

EXECUTIVE SESSION DEPOSITION

THURSDAY, AUGUST 17, 1978

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

Deposition of J. Lee Rankin, called for examination by counsel for the committee, pursuant to notice, in the offices of the Select Committee on Assassinations, House Annex No. 2, Second and D Streets SW., Washington, D.C., beginning at 10:52 a.m., before Annabelle Short, a notary public in and for the District of Columbia, when were present: Gary Cornwell, deputy chief counsel; Kenneth Klein, assistant deputy chief counsel; Michael Goldsmith, counsel; and Michael Ewing, counsel.

Mr. KLEIN. The time is 10:52 on August 17, 1978. We are present in the House Select Committee on Assassinations offices.

My name is Kenneth Klein and I am the assistant deputy chief counsel for the committee and I have been authorized by the committee to take sworn depositions under oath pursuant to House Resolution 222 and committee rule 4.

Would you please state your name, sir.

Mr. RANKIN. My name is J. Lee Rankin.

Mr. KLEIN. Miss Short, are you authorized in the District of Columbia to swear a witness and to take a deposition?

Miss SHORT. Yes; I am a notary public in the District of Columbia.

Mr. KLEIN. Would you please swear the witness.

Whereupon, J. Lee Rankin was called for examination by counsel for the committee and, having been first duly sworn by the notary public, was examined and testified as follows:

By Mr. KLEIN:

Q. Mr. Rankin, is it correct that you are here voluntarily and not subject to subpoena?

A. That is correct.

Q. Have you been advised that you have the right to have a lawyer present at this time?

A. Yes.

Q. Have you been given, pursuant to our rules, a copy of the Committee Rules and House Resolutions 222, 433, and 760?

A. Yes.

Q. Have you had an opportunity to look through the rules?

A. I have glanced through them. I have not read them in detail.

Q. And you are aware that if you want to read them, you can.

A. Yes. You gave me a copy and if I need to consult them at any time, I will.

Q. In particular have you had an opportunity to read rule 4?

A. Yes.

Q. I will state at this time that pursuant to our rules at the completion of this deposition the stenographer will type up a transcript of the deposition. The original copy will be sent to you, you will be asked to read through it and make any corrections and send the original back to us. If you desire a copy, it will then be sent to you to keep for your records.

A. I do desire a copy.

Q. That will be done.

Sir, what was your position with the Warren Commission?

A. I was the General Counsel.

Q. Could you tell us how it came about that you were appointed to this position?

A. Yes. I was asked by Chief Justice Earl Warren by telephone whether I would undertake the position and I told him I would have to let him know. He said that he would like very much for me to do it, that it would take only about 3 months at the outside and I would have a staff to help me, could select the staff. I responded, I think the same day, that I was willing to undertake the work or the position. However, I said probably some of the other Commissioners would not want me and therefore he better ask them and find out whether they were interested in my doing the work. He said they have already done that and they were unanimous in wanting me and to get down as soon as I could and get sworn in and get started.

Q. Was there any talk at that time about the goals of the Commission?

A. No.

Q. Did there come a time when you did speak to Chief Justice Warren about the goals?

A. No. The first day that I had not all the staff but a considerable part of it together I had a meeting with the staff and told them that their only client was truth and that is what they were here for, was to search for the truth and to have it as completely as possible and there were no other considerations. That was my own decision as to what our responsibility was and our duty under the Executive order of the President and I never had anybody on the Commission or otherwise that indicated we had any other responsibility or duty.

Q. Did you ever specifically discuss goals with the Chief Justice?

A. Not as such. I discussed with him the fact that we were going to try to examine every witness that we could secure that could give any light in regard to the assassination and that we would make every inquiry about who actually committed it, whether there were any associates or assistants, whether there was any conspiracy, all of the various activity in connection with it that we could obtain information about and to make a written report as completely as possible to the President and the American people about whatever we learned.

Q. Who made the determinations as to the size and composition of the staff?

A. I made the decision as to the various areas of interest that had to be considered and I then presented that proposal informally to the Chief Justice and the members of the Commission. I don't think there was any formal action approving but there was informal approval or consensus and we proceeded on that basis.

Q. To clarify what you just said, at the time you made this proposal of the areas that you felt were necessary to investigate, had you at that time resolved the composition and size of the staff or did that come subsequent?

A. That came subsequently in that we didn't know at that point the size of the stenographical staff that we would require because that would depend upon the amount of material that had to be typed and filed and photocopies and all of that type of work. It was generally thought by me that there should be probably a senior attorney and a younger attorney for each of the respective areas and I had that in mind at that time. I never had any indication from the Chief Justice or any member of the Commission that we were to be limited on funds. I was to exercise reasonable judgment and that we would receive the necessary support from whatever parts of the Government that support was required by approval or otherwise and that we were to be financed out of the President's funds since we were a commission appointed by Executive order and all I had to do was properly account for and see that none of the funds were spent for any improper or illegal purpose.

There was a question at one time raised with the Commission about the problems of whether we should try to get an independent investigative staff and I examined the various possibilities that way and the availabilities in the country and the time that it would take to try to secure such a staff and be able to have any knowledge of its competency and ability and then get it working on the job. It appeared to me, and I so advised the Commission, that it would be a long time before we got any such staff put together that could handle all the problems that were involved with the size of the investigation that we would be engaged in and we had so many facilities from the Government that the President had insured the Commission that it would cooperate fully with the Commission and that it seemed prudent to try to use the intelligence facilities that the Government had at hand.

Q. As we understand it there were five basic areas of investigation. I think they were the basic facts of the assassination, the identity of the assassin, the background of Lee Harvey Oswald, the conspiracy investigation, and the death of Lee Harvey Oswald. Is that a correct statement?

A. That is my recollection of it, yes.

Q. When you say that you made a presentation to the Commission pertaining to the areas of the investigation, are these the areas that you presented to them at that time?

A. Yes, that is as I recall it.

Q. Then if I understand you, with the five areas determined you made the judgment that for each area there should be two staff counsel,

a senior and a junior, and then went about picking the counsel to fit these areas.

A. Yes.

Q. How did you go about determining the different areas that you ultimately chose?

A. Well, they just seemed obvious.

Q. Well, I meant did you have any help doing it, for example? Did you read FBI reports or was it just obvious, like you say?

A. Well, we had at that point the FBI's report about the assassination which as I recall had been leaked or available to the press and we had that. We didn't have the detailed materials of the FBI yet and so it seemed like that was a reasonable analysis of the problem.

Q. As you recollect, once the staff was actually chosen there were no alterations in the original five major topic areas, that they remained the same.

A. I think so.

Q. Who picked the staff members?

A. I did.

Q. Did you have a criteria that you used to pick them?

A. Well, in the senior men I tried to get lawyers of very considerable experience in various fields and some distribution geographically so that the country would feel that various parts of the country were represented. In the younger men I tried to get those who had indicated a considerable skill and ability in their law school and other educational opportunities and men who had the reputation of being industrious.

Q. In retrospect was it a good staff for the work that you had before you?

A. I found it to be generally a very good staff. I think probably the younger members were of more assistance to me than some of the older members.

Mr. KLEIN. Let me state for the record the deputy chief counsel, Gary Cornwell, has entered the room and is now sitting with us.

Mr. CORNWELL. Hello.

The WITNESS. Hello.

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

By Mr. KLEIN:

Q. If I might show you this chart, it is entitled "Day's Work by the Warren Commission Staff, 1964." Maybe you could take a look at that.

A. Yes.

Q. It was a long time ago but basically does it appear to be an accurate chart?

A. I would not have any knowledge of that. I never tried to develop such a chart. I know that relatively it points out that some were more available and more active than others.

Q. That was what I was going to ask you about. It appears from the information that the committee has gathered that a number of the senior attorneys ultimately took a lesser role in the investigation than might have been originally planned for them. Would you have a comment on that and the problems that arose?

A. Well, that is true. The senior attorneys were all hired with the understanding that they would be able to get away from time to time and take care of their practice, otherwise I could not secure them at all, and I think that was somewhat the problem of Mr. Ball. Mr. Jenner I think was quite available and worked rather steadily. Mr. Hubert I think became somewhat disenchanted toward the end. Mr. Adams I think was interested in being on the staff at first but never expected to put any work in on it—didn't.

Q. I think also Mr. Coleman was not present a great deal of the time.

A. Mr. Coleman we had problems with because he was a very active Black man who had gone with a principal firm in Philadelphia and had too many clients and in order to keep our commitment we said that he could keep his practice going so he would not have it destroyed while he was working with the Commission. He had many activities he had to return to Philadelphia which was handy so they called him back repeatedly because he was in demand by his firm to help. He never indicated any lack of interest or purpose to try to help where he could.

Q. To what extent did the absence of a number of the senior counsel affect the investigation?

A. I don't think it materially affected the investigation as far as its thoroughness is concerned. It threw an unreasonable burden upon some of the younger men in the various areas where senior men were supposed to have carried some of that burden and those younger men did take on that responsibility and were competent enough to carry it out.

Q. Do you think that the results or the method of investigation would have been significantly different in any manner had either these senior attorneys or other senior attorneys had a more active role in it? Might it have gone into other areas using other techniques of investigation had senior attorneys been present to a greater extent?

A. I think my thoughts about that would be entirely speculative. I didn't see any adverse effect due to the fact that the younger men were so industrious and they seemed to be quite thorough in their work.

Q. We discussed the five areas which the investigation was divided into and you have told us how you determined the areas. What, if any, pre-dispositions did you have after reading the FBI report when you were about to embark on this investigation?

A. Well, I proceeded in the start of the investigation with the assumption that the FBI report was merely what they thought about

the situation and it didn't have any effect on what we did and I never was caused to believe by any member of the Commission that we were to support it in any way or to assume that it was either adequate or complete or correct.

Q. Upon beginning your investigation, what were your thoughts about Lee Harvey Oswald and his role in this case?

A. I think I assumed that he must have been involved some way and that is all.

Q. Did you have any thoughts relative to a possible conspiracy?

A. I thought the most obvious possible conspiracy was either the Soviet in some way or eastern European countries involved with the Soviet or possibly Cuba. I also thought there could be a possibility of some kind of conspiracy within the country. The most obvious seemed to be in the right wing in the country in light of the President's more liberal attitude and so forth in his conduct of the Government, but those were merely the obvious possibilities and we constantly searched to see if we could find any sign regardless of who the leader might be involved.

Q. Looking back are you satisfied with the investigation into the possible conspiracies which you have mentioned?

A. Well, I am somewhat disturbed by what the Senate committee discovered about the fact that they say in their report as I read it that there were at least eight different activities of some kind directed toward the assassination of Castro in which the CIA was involved, their use of underworld people in connection with it, and that that information was all available in the Government and never disclosed to us, that Castro had said that if the Kennedys could engage in this kind of activities why others could, too, and the FBI apparently from the information you have given me of the reports of the committee had information to a considerable degree about these activities of the CIA and didn't disclose them to us. It is very difficult to do anything thoroughly with the people that are supposed to be cooperating with you and part of the same government that you are involved in and should have their loyalty to their country withholding information from you in the process.

Q. I want to go into this area with you in much more detail a little bit later but would it be fair to say that due to the circumstances which you have just discussed that your staff was not able to adequately investigate the conspiracy aspect of this case?

A. Well, I can't say that because if we had had that information and if we had done as thoroughly as I think we did in other areas that we knew about, we might have run out of all the leads and found nothing there except what has been apparently revealed to date to the Congress in their various committees showing that there are all kinds of lines but nothing that really proves any kind of a conspiracy existed. At least that is the way I read such materials I have seen and read in the papers. What I am saying is that I cannot say that if we had had all the information and had the opportunity that we should have had with a complete disclosure to investigate thoroughly everything, every lead, that we would have found a conspiracy and have been able to lay it out because I have not found anybody to date that has produced any credible evidence that there was such a conspiracy.

Q. Basically I am not asking if you think that you would have found the conspiracy, just whether if you found one or not you would have been able to more adequately investigate the whole conspiracy aspect had you had the information that you have mentioned.

A. Well, we certainly would have gone in the investigation that we made if we had that information to every possible source that seemed reasonable or a remote possibility as to any conspiratorial activity and we would certainly have examined the whole range of our own Government's activity in assassinations.

Q. Looking back is it possible to adequately investigate the conspiracy aspect of this case without this type of information which you did not have at the time?

A. Well, my problem with that is that I think your question assumes that there was some kind of conspiracy at the end—

Q. No; it is not meant to make that assumption. Regardless of whether at the end you would have found the conspiracy or not, can you say that it has been adequately investigated without the kind of information that you did not have at your disposal?

A. Well, we certainly could not investigate the things that were withheld from us unless we just happened on to it in some way and apparently that was quite skillfully withheld from many people in the Government and the press and everybody else for a long period of years.

Q. As I say, we will get back to that area in a little while.

Would you describe for us the communication that existed between Chief Justice Warren and yourself?

A. Well, I think that it was every day; practically every day. When the Court was in session he would come over afterward or before and then he would have a short period of time with me. I never dealt with him on the basis that he could run the Commission by himself. I didn't conceive that my responsibility and he didn't either in all my dealings with him. If there was a problem, oftentimes he would deal with the housekeeping aspects of the Commission and in broad terms tell me to go ahead on certain matters or if they were small or if they were of any importance he would take them up with the rest of the Commission. He never gave me any instructions that were just his own.

Q. How knowledgeable was he with respect to the day-to-day operations of the investigation?

A. Quite knowledgeable in that he asked me and I tried to report to him. He would go around to various members of the staff and ask them how they were getting along and so forth. He didn't try, that I know of, to inquire about how their work was progressing in such a way as to sort of look like he was checking up on what I told him or anything like that but I tried to give him a daily progress report of how things were moving and what was immediately ahead of us, what hearings we should be involved in, how soon and all of that kind of business.

Q. As to the substantive decisions with regard to the actual running of the investigation, did you make most of those?

A. No, the substantive decisions were all made by the Commission. I would recommend. I didn't have authority to execute on my own.

Q. What communication existed between the Commissioners and yourself?

A. Well, sometimes the different Commissioners would ask me about certain testimony in a hearing, they wondered what this meant or that meant individually or they would make their own comments what they thought of it. Generally we had a meeting and the Commission was told informally about how things were progressing and if they had any doubts any one of them would say so and generally they didn't. They didn't complain about anything and wanted to go ahead and get done.

Q. How often did you meet with them, approximately?

A. I don't know. I think that is all of record, but I would have no idea.

Q. In your opinion were the Commissioners as a group knowledgeable about the facts in this case?

A. Yes, they were. It has always been my opinion that in light of the responsibilities they each had and the work that they were involved in in the Government that they devoted much more thought and time to it than I ever expected they could, and that is not revealed as much by the record as by the fact of what happened because there were quite a few times that Senator Russell was not able to attend the hearings, and he was so disturbed about that at one time that he spoke to the Chief Justice and said maybe he should resign because he was not able to perform his responsibility as he wanted to in accordance with his concept of his obligations. The Chief Justice was disturbed about that and spoke to me and asked me to see him, and particularly with the idea that if Senator Russell resigned it might appear that there was disharmony in the Commission and that he felt things were not being done properly, and therefore that was the reason for his resignation and even though he would say otherwise and try to make it as clear as possible, it still would be read into it by the press and commentators and so forth.

So, I went to see him. I had always had a relationship with him personally, so that he was completely frank with me. I went to his office and he told me about the disturbance with the work he had, the Armed Services Committee and civil rights and other things that he was active with in the Congress and the Senate, that he was not attending the Commission hearings as much as he wished he could, that he had difficulty reading the transcript because he had to read all these other things every night and he hardly had enough time during the nights to get this done.

I asked him whether there was anything about the way the Commission was being run or anything that I was doing that was not satisfactory and he assured me that he was entirely satisfied, in fact was pleased with what he saw, but he was not participating enough. I told him about the problem that if he should leave the Commission how it might be misunderstood by the country and by people regardless of what he said, and he said: "Well, I recognize that. I don't want to do it, but I have this problem."

I said, "Well, what if we supplied you a lawyer who would attend the hearings just like you would and would read the transcript and try to make the digest for you and keep you fully informed?"

He said, "Well, then I will stay on if you do that."

I said, "Well, we will undertake to do that." So we did.

Now that is an example. I think that they showed a familiarity with the record of the hearings and the progress of investigation that I was impressed with. When you consider what else they were doing it is just the most remarkable thing. I often wonder why we would have a committee of personalities that were so involved that they had before they were appointed to the Commission anything. They had more than enough to do in all of their assignments but I recognized that the President was very wise in selecting someone that represented the various constituencies that they did and had shown competence in government and knowledge over a long term of years. I just felt he was in the dilemma of picking someone without those qualifications who had more time and, it has been my experience in life, that some of the busiest people perform the best.

Q. Were you totally satisfied with the performance of the Commission?

A. Yes. I had no problem in that regard at all.

Q. You have told us that you would present recommendations to the Commissioners and then they would make the decisions. Were there instances where they rejected your recommendations?

A. I don't recall any. I think that the only time we had a serious problem in that regard was whether we should accept the assurances of the FBI about whether Lee Harvey Oswald had been involved with the FBI as an agent that was concealed by a number or some other method in their system and I think—well, I was disturbed by it myself and so I may have caused some of the difficulty because it presented serious problems to me and I related it to them and tried to analyze it for them and they recognized those problems and then tried to consider the alternatives and I think everybody finally concluded that J. Edgar Hoover would not swear to a lie.

Q. In that case, did they overrule your recommendation or was there a recommendation by you in that area or in that instance?

A. I thought that that was the best we could do, was to get that. The Commissioners had some problems about my temerity in insisting that J. Edgar Hoover come and swear to it. They thought that was almost *lèse majesté* to treat Mr. Hoover that way, but I told them I thought the record would be seriously incomplete without it and I didn't care whether he was angry with me or the whole Commission because of it and that we should do it.

Q. Speaking of specific members of the Commission, over the years a number of them have—some publicly, some privately—made statements expressing a degree of doubt as to whether there might have been a conspiracy in this case. Specifically, I speak of Senator Russell who made a public statement to that effect, and I think that it has also been stated that Representative Boggs expressed some doubts. Do you have any recollections of conversations you had with them or statements they have ever made to you about their doubts with respect to a conspiracy in this case?

A. Well, the only doubts that any of them expressed that I recall were at the time of the draft of the report about conspiracy, and I think that we tried to be very careful to make the report clear that we had found no evidence of a conspiracy. We did not ever claim that we had proved a negative so that a conspiracy could not have occurred

that we could not find any evidence on. When the Commissioners examined that carefully, I think my impression was that they were all willing to accept that, that that is something they would agree to and would not dissent from or want any minority report and they so voted. They were unanimous on that.

Now whether or not from the other side they were assured that there was never going to be discovered that there was a conspiracy, I think that is all they were ever talking about and that is all they have ever expressed to me, that, well, you have not proved that there was no conspiracy and we didn't claim that they did.

Q. Do you have any comment to make on the statements that President Johnson is quoted to have made after leaving the Presidency to the effect that he believed there was some kind of a conspiracy?

A. I would like to see the quotation. I don't believe he ever said that. I don't think he ever said that he thought there was a conspiracy. He may have said that he was not satisfied that there was not a conspiracy. Do you have the quotation on that?

Q. Perhaps if we take a break we can provide for you some notes we have from the reporter Howard K. Smith who provided us notes of an interview that he had with President Johnson in which I believe the President stated that he felt there was a conspiracy. When we take a break, we will try and provide that for you.

A. Was this from a telecast or some notes that he had that he never gave on television?

Q. As I understand it, it is notes of an interview but it never appeared in any televised program.

A. I would not have much confidence in it then. If he was not willing to put it on the air, I would not believe it.

Q. Dealing with the Commissioners, I have showed you prior to taking this deposition these two documents for the record. One is dated December 12, 1963, to Mr. Mohr from Mr. DeLoach, subject: "Assassination of the President." The second is dated December 17, 1963, again from Mr. Mohr to Mr. DeLoach, and that states, subject: "Lee Harvey Oswald Internal Security"—the letter "R," and then it says under that "The Presidential Commission."

You have had an opportunity to look through those documents?

A. I have.

Q. The memos indicate that Congressman Gerald Ford who was a Warren Commissioner on at least two occasions went to speak with Mr. DeLoach and provided him with information as to what was happening during internal Warren Commission meetings, what opinions were being expressed by different Commissioners, general information such as that, and Mr. DeLoach indicates that these meetings were meetings between himself and Mr. Ford, and were to be kept in the strictest confidence.

At the time that you were serving on the Warren Commission staff, did you have any knowledge that Mr. Ford was meeting with Mr. DeLoach?

A. No; I had no knowledge of such meetings and I had no knowledge that they occurred now. I don't accept those memorandums as the truth. I would like to know what the former President of the United States says about the matter before I would believe him, par-

ticularly in light of what has happened in the Bureau in recent years, and I would like to see the memos associated with that and around it that may have been withheld.

Q. Let me ask you this. You have had an opportunity to look at these memos, and I will let you read them now if you like. The information attributed to Mr. Ford describing Commission activities, to your recollection is the information correct?

A. I have no personal knowledge of Warren Olney's being considered as General Counsel for the Commission. I heard about it afterward, but that was what somebody told me. And I don't know anything about this meeting when he says that it purports to say that former President Ford objected to Dulles and Boggs. I don't know anything about that. I never heard about it until I read this memo, so I don't know what the facts are.

I don't think this memo of the 17th is accurate. I don't understand it the way it reads because it is my impression now that there was not a question of preliminary release. The FBI report had already been leaked at that point and so it does not seem to me the Commission ever had the question of whether it was going to release the report. Can you refresh my memory? Had it not been leaked before the 17th of December?

Q. I am informed that it had been leaked prior to that.

A. I am sorry to interject that way, but I can't answer your question very well. That was my impression. So the Commission didn't have the problem of whether they would release it, it was already out, and it is a question of whether they would repudiate it or say that that was a valid report, they would rely on, and it certainly made it plain that they did not rely on it.

Q. Let me ask you this. Accepting your statement that you have no knowledge of such meeting and do not accept these memos as being accurate, if there were any meetings between any member of either the Warren Commission staff or any of the Commissioners themselves in which that person provided information to the Federal Bureau of Investigation relating to internal Commission matters, would you consider that significant with regard to the conduct of the Commission's investigation?

A. My problem would be what kinds of leaks were there—you certainly understand, I am sure, and Congress would certainly understand—but I could not tell any member of the Commission that they could not talk to whoever they pleased about the work of the Commission. They were free agents, they were powerful men in the Government, and my task was not to tell them, "I am telling you what the Commission is going to do and don't you ever tell anybody," and so forth. I just didn't conceive that I had any such right. On the other hand, if there was information being furnished to the FBI that might alert them to ways of trying to defeat the investigation, I would certainly be shocked and angry, and try to do something about it.

Q. That is what I am referring to, that—as you have already stated in your statement—the Commission was engaged in making certain decisions which affected the FBI. For example, what to do about the allegation that Lee Harvey Oswald was an FBI informant and what to do about the fact that Agent Hosty's name was not in the list of

names provided to you from the Oswald notebook, considering that the Commission was engaged in making decisions regarding the FBI. Would your opinion be that the FBI was being simultaneously informed of what the Commission was saying, the decisionmaking process, what the different opinions were of different members of the Commission with respect to these questions pertaining to the FBI? Would that be a problem with regard to the integrity of the Warren Commission investigation?

A. Well, I think you are asking me to assume an awful lot that I am not sure ever happened. You see, these memorandums don't show anything like that as I read them. They are very preliminary from on December 12 and 17. Where are all the other memorandums that show the other information that they got or did they get any other? I am assuming you are not withholding anything from me so if they didn't get any more than this, this is not much of a leak. Do you follow me?

Q. Yes.

A. If they did get more, they are not telling us. On the other hand, to try to respond to your question, if what we were doing was leaked in such a way that whenever we got something that might help the Commission with its investigation but might reflect adversely on the FBI that was communicated to them so they could try to do something to prevent us from getting it or hinder us in some way, then I would have brought it to the Commission's attention and the President himself if I had to. I would not have hesitated but I certainly would not assume that from this memorandum.

Q. OK. I should state for the record that we do not at this time have any other memorandums which we have not provided to you in this area. We are showing you what we have.

A. I assumed that and I don't in any way reflect on you about it but the mere fact that you got these two and no more would either presumably be the FBI does not have any beyond that which is December 17 or that possibly they are lying about it and I don't say they are, of course.

Q. Another Commissioner was Allen Dulles who had been the Director of the Central Intelligence Agency prior to serving with the Commission. What effect, if any, did Mr. Dulles' prior service with the Central Intelligence Agency have on his ability to serve as a neutral member of the Warren Commission?

A. Well, we assumed at that time that he would be a substantial asset to the Commission, that if there was any tendency of the CIA not to cooperate fully or help the Commission in the investigation that he would see that that did not continue and help us to get everything available. It would appear now assuming, and I don't know this, that Allen Dulles knew these things about the activities of the CIA and with regard to assassinations that have been revealed by the Senate committee that he helped to withhold the information or at least did not disclose it, assuming he knew it, so as to assist us in our investigations.

Q. Looking back now on the various actions and statements by Mr. Dulles when he was serving as a member of the Commission, do you recall him either pushing the investigation in any directions or trying to restrict it from going into any areas?

A. My impression, looking back on it, is that he never at any time indicated any reticence about investigating or searching for evidence as to conspiracy, either domestically or foreign, that he was completely cooperative in considering any material that we had and trying to follow it down and search out for the truth on it.

Q. Was much use made of his prior Central Intelligence Agency experience in determining what areas the investigation should go into and what techniques it should utilize?

A. Not very much. We didn't want, or I didn't—I can't speak for the Commission but I didn't want to be controlled by any member of the Commission as to the areas we would go into. I felt that our duty was to be exhaustive in regard to every possibility and I didn't want to ask for any assistance that might be something that I had to climb over later in the nature of suggestions that might be opposing and so I didn't ask that type of suggestions from any Commissioner, urging all the time that we investigate every place and never meeting any objections to proceeding.

Q. According to Senate testimony Dulles personally authorized the Castro assassination plots in the fall of 1960. With that in mind do you think that his presence on the Commission and the fact that he never informed the Commission or the staff of his knowledge of this type of CIA activity—do you think that there were other areas that he in any way could have affected by his lack of candor of the staff?

A. Well, in the first place I would not believe that Mr. Dulles did authorize such action from anything that I have seen or that I have heard. My impression of the materials that I have been furnished by you with regard to the report of the Senate committee in its investigation is that there is a considerable amount being withheld and there may be a lot of false testimony in some of the information furnished in connection with what they describe as the eight assassination attempts.

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

Q. Could you clarify your last statement to us as far as who would be manipulating the data to which you are referring?

A. I don't mean that this committee or the Senate committee are manipulating anything. You are trying to get, I assume, the truth just like I was in my investigation but the witnesses, it appears to me from reading and having read hundreds, maybe thousands of records in my professional life, were not frank and open about their disclosures and they have problems that you can readily recognize about personal liability for some of the things they were engaged in and all of those things so that they have all kinds of possible motivation

to not tell you the whole story and it seems to me it is replete with possibilities of that kind.

Q. So you are suggesting that testimony to the effect that Allen Dulles was personally responsible for the Castro assassination attempts does not convince you that that was actually the fact?

A. That is true. Now just think. Allen Dulles is dead; he cannot say a word about it, poor fellow. The fellow that did anything about it has to have somebody to unload it on so he passes it up to the dead man. How convincing or credible is that? That is the kind of record you run into all the time.

Look at Mr. Hoover. Everything that happened Mr. Hoover did. Anything now that anybody living can point to, that is criticized. Maybe Mr. Hoover did do it, but it is certainly an easy way out. Why should I believe that? In the experience of life I think any jury would have difficulty with it. It could happen but where is the memorandum, where is the paper?

You have got testimony of people who have every interest to point the finger at somebody else instead of taking responsibility themselves. I note that they didn't say the President approved it. Why didn't they? Well, that would be going pretty far but there is not any kind of paper to substantiate any of that stuff.

Q. Moving to another area, would you tell us what you felt were the pressures that were on the Commission, the Commission staff, in 1964?

A. Well, let me try to do it first with regard to the Commission. The Commission had a general responsibility to the people to try to find the answers with regard to who the assassin was, what Ruby had to do with it and whether there was a conspiracy. It also had an obligation to do it as promptly as possible because the entire country was disturbed by this and it had its impact in foreign capitals throughout the world, too.

A large part of the people, the world, were greatly disturbed by President Kennedy's death and the disturbance continued from there. Many people were unhappy about it and the fact that this man with so many aspirations for the country, for the world, had had his life terminated and I think the Commissioners felt a heavy responsibility in that regard. The staff were involved in doing the work and I felt that they were dedicated. I never found any of them, any single one, that indicated that he was looking for something other than the truth and I was exerting pressure on them all the time to get along with their work and not do any loafing or neglect their responsibilities.

My experience in working with people and lawyers, too, is that they are not always motivated to go to work 8 or 10 hours a day and do it every day without some prodding. Days are different and how they feel about it and so forth. I had to keep after them and I did and I always checked constantly about whether they were getting the preliminary investigation, whether they had read the FBI reports, Secret Service or other intelligence agencies and what they had done about personal interviews, whether they were prepared to have a hearing and how soon if they were not presently and I exert the pressure about that.

There was talk about trying to get the report out. I was told, as I told you, that it would only take 3 months for my job in the first place

and then we were going to try to get it out in 6 months and that seemed obviously impossible soon after I got there and then we were under the time pressure to try to get it done within a year as a reasonable time. A great deal of pressure came from the press and the public who wanted to get an answer to some of these questions.

I felt that we were spending a considerable amount of money but no one ever raised that question except myself. On the other side of that question I told the Chief Justice and then the Commission that I thought all of our appendixes should be printed, all of the basic material we had, and I asked the Printing Office what it cost and they said something around \$1 million or thereabouts. When I told the Chief Justice that he was very much shocked. He said, "My, we can't spend money like that."

I said: "Well, I think the report without it is not going to have the validity that it will have if it is supported and people can check out what we did."

He said: "Well, that is up to the Congress. I don't know whether they will approve anything like that or spend the money. You better go talk to the other members of the Commission."

So I went first to Senator Russell and told him what I recommended strongly and why. He said, "I agree with you." He said, "How much is it going to cost?" I told him about \$1 million and he said: "Go right ahead, don't worry about it. We will get the money for you."

I said, "Well, what about my talking to Congressman Boggs and Congressman Ford and Senator Cooper?"

"Don't worry about it. I will talk to them. We will get the money. You go ahead and do it."

I went back to the Chief Justice and we all agreed that is what we would do.

So I did exert considerable pressure about not dillydallying when we had gotten down to a place where we had exhausted our various leads and getting started to write. Like I told you before, some seemed to hang back about ever getting started writing and they had good minds, their investigation was good, they saw their materials but just write it out. Even to make a draft seemed to be hard for some of them to do and finally we had to do the writing for some areas for their materials and put it together and then rewrite it and so forth and have them read it and make any suggestions or changes and corrections and so forth.

I feel that we probably could go on for 20 years with such an investigation and keep on trying different leads but you know that is not practical in the Government and I could not recommend anything like that. It seemed like we should get to a place where we did the best we could with the leads we had and the information we had and then report to the people and let them have a judgment about what we did.

Q. At the time did you feel that you had adequate time to investigate the case?

A. Yes; I did. I felt that we had done everything reasonable from the information that we had obtained. The only area I was bothered about was the conspiracy and then I was always fighting with that idea of trying to prove the negative. I knew better. I knew that you

can't. It was always possible and it is possible in the next 100 years that somebody will come out and actually be able to show that there was some conspiratorial action but that seems to me to be a question of proof. You have to present the evidence that is credible and I don't think there has been any so far.

Q. Looking back today with 20-20 hindsight, was the time devoted to the investigation adequate?

A. Well, I think so. Certainly it would not have been adequate if we had gotten this information that you have about the CIA's activity and FBI's knowledge of it and so forth. I am sure there would have been quite a serious upheaval in the Commission and the Government and everything if they had known that that information was withheld and I am confident the President would have been active in that area if he had known that.

Q. Were there any political pressures applied to either the staff or to the Commission?

A. No. Nobody was ever selected on the basis of political activity or background. I didn't even know what party they belonged to or didn't belong to. Nobody ever indicated any political interest from the President on down. If you mean by political whether there was an active interest in trying to get a report to the people, there was that by all the Commissioners.

Q. What about a political pressure with respect to finishing the report by a certain date prior to the election, prior to the convention?

A. Well, in my opinion—you are talking about November?

Q. Yes.

A. There was never any chance. Now maybe other people saw it differently but as soon as I saw the size of the job, we could not meet that kind of a deadline.

Q. I mean November of 1964.

A. Yes. As I said, I was told it would only take 3 or 4 months when I came down and as soon as I saw the size of the problems and the job and started outlining the areas I knew that was unreasonable and I always thought if we could get it done within about a year, by the end of 1964, that we would have accomplished a great deal but I never had that as a target date. I think everybody on the Commission wanted it done as fast as it could be done properly. They all had more than enough to do without this.

Q. Did the Chief Justice give you a date and say this is the date I want that report finished by?

A. Well, he gave me a number of times, that we certainly ought to be able to get this out in a couple of months now and then he gave me another couple months and we went on that way. I would just tell him it is impossible, we have got too much yet to do. We had to go through or I would not have had anything to do with it. I would have resigned. We had to go through and run out our leads and complete our various areas and feel that we had done all we reasonably could.

Q. We have, as I am sure you know, taken testimony from other members of the staff.

A. I have not seen any of it.

Q. A number of them had testified to the effect that the Chief Justice had made it clear to the staff that he wanted the report finished

before the November election. Do you recall any admonitions from the Chief Justice that it must be finished by that time?

A. Nothing like that. I think he did say that it would be better for the country if they didn't have this problem about what our report was going to be before the convention so that that would not be something that would be brought up and be made a political issue or anything like that. I never thought there was any prospect of that. I never indicated to them that they had to meet any such deadline or anything like that, it was impossible. If you look at the progress of our work at that point, you know that we just weren't far enough along for anybody to believe that could happen. I think it was just something to use as a prod to push us along and try to make us get our work done.

Q. Let me refresh your recollection. The report was finished before the election in fact. The election was in November of 1964 and the report was finished in September of 1964. It was finished before the election but after the political conventions.

A. I know it was after the conventions. When were they, in July?

Q. Yes. I am just wondering if you are mixing up the conventions with the election.

A. September 24. When was the election? The election was November 4?

Mr. EWING. Yes.

By Mr. KLEIN:

Q. So in fact the report was completed before the election.

A. Yes.

Q. Now refreshing your recollection on that, do you recall whether there was pressure to finish the report before the election which is in fact what happened?

A. I don't remember if it was the election that was involved. I have a strong recollection that we were constantly exhorted to get along with our work and get it done. I don't remember talk about anything about the election being involved but I do remember about the conventions that it would come up and be an issue and controversy and one party against the other and so forth. At least it could be talked about and so we ought to try to get it out before that and that was impossible, and I told the Chief Justice. I don't think there was any pressure because of that and I don't remember the discussion of the election as a date to me with the staff but I know that I had to urge a number of them to start writing and not just let it drift from day to day because we just could not have that.

Q. With respect to pressure, was there any discussion between either yourself and the Chief Justice or yourself and the Commissioners or yourself and the staff members about the possible repercussions should your investigation determine that there was a conspiracy involving some foreign country such as Cuba or the Soviet Union?

A. Well, I think we had some discussions on this in the staff—I don't remember the Commissioners—in which it was speculated about if we find a conspiracy with the Soviet Union involved or Cuba and so forth, what is going to happen or somebody in the Government. We said that is not our problem, we will find it and tell the story no matter what happens, and they all agreed that was our job. We could all

speculate on what a mess it might make in foreign affairs or domestic.

Q. The knowledge of the grave repercussions which could result—if, for example, the Soviet Union were determined to have been involved—did that knowledge affect the investigation in any manner at all?

A. I didn't observe that it did in any way. It seemed to me that maybe it is because quite a number of our people were young but they were eager to get the information and get it out and didn't care who it hurt or helped. Maybe that is youth and a lack of recognition of all the hazards but I think they also recognized that any withholding would be very damaging to any of the staff or the Commission forever with the public; their reputations would be destroyed.

Q. Were there ever any discussions with the Chief Justice about possible repercussions should the Soviet Union be involved?

A. No. I never had anything from him except find out what the truth was.

Mr. KLEIN. Maybe we should break for lunch now.

[Discussion off the record.]

Mr. KLEIN. Back on the record.

By Mr. KLEIN :

Q. Was the course of the investigation in any way affected by the feeling that it was important to allay public fears and a smooth transition of government and the possible thought that finding a single assassin who acted alone would facilitate this?

A. Not to my knowledge in any respect, either by the commissioners or myself or by the staff.

You have got so many things in there that I don't know what you are trying to get at but you just got too many things in there, I can't separate them out.

Q. I will make it simpler.

Would you say that—

A. Allay public fears, of course there was an interest in the Commission particularly and the staff, too, that the public learn the facts, whatever they were, and the mere fact that they didn't have anyone to look to to get the whole story seemed important with regard to the public being disturbed about the situation. I assume that is why the President appointed a commission.

Q. Did you ever have an opportunity to speak with Robert Kennedy relevant to the investigation?

A. No. My only contact with Robert Kennedy was when he made arrangements to have the testimony of Mrs. John Kennedy and he went with us to take that testimony and I think that appears in the record.

Q. Did you ever speak with President Johnson?

A. Yes, but I never discussed the assassination with him.

Q. Or the investigation?

A. I told him that we were going to come up there and deliver the report and made the arrangements in that regard and that is all. He never tried to directly or indirectly interfere or say anything that I knew of about the Commission's activities.

Q. Showing you this document which consists of a first page which is a memorandum from Mr. Belmont to Mr. Evans, subject: Assassination of President Kennedy, and the second and third pages are a memo-

random from Deputy Attorney General Katzenbach, and the date on both documents is November 25, 1963, have you had an opportunity to read the Katzenbach memo?

A. Yes, but I never saw that before. Mr. Ewing I guess gave me a copy to look at, or you did today, I don't know.

Q. At the time you were general counsel for the Warren Commission you had no knowledge that Mr. Katzenbach had written this memo on November 25, 1963?

A. I don't recall it at all.

Q. In this memo Mr. Katzenbach indicates that he believes that "the public must be satisfied that Oswald was the assassin, that he did not have confederates who are still at large, and that the evidence was such that he would have been convicted at trial." The memo, as I said, is dated November 25, 1963.

Were you ever aware of any pressures either on yourself or on the commissioners from the Department of Justice to put out a report this early saying that Lee Harvey Oswald was the assassin?

A. No, there was not any such pressure. I know there was not. I don't recall ever having a communication with Mr. Katzenbach or anybody from the Department that they ever had such ideas.

Q. Do you think that now upon learning of Mr. Katzenbach's beliefs in this memorandum dated November 25, 1963, that this belief which the Deputy Attorney General had in any way could have affected your investigation?

A. Well, I am sure it didn't and if anybody had given me that kind of a memo and told me that was my job, I would never have taken it. If I had gotten it after I started, I would have resigned.

Q. You touched earlier on the subject of a decision not to hire independent investigators and to rely on the existing Federal agencies.

A. Yes.

Q. Again using 20-20 hindsight, was that a good decision?

A. Well, I think it was a good decision without this element of dishonesty as far as withholding information, evidence by CIA action and FBI, and so forth, as they knew CIA action. Even with that I think the problem of trying to establish an independent investigative staff is overwhelming and when you consider the man-hours of the intelligence community of the Government that we used, I don't know where they would be available in the country and I am sure that you would not have the competency of the best men that the Bureau had when I knew it in the Department of Justice and the assistance of the Secret Service and the Army and all the various intelligence agencies. If you try to put that together, I doubt whether you could find it in all the peace forces of the country and I don't mean to denigrate them at all but when you take the number of people that were used on this investigation and the man-hours and all, it would take a tremendous staff just in personnel let alone knowledge and ability of investigations. Then we used, as is obvious I think from our report, various members of the intelligence community from different agencies to check up on each other and they resented that but I think it helped us.

Q. Were you aware whether there was any communication between the different intelligence agencies which might have somewhat limited the effectiveness of using one to check the other?

A. No; I was not aware of anything like that. I did know that at times there was—I heard that there was criticism by either generally the Secret Service against the FBI for making them look bad about some investigation that was not as complete as they had done but not anything that would be of the character of trying to compare notes in advance or anything like that. I felt that there was a deep resentment by the Secret Service against the FBI for making them look bad and by the FBI against the Secret Service for vice versa.

Q. Was there ever any consideration to using the Federal agencies by hiring some investigators of your own, sort of a combination, make use of the Federal manpower but also have some independent investigators?

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

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

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

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

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

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

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

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

Q. Were their responses to your staff's requests timely?

A. Yes, I think they were remarkably good. I really felt ashamed at times with that of the demands we put on them. It was beyond any

reasonable requirements or rights that we had and we asked them to work very long hours at times because we were trying to get something done when we thought it was more available and might not be later, things of that type. I think they could have said, "Look, we have been doing a tremendous amount for you and there ought to be an end to this some time," but I never received that kind of treatment even to the last.

Mr. KLEIN. Let us recess for lunch.

[Whereupon, at 1 p.m., a recess was taken until 1:20 p.m.]

AFTERNOON SESSION

Mr. KLEIN. We have just completed a short break for lunch and we will now continue with questions to Mr. Rankin.

[Whereupon, J. Lee Rankin having previously been sworn by the notary public, resumed the stand and testified further as follows:]

By Mr. KLEIN :

Q. You are aware of the fact that approximately 17 days after the assassination the FBI had a report with their findings that Lee Harvey Oswald was the assassin and that he acted alone, is that correct?

A. I am not sure about the time. I know it was shortly afterward.

Q. Considering that FBI was the primary investigative arm of the Warren Commission, what, if any, effect did it have on your investigation that they had already reached a conclusion as to who the assassin was?

A. Well, the principal effect it had on our people in the Warren Commission, including the Commissioners, was that they had already taken their position and that we had to be careful about anything that they gave us.

Q. Do you think it affected the incentive of the people working on this case to properly investigate the areas which you had designated to be investigated?

A. Yes. I think that they all felt that we ought to just take them their report and go on home but we didn't and we just kept piling it on them to give us the information that we wanted from every place we had a lead.

Q. Do you think that this feeling had affected your investigation in any way?

A. No, because we made them go back and do it where we thought it was inadequate at all and we made it plain to them that we would only accept a good workmanlike job. It may have affected our investigation in that they did not do original work to try to find out the information that they would, if it was an open matter and they were just working on it in that manner, I don't know about that, I never saw any sign of it but it is possible.

Q. For example, did you ever have the feeling that if you gave them a particular assignment they would go as far as they had to go to fulfill your request that they might not, but that they might not go into it to a further extent than they might if it were not for the fact that they had already reached their conclusion?

A. I don't think so because I think everybody who worked on the investigation from the Bureau realized that his job and his future

depended upon the FBI's not being criticized because of the way he did his work and I think they were so sensitive to that that it protected us in having them to do a good job because if they slipped and we would point the finger at them and Hoover would be on their back and discipline accordingly.

Q. On the other hand, if by following the leads you wanted them to investigate, they did it with great enthusiasm and found information which led to a conclusion different from the FBI report, might that not also have led to great embarrassment for the Bureau?

A. Yes, that is true, and if they had found something like that, I am sure that if we had received it it would be only after Mr. Hoover had examined it carefully himself and didn't dare withhold it from us. Now that is looking from now rather than at the time he didn't think he would deliberately lie.

Q. Were there ever any pressures from the Bureau to investigate certain areas or not to investigate certain areas?

A. No. Whenever we got critical about anything that happened in the Bureau's investigation, it was obvious they didn't like it. It was a distasteful job but we put it back to them in such a way that they were on the spot and I never saw any sign that they ducked out.

Q. Did you ever get any indications from the Bureau that a particular area should be left alone or you should go easy in that area due to national security ramifications?

A. The only thing that I got that impression at all about what this business about whether or not Oswald had a number as an agent and the Bureau had a system that I think is public now that some agents were identified by numbers or some other system rather than their names and they expressed a fear that covers would be taken off of a good many of their agents if we went down the list and checked every number out to see whether Oswald could be identified and in that process we had to go through taking each number and finding out who really had that assigned and then our whole staff would know every covered agent that they had, as you see. That did disturb them and that is why we finally were willing to take J. Edgar Hoover's statement about that situation. I thought and the Commission thought that they had a pretty serious point for us to brush aside, that we reveal all the covered agents that they had that are identified by numbers to our whole staff and then expect it to not get out so as to destroy some of it.

Q. You are referring to the fact that Hoover had some of his agents, I believe about eight of them, sign affidavits saying that Oswald was not any kind of an informant. Is that what you are testifying to?

A. Yes; and also that Oswald was not an agent.

Q. Yes. In retrospect—

A. You see, we could identify the fact that Oswald was not there on any of their lists, that was easy, and so forth, but when you got into these special numbers then you had to go back and find out who is covered by that number so as to conceal his identity and then you would have all of the special agents that were so covered identified and revealed.

Q. Once again, looking upon that decision with 20-20 hindsight knowing what you know today, do you think it was adequate to allow Hoover to present the Commission with these affidavits rather than having some kind of independent investigation?

A. Well, I think we still, even if we had the problem today, have the dilemma that I have seen in the Government a number of times where, and I see it is involved right now in various areas about the CIA and the FBI and intelligence community whether you want to have a disclosure that is going to destroy any usefulness as far as protecting the national security is concerned and weigh that against what you might get out of it.

Q. Granted that it is a difficult problem, my question still would be looking back on it would you have resolved it in the same manner knowing what you know now?

A. I think I would have accepted it because I think the Commission would have made me because I think in the Government the tendency has been not to make that revelation when it is thought that it might seriously damage the national security.

Q. You are also aware from the materials that we have given you of the letter allegedly written by Lee Harvey Oswald to FBI Agent Hosty which was subsequently destroyed by Agent Hosty. Am I correct that you are aware of this?

A. I am aware that there was such a letter and it was destroyed. I am not aware of its contents because it seems conflicting in your memo as to what the contents were. Apparently the receptionist thought she saw a precise contents and Hosty and possibly others claim that they were different. What she saw seemed to me was much more practical material than the recital of the others and I am aware of what you showed me about that.

Q. What is the significance of the fact that the FBI did not inform the Warren Commission of the letter or of its destruction?

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

Q. You are disturbed about the omission of information pertaining to this letter?

A. Of course.

Q. A second incident relating to the FBI was the omission of Hosty's name from a list which was provided to the Warren Commission of names appearing in Oswald's notebook and I believe you were aware when you were serving on the Commission of this omission, is that correct?

A. That is correct.

Q. What are your thoughts relative to that incident?

A. Well, we were very much disturbed about it at the time and it was only Mr. Hoover's assurances about it that sort of made us accept it and that was an entirely different climate. It was a time when I am

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

Q. The omission becomes much more significant in light of other facts which have become known to you?

A. Well, it raises more questions. It does not prove anything. There is no affirmative proof in it. You just wonder whether there are other reasons than mere fact that it was not there.

Q. On a broader scale, the knowledge that you now have that has come out about information omitted that was not provided you by the FBI, does this general fact that this type of thing was going on and at the time you never saw it on the broad scale to which it existed, does that bother you today as to how it affected the investigation?

A. Well, it does in certain areas. It does in regard to the CIA assassination activities and the fact that that was known to the FBI and that they concealed it. Those I think are much more serious than any of these others because that was an act of concealment and it raises the question of whether there are others and whether the Bureau would make a good, thorough investigation of ordinary matters but when it got into something that would involve considerations that appear to be present in those withholdings they are governed by entirely different standards. Even then we don't have anything out of it that shows that there was a conspiracy and I assume that where your staff is checking out all the possible leads on that, then if you had something that was concrete evidence you would have been out with it long before this or somebody would and so it just raises doubts about the way our Government has been conducted and the fact that it seems to be more important to people that they protect their particular agency or Bureau than their own country. It does not prove that there was ever a conspiracy. By that I mean conspiracy to kill President Kennedy. There may have been a conspiracy as far as the Commission was concerned and what they were going to do to it, and it has worked.

Q. Was the possibility ever considered that the Mafia might have been involved in some manner in the Kennedy assassination?

A. Yes, I think that we examined that to a considerable extent in regard to Ruby because he had some background and I don't know whether I can distinguish between the underworld and the Mafia, whether it was—I think the Mafia is limited to certain groups of the underground and not the whole underworld but certainly he had some background with underworld connections and we tried to follow that out in the leads we had. It didn't seem to reveal anything as far as conspiracy was concerned and except for his ability to kill Oswald, Ruby didn't demonstrate any characteristics that you would consider particularly skilled or the type of person that the Mafia would select to be one of their men or assistants or anything like that. So all of those things raised doubts about that.

We also, or I realize and I think everybody did, the problem of trying to prove anything with regard to activities in the Mafia and the fact

that people don't live very long after they testify when they are connected with the Mafia in any way.

Q. Were you made aware that the Bureau had extensive electronic surveillance, wiretaps, on most major organized crime figures from 1959 to 1965?

A. I was not aware of that at all until maybe 2 or 3 years ago and then I heard inquiries about whether or not there were such wiretaps during the time I was in the Department of Justice, it came to my attention. I had been assured by Mr. Hoover and I had been in the presence of Attorney General Brownell when he assured Mr. Brownell that there were no domestic wiretaps, the only ones were foreign wiretaps within the Presidential power which were very limited and only done upon the approval of the President or the Attorney General, excuse me. And then I learned that it was a fact that the Department had departed from that practice and gone ahead and put wiretaps on various personnel that they felt were involved in organized crime and I knew or I was confident that was after I left the Government. That is how it came to my attention.

Q. The conversation you had with Mr. Hoover and Mr. Brownell, when did that take place?

A. Well, I think it was 1956 or 1957, somewhere in there.

Q. And you said you learned later that they did have domestic wiretaps. When was that that you learned that?

A. That was in 1971 or 1972.

Q. And in 1963 had you inquired whether they had any domestic wiretaps at that time?

A. No, I had not. I thought it was illegal and I assumed that they were not doing illegal acts.

Q. Let me make clear that the wiretaps that I am referring to were unlawful.

A. I always thought that they were and as a lawyer in my experience the constitutional law and so forth and I just assumed that the Bureau didn't do those things.

Q. Considering that they did exist and considering the nature of your investigation which was not courtroom trial. had you been informed that the Bureau had this electronic surveillance of organized crime figures, would you have requested conversations recorded in 1963, possibly early 1964, of certain figures?

A. Well, I don't know. That is highly speculative. I will tell you my problem with that would be that I would have on the Commission the Chief Justice of the United States in all of these other Government officials who would be involved in using material that was in my opinion highly illegal, violation of people's constitutional rights and whether I should put them in that kind of a position knowingly would be a serious question. I don't think that their duties as Commissioners would require that they step up and violate the Constitution. I have not ever thought that a man in public office had a duty or a right to violate the law in order to carry out his official position.

Q. My question actually would not involve them violating the law, it would merely violate reading or listening to tapes which were taken in violation of the law.

A. They would be using the product and how could these men in public life justify knowing that that was going on, asking for it and using it?

Q. On the other hand—

A. They stood against that all the way through in their whole life, they are opposed to that type of thing.

Q. On the other hand, it might be that there were conversations relating directly to the subject which you were investigating and which might very well since no one knew what was in these tapes might very well have led to a solution to many of the unanswered questions.

A. Yes; I think that is just like saying it would have been a good thing not to have Castro around and, therefore, you should proceed to assassinate him regardless of what laws you are breaking.

Q. Turning to the Central Intelligence Agency, do you recall who the people were at the Agency with whom you had direct contact in your investigation?

A. No, I don't.

Q. Do you recall speaking to Richard Helms at any time?

A. I know he testified. I am sure he testified.

Q. Do you know if his involvement was more than just testifying?

A. Well, I have, it seems to me, a recollection that he was an important figure in our liaison with the CIA and either we were directed by Mr. McCone or someone else but I think Mr. McCone to deal with him and he would have other people in the CIA that we could then talk to and work with and so forth.

Q. How would you characterize the Commission's relationship with the CIA?

A. Well, it seemed to be very precise and regular, something like **you are dealing with another country**. Like Ambassadors deal with each other.

Q. Was it an adversary relationship in any way?

A. Not in appearance. It is obvious they were now but from what you have learned they were I think smooth about it. They were polished diplomats.

Q. That would be in as distinguished from your relations with the Bureau which eventually did become strained, is that correct?

A. Yes, there were times when relations with the Federal Bureau of Investigation could be characterized as kind of surly and we were partners of convenience rather than enjoyment.

Q. And although the CIA might have been doing much the same withholding they managed to do it in a friendly manner?

A. Yes; but I really don't think that the Bureau was withholding generally, and to me what the CIA withheld is of major importance because of the nature of the information and the size of it and the whole picture and their intimacy with it, and the Bureau's withholding was of somebody else's activities and not as to anything of that seriousness, I think, as far as I have been able to find so far with regard to their own activities.

Q. When you referred to the CIA's withholding, you are referring to the fact that there were plots to assassinate Fidel Castro?

A. Yes; according to the committee's report.

Q. And you as General Counsel of the Warren Commission were never told of any such plots?

A. That is correct; I never was.

Q. And to your knowledge was the Chief Justice ever informed of such plots?

A. Well, some of the material that I was given indicated that after the Commission had made its report and I had left and all that, the Chief Justice did receive some information from Drew Pearson and he promptly reported to the President, I guess, and the President directed that the FBI investigate it, and they reluctantly did without any thoroughness, without even giving background material to the agents or the people that did the investigation, according to this material that you gave me.

Q. But to the best of your knowledge during the course of the investigation, the Chief Justice had no information pertaining to the CIA assassination plots?

A. He never imparted any to me and I am confident that he never withheld anything from me, so I am sure he would not have, and his reaction when he did learn of it according to your memo is of reporting it promptly to the President is characteristic of him.

Q. You have touched on this withholding by the CIA a number of times today. It was in your opinion a very significant withholding?

A. Yes; I think so, and I think it was selfish, in their own interests in accordance with the information I have which, of course, is not to my own knowledge just what you supplied me from your materials.

Q. You are referring in this case to the materials from the Church committee?

A. That is right. And I think that the only construction you could put on it was that if the country had been informed that they were engaged in this type of assassination plots, that it was very possible that they had caused a reaction from Cuba or from someone interested in Castro or connected with him that caused the assassination of President Kennedy, or that they might have even been engaged themselves in a plot against the President and that that was more dangerous than withholding, and it is very possible the FBI had the same kind of thinking that would be so damaging to the intelligence community and everything that they did and wanted to do, that they didn't dare reveal it.

Q. Is there any question but that your investigation would have followed new avenues had you been informed of what these plots were?

A. No; we certainly would have followed every lead down. I don't want to claim that we would have found something you didn't find or that we could have broken behind the underworld shield of keeping information or all the other problems that are involved in that, but at least we ought to have had the opportunity to try.

Q. Had you known about these plots, might your investigation have focused more on the Agency itself than it ultimately did?

A. Well, I don't know whether I could do better than the Congress has in trying to find out what happens in the CIA.

Q. I am not really asking if you would have been successful but would not have been directed more toward the Agency than it was?

A. I think that we would have been alerted to the type of thing that they were capable of and would have tried to find out as much as we could from them but probably also use all other possibilities to check

them because I think the Commission would have come to the conclusion they could not rely much on anything they did if they had found out that they were involved in the assassination plots against the heads of countries.

Q. Would their relationship with the underworld also have had an effect on your investigation?

A. I am sure that we would have had some effect that would be substantial from learning about that relationship. It would cause us to try to exhaust any possibilities there and also to follow up more on the assumption with Ruby that there might have been some of their connections; that is, the CIA's connections with the underworld that were involved there and the fact that they were involved it seems to me would also compromise almost any of their activities as far as we were concerned because it is easy to see how the CIA could get itself in the position of being blackmailed with regard to law enforcement or its activities by reason of that connection and obligations to it.

Q. In determining whether there was any connection between Oswald who was known to have certain Cuban affiliations and Ruby who was known to have some type of underworld associations, might it have changed the course of your investigation, at least to focus, to know that the CIA with their assassination plots was dealing with the underworld and thereby connecting Cuba with the underworld, the two areas in which Ruby and Oswald each had connections?

A. Well, I think we would have followed up on that and tried to ascertain the extent of such connection, if any. I still see a difficulty in trying to connect Oswald up with Ruby through the Cuban and underworld picture because it seems to me it looked like it could be a possibility from this, but it does not look like you ever get them connected, and Oswald is so foreign from most of Ruby's world, including as far as we could determine that he never visited the place or places that Ruby had, that it is very possible that we would have found this came out to an empty picture, but at least we would have the opportunity to find out.

Q. Let me suggest a concrete example. I have shown you this memo of February 24, 1964, to Mr. Willens from Mr. Hubert and Mr. Griffin, and it concerns some recommendations made by Mr. Griffin and Hubert with respect to freezing certain telephone records.

A. Yes.

Q. Now I will show it to you once more.

A. I am familiar with it. I think you ought to describe it a little more though, how far ranging it is.

Q. It is certainly—well, there are a number of suggestions; I think there is altogether 10 paragraphs, 10 sections. Ultimately some of these suggestions were accepted and some were rejected as far as freezing the records.

A. Yes.

Q. Might—

A. But some of them are so involved so much and such large expense to all of the telephone companies and everybody else that would have to do it that it just seemed unreasonable to try to spend all that money without more justification for it.

Q. Which is the point I am getting to which is that the object of this memo was to see if some connection could be established between Ruby

and Oswald through their respective associates. Had you had some knowledge of the CIA Mafia plots which at least offered a tentative possibility that the Cuban area and the Mafia area might have some connection——

A. This was not just through their various associates. This was through the telephone calls of the various associates.

Q. I understand.

A. Which is more limited. It also involves a more remote prospect, too.

Q. I understand. My basic question is might some of these recommendations which were rejected have been looked at more carefully possibly even accepted if knowledge of the CIA Mafia assassination plots were known to you?

A. Can you refresh my memory as to which ones were rejected?

Q. There were some specific associates or names that were rejected although at this time I can't say which ones and I know the general recommendation that all phone call records from a number of cities, Texas, Nevada, Los Angeles, San Francisco, is all together 11 cities, that those would all be frozen might this request have been looked at in a different light? If more information were known about the CIA's Mafia assassination plots.

A. Well, it might have made a difference. The one about freezing records—that was 11 cities or some such number—is such a shotgun approach to the problem that generally I didn't approve of that kind of an activity because that can involve unlimited expense and unlimited time and no assurance of any return whatsoever. I tried to—I think we had had a followup on the more identifiable and one step could be indicated as being prior associates and having some information and knowing something about them. So I think that it could have had an effect in that while we would not, I don't believe, approve anything so general as that I would have I think been favorable to trying to go specifically into what particular associates might be there that would have any prospect of connection with Ruby or with this problem, the Mafia or underworld and then go on to a particular locality and so forth based on more specific information.

Q. To your recollection did the CIA ever indicate to you, to the Chief Justice, or to the Commission in general that you should not pursue a line of investigation because of national security reasons?

A. They never did to me and they never did to any member of the Commission that I know of.

Q. Did you ever have a feeling that the CIA was trying to encourage you to go in a particular direction in your investigation?

A. No.

Q. Do you recall being informed by the CIA that they had information from a Soviet defector relating to Lee Harvey Oswald in Russia?

A. Yes.

Q. I should inform you that our committee has top secret clearance and has been provided with all materials relating to this defector that you would not be revealing to us any information that we are not supposed to be receiving.

Do you remember the name of the defector?

A. No; I don't.

Q. Does the name Nosenko—

A. No.

Q. Do you recall what you were told with respect to Nosenko?

A. No. I do recall that we heard there was a defector from the Soviet that could give us some information about Oswald, we were very elated. It is my recollection now that it didn't pan out and we became very disappointed.

Q. Do you recall why it didn't pan out?

A. No, you would have to refresh my memory about that.

Q. Before I do that, let me ask you one question. Do you recall the substance of what he had to say?

A. No; I am quite sure there was nothing about a conspiracy. Whether he was supposed to have been an agent or something, I am not sure.

Q. Do you recall whether there was any discussion with the CIA representatives as to whether Nosenko was a legitimate defector? As opposed to being a dispatched KGB agent?

A. Well, it seems to me my recollection that they were quite suspicious that he might be dispatched to carry certain information to cause us to believe that something probably didn't have any truth to it.

Q. Do you recollect any of these discussions?

A. No, but I think that is about the substance of it.

Q. Was there any consideration given to whether members of the staff or your Commission should interview Nosenko?

A. I don't recall any. I don't know whether he was able to speak English or not. I don't really recall that.

Q. I think that our records will reflect that at that time he did speak English and had been interviewed in English by the Agency. Can you give us any reasons as to why your people might not have wanted to interview him?

A. Well, I don't recall whether they wanted to or not. My own reaction is that at that time we did not have doubts about the CIA and we had no one that purported to have still in trying to determine who was a plant and who was not a plant and, therefore, that we would be in kind of discipline act that we had no experience with and we would be lost as far as any skills concerned in the field.

Q. To your knowledge was any information gained from Nosenko incorporated into the final report of the Commission?

A. I don't recall any. See, when we discussed with the CIA people about the problem of whether someone was being planted or a genuine defector and so forth, they purported to give us, maybe it was not valid but we accepted it at the time detailed discussion of how you had to know about things within the Soviet and various matters that you could ask about during the periods of time and activities and who was engaged in them and that whole background of vast amount of material that would disclose whether somebody—what he really knew and what he didn't know and what he failed to know that would reveal what his connections were and whether he actually had the connection and experience in that whole Soviet setup that would verify his story or would promptly show that some of it was fixed that this was special knowledge and that we would be just children trying to make inquiries and could be easily fooled.

Q. Was any consideration given to the fact that although the CIA certainly would be the experts on all information pertaining to Nosenko's background in the KGB and his manner of defection but that members of your staff might very well have superior knowledge as to Oswald and be able to make a more educated judgment on the question of whether Nosenko was telling the truth about Oswald?

A. No; I don't think that is true that our people would be superior in that regard. We didn't have enough information about Oswald at any time to be informed in depth. We had certain things that we had gotten in this period in the Soviet, in this country and in the Marines but all of that was either not very unusual or information that some of it could have been planted on us by Oswald and some of it with regard to his life before he went to the Soviet. You know, for instance, incompetency in regard to language and communication and all of that, his difficulty to explain as compared with some of his accomplishments and it also puzzled us and I don't think that in the time that we studied we could have—I think we have been very conceited to think that we were so experienced that we would know more about him than someone who had spent time with him or knew him from his activities. I just don't think we would have sufficient skill to compare what they might know within what happened in the Soviet and what we knew. In fact, I think all of us felt we didn't know enough about what happened within the Soviet and what was truth and what was manufactured for us and whether he went to the Embassy for ulterior purposes or valid purposes, and all of that kind of a problem, and we frankly told the people in the CIA we knew of no way to break down behind that kind of a society and they didn't seem to be able to either. They didn't have any information to give us as to how they could get more accurate information about what Oswald did while he was there.

Q. Was it your belief that the CIA had any kind of expertise as far as Oswald was concerned?

A. I always had the impression that they knew quite a bit about the history and that they appeared to know about as much as we did about his life. They knew a lot of his background material, about how he grew up, and his mother's problems and his problems and his Marine history and all that kind of business, what we knew about in the Soviet.

Q. If I were to tell you that the person from the Agency who questioned Nosenko about Oswald personally knew nothing about Oswald other than what he read in the newspapers, would that greatly surprise you?

A. It would. Just as much as I, would this memo about the agents going to a lawyer to ask about the conspiracy and not having any background testimony. If you told me that the FBI had operated that way back at this time I would say it can't be, they just don't do that, but it does reveal a lot though that they would do anything like that purporting to think to be helping us and—that is just ordinary homework.

Q. Were you under any impression as to whether the Agency was specifically trying to check out any of the information given to them by Nosenko about Oswald?

A. I got the impression that they were doing that and were going to do it carefully.

Q. I am distinguishing checking out information that Nosenko gave about Oswald as opposed to checking out other types of leads provided by Nosenko.

A. Yes.

Q. Were you of the impression that—

A. I don't want to give the impression, however, that if they concluded that whenever they did conclude, as I recall, they did that he was not a valid defector, that they would do much more than just try not to reveal that they discovered him or found him out and go away but I don't think you can do very much after that to try to learn anything from him.

Q. Would you be surprised to learn that on April 4 the Agency began what they called hostile interrogations of Nosenko and that the first time they questioned him in depth about Oswald was not until July. When did they conclude that he was not a valid defector?

A. Well, my point is that Nosenko came over in the beginning of February of 1964, he was questioned from February until April 4, and at that time he was not confined, he was not in prison in any manner. Beginning on April 4 hostile interrogations began although it is difficult to say at what point somebody did not believe he was a legitimate conspirator. At that point he was confined, he was imprisoned beginning April 4 and up to that time he had not been questioned in depth about Oswald.

Would that surprise you?

A. Well, it would not surprise me that they would not ask him about Oswald before they had verified whether they thought he was a valid defector. We were certainly interested in that and didn't care about a lot of fabrications furnished us that had been planted—why they waited until July I don't know and I could not tell without seeing more of what happened in that interval.

Q. What was the relationship of the State Department to the Commission?

A. Well, we thought it was friendly.

Q. Do you have any reason now to think it was otherwise?

A. Well, no; I don't. I always felt that by the nature of the things nothing that anybody ever told me that the State Department would not be pleased if we found that the Soviet was involved in the conspiracy to kill the President of the United States or that Castro from Cuba was involved in any such conspiracy. It just seemed to me that that would pretty much blow up foreign affairs and all their former concepts and conclusions, and so forth, but that was just my own thinking, but I didn't think that had anything to do with what we were doing.

Q. With respect to that, was there ever any pressure put on your Commission or your staff by the State Department to investigate certain areas or not to investigate certain areas?

A. No; there never was. Not to my knowledge, I never heard of any such thing.

Q. Do you recall the Commission making a request to the Soviet Government for information about Oswald and his stay in Russia?

A. Yes.

Q. The materials received were documents of a public nature as opposed to, for example, part of a KGB file, their own reports, their own

surveillance. My question is, did the Department of State have any influence in the type of documents you requested or type of documents you ultimately received?

A. Not that I know of. I don't know that they just requested any certain documents. On the other hand, I would not have been surprised that they didn't have anything from the KGB if they asked for it and I would not be surprised that they didn't ask for it knowing that they would not get it any more than I would expect that we would give them anything from the CIA or the FBI that we had.

Q. Do you know if the Department of State had any role in determining what type of documents we should request?

A. I don't think so. I think we asked them to ask for whatever they would give us and we wanted as much as possible and I think we made that clear to them but I do not know—we would not get any more than they wanted us to have.

Q. It is my belief that the request that was sent to the Soviet Government specifically asked for documents that were of a public nature as opposed to saying give us any files which you might have or your Government might have on the surveillance. Do you recall any discussion on what should be requested?

A. No; I don't recall any discussion at this time.

Q. Do you recall the Commission taking up the question of whether the X-rays and photographs taken at the President's autopsy should be seen by the Commission?

A. Yes; I remember that.

Q. And do you recall that the decision was made that the Commission staff would not be allowed to see the X-rays and photographs?

A. Yes; I remember that.

Q. Could you give us your recollections of why that decision was made?

A. Well, basically there was I think it came from the Chief Justice who had received the communication. He related from Robert Kennedy that the family would—either I don't know how it was expressed, either hope or urge or something stronger than that, that the X-rays would not become a part of the official record of the Commission so that they would have to be published which was our public position at the time, anything we had published, and, therefore, the American people and everybody else would remember the President as having all these pictures and the terrible things that he had suffered from the assassination.

Q. At the time did you agree with that decision that the staff should not even be allowed to see the X-rays and photographs?

A. Yes; because they had the testimony of the doctors.

Q. With 20-20 hindsight knowing as you do the great controversy which has arisen over what those X-rays and photographs show, was it a good decision not to allow the staff to view them?

A. I think so. I think they had all the basic information that was involved. If we had it in the record we would have printed them and I think condemnation for that would have been a great furor, too.

Q. Could not some kind of a compromise have been made where one possibility might be to crop them in some manner, another might be to make a special exemption where the staff at least has an oppor-

tunity to see them to question the doctors about them and not put them in the record? Was that considered?

A. Well, I never considered any cropping and I never changed evidence in my life.

Q. I don't mean cropping in terms of altering, I mean simply instead of showing a picture of the President's head so that it would be recognized as being the President it be cut in such a manner that you might see the wounds but not see, say, the face or some distinguished feature of the hair but not in any way to alter the evidence. I am not suggesting that.

A. Well, I never thought of that. I don't think it would work because everything we took out would be the parts that people would say we were concealing and that would be worse I think than what happened, what we did do. There was not anything about the examination of the doctors that could have been added to in my opinion by seeing the X-rays and nobody has come out with anything since people have seen them in my opinion that reveals any new knowledge or any failure to ask questions or anything that does not confirm what we had before.

Q. Let me suggest something to you.

A. Yes.

Q. By questioning the doctors since they were the only ones who had seen the wounds you were restricted questioning with three doctors involved in the autopsy, is that correct?

A. Yes.

Q. If these doctors had made some type of error, maybe not with regard to how many bullet wounds but possibly the location, it would appear that there would be no way that your Commission could have learned of it if the doctors had made an error in that without looking at the photos and X-rays.

A. Well, I think that may be a possibility but it seems to me it is very remote. The men that did the examination on the President of the United States were most able men that were in that locality in that field and their knowledge was more complete than anybody else's and as far as I know there has not been any withholding there and everyone that has looked at them since has confirmed what they said about it so it seems to me the net effect is that both the family and the public have been spared kind of an exhibition.

Q. If I were to suggest to you that the men who performed the autopsy were far from being as you testified the most competent that could have been obtained, why in fact rather inexperienced in performing autopsies, might that affect your answer?

A. Well, I think you would have to prove that before I would—

Q. Connected with the investigation itself your Commission had by law the right to call a witness and if the witness invoked the fifth amendment privilege against self-incrimination your Commission had the power to grant immunity, is that correct?

A. That is correct.

Q. Am I also correct that no witness asked for immunity and it was never, therefore, granted?

A. That is right.

Q. Was there ever a policy decision that no witness would be called who would request immunity?

A. No. We didn't have that problem. We would have to make that decision if any witness had claimed or indicated that unless he was granted immunity he would not testify but we never had the question raised.

Q. Do you recall members of the Commission going to Texas to speak to Jack Ruby?

A. Just one.

Q. Who was that?

A. The Chief Justice.

Q. And are you aware that Ruby in Texas requested that he be brought to Washington?

A. Yes; I think that is true.

Q. Have you ever discussed with the Chief Justice why this request was not honored?

A. I had forgotten about that. You will have to refresh my memory. Do we have any record about that?

Did he continue to ask after or when we were down there, do you remember?

Q. This is a transcript of Jack Ruby speaking with the Chief Justice when the Chief Justice and other members of the Commission—

A. One other member, Mr. Ford.

Q. Were you also present?

A. And myself.

Q. When the three of you went to Texas.

A. Yes.

Q. And that is the transcript that you are referring to that refreshed your recollection?

A. Yes. He asked if we could not come back to Washington and the Chief responded to him as the transcript says, he says we had no power to take him to Washington and we had no way to take care of prisoners. I don't get the impression that he went much further than that—that is, Ruby. He seemed to recognize that that was an answer and that he was not going back to Washington.

Q. Let me read to you just one statement by Ruby and I think he makes this point a few times.

I may not live tomorrow to give any further testimony. The reason why I add this, to this, since you assure me that I have been speaking sense by then, I might be speaking sense by following what I have said, and the only thing I want to get out to the public, and I can't say it here, is with authenticity, with sincerity of the truth of everything and why my act was committed, but it can't be said here.

It can be said, it's got to be said among people of the highest authority that would give me the benefit of doubt. And following that, immediately give me the lie detector test after I do make the statement.

That is from page 169 of the transcript.

Ruby seems to be indicating that he has something he wants to tell the Commission but can't say it in Dallas. Do you have any recollection of that conversation and why even though his statement was somewhat cryptic the Commission would not have jumped at an opportunity to see if he did in fact have anything to add?

A. I remember the conversation now that you brought the transcript to my attention. And I think that the Chief Justice and former President Ford and myself all felt that he didn't have anything more to say, that he just wanted to come back to Washington on the trip and they presented all kinds of problems for us to get him back there and have protection as a prisoner and have jurisdiction over him and take the jurisdiction away from the authorities down in Dallas and it just seemed like it was one of those idle statements that he was making.

Q. Considering the report itself, how was it determined which witnesses to rely on when the Commission came to its final conclusions?

A. I don't understand the question.

Q. The Commission presented conclusions in its final report.

A. Yes.

Q. In arriving at those conclusions it accepted certain testimony as being credible and rejected other testimony. My question is, what criteria was used in determining which testimony should be accepted and which rejected?

A. Well, each time, as I recall, the Commissioners would have a reaction as to a witness from the transcript or from observing him or both when they did observe and they quite readily arrived at the conclusion as to those that they could put any credence in and those they could not. I don't remember any time that there was any disagreement on that about any witness.

Q. In many instances the Commission reached firm conclusions with regard to the testimony. The Commission has been criticized by certain critics as being a brief for the Government position. Was there ever any kind of discussion as to whether the Commission should come out with firm, definite conclusions as opposed to portraying different possibilities, in other words, not rejecting certain testimony sort of possibly ending up with a more ambiguous report but one that would have included testimony that was in some cases conflicting?

A. Oh, there was not any question but what the Commission treated with conflicting testimony and it examined it, commented on it, and said why it didn't accept some. There was discussion about conclusions and when there was doubts a discussion was an agreement that the doubt should be revealed and I think that is apparent in the report. I think if there had been any real differences in judgment of the witnesses and their credibility and those that were worthy of belief and the Commission between the staff and the Commission would certainly come out in some way before or in the preparation of the report or beforehand but there was not.

The only thing that the Commission didn't do was to speculate that if so and so was telling the truth, and we don't believe he was, why it might have turned out this way. We didn't do that kind of thing but I don't think anybody thought that is what we should do.

Q. Was there any kind of pressure on the Commission to come out with definite conclusions, maybe not what the conclusions ought to be but there should be definite conclusions regarding the facts of the assassination?

A. Not at all.

Q. For example, the Commission developed what has come to be referred to as the single bullet theory. Would it have been acceptable

for the Commission not to have reached a definite conclusion as far as how many bullets there were and what individual bullets hit what person or was there some kind of pressure that you have to decide how many bullets there were and what each bullet did?

A. Only the fact. Facts don't leave you anything else as a conclusion. It forces it.

Q. Recent polls have shown that a majority of the American people don't accept the conclusion of the Warren Commission that Lee Harvey Oswald was the single lone assassin of the President. Why do you feel that 14 years after the Commission's report such doubts continue to exist?

A. Well, people don't have much confidence in government today anyway in any level, you know, and that is the first problem. Then the attacks on the report are probably 50 or 100 to 1 and there is no one going out and saying the report is perfect, is right and so forth and every time someone makes an attack on it that attack stands by itself and is not exposed to any cross-examination or public report of the weaknesses in the claims and someone can say over in France that he has got the conspirator, he will tell it to the President alone, and that gets all kinds of publicity over in this country and nobody says how foolish can you be, all those things. So how can you expect any other result? People are entitled to their doubts and most of them have not read the report. If you take a census of those that read the report and what their opinion is, it might be more interesting than to have people that have never even looked at it or cared. I think when you get through and you make your report you will find that the public will be asking the question, what did you do for all this money? And I don't think that will be any fairer than the other response.

Q. To your knowledge what percentage of all files relating to the President's assassination were turned over to the Commission by the FBI? What percentage of the FBI's files relating to the assassination did they turn over to you?

A. I have no knowledge.

Q. Were you under the impression you had 100 percent?

A. You mean today or then?

Q. Today.

A. I don't know that we thought we had 100 percent but I think we thought we had 100 percent of anything that could make any contribution.

Q. Well, you were making requests to them and I assume you were keeping track of what your requests were and making sure you were getting answers.

A. That is right.

Q. Did you have any type of understanding as to whether you would be provided with other files which didn't involve requests that you made but which did involve the assassination in any way?

A. Yes. I had a direct understanding with J. Edgar Hoover that we would have full cooperation. They supplied every assistance they could give to the investigation.

Q. Well, let me phrase it another way. Was it your understanding that while the Warren Commission was carrying on its investigation the Bureau was free to have their own investigation?

A. Yes. Very clearly, and if anybody came to them in any place in the country and gave them any information, and there were cases where they did in any office about the assassination, they were free to take it and get the information and then have it for their purposes and our purposes, too.

Q. The second part of that answer is what I am interested in and that is if some information were given to the FBI and they investigated it, of course, if it came out positive, then I expect that you would have expected to receive that information; is that correct?

A. Well, no; I think that contributing to the investigation would be more than just positive. We had innumerable inquiries that were never positive and they just turned out to be duds but we wanted to know about them just the same. Sometimes we had to know somebody was supposed to know all about a conspiracy and know that it was nothing as well as anything else.

Q. I think you have jumped one step ahead of me. As the first point you would expect to receive all information of any lead which turned out positive.

A. Yes.

Q. And as the second point which is what I was going to get to next, did you have an understanding that if they received a lead, which they worked on and even if it didn't come out positive but they spent considerable amount of time on it that you would still receive information about that lead and about the work they had done?

A. Yes.

Q. Did you have the same understanding with regard to the CIA?

A. Well, I thought we did. We, of course, didn't expect them to have any domestic information and didn't anticipate they would have any volume like the FBI because this is a domestic event, but wherever there was anything that would bear on it in any way, positive or otherwise, we expect them to reveal it and call it to our attention.

Q. This might be a difficult question or one that you don't want to answer, but did any of the Commissioners appear to you to be significantly more informed than the others or significantly less informed than the others?

A. Well, I think there were some gradations of the extent of their information, but as I said before I really was surprised that all of them knew as much as they did about it and tried to become informed affirmatively, tried, as I observed, to become informed as much as possible, and I don't know whether you knew Senator Cooper or not but he was not too articulate sometimes in the Commission and so forth, but it was surprising how he would come up with comments from time to time about the hearing he attended or some transcript that he had read and so forth, and I found that was true with practically all of them from time to time so that even though some of them didn't attend and I didn't try to have them punch a clock or anything about when they came or whether they would attend hearings and why they didn't attend a hearing, oftentimes I knew they were on the floor, both Congressman Boggs and Congressman Ford, and I also knew that the Senators were on the floor at various times just because of reading the papers and so forth, and could not attend. Mr. Dulles

was generally there; Mr. McCloy generally came. I think for a public body they did remarkably well.

Q. What were the circumstances of Senior Counsel Leon Hubert, his disenchantment with the Commission?

A. Well, it came to my attention that he and Mr. Griffin had some differences and I was much impressed with Mr. Griffin's work and his thoroughness; sometimes he was irritating to Hubert about it because he was so thorough and he didn't want to pass any little detail, and I could understand both of their attitudes but I recognized how important it was to have that thoroughness, particularly when you were trying to develop facts and find out what they were in an investigatory manner rather than work with them after they are developed, and later it seemed to me Mr. Hubert wanted to be rather free to have any kind of depositions or hearings wherever and whenever he wanted to, and we just weren't that freewheeling. We had to make some plans and find out whether it was going to contribute or why they thought it would contribute to the investigation so it would have some justification for it. All those things seem to bother him.

Q. What was your reaction to the apparent leaking of that early FBI report?

A. Who could protest against what Mr. Hoover did back in those days?

Q. Did you have the feeling that it was an attempt to preempt the Commission?

A. I always thought it was an attempt, but I felt it never was going to accomplish it because I was not going to get it.

Q. You talked a few times about money and how yourself and the Chief Justice kept an eye on it. Do you recall or did you ever know what the total cost was of the Warren Commission investigation?

A. No; I didn't. I don't think that figure is—I tried to work out a scheme of getting a copyright on it for the Government and I got along pretty well with my Commission on the idea for a while but then I had to present to the Congressmen and Senators the problems that had developed early about the copyright laws and the Government having copyright and the holding of information in the Government by reason of it and that probably was not as a precedent, it was not a good idea, but I anticipate that we would have sales of the report that could run into several millions of dollars and get our money back, but I finally had to give that up. I assume that it could have cost somewhere between \$1 million and \$2 million. Did you see any figures on it?

Q. I have been informed by a member of our staff close to \$2 million.

A. I think a large part of that was the publication cost because of the fact that we had 20 or 21 volumes of appendixes as well as the report itself, and I don't think the Government ever charged its cost for the publication.

Q. Looking again back with 20-20 hindsight, what mistakes did the Commission make?

A. Well, it is clear that it made a mistake by believing that the FBI would not conceal from it. It also made a mistake by believing that the CIA would not withhold information from it. Those were obvious and they could have been material, I don't know, it depends on how you think how material they are, but certainly we would have done much more if we had had that information.

I think if I had it to do today, I would not have had those X-rays published; and if I had a choice between concealing or not showing part of the X-ray and not showing any, I would have chosen not showing any because I think the moment we started withholding anything whatsoever except secret or top secret materials, that we would have no credibility. I think the report, the work that was done, and the form of it and the quality language is comparable to the best, and I think that 15 years is a pretty good period for it to stand up without any serious retraction from it.

Q. Might it have been a mistake not to let Ruby come back to Washington?

A. No; I never thought Ruby wanted anything more than a trip and maybe an opportunity to talk to the President or these Commission officials in this setting, and if we had the information about connection to the Mafia and it had led anywhere, then—or if you had found something that led to some place, then I could say, well, if we had gotten Ruby back here maybe he would have told us, but unless you bring forth something that establishes Ruby had more to say, I don't think it means anything.

Q. Of the five areas one of them was devoted to conspiracy. Considering the many, many, many problems that arise in trying to investigate conspiracy and the many possibilities, in retrospect again with 20-20 hindsight might it have been better to assign more resources than actually were assigned to investigate the conspiracy possibilities?

A. Well, as I recall we really had a double concentration on that because of the Cuban and the Soviet. It was not like one little patch, it was both and I think that we really exhausted all that we had without this new material that you got from the CIA and the FBI knowing about it. Certainly if we had had that it would have bulked larger, the conspiracy area, the examination and the investigation and report and we would have run out all the various leads and probably it is very possible that we could have come down with a good many signs of a lead down here to the underworld. Someplace in Cuba it got down to the end of that and we could not get any more and that is all we could report, at least we would have gone that far. We would have taken more personnel and more work and all the rest. The same would be true it seemed to me as a whole area in the Government that knew about these attempts at assassination, who was involved. It is an ideal situation as I hope I—I was not unfair to your work in connection with that but when I read those reports—it was not your committee but the Church Committee's report—it was an ideal situation for them to just pick out any way they wanted to tell the story and fit it in with the facts that had to be met and then either blame the rest of it on somebody else or not tell any more or polish it off. I don't think that could have happened back in 1964. I think there would have been a much better chance of getting to the heart of it. It might have only revealed that we are involved in all of these things and who is involved in it and who approved it and all that. But I think that that would have at least come out.

Q. Well, that is all I have right now.

As I told you before off the record, another member of our staff wanted to speak to you a little bit but I wanted to afford you an oppor-

tunity now for the hours that we have spoken to say anything that you would like to say.

A. Well, all I have to say is that up to date I have not found any proof in the press or anyplace else that there was a conspiracy and I had hoped that if anything like that had to happen you would bring it all out, lay it on the table and prove it beyond reasonable doubt but I assume that you have not got the proof or any leads that you think are going to take you to that and I think that the Commission did quite a remarkable job. I don't mean by that that I as General Counsel did, I think the Commissioners have always said, felt that they made the decisions, made the conclusions, and it was their work, and they ought to be respected for it.

Q. Are you finished?

A. Yes.

Q. In that regard, I don't know whether I asked you earlier which is exactly what were your responsibilities as General Counsel?

A. I was to see that a report got out and that all of the investigation was completely thorough and exhausted and that we abided by the law in everything that we did and that we had a very intelligent, intelligible report that could be understood not only by the experts, but by the common people and that the Congress and the whole Government and the American people would be pleased with it. That was my assignment.

Mr. KLEIN. That is quite an assignment.

On behalf of the committee and myself also I would like to thank you very much for sitting with us and talking with us.

The WITNESS. Pleased to do it.

By Mr. CORNWELL:

Q. I apologize first. I have been out of the room quite a bit and I just have a few questions but they may have already been asked of you and if they have, I apologize.

A. That is quite all right.

Q. During the early parts of your testimony you expressed the view based on your experience that even though in one sense of the word a price is paid, a sacrifice is made, for the choice of very active, involved men to serve as Warren Commission members, your opinion, based on your experience, is that nevertheless oftentimes the busy people are best, on balance, simply because of their experience, their talents, whatever. What I wanted to ask you was, accepting that as being valid for the selection of Commission members, what is your view as to the propriety of applying that principle to the Senior Counsel?

In other words, if you had that part of it to do over again, would you have people on your staff who were hired with the agreement that they could follow their private pursuits while they were also attempting to attend to Warren Commission business?

A. I think I would. First with regard to the first part of your question about the members of the Commission, I want to also add that it is the industry of people that are busy that I also rely on. My experience in life is that people that are very busy usually do well in anything that they undertake in addition, while people that aren't busy maybe never do anything very well, and so in that compromise you get those benefits and you get the detriments that go with it.

I also felt that these men on the Commission represented enough of the important positions in the political life of our country so that if anybody could be believed by the people when they made a report those people who represent a group that the public would tend to believe and especially being on both sides of the aisle and the Chief Justice in his position and so forth. I thought that would be helpful so I thought that was a skilled selection with benefits and detriments all mixed up in the Commission.

Now with regard to the senior counsel, in recruiting all kinds of legal talent over the years, some 40 years—more than that—I feel that it is helpful to get men of more mature experience in the law to work with younger men. They may not have the industry, they may not work as hard as the younger men but they may have been over the ground and say, “Hey, look, we have been over there, I have been over there, I have been over that, don’t waste your time on that” and so forth. They may have tried cases before and know more about witnesses, know about who is more believable than the younger man, and it would be ideal to hire them. But if you get senior men of maturity in the practice of law and they are available to hire, they probably have not got much of a job and they may never have been successful in the practice, they may be the failures and, therefore, you have got to compromise there again. That is the problem. So in any experience I found that I would rather have maybe an hour’s time of somebody like Bruce Bromley or Herbert Brownell or Nick Katzenbach with a great depth of experience, who is a remarkable lawyer and is very thorough. Few lawyers I know of are as thorough. He is somebody plodding about it, sometimes tiresome but he never misses on some little point that may be decisive. I don’t mean these men who were senior counsel were all in that category at all or any of them but generally I would prefer to have men of such abilities.

Q. So if you had it to do over again you would opt for the same basic selection process for the senior counsel that you used in 1964?

A. I probably should have—there is one member that you can see that did not attend hardly at all and I certainly should have gotten rid of him really.

Q. Who was that?

A. That was Francis Adams and he really didn’t contribute anything.

I had no Blacks except Coleman and I selected him because he was both a Supreme Court law clerk and a fine record I think at Harvard. He was a clerk on the law review and he was a member of one of the big firms in Philadelphia and where do I get a Black that has that much background in those days? So I had to the only way I could get him, he had just gone with that firm just 2 or 3 or 4 years or something like that and he just could not afford to pull out and see what happened to him. Then when I got him, he is a fine fellow, and he is a hard worker and he has a fine legal mind but he had attracted a good amount of Black business into this firm and they want whites all over the place waiting on them. When they first got a Black man that they could take their law business to and so they were constantly calling him back and nobody else to do—now that is not true with a lot of firms. You know in Curvatt or Melbank Tweed of others they have they can

delegate up and down the line without any real difficulty as long as they keep some supervision. But this was an entirely different problem but I could not—I didn't think—feel I should operate without ever asking a Black to be on and then I didn't want just anybody and that was about—I could not name even two or three in the country like that with that kind of a background.

Q. You were asked some questions and discussed at some length the question of President Ford's relationship with the FBI.

A. Yes.

Q. I suppose that at least hypothetically anyone would recognize that in the process of putting together an investigation of the magnitude that you all were faced with, various types of liaisons all of the agencies were necessary in order to make the system work.

Did President Ford, to your knowledge, in any way perform such a function with any part of the FBI?

A. Not to my knowledge. I didn't know about it and I didn't mean to be critical of this memo but I know that when the FBI writes memos when I was in the Department and I understood this and I am sure you must see it, you have seen a lot of the memos, they always write that the FBI way so whether or not President Ford did what he said I would not believe unless President Ford said it or somebody else rather than men in the Bureau, particularly in light of what has happened in the last few years. I think it is too one sided.

Now former President Ford might have said something along this line, it might look a lot more attractive to Mr. Hoover to have it in a form where it says he wants this to be very hush-hush between us, he is consulting, he is going to keep right on giving us all the latest dope and here is a wonderful liaison that this man has established with one of the members of the Commission but where are all the other members? For the next so many 200 days or so? That is all I am raising about.

Q. You may already have been asked this question but there were a number of memos written by the staff in the final days concerning the rewrite process. What was the basic nature of the issues during that period? Was it hypothetically something concerning some theory of persuasion? In other words, the way in which you presented what in fact was a unanimous opinion or conclusion or on the other hand was it in fact a dispute over what the facts were and then once you tell me that, what was the source of the decision, who did it come from, who finally decided how to solve those kinds of problems?

A. I finally decided any such issues and in all the cases that I now remember if you can refresh my memory I will try to deal with them, they were only something that I can consider an overstatement of what the evidence showed and then I said it had to be cut back to the point that the evidence would sustain and then Mr. Redlich worked on it, Mr. Willens with me rewriting and so forth and I never said that it would be cut back until I had a hearing in which the person who had letter written it or investigated, sometimes they didn't write, they never got to the place where they would write it up, we had to take their materials and write it up in a few cases at the last because they just could not seem to start to write but those that did write and those that had anything to say about the draft that they wanted it differently

stated were given a hearing at which they took the opposition that we thought required to be cut down, they did that right in front of me and argued it out and if they could convince their version went on the basis that they knew more than anybody else but they had to be—they could not just talk it, they had to produce the evidence. That is the way we worked.

Q. So it was simply a matter of conforming the choice of words to the actual strength of the evidence?

A. That is right, and I didn't want any kind of an overstatement. I wanted everything to be as precise as possible but I don't think there was any real leaning but if there was going to be any leaning it would be toward an understatement rather than an overstatement.

Q. One particular contention in which this problem comes to our attention is the Liebeler memorandums which were written after there were roughly polished drafts and in some cases galley proofs and there are a number of different problems that he focused on in those memorandums but a principal one was of the nature you just described, what he felt according to the memorandums were overstatements of the strength of the evidence on various points. You, I take it, would have often found the same problem that Liebeler did.

A. That is right.

Q. And in what were the final drafts; is that correct?

A. Well, not often but that is the only thing that we did have any difficulty about.

Q. Who prepared those drafts which created the problem of overstatements?

A. Usually the man working in the field. He would overstate it.

Now with regard to Mr. Liebeler you have to recognize that he was an extreme conservative in a rather hot bed of liberals on our staff and he early became disenchanted with some of the others, not really about the investigation but they had a lot of crackpot liberal ideas as far as he was concerned and he had a lot of crackpot conservative ideas, radical conservative as far as they were concerned, and then when they would go to lunch they would go after each other and they would come back and they would not be able to talk to each other for a couple of hours afterward while they were working away and that just hung on and so he got so that whatever he did they didn't think too much of and whatever he saw of theirs he was always critical of.

I thought that I needed that in the staff so that I had some kind of a spectrum in the kind of people and I didn't have just one outlook because I felt that there was a considerable number of people in the country who were liberals that didn't think that anyone like Oswald who was a professed Marxist could ever come to the place of trying to kill President Kennedy who is a liberal. And there were conservatives who thought that this was a liberal plot and to try to blame the conservatives with it and they were both at each other's throats from all our mail and everything all the time to try to show the others were involved in some kind of a conspiracy and trying to plant this on the other crowd. So I wanted to have at least an awareness of that frame of mind and approach on the Commission at all times or in the staff and Liebeler was good for that, he raised it constantly and it kept us from being blind to it. The fact that Oswald tried to kill Walker and

that he could try to even recruit himself into Walker's group was difficult for both of the different factions to understand, how anybody—but it seemed to me that was the key to Oswald's character. He wanted the limelight and if he could not get it with the Marxist position he would get it with the Fascist position or whatever would do it for him and so—but that presented kind of a problem to me about my staff working together and Liebler tended to be critical and he went so far as during the work of the Commission he grew a beard which was not in the days of beards generally like they are now and it was a great beautiful beard, all red, and it was—it irritated all these opposing groups. Another thing that was bad about him and it irritated, I think, the Chief Justice some but I always said, look, he has a right to have his hair the way he wants it and if he wants a beard, he has a right to that, too. And so we forgot about that but I think that it would have been hard for either one of them to write the most polished, skillful report that could have stood up against the attack of the others and so I had to act as a referee and determine that some of Liebler's positions were correct, supportable in the evidence and the other I could not support why it had to go.

Q. People who have spent a good portion of their time analyzing and reanalyzing the report over the years and have come to be known as critics have among other things criticized the report in part for overstating the evidence, especially the strength of it as it might indicate there was no conspiracy. Was there any pressure from the Chief Justice or the Commission members from a political perspective in the good sense of the word, international relations or some other sense to write the report that way, to try to be sure that the American public's doubts and concerns could be washed away with the report?

A. None at all. It was a part that I watched very closely myself, that part of the report, although I watched it all but I thought that that area was one that was subject to attack and I thought that we had the task of trying to state clearly what we did have and what we didn't and I think that is what we did.

Q. Why were there no public hearings ever held?

A. There was a public hearing, Mark Lane was there. That was the only one that was ever asked for and he asked for it and some of the Commission members—off the record.

I said, look, we said we would give a public hearing to anybody that asked for it and that is part of our rules and I don't want to be connected with a Commission that does not do what it says. So we had it.

Q. Rephrasing the question, what I really wanted to ask you was why weren't there more extensive public hearings or was it ever considered to wind up the investigation with a series of public hearings at which the evidence could be presented?

A. We never did give consideration of winding up with public hearings in which evidence could be given. In looking at it now—and I think I can recall my thoughts then, I would have been opposed to that because I wanted—I thought we had two tasks. First, I thought when I first was asked to do this job I thought we had an investigating job and I finally worked up to the proposition we had not only an investigative job but a writing job and I wanted the writing to be done with sufficient skill to be a quality document and I thought that it would

not only be read by the American people and everybody up and down the line as far as knowledge and experience and training is concerned but also by the world and the press of the world and so I thought that newspaper accounts of what they thought was important in the hearings would be destructive and I wanted to get it consolidated in one place, then I thought let them work on it as much as they wanted to.

On the other hand, I strongly agreed that if anybody wanted a public hearing he was entitled to it, that this was a matter of his own civil and personal rights and while this was not a prosecution or a court hearing or anything that was the right that I thought the Commission should grant.

Q. What, if any, impact do you think that decision that you all made has had on the long-term acceptance of the report?

A. None. I don't think the public cares about the public hearing except that if they had said it looks like a conspiracy here that would have stuck in people's minds for the rest of the time no matter what was in the report.

Q. You don't think the public would have tended to believe your conclusions any more if they had seen a number of the witnesses testify?

A. Well, you look at the areas of attack. One of them is a single bullet. You tell me how you would present that so as to convince the American public that one bullet went through two men in the way that did. I think it would take considerable skill because it took a long time for the Commission to understand that and they squirmed and squirmed to try to find some other rational explanation and they could not find it and if you tell the American public in a TV session, for instance, or public session that way that there is no conspiracy, that you have not found any, that you have searched out this and that, do you think that is going to convince them? That is not our problem. It is not the fact of whatever is presented in the report, it is all those massive things that come and someone comes from Paris and he says I will tell the President alone, nobody else, who the conspirators are. I've got their names and everything and that is believed in various places in the country.

Q. I understand.

I have one final subject to ask you about. We understand that the Chief Justice as perhaps other members of the Commission was very reluctant to accept the job and that several attempts were made to convince him. What, if any, arguments were used in the process to try to bring him around?

A. I know there were. I know that he turned the job down when the President first asked him to do it. I know that from his telling me and I know that he was finally persuaded to do it by talking to the President in which the President said it is not only important to the American people that you be the chairman because you're believable but in all the capitals of the world where the story is that our Government killed its own President I think you're about the only person that they will believe. If you find that to be not the case and that there was no conspiracy and he says that is terribly important to our country standing its reputation throughout the world because he was firmly opposed to the idea of either the Chief Justice or any member of the court being involved in other activities.

Q. Earlier you were asked questions about a memorandum which Walter Jenkins wrote.

A. Yes.

Q. And in particular a part of that memorandum which referred to several aspects of a potential investigation which would complicate our foreign relations. Do you have any knowledge of whether or not something along those lines may have been said to the Chief Justice in order to get him to take the job?

A. Well, the only thing that I know of was what he told me which was the effect of his being chairman of such a Commission and that that would make whatever was decided by the Commission believable when he knew of nobody else that would have that credibility throughout the world.

Q. You, I believe, testified earlier that you had prior to us asking you the questions about this memorandum no knowledge of the fact that Hoover had that view; is that correct?

A. Yes; that is correct.

Q. And summarily, you told us that up until recent years you had no knowledge of the assassination plots.

A. That is correct.

Q. Let me ask you then, let's assume that because of the lack of knowledge in those two subject matters during the time whatever the Chief Justice might have said to you might not have conveyed this impression but now couch your knowledge of those facts with your recollection of his conversations, did he ever say to you which now looking back had in it an indication that he had received such information himself that the President or perhaps Mr. Hoover or someone else had explained to him there were particular aspects of the investigation which were extremely sensitive and that he should take the job because he could handle those problems?

A. No; not at all and I am convinced that my relationship with the Chief Justice from my working with the Solicitor General with the court and from the first day I acted as General Counsel that he would not have withheld that information from me if he had had it and he would have insisted upon its investigation and I am also convinced that what he did when he heard about that so typical of him I think in 1967 that he said get busy and call the President and get this investigated and he wanted it followed up which is the attitude throughout my work with him on the Commission.

Mr. CORNWELL. I have no further questions. Thank you for taking your time.

Mickey Goldsmith has some questions for you.

The WITNESS. Fine.

[At this point, 4:10 p.m., the proceedings went into top secret session and is contained in a separate transcript.]

CERTIFICATE OF NOTARY PUBLIC

I, Annabelle Short, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand to the best of my ability

and thereafter reduced to typewriting; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of this action.

ANNABELLE SHORT,

Notary Public in and for the District of Columbia.

My commission expires November 14, 1980.