

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

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

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

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

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

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

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

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

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

A. PERSPECTIVE OF THE WARREN COMMISSION

Attitude of the Commission members

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. McCLOY. They have.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Boggs. You are so right.

Mr. DULLES. Oh, terrible.

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

Chairman. Terrific.

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

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

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

Mr. DULLES. Yes, I see that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DULLES. Oh, yes.

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

Mr. DULLES. Exactly * * *.

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

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

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

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

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

Mr. RANKIN. Yes * * *.

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

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

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

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

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

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

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

Mr. DULLES. No.

Representative BOGGS. I know, ask questions about something—

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

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

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

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

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

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

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

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

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

CHAIRMAN. Wouldn't tell it under oath?

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DULLES. Not this irresponsible.

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

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

Mr. DULLES. Terribly bad characters.

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

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

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

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

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

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

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

Mr. RANKIN. I think it is inherent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attitude of the Warren Commission staff

Predisposition regarding the Agencies

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

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

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

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

Q. Did you form any impressions about them ?

A. I was favorably impressed. (174)

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

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

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

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

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

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

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

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

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

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

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

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

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

Attitude of the staff toward the investigation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

Initial staff impressions of the Agencies

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

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

A. Right. (190)

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

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

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

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

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

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

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

Attitude of staff during the course of the investigation

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

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

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

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

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

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

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

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

He also commented:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GRIFFIN. I recall the Hosty incident * * *

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

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

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

A. I think that is right * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dependence on the agencies: staff views

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

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

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

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

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

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

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

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

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

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

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

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

General attitude

The FBI

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(198) Malley further stated that he had:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CIA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Examples of attitudes and relationships

Introduction

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

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

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

Inadequate followup—Odio-Hall incident

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

It is a matter of some importance to the Commission that Mrs. Odio's allegations either be proved or disproved. * * * In view of our time schedule we would appreciate receiving a report as soon as possible. (266).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. No, not really. (283)

Unreasonable delays

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Griffin concluded from this that:

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

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

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

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

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

Misleading testimony

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

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

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

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

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

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

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

Withheld information

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

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

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

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

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

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

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

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

Q. Whatever became of the possibility of using informants?

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

Q. What was your final opinion about this incident?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. No, I did not.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. That is right.

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

A. No; not to my knowledge.

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

A. Yes. (337)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Absolutely. * * *

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

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

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

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

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

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

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