswald or knowledge about Oswald or anything like that.

Chairman STOKES. Do I understand from what you are saying that—I think we are talking about the CIA, are we not?

Mr. RANKIN. Yes.

Chairman STOKES. Tell us what they did tell you that Nosenko told them about Oswald in Russia.

Mr. RANKIN. They were satisfied he was not a KGB officer. They felt that he was a plant, that he was sent in for some purpose, but they did not know what it was, to try to participate. They said they felt he was not believable about anything that he would claim about Oswald or knowledge about him.

Chairman STOKES. And that he was not himself a bona fide defector then, I suppose.

Mr. RANKIN. That is what they said.

Chairman STOKES. Did they tell you though what he had told them that he knew about Oswald?

Mr. RANKIN. They did not go into any detail about what he said. They said that he just wasn't believable.

Chairman STOKES. When you say they, can you tell us specifically whom you are talking about at CIA?

Mr. RANKIN. Well, I cannot remember the names now. It seemed to me, though, looking back on it, that it was their specialist in

Soviet matters and I think they had, my recollection is, they had a number of them and it wasn't just one man; it was teamwork some kind.

Chairman STOKES. Did you ever have any conversation with Richard Helms about Nosenko?

Mr. RANKIN. My recollection is he supported that position, that there was no purpose in trying to have Nosenko before the Commission or to inquire what he knew because he was not believable.

Chairman STOKES. Did anyone ever tell you Nosenko had suitcases that while he was in Soviet Russia that two suitcases full of documents on Oswald were flown up from Minsk to the Russian capital immediately after the assassination? Did they ever tell you that?

Mr. RANKIN. I do not remember anything like that.

Chairman STOKES. Probabilities are that if you were told something about that you would recall.

Mr. RANKIN. Yes; because it is quite impressive. You would want to see what was in those suitcases if you had heard, I am sure.

Chairman STOKES. That is correct. That is part of the information Nosenko has given this committee. I have no further questions. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I have just a couple of questions, Mr. Chairman, relating to the problems that might have been created by using the FBI as your major investigative arm.

Early on in the work of the Commission, I believe it did come to your attention, allegations came to our attention that Lee Harvey Oswald might have been an FBI agent; is that right?

Mr. RANKIN. That is correct.

Mr. PREYER. How were you able to investigate the truth or falsity of that charge? What did you do to investigate it?

Mr. RANKIN. When that information came to my attention and then to the Commission's, we were very much shocked about it. The Commission had deliberations in which they tried to determine what was the best approach to try to find out the fact. They decided that we should make direct inquiries to J. Edgar Hoover.

The problem was not, as I recall it, whether Oswald was ever listed as an agent in their records because, as I recall, we checked that out and he was not. My recollection is that the question involved whether he might have been a numbered personality that the FBI had where the name of the individual is not revealed and thus has a cover, and it could be concealed. We examined the possibility that we could try to go into their records and examine every person, identify every person who had a number and were assured that involved a large number of personalities.

The FBI was greatly disturbed about the idea of taking the cover off of all those agents that they had established over a long term of years and revealing their names to all of the staff as well as to the Commissioners. I couldn't assure that their identity would not become known in that kind of a process.

So, the Commission finally determined that they would accept J. Edgar Hoover's personal assurance by affidavit that Oswald had never been an informer or agent of the FBI, and that was given.

Mr. PREYER. But you were somewhat in the position of asking the FBI to investigate itself or going to the innkeeper to ask whether the wine was good or not.

Mr. RANKIN. Well, back at that time, Congressman, that did not seem so impossible as it might today.

Mr. PREYER. Yes; I think your answer to an earlier question has demonstrated a certain fall from innocence that we have all had since that time. Things are now believable which we would not have thought believable at that time.

Mr. RANKIN. That is correct.

Mr. PREYER. The threshold of this belief has gone up quite a bit.

Let me ask you one other thing. The FBI reached a conclusion in their report that was made 17 days after the assassination that Lee Harvey Oswald was the lone assassin. Don't you think that would have had some chilling effect, would have dampened the incentive of FBI agents in following out the question of a conspiracy where his organization had already declared itself to the effect that there was no conspiracy?

Mr. RANKIN. I think that is true but we always assumed that. We started out knowing the FBI had already decided who the assassin was and that no one else was involved, and we knew that was the agency position. It was very evident. But we did not rely on anything like that. We sought detailed evidence and if we didn't get the evidence we asked for, we sent back time after time to get it.

We treated their report in which they promptly found Oswald as the assassin and that was no conspiracy as though that was just an interesting document, but we are not there to ratify that; we were to find out if it was true and I think we were probably quite offensive, especially some of the younger members of our staff who looked forward to the opportunity of finding that the FBI was wrong, at least on as much as they could find.

So that often times they were challenging the agents, I had difficulty with some of our relationships because of that. I do not think it affected our people at all, but, of course, I recognize that it would have been lèse majesty for anybody to tell Mr. Hoover, that the report was wrong.

Mr. PREYER. Just one final question along the problems that could arise where you use the FBI as your major investigative arm. You told Mr. Sawyer, I believe, that you did not know about the destruction of the Hosty note. Do you think if you had had independent investigators rather than relying on the FBI that you would have learned about the destruction of that note?

Mr. RANKIN. There is always the possibility that we might. It seems to me there is a possibility it might have leaked out some way from the FBI, but it did not. I think that it would have been helpful to know that, although I do not suppose we would have changed about using the FBI and the other government intelligence forces, if we had discovered the note.

Mr. PREYER. Thank you, Mr. Rankin. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Rankin, you were in Dallas with Chief Justice Warren and President Ford on the occasion of the interview with Jack Ruby.

Mr. RANKIN. Yes.

Mr. DEVINE. Did you participate in the questioning of him were you merely present, if you recall?

Mr. RANKIN. It is hard to recall because I know I questioned some, but whether I did the general examination, I cannot recall.

Mr. DEVINE. He indicated at that time, if you were in the this morning when President Ford testified, that Ruby requested that he be brought to Washington in order that he might tell the full and the true story. The President said that after discussion with the Commission and the Commission staff they felt no meaningful purpose would be served by doing that. Did you agree to that decision?

Mr. RANKIN. Yes.

Mr. DEVINE. Do you agree at this time that that was a poor decision?

Mr. RANKIN. Yes. As I said earlier, when Congressman Sarant asked me, I felt that he really wanted a trip to Washington rather than to help us in our problems.

Mr. DEVINE. In your interrogation or in the files of the Commission in having interrogated Jack Ruby, did the Commission come to a conclusion as to his motive in shooting Lee Harvey Oswald?

Mr. RANKIN. I do not think they were ever satisfied as to his motive was.

Mr. DEVINE. Did not the Commission receive testimony that Ruby was known in Dallas as a "police buff," that he had a habit of hanging around police headquarters and that his presence there was not unusual?

Mr. RANKIN. That is correct.

Mr. DEVINE. And was there not also testimony before the Commission or at least reported to the Commission, that Ruby's motive probably was that as an obscure nightclub operator of some questionable reputation that he thought he would become a national hero if he killed the person that assassinated the President?

Mr. RANKIN. I think that is true. I am not sure the Commission was satisfied that that was the answer.

Mr. DEVINE. Does that seem to make some degree of logic to you as chief counsel of the Commission?

Mr. RANKIN. Well, it always seemed to me that it was quite a step for a man to take, with all the risks that were involved, for that kind of a purpose.

Mr. DEVINE. I do not believe the Commission in its very thorough investigation ever tied Oswald and Ruby together in any association, did they?

Mr. RANKIN. They did not.

Mr. DEVINE. In another area, Mr. Rankin, there was some testimony this morning about 17 or so FBI agents being subjected to disciplinary administrative procedures within the Bureau for lack of discretion or failure to meet the necessary standards on preassassination investigation of Oswald and the fact he was not placed on the security index.

Were you aware of this administrative action within the Bureau?

Mr. RANKIN. No, I was not. My relations with Mr. Hoover deteriorated a great deal after the report came out, and I was quite

surprised to learn that he took this position with the agents in light of his severe criticism of me and the report, but it appeared to me that this action was quite confirmatory of some of the criticism that the Commission had made in the report about some of the failures of the FBI in its liaison with the Secret Service.

Mr. DEVINE. Had you known of this action prior to the conclusion of the final report of the Commission, do you think it would have affected the investigation in any way or led it in any way to different results or conclusions?

Mr. RANKIN. I do not think it would have changed the results or conclusions. I think that if we had been aware of it, we would have wanted to inquire about each one of the situations and see if there was anything there that could help us in our investigation.

Mr. DEVINE. It was not surprising to you, was it, Mr. Rankin, with your vast experience in and out of Government, to recognize that administrative steps were taken within many Government agencies, disciplinary steps were taken without airing the laundry publicly?

Mr. RANKIN. No; but I was naive enough with regard to this particular task, as general counsel, to think that when the President of the United States told everybody to cooperate with us that they would understand that was an order and mandate and part of the law that governed public servants and that they would do it.

It seemed to me that the question of what they failed to do in each of these instances was a matter that would be of interest to the Commission and each of the Commissioners and that Mr. Hoover had an obligation on his own to inform us and let us take whatever proper action the Commission thought should be taken to find out what acts were being criticized and whether there was something that would affect the Commission's work.

Mr. DEVINE. Finally, Mr. Rankin, recognizing that nearly 15 years have intervened since the event and 14 years since the filing of the Warren Commission report, learning the things that you have learned during the intervening period, the new technical exotic crime detection techniques that have developed, additional witnesses that were not available to you, the meeting of the Rockefeller committee, the Church committee, the Assassinations Committee and all, as you sit here today, do you feel that the Warren Commission, had they had the benefit of all this additional information, would have reached a conclusion different than that which you actually did?

Mr. RANKIN. No; I think the Commission would not have arrived at any different conclusions.

Mr. DEVINE. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Mr. Chairman, in light of the fact I arrived a little bit after Mr. Rankin completed his statement, I will pass for the moment, if I can.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman. Mr. Rankin, we want to thank you for coming and for cooperating with our committee. I have several questions that I would like to pursue, if time permits, and I might have to beg of the chairman some additional time.

First, I would like to ask whether or not the Commission and yourself, in particular, reviewed and approved the firearms tests that were administered by the FBI on the Mannlicher-Carcano that was alleged to be the Oswald weapon.

Mr. RANKIN. Yes.

Mr. FITHIAN. And was a part of that test to determine how fast it could be fired?

Mr. RANKIN. That is right.

Mr. FITHIAN. And the FBI performed those tests.

Mr. RANKIN. Yes.

Mr. FITHIAN. Do you remember what the results were?

Mr. RANKIN. I remember that the results were positive that the three bullets could have been fired within the time limits that I think were computed on the film.

Mr. FITHIAN. The 2.3, or as one witness I believe had it, 2.25 seconds between firings as the minimum time, it is your impression the three shots would fit in?

Mr. RANKIN. That is right.

Mr. FITHIAN. And is it also your understanding that the firearms experts who performed these tests made use of the telescopic sight?

Mr. RANKIN. That is right.

Mr. FITHIAN. Did the Commission order firing the tests of the weapons without the scope?

Mr. RANKIN. I do not recall that they did.

Mr. FITHIAN. Did it ever occur to anybody on the Commission that it might have been fired without the scope?

Mr. RANKIN. I do not think any of the Commissioners in discussing it thought that anybody could have shot with that accuracy without a scope.

Mr. FITHIAN. After you heard Governor Connally, did this give you any problems then?

Mr. RANKIN. No.

Mr. FITHIAN. In trying to square his testimony with the FBI tests?

Mr. RANKIN. I heard him before when he testified before the Commission.

Mr. FITHIAN. I meant, at that time, at the Commission's testimony?

Mr. RANKIN. I think he is just mistaken and I think that the more evidence that is adduced will establish that where he was he had to be shot by that same bullet.

Mr. FITHIAN. But did the Commission's understanding of the firing time of the Oswald weapon cause any problems in interpreting other evidence, including the Zapruder film, or eye witness accounts?

Mr. RANKIN. I don't recall any. If you could refresh my memory.

Mr. FITHIAN. You will recall that Governor Connally said he heard a shot and he turned.

Mr. RANKIN. Yes sir.

Mr. FITHIAN. And the Zapruder film shows that turning, which tends to corroborate what the Governor said, I mean just to the layman.

I am wondering if you had any problem with that?

Mr. RANKIN. Well, the fact that he turned I think is well established by the film. Whether he heard the shot after he had been shot isn't established by the Zapruder film.

Mr. FITHIAN. Well, now, if it can, and as it has in a tentative way by this committee, been established that the weapon can be fired with pretty good accuracy, and a lot faster than the FBI said, if you had had that information, what would this have done to your sort of adjustment of your interpretation of the evidence?

Mr. RANKIN. Well, I don't think it would have changed unless you are thinking of something that I am not. We took into account, the Commission did, that there were three casings there and that there was testimony about three shots and other factors along with the time element.

Mr. FITHIAN. But there was also conflicting testimony, though I believe not given as much credibility by you and your staff and the Commission, that indicated that eye witness accounts heard other shots from other areas, particularly the grassy knoll area. Wouldn't your firing time limitation of necessity almost have to come to bear on that kind of testimony beyond the three cartridges that you found?

Mr. RANKIN. We never thought that the testimony of shots from other points was impressive in the light of the wounds.

Chairman STOKES. Time of the gentleman has expired.

Mr. FITHIAN. I would ask either unanimous consent, to let me finish up this line of questioning, but I do have another area I would like to question after everybody else has completed, if I may.

Chairman STOKES. Without objection.

Mr. FITHIAN. But it just seems to me that someone, somewhere, who had a modicum of experience with firearms, would have discovered right off, even if you go down to the Archives today and look at the rifle, it is not a particularly difficult problem to pick it up and look at it and see it can be fired without the telescopic sight, and anybody who has fired with a scope would know you can fire a lot faster if you are looking for a moving target, you don't have to find it in the scope, if it can in fact be fired faster.

For 15 years we have been told it couldn't be fired faster. We now know that it is not true. It seems to me someone on the Commission having some evidence which appears to me not to be able to fit into the 2.25, which is the minimum time of the FBI, might have requested another kind of test firing, and I am curious that it did not occur to a single person on the Commission or on your staff or in the FBI, or anywhere else, along the line.

I guess my final question is, Was there no consideration given by the Commission, as far as you know by the FBI, to another kind of test firing of that weapon?

Mr. RANKIN. Not that I know of. Of course, there were also problems of the leaves on the trees and how you fit them in, and the point where the Zapruder film showed the impact had to be, that is, that it had to be within certain spaces. All of that had to be fitted in too. So you are not just free to say, well, I can shoot this weapon so many times within so many minutes. There are other problems that you have to deal with and fit within.

Mr. FITHIAN. Mr. Chairman, I thank you.

I would just like to make sure that we have in the record at this point that our own final test firings will become a part of this record as they are completed.

Chairman STOKES. The gentleman from Pennsylvania, Mr. Edgar.
Mr. EDGAR. Thank you, Mr. Chairman.

I apologize for not being here during the earlier questioning of you, Mr. Rankin, but I do have some questions that grow out of earlier discussions about the way in which the Warren Commission began its investigation. You have indicated, I think, that within a relatively short period of time, after the assassination, the Warren Commission was formed and the Warren Commission did put a document out, did they not, indicating that Lee Harvey Oswald was essentially the lone assassin, shortly after the beginning of the Commission?

Mr. RANKIN. Not that I recall.

Mr. EDGAR. Well, not necessarily a lone assassin but that he was the assassin, is that correct?

Mr. RANKIN. I don't remember that either.

Mr. EDGAR. When was the first time that the Warren Commission went public with any of their preliminary findings?

Mr. RANKIN. I just don't recall.

Mr. EDGAR. Let me ask it in a different way. Did the Warren Commission have an investigative plan?

Mr. RANKIN. Yes.

Mr. EDGAR. How was that plan developed?

Mr. RANKIN. It was developed by my making a draft of a plan and submitting it to the Commission for its acceptance or modification or rejection.

Mr. EDGAR. The members of the Commission had an opportunity to review the plan and decided where the investigation and study would go?

Mr. RANKIN. That is right.

Mr. EDGAR. In making that plan, did you bring in the FBI or CIA to help assist you in areas of investigation, such as conspiracy?

Mr. RANKIN. No.

Mr. EDGAR. At any time, in the beginning phases of the Warren Commission study, did you bring in the FBI and the CIA and the Secret Service to try to coordinate what information they had available to them and have a discussion among them about what information would be available to them?

Mr. RANKIN. No; I didn't. At that period of time, the relations between the Secret Service and FBI were terribly strained in connection with what happened and the fact that the President had been assassinated and there was some feeling that neither one had done themselves proud in connection with the whole event.

Mr. EDGAR. Would it have been a relevant possibility to bring them together to put aside those bickerings and differences and to say now that the assassination has taken place, and the Warren Commission has been formed, we now have to provide to the American public the most accurate information of what was available to us at the time of the death and what transpired following the assassination?

Mr. RANKIN. I don't think so, because I think it would have appeared that the Commissioners were putting themselves under

the domination of the FBI. The FBI had already come forward with their report in which they said that Oswald was the assassin and there was no conspiracy involved. That had leaked out. To have brought the different groups together would seem to me, in the first place the Secret Service is much smaller, less powerful and——

Mr. EDGAR. Wouldn't that have given the Secret Service and CIA an opportunity to pose an alternative possibility to the already established rumor of the FBI?

Mr. RANKIN. No; because I gave each of them in separate discussions with the Directors ample opportunity to suggest anything they wanted to and asked for their help in every way possible.

Chairman STOKES. Time of the gentleman has expired.

Mr. EDGAR. Just one additional question, if I may. May I ask unanimous consent to proceed?

Chairman STOKES. The gentleman is recognized.

Mr. EDGAR. In December and January of 1963 and 1964, when the FBI was disciplining 17 individuals for their role in the preassassination information of Lee Harvey Oswald, was that information made known to you in December and January of 1963 and 1964?

Mr. RANKIN. No, it was not.

Mr. EDGAR. Was it made known to you at any time during the Warren Commission?

Mr. RANKIN. No; it was not.

Mr. EDGAR. Thank you.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Connecticut, Mr. McKinney.

Mr. McKINNEY. You were basically in charge, Mr. Rankin, were you not, of assignments of the staff?

Mr. RANKIN. Yes.

Mr. McKINNEY. Was it true that the counsels Hubert and Griffin were essentially assigned to the investigation of Jack Ruby?

Mr. RANKIN. Yes.

Mr. McKINNEY. Why under those conditions and whose decision was it, that they then did not go to Dallas to interview Jack Ruby when the Chief Justice and Congressman Ford went?

Mr. RANKIN. I think it was in a discussion by myself with the Chief Justice and former President Ford and they said this matter is of sufficient importance we want you to supervise the examination.

Mr. McKINNEY. But in essence you were required to have a generalized knowledge of everything that was happening, rather, than the specifics of Jack Ruby?

Mr. RANKIN. Well, I was watching it in detail in every area, too. I had to.

Mr. McKINNEY. One of the criticisms of the Commission report has been the depth of the Ruby investigation, and there have been many critics who questioned why the two counsels who were charged with investigating Jack Ruby were not present at the time he was questioned extensively in Dallas.

Mr. RANKIN. Well, I don't think the criticism relates itself to the examination of Ruby. The criticism is whether or not the various

leads were followed to the extent that they should have been. That was a function that they both had.

Mr. MCKINNEY. In other words, you depended on their following through on Jack Ruby as to, for instance, the question of his ties to organized crime rather than on the FBI doing that, or did you depend on both?

Mr. RANKIN. Both.

Mr. MCKINNEY. When did you become aware of the animosity of the FBI, or at least of J. Edgar Hoover toward the Warren Commission. It is expressed quite frankly in what we have listed as Kennedy exhibit F-471, which is the Belmont to Tolson letter. In that letter it is pretty well stated that the FBI itself is not going to send a liaison to the Warren Commission's meeting called by the Chief Justice, that the request of Attorney General Katzenbach that he be briefed so at least he could answer questions.

I believe Mr. Belmont states:

That would be very undesirable because there was really only one answer, that the question raised as to what the FBI is doing. There is a very simple answer, namely, we are pressing the investigation in the writing of the report. This is our major goal. Until that is completed there is nothing we can contribute.

In other words, the Chief Justice of the United States of America, the head of a Presidential Commission investigating the assassination of a President of the United States, was in essence told to forget it when he asked the FBI to have a liaison person there.

How did you react to that?

Mr. RANKIN. I tried to avoid an open fight. It was obvious to me that I certainly had a reluctant relationship with the FBI in many respects and I was also making unreasonable demands everywhere upon them and—

Mr. MCKINNEY. Excuse me. Is that your wording, unreasonable demands, or would that be the Bureau's wording?

Mr. RANKIN. That is my wording, too. It was unreasonable but I couldn't do anything else. I needed that help. The staff needed it and the Commission needed it and we didn't have enough other intelligence agencies to just forget about the FBI, and they had people stationed in various parts of the country, who it was logical to use.

The Secret Service had people occasionally in various places but they didn't have them stationed there all the time, and the FBI had a great group of personnel that could be used if they would be cooperative and help. So I was constantly asking for hundreds of investigations in places all over the country, and as soon as I got the reports on that and the responses, I would ask for some more and I would ask for more complete reports on the ones that I thought were unsatisfactory. That in itself made a very difficult relationship and I don't blame them for feeling that they were being ridden pretty hard, which was true, but we never got to the place where they either apparently dared or would say they wouldn't do it. And as long as they didn't, I kept on. Then I had to be careful to watch everything they did to see that I was getting something worthwhile and that it was well done, and I knew pretty well what an FBI agent was capable of doing, from my experience in the Department, and I knew when it wasn't up to standard.

So when it wasn't up to standard we came back to them and said this has got to be done, get another agent on it if you can't get it done right.

Mr. McKINNEY. This was an actual memorandum dated December 3, 1963, right at the very beginning, and there is a clear implication that the FBI just was not going to cooperate with any preliminary facts nor were they going to send anyone to answer any questions.

Wasn't any attempt made at that point, with this sort of dramatic refusal, to have anyone in a higher position in the Government such as the Attorney General or the President of the United States, turn around to Mr. Hoover and say cooperate? In the terms of at least sending a liaison person? That is the one question here.

Mr. RANKIN. I don't know in my experience with Government that anybody ever did that with Mr. Hoover during his lifetime.

Mr. McKINNEY. I would think almost nobody would have done it because I am sure Mr. Hoover had something on all of us, but, I also recognize the Chief Justice of United States, Earl Warren, as a rather controversial and opinionated gentleman who didn't like to take orders from anybody. I just find it amazing, since you were chief counsel between these two, that in essence the Chief Justice would sit back and take this sort of cavalier treatment from a subagency of the United States?

Mr. RANKIN. I think the Chief Justice was shrewd enough to realize that the way to handle that was to put them to the test and see whether they would refuse, and when it came down to actually doing the work, they never did refuse.

Mr. McKINNEY. So even though the attitude was wrong, the answers were all right, so it was shunted aside?

Mr. RANKIN. Yes. Now, except for these things they didn't tell us. It is apparent now that there were certain things they withheld, and that is something different.

Mr. McKINNEY. The whole catalog of horrors which some of my colleagues have addressed for the record. I thank you.

Chairman STOKES. Your comment, Mr. Hoover had something on all of us, someone said speak for yourself. [Laughter.]

Chairman STOKES. I ask that the clerk mark the exhibit I have handed her JFK F-447. I request she show it to the witness, please.

[Document handed to the witness for his inspection.]

Mr. RANKIN. Yes.

Chairman STOKES. All right, the Chair requests unanimous consent that this document be made a part of the record at this point. Without objection, it is so ordered.

[The exhibit follows:]

Memorandum from
Coleman & Slawson to
Warren Commission
re Nosenko.

P. 634

JFK EXHIBIT F-447

WDS:mfd:24Jun

~~T O P S E C R E T~~

MEMORANDUM

June 24, 1964

TO: The Commission

FROM: William T. Coleman, Jr.,
W. David Slawson

SUBJECT: Yuri Ivanovich Nosenko

The Commission has asked us to prepare a short memorandum outlining in what respects the information obtained from Nosenko confirms or contradicts information we have from other sources.

Nosenko's testimony to the FBI is the only information we have on what he knows about Lee Harvey Oswald. (Commission Documents No. 434 and 451.) Perhaps more useful information could be gained if we were to question Nosenko directly, but it is unlikely. Nosenko told the representative of the FBI who questioned him that he had given all the information on Oswald he possessed.

Most of what Nosenko told the FBI confirms what we already know from other sources and most of it does not involve important facts, with one extremely significant exception. This exception is Nosenko's statement that Lee Harvey Oswald was never trained or used as an agent of the Soviet Union for any purpose and that no contact with him was made, attempted or contemplated after he left the Soviet Union and returned to the United States. Nosenko's opinion on these points is especially valuable because, according to his own testimony at least, his position with the KGB was such that had there been any subversive relationship between the Soviet Union and Oswald, he would have known about it.

Nosenko's statement to the FBI confirms our information from other sources in the following respects:

1. Prior to Oswald's arrival in Russia in the fall of 1959 he had no contacts with agents of the Russian government or of the International Communist Party who were in turn in contact with the Russian government. (Our

cc: Mr. Rankin's File
Mr. Coleman
Mr. Slawson
Mail Room Files

DECLASSIFIED BY
E.O. 11652, Sec 5E(2)

By MAJ NARS Date 1/24/75

independent sources on this are extremely weak, however. We simply do not have much information on this particular subject.)

2. When Oswald arrived in the Soviet Union he was traveling on a temporary tourist visa but very quickly made known to the Russian authorities that he desired to remain permanently in the USSR and wanted to become a Soviet citizen. He made known his intention to his Intourist guide at the Hotel Berlin in Moscow. This Intourist guide was a KGB informer.

3. Oswald was advised through the Intourist interpreter that he would not be permitted to remain in Russia permanently and that he would therefore have to leave that country when his temporary visa expired.

4. Upon learning that his request to remain in Russia permanently had been denied, Oswald slashed his wrist in his room at the Hotel Berlin in an apparent attempt to commit suicide, was found by the Intourist interpreter when he failed to appear for an appointment that evening, and was immediately taken to a hospital in Moscow for treatment. This hospital was the Botkinskaya Hospital.

5. Oswald was questioned by doctors at the hospital and told them that he attempted suicide because he was not granted permission to remain in Russia.

6. Oswald was assigned to Minsk probably because it is above average for cleanliness and modern facilities, and would therefore create a good impression for him.

7. Oswald appeared at the Soviet Embassy in Mexico City and asked for a Soviet re-entry visa.

8. Nosenko was shown certain portions of our file on Oswald, including a section which stated that Oswald received a monthly subsidy from the Soviet Red Cross. On seeing this statement, Nosenko commented that it is normal practice in the Soviet Union to cause the Red Cross to make payments to emigres and defectors in order to assist them to enjoy a better standard of living than ordinary Soviet citizens engaged in similar occupations. (Nosenko also said that the subsidy Oswald received was probably the minimum

given under such circumstances. This is news to us, although it is not inconsistent with other information we have.)

9. Oswald was in possession of a gun which was used to shoot rabbits while he was living in Minsk (Nosenko said he learned this upon reviewing Oswald's file after the assassination of President Kennedy when, under the circumstances, he took particular note of this fact.)

10. There is no KGB or GRU training school in the vicinity of Minsk.

11. All mail addressed to the American Embassy in Moscow, therefore, also including Lee Harvey Oswald's mail so addressed, is "reviewed" by the KGB in Moscow. Nosenko said that this is routinely done but he added that he personally had no part in the review of, or knowledge of such review, of Oswald's correspondence.

12. No publicity appeared in the Soviet press or Soviet radio regarding Oswald's arrival or departure from the Soviet Union or on his attempted suicide. (Our evidence on this is simply negative, that is, we have no evidence that there was any such publicity.)

13. Oswald was regarded as a "poor worker" by his superiors in the factory at Minsk.

The following information obtained from Nosenko is not available to us from any other source. As will be seen, it generally does not add much to our knowledge about Oswald but rather supplies background information on Soviet activities relating to his residence in Russia.

1. The KGB in Moscow, after analyzing Oswald through various interviews and confidential informants, determined that Oswald was of no use to them and that he appeared "somewhat abnormal."

2. The KGB did not know about Oswald's prior military service and even if they did, it would have been of no particular significance to them.

3. When the KGB was advised by some other Ministry of the Soviet State that the decision had been made to permit

Oswald to stay in Russia and that he was to reside in Minsk, it brought Oswald's file up to date and transferred it to its branch office in Minsk. The cover letter forwarding the file to Minsk, prepared by one of Nosenko's subordinates, briefly summarized Oswald's case and instructed the branch office to take no action concerning him except to "passively" observe his activities to make sure he was not an American intelligence agent temporarily dormant. (Oswald did tell an American friend once that on one or two occasions in Minsk he had heard that the MVD had inquired of neighbors or fellow workers about him.)

4. According to the routine of the KGB, the only coverage of Oswald during his stay in Minsk would have consisted of periodic checks at his place of employment, inquiry of neighbors, other associates, and review of his mail.

5. When the KGB was asked about Oswald's application for a re-entry visa made in Mexico City, it recommended that the application be denied.

6. Shortly after the assassination, Nosenko was called to his office for the purpose of determining whether his Department had any information concerning Oswald. When a search of the office records disclosed that information was available, telephone contact was immediately made with the KGB branch office in Minsk. The branch office dictated a summary of the Oswald file to Moscow over the telephone. This summary included a statement that the Minsk KGB had endeavored to "influence Oswald in the right direction." This statement greatly alarmed the Moscow office, especially in view of their instructions to Minsk that no action was to be taken on Oswald except to "passively observe" his activities. Accordingly, the complete Oswald file at Minsk was ordered to be flown at once via military aircraft to Moscow for examination. It turned out that all this statement referred to was that an uncle of Marina Oswald, a lieutenant colonel in the local militia at Minsk, had approached Oswald and suggested that he not be too critical of the Soviet Union when he returned to the United States.

7. Marina Oswald was once a member of Komsomol but was dropped for nonpayment of dues. (Marina told the Commission she was a member of Komsomol, but she has been inconsistent on why she was dropped.)

8. The Minsk KGB file on Oswald contained statements from fellow hunters that he was an extremely poor shot and that it was sometimes necessary for them to provide him with game.

9. After the assassination, the Soviet government provided about 20 English-speaking men who were assigned to the immediate vicinity of the American Embassy in Moscow to insure that no disrespect was shown by the Soviet citizens during this period.

10. Some other agency, just which agency Nosenko says he does not know, subsequently decided that Oswald would be permitted to stay in Russia, on its responsibility. Nosenko speculates that this other agency was either the Soviet Red Cross or the Ministry of Foreign Affairs. (This bit of information fits in especially neatly with Oswald's own statements that the Soviet officials he met after his suicide attempt were new to him, and did not seem to have been told by his earlier interrogators anything about him.)

The following information given by Nosenko tends to contradict information which we have from other sources:

1. Nosenko says that after Oswald was released from the hospital where he was treated for an attempt to commit suicide, he was told again that he would have to leave the Soviet Union and thereupon threatened to make a second attempt to take his own life. Oswald's own diary of this time contains no mention of a threat to make a second attempt at suicide or of any post-hospitalization statement by the Soviets that he would still have to return to the United States. Of course, Oswald's own account of these activities is not entitled to a high degree of credibility.

2. Nosenko says that there are no Soviet regulations which would have prevented Oswald from traveling from Minsk to Moscow without obtaining first permission to do so. We have information from the CIA and the State Department that such regulations exist, although they are apparently rather easily -- and frequently -- violated.

Mr. Rankin, have you had a chance to review this document?

Mr. RANKIN. I have.

Chairman STOKES. And can you tell us what it is?

Mr. RANKIN. It is a communication from William T. Coleman, Jr., and David Slawson to the Commission regarding Mr. Nosenko.

Chairman STOKES. And was a copy of this document provided to you and does it indicate thereon?

Mr. RANKIN. It does, yes.

Chairman STOKES. All right. Now, this document or this memorandum was prepared from information furnished on whom?

Mr. RANKIN. It was furnished regarding Oswald. Is that what you mean?

Chairman STOKES. Well, the subject matter.

Mr. RANKIN. It was concerning what the FBI had learned from Nosenko about what he claimed he knew about Oswald.

Chairman STOKES. And this is a five page document prepared by members of your Commission staff?

Mr. RANKIN. That is right.

Chairman STOKES. And my understanding is that Nosenko was in the possession of the CIA?

Mr. RANKIN. That is right.

Chairman STOKES. And that this memorandum was prepared as a result of an interview of Nosenko by the FBI?

Mr. RANKIN. Yes sir.

Chairman STOKES. Is that correct?

Mr. RANKIN. Yes. Apparently, I don't know how they ever got to him, because they were not supposed to have jurisdiction in that area but—

Chairman STOKES. Our understanding is that the FBI would have to submit to the CIA the questions they wanted to ask Nosenko, the CIA would then ask Nosenko those questions and submit his answers back to the FBI. Is that your recollection of the procedure?

Mr. RANKIN. No; I don't know what the procedures were.

Chairman STOKES. But, at any rate, with reference to this memorandum, can you give us some idea of how heavily the Commission relied upon this memorandum in its determinations?

Mr. RANKIN. It is my impression now that the Commission did not rely on it at all, that the fact that the CIA was telling them that Nosenko was not a KGB officer and could not be relied upon, dissipated anything that the memo says about him and what he claimed to know about Oswald and caused the Commission to think that he was unbelievable about any of that.

Chairman STOKES. Thank you.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

Mr. Fithian will be back with some additional specific questions. Let me just ask you some general questions to help me focus on your role with the Warren Commission and its relationship with the FBI.

Did you personally meet with J. Edgar Hoover?

Mr. RANKIN. Yes.

Mr. EDGAR. What was his attitude toward you personally?

Mr. RANKIN. It had changed.

Mr. EDGAR. Changed from when to when?

Mr. RANKIN. From the way our relationship was when I was with the Department of Justice. He was quite cold and uncommunicative.

Mr. EDGAR. During your period of time with the Warren Commission?

Mr. RANKIN. No. You asked me about when I saw him and I thought that was what you were dealing with. I went over to see him—

Mr. EDGAR. Just clarify for me what you are talking about. His mood about you changed and you said he was cold. Was that on your personal visits to him, while you were with the Warren Commission?

Mr. RANKIN. Yes. I don't think I had more than two, if I had that many. I was dealing constantly with people below him.

Mr. EDGAR. And could you further describe what you mean by the coldness, what were some of the conversations that he would share that would indicate this coldness?

Mr. RANKIN. Well, by the nature of our work, when I was an Assistant Attorney General in charge of the Office of Legal Counsel, I had conferences with the President involving legal problems and some of them necessarily involved the FBI, and so we had consultations about such matters. The same is true when I was Solicitor General. At all times our relations were warm and cordial and we seemed to have an understanding between each other and cooperation; in trying to get the work accomplished that we had before us. When I saw him during my work with the Warren Commission, in his office, he acted as though he felt that the Commission was hostile to him and to the FBI, and he commented upon all the man-hours we were demanding of him and how it was a burden to the FBI in its carrying on its other work.

Without actually abusing me he made it plain that he was not pleased with our relationships.

Mr. EDGAR. Did he resent the fact that you were doublechecking the FBI's investigation?

Mr. RANKIN. Every agent that I had anything to do with when I did that resented it. But I just had to do it anyway and I kept on doing it. Of course, that didn't help with any of them. They soon could find that out.

Mr. EDGAR. What is your feeling now in retrospect looking back in terms of your relationship and coldness and the resentment that the FBI felt about their alleged withholding from you of information?

Mr. RANKIN. Well, you know, I assumed at that time, apparently mistakenly, that they were professionals and even though they didn't like whatever I would demand as a lawyer, or if I was too insistent about the investigation or wanted a better investigation or something more complete, or more information or more disclosure, that they would recognize that I was acting as a lawyer in trying to carry out my work, and if they didn't like it they still would appreciate that it was necessary to my work. Therefore, the thought never crossed my mind that they would deliberately withhold something as important as information about what had happened in connection with this assassination, which I thought was of major importance to the country. I didn't think the FBI's interests

in its own Bureau, as important as I appreciated it could be to an agent or Mr. Hoover, still was more important than that of the interests of the country as a whole, so I never thought that they would deliberately conceal or withhold anything.

I thought there might be some times when I would have to pull it out of them, and I might have to keep after something a good many times that I should have been able to get the first time, but the other never crossed my mind, as I say, and I never believed that Mr. Hoover would deliberately lie to the Commission.

Mr. EDGAR. One final question, just in terms of your own intuitive speculation relating to a question I asked former President Ford earlier this morning.

Where do you think Oswald was going when he left the rooming house and walked behind the back alley there and up the street and shot Officer Tippit and went to the theater? Where was he heading? Was he just walking aimlessly or did he have a direction he was going?

Mr. RANKIN. I have nothing except speculation and I have always thought he was just trying to get away and that is a curious thing about life, that Officer Tippit would show up in that situation.

Mr. EDGAR. Did you have occasion to visit Jack Ruby's apartment?

Mr. RANKIN. No.

Mr. EDGAR. Thank you, Mr. Chairman, I have no further question.

Chairman STOKES. Time of the gentleman has expired.

We have a time problem, I am informed, with reference to the next witness to follow Mr. Rankin.

Mr. Rankin, I wondered this. Several of the members have indicated they have some additional questions they would like to ask you. I wonder if you would agree that if we submitted those to you that you would be able to answer them for the record for us.

Would that pose any problem for you?

Mr. RANKIN. No; I would be glad to do that.

Chairman STOKES. Fine.

All right. Then at this time let me extend to you on behalf of the committee 5 minutes, which you are entitled to as a witness before this committee, at which time you may make any comments you would like to make with reference to your testimony, and you may add to it or subtract from it, or whatever you like. I extend to you at this time that 5 minutes for that purpose.

Mr. RANKIN. Mr. Chairman, I don't want to take up 5 minutes of this committee's time but I do wish to express myself that I am maybe not happy to be here but I am quite willing to be here to assist in your deliberations in any way and I hope that any enlightenment that you can contribute with your work and your staff's efforts toward these problems will soon be available to the American people and will be helpful to their understanding of what happened.

Thank you.

Chairman. STOKES. Thank you very much, Mr. Rankin. We appreciate your cooperation and your presence and your testimony here, and again we thank you. You are excused.

Prior to the recognizing of counsel, I would like the record reflect the fact I am informed by counsel for the committee that prior to April 4, 1964, that is, February 1964, to April 4, 1964, that the FBI did have access to Nosenko, although Nosenko was under the control at that time of the CIA. After April 4, 1964, they did not again have access to him until 1969.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

It is time now to consider the role of the Department of Justice in the investigation of the assassination of President Kennedy.

Senior officials at Justice were, of course, active in supervising the investigation, though the responsibility for carrying it out was in the hands of the FBI. In the de facto absence of Attorney General Robert F. Kennedy in the days following his brother's murder, the job of coordinating the Department's activities was up to Deputy Attorney General Nicholas deB. Katzenbach.

Soon after the assassination, Katzenbach became a proponent of an independent Presidential commission to investigate the assassination.

The proposal he and others suggested to President Johnson called for the creation of a blue ribbon body that was to become the Warren Commission. It would, he recommended, be composed of present and former Government officials of eminent stature, such as the former Commission members who have testified here today. When the Commission was created on November 29, 1963, the Department of Justice no longer was involved in the investigation in any way, although it continued to perform liaison functions for the Commission.

Here today, Mr. Chairman, is the Honorable Nicholas Katzenbach, former Attorney General of the United States. Mr. Katzenbach became Attorney General in 1964, when Robert Kennedy ran successfully for the Senate from New York. Mr. Katzenbach was later named by President Johnson to serve as Undersecretary of State.

Presently, he is general counsel and vice president of the IBM Corp.

It would be appropriate at this time, Mr. Chairman, to call Mr. Katzenbach.

Mr. PREYER [presiding]. The committee calls Mr. Katzenbach.

TESTIMONY OF NICHOLAS KATZENBACH, FORMER ATTORNEY GENERAL OF THE UNITED STATES

Mr. PREYER. Mr. Katzenbach, it is good to have you with us today. I ask that you stand and be sworn in at this time. Do you solemnly swear the evidence you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KATZENBACH. I do.

Mr. PREYER. We have a rather slim attendance at this moment because of a vote that is on on the House floor. I think Members will be returning momentarily.

Mr. KATZENBACH. Not a new experience for me.

Mr. PREYER. I suggest that we take a several minute recess in place, if you do not mind. We would like to have—here is Mr. McKinney here right now. I think we are ready to proceed.

The committee will recognize Gary Cornwell, counsel for the committee, to begin the questioning of the witness.

Mr. CORNWELL. Mr. Chairman, I am prepared at this time to question the witness. However, I had the opportunity to take a lengthy deposition from Mr. Katzenbach previously. That deposition has been provided to the committee and I have been informed that the committee has had an opportunity to study it carefully.

In light of that, I might suggest, in view of the late hour, perhaps the committee might simply like to begin first and ask the questions of Mr. Katzenbach in those areas that we are most concerned with.

Mr. PREYER. Is the deposition a part of the record or do you wish it introduced into evidence at this point in the record?

Mr. CORNWELL. It is in the files. Mr. Katzenbach has not yet had an opportunity to read it carefully himself and to sign it. As soon as he does so, it will be made a permanent part of the record, Mr. Chairman.

Mr. PREYER. Fine. The Chair recognizes Mr. McKinney to begin the questioning of the witness.

Mr. MCKINNEY. Mr. Attorney General, it is a pleasure to see you again. We really appreciate your coming to help us in these deliberations.

I would like to start out by asking the question as to your exerting tremendous pressure right after the assassination to get the FBI report out and to get a report in front of the American people. This is somewhat evidenced by your memorandum to Mr. Moyers of November 25. What was your basic motivation in looking for such speed?

Mr. KATZENBACH. I think my basic motivation was the amount of speculation both here and abroad as to what was going on, whether there was a conspiracy of the right or a conspiracy of the left or a lone assassin or even in its wildest stages, a conspiracy by the then Vice President to achieve the Presidency, the sort of thing you have speculation about in some countries abroad where that kind of condition is normal.

It seemed to me that the quicker some information could be made available that went beyond what the press was able to uncover and what the press was able to speculate about was desirable in that state of affairs.

Mr. MCKINNEY. In your deposition to the committee on page 8, you suggested that one of your interests was that the facts, all of them, had to be made public and it had to be done in a way that would give the public, both in this country and abroad, the confidence that no facts were being withheld at all.

Do you think that pushing for this type of speed might have hurt the accuracy of the report or brought about the fact that some people would question the speed of its issuance its thoroughness, its completeness?

Mr. KATZENBACH. I do not think the two notions are connected, Congressman. I think the motivations for getting some kind of report out, some facts out early were the ones that I have stated.

The memorandum of Mr. Moyers and a number of other conversations and things that I have said really related to the desirability of a totally thorough, complete investigation by a commission, such as the Warren Commission, which should point out all of the facts available and all of the reasons for their conclusions.

I never intended at any point that the investigation done by the FBI would be a substitute for the kind of investigation of President Kennedy's assassination.

Mr. McKINNEY. Perhaps for the general public and for the committee, you could discuss for us your recollection of when and how the idea of a Presidential Commission came forth. I know you mention it in your memorandum to Mr. Moyers again.

How did you feel about it, at first? Were you opposed to it or not, and when it was finally firmed up, how was it finally decided?

Mr. KATZENBACH. I think an idea like that perhaps has several apperents. It was something that very soon after the assassination I thought was a good idea, that such a Commission should be formed of people of impeccable integrity, people who would search for the truth and who would make that truth public because I did not believe that if it remained entirely within the executive branch that that effect could ever be achieved as far as the general public here or abroad was concerned.

So, I thought very early that such a Commission was essential to, really to the political process, to getting all of the facts out on such an occasion as the assassination of a popular and respected President.

So, I pressed for that very early. I was never opposed to it. I was, however, in a somewhat awkward position because of my responsibilities in the Department of Justice as Deputy Attorney General at that time and, in effect, very nearly acting Attorney General at that time because of Robert Kennedy's tragic loss and reaction that he had to the assassination of his brother.

My awkwardness was because it was perfectly obvious to anybody who knew anything about the Federal Bureau of Investigation that they were certain to resent the appointment of any such commission. So, on the one hand, and if I were thought to be the source of that or to recommend that, then it would very seriously affect my relations with Mr. Hoover and the Bureau.

Mr. McKINNEY. In other words, it is safe to say that with the mere mention of another investigation or another investigation or an investigative commission, Mr. Hoover would have considered it a somewhat of an insult to the FBI in its activities in this area.

Mr. KATZENBACH. Absolutely.

Mr. McKINNEY. You brought up the subject of the Attorney General, so I will move to that for just a moment. I think it also might be of benefit to the committee and the public if you were to describe to us as best you could the Attorney General's role and his feelings at that time. It has been difficult, I think, even though everyone is aware of the tremendous loss, for many people to understand why the Attorney General, who had had task forces all over the United States looking into organized crime, who had been an active prosecutor of organized crime, who had been an extremely activist Attorney General, why he never took more of a role in ordering the FBI to do things and in ordering his in-the-field people

who had connections with the Mafia to move into any areas such as the Cuban area.

Mr. KATZENBACH. Well, when the assassination occurred, Robert Kennedy's world just came apart, in that not only his affection for his brother, but everything that they had been trying to do, everything they had worked for a long time just went with that shot.

He was very devastated both I think by the personal loss and by the sudden crashing halt of all of the things that he had worked for with his brother for a long period of time.

His attitude was not difficult, I think, for those who knew him well to understand. He said nothing that was done was going to bring his brother back to life and it was, I think, almost as simple as that, as far as he was concerned.

Mr. MCKINNEY. In other words, not only was his devastation personal but it was political in that it was just over, the whole dream.

Mr. KATZENBACH. I think it was both. Both the two were so intertwined that it is difficult to distinguish them, I think. I think I would put them both under the feeling of personal. Everything that you were doing in life, a brother who was beloved just suddenly turned to dust.

Mr. MCKINNEY. Throughout your deposition, you bring up a point that I do not think as a committee member I was aware of. Even in discussing the formation of a commission on page 13 of your deposition, you said, "I thought Chief Justice Warren probably had more credibility abroad than any other American."

And you go on throughout your deposition in describing a tremendous amount of pressure from the State Department. I wonder if you would like to go into that in any more depth for the committee as to exactly why that pressure and in what forms it took. We have several exhibits suggesting the international repercussions, which I will put in the record later, which are essentially memos from Belmont, Jenkins, and Donahou and others.

I thought perhaps you might like to go into the background of that.

Mr. KATZENBACH. I was certainly communicated with several times by the State Department and I suppose in a sense that is pressure, although I do not know that I really felt it as pressure. I felt they had their problems and they wanted some help in trying to resolve them.

We have 120, or whatever it is, Embassies around the world and every Ambassador there was being asked about this, being asked by that government what was happening, what was the story on it, as well as what effect it would have on our foreign policy, and I think they were very—being no information really available to them, they were simply feeling the lack of it and feeling that affected their credibility in foreign governments.

Mr. MCKINNEY. Were they suggesting or did you have any conversations with the White House that suggested that perhaps President Johnson's viability as a world leader was in question or weakened until the whole issue of who shot President Kennedy was resolved to the world's satisfaction?

Mr. KATZENBACH. I do not now recall any conversations as specific as that. It seems to me that had to be an underlying factor and,

in addition, perhaps it is important to remember that President Kennedy had worked a long time and had achieved a considerable amount of stature after some fairly difficult beginnings.

That here was not a totally unknown President, not totally unknown, relatively certainly unknown person in the Presidency.

Mr. MCKINNEY. As essentially, although certainly not officially, acting Attorney General during this period would you describe to the committee what your relationship was with Mr. Hoover at that time?

Mr. KATZENBACH. I had never had a great deal of relationship with Mr. Hoover in terms of personal relationship with him. I suppose I had seen him a half dozen times maybe while I was in the Department of Justice. He had a considerable animosity, I think, toward Robert Kennedy.

I think he had never been in a position of having an Attorney General who was closer to the President than he was and that was a new situation for him, and one I do not think he liked. His relationship with Mr. Kennedy was very, I think, cold formal and I suppose as Robert Kennedy's deputy, some of that shed off on me.

Mr. MCKINNEY. Wasn't it true or isn't it inferable that Bobby Kennedy's very drive against organized crime was, in effect, a slap in the face to Mr. Hoover in that it implied that the FBI had not been the gangbusters that we were all brought up to think they were?

Mr. KATZENBACH. Yes, I think that is true and, of course, the drive in civil rights was one that kept exposing the Bureau to criticism, right or wrong, and that was resented by Mr. Hoover. Mr. Hoover resented criticism to a degree greater than any other person that I have ever known.

Mr. MCKINNEY. I do not know whether you were in the room earlier, but I mentioned and brought up to Mr. Rankin a letter to Mr. Tolson in which the FBI, in essence, refused to go to the Warren Commission meeting as liaison and in essence refused to brief you as to what they were doing, stating that they would have nothing further to say to either the Commission or anyone else until their investigation was finished.

This was somewhat a slap to you as well as to the Warren Commission. How did you react to this?

Mr. KATZENBACH. I think, Congressman, the first thing to remember is that was a letter from Allen Belmont to Tolson, not a piece of paper that I saw at the time or the Chief Justice saw at the time or that anybody other than those within the Bureau.

I think it is also important to remember that no memorandum, no letter written in the Bureau was really written for anyone other than Mr. Hoover. That is, it would reflect whatever the author thought Mr. Hoover's views were. I do not believe that Al Belmont put to me or had me put to the Chief Justice any flat refusal of that kind to go as a liaison.

My recollection is that the Bureau's attitude at that time was that it would be better if we did not go to this organizational meeting of the Commission because we will be asked a lot of questions about a report that is not complete, which we do not wish to answer until the report is complete; not an unreasonable posi-

tion to take and not one which reflects the attitudes reflected in the memorandum which you are reading.

And I believe that I probably, although I have no specific recollection of it, conveyed to the Chief Justice that view and those reasons and that he accepted them.

Mr. MCKINNEY. How did you feel, as the Warren Commission moved on in its work? How did you feel about the FBI's thoroughness and the FBI's cooperation with the Commission?

Mr. KATZENBACH. It was always my view, the whole time that I was in the Department of Justice, that the Bureau would do what you asked the Bureau to do and that they would do it well and professionally. They did not like what they were doing. They might want something more specific in the way of instructions than if they liked what they were doing.

For example, if you were to look at the files now on civil rights matters and compared them with ordinary crimes that the Bureau was investigating, you would find very detailed memorandum to the FBI from John Door in the Civil Rights Division, Burke Marshall saying please do this and then answers to that or this, do something else, three and four page instructions.

Whereas if it was a kidnapping, you did not really have to give them any instructions. They were there and doing things as they ought to be done.

I regarded then and I regard now, despite all that has come out, the Federal Bureau of Investigation is probably the most highly trained, the most effective investigative agency in the world.

Mr. MCKINNEY. How do you tie that though to the fact that we now know they actually withheld from the Warren Commission any information they had regarding the CIA's overtures to the Mafia and the assassination attempts against Castro?

Mr. KATZENBACH. I am very surprised that they did that and I really have no explanation as to why they did that. It may have been because Mr. Dulles was a member of the Commission and they thought that was his job to do it, but I am quite surprised, given relationships between the FBI and the CIA, I am surprised that the FBI did not seize the opportunity to embarrass the CIA.

Mr. MCKINNEY. I am glad you used that word "embarrass" the CIA because I was going to ask you if you would describe your understanding at this period. My understanding is that the Director of the FBI had removed liaison from the CIA and the CIA retaliated. We had a situation where neither agency was talking to the other, basically on the basis of personal animosity rather than anything factual.

Is this your understanding of their relationship at this time?

Mr. KATZENBACH. There may be some overstatement in that. Essentially that was strained for that reason. On the other hand, whenever that occurred and it occurred on other occasions, liaison was maintained simply because it had to be maintained at a lower level.

Mr. MCKINNEY. You state in your deposition—we will move on to the CIA, on page 19. You say and I quote:

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 astounded to this day that Mr. Dulles did not at least make that

information available to the other Commissioners. He might have been skeptical about how far it was to go to the staff or how it might be further investigated because there was somewhat more of an aura of secrecy surrounding the CIA in 1964 than there is in 1978.

And then you went on to say that you are referring to generally anything that the CIA had in its files. Are you somewhat appalled at this point when you find out that not only were the files not thoroughly given to the Warren Commission but that such important things as Nosenko were not really given very happily?

Mr. KATZENBACH. Yes, I am.

Mr. MCKINNEY. Do you think that there is anything that this committee could possibly propose, should this terrible type of horror happen again, that would give a Commission such as the Warren Commission any type of authority which would override the bureaucratic malaise that we seemed to have had back during the Warren Commission days?

Mr. KATZENBACH. I really cannot think of anything offhand. In the final analysis in government, you have to rely on the integrity and the competence of people in high position. They may not always have the integrity they should have and they may not always have that competence, but if you do not have that, it is pretty hard to scotch tape a solution around.

Mr. MCKINNEY. There are two letters, as you probably know, which are Kennedy exhibits F-466 and F-473 from Mr. DeLoach, one of them on 11-25 and one on 12-20 concerning the leaks of the FBI information and a report, in essence, in one accusing you of leaking information. In your deposition you indicated it would be difficult for you to do so because you did not know the information.

And I just wondered what you could give this committee that would enlighten us as to why the FBI instead of simply putting out their report with the facts as they saw them started this process of slowly leaking to their favorite reporters?

Mr. KATZENBACH. I think it was largely because of the appointment of the Warren Commission.

Mr. MCKINNEY. I am sorry.

Mr. KATZENBACH. It was largely because of the appointment of the Warren Commission and their resentment about that. They very much wanted the report to be made public. They very much wanted to get all the credit for it. They very much wanted the center stage.

When that was frustrated, I think they took steps of leaking the information. They have done that in much lesser contexts many, many times when I was in the Department.

Mr. MCKINNEY. Isn't it also possible that there is a definitive feeling on their part that a leak would not show a deficiency in an investigation as much as a report would be criticized for deficiencies?

Mr. KATZENBACH. I doubt that. It is a speculation one can make. I doubt it for only one reason. I doubt very much that the Federal Bureau of Investigation thought there were any deficiencies whatsoever in their report.

Mr. MCKINNEY. Or at least they thought there would be no deficiencies.

Mr. KATZENBACH. They thought there were none; yes.

Mr. McKINNEY. Well, I am fascinated that the Senate came to the conclusion that, quoting from book V on page 6:

The committee had developed evidence which impeaches the process by which intelligence agencies arrive at their own conclusions about the assassination and by which they provided information the the Warren Commission.

They go on to state that "Facts that might have substantially affected the course of the investigation were not provided the Warren Commission." Then you state on page 30 of your deposition that "Mr. Hoover resented greatly when Mr. Kennedy or I talked directly to any agent in the field."

On page 47 of your deposition you said:

You see, nobody really could do it other than the Bureau, with the Bureau's acquiescence. 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.

In other words, isn't this really sort of a stone wall attitude toward the Commission, toward the Attorney General, the Assistant Attorney General and almost everybody else involved?

Mr. KATZENBACH. Yes, it can be viewed that way. The Bureau, during the time that I was in the Department of Justice, had a very strong view that they were to do investigations.

That was their responsibility and their responsibility ran essentially to Mr. Hoover on that, and they wanted suggestions. They would follow suggestions, orders with respect to an investigation from prosecutors, from the attorneys in the Department who had responsibility for the development of a case.

But essentially how they went about it and how they did it, who was assigned to it, what they said was received up through their bureaucracy. What they resented was our talking with an agent in the field about an investigation he was doing, or about something he was familiar with rather than get that report coming back through the FBI bureaucracy and coming out with Mr. Hoover's signature and a memorandum to the Attorney General from one of the Assistant Directors, as a memorandum for an Assistant Attorney General or whatever.

That is not all bad. They simply did not want to be pinned with the views expressed by some agent in the field. If they did not acquiesce in those views or if they had other information available to them which cast some doubt upon those views, and I can understand that, as frustrating as it often was.

I can understand that. I mean, when I was in government or even today—I have lot of lawyers working for me. Not every one of those people is expressing my views.

Mr. McKINNEY. I guess one of the bottom lines, then, of all of this, is to ask the question: If the FBI and if the CIA had been wholly cooperative and wholly open to the Warren Commission, do you, No. 1, feel that there would have been any different result in what the Warren Commission came up with or how long it took to come up with that answer?

Or do you feel that perhaps the Warren Commission's final conclusions would not have been open to such tremendous criticism and skepticism?

Mr. KATZENBACH. Well, I think obviously things would have been investigated that were not investigated or investigated in more

depth than they were investigated. I have no way at all of knowing whether what light that would have cast.

I have been personally persuaded that the result was right and I do not think it would have changed any of the evidence that they had that led to that result. But I suppose one has to say, an investigation that did not take place, it is impossible to know what would have come out of it.

And I think on the third part of your question, it is clear to me that had that been done, had that been investigated, had those facts been made public, perhaps what is going on here today would not have taken place, would not have been necessary.

Mr. McKINNEY. In other words, the opening would not have been there. It is luck perhaps that the Warren Commission may have hit the right result but there were so many avenues in which individual bureaucratic decisions were made not to open and were not discovered that it is relatively lucky they did not lead anywhere.

Mr. KATZENBACH. I think lucky is too strong a word. They did an awful lot of work and had an awful lot of facts and an awful lot of good investigation was done in the areas where it was done.

Mr. McKINNEY. Mr. Chairman, I have no further questions—one more question I guess I would ask. In general, we discuss the pressure from the State Department in the beginning and the reasons for that pressure and your memorandums.

Do you feel that the pressure from, say, the State Department, the pressure from the White House, general pressures of the time really made the Warren Commission do its work too quickly and the FBI do its work too quickly so that also subjected them to criticism?

Mr. KATZENBACH. I think more true of perhaps the initial FBI report, but I don't think it is possible in that period of time to do the kind of investigation that had to be done, nor do I think in essence that was what they were doing. I think they were trying to arrive at a conclusion on the basis of a very intensive, massive, but hasty investigation so as to get the most salient facts out.

The Warren Commission, my recollection is, too, about a year, and it would seem to me that is not—I don't think there was any great pressure to get it out within a year. If they felt it was 18 months, I think it would have taken 18 months.

Mr. McKINNEY. It is known the Chief Justice definitely wanted to get it out before the heat of a political campaign rose to the front?

Mr. KATZENBACH. Yes, and I am sure he wanted to get back on the bench.

Mr. McKINNEY. It is safe to say you found yourself in the uncomfortable position of being pressured to get information out but at the same time realized that speed was certainly not going to make the FBI investigation as accurate as you would like to see it?

Mr. KATZENBACH. The conclusions might be accurate but the investigation couldn't conceivably be as thorough in that period of time as the assassination of a President ought to require.

Mr. McKINNEY. Thank you very much. I really appreciate your answer. I am finished.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Just one question, Mr. Chairman.

You have served as Attorney General, and a very good one, and you were also instrumental in setting up the citizens committee.

In the awful chance that we might ever have had to go through this kind of thing again, would you recommend the setting up of a citizens committee once again, or would you prefer to rely on the judicial system solely to investigate such an assassination?

Mr. KATZENBACH. The question is difficult, Congressman, because had Ruby not shot Oswald, then I think you would have had a very different state of facts. I assume in those circumstances that it would have been investigation by the agencies of the Government developing the evidence they had, for prosecution—at the time by State authorities—of Oswald for the murder of the President.

Whether subsequent to that, depending on what then happened, you would have had a commission, a citizens group, such as the Warren Commission, I suppose, would have depended on what all the surrounding facts were at that time.

Given the identical situation; yes, if that occurred I would take the same course again, and I think I would do it the same way. I think I would rely in the same way and hope that the reliance was not misplaced.

Mr. PREYER. So the fact that there was no public trial possible in the Kennedy assassination is one good reason for having a citizens committee?

Mr. KATZENBACH. Yes sir. You might need one in any event, because a trial—

Mr. PREYER. Pardon me?

Mr. KATZENBACH. You might need one in any event, because the nature of a trial might leave out, leave a lot, might establish the guilt of murder of the defendant without bringing in all of the collateral things which—

Mr. PREYER. That was going to be my next question, such as the guilty plea in the James Earl Ray case?

Mr. KATZENBACH. Yes.

Mr. PREYER. Of Martin Luther King?

Mr. KATZENBACH. Sure, exactly. Even without the guilty plea the limits of relevant evidence, there may be a lot of unanswered questions after the judicial process has been completed.

Mr. PREYER. You mentioned the FBI, you felt, was the most effective investigative agency in the world, but you have also noted a number of the difficulties of the citizens committee working with the FBI, certain institutional jealousies there. Do you think if you had to do it again that you would advise the Warren Commission to go the route of employing independent investigators, or would you rely on the FBI as the major investigative arm?

Mr. KATZENBACH. I think the question is somewhat hypothetical because, you see, I don't think there are other investigators who have nearly the competence. I don't think they are available in the numbers that you would need them. So it seemed to me that even today, as then, not to use the investigative agencies of the Government, and particularly the FBI, is probably to waste one of the most valuable assets that you have.

Mr. PREYER. Thank you very much.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Mr. Katzenbach, nice to have you here with us today.

I suppose that an awful lot of the speculation that grew out of the Warren Commission, after the completion of its work, over the past 15 years, a lot of it stemmed, and I will ask if you agree or disagree with this—stemmed from the memorandum, the so-called memorandum from Mr. Moyers, the November 25 memorandum that you drafted and sent to Bill Moyers.

As I recall, over the past 15 years, on any number of occasions I have either read or heard people refer to that first paragraph in that memorandum, three points, and I will quote it for you, then—I don't know if you have a copy or not, I will see that you get one in front of you. I am quoting here:

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.

This was November 25, 1963, 3 days after the assassination.

Now, unfortunately they don't always quote the other paragraphs in that memorandum, which I think to an extent mellow that single paragraph, but still that paragraph has been quoted extensively as an indication that the Warren Commission was really a self-fulfilling prophecy, that it was not designed to investigate the assassination of the President from a de novo position, but rather to confirm what the FBI had already concluded, what the Dallas police had concluded, and that, therefore, the Warren Commission didn't really fulfill its obligation, the obligation that Chief Justice Warren outlined when he said our responsibility is to get at the truth.

I am creating that scenario for you because that is how I think it has been portrayed over the years.

I have listened today to you talk about the various motivations, and it is hard, one can only sympathize, not empathize, with your position in those days, what it must have been like to be in the position you were in and have the responsibilities you had.

Can you tell this committee, or help us try and straighten out what your motivation was at that moment that you wrote those words—and this is 3 days after the assassination—"the public must be satisfied that Oswald was the assassin."

Why was it so important that the public be satisfied that Oswald was the assassin?

Mr. KATZENBACH. Because, very simply, if that was the conclusion that the FBI was going to come to, then the public had to be satisfied that that was the correct conclusion.

My whole attitude in that memorandum, and I think it is contained or reflected in other paragraphs that you mentioned, I think it was reflected in other conversations, other memorandums that you have, one overwhelming feeling that I had, and that was in the assassination of the President of the United States, all of the facts, all of the evidence, everything that was relevant to that had to be made public.

Mr. DODD. You say then, I should quote—in fact, Mr. Chairman, I would ask unanimous consent that this memorandum, if it is not already admitted into evidence, be admitted now.

Chairman STOKES. I believe it is already in part of the evidence. Mr. DODD. I think all of it should be there. You say in the first paragraph:

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 all that the facts have been told and a statement to this effect be made now.

I think that is fine, but still I am perplexed, absolutely perplexed, on why it was in the public interest to prove that Oswald was the one, and that as reflected in the next sentence, did not have confederates who were still at large.

Why was it so important to prove that 3 days after the assassination?

Mr. KATZENBACH. Because for the very simple reason, if that was not a fact, and all the facts were not on the table, then it seemed to me that nobody was going to be satisfied, and I thought that the public was entitled—if there was a conspiracy, then we ought to say there was a conspiracy. If there were confederates at large, it ought to be said there were confederates at large.

I knew then already that Oswald had been in Russia, Oswald had been in Mexico. Now, if you are going to conclude, as the Bureau was concluding that this was not part of a conspiracy, that there were no confederates, then you had to make that case, with all of the facts, absolutely persuasive. If you didn't reveal these facts, somebody else was going to reveal them.

Now, if there was a conspiracy, there was a conspiracy, and you put those facts out. But if you were persuaded Oswald was a lone killer, you had better put all of the facts out and you better not cover up anything, and you better say now all of the facts are going to be made public.

That was the advice I was giving Moyers and that was the advice I was giving the President and that was the motivation for the Warren Commission.

I don't think this is artistically phrased. Perhaps you have never written anything that you would like to write better afterwards, Congressman, but I have.

Mr. DODD. You won't get me to say that.

Mr. KATZENBACH. But I think if you take that, take the other paragraphs of it, take other things I was quoted as saying, other things I said, that there is a consistent view on my part.

Mr. DODD. I didn't want to pull this out of context. I want to make sure it is all in there. In fairness to you, it should all be in there.

Mr. KATZENBACH. I was very conscious of those facts which were going to be seized upon. Is this a Russian conspiracy? And I was very conscious, perhaps as a little bit of a history buff, that nobody ever put to bed satisfactorily the assassination of Abraham Lincoln.

Mr. DODD. You seemed in the next paragraph—I quote you again here—you say:

Unfortunately the facts on Oswald seem about too pat—too obvious (Marxist, Cuba, Russian wife, et cetera). 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.

Am I off base there in detecting a feeling that you had on November 25, 1963, that there was something more to this, that

you felt, in fact, whether intuitively or based on other information, that this guy had been set up, Oswald was not alone?

I sense that in that paragraph, reading it word for word, and carefully, that you had some thoughts running through your mind, and you were expressing them to Bill Moyers in those words.

Mr. KATZENBACH. I don't think I had a view one way or the other, other than what I was being told the FBI investigation had, but I was saying you have got a lot of facts here, if you say Oswald was the lone killer, he wasn't in conspiracy with anyone, had nothing to do with any foreign government, you have got a lot of awkward facts that you are going to have to explain, and you had better explain them satisfactorily. You had better put it all out on the table.

Chairman STOKES. Time has expired

Mr. DODD. May I have 1 more minute and I will terminate?

Chairman STOKES. Without objection.

Mr. DODD. On page 22, when asked by Mr. Cornwell—I won't read the question to you, but basically he is talking to you about the assassination plots, asking, during the deposition, about the assassination plots, and your response is this:

No. In fact, I never believed there were such plots. I testified to this before but I remember at one time they were in the White House at the time of the Dominican upheaval and I remember Lyndon Johnson asking a direct question to Dick Helms about assassination and got a flat denial from Mr. Helms that the CIA had anybody involved. It was a short conversation and you can qualify it any way you want to, but I went home pretty confident.

Did you prepare any memorandum at that time, after that conversation, or do you remember that conversation so clearly that you have no doubt in your own mind that Mr. Helms told the President of the United States in 1965 there were no assassination plots?

Mr. KATZENBACH. I remember the conversation. It is hard to remember verbatim word for word. The question may well have been "Have we ever been involved in any assassination of anybody," and the answer to that may have been the flat "no."

I don't know, I don't remember exactly how the question was phrased, but it obviously had to do at that time with Vietnam, and I was satisfied from that that we didn't engage in that kind of activity in this country, and I suppose I was satisfied in part, Congressman, because it was so incredible to me that we should have.

Mr. DODD. You didn't take any notes?

Mr. KATZENBACH. I almost never did. I never had time.

Mr. DODD. Thank you, Mr. Katzenbach.

Thank you, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I just have a single question. Mr. Hart, who was a spokesman for CIA here in connection with their having taken into custody for some 3 years Yuri Nosenko, the Russian defector, said that their authority for putting this man in a specially built isolation cell for 3 years, was you, that Helms had gone to you and gotten an OK for this. Is that true?

Mr. KATZENBACH. I have no recollection of any conversation involving Mr. Nosenko with Mr. Helms. There may have been such a conversation. I don't think that I authorized putting anybody in jail for 3 years. I simply have no recollection of any such conversation occurring, but there may have been a conversation about a defector. I don't know.

Mr. SAWYER. But you don't believe that you would have authorized that kind of thing, if you had been asked?

Mr. KATZENBACH. No, I think I would have—I think if somebody said we have a defector, we don't know whether he is a true defector or not, we have got him under some questioning, I wouldn't have—I don't suppose that would have bothered me that much. But when you talk about incarceration for 3 years, and so forth, that seems to me a different proposition.

One would expect a defector to be questioned by CIA.

Mr. SAWYER. But not put in solitary for 3 years in a specially constructed vault, in effect?

Mr. KATZENBACH. No. But I would not have been surprised if he had been questioned intensively for a week or two.

Mr. SAWYER. Thank you.

That is all I have, Mr. Chairman.

Chairman STOKES. The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I don't have questions at this time. I yield my time to the Chair.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. I didn't expect Mr. Ford to pass. I don't have my document out here I wanted to talk to you about.

It has to do with your views as to how, in keeping with your deposition, you said that we should leave no stone unturned and pursue every possibility, and so on, and particularly with regard to conspiracy.

There have been some questions here of the Cuban situation. What I would like to do is ask if you could shed any light as to how you would have advised the FBI to proceed with the alleged connections between Jack Ruby and organized crime?

Mr. KATZENBACH. Well, I think it should have been explored in normal investigative ways, that is, they have some sources they were using and still use, to some extent, electronic devices, in appropriate circumstances, and I would have thought they would have made any effort, every effort that was possible, to see what those connections were, if any.

There is certainly a massive amount of data in the FBI with respect to organized crime. There even was at that time. I suspect there is a lot more today.

Mr. FITHIAN. I wonder if we might provide the witness with the February 24 memorandum from Hubert and Griffin to Howard Willens. JFK F-448, I think, is the number. If we could provide that to the witness, I would ask that it be introduced into the record at this time.

Chairman STOKES. Without objection, it might be entered into the record at this time.

[The exhibit follows:]

JFK EXHIBIT F-448

JFK F-448

February 24, 1964

Exhibit #5

MEMORANDUM

TO: Mr. Howard P. Willens

FROM: Mr. Leon D. Hubert
Mr. Burt W. GriffinSUBJECT: Further Telephone Records to be Obtained for the Commission

In furtherance of your conversation with Mr. Griffin on February 20th 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 one, two and three seek telephone numbers of phones "reasonably available" to Ruby plus records of calls placed from phones under Ruby's direct control.

Paragraph four seeks telephone numbers of all phones reasonably available to certain persons.

Paragraph five seeks only phones listed to or under the control of certain people.

Paragraph six to ten 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 non-residents of Dallas.

Mr. Howard P. Willens

February 2, 1964

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 two, the FBI should indicate in its report what telephone company personnel were questioned, the questions 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, Texas.

Karen Bennett Carlin, aka Karen Bennett Karlin, aka "Little Ivan", 3809 Meadowbrook, Fort Worth, Texas.

Bruce Carlin, aka Bruce Karlin, 3809 Meadowbrook, Fort Worth, Texas.

Marion (aka Marion) Rubenstein Carroll, 1044 W. Loyola, Chicago, Ill.

Eileen Rubenstein Kaminsky, 6724 N. Tolman, Chicago, Illinois

Lewis J. McWillie, Las Vegas, Nevada

Hyman Rubenstein, 1044 W. Loyola, Chicago, Illinois

Sara (Rubenstein) Ruby, 11616 Jamestown Road, Dallas, Texas.

Mr. Howard P. Willens

February 24, 1964

Earl (Rubenstein) Ruby, 2925 Woodland Drive, Southfield, Michigan
 Eva Rubenstein (Magid) Grant, 3929 Rollins, Dallas, Texas.

Rolph Paul, Arlington, Texas

c/o Bart Dorman, Copeland Road, Arlington, Texas (home)
 Podmuh's Restaurant, Arlington, Texas (access)
 John W. Jackson, 1602 Browning, Arlington, Texas (access)
 Bull Pen Drive-In, 1936 East Abram, Arlington, Texas (business)

Anna Rubenstein Volpert, 1044 W. Loyola, Chicago, Illinois.

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 our question 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, Illinois (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").

Mr. Howard P. Williams

February 24, 1964

San Cordon, 755 Crescent Drive, Pala Springs, Calif.

Alex Gruber, 5222 W. Olympic, Los Angeles, Calif. (WE 5-1082)

Frank Goldstein, 640 Tarasita Boulevard, San Francisco, Calif.

(HU 7-7874)

(SU 1-7343)

Lawrence Mayers, 3950 N. Lake Shore Drive, Chicago, Illinois (Hase)

Ero Mfg. Co., 714 West Monroe, Chicago, Ill. (business)

Ray William Pike, aka Mickey Ryan, 2344 Connecticut Lane, Apt. C.,
Dallas, Texas

Anasi Umberto, Chicago, Illinois

Mario Umberto, Chicago, Illinois

Abu Weinstein, 11028 Westmore Circle, Dallas, Texas.

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.

Mr. Howard P. Willens

February 24, 1964

8. The FBI should obtain a list of all telephone companies and the Chief Executive Officer serving the following areas:

- Texas
- Nevada
- Los Angeles, California
- San Francisco, California
- Chicago, Illinois
- Detroit, Michigan and adjacent suburbs in the Detroit metropolitan area, including Southfield, Michigan
- Boston, Massachusetts and adjacent suburbs, including Belmont, Mass.
- New York metropolitan area, including suburban Long Island, Connecticut and New Jersey
- Miami, Florida
- Washington, D. C. and adjacent suburbs
- New Orleans, Louisiana

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 suspected. 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. FITHIAN. It is in today's briefing book under exhibit 5. At least that is its number.

Mr. KATZENBACH. Did you want me to read it?

Mr. FITHIAN. If you would just glance over it quickly.

As I understand your experience in the Department during Attorney General Kennedy's tenure, you became fairly familiar with the whole effort on organized crime; is that not correct?

Mr. KATZENBACH. Not really terribly familiar, Congressman. That was one of the areas that Robert Kennedy was most interested in himself and, therefore, one of the areas where he had far more extensive knowledge than I. What I usually picked up from him as deputy was the areas where he had less interest, so I was not an expert on organized crime.

Mr. FITHIAN. If you would like, just as we chat back and forth here, to glance over that four or five pages, I think you will find that there are recommendations here from these two junior attorneys on the Warren Commission that at least lead me to believe that they were recommending a much more ambitious program than obviously was pursued and, in fact, if you go to the page 5 with me, paragraph 9, their recommendation is really precise, and it said that Mr. Rankin should address the letter to the chief executive of each of the telephone companies mentioned in paragraph 8, requesting such companies not destroy until June 1, 1964, any records that they may have with respect to telephone services of all subscribers, and so on.

If you look above that it is a number of towns. If you look on the back in the document there are a number of names that they suggest that they might pursue, and if you look earlier on in the document you find a suggestion that they survey any telephone within the reach of Jack Ruby.

Now, I am not really vitally concerned about this document with this particular witness, Mr. Chairman, but I am interested in what recommendations you would have made to the Bureau to pursue, or either you or the Department would have made to the Bureau, to pursue the possible organized crime complicity in the assassination, and that is the first part of the question.

The second part is, isn't it reasonable to expect, given the expertise of Justice in this particular field, that this might be one of the areas that we as a committee could expect the greatest amount of interaction between Justice and the Bureau, given your widespread experience down at Justice in this and the necessity of the two groups really to cooperate?

Am I way off on that, Mr. Katzenbach?

Mr. KATZENBACH. No. I don't know how you are using the term Justice on that. I think with respect to the Commission that we felt, in fact, the Commission should have, whatever investigation the Commission wanted should be done and should be performed in accordance with what they wished. I don't recall making any suggestion to the Commission as to what I thought they should go into.

Mr. Willins was liaison from the Department, using Department in the narrow sense of the lawyers in the Department. He had considerable experience with organized crime and I would have expected, because of the strange shooting of Oswald by Ruby, and

because of allegations of organized crime connections—I would have expected the Commission to go into those to whatever degree they thought appropriate in terms of coming to whatever conclusions they came to.

My point is I wouldn't have either interfered or wanted them interfere or told them what to do.

Mr. FITHIAN. Wouldn't that expectation have been heightened what Mr. Rankin told us today that is section No. 4 of the investigative plan had to do with the whole conspiracy, did anybody at least assist?

Question. I guess what I really want to get to, Mr. Katzenbach in light of the FBI's role as really the investigative arm, granted the Commission had some lawyers, but the real investigation was done by the Bureau?

Mr. KATZENBACH. Yes, sir.

Mr. FITHIAN. And the Bureau under the Justice Department. Are you satisfied——

Mr. KATZENBACH. The Bureau under the Warren Commission really.

Mr. FITHIAN. All right. Are you satisfied, as you review the case that the FBI, in assisting the Warren Commission, did an adequate job with regard to the approach to investigating the question of any possible complicity of organized crime via the Jack Ruby link?

Mr. KATZENBACH. I don't really feel in a position to answer the question. You gentlemen could answer that question far better than I because you have gone over all of this to a much greater degree than I have.

Mr. FITHIAN. At any time during the whole Warren Commission existence, did anyone from either the FBI, to your knowledge, or the Warren Commission, come over and sit down with the Organized Crime Section of the Justice Department, or the Attorney General himself, or anybody, you or anyone else, and sort of review the bidding as to the approach that they might use in trying to ferret out any possible association?

Mr. KATZENBACH. I know of no such thing, no such occasion. They certainly did not with me, but Mr. Willins, who was the liaison there, he was a very good lawyer, had a lot of experience in organized crime, and would have been quite competent to have helped to assist them as they wanted in this respect, and I simply have no knowledge as to what conversations he had with the Warren Commission or the staff on that subject, but he was certainly competent to do so.

Mr. FITHIAN. He never made any——

Chairman STOKES. Time has expired.

Mr. FITHIAN. He never made any reports to you?

Mr. KATZENBACH. No. He occasionally told me orally, but it was my view that the Warren Commission was doing this and our job was to do what they wanted done, to give them what support they wanted in the job that they were doing, and not to interfere in any way.

Mr. FITHIAN. And the last question, you never felt that Justice or the FBI ought to go to the Commission and say, "Look, if you are really going to look into the organized crime section, this is the way you want to do it."

Mr. KATZENBACH. No, I don't think any occasion came up where I felt that was appropriate or necessary.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Mr. Chairman, I yield back the balance of my time.

Chairman STOKES. The time of the gentleman has expired.

Mr. Katzenbach, Mr. Sawyer asked you about the decision to sign off for Mr. Nosenko. Can you tell us whom it was that came to you and asked for your permission to begin the interrogation of Nosenko?

Mr. KATZENBACH. I don't recall anybody doing so, Mr. Chairman. I understand that Mr. Helms has said that he had a conversation with me, or recalls that he had a conversation with me on it. I have no recollection of that conversation. But perhaps his recollection is better than mine. I don't know. I don't recall any such conversation.

Chairman STOKES. Was this your testimony, that you don't recall anyone talking to you about it?

Mr. KATZENBACH. Yes, sir, that is my testimony.

Chairman STOKES. At any time?

Mr. KATZENBACH. At any time.

Chairman STOKES. How did you learn of it?

Mr. KATZENBACH. I learned of it when the gentleman writing a book called me up about 3 or 4 months ago or 6 months ago, and asked me about it. And I said, "Who is Nosenko"?

Chairman STOKES. That would be Mr. Epstein?

Mr. KATZENBACH. Yes, sir, Edward J. Epstein, right. And that was the first that I heard of it, to my recollection.

Chairman STOKES. So then, so that the record is patently clear on this point, during your tenure you knew absolutely nothing at all of this situation?

Mr. KATZENBACH. Nothing that I can recall at this time. It was quite a while ago, but I have absolutely no recollection of Mr. Nosenko or anything to do with him during that period of time.

Chairman STOKES. And while you held the office that you held, were you at any time requested to give your approval to treating any defector in this manner?

Mr. KATZENBACH. No, sir, the only connections that I can recall with the CIA at all fell into two categories: One was when they wished to wiretap or some electronic device to be put within this country they came to me; and the only other thing is whenever they wanted a book suppressed they came to me and I told them not to do it.

Chairman STOKES. Told them what?

Mr. KATZENBACH. Told them not to do it, that there wasn't any way you were going to do it. And those are the only, at least offhand the only—I had very little connection with the CIA when I—none that I recall as deputy, a little bit, I guess at the time of the Cuban missile crisis, and perhaps some at the time of the Cuban prisoner exchange. But I had very little connection with the CIA. And I don't recall, except for those occasions, their ever asking me any legal advice whatsoever, perhaps for good reason.

Chairman STOKES. And you are absolutely certain that you cannot recall any conversation with Mr. Helms about Nosenko?

Mr. KATZENBACH. I am certain that I don't recall it; yes, sir. I can't flatly deny that such a conversation occurred, but I have no recollection of it. It is quite a while ago, and I believe—I believe if it was as dramatic as it was put by Congressman Sawyer, I would remember it. If I was simply informed that somebody was being questioned, there was a potential defector, I might not recall it.

Chairman STOKES. Thank you.

Any other questions?

Mr. SAWYER. Yes.

Mr. Katzenbach, I don't know whether you are informed on the details of the situation, but we had testimony by a spokesman for the CIA, so that it is not just a statement of some employee or something, he was designated by the present Director to come here and present the story because he was supposedly the most familiar with it, since he had reviewed it for the CIA.

And he stated in substance that Mr. Nosenko was taken into custody in this country by the CIA after defection, or after alleged defection, held in a so-called safe house on a diet of tea and porridge twice a day, was allowed no reading material, the guards were instructed neither to talk to him nor smile at him, he was subjected to 48 hours at a crack interrogation. This being while they built a separate facility somewhere else in the country; namely, a device described by him as a bank vault, and then built a house around the bank vault to put this man in, and then kept him there under equivalent conditions for some 3 years, with that kind of thing, 1,277 days, to be specific.

At which point they finally gave up and gave him some emolument and put him on their payroll and let him go. And then they gave, as I questioned on the authority to do a thing like that, did they have any kind of process, and they said other than the fact that Mr. Helms had conferred with you and gotten your OK that this would be legal. And I just found it awfully difficult to believe that. And that is why—and I also don't imagine it would be the kind of thing that you would be asked to OK enough that you wouldn't rather clearly remember the incident, if it had occurred.

Mr. KATZENBACH. If the facts as you have just set them forth to me, Congressman, had ever been made known to me, (A), I would recollect it, I am certain; and I hope to goodness I wouldn't have given the legal advice that it is claimed.

Mr. SAWYER. It makes me feel better about it. Thank you.

That is all I have, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

Does counsel, Mr. Cornwell, desire to be recognized?

Mr. CORNWELL. I only note, Mr. Chairman, that during the questioning by the committee members there have been various exhibits which have been referred to directly or indirectly. They include exhibits which have been marked for identification as JFK F-462, F-463, F-465, F-466, F-458, F-471, F-472, F-473, and F-448, and I might ask they be placed in the record at this time.

Chairman STOKES. Without objection, they may be entered into the record at this time.

[The above mentioned JFK exhibits F-462, F-463, F-465, F-466, F-471, F-472, and F-473, follow:]

[JFK exhibits F-448 and F-458 were also entered.]

FBI memorandum
from Donahue to Belmont
11.22.63

P. 665

UNITED STATES GOVERNMENT

Memorandum

JFK Exhibit F-462

TO : MR. BELMONT

DATE: November 22, 1963

FROM : S. B. DONAHOE

SUBJECT: ASSASSINATION OF THE PRESIDENT

Deputy Attorney General Katzenbach called at 5:09 p.m. He said he realized that things were happening very fast and he was calling to ask that he be kept informed if there are going to be any arrests of the person or persons who assassinated the President. In other words, he would like to be advised when it is apparent there is going to be a solution.

The Deputy Attorney General also commented that if it develops that Oswald is the man who did the assassination or was involved in it, then his pro-Cuban and pro-Soviet activities will come into mounting prominence. He said if Oswald is so identified, the State Department should be advised as there are definite foreign policy considerations and decisions here.

Assistant Deputy Attorney General William A. Geoghegan called at 5:15 p.m. on behalf of the Deputy Attorney General. He advised that two men in the State Department have definite coordination responsibility in connection with any State Department action which would be required, if it develops that Oswald is implicated in the assassination. If this implication develops State Department will need full details on Oswald's background. The people at State Department to be notified in this regard are as follows:

John Crimmins
Extension 4588
Home phone FR 4-6151

OR

William Bowdler
Extension 3736
Home Phone FE 7-4712

I emphasized to Geoghegan that he must recognize, and I am sure the Deputy Attorney General so understood, that we could not give out any blow-by-blow account of what is happening and that we would only be acting in this regard when it became apparent that the solution is imminent. He was in agreement.

Our reports on Oswald are in the possession of State Department and Supervisor E.T. Turner of the Domestic Intelligence Division is so advising Crimmins or Bowdler tonight.

- 1 - Belmont
- 1 - Evans
- 1 - Rosen
- 1 - Sullivan
- 1 - Donahoe

REC-53

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JFK EXHIBIT F-462

FBI memorandum
from Belmont to Tolson

11.24.63

p. 666

JFK EXHIBIT F-463

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: November 22, 1963

FROM : MR. BELMONT

 1 - Mr. Belmont
 1 - Mr. Mohr
 1 - Mr. DeLoach
 1 - Mr. Rosen
SUBJECT: LEE HARVEY OSWALD
ASSAULTING A GOVERNMENT OFFICER

This afternoon I advised SAC Shanklin in Dallas that we are sending down Supervisors Rogge and Thompson for the purpose of going carefully over the written interview and investigative findings of our Agents in the Oswald matter so that we can prepare a memorandum to the Attorney General, attaching exhibits such as photographs, et cetera, to set out the evidence showing that Oswald is responsible for the shooting that killed the President. We will show that Oswald was an avowed Marxist, a former defector to the Soviet Union and an active member of the FPCC, which has been financed by Castro. We will then show the background of Oswald, when and where he was born, et cetera, and then the story of what happened when the President was shot and subsequently until Oswald was picked up in the theatre. We will set forth the items of evidence which make it clear that Oswald is the man who killed the President.

Shanklin said results of the investigation have been reduced to written form and consequently the information will all be available for these two Supervisors.

Supervisors Rogge and Thompson are leaving the night of November 24 for Dallas (by AIR FORCE plane)

I told Shanklin that he should contact the Chief of Police and arrange to be sure that any evidence such as the rifle, gun casings, paper bag containing Oswald's fingerprints, et cetera, be locked up in custody of the Chief so that no souvenir hunters or other persons would destroy or take away the evidence. Despite the fact that Oswald is dead, this evidence will be necessary to back up any statement that Oswald was the man who killed the President.

I also alerted our Laboratory to retain the bullets that were compared with the rifle and to hold on to any other evidence pertaining to this case.

I told Shanklin that Deputy Attorney General Katzenbach is reportedly sending Assistant Attorney General Miller of the Criminal Division down to Dallas to speak to the Mayor to see if he can keep the Chief of Police and Lieutenant Fritz off television and radio.

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DEC 4 1963

Memorandum for Mr. Tolson
Re: LEE HARVEY OSWALD

At 4:15 p.m. Mr. DeLoach advised that Katzenbach wanted to put out a statement, "We are now persuaded that Oswald killed the President; however, the investigation by the Department of Justice and the FBI is continuing." Guthman of the Department wanted the FBI to put this statement out. Mr. DeLoach advised Guthman that the FBI would not put out the statement and we are opposed to any statement being put out along this line.

0578

FBI memorandum
from Belmont to Sullivan
11.25.63.

P. 668

JFK EXHIBIT F-465

JFK Exhibit F-465

UNITED STATES GOVERNMENT

Memorandum

TO : MR. SULLIVAN

DATE: 11/25/63

FROM : A. H. Belmont

cc Mr. Belmont
Mr. Sullivan
Mr. Rosen
Mr. J.P. MohrSUBJECT: LEE HARVEY OSWALD -
Assassination of the President

Tolson	
Belmont	
Mohr	
Casper	
Callahan	
Conrad	
DeLoach	
Evans	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

The Director advised that he had talked to Katzenbach, who had been talking to the White House relative to the report we are to render in the Oswald case. It is Katzenbach's feeling that this report should include everything which may raise a question in the mind of the public or the press regarding this matter, including such things as the return of the passport to Oswald in Moscow, and the furnishing of money to him by the State Department for the purpose of returning to the U.S. If the State Department regulations or law required State to do these things, we should get a copy of the law.

This report will have to contain anything of relevance to the case. We should get from the Defense Department Oswald's record and disciplinary action and discharge. We should cover the angle of Oswald going down to Mexico City, and his contacts down there.

In other words, this report is to settle the dust, in so far as Oswald and his activities are concerned, both from the standpoint that he is the man who assassinated the President, and relative to Oswald himself and his activities and background, et cetera.

At such time as the report is finished, Mr. Katzenbach will go over it, and will furnish it to other officials of the government, such as McCone of CIA, the Secretaries of Navy, Defense, and State, so that they can look it over and make sure they agree and do not have any objections.

The above change will, of course, require more time for the preparation of this report. However, the Director desires that it be put as quickly as possible. Division Six will continue to handle the portion of the report dealing with the assassination attempt and the evidence gathered to show that Oswald is responsible. This means that we will have to carefully check the evidence and Oswald's possessions that the police are now turning over to us, to see if additional information should go into the report from this.

Division Five will handle the other part of the report, which will show the background, associations, et cetera, of Oswald. We must be certain that anything that is put into the report can be backed up, as it will be subject to minute scrutiny from the press and the public. For Division Five's part of the report we should be certain also that we get back up on the other part of the report.

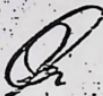
REC 16

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Mr. Sullivan

Oswald's passport back to him, et cetera. We should be certain that agents thoroughly go through Oswald's effects to see if they can pick up any correspondence with the Communist Party, the Soviet Embassy, et cetera.

This is a difficult report to prepare, but we will have to concentrate our full attention on it in order to produce the desired results.



FBI memorandum
from DeLoach to Mohr,
11.25.63

P. 670

JFK EXHIBIT F-466

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Mohr

DATE: November 25, 1963

FROM : C. D. DeLoach

SUBJECT: ASSASSINATION OF THE PRESIDENT

Guthman of the Department called at approximately 3:00 p.m. He stated that the Attorney General of the State of Texas was having a press conference this afternoon in Washington and would undoubtedly indicate to the press that the State of Texas would convene a Board of Inquiry into the assassination of the President and the murder of Lee Harvey Oswald. Guthman stated that the Department had to prepare to answer a large number of inquiries which they undoubtedly will receive following the State Attorney General's press conference. Guthman then read to me the following proposed release he plans to make:

"President Johnson has directed the FBI to investigate every lead and every shred of evidence in the assassination of President Kennedy and the shooting of Oswald. A full report on the FBI's findings in the assassination of President Kennedy will be made public. All evidence in the shooting of Oswald will be made available to local authorities in Dallas who will have responsibility for the trial of Jack Ruby. The Department of Justice, of course, will lend whatever assistance it can to any properly constituted Texas Court of Inquiry."

Guthman asked me what I thought of the release. I told him I disagreed with the plan to make a release. I mentioned that everything had already been said in the release which was made last night and, therefore, there was no further need to state anything else. I told him that it would be far better to wait until the FBI had procured all facts in the matter and had submitted an investigative report. I told Guthman that it was particularly bad that he wanted to make the statement that, "All evidence in the shooting of Oswald will be made available to local authorities in Dallas who will have responsibility for the trial of Jack Ruby." I mentioned that despite the truthfulness of this statement it will invite criticism. Many responsible individuals across the Nation are pointing to the inefficiency of the Dallas Police Department and a statement of this nature will merely add fuel to the fire.

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Evans
- 1 - Mr. Jones
- 1 - Mr. Morrell

DD:saj

78 DEC 3 1963

REC-36, CONTINUED NEXT PAGE

EX-117

DeLoach to Mohr 11-25-63
Re: Assassination of the President

Guthman stated he would remove the statement at once, however, wanted to go ahead and make the remaining statements. I told him I still disagreed, that there appeared to be no need whatsoever for any further press releases to be made by the Department. I told him that I, personally, believe that he should answer inquiries in the matter. He replied that he would think over the objections in question.

-After talking with the Director, I called Guthman back and told him I wanted to reiterate my objections in the above regard. Guthman stated he had given the matter further thought and in view of FBI objections would not issue a press release but merely would answer inquiries. I told him I thought this was highly advisable.

ACTION:

For record purposes.

✓

JB *11/25/63*

JFK EXHIBIT F-471

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Tolson

DATE: 12-3-63

FROM : H. Belmont

SUBJECT: ASSASSINATION OF THE PRESIDENT.
November 22, 1963

At 6:10 P.M., Deputy Attorney General Katzenbach called. He said Chief Justice Warren had called a meeting of the Commission, appointed by the President for 10:00 A.M., Thursday morning. Justice Warren wants a high-level liaison man from any interested agency. Katzenbach will attend the meeting but he feels that the FBI should have someone there also to answer any questions the Commission might have regarding the scope of the investigation, etc. Katzenbach thinks the Bureau representative should be the Director or Belmont. I made no commitment to Mr. Katzenbach, but I recommend we advise him that our report in this matter will speak for itself and until the report is ready, there is no real purpose in an FBI representative being present at the Commission meeting. With respect to this, it is noted that Katzenbach felt it was better to show willingness to cooperate with the Commission in every respect.

Katzenbach said that there are problems arising between the Texas Board of Inquiry, headed by Texas Attorney General Carr, and the Presidential Commission headed by Justice Warren; that Texas wants to go ahead with an inquiry and Warren wants them to hold off. Attorney General Carr and the past president of the Texas Bar Association are to come and see Katzenbach tomorrow, at which time he will try to calm the waters and establish ground rules. Katzenbach wanted to know if we wanted to talk to Attorney General Carr and the others. I told him we did not, that we were busy investigating this matter and trying to get out our report.

Mr. Katzenbach asked whether I could give him a timetable on the report. I told him no I could not, that we were working as hard as we could and that was all I could say.

- 1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Sullivan

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EX-103
REC-56
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5 DEC 12 1963
FOIPA 5/11/77

Mr. Tolson

On the morning of 12/4/63 I called Mr. Katzenbach-- and advised him that we see no real reason for us to have anyone at the meeting of the commission on Thursday morning; that there is nothing that we can contribute at this time. I pointed out that we were working on the investigation and the report, and will submit it to the Department as soon as possible, and until that time we are not saying anything.

Katzenbach said he felt this puts him in a rather peculiar position and at least he would like to have someone come down before the Thursday morning meeting and brief him as to what we are doing, so that he could be in a position to answer questions. I told him that this was undesirable; that if the question is raised as to what the FBI is doing, there is a very simple answer, namely that we are pressing the investigation and the writing of the report; that this is our major goal and until this is completed there is nothing we can contribute. I pointed out that there is no question of any reluctance on the part of the FBI, as we are bending every effort to produce the information the commission will need.

Relative to the second point, about the Texas board of inquiry, I told Mr. Katzenbach that the Director feels it would be very unwise for this board to conduct an inquiry now; that they would have to use our evidence, and this evidence is being made available first to the President's commission; therefore, the two inquiries would be at cross purposes. Katzenbach was in full agreement and said his problem is one of convincing the commission of this.

Katzenbach said that he had been talking to Chief Justice Warren, and Warren had indicated to him that the chief counsel for the President's commission will be Warren Olney. Katzenbach thought that this would be most undesirable. Katzenbach said that, as we probably know, Chief Justice Warren thinks that Olney can do no wrong, and he (the Chief Justice) had made the point that Olney is conversant with the FBI's procedures and thus would be operating in a familiar field. Katzenbach said if we have any ideas as to how Olney can be blocked as chief counsel, he would like to have them. I told him that, as far as I was concerned, Olney was an undesirable choice, and if we had any thoughts we would get them to him.

Amilly
4

- JFK Exhibit F-472 -

FBI

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.

- 3 -
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,

Nicholas LeB. Katzenbach

Nicholas LeB. Katzenbach
Deputy Attorney General

FBI memorandum
from DeLoach to Mohr

12.20.63

P, 677

JFK EXHIBIT F-473

UNITED STATES GOVERNMENT

Memorandum

JFK Exhibit F-473

TO : Mr. Mohr

DATE: December 20, 1963

FROM : C. D. DeLoach

SUBJECT: ASSASSINATION OF THE PRESIDENT

Pursuant to the Director's instructions, I met with Senator Richard B. Russell (D-Ga.) at 3:45 p.m. Inspector Jim Malley accompanied me.

I told the Senator that the Director probably had the greatest respect for him than any other man on the Presidential Commission; consequently, the Director was most anxious that any misimpression which the Senator might have gotten, regarding leaks concerning the captioned matter, be straightened out immediately. I mentioned that the Director had maintained throughout that there should be no press release unless it emanated from either the President or either the Presidential Commission. I told Senator Russell that the Director had issued specific instructions that no information be given from the FBI and that we had religiously adhered to these instructions. I told him also that there had been others who thought that a press release, based upon the FBI report, should be issued immediately. I reiterated that under no circumstances had we "leaked" any information; however, we certainly knew that it had been coming from other sources.

The Senator inquired as to the identity of the sources who had been "leaking" information. I told him it appeared quite obvious that considerable of the information came from the Dallas Police who had received the results of our Laboratory and identification examinations. He stated he recognized this fact. I told him also that the Department undoubtedly had "leaked" considerable information as it was quite apparent that a number of their "favorites" had carried rather lengthy articles concerning information contained in the FBI report.

Senator Russell told Mr. Malley and me that he was glad to hear an FBI denial in this matter. He stated that Deputy Attorney General Katzenbach had directly implied that the "leaks" had come from the FBI. He quoted Katzenbach as telling the members of the Presidential Commission, "J. Edgar Hoover has chewed his men out for leaking information and they won't be doing any more of this." I told the Senator that Katzenbach was obviously lying in implying such action on the part of FBI representatives. The point was made that sometimes a person tries to cover up his own guilt by blaming others.

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Evans
- 1 - Mr. Malley
- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Casper
- 1 - Mr. Callahan
- 1 - Mr. Conrad
- 1 - Mr. Felt
- 1 - Mr. Gale
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Tavel
- 1 - Mr. Trotter
- 1 - Mr. Tele. Room
- 1 - Mr. Holmes
- 1 - Miss Gandy

DEC 30 1963

REC-39

(CONTINUED-NEXT PAGE)

22 DEC 27 1963

*This certainly shows
Katzenbach is true
color.*

SIX

CDD:geg (8)

DeLoach to Mohr memo
 Re: Assassination of the President

Senator Russell was told that we would, of course, be glad to be of assistance to him on an informal basis in connection with the inquiry by the Presidential Commission. He was advised that Inspector Malley had been appointed by the Director to serve as liaison man with Lee Rankin, the Chief Counsel, and that Malley also would be at his disposal any time service was needed. The Senator confided that he had argued with the President about being appointed to the Presidential Commission. He stated the President had called him early one afternoon to advise that he was being appointed to this Commission. Senator Russell told the President that he could not take the appointment, that he considered this to be somewhat of a nasty job. The President then asked Senator Russell if he would recommend any member of the Supreme Court. Senator Russell stated that he didn't know a single member of the Supreme Court he would recommend for anything. The President called Senator Russell back early in the evening of the same day and named the members of the Presidential Commission. When he came to the Senator's name, the Senator stopped him and told him again that he couldn't be on the Commission. The President told Senator Russell that he had already issued a press release reflecting that he was a member. The Senator stated his hands were, therefore, tied and there was nothing he could do about the matter. He added it was very distasteful to him, however, to serve on the same Commission as Chief Justice Warren inasmuch as he had no respect for Warren.

We discussed a number of mutual interests in the State of Georgia before leaving. The Senator is driving home tonight and plans to take the FBI report with him. He has not yet had a chance to read it. He stated that upon his return, he would call if any questions whatsoever arose regarding the problems of the Presidential Commission.

ACTION:

For record purposes.

JB *W. J. In* *W. J. In*

Mr. CORNWELL. I have nothing further, thank you.

Chairman STOKES. Mr. Katzenbach, as a witness before our committee, you are entitled at the conclusion of your testimony to have 5 minutes in which to make any comment that you so desire relating to testimony before this committee, and I extend to you at this time 5 minutes for that purpose, if you so desire.

Mr. KATZENBACH. I will be very, very brief, Mr. Chairman.

I regret that the Warren Commission report was inadequate, if it was inadequate in any respects, and that as a consequence this committee has felt, the Congress has felt through this committee, the necessity to reexamine the assassination.

I am sure that you, sir, and all the members regret that equally.

I have confidence that what this committee is doing and will do in its report, will reflect the wisdom and integrity of its members.

Chairman STOKES. Thank you very much, and on behalf of the committee, we certainly thank you for your appearance here and for the cooperation you have given this committee and the time you have expended in giving us the benefit of your testimony. Thank you very much.

Mr. KATZENBACH. Thank you.

Chairman STOKES. You are excused.

There being nothing further to come before the committee, the committee adjourns until 9 a.m., tomorrow morning.

[Whereupon, at 4:08 p.m., the committee was recessed, to reconvene Friday, September 22, 1978, at 9 a.m.]

[The deposition of Mr. Katzenbach referred to previously follows:]

Stenographic Transcript Of

HEARINGS

Before The

President John F. Kennedy

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

DEPOSITION OF NICHOLAS KATZENBACH

Washington, D.C.

August 4, 1978

Alderson Reporting Company, Inc.

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SELECT COMMITTEE ON ASSASSINATIONS

Friday, August 4, 1978

U. S. House of Representatives
Subcommittee on the Assassination
of President John F. Kennedy
Washington, D. C.

Deposition of

NICHOLAS KATZENBACH

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, Southwest,
Washington, D. C., beginning at 10:00 o'clock a.m. before
Albert Joseph LaFrance, a Notary Public in and for the District of
Columbia, when were present on behalf of the respective parties:

For the subcommittee:

Gary Cornwell

Michael Ewing

Kenneth Klein

James McDonald

For the deponent:

(There was no representation.)

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

P R O C E E D I N G S

Mr. Cornwell. We will go on record.

Please state your name.

Witness. Nicholas Katzenbach.

Mr. Cornwell. What is your present home address?

Witness. 117 Library Place, Princeton, New Jersey.

Mr. Cornwell. Mr. Katzenbach, my name is Gary Cornwell, deputy chief counsel of the Select Committee on Assassinations. I have been designated as counsel to take statements under oath in depositions pursuant to House resolution 222 and committee rule four.

The deposition will be recorded. There is a certified shorthand reporter here.

Will you administer the oath?

Whereupon,

NICHOLAS KATZENBACH

was called as a witness by the committee and, having been first duly sworn by the Notary Public, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Cornwell:

Mr. Cornwell. Mr. Katzenbach, you are appearing here voluntarily and not pursuant to a subpoena. Is that correct?

Mr. Katzenbach. Yes.

Mr. Cornwell. You have been provided copies of the committee's

1 rules and House resolutions 222, 433 and 760. Is that correct?

2 Mr. Katzenbach. Yes.

3 Mr. Cornwell. In particular, have you had a chance to read
4 rule four of the committee rules which govern the taking of depo-
5 sitions?

6 Mr. Katzenbach. Yes.

7 Mr. Cornwell. Do you have any questions about that?

8 Mr. Katzenbach. No.

9 Mr. Cornwell. Among other things, I take it you have noticed
10 you have a right to counsel in connection with depositions before
11 this committee?

12 Mr. Katzenbach. Yes.

13 Mr. Cornwell. The deposition of course will be transcribed
14 and after it is transcribed, we will mail a copy to you and ask
15 that you make any changes you desire in it to reflect accurately
16 your testimony and to sign it and verify it and then return it to
17 us at which time, if you desire, we will be happy to supply you
18 with a copy.

19 I would like to direct your attention to November 22, 1963
20 and ask you if you will recall where you were on that day.

21 Mr. Katzenbach. I was in my office on that day in the
22 Department of Justice. I was having lunch at a seafood restaurant,
23 the name of which I forget, with one of my deputies, Joe Dolan at
24 the time I heard the news of the assassination. I left immediately
25 and returned to my office.

1 Mr. Cornwell. On that date, what was your official position
2 with the Department of Justice?

3 Mr. Katzenbach. I was deputy attorney general.

4 Mr. Cornwell. Upon returning to your office, do you recall
5 what conversations you may have had concerning the event that
6 afternoon?

7 Mr. Katzenbach. I actually went directly to the attorney
8 general's office, Mr. Kennedy. He was at home at the time and I
9 asked his secretary, Angela Novello, what the latest news was from
10 Dallas.

11 Mr. Cornwell. Did you that afternoon have a discussion with
12 the attorney general?

13 Mr. Katzenbach. Yes, I did. I talked to him once, perhaps
14 twice. He was out at Hickory Hill.

15 Mr. Cornwell. I would like to know if you can recall generally
16 what the nature of the conversation was but in particular what,
17 if any, problems were identified that the Department faced at that
18 point in time?

19 Mr. Katzenbach. I can recall what I believe were two conver-
20 sations, but it might have been one. The first one I simply called
21 him to tell him how devastated I was at the news. The second con-
22 versation was when he telephoned me and said that the vice presi-
23 dent, Mr. Johnson, had called him from Texas and wanted to know
24 where he should be sworn in and would I please call him back and
25 tell him whatever my advice was on that subject, which I did,

1 Mr. Cornwell. Were there any other problems that were iden-
2 tified at that time that the Department of Justice or you needed
3 to focus upon?

4 Mr. Katzenbach. I do not believe so. The first conversa-
5 tion that Robert Kennedy said to me was that he had heard the news
6 from Mr. Hoover and he made some comment that Mr. Hoover had called
7 him and been very blunt in the conversation. But as far as what
8 the Department was doing in the investigation or anything of that
9 kind, I had no discussions of that kind with Bob Kennedy.

10 Mr. Cornwell. Did you discuss what position the Department
11 should take or any other problems with other persons in the Depart-
12 ment that afternoon that you can recall?

13 Mr. Katzenbach. Apart from the fact that the Bureau was
14 investigating it under whatever rather slim authority that it had
15 to do it, I had a conversation with Mr. Hoover, maybe more than
16 one. I had a number of conversations with my associates at the
17 Department because they were all kind of gathered into my office
18 at that point as we were awaiting news of what was happening,
19 what were the arrangements with respect to President Kennedy's
20 body, with respect to an autopsy, that kind of thing.

21 Mr. Cornwell. Let me ask you first about the question of
22 jurisdiction. Did the FBI seek from the Department authorization
23 to proceed with the investigation and, if so, what was your reply?
24 What statutes or whatever did you cite as authority for that?

25 Mr. Katzenbach. I do not really recall. I probably cited

1 some civil rights statute but I do not recall. I do not think
2 there was ever any question as to the Bureau getting into it
3 heavily although we all recognized that obviously primary juris-
4 diction lay with the state as far as the murder was concerned.

5 When the Bureau was in the mode of assisting or investigating
6 or whatever they were into it and there was never any question that
7 they would be into it heavily and pretty massively.

8 Mr. Cornwell. Without confining the question then to the
9 afternoon of the 22nd, let me ask you with respect to, say, the
10 next two to three days going up through Sunday afternoon, what
11 additional problems did you focus upon?

12 Mr. Katzenbach. I had a number of conversations that evening
13 of the 22nd until sometime after midnight, primarily with Barefoot
14 Sanders, who was U. S. Attorney in Dallas. I had a number of con-
15 cerns which I expressed to him about the numerous public statements
16 that were being made by the various police officials down there.

17 I had a particular concern, if indeed Oswald was in fact the
18 sole assassin of the President, as to whether the public statements
19 they were making, what they were doing might not lead to have his
20 counsel talking about the possibilities of fair trial, no right
21 to counsel and that kind of thing and I thought it would be an
22 absolute disaster if the President of the United States were
23 assassinated and for some due process reasons the police had screwed
24 it up to the point that you could not convict that person, assuming
25 him to be the guilty party.

1 There were a number of conversations about that. I had conver-
2 sations I believe with Bernard Siegel in the ABA, perhaps with
3 other people, in an effort to make sure that Oswald had somebody
4 who was representing him and advising him, and awkward situation
5 for me to be in, but one that I felt was important.

6 Mr. Cornwell. Do you recall any other problems that were
7 identified on that day?

8 Mr. Katzenbach. That is a problem that sticks out in my mind.
9 I was getting reports from the Bureau throughout that evening. I
10 guess I probably was on the phone virtually -- I got home maybe
11 7:30 or 8:00 o'clock that night and I guess I was on the phone
12 until 1:30 or 2:00 a.m.. That was the predominant problem. That
13 is the one I recall.

14 Mr. Cornwell. Going back to the earlier question, expanding
15 the subject to cover the two or three days up through Sunday, which
16 would have been the 24th, were additional problems identified and,
17 if so, what was their nature?

18 Mr. Katzenbach. Certainly, one additional problem that was
19 dramatically identified was the murder of Oswald by Ruby, which I
20 guess like millions of others, I saw on television. There were a
21 lot of problems, I think, but not of great relevance to your inquiry,
22 simply with respect to a number of arrangements, final arrangements
23 and that sort of thing with respect to President Kennedy, trying
24 to handle the Department personnel.

25 As far as the investigation is concerned I had numerous

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

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

15 There were many rumors around. There were many speculations
16 around, all of which were problems.

17 Mr. Cornwell. What can you tell us about the mechanisms that
18 were designed or contemplated during this same period for solving
19 the kinds of problems you just identified?

20 Mr. Katzenbach. The principal recognition I have is that I
21 felt very early and continued to feel throughout, that the facts,
22 all of them, had to be made public and it had to be done in a way
23 that would give the public both in this country and abroad the
24 confidence that no facts were being withheld at all.

25 I felt that this would be difficult to do if the FBI, despite

1 the reputation of the FBI, were the only party involved in inves-
2 tigating or doing the report and that would have to be reviewed
3 by somebody in whom the public had confidence. I think the FBI
4 at that time had been able to satisfy domestic public opinion with
5 its conclusions because of the reputation it had had.

6 I doubted that anybody in the government, Mr. Hoover, or the
7 FBI or myself or the President or anyone else, could satisfy a
8 lot of foreign opinion that all facts were being revealed and
9 that the investigation would be complete and conclusive and with-
10 out any loose ends.

11 So, from the beginning, I felt that some kind of commission
12 would be desirable for that purpose; and, in addition, because if
13 that were not done then it seemed to me that there would be a
14 number of commissions, because an event like the assassination of
15 a president of the United States is one that attracts a lot of
16 political inquiry.

17 That, in fact, developed in Texas perhaps that week, I do not
18 know when, and there were certainly House and Senate resolutions
19 contemplated, if not introduced. I do not recall. So that I felt
20 that it would be desirable, I felt from the beginning, it would
21 be desirable for the President to appoint some commission of
22 people who had international and domestic public stature and repu-
23 tation for integrity that would review all of the investigations
24 and direct any further investigation.

25 That was a difficult position in one sense for me to take

1 because the Bureau was at least formally under my jurisdiction and
2 anybody who had even a nodding acquaintance with Mr. Hoover would
3 appreciate the fact that he would regard that as a slap at the
4 Federal Bureau of Investigation.

5 So that while I felt strongly that way and communicated that
6 view to people in the White House, it was not easy for me to cope
7 with it within the Department itself. Mr. Hoover was strongly
8 opposed to it.

9 Mr. Cornwell. Was the opinion at least at the high management
10 levels in the Department, essentially unanimous and in agreement
11 with you on that issue?

12 Mr. Katzenbach. I think there was nobody who disagreed with
13 it. I cannot remember now whom I talked it over with, but I would
14 be certain that I talked it over with a number of the assistant
15 attorneys general. I am sure I mentioned it to Robert Kennedy,
16 but he really was not particularly interested one way or another.

17 His view, as he communicated it to me at that time, was do
18 whatever I wanted to do, but nothing was going to bring his brother
19 back to life.

20 Mr. Cornwell. What, if anything, specifically led to your
21 feeling that some external review was necessary?

22 Mr. Katzenbach. I think a number of things. The first was
23 the fact, almost unavoidable I suppose in an event of that kind
24 where a lot of conflicting information and rumors did in fact come
25 out from the various mouths of Texas law enforcement authorities

1 and others, that there were a number of things of that kind, state-
2 ments of that kind, that would have to be reconciled or would have
3 to be explained.

4 There were a number of speculations about conspiracy made
5 more dramatic by the facts that were uncovered fairly quickly
6 about Oswald's own background, the ones I have already mentioned.

7 The thing that influenced me personally perhaps more than
8 anything else was the Lincoln assassination and the fact that a
9 century later people were still coming out with books about Lincoln,
10 who was the real assassin, who conspired and so forth and so on.

11 I thought it had foreign policy implications because of specu-
12 lations about whether the Russians were behind this, could they
13 have done this? Was it in retaliation for the Bay of Pigs?

14 Finally, I think in terms of protecting President Johnson
15 because people abroad in many countries, if they had a head of
16 state assassinated, assumed that the person who succeeded him had
17 something to do with it. That was a reason why it seemed to me
18 in a sense President Johnson was disqualified and why some other
19 people of enormous prestige and above political in-fighting,
20 political objectives, ought to review the matter and take the
21 responsibility.

22 My hope, I guess naive in view of my testimony today, was
23 that if all the facts were put out, if everything were there, if
24 the investigation were really done, however it came out, whatever
25 happened, that would be the truth and we would not be exposed to

1 re-investigations as was the case with Lincoln, every five or ten
2 or fifteen years whenever anybody was inspired to do it.

3 Mr. Cornwell. Do I understand from your last answer that
4 the perceived need to protect President Johnson from allegations
5 of involvement would also be the primary reason that you requested
6 as an alternative the Department of Justice's conducting or hand-
7 ling the review function?

8 Mr. Katzenbach. That would be one factor. I do not think
9 the most important one. I think it was just the fact that the
10 Department of Justice would be identified, atleast in foreign
11 countries, so closely with the government that there would be some
12 question as to whether all the facts had been put out or something
13 was being concealed.

14 The relations between Bobby Kennedy and Lyndon Johnson were
15 such that perhaps that would not have been suspected. On the
16 other hand, it seemed to me extraordinarily distasteful for Bobby
17 to head that up. In any event, he would not have been willing.

18 Mr. Cornwell. What specifically did you contemplate as the
19 best solution to the problem, the best mechanism? Was it the
20 Warren Commission or did you have some other view?

21 Mr. Katzenbach. It would be essentially the Warren Commission
22 or something very much like it. As far as the particular people
23 are concerned, I had not any great thoughts of particular people
24 outside of the fact that if you do not want to have a separate
25 House or Senate investigation, it would probably involve people of

1 prestige from those two bodies and whatever other persons were
2 acceptable and somebody of enormous prestige to head it.

3 I thought Chief Justice Warren probably had more credibility
4 abroad than any other American at that particular time in history.
5 I thought he would be ideal but I also was aware, as any lawyer
6 would be, of the fact that the Chief Justice of the United States
7 would find problems in undertaking that kind of role while a sitting
8 Chief Justice.

9 It was sort of hard to think of anybody who could serve that
10 role better than he.

11 Mr. Cornwell. You told us that of course Mr. Hoover dis-
12 agreed with this view and that the Department basically agreed
13 with you in the view. What about the President's view, for
14 instance?

15 Mr. Katzenbach. Well, initially, the President neither
16 rejected nor accepted the idea. He did not embrace it. I thought
17 there was a period of time when he thought that it might be unnec-
18 essary to do.

19 Mr. Cornwell. What was that, necessary or unnecessary?

20 Mr. Katzenbach. Unnecessary to do, but I really do not know.
21 I think you have to also realize that I was working as Bobby
22 Kennedy's deputy and that they were not particularly close people,
23 that he would be suspicious, it seemed to me, of information at
24 that particular time, of what advice he might be getting from
25 either me or from the White House staff left over from President

1 Kennedy, that he would want his own advice from people in whom he
2 had confidence as the result of long friendship or political
3 association.

4 Mr. Cornwell. Did you speak with anyone else about this solu-
5 tion to the problems that you faced before the decision, of course,
6 was ultimately made?

7 Mr. Katzenbach. I believe I recommended it to Bill Moyers,
8 whom I knew slightly at that time. I believe I raised it with
9 Walter Jenkins and I believe I raised it with President Johnson.

10 Mr. Cornwell. What about people outside the President's
11 immediate circle?

12 Mr. Katzenbach. I talked with people outside of the Presi-
13 dent's immediate circle.

14 Mr. Cornwell. Did you talk with the CIA?

15 Mr. Katzenbach. No, I did not talk with anybody at the CIA
16 that I can recall now. I might have talked with somebody at the
17 State Department about it, conceivably with Dean Rusk, more likely
18 with Alexis Johnson,

19 Mr. Cornwell. Do you mean about what their views were?

20 Mr. Katzenbach. Yes. I am sure I talked about it with people
21 outside the government entirely who called me and suggested old
22 friends or former colleagues.

23 Mr. Cornwell. What were the views of the State Department
24 and Dean Rusk?

25 Mr. Katzenbach. I think Dean Rusk was for it, but he is a

1 fellow who played things quite close to his vest. Whether he said it
2 to me before it was decided or he said it was a good idea after
3 the President decided to do it, I simply do not know.

4 Mr. Cornwell. What about Alexis Johnson?

5 Mr. Katzenbach. I think he thought it was a good idea. But
6 they were very much interested in time. They wanted to get some-
7 thing out in a hurry. The State Department was constantly pressing
8 because, I guess, of the rumors abroad or the accusations.

9 Mr. Cornwell. Did you speak to Earl Warren about the subject?

10 Mr. Katzenbach. When the President decided he wanted to
11 do that, he asked me to go speak to the Chief Justice and ask him
12 to serve in that capacity, which I did, and he declined. Later in
13 the day, the President had him over to the White House and he
14 changed his mind.

15 Mr. Cornwell. What, if any, arguments did you use to try to
16 persuade him?

17 Mr. Katzenbach. Essentially the same ones I have given you
18 now, that I thought that everything had to be done that would give
19 public opinion all over the world confidence that the true facts
20 had been revealed, that everything was out on the table, whether
21 they were difficult facts or whether they were not, that they be
22 made public and not subject to later discovery or like, this or
23 that.

24 I thought it took a man of his experience and his prestige to
25 do it. He, it seems to me, rather predictably said he thought that

1 was in conflict with being the Chief Justice and, therefore,
2 thought somebody else ought to do it. I argued there was no other
3 person, being the kind of man he was, which the Chief Justice
4 vehemently denied.

5 Mr. Cornwell. Was there anything specific which had come to
6 your attention out of the investigation which was known by any of
7 the senior officials at the government at the time which made the
8 international repercussions or potential repercussions particularly
9 severe?

10 Mr. Katzenbach. No, other than what was really public
11 information at the time. There was a great deal of writing about
12 it in the foreign press as there was domestically. There was a
13 great deal of speculation about the possibility of conspiracy
14 from almost any direction you could make conspiracy.

15 The inherent facts of it were what kept fueling those rumors.
16 Probably the most important was simply Jack Ruby's killing of
17 Oswald. Why should that happen? Why should he have done this?
18 I must confess to this day, I find that absolutely incredible, how
19 it could have happened or even why it could have happened.

20 A number of the things I have mentioned, the connections,
21 whether real or tenuous, that Oswald had with the Soviet Union,
22 his trips to Mexico City, his marriage to Marina, all of those
23 things were obviously risks for speculation.

24 Mr. Cornwell. Was there anything specific which had come to
25 your attention in terms of either an agency relationship, FBI, CIA

1 State or anything else with Oswald or their involvement in any
2 other matters which also pushed your thinking in the same direc-
3 tion which led you to conclude that it was necessary to have an
4 independent review function over the agency's investigation?

5 Mr. Katzenbach. I think, apart from the things I have men-
6 tioned, nothing that occurs to me. I guess I had memos about the
7 Department of State's returning the passport to Oswald or giving
8 him money to get home or something of that kind. It seemed to
9 me, in view of the facts, that in all probability it appeared he
10 had killed the President of the United States, an unhappy public
11 relations situation.

12 I take it your question is probably directed against CIA
13 connections of one kind or another and I have no knowledge of that
14 whatsoever.

15 Mr. Cornwell. As merely an example and not meaning to make
16 this an exclusive list of possibilities, had anything like Mafia
17 plots, CIA mafia plots against Castro come to your attention?

18 Mr. Katzenbach. No. I think if they had, I would have
19 dismissed them as ridiculous, but I never heard of them.

20 Mr. Cornwell. You never heard of anything like that, that
21 the CIA might have been reluctant to get into it and, therefore,
22 you thought an independent review function was necessary?

23 Mr. Katzenbach. No, nothing really of that kind at all. It
24 never occurred to me. Perhaps I was naive, but it never occurred
25 to me that the CIA would be involved among its covert activities.

1 I was aware they had covert activities although I did not pretty
2 much know what they were. But that they would have been involved
3 in the assassination quite honestly never entered my mind.

4 It would have seemed to me then as it seems to me now, not on
5 moral grounds, but on pragmatic grounds a very poor idea for the
6 United States to expose its president to that kind of thing.

7 Mr. Cornwell. Apart from just general speculation that some
8 law enforcement agency may have been culpable because people had a
9 hard time believing that the event had occurred or was allowed to
10 occur, was there anything specific along those lines about a con-
11 nection between any agency of the government and Oswald that led
12 you to believe that an independent review was essential?

13 Mr. Katzenbach. No, there was nothing of that kind.

14 Mr. Cornwell. Would you tell us what your views are today,
15 using all the hindsight that is now available to you about the
16 adequacy of the mechanisms that were ultimately chosen?

17 Mr. Katzenbach. I think the mechanisms were first-rate. They
18 did not work entirely. If I were doing it again, I would do exactly
19 the same thing. I think you have two inherent facts that you have
20 to live with. One was that there is no investigative agency in
21 the world that I believe compares with the Federal Bureau of Inves-
22 tigation then and I suppose it is probably true today. The notion
23 that you could create a separate investigative agency to investi-
24 gate something of that kind that would do the job better than the
25 FBI I would have rejected then and I would reject now.

1 That does not mean that, as in many other instances that
2 you had with the FBI and the Department of Justice, you did not
3 ask the FBI, reading their reports, to go back to re-interview
4 so and so to ask these questions and check on this and that which
5 I thought ought to be done.

6 In other words, I did not think you should take their summary
7 reports and conclusions without examining all of the stuff that
8 came into the FBI.

9 Perhaps I could put it differently and say in terms of the
10 capacity of the FBI, they are extremely good. When it comes to
11 the synthesis of the information it seems to me at that point my
12 own experience was that it was worth having other people review
13 it and ask for, as we often did in civil rights matters and quite
14 often in criminal matters, further investigation of various leads
15 that had been rejected as being unproductive. That is what I
16 asked the Warren Commission to do.

17 The other problem quite honestly never even occurred to me
18 and I do not know how it would resolve other than in a strong
19 direction to the President and that is the question of the CIA,
20 or the FBI for that matter, concealing information.

21 Perhaps naively but I thought that the appointment of Allen
22 Dulles to the Commission would ensure that the Commission had
23 access to anything that the CIA had. I am astounded to this day
24 that Mr. Dulles did not at least make that information available
25 to the other commissioners. He might have been skeptical about how

1 far it was to go to the staff or how it might be further investi-
2 gated because there was somewhat more of an aura of secrecy sur-
3 rounding the CIA in 1964 than there is 1978. If there is a secret
4 left, I do not know what it is.

5 Mr. Cornwell. And the information you are referring to is
6 the Mafia plots?

7 Mr. Katzenbach. That is not really the information I am
8 referring to. I am referring to generally anything that the CIA
9 had in its files. I think if you were asking me then, I would
10 have thought much more in the way of foreign intelligence, any-
11 thing they had about Oswald, Oswald's connections, about Marina's
12 connections, about marriage as connections, probably not Ruby
13 unless Ruby had foreign connections.

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

24 Mr. Cornwell. Let us go back a small bit to your answer about
25 the CIA. As I recall the way you worded it, it was in terms of

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1 being astounded that Dulles did not make that information available
2 to the other Warren Commission members. The implication is that
3 you had some specific information in mind that you are now aware
4 of that Dulles possessed and did not make available. My question
5 is what is the specific information?

6 Mr. Katzenbach. It would be all of the various assassination
7 attempts with respect to Castro because certainly the Commission
8 ought to have known that.

9 Mr. Cornwell. In other words, not just Mafia plots, but all
10 of the CIA plots against Castro?

11 Mr. Katzenbach. Yes, all of that. There may have been other
12 stuff. I do not know. It would seem to me clearly that was some-
13 thing for the Commission to know. Whatever the conclusions from
14 it might or might not be, it clearly was something that they should
15 have been informed of. I know to this day Mr. Rusk resents very
16 strongly that the information was not made available to him at
17 that time or as Secretary of State. I rather agree with him.

18 Mr. Cornwell. What have been your sources of information
19 that Dulles did possess that information?

20 Mr. Katzenbach. I have none. I just assumed that the head
21 of the CIA knew about covert activities of that kind of importance.
22 He had been involved in the CIA for a very long period of time.
23 If he did not know that, I would have suspected he would have at
24 least the capacity to get it.

25 Mr. Cornwell. I believe some of the materials we sent you

1 included the Senate Report, book five, the Church committee's
2 report. That, of course, has references in part to the extent of
3 Dulles' knowledge of those matters. What I really want to find
4 out is do you have any independent knowledge, did you ever talk
5 to Dulles at any time or any of his associates by which directly
6 or indirectly you obtained knowledge about the extent of his
7 familiarity with the plots?

8 Mr. Katzenbach. No. In fact, I never believed there were
9 such plots. I testified to this before but I remember at one
10 time they were in the White House at the time of the Dominican
11 upheaval and I remember Lyndon Johnson asking a direct question
12 to Dick Helms about assassination and got a flat denial from Mr.
13 Helms that the CIA had anybody involved. It was a short conver-
14 sation and you can qualify it any way you want to, but I went home
15 pretty confident.

16 Mr. Cornwell. What year was this?

17 Mr. Katzenbach. I can only relate it to the Dominican. I
18 would relate it to being something like February or March of 1965.
19 I could be off on that date, but that is about right.

20 Mr. Cornwell. Do you know how much prior to that date the
21 President may have had at least question in his mind about the
22 existence of such plots?

23 Mr. Katzenbach. I do not know. I do not think the President
24 knew explicitly about any plots. I think Lyndon Johnson was
25 deeply suspicious of what the CIA was doing and how much they were

1 telling him. That is why he sent the FBI down to the Dominican
2 Republic.

3 Mr. Cornwell. Do you have any reason to believe that the
4 President may have considered the possibility of such plots back
5 as far as 1963 and 1974?

6 Mr. Katzenbach. I have no reason one way or the other. I
7 just do not know.

8 Mr. Cornwell. You have told us that you were astounded that
9 information about the plots was not made available at least to the
10 Commission members. Obviously, that implies that you think it would
11 have been relevant to the inquiry.

12 Mr. Katzenbach. Oh, yes, I think given that information, you
13 would have pursued some lines of inquiry probably harder than you
14 might have otherwise pursued them.

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

20 Mr. Cornwell. Looking back again, using hindsight, even
21 though during 1963 and 1964 no one explicitly stated to you that
22 there had been plots directed at Castro, were there any conver-
23 sations you had with the President or any of his advisors or Bobby
24 Kennedy during that period which again as I stated from hindsight
25 indicated they had either a suspicion or some knowledge of the

1 plots?

2 Mr. Katzenbach, No, nothing that I can recall. You phrased
3 your question fairly broadly. I assume you mean assassination
4 plots?

5 Mr. Cornwell. Yes.

6 Mr. Katzenbach. Because certainly there was the Bay of Pigs
7 and certainly there was a lot of effort to get intelligence out
8 of there. There were a lot of Cubans in this country that would
9 have been quite happy if the opportunity arose to have assassinated
10 Castro, Fidel or Raoul or Che Gueverra or any of the other people

11 In that sense, I suppose any citizen had to be aware of that.
12 But there was nothing at any time that ever led me then or now,
13 any conversation I had or any memo I had, to believe that the
14 United States was directly involved in this kind of activity.

15 Mr. Cornwell. Or that Johnson, his associates, or Bobby
16 Kennedy had a suspicion that that may have existed?

17 Mr. Katzenbach. That is a little more difficult. The only
18 person it is more difficult with is Lyndon Johnson who did from
19 time to time come to take a conspiratorial view of the world. He was
20 concerned about the CIA because he did not really know what they
21 were doing and he was not sure they were telling him the truth.
22 Only in that context, nothing more specific.

23 Mr. Cornwell. With respect to the FBI, was there anything
24 that they possessed that you are now aware of which they did
25 not communicate to the Warren Commission and should have?

1 Mr. Katzenbach. Apparently they were aware, if I read the
2 report correctly, of some of the CIA activities, of at least the
3 connection with the Mafia. That certainly should have been repor-
4 ted. I am very surprised that it was not. There was no love
5 lost between the FBI and the CIA. I guess it must have been the
6 FBI's view that they would have been as embarrassed as the CIA
7 because I think they would have no hesitation telling the Warren
8 Commission about it.

9 Mr. Cornwell. Do you have any other thoughts about the fail-
10 ure of the mechanism? Did it fail to perform in any other respect?

11 Mr. Katzenbach. I really cannot think of any. I think the
12 Commission itself hired as good a staff as they could get. I think
13 the staff they had was dedicated, they tried to get all the facts
14 and get the truth out. Obviously, some Commission members were
15 stronger than other Commission members in this regard.

16 I think the staff was well run. At the time they made a
17 genuine effort to get at it. Probably the failure of the mecha-
18 nism -- there was one that was inherent in that situation, was then
19 at least, and that is really the unwillingness of the FBI, and I
20 assume the CIA, although I know less about it, to really open up
21 files.

22 They did produce them and they did produce the raw material
23 for the Warren Commission, but it was subject to at least the
24 potential, perhaps in actuality, of not producing all of the
25 relevant information. There must have been information in the

1 files with respect to the Mafia which was not produced. I do not
2 know how you solve that problem. The people who have files are
3 the people familiar with files. If they are not leveling with
4 you, it may be difficult to get it.

5 Mr. Cornwell. Was the focus of the investigative effort
6 broad enough?

7 Mr. Katzenbach. It may^{not}/have been in retrospect, I do not know.
8 I thought it was pretty broad at the time. I thought I was trying
9 to make it as broad as possible. I thought that any of these facts
10 had to be put out on the table and tell us what you knew about it.
11 I realize the Senate committee thought it was more focused than
12 certainly I thought it was focused.

13 I do not think that had to do with the focus of it. I think
14 that had to do with the reluctance of the CIA to divulge this
15 information and the reluctance of the FBI to divulge it, not with
16 what the focus of the investigation was. The Warren Commission
17 would not have any hesitation at all in thinking that was relevant
18 and within the focus of their investigation.

19 Mr. Cornwell. Were there any specific problems which you
20 observed in terms of the ability to put together the various
21 agencies in the Warren Commission and make the whole process work?

22 Mr. Katzenbach. None that I can really think of. Anybody
23 in the government knew that there would be some tension between the
24 FBI and the CIA, less with the Secret Service than the FBI because
25 the Secret Service was so utterly dependent on a lot of FBI

1 information that they were really in the position of a poor
2 relation. We did review fairly quickly, within I guess a few days
3 of the assassination, whether the measures that were taken to
4 put people in the security index were the proper measures or not.

5 There was a meeting with all of the involved people, the
6 Secretary of the Treasury, the head of the Secret Service, head of
7 the CIA, Mr. Hoover and myself, I guess Allen Belmont was there,
8 perhaps Sullivan, I do not remember.

9 We reviewed that procedure. I think you could review that
10 procedure many hundreds of times without coming out with a very
11 satisfactory procedure because the problem is that the list gets
12 unmanageably big.

13 Mr. Cornwell. What contributions, if any, did the Department
14 of Justice provide for the overall investigation?

15 Mr. Katzenbach. Relatively little in the sense that the
16 Commission used its own legal staff, not the Department of Justice s
17 legal staff, and then Howard Willens, the first assistant in the
18 Criminal Division to be liaison with the Commission and try to
19 help the Commission attorneys because of his familiarity with FBI
20 investigative processes and so forth, help to get them the infor-
21 mation that they wanted.

22 I think the Department of Justice was not really involved
23 in it, excluding the FBI.

24 Mr. Cornwell. Directing your attention to your analysis
25 earlier that it would have been ill-advised to attempt to create

1 an investigative organization specifically for the purpose of doing
2 t his job and that, therefore, it was necessary to utilize the
3 r esources of the FBI primarily, and the other agencies secondarily,
4 why was there no parallel thinking or implementation with respect
5 to the question of attorney resources, in other words, the existing
6 body of expertise in criminal investigations in the Department
7 of Justice but the decision to select an investigative staff from
8 scratch for the Warren Commission?

9 Mr. Katzenbach. That would be a question you would have to
10 address to the Warren Commission. Certainly, there was no reluc-
11 tance to provide any assistance or help that they wanted.

12 I am inclined to think that they had the view -- this is a
13 somewhat speculative answer -- they had the view that their own
14 independence was better established by an independent staff rather
15 than relying too heavily on the Department of Justice lawyers.
16 I would not be surprised if they thought the quality of the staff
17 they could attract would be better on the average than the quality
18 of the staff that the Justice Department could provide, which I
19 believe was in fact true.

20 Mr. Cornwell. Was the possibility of utilizing the Justice
21 Department's staff and running their own grand juries or anything
22 like that ever considered or specifically discussed?

23 Mr. Katzenbach. Not with me. I am sure I told Mr. Willens
24 when he was over there that the Department of Justice was totally
25 at the disposition of the Commission to be used as they wanted.

1 I do not recall now any specific conversations. They did not make
2 any requests. They had all kinds of powers themselves. They were
3 given all kinds of powers so far as subpoenas were concerned,
4 testimony under oath. They had all the legal paraphernalia that
5 was necessary.

6 Mr. Cornwell. Apart from however the question of the legal
7 talents which were available, which in your opinion were very
8 high with respect to the Warren Commission staff, let me ask you
9 to comment on the differences between the Warren Commission staff's
10 experience and knowledge in the organized crime field for instance
11 as compared to the Department and Bobby Kennedy's staff who had
12 been working on those matters for a long period of time?

13 What, if anything, was done to compensate for that apparent
14 inequity?

15 Mr. Katzenbach. They had Mr. Willens who was totally and
16 thoroughly in the organized crime thing working as liaison.

17 Mr. Cornwell. So there was no other reason particularly for
18 failing to use the Department of Justice's staff?

19 Mr. Katzenbach. No. I think it would be wrong to act on
20 the assumption that we thought organized crime had very much to
21 do with the assassination. Now, if the CIA or the FBI had come
22 out and talked about the so-called Mafia plot, then it may have
23 been the Commission would have dug more into the organized crime
24 picture and certainly there were lots of people in the Department
25 who knew that.

1 On the other hand, after all, that was the FBI's baby, too.
2 In terms of knowledge about organized crime, the FBI could cer-
3 tainly duplicate what attorneys in the Department of Justice could
4 duplicate about names and numbers of all players. That was within
5 Belmont's area of responsibility.

6 Mr. Cornwell. The Senate report, book five at page six,
7 reaches a conclusion that "The committee has developed evidence
8 which impeaches the process by which the intelligence agencies
9 arrive at their own conclusions about the assassination and by
10 which they provided information to the Warren Commission," and
11 they go on to state that "Facts which might have substantially
12 affected the course of the investigation were not provided the
13 Warren Commission."

14 You, I take it, essentially agree with their conclusions?

15 Mr. Katzenbach. I think so. The first part is difficult
16 for me, just in the way government operates. Let me see if I can
17 explain what I mean by that. Repeatedly when I was in the Depart-
18 ment, I wanted to get information from the Bureau promptly, mainly
19 about civil rights demonstrations and that kind of thing. The
20 Bureau had its own very tight bureaucracy. Mr. Hoover resented
21 greatly when Mr. Kennedy or I talked directly to an agent in the
22 field.

23 If we wanted information, he wanted it to come through him
24 or through Tolson or one of the assistant directors, at least have
25 them go through the Bureau and get the information, which would

1 come back in and then there the Secretary would write a report and
2 they would send it to me. They could do it amazingly fast, but
3 still another hour longer than if you simply had a conversation
4 directly.

5 As long as Mr. Hoover was alive it was very hard to break
6 that down. Agents really did not want to talk to you, so that you
7 had this rather awkward way of getting everything filtered. I
8 think this Warren Commission ran into that same problem. It was
9 not simply a problem of Mr. Hoover although it may have been a
10 problem because of his feelings about the Bureau, his very tight
11 control of it, but still I think almost every Bureaucrat or almost
12 every head of a department has a little bit of the same problem.

13 I did not like White House staff calling attorneys in the
14 Department of Justice about a problem and I put a stop to it. "If
15 you have something, call me." I felt responsible for their advice
16 and I did not want people in the White House shopping around for
17 advice or information.

18 So I say that because I have been critical of Mr. Hoover,
19 but I am not unsympathetic with the notion that he is responsible
20 for that group of people and, therefore, he wants to know what it
21 is they are saying and whether or not he agrees with it. That
22 certainly is different from the point of view of superimposing
23 Warren Commission staff on an agency of the government.

24 The same thing I suspect is true of the CIA. I do not know
25 how you beat that problem. The Senate can be critical of it. I

1 think if you did it today you would have an identical problem.
2 Indeed, I think the Senate in its own investigation ran into that
3 problem.

4 Mr. Cornwell. The second part ---

5 Mr. Katzenbach. The second part I agree with, yes. Clearly
6 there was information they had that should have been made available
7 to the Commission,

8 Mr. Cornwell. Let me ask you if you have any insight into
9 what may be the ultimate question, also posed in the Senate report,
10 and to which they provide there was no answer.

11 Their statement is: "Why senior officials of the FBI and the
12 CIA permitted the investigation to go forward in light of these
13 deficiencies and why they permitted the Warren Commission to reach
14 its conclusion without all relevant information is still unclear."

15 That is the Senate report, page seven. Do you have any
16 information which would shed light on that question, the answer
17 to that question?

18 Mr. Katzenbach. I think I probably have already exhausted
19 my intuition about it. Speaking of the FBI with which I am more
20 familiar I see very little way that they could have made that infor-
21 mation available without revealing to the Commission some of their
22 own deficiencies and thus being subjected to some criticism.

23 Mr. Hoover just could not stand criticism. As a small example
24 of that, from time to time I would get information about the
25 Bureau doing something that it should not have done and I would

1 inquire. I would get back a five-page memo that everything the
2 Bureau had done was absolutely right. I would find out sometimes
3 a month later that the agent involved was now in Nome, Alaska. I
4 was never told that, anything about disciplinary action,

5 We used to joke about it. I tell you once an agent was driving
6 me out to the airport at LaGuardia and he missed a turn. I said
7 to him, "Have you missed a turn?" He looked at me. He said, "No."
8 I said, "You have." He said, "Do you not know that the Bureau
9 can make no mistakes?" Whereupon he did a "U" turn and went back.

10 I read the Senate report and the disciplinary action taken.
11 I find it kind of incredible because I do not think that Oswald,
12 under the criteria that then existed, would have been on any such
13 list. I do think the agents were disciplined because history
14 overtook them. The destruction of the letter and so forth, I can
15 understand. An agent would be disciplined for that.

16 Mr. Cornwell. The letter that was delivered to Special Agent
17 Hosty?

18 Mr. Katzenbach. I do not blame Hosty for not doing anything
19 about it particularly. At the time he had things that he regarded
20 as much more important, not having any idea that Oswald was going
21 to shoot the President. It certainly does not surprise me that
22 the Bureau would have covered that up and dealt with their own
23 internally, in their own way, which they always did.

24 Mr. Cornwell. Among the records that we sent to you to
25 review prior to your coming here, was a November 22, 1963 memo

1 from Donohoe to Belmont in the Bureau which in part states: "The
2 deputy attorney general also commented that if it develops that
3 Oswald is the man who did the assassination or was involved in
4 it ... the State Department should be advised as there are
5 definite foreign policy considerations and decisions here."

6 That, of course, is essentially what you told us earlier,
7 that that was a dominant concern of yours during this period,

8 Mr. Katzenbach. And of the State Department. I am sure that
9 that comment came because somebody in the State Department had
10 called me and said that to me, probably Alexis Johnson.

11 Mr. Cornwell. There is a similar statement in a memo written
12 by Walter Jenkins recording a conversation with Mr. Hoover dated
13 November 24 wherein apparently Mr. Hoover expresses the view that
14 he is opposed to the Warren Commission, to the possibility that
15 a presidential commission would be formed.

16 He explained there are several aspects which would complicate
17 our foreign relations. For instance, Oswald made a phone call to
18 the Cuban Embassy in Mexico City which we intercepted. It was
19 only about a visa, however. He also wrote a letter to the Soviet
20 Embassy here in Washington.

21 This letter referred to the fact that the FBI had questioned
22 his activities on the "Fair Play for Cuba" Committee and also asked
23 about extension of his wife's visa. That letter from Oswald was
24 addressed to a man in the Soviet Embassy who was in charge of
25 assassinations and similar activities on the part of the Soviet

1 government. "To have that drawn into a public hearing would muddy
2 the waters internationally."

3 Mr. Katzenbach. I would not want the impression that I was
4 ever aware of that, that any of the statements that Jenkins attrib-
5 utes to Hoover there were statements made to me.

6 Mr. Cornwell. The reason I direct your attention to it is
7 that it has the same flavor, same general drift of the testimony
8 you provided here today and of the first memo which reflects your
9 comments that I read, mainly to the effect that there are inter-
10 national considerations that weighed very heavily in the minds
11 of the people who were making decisions about how to investigate
12 the matter at the time.

13 Mr. Katzenbach. I think they are two entirely different
14 things. Let me explain why I believe that. There is no question
15 in my mind that there were international ramifications and the
16 State Department had problems on this. It has 125 embassies
17 abroad and every American ambassador is being asked about this
18 and they want to get as much information as they can on this and
19 they do not know. They are reading speculation, hearing specu-
20 lation about foreign conspiracies, about a plot by Vice President
21 Johnson to take over the administration from Kennedy.

22 They had all those problems on their hands. That was the
23 problem that I was focusing upon. Mr. Hoover is talking about a
24 very different problem, as I understand it. As I understand that
25 memo, he is saying: "Gee whizz, if we put all of this out, then

1 they will know we had a tap on the Cuban Embassy, They will know
2 we had a mail cover on the Soviet Embassy, and that would be very
3 embarrassing." That is not what the State Department was saying
4 to me and that is not what I focused on at all.

5 In fact, I did not give a damn about embarrassment. I cared
6 about getting the facts out.

7 Mr. Cornwell. You, of course, were aware of those types of
8 investigative resources? You knew that sort of thing existed,
9 I take it?

10 Mr. Katzenbach. I knew that sort of thing existed. At that
11 time I was deputy attorney general and I had never seen any wire
12 tap authorization and I would not have known what the attorney
13 general knew or did not know about it. That the Bureau made wire
14 taps I was certainly aware of. I probably was aware of -- I do
15 not remember when -- observation of the embassy, that kind of
16 thing.

17 I became more aware of it later. It is hard to separate in
18 time what I knew in 1964 from what I knew in 1965 or 1966. It
19 seems to me that Mr. Hoover is using foreign policy in a rather
20 different way than the State Department was using it.

21 Mr. Cornwell. Let me ask you this then.

22 Mr. Katzenbach. I was not concerned about straining our
23 relations with anyone.

24 Mr. Cornwell. Had you ever run into the expression of that
25 view, the one that you say was uniquely Hoover's and not yours,

1 in these two memos?

2 Mr. Katzenbach. No.

3 Mr. Cornwell. Did anybody express their views during this
4 time period?

5 Mr. Katzenbach. I do not recall anyone expressing their
6 views during this time period, nor would it have concerned me,
7 frankly. You had two conceivable problems, both of which were
8 difficult although for very different reasons.

9 One was if Oswald is the lone assassin and not connected
10 with the Soviet Union or any other group, right wing, left wing,
11 foreign, whatever it may be, and just a nut, how do you convince
12 people that you have done a thorough investigation and if that is
13 true, when you had enough information -- I have already mentioned,
14 marriage to Marina, visit to Russia, Mexico City -- you
15 have to put all that out on the table.

16 You cannot cover that up. You have to put all of that out
17 on the table, all the facts, everything you have done.

18 You had another potential problem although nobody seemed to
19 believe that. The belief was that Oswald had acted in this way,
20 and indeed that would have been the belief, alone and so forth,
21 that I would have arrived at as the probability.

22 But if indeed this were a foreign assassination plot, then
23 you had a different kind of problem, very different kind of prob-
24 lem. If you did not have any problem with believing that was a
25 foreign assassination, then you had a diplomatic problem. I do

1 not think that was a strong possibility but I did not know how
2 you could investigate one without the other. You had to follow
3 up all that information.

4 Then you have to come to one conclusion or another. You have
5 to put all the facts out on the table. Now, Mr. Hoover does not
6 seem to be saying that to Jenkins.

7 Mr. Cornwell. Would you agree that it indicates the possi-
8 bility that the investigation within the Bureau could have been
9 distorted from that sort of pressure, the feeling that there
10 were things that could not be revealed or discussed or looked into
11 if there were an independent review board?

12 Mr. Katzenbach. I do not think I would read it that way
13 myself. I would read it as Mr. Hoover reaching for arguments not
14 to have an independent review board and pulling out anything he
15 could find to avoid that which he took in and of itself to be a
16 reflection on the Federal Bureau of Investigation and probably in
17 the light of facts, now known but not known then, probably because
18 he was concerned about some of the goofs that the Bureau had made
19 and that they might come out and the commission might then criti-
20 cize them.

21 You know of his reaction to the actual commission report
22 which was -- I doubt whether you, sir, would have felt differently
23 if you were the head of the Federal Bureau of Investigation that
24 would have been highly critical of you. For Mr. Hoover anything
25 that was not lavish praise was terrible criticism, unjustified also.

1 I think you have to read internal Bureau memoranda in mysterious
2 ways.

3 In the first place, most of those fellows when they write,
4 in most memoranda want to tell the director something he wants
5 to hear. It is only when they are pushed against the wall that
6 they tell him something that he did not want to hear.

7 I think when you are quoting internal Bureau memoranda, you
8 are quoting somewhat selectively in the light of what would serve
9 the Bureau's purposes and not what will not.

10 Mr. Cornwell. Let me ask you about whether the next memo is
11 accurate. I am going to assume although I have a poor copy that
12 this is dated November 28, 1963. I will show it to you. I do not
13 know whether you would read that as the 28th or not.

14 Mr. Katzenbach. I believe that is the 25th.

15 Mr. Cornwell. Let us say it is November 25, 1963. The
16 first sentence in the memo from Mr. Belmont to Mr. Sullivan of the
17 FBI reads: "The director advised that he talked to Katzenbach who
18 had been talking to the White House relative to the report that
19 we are to render in the Oswald case. It is Katzenbach's feeling
20 that this report should include everything which may raise a ques-
21 tion in the minds of the public or the press regarding this matter "

22 Now that, of course, is very similar to the view that you
23 previously told us you had during this period of time. What I
24 wanted to ask you about is further in the memo it describes this
25 view as a change. It says: "The above change will, of course,

1 require more time for the preparation of this report." Are you
2 aware of any changing viewpoints on what should be the scope of
3 the investigation or the scope of the report during this period?

4 Mr. Katzenbach. Again, this is an internal Bureau report.
5 It may be that I had put this to the director so broadly that it
6 was broader than what they were then doing. Since I did not know
7 what they were then doing outside of being assured that they were
8 investigating everything, I would not have known whether there
9 was a change or not. It was not a change from my viewpoint.

10 Mr. Cornwell. Your view then was from the beginning that
11 all allegations and all rumors should be investigated and every-
12 thing should be laid out before the public?

13 Mr. Katzenbach. It had to be. And if there were problems
14 in doing that, you faced it at the time you did it.

15 Mr. Cornwell. In the materials from the Senate which we
16 provided to you at page 41, there is the statement: "Richard Helms'
17 sentiments coincided with this Bureau's supervisor's." The super-
18 visor they had made reference to above that -- "In his November
19 28, 1963 cable to the CIA's Mexico station chief, Helms stated:
20 For your private information their distinct" -- I suppose the word
21 "is" should be in there, but it is not in the quote. It reads:
22 "Their distinct feeling here in the agencies, CIA, FBI, State,
23 that ambassador is pushing this case too hard and that we could
24 well create flap with Cubans which could have serious repercus-
25 sions."

1 I would ask you whether you would interpret that to mean that
2 he was worried about pushing an investigation into the Cuban field
3 too far.

4 Mr. Katzenbach, Subject to that interpretation. I do not
5 know.

6 Mr. Cornwell, Did you ever have any discussions with Helms
7 or anyone else at the CIA during that period by which you could
8 tell us more precisely what their viewpoint was on such matters?

9 Mr. Katzenbach, Not that I can presently recall. I remember
10 the Mexican incident only because of complaints Mr. Hoover made
11 to me and discussions again I had I think probably with Alexis
12 Johnson, but they came in a somewhat different light.

13 Mr. Hoover was telling me that "The ambassador is trying to
14 run this investigation. I want to run this investigation. He
15 does not know. He is not experienced and he is interfering with
16 it."

17 Mr. Cornwell, That, of course, is in a somewhat different
18 concept.

19 Mr. Katzenbach, In a somewhat different concept. I was
20 again concerned about that for an entirely different reason. I
21 did not know the nature of his interference, but that was one
22 of the few ambassadors who was quite close to Lyndon Johnson. He
23 was a fellow Texan. So, I had a totally different perspective
24 on it.

25 Mr. Cornwell, In other words, you were worried about the

1 same potential allegations about tainting the investigation that
2 you mentioned to us earlier?

3 Mr. Katzenbach. Yes. I was more worried about the other
4 side of the coin. I was perfectly happy to have whomever the
5 legal attache in Mexico City was who wanted to help to follow
6 everything up. But I did believe, A, that they could do it more
7 professionally than the ambassador and I was not unaware of Mr.
8 Hoover's strong feelings that he did not like people mucking around
9 in FBI investigations, even attorneys general.

10 Mr. Cornwell. Following the same line of inquiry in order
11 to determine whether or not there is anything that came to your
12 attention indicating that the investigation may have been distorted
13 or sidetracked because of considerations of potential international
14 repercussions, on the same page of the Senate report, page 41,
15 there is reference to a legat cable to FBI headquarters suggesting
16 in pertinent part, "The Bureau may desire to give consideration
17 to polling all Cuban sources in United States in effort to confirm
18 or refute this theory," meaning the theory that Oswald may have
19 been involved with the Cubans.

20 And on the cable, according to the Senate report, at FBI
21 headquarters the supervisor wrote a handwritten notation, "Not
22 desirable. Would serve to promote rumors." The same question
23 from the perspective of the Bureau: When, if ever, did it come
24 to your attention that there may have been that sort of thinking
25 in the FBI?

1 Mr. Katzenbach. I do not know. Never. I can understand
2 the supervisor's comment, depending on how you go about the
3 investigation. Maybe the idea was a good or bad one, I do not
4 know. That it occurred or that it was recommended by the legal
5 attache, I did not know that. All I am saying is whether going
6 around to the Cuban sources is a good or bad idea to nail that
7 point down, I did not know. I did not know who they were, Whether
8 that would promote rumors, I did not know, if done in the way
9 that was suggested.

10 It should have been followed up or anything should be followed
11 up that would be productive, I certainly expected. It would have
12 been consistent with what I thought had to be done.

13 Mr. Cornwell. To do what?

14 Mr. Katzenbach. To follow up in any way that you could.
15 Whether this particular way of investigation is the best way of
16 going about solving that problem or not, I do not know. We should
17 have checked into every conceivable connection that Oswald had,
18 potential connection, and done our best to follow it up, and it
19 should have been done.

20 Mr. Cornwell. I suppose at least in theory more so if it
21 were known that there were plots, assassination plots against
22 Castro perhaps.

23 Mr. Katzenbach. Yes, I think so. Quite apart from that, I
24 think that should have been done. If you do not do it, somebody
25 else is going to do it. My point was, don't leave anything here

1 for somebody else to uncover, get it all out.

2 Mr. Cornwell, How big a role in the thinking of yourself
3 and those who were making decisions at those levels of government
4 during 1963 was the consideration that any investigation should
5 be possibly foregone, if it had the possibility of creating
6 additional rumors?

7 Mr. Katzenbach. It never entered my mind or anybody else's
8 that I ever talked to. This was the President of the United States
9 who had been assassinated. Not only would the government want to
10 know anything they could about it, but so would the public and so
11 would the world.

12 Mr. Cornwell. I take it, however, that even though neither
13 you nor the persons with whom you spoke considered diverting or
14 foregoing an investigation because of the possibility of rumors,
15 there was a substantial pressure to quash unfounded rumors at an
16 early stage. Is that correct?

17 Mr. Katzenbach, Yes, that is correct. In a very modest way,
18 I would have liked the Bureau to say we have not uncovered any
19 evidence that Oswald did not act alone, but the investigation was
20 continuing. I would have liked some statement of that kind, which
21 I knew in fact to be true. I knew in fact what they were telling
22 me.

23 Mr. Cornwell. The memos that we forwarded to you included
24 one on November 24 from Belmont to Tolson in the FBI, one on
25 November 25 which was a memo from you to Mr. Moyers and had also

1 been attached to a memo of the same date from Evans to Belmont
2 in the FBI?

3 Mr. Katzenbach. Yes. Another one of November 26 from Evans
4 to Belmont. Those memos, I suppose we could say in part, reflect
5 what appears to be a disagreement between you and the FBI on the
6 very subject matter you just mentioned, which was your feeling
7 that some press release should be made in order to tell the public
8 that no hard evidence of conspiracy had been developed. Is that
9 correct?

10 Mr. Katzenbach. Yes. If that were the fact, then it was
11 the fact that they were telling it to me orally. I think equally
12 important in that what I wanted was a public commitment that we
13 would put all the facts on the table.

14 When the report was done it would all be available. I would
15 have liked to have done that, but obviously, the Warren Commission
16 did not want that done.

17 Mr. Cornwell. There is a similar letter which I believe we
18 also forwarded to you which you wrote to Earl Warren attaching
19 the first FBI report.

20 Mr. Katzenbach. It would probably be accurate to say which
21 I signed. It reads to me very much as though the Bureau drafted
22 it.

23 Mr. Cornwell. Dated December 9, 1963?

24 Mr. Katzenbach. I would be surprised if it were not a
25 Bureau letter,

1 Mr. Cornwell, Why in your mind was there such an urgency to
2 make the preliminary findings of the FBI that there was no con-
3 spiracy available to the public? The memos and the letter are
4 all dated within days of the assassination.

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

13 That is, in the face of a lot of rumors about conspiracy,
14 a total silence on the subject from the government neither con-
15 firming nor denying tended to feed those rumors. I would have
16 liked a statement of the kind I said, that nothing we had uncovered
17 so far leads us to believe that there is a conspiracy, but investi-
18 gation is continuing, everything will be put out on the table.

19 Indeed, I still think today it would have been a good idea
20 to have done it. We might have gotten a better report.

21 Mr. Cornwell. That last comment is sort of related to the
22 question I was getting ready to ask you. You said you might have
23 gotten a better report. Is that true even in light of what you
24 testified earlier was the Bureau's apparent inclination to justify
25 their own acts and their failure to admit their shortcomings?

1 Mr. Katzenbach. Probably not in the light of that, but at
2 the time they were complaining about pressure to get the report
3 out.

4 Insofar as that could be used as an excuse not to follow
5 everything up or something of that kind, I believe if you had been
6 able to make an interim statement of the kind that I suggested,
7 you would have taken some timing pressure off getting the report
8 out because the failure to make that statement was the only
9 alternative you had in view of the adamant position that the
10 Bureau was taking, which I understand.

11 You see, nobody really could do it other than the Bureau,
12 with the Bureau's acquiescence. Nobody else knew. I did not
13 know what was going on. Nobody in the government knew what was
14 going on other than very short conclusionary statements which you
15 got from liaison people, from the director himself.

16 I did not know who they were interviewing or why they were
17 interviewing, what they uncovered.

18 Mr. Cornwell. Was there in fact a disagreement, apart from
19 what these memos say, between you and the Bureau on the releasing
20 of information about the progress of their investigation?

21 Mr. Katzenbach. Sure. You know, it would drive you absolutely
22 wild to see the Bureau release it.

23 Mr. Cornwell. That was the point of the question.

24 Mr. Katzenbach. I do not know who the Washington Star
25 reporter was, but my guess would be that it was Jerry O'Leary,

1 You could bet it would be the Star or the News and not the Post.
2 I would go further than that.

3 The ticker on the day the Bureau delivered the assassination
4 report to my office, five minutes before it came to my office,
5 Ed Guthman came running in, or Rosenthal, with the ticker saying
6 I have the report. I said, "Where is it?" He said, "I haven't
7 got it yet." While he was standing in the office, the report was
8 delivered to me.

9 The Bureau took the position that it must have been leaked
10 by my office and not by them. I said, "I cannot leak something I
11 do not know."

12 Mr. Cornwell. We found a memo relating to such a matter.
13 I do not know if we found it in time to provide it to you or not.
14 It was dated December 20, 1963. Near the bottom of the first page
15 it reads: "Senator Russell stated that Deputy Attorney General
16 Katzenbach had directly implied that the leaks had come from the
17 FBI. He quoted Katzenbach as telling the members of the prestig-
18 ious commission J. Edgar Hoover has chewed his men out for leaking
19 information and they will not be doing any more of this.

20 "I told the Senator that Katzenbach was lying in implying
21 such action on the part of the FBI representatives. The point is
22 made that sometimes a person tries to cover up his own guilt by
23 blaming others."

24 Let me ask you first about the facts.

25 Mr. Katzenbach. I cheated because I knew when I read it who

1 had written that memo. I see that it was Mr. DeLoach,

2 Mr. Cornwell. I take it your testimony would be that it was
3 not you who leaked the information?

4 Mr. Katzenbach. That is correct.

5 Mr. Cornwell. Do you have reason to believe then that it
6 was the Bureau?

7 Mr. Katzenbach. Yes. The Bureau knew it and I think that
8 the Bureau leaked it. The Bureau constantly leaked things of this
9 kind and constantly denied it and constantly blamed it on other
10 people. There is not a reporter in town who does not know that.

11 Mr. Cornwell. Why would the Bureau have overtly opposed
12 your earlier request that a limited press release be made if they
13 were intending to leak the information themselves?

14 Mr. Katzenbach. I do not know. For one thing, they did not
15 really leak on matters that they were investigating, having state-
16 ments about them made by the Department of Justice. They wanted
17 to make their own statements about them. Secondly, I suppose with
18 their own leaks, they controlled what was said. If it is done
19 in the form of a leak, it is deniable. I wanted a rather formal
20 statement.

21 The Bureau really had a policy, and quite a good one, of
22 saying that they did not want to make any partial statements about
23 an investigation until the investigation was completed. That is
24 perfectly sound policy. Like all policies, it is conceivable there
25 might be circumstances that would justify an exception. But

1 basically, it was a good policy. When the Bureau leaked, it leaked
2 as a formal matter. The bureau agents did not leak. It was their
3 form of press release.

4 Mr. Cornwell. Directing your attention to a memo dated
5 December 3rd, 1963, from Belmont to Tolson, the general subject
6 matter concerns the first meeting of the Warren Commission and
7 your view, as recorded by the memo at least, that you felt the
8 FBI should have someone at the first meeting and Belmont stating
9 that he made no commitment to you.

10 "But I remember we advised him that our report in this matter
11 will speak for itself. Until the report is ready, there is no
12 real purpose in an FBI representative being present at the Com-
13 mission meeting."

14 It concludes thereafter stating, "Katzenbach felt it was
15 better to show willingness to cooperate with the Commission."
16 Were there any specific examples that come to your attention
17 along this line of specific FBI antagonism toward the Commission,
18 failure to cooperate with it, other than what we have already
19 discussed?

20 Mr. Katzenbach. I do not think so. I was satisfied at the
21 time -- obviously wrong -- that the Bureau was cooperating.
22 They were in fact doing more than I think they would have ever
23 done for me in terms of making the raw data available and so forth.

24 So I was satisfied that they were. I am not surprised.
25 This is the kind of thing you get from Belmont to Tolson, Hoover,

1 knowing Hoover's opposition to the Commission, not really wanting
2 to have anything to do with it and also thinking it fairly funny
3 having me sitting over there and not knowing what was going on.

4 The reason I wanted the Bureau there was I wanted somebody
5 telling me what was going on. I did not know. I could not even
6 suggest the answer that I would give which was that I am sure that
7 they were thoroughly investigating everything.

8 Mr. Cornwell. Were you aware of the FBI's maintenance
9 of dossiers on the Commission members at the time?

10 Mr. Katzenbach. No, I do not believe so, except that it may
11 have been that the Chief Justice asked for the FBI checks to be
12 done on people he was putting on his staff. I do not know. If
13 he did, I would be obviously aware of that request and whatever
14 dossier was the result of it, but nothing else.

15 Mr. Cornwell. You, I take it, read the part in the Senate
16 report that we forwarded to you on that subject?

17 Mr. Katzenbach. Yes.

18 Mr. Cornwell. Which was not a security background investi-
19 gation of the nature you just referred to, but in fact a dossier
20 in terms of derogatory material that, if the Senate report is
21 correct, Hoover gathered in order to potentially have leverage
22 over Commission members?

23 Mr. Katzenbach. Apparently so, at least according to the
24 Senate report. I was unaware of that at the time, although I knew
25 his opposition to the Commission -- he was concerned about the

1 Commission. I thought he had less so, in all candor, because he
2 had some very strong friends on the Commission and I thought maybe
3 that would relax him.

4 Mr. Cornwell. What was your assessment of the impact that
5 the formation of the Commission had on the FBI's or CIA's willing-
6 ness to continue the investigation in fact in an openminded fashion
7 until it was concluded?

8 Mr. Katzenbach. I do not know. That would be very specu-
9 lative.

10 Mr. Cornwell. Let me ask you to focus on a couple of time
11 periods. First, what the FBI generated on its own prior to the
12 time that the Commission was selected and empaneled versus what
13 they produced based on specific requests of the Commission there-
14 after and, second, the pledges that both the CIA and the FBI gave
15 at the termination of the Warren Commission and then the fact as
16 we know it today, that no investigation was thereafter conducted?

17 Mr. Katzenbach. With respect to the first part of the ques-
18 tion, I would not have expected any problems from the Bureau in
19 terms of going out and following up all the things that the Com-
20 mission wanted to do.

21 In the ordinary course of things that was done repeatedly in
22 the Department of Justice prosecutions and I would not have expect-
23 ed great problems from that if they were satisfied, as they
24 appeared to be, with the conclusions they came to and the basic
25 reasons they came to, I would have thought they would have no

1 particular problems in running down a lot of alleys they had not
2 run down if it did not develop any information that was flatly
3 contrary to their conclusions.

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

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

17 With respect to the second part, I regarded the investigation
18 continuing as pretty much a formal statement that they made at the
19 time, that "if something comes up that seems to be sufficiently
20 important, I assure you we will follow it up."

21 I do not think anybody thought that was going to happen. I
22 think it was fairly pro forma.

23 Mr. Cornwell. The question really is in your assessment,
24 would either one of those have been different, either one of those
25 situations been different, had someone else conducted the

1 investigation? Had the Department of Justice assumed primary
2 responsibility, would the FBI's investigation have in fact been
3 more openminded? If the Department of Justice had made the inves-
4 tigation, would in fact it have continued until everything was
5 run out as opposed to what apparently was the fact in 1964, that
6 there was a time deadline set and the Warren Commission went out
7 of business? What kind of impact did the existence of the Com-
8 mission have on those problems?

9 Mr. Katzenbach. I would think, if anything, they would have
10 had more clout than the Department of Justice would have had in
11 terms of getting the Bureau to follow up, at least in the time
12 period of its existence, all of those things.

13 Mr. Cornwell. In your view, no substantial price was paid
14 in terms of the effective duration of an open-ended investigation
15 which accrued by virtue of the formation of the Warren Commission?

16 Mr. Katzenbach. I think not. I think in that period of time
17 what information would have been available in that period of time
18 would have been followed up under its direction.

19 My only qualification is that sometimes something happens
20 five years later. There was no way that you could have known at
21 the time.

22 Mr. Cornwell, Of course the Senate report suggests an example
23 of that. It did come up later and conclude that the Bureau failed
24 to follow it up.

25 Mr. Katzenbach. Yes, but the only one I remember is the

1 Drew Pearson one. If you had told me those facts and asked me
2 whether the Bureau was likely to have followed up something Drew
3 Pearson told them or attributed to Drew Pearson, I would have said,
4 no. The bias against Drew Pearson was very strong.

5 I think that is a more plausible explanation for anybody
6 familiar with the Bureau than unwillingness to engage in the
7 assassination investigation. They would not believe Drew Pearson
8 under oath. Hoover hated him and Johnson liked him.

9 Mr. Cornwell. The dominant result would not have been that
10 the Commission terminated and the Bureau at that point in time
11 washed its hands of the investigation?

12 Mr. Katzenbach. Not in my view. Drew Pearson had committed
13 serious errors from the Bureau's viewpoint because he had been
14 critical of the Bureau.

15 Mr. Klein. You alluded to Bobby Kennedy's desire to be
16 detached from the entire investigation. Could you go into that
17 a little bit more about what he said and when he took this position
18 for the first time?

19 Mr. Katzenbach. I guess he took it from the outset. He was
20 about as devastated a human being as I had ever seen. He really
21 never had any interest in any part of the investigation. I doubt
22 if he ever read the FBI report. I do not know whether he ever
23 read the Warren Commission's report. I told him at the time it
24 came out it probably would be helpful if he would say he thought
25 it was a thorough investigation, if that was the way he felt, and

1 I think he said it, but I never had any great confidence that he
2 read it. I attributed it simply to what I said, the fact that
3 his brother was dead and what the hell difference did it make
4 apart from that fact.

5 Mr. Klein. Do you have any knowledge as to whether Bobby
6 Kennedy had any inkling about the CIA's Castro plots?

7 Mr. Katzenbach. I do not know. Independently, I have no
8 knowledge at all of that other than what is obvious and that is
9 that after the Bay of Pigs fiasco he got heavily involved in the
10 Cuban thing, sitting on the committee with Dulles and Maxwell
11 Taylor, if I recollect correctly, reviewing what had happened on
12 the Bay of Pigs.

13 He afterwards took an interest in the brigade, the Cuban
14 prisoner exchange, that kind of thing. So, he obviously knew
15 whatever the members of that review committee knew about the Bay
16 of Pigs. Those were not areas that he very often shared very much
17 with me.

18 During those periods when he was heavily doing that, I was
19 running the Department and when we had conversations, it was usually
20 about my problems in running the Department, not what he was doing
21 over in the CIA building.

22 Mr. Klein. From what you knew about his character, his
23 personality, was it surprising that his attitude would be that
24 "He is dead and nothing can bring him back" or "I do not want
25 anything to do with it," as opposed to the attorney general of

1 of the United States, "I will turn over every stone to make sure if
2 anybody else was involved they are brought to justice?"

3 Mr. Katzenbach. No, his attitude was exactly what I would
4 have expected his attitude to be.

5 Mr. Klein. That is all I have.

6 Mr. Cornwell. To be sure you are focusing on that last ques-
7 tion that was asked, was anything ever said, again looking back --
8 I know at the time it did not hit you this way -- by Bobby Kennedy
9 that indicated he felt any personal responsibility for the assassi-
10 nation, that he had known something or possessed some information
11 that if he had acted differently on the basis of it, could have
12 averted the assassination?

13 Again, the possibility, among others, that he had knowledge
14 of the plots and after the assassination occurred he felt that
15 his knowledge of that he should have used differently?

16 Mr. Katzenbach. There was nothing he ever said to me on that
17 subject that would have led me to believe that was of any concern
18 whatsoever to him. He found parts of it distasteful, maybe what
19 Jackie did, I do not know, the whole autopsy business, revealing
20 all that medical information he just found extremely distasteful.

21 I would say I would have also under the same circumstances.
22 With respect to that kind of matter, he would ask, "Is it neces-
23 sary?" and I would say, "es, it is. You know, we do not have to
24 circulate those pictures around to everybody. Competent people
25 have to look at them and examine them," and so forth, and he would

1 accept that. Those are the only areas that I ever recall even
2 talking to him about with respect to the assassination.

3 I never saw anything that indicated he felt any responsibility
4 at all for what had occurred.

5 Mr. McDonald. Mr. Katzenbach, your testimony here and the
6 record of the Warren Commission and just history reflect there
7 was great concern to allay public fear of a conspiracy, and the
8 Bureau within weeks after the assassination, Mr. Hoover apparently
9 within a few days, concluded that in his estimation, Oswald acted
10 alone and then the public report came out a few weeks later.

11 In light of that, I am going to show you a memo dated June
12 3rd, 1960. It is an FBI memo from J. Edgar Hoover to the Office
13 of Security, Department of State. The subject of the memo -- again
14 this is 1960 -- is "Lee Harvey Oswald, Internal Security." The
15 memo is regarding Oswald's trip to Russia and the whole matter
16 of his passport, and then Hoover's memo and it is interesting
17 because it is a memo from Hoover.

18 The Xerox copy indicates J. Edgar Hoover in the last para-
19 graph saying: "There is a possibility that an imposter is using
20 Oswald's birth certificate. Any current information the Department
21 of State may have concerning subject will be appreciated."

22 It is an interesting memo dated almost three and a half years
23 prior to the assassination. First of all, were you ever aware
24 of that memo?

25 Mr. Katzenbach. No.

1 Mr. McDonald. If you had been aware of that memo and the
2 attachments, at the time of the assassination, what would your
3 reaction have been to that kind of information, the fact that the
4 Bureau had a case file on him, an internal security file vis-a-vis
5 the possibility of foreign involvement, foreign conspiracy? Would
6 that have changed your outlook in the early days after the assassi-
7 nation and your outlook as to what occurred subsequently?

8 Mr. Katzenbach. You mean if I had been aware of this kind
9 of memo I would have wanted to know what the follow up was, was
10 there an imposter?

11 Mr. McDonald. Yes.

12 Mr. Katzenbach. Was this Lee Harvey Oswald? That kind of
13 question? Apart from that, I would not have been the slightest
14 bit surprised if they had the file. In fact, I probably knew they
15 had a file on Lee Harvey Oswald because if there had not been a
16 file on him, there would not have been a question of whether he
17 should have been on the security, what do you call it, potential
18 assassins' list.

19 I would have just wanted to know more detail about this if
20 I had known this. Perhaps I am repeating myself, but everybody
21 appeared to believe that Lee Harvey Oswald had acted alone fairly
22 early. There were rumors of conspiracy. Now, either Lee Harvey
23 Oswald acted alone or he was part of a conspiracy, one of the two,
24 or somebody paid him. That is what I mean by conspiracy, somebody
25 else was involved.

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

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

13 If some foreign government was behind this, that may have
14 presented major problems. It was of major importance to know that
15 I want to emphasize that both sides had a different set of prob-
16 lems. If there was a conspiracy, the problem was not rumors of
17 conspiracy. The problem was conspiracy. If there was not con-
18 spiracy, the problem was rumors. Everything had to be gone into.

19 If another president, God forbid, ever gets assassinated we
20 will face the same problems and not all the facts will ever come
21 out. I think it is almost hopeless. It is an objective, but it
22 is almost hopeless. Fifteen years from now, 25 years from now,
23 somebody will dig through all of this and come out with a new book.

24 Mr. McDonald. If there was a conspiracy and Hoover apparently
25 within a few days was satisfied in his mind that Oswald had acted

1 alone, and it has been speculated that that would have been a
2 fact even though Hoover had not officially concluded that inform-
3 ally in the Bureau, if the old man said this, do you think that
4 would have colored the way the Bureau subsequently investigated,
5 if they really were not looking for a conspiracy, but were trying
6 to bolster the conclusion?

7 Mr. Katzenbach. I do not know. That is difficult to specu-
8 late about. It would seem to me in any event they would have had
9 to have done what I was asking them to do and that is follow down
10 everything because if you are persuaded that there is no conspir-
11 acy and you believe that to be correct and that is the conclusion
12 you want to publicly come out with, you are going to have to
13 follow down everything that anybody who believes that there might
14 have been a conspiracy is going to suggest establishes the possi-
15 bility of a conspiracy.

16 I do not know whether I have phrased that in a way that you
17 have asked it. It may be just proving a negative, if you are in
18 fact right, but you had better do it and you had better follow that
19 I cannot say if you did that and it turned out that this was some-
20 thing more and something more and something more, why you would
21 not change your mind about it or begin to wonder.

22 So, even if you went into it with a bias of the kind you
23 described, I would think that your investigation itself would
24 begin to create problems. I continue to this day to have a high
25 regard for FBI agents and for their ability to uncover facts.

1 Mr. Cornwell. If I could hopefully summarize your testimony
2 in order to ask you one final question -- if I misstate your views,
3 I am sure you will let me know -- but as I understand, basically
4 what you have told us is that when confronted with the enormous
5 problem that the Department, the FBI, and all the leadership of
6 our country faced in the days right after the assassination, you
7 perceived that one of the most pressing problems was Johnson's
8 ability to take over the government and to be able to operate,
9 particularly in the international field, without suspicion and
10 that perhaps the two principal mechanisms that you suggested or
11 were in favor of to accomplish that were an independent commission
12 to supervise the FBI's reports or suggest any additional investi-
13 gation coupled with limited press releases stating that the
14 investigation which had been conducted disclosed no conspiracy.
15 Is that correct?

16 Mr. Katzenbach. Yes, but the investigation was continuing.
17 There was no evidence of the conspiracy at the time.

18 Mr. Cornwell. Right. In addition, I believe you stated
19 to us -- these are not the words you used, but I gather the gist
20 of what you were saying is that you did obviously have to pay
21 potentially some price for the suggestion that an early press
22 release go out, the price being that at least it was possible that
23 that would tend to distort the Bureau's investigation.

24 It would tend to lock them into the early investigation
25 results, but you had to be told the results of the investigation

1 and the facts suggested no conspiracy and, therefore, that seemed
2 to be the best of the alternatives available to you, Is that
3 essentially correct?

4 Mr. Katzenbach. I think that is correct. You left out one
5 thing in terms of what was important. That was an important con-
6 sideration, what you described. I think an equally important con-
7 sideration was that the American people had a right to know, when
8 their President is killed, everything about it.

9 Mr. Cornwell. Of course, I take it that the urgency of their
10 need to know might be somewhat less?

11 Mr. Katzenbach. That is correct.

12 Mr. Cornwell. They would have had absolute right to know
13 ultimately at some point in time.

14 Mr. Katzenbach. Yes. I wanted to couple that press release
15 you talked about with the statement that "We will make all the
16 facts available at the conclusion of our investigation."

17 Mr. Cornwell. Right.

18 Mr. Katzenbach. I wanted both.

19 Mr. Cornwell. I understand. At least, there was an element
20 of hard decision in there from your point of view because if you
21 pushed for some press release you made some sacrifice in exchange.

22 Mr. Katzenbach. Yes. I think I was pushing largely because
23 the State Department was pushing me.

24 Mr. Cornwell. I understand. That brings me to the question,
25 if you had known at that point in time what you now know or have

1 reason to believe, based on the Senate report and other sources of
2 information, that there were plots directed at Castro, that Hoover
3 in fact was worried about internal repercussions, if the Jenkins
4 memo is correct, that the FBI at least in one small segment had
5 destroyed a piece of evidence indicating on its face, maybe not
6 in reality but at least on its face, the possibility of some
7 association between the FBI and Oswald -- there is, incidentally
8 we did not show you, a CIA memo which indicates that they had
9 contemplated using Oswald as an agent -- if you had known those
10 types of things, been told them within a day or two of the assassi-
11 nation, would you have opted for the early press release, early
12 FBI report, that you had suggested?

13 Mr. Katzenbach, I do not think under those circumstances
14 you could have. I think you would have had to say there is more
15 here to sort out than we are now able to sort out.

16 If I had known about those things, I would have said, "How
17 are we going to cope with all this? We had better wait." I might
18 add to that something that I suppose is obvious, that those rea-
19 sons were never given to me as reasons not to do this.

20 In fact, no reasons were ever given to me other than "The
21 investigation is not completed. We do not want to make a state-
22 ment."

23 Mr. Cornwell. Taking that idea one step further, let me ask
24 you in light of the revelations that we just talked about, which
25 have come out in the years since 1963, do you feel confident with

1 the Warren Commission's conclusions today?

2 Mr. Katzenbach. I think the Warren Commission's conclusions
3 are probably right. There are obviously some things that should
4 have been checked at that time and it may be more difficult to
5 check on now. It always seems to me inherently improbable that
6 Oswald was acting as part of a conspiracy, mainly because of the
7 number of footprints.

8 It seems to me if the Russians were prepared to do this kind
9 of thing to an American president, which is an extremely volatile
10 potentially explosive kind of thing to do, talking about the
11 Russians, you know, it could lead to war, it could lead to almost
12 anything.

13 If they were prepared to do that, which seemed to me improb-
14 able, they surely would be prepared to do it with somebody else
15 with less footprints around than Lee Harvey Oswald.

16 I think in general I would feel the same way about the Cubans
17 but with less confidence because I do not think that Fidel Castro
18 has quite the rationality of the leading Russian politicians.
19 That still seems to me to be the fact, that I really think putting
20 the Russians into it is virtually incredible.

21 Even with the Cubans, one would think that you would not have
22 had somebody who was a member of the "Fair Play for Cuba Committee,"
23 had all of those obviously traceable associations back to Cuba,
24 and as unstable as Oswald appears to have been, to be your assassin.
25 Nor do I think that in a well-thought out assassination scheme you

1 would have done something so inherently chancey as the assassi-
2 nation of President Kennedy.

3 By that I mean you would have been more sure to get your
4 target than Lee Harvey Oswald could conceivably have been in that
5 situation. That is a long answer. I am inclined to think that
6 the conclusion of the Warren Commission is probably correct.

7 Mr. Cornwell. We supplied you, of course, with a number of
8 pieces of documentation for background in order mainly to refresh
9 your memory before we asked you questions. Is there any subject
10 matter about the investigation as it was conducted or anything that
11 has come to your attention since that you wish to offer to us or
12 could offer to us for consideration, anything outside of the
13 paperwork or the questions that we have asked you?

14 Mr. Katzenbach. I really cannot think of anything. I think
15 we have covered it.

16 Mr. Cornwell. We certainly appreciate your taking the time
17 to talk to us. I guess there are no further questions.

18 I think for the record, we will incorporate into it both the
19 specific memos we asked you about and those we sent to you to
20 refresh your memory in advance.

21 Mr. Katzenbach. Fine,

22 (Whereupon at 12:25 p.m. the taking of the deposition was
23 concluded.)

ends vma

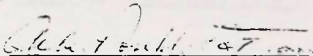
24

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vma

CERTIFICATE OF NOTARY PUBLIC

I, Albert Joseph LaFrance, 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 under my direction, 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, or financially or otherwise interested in the outcome of the action.


Notary Public in and for the
District of Columbia

My commission expires November 14, 1980.

vma

68

1 I have read the foregoing pages
2 one through sixty-six, inclusive,
3 which contain a correct transcript
4 of the answers made by me to the
5 questions therein recorded. Signature
6 is subject to corrections.
7

8 /S/Nicholas Katzenbach
9

10 I, /S/Flora A. Marchigiani, Notary Public in and for the
11 County of Westchester,
12 State of New York, do hereby certify that I am notarizing
13 and witnessing signature for the deposition of Mr. Nicholas
14 Katzenbach on this 15th day of February 1979.
15

16 /S/Flora A. Marchigiani
17 Notary Public in and for the
18 County of Westchester
19 State of New York

20 My commission expires
21
22
23
24
25

March 30, 1980

On September 25, 1978, Mr. Katzenbach mailed to the committee the following letter supplementing his testimony:

Nicholas deB. Katzenbach
Old Orchard Road, Armonk, New York 10504

September 25, 1978

The Honorable Louis Stokes
Select Committee on Assassinations
U. S. House of Representatives
331 House Office Building, Annex 2
Washington, D. C. 20515

Dear Mr. Chairman:

In my testimony before the Committee on Thursday, September 21, I stated that I had absolutely no recollection of meeting with Mr. Helms with respect to the Nosenko case. I understand that Mr. Helms said there was such a meeting, and it took place on April 2, 1964.

On my return to my office this morning I checked on the notes of meetings which were kept by my secretary, and they confirm Mr. Helms' recollection. I am attaching a copy of the relevant page of the calendar. Although it is clear from this page that there was such a meeting, I continue to have absolutely no recollection of it, and therefore cannot tell you what was discussed beyond what is stated in the calendar itself.

It was not my custom to make notes on such meetings, and I doubt that there are in the files of the Department any notes made by me. However it is possible that Mr. Yeagley or Mr. Foley made such notes. I believe Mr. Foley is now deceased, but Mr. Yeagley is now a judge in the District of Columbia, and perhaps he would have some recollection of the meeting.

I had, prior to my testimony, checked my calendar diary for the period dealing with the assassination and the creation of the Warren Commission, but had not thought it relevant to the Committee's investigation to go as far as April. Hence I was unaware of this entry. While

this calendar does not refresh my recollection and therefore would not change my testimony, it did seem to me that in fairness to both the Committee and Mr. Helms I should make it available to you.

Respectfully yours,

Richard C. Helms

cc: Mr. Gary Cornwell
Hon. Richard C. Helms
Edward Bennett Williams, Esq.

Thursday, April 2, 1964

Harold Reis	)	9:35 a.m.	SAW
Sol Lindenbaum	) Civil	9:35 a.m.	SAW
Joseph Dolan	) Rights	9:35 a.m.	SAW
David Filvaroff	) briefing	9:35 a.m.	SAW
John Douglas	)	9:35 a.m.	SAW
Jack Rosenthal	)	9:35 a.m.	SAW
Burke Marshall	)	9:35 a.m.	SAW
David Filvaroff		11:55 a.m.	SAW
William Foley		12:27 p.m.	SAW
William Orrick		1:50 p.m.	SAW
Marshal McShane		2:37 p.m.	SAW
David Filvaroff		3:10 p.m.	SAW
William Geoghegan		3:25 p.m.	SAW
Edgar Cahn, O.L.C.		3:30 p.m.	SAW
Burke Marshall		3:32 p.m.	SAW
Burke Marshall		4:07 p.m.	SAW

[Lawrence Houston, CIA]	4:08 p.m.	SAW
[Richard Helms, CIA]	4:08 p.m.	SAW
[David Murphy, CIA]	4:08 p.m.	SAW
[J. Walter Yeagley]	4:08 p.m.	SAW
[William Foley, Crim. Div.]	4:08 p.m.	SAW
[Defector Case]		

Addressed Brandeis Univ. 4:40 p.m. SAW
 Students (40) in AG's office

Sol Lindenbaum	6:45 p.m.	SAW
John Douglas	6:56 p.m.	SAW
William Orrick	7:06 p.m.	SAW
David Filvaroff	7:12 p.m.	SAW
Joseph Dolan	7:15 p.m.	SAW

Friday, April 3, 1964

John Durriner (White Motor)	9:15 a.m.	SAW
Sol Lindenbaum	9:30 a.m.	SAW
Harold Reis	) Civil	9:30 a.m.
David Filvaroff	) Rights	9:30 a.m.
Burke Marshall	) briefing	9:30 a.m.
Jack Rosenthal	)	9:30 a.m.
Joseph Dolan	)	9:30 a.m.

NdeBK to Puerto Rico 10:15 a.m.