

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

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

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

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

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

The proposal he and others suggested to President Johnson called for the creation of a blue ribbon body that was to become the Warren Commission. It would, he recommended, be composed of present and former Government officials of eminent stature, such as the former Commission members who have testified here today.

When the Commission was created on November 29, 1963, the Department of Justice no longer was involved in the investigation in any way, although it continued to perform liaison functions for the Commission.

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

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

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

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

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

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

Mr. KATZENBACH. I do.

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

Mr. KATZENBACH. Not a new experience for me.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. KATZENBACH. Absolutely.

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

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

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

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

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

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

Mr. KATZENBACH. I think it was both. Both the two were so intertwined that it is difficult to distinguish them, I think. I think I would put them both under the feeling of personal. Everything that you were doing in life, a brother who was beloved just suddenly turned to dust.

Mr. McKINNEY. Throughout your deposition, you bring up a point that I do not think as a committee member I was aware of. Even in discussing the formation of a commission on page 13 of your deposition, you said, "I thought Chief Justice Warren probably had more credibility abroad than any other American."

And you go on throughout your deposition in describing a tremendous amount of pressure from the State Department. I wonder if you would like to go into that in any more depth for the committee as to exactly why that pressure and in what forms it took. We have several exhibits suggesting the international repercussions, which I will put in the record later, which are essentially memos from Belmont, Jenkins, and Donahou and others.

I thought perhaps you might like to go into the background of that.

Mr. KATZENBACH. I was certainly communicated with several times by the State Department and I suppose in a sense that is pressure, although I do not know that I really felt it as pressure. I felt they had their problems and they wanted some help in trying to resolve them.

We have 120, or whatever it is, Embassies around the world and every Ambassador there was being asked about this, being asked by that government what was happening, what was the story on it, as well as what effect it would have on our foreign policy, and I think they were very—being no information really available to them, they were simply feeling the lack of it and feeling that affected their credibility in foreign governments.

Mr. McKINNEY. Were they suggesting or did you have any conversations with the White House that suggested that perhaps President Johnson's viability as a world leader was in question or weakened until the whole issue of who shot President Kennedy was resolved to the world's satisfaction?

Mr. KATZENBACH. I do not now recall any conversations as specific as that. It seems to me that had to be an underlying factor and,

in addition, perhaps it is important to remember that President Kennedy had worked a long time and had achieved a considerable amount of stature after some fairly difficult beginnings.

That here was not a totally unknown President, not totally unknown, relatively certainly unknown person in the Presidency.

Mr. MCKINNEY. As essentially, although certainly not officially, acting Attorney General during this period would you describe to the committee what your relationship was with Mr. Hoover at that time?

Mr. KATZENBACH. I had never had a great deal of relationship with Mr. Hoover in terms of personal relationship with him. I suppose I had seen him a half dozen times maybe while I was in the Department of Justice. He had a considerable animosity, I think, toward Robert Kennedy.

I think he had never been in a position of having an Attorney General who was closer to the President than he was and that was a new situation for him, and one I do not think he liked. His relationship with Mr. Kennedy was very, I think, cold formal and I suppose as Robert Kennedy's deputy, some of that shed off on me.

Mr. MCKINNEY. Wasn't it true or isn't it inferable that Bobby Kennedy's very drive against organized crime was, in effect, a slap in the face to Mr. Hoover in that it implied that the FBI had not been the gangbusters that we were all brought up to think they were?

Mr. KATZENBACH. Yes, I think that is true and, of course, the drive in civil rights was one that kept exposing the Bureau to criticism, right or wrong, and that was resented by Mr. Hoover. Mr. Hoover resented criticism to a degree greater than any other person that I have ever known.

Mr. MCKINNEY. I do not know whether you were in the room earlier, but I mentioned and brought up to Mr. Rankin a letter to Mr. Tolson in which the FBI, in essence, refused to go to the Warren Commission meeting as liaison and in essence refused to brief you as to what they were doing, stating that they would have nothing further to say to either the Commission or anyone else until their investigation was finished.

This was somewhat a slap to you as well as to the Warren Commission. How did you react to this?

Mr. KATZENBACH. I think, Congressman, the first thing to remember is that was a letter from Allen Belmont to Tolson, not a piece of paper that I saw at the time or the Chief Justice saw at the time or that anybody other than those within the Bureau.

I think it is also important to remember that no memorandum, no letter written in the Bureau was really written for anyone other than Mr. Hoover. That is, it would reflect whatever the author thought Mr. Hoover's views were. I do not believe that Al Belmont put to me or had me put to the Chief Justice any flat refusal of that kind to go as a liaison.

My recollection is that the Bureau's attitude at that time was that it would be better if we did not go to this organizational meeting of the Commission because we will be asked a lot of questions about a report that is not complete, which we do not wish to answer until the report is complete; not an unreasonable posi-

tion to take and not one which reflects the attitudes reflected in the memorandum which you are reading.

And I believe that I probably, although I have no specific recollection of it, conveyed to the Chief Justice that view and those reasons and that he accepted them.

Mr. McKINNEY. How did you feel, as the Warren Commission moved on in its work? How did you feel about the FBI's thoroughness and the FBI's cooperation with the Commission?

Mr. KATZENBACH. It was always my view, the whole time that I was in the Department of Justice, that the Bureau would do what you asked the Bureau to do and that they would do it well and professionally. They did not like what they were doing. They might want something more specific in the way of instructions than if they liked what they were doing.

For example, if you were to look at the files now on civil rights matters and compared them with ordinary crimes that the Bureau was investigating, you would find very detailed memorandum to the FBI from John Door in the Civil Rights Division, Burke Marshall saying please do this and then answers to that or this, do something else, three and four page instructions.

Whereas if it was a kidnapping, you did not really have to give them any instructions. They were there and doing things as they ought to be done.

I regarded then and I regard now, despite all that has come out, the Federal Bureau of Investigation is probably the most highly trained, the most effective investigative agency in the world.

Mr. McKINNEY. How do you tie that though to the fact that we now know they actually withheld from the Warren Commission any information they had regarding the CIA's overtures to the Mafia and the assassination attempts against Castro?

Mr. KATZENBACH. I am very surprised that they did that and I really have no explanation as to why they did that. It may have been because Mr. Dulles was a member of the Commission and they thought that was his job to do it, but I am quite surprised, given relationships between the FBI and the CIA, I am surprised that the FBI did not seize the opportunity to embarrass the CIA.

Mr. McKINNEY. I am glad you used that word "embarrass" the CIA because I was going to ask you if you would describe your understanding at this period. My understanding is that the Director of the FBI had removed liaison from the CIA and the CIA retaliated. We had a situation where neither agency was talking to the other, basically on the basis of personal animosity rather than anything factual.

Is this your understanding of their relationship at this time?

Mr. KATZENBACH. There may be some overstatement in that. Essentially that was strained for that reason. On the other hand, whenever that occurred and it occurred on other occasions, liaison was maintained simply because it had to be maintained at a lower level.

Mr. McKINNEY. You state in your deposition—we will move on to the CIA, on page 19. You say and I quote:

Perhaps naively, but I thought that the appointment of Allen Dulles to the Commission would insure that the Commission had access to anything that the CIA had. I am astounded to this day that Mr. Dulles did not at least make that

information available to the other Commissioners. He might have been skeptical about how far it was to go to the staff or how it might be further investigated because there was somewhat more of an aura of secrecy surrounding the CIA in 1964 than there is in 1978.

And then you went on to say that you are referring to generally anything that the CIA had in its files. Are you somewhat appalled at this point when you find out that not only were the files not thoroughly given to the Warren Commission but that such important things as Nosenko were not really given very happily?

Mr. KATZENBACH. Yes, I am.

Mr. McKINNEY. Do you think that there is anything that this committee could possibly propose, should this terrible type of horror happen again, that would give a Commission such as the Warren Commission any type of authority which would override the bureaucratic malaise that we seemed to have had back during the Warren Commission days?

Mr. KATZENBACH. I really cannot think of anything offhand. In the final analysis in government, you have to rely on the integrity and the competence of people in high position. They may not always have the integrity they should have and they may not always have that competence, but if you do not have that, it is pretty hard to scotch tape a solution around.

Mr. McKINNEY. There are two letters, as you probably know, which are Kennedy exhibits F-466 and F-473 from Mr. DeLoach, one of them on 11-25 and one on 12-20 concerning the leaks of the FBI information and a report, in essence, in one accusing you of leaking information. In your deposition you indicated it would be difficult for you to do so because you did not know the information.

And I just wondered what you could give this committee that would enlighten us as to why the FBI instead of simply putting out their report with the facts as they saw them started this process of slowly leaking to their favorite reporters?

Mr. KATZENBACH. I think it was largely because of the appointment of the Warren Commission.

Mr. McKINNEY. I am sorry.

Mr. KATZENBACH. It was largely because of the appointment of the Warren Commission and their resentment about that. They very much wanted the report to be made public. They very much wanted to get all the credit for it. They very much wanted the center stage.

When that was frustrated, I think they took steps of leaking the information. They have done that in much lesser contexts many, many times when I was in the Department.

Mr. McKINNEY. Isn't it also possible that there is a definitive feeling on their part that a leak would not show a deficiency in an investigation as much as a report would be criticized for deficiencies?

Mr. KATZENBACH. I doubt that. It is a speculation one can make. I doubt it for only one reason. I doubt very much that the Federal Bureau of Investigation thought there were any deficiencies whatsoever in their report.

Mr. McKINNEY. Or at least they thought there would be no deficiencies.

Mr. KATZENBACH. They thought there were none; yes.

Mr. MCKINNEY. Well, I am fascinated that the Senate came to the conclusion that, quoting from book V on page 6:

The committee had developed evidence which impeaches the process by which intelligence agencies arrive at their own conclusions about the assassination and by which they provided information the the Warren Commission.

They go on to state that "Facts that might have substantially affected the course of the investigation were not provided the Warren Commission." Then you state on page 30 of your deposition that "Mr. Hoover resented greatly when Mr. Kennedy or I talked directly to any agent in the field."

On page 47 of your deposition you said:

You see, nobody really could do it other than the Bureau, with the Bureau's acquiescence. Nobody else knew. I did not know what was going on. Nobody in the government knew what was going on other than very short conclusionary statements which you got from liaison people, from the Director himself.

In other words, isn't this really sort of a stone wall attitude toward the Commission, toward the Attorney General, the Assistant Attorney General and almost everybody else involved?

Mr. KATZENBACH. Yes, it can be viewed that way. The Bureau, during the time that I was in the Department of Justice, had a very strong view that they were to do investigations.

That was their responsibility and their responsibility ran essentially to Mr. Hoover on that, and they wanted suggestions. They would follow suggestions, orders with respect to an investigation from prosecutors, from the attorneys in the Department who had responsibility for the development of a case.

But essentially how they went about it and how they did it, who was assigned to it, what they said was received up through their bureaucracy. What they resented was our talking with an agent in the field about an investigation he was doing, or about something he was familiar with rather than get that report coming back through the FBI bureaucracy and coming out with Mr. Hoover's signature and a memorandum to the Attorney General from one of the Assistant Directors, as a memorandum for an Assistant Attorney General or whatever.

That is not all bad. They simply did not want to be pinned with the views expressed by some agent in the field. If they did not acquiesce in those views or if they had other information available to them which cast some doubt upon those views, and I can understand that, as frustrating as it often was.

I can understand that. I mean, when I was in government or even today—I have lot of lawyers working for me. Not every one of those people is expressing my views.

Mr. MCKINNEY. I guess one of the bottom lines, then, of all of this, is to ask the question: If the FBI and if the CIA had been wholly cooperative and wholly open to the Warren Commission, do you, No. 1, feel that there would have been any different result in what the Warren Commission came up with or how long it took to come up with that answer?

Or do you feel that perhaps the Warren Commission's final conclusions would not have been open to such tremendous criticism and skepticism?

Mr. KATZENBACH. Well, I think obviously things would have been investigated that were not investigated or investigated in more

depth than they were investigated. I have no way at all of knowing whether what light that would have cast.

I have been personally persuaded that the result was right and I do not think it would have changed any of the evidence that they had that led to that result. But I suppose one has to say, an investigation that did not take place, it is impossible to know what would have come out of it.

And I think on the third part of your question, it is clear to me that had that been done, had that been investigated, had those facts been made public, perhaps what is going on here today would not have taken place, would not have been necessary.

Mr. McKINNEY. In other words, the opening would not have been there. It is luck perhaps that the Warren Commission may have hit the right result but there were so many avenues in which individual bureaucratic decisions were made not to open and were not discovered that it is relatively lucky they did not lead anywhere.

Mr. KATZENBACH. I think lucky is too strong a word. They did an awful lot of work and had an awful lot of facts and an awful lot of good investigation was done in the areas where it was done.

Mr. McKINNEY. Mr. Chairman, I have no further questions—one more question I guess I would ask. In general, we discuss the pressure from the State Department in the beginning and the reasons for that pressure and your memorandums.

Do you feel that the pressure from, say, the State Department, the pressure from the White House, general pressures of the time really made the Warren Commission do its work too quickly and the FBI do its work too quickly so that also subjected them to criticism?

Mr. KATZENBACH. I think more true of perhaps the initial FBI report, but I don't think it is possible in that period of time to do the kind of investigation that had to be done, nor do I think in essence that was what they were doing. I think they were trying to arrive at a conclusion on the basis of a very intensive, massive, but hasty investigation so as to get the most salient facts out.

The Warren Commission, my recollection is, too, about a year, and it would seem to me that is not—I don't think there was any great pressure to get it out within a year. If they felt it was 18 months, I think it would have taken 18 months.

Mr. McKINNEY. It is known the Chief Justice definitely wanted to get it out before the heat of a political campaign rose to the front?

Mr. KATZENBACH. Yes, and I am sure he wanted to get back on the bench.

Mr. McKINNEY. It is safe to say you found yourself in the uncomfortable position of being pressured to get information out but at the same time realized that speed was certainly not going to make the FBI investigation as accurate as you would like to see it?

Mr. KATZENBACH. The conclusions might be accurate but the investigation couldn't conceivably be as thorough in that period of time as the assassination of a President ought to require.

Mr. McKINNEY. Thank you very much. I really appreciate your answer. I am finished.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Just one question, Mr. Chairman.

You have served as Attorney General, and a very good one, and you were also instrumental in setting up the citizens committee.

In the awful chance that we might ever have had to go through this kind of thing again, would you recommend the setting up of a citizens committee once again, or would you prefer to rely on the judicial system solely to investigate such an assassination?

Mr. KATZENBACH. The question is difficult, Congressman, because had Ruby not shot Oswald, then I think you would have had a very different state of facts. I assume in those circumstances that it would have been investigation by the agencies of the Government developing the evidence they had, for prosecution—at the time by State authorities—of Oswald for the murder of the President.

Whether subsequent to that, depending on what then happened, you would have had a commission, a citizens group, such as the Warren Commission, I suppose, would have depended on what all the surrounding facts were at that time.

Given the identical situation; yes, if that occurred I would take the same course again, and I think I would do it the same way. I think I would rely in the same way and hope that the reliance was not misplaced.

Mr. PREYER. So the fact that there was no public trial possible in the Kennedy assassination is one good reason for having a citizens committee?

Mr. KATZENBACH. Yes sir. You might need one in any event, because a trial—

Mr. PREYER. Pardon me?

Mr. KATZENBACH. You might need one in any event, because the nature of a trial might leave out, leave a lot, might establish the guilt of murder of the defendant without bringing in all of the collateral things which—

Mr. PREYER. That was going to be my next question, such as the guilty plea in the James Earl Ray case?

Mr. KATZENBACH. Yes.

Mr. PREYER. Of Martin Luther King?

Mr. KATZENBACH. Sure, exactly. Even without the guilty plea the limits of relevant evidence, there may be a lot of unanswered questions after the judicial process has been completed.

Mr. PREYER. You mentioned the FBI, you felt, was the most effective investigative agency in the world, but you have also noted a number of the difficulties of the citizens committee working with the FBI, certain institutional jealousies there. Do you think if you had to do it again that you would advise the Warren Commission to go the route of employing independent investigators, or would you rely on the FBI as the major investigative arm?

Mr. KATZENBACH. I think the question is somewhat hypothetical because, you see, I don't think there are other investigators who have nearly the competence. I don't think they are available in the numbers that you would need them. So it seemed to me that even today, as then, not to use the investigative agencies of the Government, and particularly the FBI, is probably to waste one of the most valuable assets that you have.

Mr. PREYER. Thank you very much.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Mr. Katzenbach, nice to have you here with us today.

I suppose that an awful lot of the speculation that grew out of the Warren Commission, after the completion of its work, over the past 15 years, a lot of it stemmed, and I will ask if you agree or disagree with this—stemmed from the memorandum, the so-called memorandum from Mr. Moyers, the November 25 memorandum that you drafted and sent to Bill Moyers.

As I recall, over the past 15 years, on any number of occasions I have either read or heard people refer to that first paragraph in that memorandum, three points, and I will quote it for you, then—I don't know if you have a copy or not, I will see that you get one in front of you. I am quoting here:

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

This was November 25, 1963, 3 days after the assassination.

Now, unfortunately they don't always quote the other paragraphs in that memorandum, which I think to an extent mellow that single paragraph, but still that paragraph has been quoted extensively as an indication that the Warren Commission was really a self-fulfilling prophecy, that it was not designed to investigate the assassination of the President from a de novo position, but rather to confirm what the FBI had already concluded, what the Dallas police had concluded, and that, therefore, the Warren Commission didn't really fulfill its obligation, the obligation that Chief Justice Warren outlined when he said our responsibility is to get at the truth.

I am creating that scenario for you because that is how I think it has been portrayed over the years.

I have listened today to you talk about the various motivations, and it is hard, one can only sympathize, not empathize, with your position in those days, what it must have been like to be in the position you were in and have the responsibilities you had.

Can you tell this committee, or help us try and straighten out what your motivation was at that moment that you wrote those words—and this is 3 days after the assassination—"the public must be satisfied that Oswald was the assassin."

Why was it so important that the public be satisfied that Oswald was the assassin?

Mr. KATZENBACH. Because, very simply, if that was the conclusion that the FBI was going to come to, then the public had to be satisfied that that was the correct conclusion.

My whole attitude in that memorandum, and I think it is contained or reflected in other paragraphs that you mentioned, I think it was reflected in other conversations, other memorandums that you have, one overwhelming feeling that I had, and that was in the assassination of the President of the United States, all of the facts, all of the evidence, everything that was relevant to that had to be made public.

Mr. DODD. You say then, I should quote—in fact, Mr. Chairman, I would ask unanimous consent that this memorandum, if it is not already admitted into evidence, be admitted now.

Chairman STOKES. I believe it is already in part of the evidence.

Mr. DODD. I think all of it should be there.

You say in the first paragraph:

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

I think that is fine, but still I am perplexed, absolutely perplexed, on why it was in the public interest to prove that Oswald was the one, and that as reflected in the next sentence, did not have confederates who were still at large.

Why was it so important to prove that 3 days after the assassination?

Mr. KATZENBACH. Because for the very simple reason, if that was not a fact, and all the facts were not on the table, then it seemed to me that nobody was going to be satisfied, and I thought that the public was entitled—if there was a conspiracy, then we ought to say there was a conspiracy. If there were confederates at large, it ought to be said there were confederates at large.

I knew then already that Oswald had been in Russia, Oswald had been in Mexico. Now, if you are going to conclude, as the Bureau was concluding that this was not part of a conspiracy, that there were no confederates, then you had to make that case, with all of the facts, absolutely persuasive. If you didn't reveal these facts, somebody else was going to reveal them.

Now, if there was a conspiracy, there was a conspiracy, and you put those facts out. But if you were persuaded Oswald was a lone killer, you had better put all of the facts out and you better not cover up anything, and you better say now all of the facts are going to be made public.

That was the advice I was giving Moyers and that was the advice I was giving the President and that was the motivation for the Warren Commission.

I don't think this is artistically phrased. Perhaps you have never written anything that you would like to write better afterwards, Congressman, but I have.

Mr. DODD. You won't get me to say that.

Mr. KATZENBACH. But I think if you take that, take the other paragraphs of it, take other things I was quoted as saying, other things I said, that there is a consistent view on my part.

Mr. DODD. I didn't want to pull this out of context. I want to make sure it is all in there. In fairness to you, it should all be in there.

Mr. KATZENBACH. I was very conscious of those facts which were going to be seized upon. Is this a Russian conspiracy? And I was very conscious, perhaps as a little bit of a history buff, that nobody ever put to bed satisfactorily the assassination of Abraham Lincoln.

Mr. DODD. You seemed in the next paragraph—I quote you again here—you say:

Unfortunately the facts on Oswald seem about too pat—too obvious (Marxist, Cuba, Russian wife, et cetera). The Dallas police have put out statements on the Communist conspiracy theory and it was they who were in charge when he was shot and thus silenced.

Am I off base there in detecting a feeling that you had on November 25, 1963, that there was something more to this, that

you felt, in fact, whether intuitively or based on other information, that this guy had been set up, Oswald was not alone?

I sense that in that paragraph, reading it word for word, and carefully, that you had some thoughts running through your mind, and you were expressing them to Bill Moyers in those words.

Mr. KATZENBACH. I don't think I had a view one way or the other, other than what I was being told the FBI investigation had, but I was saying you have got a lot of facts here, if you say Oswald was the lone killer, he wasn't in conspiracy with anyone, had nothing to do with any foreign government, you have got a lot of awkward facts that you are going to have to explain, and you had better explain them satisfactorily. You had better put it all out on the table.

Chairman STOKES. Time has expired

Mr. DODD. May I have 1 more minute and I will terminate?

Chairman STOKES. Without objection.

Mr. DODD. On page 22, when asked by Mr. Cornwell—I won't read the question to you, but basically he is talking to you about the assassination plots, asking, during the deposition, about the assassination plots, and your response is this:

No. In fact, I never believed there were such plots. I testified to this before but I remember at one time they were in the White House at the time of the Dominican upheaval and I remember Lyndon Johnson asking a direct question to Dick Helms about assassination and got a flat denial from Mr. Helms that the CIA had anybody involved. It was a short conversation and you can qualify it any way you want to, but I went home pretty confident.

Did you prepare any memorandum at that time, after that conversation, or do you remember that conversation so clearly that you have no doubt in your own mind that Mr. Helms told the President of the United States in 1965 there were no assassination plots?

Mr. KATZENBACH. I remember the conversation. It is hard to remember verbatim word for word. The question may well have been "Have we ever been involved in any assassination of anybody," and the answer to that may have been the flat "no."

I don't know, I don't remember exactly how the question was phrased, but it obviously had to do at that time with Vietnam, and I was satisfied from that that we didn't engage in that kind of activity in this country, and I suppose I was satisfied in part, Congressman, because it was so incredible to me that we should have.

Mr. DODD. You didn't take any notes?

Mr. KATZENBACH. I almost never did. I never had time.

Mr. DODD. Thank you, Mr. Katzenbach.

Thank you, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I just have a single question. Mr. Hart, who was a spokesman for CIA here in connection with their having taken into custody for some 3 years Yuri Nosenko, the Russian defector, said that their authority for putting this man in a specially built isolation cell for 3 years, was you, that Helms had gone to you and gotten an OK for this. Is that true?

Mr. KATZENBACH. I have no recollection of any conversation involving Mr. Nosenko with Mr. Helms. There may have been such a conversation. I don't think that I authorized putting anybody in jail for 3 years. I simply have no recollection of any such conversation occurring, but there may have been a conversation about a defector. I don't know.

Mr. SAWYER. But you don't believe that you would have authorized that kind of thing, if you had been asked?

Mr. KATZENBACH. No, I think I would have—I think if somebody said we have a defector, we don't know whether he is a true defector or not, we have got him under some questioning, I wouldn't have—I don't suppose that would have bothered me that much. But when you talk about incarceration for 3 years, and so forth, that seems to me a different proposition.

One would expect a defector to be questioned by CIA.

Mr. SAWYER. But not put in solitary for 3 years in a specially constructed vault, in effect?

Mr. KATZENBACH. No. But I would not have been surprised if he had been questioned intensively for a week or two.

Mr. SAWYER. Thank you.

That is all I have, Mr. Chairman.

Chairman STOKES. The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I don't have questions at this time. I yield my time to the Chair.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. I didn't expect Mr. Ford to pass. I don't have my document out here I wanted to talk to you about.

It has to do with your views as to how, in keeping with your deposition, you said that we should leave no stone unturned and pursue every possibility, and so on, and particularly with regard to conspiracy.

There have been some questions here of the Cuban situation. What I would like to do is ask if you could shed any light as to how you would have advised the FBI to proceed with the alleged connections between Jack Ruby and organized crime?

Mr. KATZENBACH. Well, I think it should have been explored in normal investigative ways, that is, they have some sources they were using and still use, to some extent, electronic devices, in appropriate circumstances, and I would have thought they would have made any effort, every effort that was possible, to see what those connections were, if any.

There is certainly a massive amount of data in the FBI with respect to organized crime. There even was at that time. I suspect there is a lot more today.

Mr. FITHIAN. I wonder if we might provide the witness with the February 24 memorandum from Hubert and Griffin to Howard Willens. JFK F-448, I think, is the number. If we could provide that to the witness, I would ask that it be introduced into the record at this time.

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

[The exhibit follows:]

JFK EXHIBIT F-448

JFK F-448

February 24, 1964

Exhibit #15

MEMORANDUM

TO: Mr. Howard P. Willens

FROM: Mr. Leon D. Hubert
Mr. Burt W. GriffinSUBJECT: Further Telephone Records to be Obtained for the Commission

In furtherance of your conversation with Mr. Griffin on February 20th and our joint memorandum of February 19, the following steps are suggested to be taken as soon as possible for obtaining and preserving telephone records which may be pertinent to the work of this Commission.

Some of the suggestions may impose burdens upon private parties which are not justified by the possible results to be obtained. If so, they should be rejected and the reason for such rejection recorded in order to assure future critics that such efforts were carefully considered.

Paragraphs one, two and three seek telephone numbers of phones "reasonably available" to Ruby plus records of calls placed from phones under Ruby's direct control.

Paragraph four seeks telephone numbers of all phones reasonably available to certain persons.

Paragraph five seeks only phones listed to or under the control of certain people.

Paragraph six to ten are designed to lay a basis for further investigation.

1. The FBI should immediately obtain the telephone numbers, names of subscriber, location and type of service of all phones reasonably available to Jack Ruby. "Reasonably available" should include, but not be limited to, subscriber and pay telephones at the All Right Parking Garage, Adolphus Hotel, the Egyptian Lounge, Phil's Delicstessen, Cabana Motel, Sol's Turf Bar, Dallas City Hall and Jail, Dallas Morning News, Radio Station KLIF, together with any pay phones within reasonable walking distance of said places or any other places which Ruby frequented. Numbers and information concerning phones "reasonably available" to Ruby in Dallas may be obtained by personal contact with subscribers or the telephone company. Information as to phones available outside Dallas should not involve contact with non-residents of Dallas.

Mr. Howard P. Willens

February 2, 1964

2. The FBI should immediately obtain with respect to Jack Ruby, for the period August 1 to November 25, 1963, copies of all original telephone company records bearing upon the dates, time, length of call, calling number, billing number, person calling and number called with respect to all telephone calls (including local calls) utilizing any telephone listed to Jack Ruby or any of his Clubs, including pay phones on or near the premises. If the telephone company has no records which would provide information concerning local calls, the FBI should so state.

It is unnecessary at this point to obtain call records from all phones "reasonably available to Ruby" since analysis of calls from such phones would be impossible without further information. However, we contemplate that if we establish a list of suspected intermediaries between Ruby and Oswald, it would be valuable to check telephones "available" to Ruby against calls to the "intermediaries". In addition, it may be valuable to examine records of telephones listed to or used regularly by suspected "intermediaries" for calls to phones "available" to Ruby.

3. With respect to all records requested in paragraph two, the FBI should indicate in its report what telephone company personnel were questioned, the questions asked and the answers received, in all investigations which were conducted, so that it may be determined that the records obtained are complete and accurate. We believe that the method of searching for records must be detailed since telephone information forwarded so far has been spotty and inaccurate.

4. To the extent not already provided, the FBI should be requested to obtain for the Commission a list of all telephones (but not call records) reasonably available to the following persons since March 1, 1963:

Andrew Armstrong, 3821 Dickson Circle, Apartment C, Dallas, Texas.

Karen Bennett Carlin, aka Karen Bennett Karlin, aka "Little Ivan", 3809 Meadowbrook, Fort Worth, Texas.

Bruce Carlin, aka Bruce Karlin, 3809 Meadowbrook, Fort Worth, Texas.

Marion (aka Marian) Rubenstein Carroll, 1044 W. Loyola, Chicago, Ill.

Eileen Rubenstein Kardinsky, 6724 N. Tolman, Chicago, Illinois

Louis J. McWillie, Las Vegas, Nevada

Hyman Rubenstein, 1044 W. Loyola, Chicago, Illinois

Sam (Rubenstein) Ruby, 11616 Jamestown Road, Dallas, Texas.

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Earl (Rubenstein) Ruby, 2925 Woodland Drive, Southfield, Michigan

Eva Rubenstein (Magid) Grant, 3929 Rollins, Dallas, Texas.

Ralph Paul, Arlington, Texas

c/o Bert Dorman, Copeland Road, Arlington, Texas (home)

Podmuh's Restaurant, Arlington, Texas (access)

John W. Jackson, 1602 Browning, Arlington, Texas (access)

Bull Pen Drive-In, 1936 East Abram, Arlington, Texas (business)

Anna Rubenstein Valpert, 1044 W. Loyola, Chicago, Illinois.

The date March 1 is chosen because it establishes a safe margin for inquiry prior to Oswald's trip to New Orleans. With respect to each of the above persons, the FBI should provide numbers, to the extent possible, not only of home telephones but nearby pay phones, telephones of any businesses in which the individual is employed, telephones of business partners or other similar close business associates, telephones of friends and relatives visited frequently, and telephones at restaurants and other businesses which the individual is known to frequent. For each telephone the FBI should indicate the type of service (pay phone, subscriber phone, limited service telephone), name of subscriber, location of phone, and reason for concluding the phone was accessible to the individual under investigation. This information should be obtained primarily by examining records which will not involve personal contact with persons outside of the telephone companies and without communicating the names of suspects to persons outside the FBI. We realize that such a means of investigation will not provide a complete answer to our questions, but we believe other modes of inquiry would be unwise at this time. As to each individual under investigation, the FBI report should indicate what sources were checked and what other information as to possibly accessible phones might be available by direct contact with individuals.

5. The FBI should obtain from a telephone company records check the personal, family and business phones of the following persons during the period March 1, 1963 to present:

Barney Baker, 5900 Sheridan Road, Chicago, Illinois (home)

Chicago Loop Auto Refinishing Co., Inc.

3216 South Shields Ave., Chicago, Ill. (business)

Curtis LeVerne Crawford, aka Larry Crawford (including phones available to him on his "flight from Dallas to Michigan").

Mr. Howard P. Willcox

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San Gordon, 755 Crescent Drive, Palm Springs, Calif.

Alex Gruber, 5222 W. Olympic, Los Angeles, Calif. (WE 5-1082)

Frank Goldstein, 649 Tarocita Boulevard, San Francisco, Calif.

(HU 7-7874)

(SU 1-7343)

Lawrence Mayers, 3950 N. Lake Shore Drive, Chicago, Illinois (Haze)

Ero Mfg. Co., 714 West Monroe, Chicago, Ill. (business)

Ray William Pike, aka Hickory Ryan, 2344 Connecticut Lane, Apt. C.,
Dallas, Texas

Anesi Umberto, Chicago, Illinois

Mario Umberto, Chicago, Illinois

Abe Weinstein, 11023 Westmore Circle, Dallas, Texas.

6. The FBI should confer with the appropriate officials of telephone companies in Chicago, Dallas, Detroit, New York, San Francisco, Los Angeles, and New Orleans to determine what means, if any, are available for obtaining information as to incoming long distance telephone calls to any particular number if the name of the caller is unknown. It is conceivable, for example, that connecting or trunk-line telephone carriers may have automatic recording devices which record the calling exchange and the dialed number with respect to calls which they transmit. Or, it may be that most telephone companies in large cities are now so fully automated that such information is contained on their IBM cards and these IBM cards could be run through a computer or other device for every telephone subscriber in the area so that such information could be derived mechanically without undue expense or personal effort. Information as to city or telephone company from which a long distance call originated could conceivably be meaningful in light of other data which we have.

7. The FBI should confer with telephone company officials of each company serving Jack Ruby and the persons listed in paragraph four and five to ascertain if that company has any means of providing information, concerning local calls to or from the phones of those persons. Even if no records are maintained by such companies in the ordinary course of business, it may be that certain electronic, mechanical or other entries are routinely made either by telephone transmitting equipment or in connection with business records ordinarily maintained by the telephone company so that by careful examination of such data information concerning local telephone activity on a particular telephone could be obtained. To whatever extent information can be obtained concerning local telephone activity, the Agent should report to the Commission the nature of the information which can be obtained and the means by which it would be obtained. This data should be secured without mentioning particular names or telephone numbers.

Mr. Howard P. Willens

February 21, 1964

8. The FBI should obtain a list of all telephone companies and the Chief Executive Officer serving the following areas:

- Texas
- Nevada
- Los Angeles, California
- San Francisco, California
- Chicago, Illinois
- Detroit, Michigan and adjacent suburbs in the Detroit metropolitan area, including Southfield, Michigan
- Boston, Massachusetts and adjacent suburbs, including Belmont, Mass.
- New York metropolitan area, including suburban Long Island, Connecticut and New Jersey
- Miami, Florida
- Washington, D. C. and adjacent suburbs
- New Orleans, Louisiana

9. Mr. Rankin should address a letter to the Chief Executive of each of the telephone companies mentioned in paragraph eight requesting that such companies not destroy until June 1, 1964 any records they may have with respect to telephone service of all subscribers. The letter should request that the source of this policy not be disclosed.

Retention of records on a blanket basis would preserve security as to the thinking of the Commission and will afford the maximum assurance that telephone records will be preserved with respect to persons not yet suspect. We realize that blanket retention may be so burdensome or expensive as to make our request seem unreasonable. If there is any suggestion along these lines, a conference to work out a reasonable system should be suggested.

10. As soon as possible after the Ruby trial and after consultation with the Commission, the FBI should obtain copies of original telephone records uncovered as a result of the investigations requested in paragraphs four and five. These records should be analyzed to determine possible links to Ruby or Oswald. Thereafter, if deemed advisable, records of phones "reasonably available" to Ruby would be analyzed for possible calls to phones "reasonably available" to suspected intermediaries between Ruby and Oswald.

Mr. FITHIAN. It is in today's briefing book under exhibit 5. At least that is its number.

Mr. KATZENBACH. Did you want me to read it?

Mr. FITHIAN. If you would just glance over it quickly.

As I understand your experience in the Department during Attorney General Kennedy's tenure, you became fairly familiar with the whole effort on organized crime; is that not correct?

Mr. KATZENBACH. Not really terribly familiar, Congressman. That was one of the areas that Robert Kennedy was most interested in himself and, therefore, one of the areas where he had far more extensive knowledge than I. What I usually picked up from him as deputy was the areas where he had less interest, so I was not an expert on organized crime.

Mr. FITHIAN. If you would like, just as we chat back and forth here, to glance over that four or five pages, I think you will find that there are recommendations here from these two junior attorneys on the Warren Commission that at least lead me to believe that they were recommending a much more ambitious program than obviously was pursued and, in fact, if you go to the page 5 with me, paragraph 9, their recommendation is really precise, and it said that Mr. Rankin should address the letter to the chief executive of each of the telephone companies mentioned in paragraph 8, requesting such companies not destroy until June 1, 1964, any records that they may have with respect to telephone services of all subscribers, and so on.

If you look above that it is a number of towns. If you look on the back in the document there are a number of names that they suggest that they might pursue, and if you look earlier on in the document you find a suggestion that they survey any telephone within the reach of Jack Ruby.

Now, I am not really vitally concerned about this document with this particular witness, Mr. Chairman, but I am interested in what recommendations you would have made to the Bureau to pursue, or either you or the Department would have made to the Bureau, to pursue the possible organized crime complicity in the assassination, and that is the first part of the question.

The second part is, isn't it reasonable to expect, given the expertise of Justice in this particular field, that this might be one of the areas that we as a committee could expect the greatest amount of interaction between Justice and the Bureau, given your widespread experience down at Justice in this and the necessity of the two groups really to cooperate?

Am I way off on that, Mr. Katzenbach?

Mr. KATZENBACH. No. I don't know how you are using the term Justice on that. I think with respect to the Commission that we felt, in fact, the Commission should have, whatever investigation the Commission wanted should be done and should be performed in accordance with what they wished. I don't recall making any suggestion to the Commission as to what I thought they should go into.

Mr. Willins was liaison from the Department, using Department in the narrow sense of the lawyers in the Department. He had considerable experience with organized crime and I would have expected, because of the strange shooting of Oswald by Ruby, and

because of allegations of organized crime connections—I would have expected the Commission to go into those to whatever depth they thought appropriate in terms of coming to whatever conclusions they came to.

My point is I wouldn't have either interfered or wanted them to interfere or told them what to do.

Mr. FITHIAN. Wouldn't that expectation have been heightened by what Mr. Rankin told us today that is section No. 4 of their investigative plan had to do with the whole conspiracy, did anybody at least assist?

Question. I guess what I really want to get to, Mr. Katzenbach, is in light of the FBI's role as really the investigative arm, granted the Commission had some lawyers, but the real investigation was done by the Bureau?

Mr. KATZENBACH. Yes, sir.

Mr. FITHIAN. And the Bureau under the Justice Department. Are you satisfied—

Mr. KATZENBACH. The Bureau under the Warren Commission, really.

Mr. FITHIAN. All right. Are you satisfied, as you review the case, that the FBI, in assisting the Warren Commission, did an adequate job with regard to the approach to investigating the question of any possible complicity of organized crime via the Jack Ruby link?

Mr. KATZENBACH. I don't really feel in a position to answer that question. You gentlemen could answer that question far better than I because you have gone over all of this to a much greater degree than I have.

Mr. FITHIAN. At any time during the whole Warren Commission existence, did anyone from either the FBI, to your knowledge, or the Warren Commission, come over and sit down with the Organized Crime Section of the Justice Department, or the Attorney General himself, or anybody, you or anyone else, and sort of review the bidding as to the approach that they might use in trying to ferret out any possible association?

Mr. KATZENBACH. I know of no such thing, no such occasion. They certainly did not with me, but Mr. Willins, who was the liaison there, he was a very good lawyer, had a lot of experience in organized crime, and would have been quite competent to have helped to assist them as they wanted in this respect, and I simply have no knowledge as to what conversations he had with the Warren Commission or the staff on that subject, but he was certainly competent to do so.

Mr. FITHIAN. He never made any—

Chairman STOKES. Time has expired.

Mr. FITHIAN. He never made any reports to you?

Mr. KATZENBACH. No. He occasionally told me orally, but it was my view that the Warren Commission was doing this and our job was to do what they wanted done, to give them what support they wanted in the job that they were doing, and not to interfere in any way.

Mr. FITHIAN. And the last question, you never felt that Justice or the FBI ought to go to the Commission and say, "Look, if you are really going to look into the organized crime section, this is the way you want to do it."

Mr. KATZENBACH. No, I don't think any occasion came up where I felt that was appropriate or necessary.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Mr. Chairman, I yield back the balance of my time.

Chairman STOKES. The time of the gentleman has expired.

Mr. Katzenbach, Mr. Sawyer asked you about the decision to sign off for Mr. Nosenko. Can you tell us whom it was that came to you and asked for your permission to begin the interrogation of Nosenko?

Mr. KATZENBACH. I don't recall anybody doing so, Mr. Chairman. I understand that Mr. Helms has said that he had a conversation with me, or recalls that he had a conversation with me on it. I have no recollection of that conversation. But perhaps his recollection is better than mine. I don't know. I don't recall any such conversation.

Chairman STOKES. Was this your testimony, that you don't recall anyone talking to you about it?

Mr. KATZENBACH. Yes, sir, that is my testimony.

Chairman STOKES. At any time?

Mr. KATZENBACH. At any time.

Chairman STOKES. How did you learn of it?

Mr. KATZENBACH. I learned of it when the gentleman writing a book called me up about 3 or 4 months ago or 6 months ago, and asked me about it. And I said, "Who is Nosenko"?

Chairman STOKES. That would be Mr. Epstein?

Mr. KATZENBACH. Yes, sir, Edward J. Epstein, right. And that was the first that I heard of it, to my recollection.

Chairman STOKES. So then, so that the record is patently clear on this point, during your tenure you knew absolutely nothing at all of this situation?

Mr. KATZENBACH. Nothing that I can recall at this time. It was quite a while ago, but I have absolutely no recollection of Mr. Nosenko or anything to do with him during that period of time.

Chairman STOKES. And while you held the office that you held, were you at any time requested to give your approval to treating any defector in this manner?

Mr. KATZENBACH. No, sir, the only connections that I can recall with the CIA at all fell into two categories: One was when they wished to wiretap or some electronic device to be put within this country they came to me; and the only other thing is whenever they wanted a book suppressed they came to me and I told them not to do it.

Chairman STOKES. Told them what?

Mr. KATZENBACH. Told them not to do it, that there wasn't any way you were going to do it. And those are the only, at least offhand the only—I had very little connection with the CIA when I—none that I recall as deputy, a little bit, I guess at the time of the Cuban missile crisis, and perhaps some at the time of the Cuban prisoner exchange. But I had very little connection with the CIA. And I don't recall, except for those occasions, their ever asking me any legal advice whatsoever, perhaps for good reason.

Chairman STOKES. And you are absolutely certain that you cannot recall any conversation with Mr. Helms about Nosenko?

Mr. KATZENBACH. I am certain that I don't recall it; yes, sir. I can't flatly deny that such a conversation occurred, but I have no recollection of it. It is quite a while ago, and I believe—I believe if it was as dramatic as it was put by Congressman Sawyer, I would remember it. If I was simply informed that somebody was being questioned, there was a potential defector, I might not recall it.

Chairman STOKES. Thank you.

Any other questions?

Mr. SAWYER. Yes.

Mr. Katzenbach, I don't know whether you are informed on the details of the situation, but we had testimony by a spokesman for the CIA, so that it is not just a statement of some employee or something, he was designated by the present Director to come here and present the story because he was supposedly the most familiar with it, since he had reviewed it for the CIA.

And he stated in substance that Mr. Nosenko was taken into custody in this country by the CIA after defection, or after alleged defection, held in a so-called safe house on a diet of tea and porridge twice a day, was allowed no reading material, the guards were instructed neither to talk to him nor smile at him, he was subjected to 48 hours at a crack interrogation. This being while they built a separate facility somewhere else in the country; namely, a device described by him as a bank vault, and then built a house around the bank vault to put this man in, and then kept him there under equivalent conditions for some 3 years, with that kind of thing, 1,277 days, to be specific.

At which point they finally gave up and gave him some emolument and put him on their payroll and let him go. And then they gave, as I questioned on the authority to do a thing like that, did they have any kind of process, and they said other than the fact that Mr. Helms had conferred with you and gotten your OK that this would be legal. And I just found it awfully difficult to believe that. And that is why—and I also don't imagine it would be the kind of thing that you would be asked to OK enough that you wouldn't rather clearly remember the incident, if it had occurred.

Mr. KATZENBACH. If the facts as you have just set them forth to me, Congressman, had ever been made known to me, (A), I would recollect it, I am certain; and I hope to goodness I wouldn't have given the legal advice that it is claimed.

Mr. SAWYER. It makes me feel better about it. Thank you.

That is all I have, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

Does counsel, Mr. Cornwell, desire to be recognized?

Mr. CORNWELL. I only note, Mr. Chairman, that during the questioning by the committee members there have been various exhibits which have been referred to directly or indirectly. They include exhibits which have been marked for identification as JFK F-462, F-463, F-465, F-466, F-458, F-471, F-472, F-473, and F-448, and I might ask they be placed in the record at this time.

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

[The above mentioned JFK exhibits F-462, F-463, F-465, F-466, F-471, F-472, and F-473, follow:]

[JFK exhibits F-448 and F-458 were entered previously.]

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : MR. BELMONT

DATE: November 22, 1963

FROM : S. B. DONAHOE

SUBJECT: ASSASSINATION OF THE PRESIDENT

Deputy Attorney General Katzenbach called at 5:09 p.m. He said he realized that things were happening very fast and he was calling to ask that he be kept informed if there are going to be any arrests of the person or persons who assassinated the President. In other words, he would like to be advised when it is apparent there is going to be a solution.

The Deputy Attorney General also commented that if it develops that Oswald is the man who did the assassination or was involved in it, then his pro-Cuban and pro-Soviet activities will come into mounting prominence. He said if Oswald is so identified, the State Department should be advised as there are definite foreign policy considerations and decisions here.

Assistant Deputy Attorney General William A. Geoghegan called at 5:15 p.m. on behalf of the Deputy Attorney General. He advised that two men in the State Department have definite coordination responsibility in connection with any State Department action which would be required, if it develops that Oswald is implicated in the assassination. If this implication develops, State Department will need full details on Oswald's background. The people at State Department to be notified in this regard are as follows:

John Crimmins OR
Extension 4588
Home phone FR 4-6151

William Bowdler
Extension 3736
Home Phone FE 7-4712

I emphasized to Geoghegan that he must recognize, and I am sure the Deputy Attorney General so understood, that we could not give out any blow-by-blow account of what is happening and that we would only be acting in this regard when it became apparent that the solution is imminent. He was in agreement.

Our reports on Oswald are in the possession of State Department and Supervisor E.T. Turner of the Domestic Intelligence Division is so advising Crimmins or Bowdler tonight.

- SDD:hmp
(6)
1 - Belmont
1 - Evans
1 - Rosen
1 - Sullivan
1 - Donahoe

REC-53

22 DEC 2 1963

79 DEC 4 - 1963

JFK EXHIBIT F-462

JFK EXHIBIT F-463

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: November 24, 1963

FROM : MR. BELMONT

1 - Mr. Belmont
 1 - Mr. Mohr
 1 - Mr. DeLoach
 1 - Mr. Rosen

SUBJECT: LEE HARVEY OSWALD
ASSAULTING A GOVERNMENT OFFICER

This afternoon I advised SAC Shanklin in Dallas that we are sending down Supervisors Rogge and Thompson for the purpose of going carefully over the written interview and investigative findings of our Agents in the Oswald matter so that we can prepare a memorandum to the Attorney General, attaching exhibits such as photographs, et cetera, to set out the evidence showing that Oswald is responsible for the shooting that killed the President. We will show that Oswald was an avowed Marxist, a former defector to the Soviet Union and an active member of the FPCC, which has been financed by Castro. We will then show the background of Oswald, when and where he was born, et cetera, and then the story of what happened when the President was shot and subsequently until Oswald was picked up in the theatre. We will set forth the items of evidence which make it clear that Oswald is the man who killed the President.

Shanklin said results of the investigation have been reduced to written form and consequently the information will all be available for these two Supervisors.

Supervisors Rogge and Thompson are leaving the night of November 24 for Dallas (by AIR FORCE PLANE)

I told Shanklin that he should contact the Chief of Police and arrange to be sure that any evidence such as the rifle, gun casings, paper bag containing Oswald's fingerprints, et cetera, be locked up in custody of the Chief so that no souvenir hunters or other persons would destroy or take away the evidence. Despite the fact that Oswald is dead, this evidence will be necessary to back up any statement that Oswald was the man who killed the President.

I also alerted our Laboratory to retain the bullets that were compared with the rifle and to hold on to any other evidence pertaining to this case.

I told Shanklin that Deputy Attorney General Katzenbach is reportedly sending Assistant Attorney General Miller of the Criminal Division down to Dallas to speak to the Mayor to see if he can keep the Chief of Police and Lieutenant Fritz off television and radio.

WLB:ams
 (5)

53 DEC 6 - 1963

25 DEC 4 1963
 214

Memorandum for Mr. Tolson
Re: LEE HARVEY OSWALD

At 4:15 p.m. Mr. DeLoach advised that Katzenbach wanted to put out a statement, "We are now persuaded that Oswald killed the President; however, the investigation by the Department of Justice and the FBI is continuing." Guthman of the Department wanted the FBI to put this statement out. Mr. DeLoach advised Guthman that the FBI would not put out the statement and we are opposed to any statement being put out along this line.

0578

JFK EXHIBIT F-465

JFK Exhibit F-465

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : MR. SULLIVAN

DATE: 11/25/63

FROM : A. H. Belmont

cc Mr. Belmont
Mr. Sullivan
Mr. Rosen
Mr. J.P. MohrSUBJECT: LEE HARVEY OSWALD -
Assassination of the President

Tolson	
Belmont	
Mohr	
DeLoach	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

The Director advised that he had talked to Katzenbach, who had been talking to the White House relative to the report we are to render in the Oswald case. It is Katzenbach's feeling that this report should include everything which may raise a question in the mind of the public or the press regarding this matter, including such things as the return of the passport to Oswald in Moscow, and the furnishing of money to him by the State Department for the purpose of returning to the U.S. If the State Department regulations or law required State to do these things, we should get a copy of the law.

This report will have to contain anything of relevance to the case. We should get from the Defense Department Oswald's record and disciplinary action and discharge. We should cover the angle of Oswald going down to Mexico City, and his contacts down there.

In other words, this report is to settle the dust, in so far as Oswald and his activities are concerned, both from the standpoint that he is the man who assassinated the President, and relative to Oswald himself and his activities and background, et cetera.

At such time as the report is finished, Mr. Katzenbach will go over it, and will furnish it to other officials of the government, such as McCone of CIA, the Secretaries of Navy, Defense, and State, so that they can look it over and make sure they agree and do not have any objections.

The above change will, of course, require more time for the preparation of this report. However, the Director desires that it be put out as quickly as possible. Division Six will continue to handle the portion of the report dealing with the assassination attempt and the evidence gathered to show that Oswald is responsible. This means that we will have to carefully check the evidence and Oswald's possessions that the police are now turning over to us, to see if additional information should go into the report from this.

Division Five will handle the other part of the report, which will show the background, associations, et cetera, of Oswald. We must be certain that anything that is put into the report can be backed up, as it will be subject to minute scrutiny from the press and the public. For Division Five's part of the report we should be certain also that we get backing for everything we put in.


REC-16

243

Mr. Sullivan

Oswald's passport back to him, et cetera. We should be certain that agents thoroughly go through Oswald's effects to see if they can pick up any correspondence with the Communist Party, the Soviet Embassy, et cetera.

This is a difficult report to prepare, but we will have to concentrate our full attention on it in order to produce the desired results.



JFK EXHIBIT F-466

UNITED STATES GOVERNMENT *JFK Exhibit F-466*

Memorandum

TO : Mr. Mohr DATE: November 25, 1963

FROM : C. D. DeLoach

SUBJECT: ASSASSINATION OF THE PRESIDENT *John F. Kennedy*

Guthman of the Department called at approximately 3:00 p. m. He stated that the Attorney General of the State of Texas was having a press conference this afternoon in Washington and would undoubtedly indicate to the press that the State of Texas would convene a Board of Inquiry into the assassination of the President and the murder of Lee Harvey Oswald. Guthman stated that the Department had to prepare to answer a large number of inquiries which they undoubtedly will receive following the State Attorney General's press conference. Guthman then read to me the following proposed release he plans to make:

"President Johnson has directed the FBI to investigate every lead and every shred of evidence in the assassination of President Kennedy and the shooting of Oswald. A full report on the FBI's findings in the assassination of President Kennedy will be made public. All evidence in the shooting of Oswald will be made available to local authorities in Dallas who will have responsibility for the trial of Jack Ruby. The Department of Justice, of course, will lend whatever assistance it can to any properly constituted Texas Court of Inquiry."

Guthman asked me what I thought of the release. I told him I disagreed with the plan to make a release. I mentioned that everything had already been said in the release which was made last night and, therefore, there was no further need to state anything else. I told him that it would be far better to wait until the FBI had procured all facts in the matter and had submitted an investigative report. I told Guthman that it was particularly bad that he wanted to make the statement that, "All evidence in the shooting of Oswald will be made available to local authorities in Dallas who will have responsibility for the trial of Jack Ruby." I mentioned that despite the truthfulness of this statement it will invite criticism. Many responsible individuals across the Nation are pointing to the inefficiency of the Dallas Police Department and a statement of this nature will merely add fuel to the fire.

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

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117 DEC 3 1963
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REC-35 CONTINUED NEXT PAGE
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EX-117

NOV 30 1963

DeLoach to Mohr 11-25-63
Re: Assassination of the President

Guthman stated he would remove the statement at once, however, wanted to go ahead and make the remaining statements. I told him I still disagreed, that there appeared to be no need whatsoever for any further press releases to be made by the Department. I told him that I, personally, believe that he should answer inquiries in the matter. He replied that he would think over the objections in question.

-After talking with the Director, I called Guthman back and told him I wanted to reiterate my objections in the above regard. Guthman stated he had given the matter further thought and in view of FBI objections would not issue a press release but merely would answer inquiries. I told him I thought this was highly advisable.

ACTION:

For record purposes.

JHW *Dick's* ✓

JFK EXHIBIT F-471

JFK Exhibit F-471
UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Tolson

DATE: 12-3-63

FROM : A. H. Belmont

SUBJECT: ASSASSINATION OF THE PRESIDENT.
November 22, 1963

At 6:10 P.M., Deputy Attorney General Katzenbach called. He said Chief Justice Warren had called a meeting of the Commission appointed by the President for 10:00 A.M., Thursday morning. Justice Warren wants a high-level liaison man from any interested agency. Katzenbach will attend the meeting but he feels that the FBI should have someone there also to answer any questions the Commission might have regarding the scope of the investigation, etc. Katzenbach thinks the Bureau representative should be the Director or Belmont. I made no commitment to Mr. Katzenbach, but I recommend we advise him that our report in this matter will speak for itself and until the report is ready, there is no real purpose in an FBI representative being present at the Commission meeting. With respect to this, it is noted that Katzenbach felt it was better to show willingness to cooperate with the Commission in every respect.

Katzenbach said that there are problems arising between the Texas Board of Inquiry headed by Texas Attorney General Carr and the Presidential Commission headed by Justice Warren; that Texas wants to go ahead with an inquiry and Warren wants them to hold off. Attorney General Carr and the past president of the Texas Bar Association are to come and see Katzenbach tomorrow, at which time he will try to calm the waters and establish ground rules. Katzenbach wanted to know if we wanted to talk to Attorney General Carr and the others. I told him we did not, that we were busy investigating this matter and trying to get out our report.

Mr. Katzenbach asked whether I could give him a timetable on the report. I told him no I could not, that we were working as hard as we could and that was all I could say.

- 1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Sullivan

AHB:mjs

(6)

XEROX

DEC 12 1963

REC-56

EX-103

DEC 12 1963

for review at FBIHQ

FOIPA 5/10/77

Mr. Tolson

On the morning of 12/4/63 I called Mr. Katzenbach-- and advised him that we see no real reason for us to have anyone at the meeting of the commission on Thursday morning; that there is nothing that we can contribute at this time. I pointed out that we were working on the investigation and the report, and will submit it to the Department as soon as possible, and until that time we are not saying anything.

Katzenbach said he felt this puts him in a rather peculiar position and at least he would like to have someone come down before the Thursday morning meeting and brief him as to what we are doing, so that he could be in a position to answer questions. I told him that this was undesirable; that if the question is raised as to what the FBI is doing, there is a very simple answer, namely that we are pressing the investigation and the writing of the report; that this is our major goal and until this is completed there is nothing we can contribute. I pointed out that there is no question of any reluctance on the part of the FBI, as we are bending every effort to produce the information the commission will need.

Right - H
Relative to the second point, about the Texas board of inquiry, I told Mr. Katzenbach that the Director feels it would be very unwise for this board to conduct an inquiry now; that they would have to use our evidence, and this evidence is being made available first to the President's commission; therefore, the two inquiries would be at cross purposes. Katzenbach was in full agreement and said his problem is one of convincing the commission of this.

Right - H
Katzenbach said that he had been talking to Chief Justice Warren, and Warren had indicated to him that the chief counsel for the President's commission will be Warren Olney. Katzenbach thought that this would be most undesirable. Katzenbach said that, as we probably know, Chief Justice Warren thinks that Olney can do no wrong, and he (the Chief Justice) had made the point that Olney is conversant with the FBI's procedures and thus would be operating in a familiar field. Katzenbach said if we have any ideas as to how Olney can be blocked as chief counsel, he would like to have them. I told him that, as far as I was concerned, Olney was an undesirable choice, and if we had any thoughts we would get them to him.

JFK EXHIBIT F-472

~~JFK Exhibit F-472~~ 12/11
AB1

December 8, 1963

The Chief Justice
The Supreme Court
Washington, D. C.

Dear Mr. Chief Justice:

At the direction of President Johnson, I am transmitting herewith to you and to the other members of the Commission copies of the report of the Federal Bureau of Investigation on the assassination of President Kennedy and on the subsequent shooting of Lee Harvey Oswald. You will note that in some aspects the investigation is continuing and further information will be made available to the Commission as it develops. The Secret Service and the Department of State have also prepared reports with respect to the preparations made to guard the President and certain background information in the hands of the State Department with respect to Oswald. You will have these promptly.

This report is not a classified document since it does not contain defense information. However, we have been treating it as a highly classified document and I trust that you and the other members of the Commission will do likewise until such time as you determine to release matters contained within it. Within the Government it is being read by a very limited number of people on a "need to know" basis.

You will recall that at the time of announcing the Federal Bureau of Investigation investigation, and prior to the appointment of the Commission, President Johnson announced that the FBI report would be made public. I have,

however, informed him of your request that this report not be released until the Commission has had time to review all of the facts and evaluate them. At the same time I am sure you are aware that there is much public speculation and rumor in this connection which would be desirable to allay as quickly as possible. For example, the latest Gallup poll shows that over half the American people believe that Oswald acted as part of a conspiracy in shooting President Kennedy, and there is considerable rumor in this country and abroad to the effect that Ruby acted as part of the same or a related conspiracy.

I think, therefore, the Commission should consider releasing—or allowing the Department of Justice to release—a short press statement which would briefly make the following points:

(1) The FBI report through scientific examination of evidence, testimony and intensive investigation, establishes beyond a reasonable doubt that Lee Harvey Oswald shot President Kennedy on November 22, 1963. The evidence includes ballistic tests, fingerprints and palm prints, clothing fibers and other technical data which places Oswald at the scene of the crime and establishes that he fired the shots which killed President Kennedy and wounded Governor Connally of Texas.

(2) The FBI has made an exhaustive investigation into whether Oswald may have conspired with or been assisted by any organization, group or person, foreign or domestic, in carrying out this cowardly act. In this regard, the FBI has questioned hundreds of persons and checked out numerous rumors and reports. To date this aspect of the investigation has been negative. No evidence has been uncovered indicating that any organization, group or person, including Dallas night club owner, Jack Ruby, was involved with Oswald in the assassination of President Kennedy, or that the subsequent shooting of Oswald was part of a conspiracy.

I would be happy to discuss any of the matters contained in this letter or in the report with you or other members of the Commission at any time you should desire. I am, of course, always at your service.

Sincerely yours,

Nicholas C. Katzenbach

Nicholas C. Katzenbach
Deputy Attorney General

JFK EXHIBIT F-473

UNITED STATES GOVERNMENT

NM

JFK Exhibit F-473

Memorandum

TO : Mr. Mohr

DATE: December 20, 1963

FROM : C. D. DeLoach

SUBJECT: ASSASSINATION OF THE PRESIDENT

Pursuant to the Director's instructions, I met with Senator Richard B. Russell (D-Ga.) at 3:45 p.m. Inspector Jim Malley accompanied me.

I told the Senator that the Director probably had the greatest respect for him than any other man on the Presidential Commission; consequently, the Director was most anxious that any misimpression which the Senator might have gotten, regarding leaks concerning the captioned matter, be straightened out immediately. I mentioned that the Director had maintained throughout that there should be no press release unless it emanated from either the President or either the Presidential Commission. I told Senator Russell that the Director had issued specific instructions that no information be given from the FBI and that we had religiously adhered to these instructions. I told him also that there had been others who thought that a press release, based upon the FBI report, should be issued immediately. I reiterated that under no circumstances had we "leaked" any information; however, we certainly knew that it had been coming from other sources.

The Senator inquired as to the identity of the sources who had been "leaking" information. I told him it appeared quite obvious that considerable of the information came from the Dallas Police who had received the results of our Laboratory and Identification examinations. He stated he recognized this fact. I told him also that the Department undoubtedly had "leaked" considerable information as it was quite apparent that a number of their "favorites" had carried rather lengthy articles concerning information contained in the FBI report.

Senator Russell told Mr. Malley and me that he was glad to hear an FBI denial in this matter. He stated that Deputy Attorney General Katzenbach had directly implied that the "leaks" had come from the FBI. He quoted Katzenbach as telling the members of the Presidential Commission, "J. Edgar Hoover has chewed his men out for leaking information and they won't be doing any more of this." I told the Senator that Katzenbach was obviously lying in implying such action on the part of FBI representatives. The point was made that sometimes a person tries to cover up his own guilt by blaming others.

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

CDJ:geg (8) 1964

DEC 30 1963

REC-33

(CONTINUED NEXT PAGE)

22 DEC 27 1963

*This certainly shows
Katzenbach is true
color. H*

SIX

DeLoach to Mohr memo
 Re: Assassination of the President

Senator Russell was told that we would, of course, be glad to be of assistance to him on an informal basis in connection with the inquiry by the Presidential Commission. He was advised that Inspector Malley had been appointed by the Director to serve as liaison man with Lee Rankin, the Chief Counsel, and that Malley also would be at his disposal any time service was needed. The Senator confided that he had argued with the President about being appointed to the Presidential Commission. He stated the President had called him early one afternoon to advise that he was being appointed to this Commission. Senator Russell told the President that he could not take the appointment, that he considered this to be somewhat of a nasty job. The President then asked Senator Russell if he would recommend any member of the Supreme Court. Senator Russell stated that he didn't know a single member of the Supreme Court he would recommend for anything. The President called Senator Russell back early in the evening of the same day and named the members of the Presidential Commission. When he came to the Senator's name, the Senator stopped him and told him again that he couldn't be on the Commission. The President told Senator Russell that he had already issued a press release reflecting that he was a member. The Senator stated his hands were, therefore, tied and there was nothing he could do about the matter. He added it was very distasteful to him, however, to serve on the same Commission as Chief Justice Warren inasmuch as he had no respect for Warren.

We discussed a number of mutual interests in the State of Georgia before leaving. The Senator is driving home tonight and plans to take the FBI report with him. He has not yet had a chance to read it. He stated that upon his return, he would call if any questions whatsoever arose regarding the problems of the Presidential Commission.

ACTION:

For record purposes.

JP *W. J. M.* *W. J. M.*

Mr. CORNWELL. I have nothing further, thank you.

Chairman STOKES. Mr. Katzenbach, as a witness before our committee, you are entitled at the conclusion of your testimony to have 5 minutes in which to make any comment that you so desire relating to testimony before this committee, and I extend to you at this time 5 minutes for that purpose, if you so desire.

Mr. KATZENBACH. I will be very, very brief, Mr. Chairman.

I regret that the Warren Commission report was inadequate, if it was inadequate in any respects, and that as a consequence this committee has felt, the Congress has felt through this committee, the necessity to reexamine the assassination.

I am sure that you, sir, and all the members regret that equally.

I have confidence that what this committee is doing and will do in its report, will reflect the wisdom and integrity of its members.

Chairman STOKES. Thank you very much, and on behalf of the committee, we certainly thank you for your appearance here and for the cooperation you have given this committee and the time you have expended in giving us the benefit of your testimony. Thank you very much.

Mr. KATZENBACH. Thank you.

Chairman STOKES. You are excused.

There being nothing further to come before the committee, the committee adjourns until 9 a.m., tomorrow morning.

[Whereupon, at 4:08 p.m., the committee was recessed, to reconvene Friday, September 22, 1978, at 9 a.m.]

[The deposition of Mr. Katzenbach referred to previously follows:]

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Stenographic Transcript Of

HEARINGS

Before The

President John F. Kennedy

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

DEPOSITION OF NICHOLAS KATZENBACH

Washington, D.C.

August 4, 1978

Alderson Reporting Company, Inc.

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Assass. Comm.
8/4/78

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LaFrance

SELECT COMMITTEE ON ASSASSINATIONS

vma 1

Friday, August 4, 1978

U. S. House of Representatives
Subcommittee on the Assassination
of President John F. Kennedy
Washington, D. C.

Deposition of

NICHOLAS KATZENBACH

called for examination by counsel for the Committee, pursuant to
notice, in the offices of the Select Committee on Assassinations,
Room 3501, House Annex No. 2, Second and D Streets, Southwest,
Washington, D. C., beginning at 10:00 o'clock a.m. before
Albert Joseph LaFrance, a Notary Public in and for the District of
Columbia, when were present on behalf of the respective parties:

For the subcommittee:

Gary Cornwell

Michael Ewing

Kenneth Klein

James McDonald

For the deponent:

(There was no representation.)

P R O C E E D I N G S

Mr. Cornwell. We will go on record.

Please state your name.

Witness. Nicholas Katzenbach.

Mr. Cornwell. What is your present home address?

Witness. 117 Library Place, Princeton, New Jersey.

Mr. Cornwell. Mr. Katzenbach, my name is Gary Cornwell, deputy chief counsel of the Select Committee on Assassinations. I have been designated as counsel to take statements under oath in depositions pursuant to House resolution 222 and committee rule four.

The deposition will be recorded. There is a certified shorthand reporter here.

Will you administer the oath?

Whereupon,

NICHOLAS KATZENBACH

was called as a witness by the committee and, having been first duly sworn by the Notary Public, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Cornwell:

Mr. Cornwell. Mr. Katzenbach, you are appearing here voluntarily and not pursuant to a subpoena. Is that correct?

Mr. Katzenbach. Yes.

Mr. Cornwell. You have been provided copies of the committee's

1 rules and House resolutions 222, 433 and 760. Is that correct?

2 Mr. Katzenbach. Yes.

3 Mr. Cornwell. In particular, have you had a chance to read
4 rule four of the committee rules which govern the taking of depo-
5 sitions?

6 Mr. Katzenbach. Yes.

7 Mr. Cornwell. Do you have any questions about that?

8 Mr. Katzenbach. No.

9 Mr. Cornwell. Among other things, I take it you have noticed
10 you have a right to counsel in connection with depositions before
11 this committee?

12 Mr. Katzenbach. Yes.

13 Mr. Cornwell. The deposition of course will be transcribed
14 and after it is transcribed, we will mail a copy to you and ask
15 that you make any changes you desire in it to reflect accurately
16 your testimony and to sign it and verify it and then return it to
17 us at which time, if you desire, we will be happy to supply you
18 with a copy.

19 I would like to direct your attention to November 22, 1963
20 and ask you if you will recall where you were on that day.

21 Mr. Katzenbach. I was in my office on that day in the
22 Department of Justice. I was having lunch at a seafood restaurant,
23 the name of which I forget, with one of my deputies, Joe Dolan at
24 the time I heard the news of the assassination. I left immediately
25 and returned to my office.

1 Mr. Cornwell. On that date, what was your official position
2 with the Department of Justice?

3 Mr. Katzenbach. I was deputy attorney general.

4 Mr. Cornwell. Upon returning to your office, do you recall
5 what conversations you may have had concerning the event that
6 afternoon?

7 Mr. Katzenbach. I actually went directly to the attorney
8 general's office, Mr. Kennedy. He was at home at the time and I
9 asked his secretary, Angela Novello, what the latest news was from
10 Dallas.

11 Mr. Cornwell. Did you that afternoon have a discussion with
12 the attorney general?

13 Mr. Katzenbach. Yes, I did. I talked to him once, perhaps
14 twice. He was out at Hickory Hill.

15 Mr. Cornwell. I would like to know if you can recall generally
16 what the nature of the conversation was but in particular what,
17 if any, problems were identified that the department faced at that
18 point in time?

19 Mr. Katzenbach. I can recall what I believe were two conver-
20 sations, but it might have been one. The first one I simply called
21 him to tell him how devastated I was at the news. The second con-
22 versation was when he telephoned me and said that the vice presi-
23 dent, Mr. Johnson, had called him from Texas and wanted to know
24 where he should be sworn in and would I please call him back and
25 tell him whatever my advice was on that subject, which I did,

1 Mr. Cornwell. Were there any other problems that were iden-
2 tified at that time that the Department of Justice or you needed
3 to focus upon?

4 Mr. Katzenbach. I do not believe so. The first conversa-
5 tion that Robert Kennedy said to me was that he had heard the news
6 from Mr. Hoover and he made some comment that Mr. Hoover had called
7 him and been very blunt in the conversation. But as far as what
8 the Department was doing in the investigation or anything of that
9 kind, I had no discussions of that kind with Bob Kennedy.

10 Mr. Cornwell. Did you discuss what position the Department
11 should take or any other problems with other persons in the Depart-
12 ment that afternoon that you can recall?

13 Mr. Katzenbach. Apart from the fact that the Bureau was
14 investigating it under whatever rather slim authority that it had
15 to do it, I had a conversation with Mr. Hoover, maybe more than
16 one. I had a number of conversations with my associates at the
17 Department because they were all kind of gathered into my office
18 at that point as we were awaiting news of what was happening,
19 what were the arrangements with respect to President Kennedy's
20 body, with respect to an autopsy, that kind of thing.

21 Mr. Cornwell. Let me ask you first about the question of
22 jurisdiction. Did the FBI seek from the Department authorization
23 to proceed with the investigation and, if so, what was your reply?
24 What statutes or whatever did you cite as authority for that?

25 Mr. Katzenbach. I do not really recall. I probably cited

1 some civil rights statute but I do not recall. I do not think
2 there was ever any question as to the Bureau getting into it
3 heavily although we all recognized that obviously primary juris-
4 diction lay with the state as far as the murder was concerned.

5 When the Bureau was in the mode of assisting or investigating
6 or whatever they were into it and there was never any question that
7 they would be into it heavily and pretty massively.

8 Mr. Cornwell. Without confining the question then to the
9 afternoon of the 22nd, let me ask you with respect to, say, the
10 next two to three days going up through Sunday afternoon, what
11 additional problems did you focus upon?

12 Mr. Katzenbach. I had a number of conversations that evening
13 of the 22nd until sometime after midnight, primarily with Barefoot
14 Sanders, who was U. S. Attorney in Dallas. I had a number of con-
15 cerns which I expressed to him about the numerous public statements
16 that were being made by the various police officials down there.

17 I had a particular concern, if indeed Oswald was in fact the
18 sole assassin of the President, as to whether the public statements
19 they were making, what they were doing might not lead to have his
20 counsel talking about the possibilities of fair trial, no right
21 to counsel and that kind of thing and I thought it would be an
22 absolute disaster if the President of the United States were
23 assassinated and for some due process reasons the police had screwed
24 it up to the point that you could not convict that person, assuming
25 him to be the guilty party.

1 There were a number of conversations about that. I had conver-
2 sations I believe with Bernard Siegel in the ABA, perhaps with
3 other people, in an effort to make sure that Oswald had somebody
4 who was representing him and advising him, and awkward situation
5 for me to be in, but one that I felt was important,

6 Mr. Cornwell. Do you recall any other problems that were
7 identified on that day?

8 Mr. Katzenbach. That is a problem that sticks out in my mind.
9 I was getting reports from the Bureau throughout that evening. I
10 guess I probably was on the phone virtually -- I got home maybe
11 7:30 or 8:00 o'clock that night and I guess I was on the phone
12 until 1:30 or 2:00 a.m.. That was the predominant problem. That
13 is the one I recall.

14 Mr. Cornwell. Going back to the earlier question, expanding
15 the subject to cover the two or three days up through Sunday, which
16 would have been the 24th, were additional problems identified and,
17 if so, what was their nature?

18 Mr. Katzenbach. Certainly, one additional problem that was
19 dramatically identified was the murder of Oswald by Ruby, which I
20 guess like millions of others, I saw on television. There were a
21 lot of problems, I think, but not of great relevance to your inquiry,
22 simply with respect to a number of arrangements, final arrangements
23 and that sort of thing with respect to President Kennedy, trying
24 to handle the Department personnel.

25 As far as the investigation is concerned I had numerous

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

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

15 There were many rumors around. There were many speculations
16 around, all of which were problems.

17 Mr. Cornwell. What can you tell us about the mechanisms that
18 were designed or contemplated during this same period for solving
19 the kinds of problems you just identified?

20 Mr. Katzenbach. The principal recognition I have is that I
21 felt very early and continued to feel throughout, that the facts,
22 all of them, had to be made public and it had to be done in a way
23 that would give the public both in this country and abroad the
24 confidence that no facts were being withheld at all.

25 I felt that this would be difficult to do if the FBI, despite

1 the reputation of the FBI, were the only party involved in inves-
2 tigating or doing the report and that would have to be reviewed
3 by somebody in whom the public had confidence. I think the FBI
4 at that time had been able to satisfy domestic public opinion with
5 its conclusions because of the reputation it had had.

6 I doubted that anybody in the government, Mr. Hoover, or the
7 FBI or myself or the President or anyone else, could satisfy a
8 lot of foreign opinion that all facts were being revealed and
9 that the investigation would be complete and conclusive and with-
10 out any loose ends.

11 So, from the beginning, I felt that some kind of commission
12 would be desirable for that purpose; and, in addition, because if
13 that were not done then it seemed to me that there would be a
14 number of commissions, because an event like the assassination of
15 a president of the United States is one that attracts a lot of
16 political inquiry.

17 That, in fact, developed in Texas perhaps that week, I do not
18 know when, and there were certainly House and Senate resolutions
19 contemplated, if not introduced. I do not recall. So that I felt
20 that it would be desirable, I felt from the beginning, it would
21 be desirable for the President to appoint some commission of
22 people who had international and domestic public stature and repu-
23 tation for integrity that would review all of the investigations
24 and direct any further investigation.

25 That was a difficult position in one sense for me to take

1 because the Bureau was at least formally under my jurisdiction and
2 anybody who had even a nodding acquaintance with Mr. Hoover would
3 appreciate the fact that he would regard that as a slap at the
4 Federal Bureau of Investigation.

5 So that while I felt strongly that way and communicated that
6 view to people in the White House, it was not easy for me to cope
7 with it within the Department itself. Mr. Hoover was strongly
8 opposed to it.

9 Mr. Cornwell. Was the opinion at least at the high management
10 levels in the Department, essentially unanimous and in agreement
11 with you on that issue?

12 Mr. Katzenbach. I think there was nobody who disagreed with
13 it. I cannot remember now whom I talked it over with, but I would
14 be certain that I talked it over with a number of the assistant
15 attorneys general. I am sure I mentioned it to Robert Kennedy,
16 but he really was not particularly interested one way or another.

17 His view, as he communicated it to me at that time, was do
18 whatever I wanted to do, but nothing was going to bring his brother
19 back to life.

20 Mr. Cornwell. What, if anything, specifically led to your
21 feeling that some external review was necessary?

22 Mr. Katzenbach. I think a number of things. The first was
23 the fact, almost unavoidable I suppose in an event of that kind
24 where a lot of conflicting information and rumors did in fact come
25 out from the various mouths of Texas law enforcement authorities

1 and others, that there were a number of things of that kind, state-
2 ments of that kind, that would have to be reconciled or would have
3 to be explained.

4 There were a number of speculations about conspiracy made
5 more dramatic by the facts that were uncovered fairly quickly
6 about Oswald's own background, the ones I have already mentioned.

7 The thing that influenced me personally perhaps more than
8 anything else was the Lincoln assassination and the fact that a
9 century later people were still coming out with books about Lincoln,
10 who was the real assassin, who conspired and so forth and so on.

11 I thought it had foreign policy implications because of specu-
12 lations about whether the Russians were behind this, could they
13 have done this? Was it in retaliation for the Bay of Pigs?

14 Finally, I think in terms of protecting President Johnson
15 because people abroad in many countries, if they had a head of
16 state assassinated, assumed that the person who succeeded him had
17 something to do with it. That was a reason why it seemed to me
18 in a sense President Johnson was disqualified and why some other
19 people of enormous prestige and above political in-fighting,
20 political objectives, ought to review the matter and take the
21 responsibility.

22 My hope, I guess naive in view of my testimony today, was
23 that if all the facts were put out, if everything were there, if
24 the investigation were really done, however it came out, whatever
25 happened, that would be the truth and we would not be exposed to

1 re-investigations as was the case with Lincoln, every five or ten
2 or fifteen years whenever anybody was inspired to do it.

3 Mr. Cornwell. Do I understand from your last answer that
4 the perceived need to protect President Johnson from allegations
5 of involvement would also be the primary reason that you requested
6 as an alternative the Department of Justice's conducting or hand-
7 ling the review function?

8 Mr. Katzenbach. That would be one factor. I do not think
9 the most important one. I think it was just the fact that the
10 Department of Justice would be identified, at least in foreign
11 countries, so closely with the government that there would be some
12 question as to whether all the facts had been put out or something
13 was being concealed.

14 The relations between Bobby Kennedy and Lyndon Johnson were
15 such that perhaps that would not have been suspected. On the
16 other hand, it seemed to me extraordinarily distasteful for Bobby
17 to head that up. In any event, he would not have been willing.

18 Mr. Cornwell. What specifically did you contemplate as the
19 best solution to the problem, the best mechanism? Was it the
20 Warren Commission or did you have some other view?

21 Mr. Katzenbach. It would be essentially the Warren Commission
22 or something very much like it. As far as the particular people
23 are concerned, I had not any great thoughts of particular people
24 outside of the fact that if you do not want to have a separate
25 House or Senate investigation, it would probably involve people of

1 prestige from those two bodies and whatever other persons were
2 acceptable and somebody of enormous prestige to head it.

3 I thought Chief Justice Warren probably had more credibility
4 abroad than any other American at that particular time in history.
5 I thought he would be ideal but I also was aware, as any lawyer
6 would be, of the fact that the Chief Justice of the United States
7 would find problems in undertaking that kind of role while a sitting
8 Chief Justice.

9 It was sort of hard to think of anybody who could serve that
10 role better than he.

11 Mr. Cornwell. You told us that of course Mr. Hoover dis-
12 agreed with this view and that the Department basically agreed
13 with you in the view. What about the President's view, for
14 instance?

15 Mr. Katzenbach. Well, initially, the President neither
16 rejected nor accepted the idea. He did not embrace it. I thought
17 there was a period of time when he thought that it might be unnec-
18 essary to do.

19 Mr. Cornwell. What was that, necessary or unnecessary?

20 Mr. Katzenbach. Unnecessary to do, but I really do not know.
21 I think you have to also realize that I was working as Bobby
22 Kennedy's deputy and that they were not particularly close people,
23 that he would be suspicious, it seemed to me, of information at
24 that particular time, of what advice he might be getting from
25 either me or from the White House staff left over from President

1 Kennedy, that he would want his own advice from people in whom he
2 had confidence as the result of long friendship or political
3 association.

4 Mr. Cornwell. Did you speak with anyone else about this solu-
5 tion to the problems that you faced before the decision, of course,
6 was ultimately made?

7 Mr. Katzenbach. I believe I recommended it to Bill Moyers,
8 whom I knew slightly at that time. I believe I raised it with
9 Walter Jenkins and I believe I raised it with President Johnson.

10 Mr. Cornwell. What about people outside the President's
11 immediate circle?

12 Mr. Katzenbach. I talked with people outside of the Presi-
13 dent's immediate circle.

14 Mr. Cornwell. Did you talk with the CIA?

15 Mr. Katzenbach. No, I did not talk with anybody at the CIA
16 that I can recall now. I might have talked with somebody at the
17 State Department about it, conceivably with Dean Rusk, more likely
18 with Alexis Johnson.

19 Mr. Cornwell. Do you mean about what their views were?

20 Mr. Katzenbach. Yes. I am sure I talked about it with people
21 outside the government entirely who called me and suggested old
22 friends or former colleagues.

23 Mr. Cornwell. What were the views of the State Department
24 and Dean Rusk?

25 Mr. Katzenbach. I think Dean Rusk was for it, but he is a

1 fellow who played things quite close to his vest. Whether he said it
2 to me before it was decided or he said it was a good idea after
3 the President decided to do it, I simply do not know.

4 Mr. Cornwell. What about Alexis Johnson?

5 Mr. Katzenbach. I think he thought it was a good idea. But
6 they were very much interested in time. They wanted to get some-
7 thing out in a hurry. The State Department was constantly pressing
8 because, I guess, of the rumors abroad or the accusations.

9 Mr. Cornwell. Did you speak to Earl Warren about the subject?

10 Mr. Katzenbach. When the President decided he wanted to
11 do that, he asked me to go speak to the Chief Justice and ask him
12 to serve in that capacity, which I did, and he declined. Later in
13 the day, the President had him over to the White House and he
14 changed his mind.

15 Mr. Cornwell. What, if any, arguments did you use to try to
16 persuade him?

17 Mr. Katzenbach. Essentially the same ones I have given you
18 now, that I thought that everything had to be done that would give
19 public opinion all over the world confidence that the true facts
20 had been revealed, that everything was out on the table, whether
21 they were difficult facts or whether they were not, that they be
22 made public and not subject to later discovery or like, this or
23 that.

24 I thought it took a man of his experience and his prestige to
25 do it. He, it seems to me, rather predictably said he thought that

1 was in conflict with being the Chief Justice and, therefore,
2 thought somebody else ought to do it. I argued there was no other
3 person, being the kind of man he was, which the Chief Justice
4 vehemently denied.

5 Mr. Cornwell. Was there anything specific which had come to
6 your attention out of the investigation which was known by any of
7 the senior officials at the government at the time which made the
8 international repercussions or potential repercussions particularly
9 severe?

10 Mr. Katzenbach. No, other than what was really public
11 information at the time. There was a great deal of writing about
12 it in the foreign press as there was domestically. There was a
13 great deal of speculation about the possibility of conspiracy
14 from almost any direction you could make conspiracy.

15 The inherent facts of it were what kept fueling those rumors.
16 Probably the most important was simply Jack Ruby's killing of
17 Oswald. Why should that happen? Why should he have done this?
18 I must confess to this day, I find that absolutely incredible, how
19 it could have happened or even why it could have happened.

20 A number of the things I have mentioned, the connections,
21 whether real or tenuous, that Oswald had with the Soviet Union,
22 his trips to Mexico City, his marriage to Marina, all of those
23 things were obviously risks for speculation.

24 Mr. Cornwell. Was there anything specific which had come to
25 your attention in terms of either an agency relationship, FBI, CIA,

1 State or anything else with Oswald or their involvement in any
2 other matters which also pushed your thinking in the same direc-
3 tion which led you to conclude that it was necessary to have an
4 independent review function over the agency's investigation?

5 Mr. Katzenbach. I think, apart from the things I have men-
6 tioned, nothing that occurs to me. I guess I had memos about the
7 Department of State's returning the passport to Oswald or giving
8 him money to get home or something of that kind. It seemed to
9 me, in view of the facts, that in all probability it appeared he
10 had killed the President of the United States, an unhappy public
11 relations situation.

12 I take it your question is probably directed against CIA
13 connections of one kind or another and I have no knowledge of that
14 whatsoever.

15 Mr. Cornwell. As merely an example and not meaning to make
16 this an exclusive list of possibilities, had anything like Mafia
17 plots, CIA mafia plots against Castro come to your attention?

18 Mr. Katzenbach. No. I think if they had, I would have
19 dismissed them as ridiculous, but I never heard of them.

20 Mr. Cornwell. You never heard of anything like that, that
21 the CIA might have been reluctant to get into it and, therefore,
22 you thought an independent review function was necessary?

23 Mr. Katzenbach. No, nothing really of that kind at all. It
24 never occurred to me. Perhaps I was naive, but it never occurred
25 to me that the CIA would be involved among its covert activities.

1 I was aware they had covert activities although I did not pretty
2 much know what they were. But that they would have been involved
3 in the assassination quite honestly never entered my mind.

4 It would have seemed to me then as it seems to me now, not on
5 moral grounds, but on pragmatic grounds a very poor idea for the
6 United States to expose its president to that kind of thing.

7 Mr. Cornwell. Apart from just general speculation that some
8 law enforcement agency may have been culpable because people had a
9 hard time believing that the event had occurred or was allowed to
10 occur, was there anything specific along those lines about a con-
11 nection between any agency of the government and Oswald that led
12 you to believe that an independent review was essential?

13 Mr. Katzenbach. No, there was nothing of that kind.

14 Mr. Cornwell. Would you tell us what your views are today,
15 using all the hindsight that is now available to you about the
16 adequacy of the mechanisms that were ultimately chosen?

17 Mr. Katzenbach. I think the mechanisms were first-rate. They
18 did not work entirely. If I were doing it again, I would do exactly
19 the same thing. I think you have two inherent facts that you have
20 to live with. One was that there is no investigative agency in
21 the world that I believe compares with the Federal Bureau of Inves-
22 tigation then and I suppose it is probably true today. The notion
23 that you could create a separate investigative agency to investi-
24 gate something of that kind that would do the job better than the
25 FBI I would have rejected then and I would reject now.

1 That does not mean that, as in many other instances that
2 you had with the FBI and the Department of Justice, you did not
3 ask the FBI, reading their reports, to go back to re-interview
4 so and so to ask these questions and check on this and that which
5 I thought ought to be done.

6 In other words, I did not think you should take their summary
7 reports and conclusions without examining all of the stuff that
8 came into the FBI.

9 Perhaps I could put it differently and say in terms of the
10 capacity of the FBI, they are extremely good. When it comes to
11 the synthesis of the information it seems to me at that point my
12 own experience was that it was worth having other people review
13 it and ask for, as we often did in civil rights matters and quite
14 often in criminal matters, further investigation of various leads
15 that had been rejected as being unproductive. That is what I
16 asked the Warren Commission to do.

17 The other problem quite honestly never even occurred to me
18 and I do not know how it would resolve other than in a strong
19 direction to the President and that is the question of the CIA,
20 or the FBI for that matter, concealing information.

21 Perhaps naively but I thought that the appointment of Allen
22 Dulles to the Commission would ensure that the Commission had
23 access to anything that the CIA had. I am astounded to this day
24 that Mr. Dulles did not at least make that information available
25 to the other commissioners. He might have been skeptical about how

1 far it was to go to the staff or how it might be further investi-
2 gated because there was somewhat more of an aura of secrecy sur-
3 rounding the CIA in 1964 than there is 1978. If there is a secret
4 left, I do not know what it is.

5 Mr. Cornwell. And the information you are referring to is
6 the Mafia plots?

7 Mr. Katzenbach. That is not really the information I am
8 referring to. I am referring to generally anything that the CIA
9 had in its files. I think if you were asking me then, I would
10 have thought much more in the way of foreign intelligence, any-
11 thing they had about Oswald, Oswald's connections, about Marina's
12 connections, about marriage as connections, probably not Ruby
13 unless Ruby had foreign connections.

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

24 Mr. Cornwell. Let us go back a small bit to your answer about
25 the CIA. As I recall the way you worded it, it was in terms of

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1 being astounded that Dulles did not make that information available
2 to the other Warren Commission members. The implication is that
3 you had some specific information in mind that you are now aware
4 of that Dulles possessed and did not make available. My question
5 is what is the specific information?

6 Mr. Katzenbach. It would be all of the various assassination
7 attempts with respect to Castro because certainly the Commission
8 ought to have known that.

9 Mr. Cornwell. In other words, not just Mafia plots, but all
10 of the CIA plots against Castro?

11 Mr. Katzenbach. Yes, all of that. There may have been other
12 stuff. I do not know. It would seem to me clearly that was some-
13 thing for the Commission to know. Whatever the conclusions from
14 it might or might not be, it clearly was something that they should
15 have been informed of. I know to this day Mr. Rusk resents very
16 strongly that the information was not made available to him at
17 that time or as Secretary of State. I rather agree with him.

18 Mr. Cornwell. What have been your sources of information
19 that Dulles did possess that information?

20 Mr. Katzenbach. I have none. I just assumed that the head
21 of the CIA knew about covert activities of that kind of importance.
22 He had been involved in the CIA for a very long period of time.
23 If he did not know that, I would have suspected he would have at
24 least the capacity to get it.

25 Mr. Cornwell. I believe some of the materials we sent you

1 included the Senate Report, book five, the Church committee's
2 report. That, of course, has references in part to the extent of
3 Dulles' knowledge of those matters. What I really want to find
4 out is do you have any independent knowledge, did you ever talk
5 to Dulles at any time or any of his associates by which directly
6 or indirectly you obtained knowledge about the extent of his
7 familiarity with the plots?

8 Mr. Katzenbach. No. In fact, I never believed there were
9 such plots. I testified to this before but I remember at one
10 time they were in the White House at the time of the Dominican
11 upheaval and I remember Lyndon Johnson asking a direct question
12 to Dick Helms about assassination and got a flat denial from Mr.
13 Helms that the CIA had anybody involved. It was a short conver-
14 sation and you can qualify it any way you want to, but I went home
15 pretty confident.

16 Mr. Cornwell. What year was this?

17 Mr. Katzenbach. I can only relate it to the Dominican. I
18 would relate it to being something like February or March of 1965.
19 I could be off on that date, but that is about right.

20 Mr. Cornwell. Do you know how much prior to that date the
21 President may have had at least question in his mind about the
22 existence of such plots?

23 Mr. Katzenbach. I do not know. I do not think the President
24 knew explicitly about any plots. I think Lyndon Johnson was
25 deeply suspicious of what the CIA was doing and how much they were

1 telling him. That is why he sent the FBI down to the Dominican
2 Republic.

3 Mr. Cornwell. Do you have any reason to believe that the
4 President may have considered the possibility of such plots back
5 as far as 1963 and 1974?

6 Mr. Katzenbach. I have no reason one way or the other. I
7 just do not know.

8 Mr. Cornwell. You have told us that you were astounded that
9 information about the plots was not made available at least to the
10 Commission members. Obviously, that implies that you think it would
11 have been relevant to the inquiry.

12 Mr. Katzenbach. Oh, yes, I think given that information, you
13 would have pursued some lines of inquiry probably harder than you
14 might have otherwise pursued them.

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

20 Mr. Cornwell. Looking back again, using hindsight, even
21 though during 1963 and 1964 no one explicitly stated to you that
22 there had been plots directed at Castro, were there any conver-
23 sations you had with the President or any of his advisors or Bobby
24 Kennedy during that period which again as I stated from hindsight
25 indicated they had either a suspicion or some knowledge of the

1 plots?

2 Mr. Katzenbach. No, nothing that I can recall. You phrased
3 your question fairly broadly. I assume you mean assassination
4 plots?

5 Mr. Cornwell. Yes.

6 Mr. Katzenbach. Because certainly there was the Bay of Pigs
7 and certainly there was a lot of effort to get intelligence out
8 of there. There were a lot of Cubans in this country that would
9 have been quite happy if the opportunity arose to have assassinated
10 Castro, Fidel or Raoul or Che Gueverra or any of the other people.

11 In that sense, I suppose any citizen had to be aware of that.
12 But there was nothing at any time that ever led me then or now,
13 any conversation I had or any memo I had, to believe that the
14 United States was directly involved in this kind of activity.

15 Mr. Cornwell. Or that Johnson, his associates, or Bobby
16 Kennedy had a suspicion that that may have existed?

17 Mr. Katzenbach. That is a little more difficult. The only
18 person it is more difficult with is Lyndon Johnson who did from
19 time to time come to take a conspiratorial view of the world. He was
20 concerned about the CIA because he did not really know what they
21 were doing and he was not sure they were telling him the truth.
22 Only in that context, nothing more specific.

23 Mr. Cornwell. With respect to the FBI, was there anything
24 that they possessed that you are now aware of which they did
25 not communicate to the Warren Commission and should have?

1 Mr. Katzenbach. Apparently they were aware, if I read the
2 report correctly, of some of the CIA activities, of at least the
3 connection with the Mafia. That certainly should have been repor-
4 ted. I am very surprised that it was not. There was no love
5 lost between the FBI and the CIA. I guess it must have been the
6 FBI's view that they would have been as embarrassed as the CIA
7 because I think they would have no hesitation telling the Warren
8 Commission about it.

9 Mr. Cornwell. Do you have any other thoughts about the fail-
10 ure of the mechanism? Did it fail to perform in any other respect?

11 Mr. Katzenbach. I really cannot think of any. I think the
12 Commission itself hired as good a staff as they could get. I think
13 the staff they had was dedicated, they tried to get all the facts
14 and get the truth out. Obviously, some Commission members were
15 stronger than other Commission members in this regard.

16 I think the staff was well run. At the time they made a
17 genuine effort to get at it. Probably the failure of the mecha-
18 nism -- there was one that was inherent in that situation, was then
19 at least, and that is really the unwillingness of the FBI, and I
20 assume the CIA, although I know less about it, to really open up
21 f files.

22 They did produce them and they did produce the raw material
23 for the Warren Commission, but it was subject to at least the
24 potential, perhaps in actuality, of not producing all of the
25 relevant information. There must have been information in the

1 files with respect to the Mafia which was not produced, I do not
2 know how you solve that problem, The people who have files are
3 the people familiar with files. If they are not leveling with
4 you, it may be difficult to get it.

5 Mr. Cornwell. Was the focus of the investigative effort
6 broad enough?

7 Mr. Katzenbach. It may^{not} have been in retrospect, I do not know.
8 I thought it was pretty broad at the time. I thought I was trying
9 to make it as broad as possible. I thought that any of these facts
10 had to be put out on the table and tell us what you knew about it.
11 I realize the Senate committee thought it was more focused than
12 certainly I thought it was focused.

13 I do not think that had to do with the focus of it. I think
14 that had to do with the reluctance of the CIA to divulge this
15 information and the reluctance of the FBI to divulge it, not with
16 what the focus of the investigation was. The Warren Commission
17 would not have any hesitation at all in thinking that was relevant
18 and within the focus of their investigation.

19 Mr. Cornwell. Were there any specific problems which you
20 observed in terms of the ability to put together the various
21 agencies in the Warren Commission and make the whole process work?

22 Mr. Katzenbach. None that I can really think of. Anybody
23 in the government knew that there would be some tension between the
24 FBI and the CIA, less with the Secret Service than the FBI because
25 the Secret Service was so utterly dependent on a lot of FBI

1 information that they were really in the position of a poor
2 relation. We did review fairly quickly, within I guess a few days
3 of the assassination, whether the measures that were taken to
4 put people in the security index were the proper measures or not.

5 There was a meeting with all of the involved people, the
6 Secretary of the Treasury, the head of the Secret Service, head of
7 the CIA, Mr. Hoover and myself, I guess Allen Belmont was there,
8 perhaps Sullivan, I do not remember.

9 We reviewed that procedure. I think you could review that
10 procedure many hundreds of times without coming out with a very
11 satisfactory procedure because the problem is that the list gets
12 unmanageably big.

13 Mr. Cornwell. What contributions, if any, did the Department
14 of Justice provide for the overall investigation?

15 Mr. Katzenbach. Relatively little in the sense that the
16 Commission used its own legal staff, not the Department of Justice's
17 legal staff, and then Howard Willens, the first assistant in the
18 Criminal Division to be liaison with the Commission and try to
19 help the Commission attorneys because of his familiarity with FBI
20 investigative processes and so forth, help to get them the infor-
21 mation that they wanted.

22 I think the Department of Justice was not really involved
23 in it, excluding the FBI.

24 Mr. Cornwell. Directing your attention to your analysis
25 earlier that it would have been ill-advised to attempt to create

1 an investigative organization specifically for the purpose of doing
2 t his job and that, therefore, it was necessary to utilize the
3 r esources of the FBI primarily, and the other agencies secondarily,
4 why was there no parallel thinking or implementation with respect
5 to the question of attorney resources, in other words, the existing
6 body of expertise in criminal investigations in the Department
7 of Justice but the decision to select an investigative staff from
8 scratch for the Warren Commission?

9 Mr. Katzenbach. That would be a question you would have to
10 address to the Warren Commission. Certainly, there was no reluc-
11 tance to provide any assistance or help that they wanted.

12 I am inclined to think that they had the view -- this is a
13 somewhat speculative answer -- they had the view that their own
14 independence was better established by an independent staff rather
15 than relying too heavily on the Department of Justice lawyers.
16 I would not be surprised if they thought the quality of the staff
17 they could attract would be better on the average than the quality
18 of the staff that the Justice Department could provide, which I
19 believe was in fact true.

20 Mr. Cornwell. Was the possibility of utilizing the Justice
21 Department's staff and running their own grand juries or anything
22 like that ever considered or specifically discussed?

23 Mr. Katzenbach. Not with me. I am sure I told Mr. Willens
24 when he was over there that the Department of Justice was totally
25 at the disposition of the Commission to be used as they wanted.

1 I do not recall now any specific conversations. They did not make
2 any requests. They had all kinds of powers themselves. They were
3 given all kinds of powers so far as subpoenas were concerned,
4 testimony under oath. They had all the legal paraphernalia that
5 was necessary.

6 Mr. Cornwell. Apart from however the question of the legal
7 talents which were available, which in your opinion were very
8 high with respect to the Warren Commission staff, let me ask you
9 to comment on the differences between the Warren Commission staff's
10 experience and knowledge in the organized crime field for instance
11 as compared to the Department and Bobby Kennedy's staff who had
12 been working on those matters for a long period of time?

13 What, if anything, was done to compensate for that apparent
14 inequity?

15 Mr. Katzenbach. They had Mr. Willens who was totally and
16 thoroughly in the organized crime thing working as liaison.

17 Mr. Cornwell. So there was no other reason particularly for
18 failing to use the Department of Justice's staff?

19 Mr. Katzenbach. No. I think it would be wrong to act on
20 the assumption that we thought organized crime had very much to
21 do with the assassination. Now, if the CIA or the FBI had come
22 out and talked about the so-called Mafia plot, then it may have
23 been the Commission would have dug more into the organized crime
24 picture and certainly there were lots of people in the Department
25 who knew that.

1 On the other hand, after all, that was the FBI's baby, too.
2 In terms of knowledge about organized crime, the FBI could cer-
3 tainly duplicate what attorneys in the Department of Justice could
4 duplicate about names and numbers of all players. That was within
5 Belmont's area of responsibility.

6 Mr. Cornwell. The Senate report, book five at page six,
7 reaches a conclusion that "The committee has developed evidence
8 which impeaches the process by which the intelligence agencies
9 arrive at their own conclusions about the assassination and by
10 which they provided information to the Warren Commission," and
11 they go on to state that "Facts which might have substantially
12 affected the course of the investigation were not provided the
13 Warren Commission."

14 You, I take it, essentially agree with their conclusions?

15 Mr. Katzenbach. I think so. The first part is difficult
16 for me, just in the way government operates. Let me see if I can
17 explain what I mean by that. Repeatedly when I was in the Depart-
18 ment, I wanted to get information from the Bureau promptly, mainly
19 about civil rights demonstrations and that kind of thing. The
20 Bureau had its own very tight bureaucracy. Mr. Hoover resented
21 greatly when Mr. Kennedy or I talked directly to an agent in the
22 field.

23 If we wanted information, he wanted it to come through him
24 or through Tolson or one of the assistant directors, at least have
25 them go through the Bureau and get the information, which would

1 come back in and then there the Secretary would write a report and
2 they would send it to me. They could do it amazingly fast, but
3 still another hour longer than if you simply had a conversation
4 directly.

5 As long as Mr. Hoover was alive it was very hard to break
6 that down. Agents really did not want to talk to you, so that you
7 had this rather awkward way of getting everything filtered. I
8 think this Warren Commission ran into that same problem. It was
9 not simply a problem of Mr. Hoover although it may have been a
10 problem because of his feelings about the Bureau, his very tight
11 control of it, but still I think almost every Bureaucrat or almost
12 every head of a department has a little bit of the same problem.

13 I did not like White House staff calling attorneys in the
14 Department of Justice about a problem and I put a stop to it. "If
15 you have something, call me." I felt responsible for their advice
16 and I did not want people in the White House shopping around for
17 advice or information.

18 So I say that because I have been critical of Mr. Hoover,
19 but I am not unsympathetic with the notion that he is responsible
20 for that group of people and, therefore, he wants to know what it
21 is they are saying and whether or not he agrees with it. That
22 certainly is different from the point of view of superimposing
23 Warren Commission staff on an agency of the government.

24 The same thing I suspect is true of the CIA. I do not know
25 how you beat that problem. The Senate can be critical of it, I

1 think if you did it today you would have an identical problem.
2 Indeed, I think the Senate in its own investigation ran into that
3 problem.

4 Mr. Cornwell. The second part ---

5 Mr. Katzenbach. The second part I agree with, yes. Clearly
6 there was information they had that should have been made available
7 to the Commission.

8 Mr. Cornwell. Let me ask you if you have any insight into
9 what may be the ultimate question, also posed in the Senate report,
10 and to which they provide there was no answer.

11 Their statement is: "Why senior officials of the FBI and the
12 CIA permitted the investigation to go forward in light of these
13 deficiencies and why they permitted the Warren Commission to reach
14 its conclusion without all relevant information is still unclear."

15 That is the Senate report, page seven. Do you have any
16 information which would shed light on that question, the answer
17 to that question?

18 Mr. Katzenbach. I think I probably have already exhausted
19 my intuition about it. Speaking of the FBI with which I am more
20 familiar I see very little way that they could have made that infor-
21 mation available without revealing to the Commission some of their
22 own deficiencies and thus being subjected to some criticism.

23 Mr. Hoover just could not stand criticism. As a small example
24 of that, from time to time I would get information about the
25 Bureau doing something that it should not have done and I would

1 inquire. I would get back a five-page memo that everything the
2 Bureau had done was absolutely right. I would find out sometimes
3 a month later that the agent involved was now in Nome, Alaska. I
4 was never told that, anything about disciplinary action.

5 We used to joke about it. I tell you once an agent was driving
6 me out to the airport at LaGuardia and he missed a turn. I said
7 to him, "Have you missed a turn?" He looked at me. He said, "No."
8 I said, "You have." He said, "Do you not know that the Bureau
9 can make no mistakes?" Whereupon he did a "U" turn and went back.

10 I read the Senate report and the disciplinary action taken.
11 I find it kind of incredible because I do not think that Oswald,
12 under the criteria that then existed, would have been on any such
13 list. I do think the agents were disciplined because history
14 overtook them. The destruction of the letter and so forth, I can
15 understand. An agent would be disciplined for that.

16 Mr. Cornwell. The letter that was delivered to Special Agent
17 Hosty?

18 Mr. Katzenbach. I do not blame Hosty for not doing anything
19 about it particularly. At the time he had things that he regarded
20 as much more important, not having any idea that Oswald was going
21 to shoot the President. It certainly does not surprise me that
22 the Bureau would have covered that up and dealt with their own
23 internally, in their own way, which they always did.

24 Mr. Cornwell. Among the records that we sent to you to
25 review prior to your coming here, was a November 22, 1963 memo

1 from Donohoe to Belmont in the Bureau which in part states: "The
2 deputy attorney general also commented that if it develops that
3 Oswald is the man who did the assassination or was involved in
4 it ... the State Department should be advised as there are
5 definite foreign policy considerations and decisions here."

6 That, of course, is essentially what you told us earlier,
7 that that was a dominant concern of yours during this period,

8 Mr. Katzenbach. And of the State Department. I am sure that
9 that comment came because somebody in the State Department had
10 called me and said that to me, probably Alexis Johnson.

11 Mr. Cornwell. There is a similar statement in a memo written
12 by Walter Jenkins recording a conversation with Mr. Hoover dated
13 November 24 wherein apparently Mr. Hoover expresses the view that
14 he is opposed to the Warren Commission, to the possibility that
15 a presidential commission would be formed.

16 He explained there are several aspects which would complicate
17 our foreign relations. For instance, Oswald made a phone call to
18 the Cuban Embassy in Mexico City which we intercepted. It was
19 only about a visa, however. He also wrote a letter to the Soviet
20 Embassy here in Washington.

21 This letter referred to the fact that the FBI had questioned
22 his activities on the "Fair Play for Cuba" Committee and also asked
23 about extension of his wife's visa. That letter from Oswald was
24 addressed to a man in the Soviet Embassy who was in charge of
25 assassinations and similar activities on the part of the Soviet

1 government. "To have that drawn into a public hearing would muddy
2 the waters internationally."

3 Mr. Katzenbach. I would not want the impression that I was
4 ever aware of that, that any of the statements that Jenkins attrib-
5 utes to Hoover there were statements made to me.

6 Mr. Cornwell. The reason I direct your attention to it is
7 that it has the same flavor, same general drift of the testimony
8 you provided here today and of the first memo which reflects your
9 comments that I read, mainly to the effect that there are inter-
10 national considerations that weighed very heavily in the minds
11 of the people who were making decisions about how to investigate
12 the matter at the time.

13 Mr. Katzenbach. I think they are two entirely different
14 things. Let me explain why I believe that. There is no question
15 in my mind that there were international ramifications and the
16 State Department had problems on this. It has 125 embassies
17 abroad and every American ambassador is being asked about this
18 and they want to get as much information as they can on this and
19 they do not know. They are reading speculation, hearing specu-
20 lation about foreign conspiracies, about a plot by Vice President
21 Johnson to take over the administration from Kennedy.

22 They had all those problems on their hands. That was the
23 problem that I was focusing upon. Mr. Hoover is talking about a
24 very different problem, as I understand it. As I understand that
25 memo, he is saying: "Gee whizz, if we put all of this out, then

1 they will know we had a tap on the Cuban Embassy. They will know
2 we had a mail cover on the Soviet Embassy, and that would be very
3 embarrassing." That is not what the State Department was saying
4 to me and that is not what I focused on at all.

5 In fact, I did not give a damn about embarrassment. I cared
6 about getting the facts out.

7 Mr. Cornwell. You, of course, were aware of those types of
8 investigative resources? You knew that sort of thing existed,
9 I take it?

10 Mr. Katzenbach. I knew that sort of thing existed. At that
11 time I was deputy attorney general and I had never seen any wire
12 tap authorization and I would not have known what the attorney
13 general knew or did not know about it. That the Bureau made wire
14 taps I was certainly aware of. I probably was aware of -- I do
15 not remember when -- observation of the embassy, that kind of
16 thing.

17 I became more aware of it later. It is hard to separate in
18 time what I knew in 1964 from what I knew in 1965 or 1966. It
19 seems to me that Mr. Hoover is using foreign policy in a rather
20 different way than the State Department was using it.

21 Mr. Cornwell. Let me ask you this then.

22 Mr. Katzenbach. I was not concerned about straining our
23 relations with anyone.

24 Mr. Cornwell. Had you ever run into the expression of that
25 view, the one that you say was uniquely Hoover's and not yours,

1 in these two memos?

2 Mr. Katzenbach. No.

3 Mr. Cornwell. Did anybody express their views during this
4 time period?

5 Mr. Katzenbach. I do not recall anyone expressing their
6 views during this time period, nor would it have concerned me,
7 frankly. You had two conceivable problems, both of which were
8 difficult although for very different reasons.

9 One was if Oswald is the lone assassin and not connected
10 with the Soviet Union or any other group, right wing, left wing,
11 foreign, whatever it may be, and just a nut, how do you convince
12 people that you have done a thorough investigation and if that is
13 true, when you had enough information -- I have already mentioned,
14 marriage to Marina, visit to Russia, Mexico City -- you
15 have to put all that out on the table.

16 You cannot cover that up. You have to put all of that out
17 on the table, all the facts, everything you have done.

18 You had another potential problem although nobody seemed to
19 believe that. The belief was that Oswald had acted in this way,
20 and indeed that would have been the belief, alone and so forth,
21 that I would have arrived at as the probability.

22 But if indeed this were a foreign assassination plot, then
23 you had a different kind of problem, very different kind of prob-
24 lem. If you did not have any problem with believing that was a
25 foreign assassination, then you had a diplomatic problem. I do

1 not think that was a strong possibility but I did not know how
2 you could investigate one without the other. You had to follow
3 up all that information,

4 Then you have to come to one conclusion or another. You have
5 to put all the facts out on the table. Now, Mr. Hoover does not
6 seem to be saying that to Jenkins.

7 Mr. Cornwell. Would you agree that it indicates the possi-
8 bility that the investigation within the Bureau could have been
9 distorted from that sort of pressure, the feeling that there
10 were things that could not be revealed or discussed or looked into
11 if there were an independent review board?

12 Mr. Katzenbach. I do not think I would read it that way
13 myself. I would read it as Mr. Hoover reaching for arguments not
14 to have an independent review board and pulling out anything he
15 could find to avoid that which he took in and of itself to be a
16 reflection on the Federal Bureau of Investigation and probably in
17 the light of facts, now known but not known then, probably because
18 he was concerned about some of the goofs that the Bureau had made
19 and that they might come out and the commission might then criti-
20 cize them.

21 You know of his reaction to the actual commission report
22 which was -- I doubt whether you, sir, would have felt differently
23 if you were the head of the Federal Bureau of Investigation that
24 would have been highly critical of you. For Mr. Hoover anything
25 that was not lavish praise was terrible criticism, unjustified also.

1 I think you have to read internal Bureau memoranda in mysterious
2 ways.

3 In the first place, most of those fellows when they write,
4 in most memoranda want to tell the director something he wants
5 to hear. It is only when they are pushed against the wall that
6 they tell him something that he did not want to hear.

7 I think when you are quoting internal Bureau memoranda, you
8 are quoting somewhat selectively in the light of what would serve
9 the Bureau's purposes and not what will not.

10 Mr. Cornwell. Let me ask you about whether the next memo is
11 accurate. I am going to assume although I have a poor copy that
12 this is dated November 28, 1963. I will show it to you. I do not
13 know whether you would read that as the 28th or not.

14 Mr. Katzenbach. I believe that is the 25th.

15 Mr. Cornwell. Let us say it is November 25, 1963. The
16 first sentence in the memo from Mr. Belmont to Mr. Sullivan of the
17 FBI reads: "The director advised that he talked to Katzenbach who
18 had been talking to the White House relative to the report that
19 we are to render in the Oswald case. It is Katzenbach's feeling
20 that this report should include everything which may raise a ques-
21 tion in the minds of the public or the press regarding this matter."

22 Now that, of course, is very similar to the view that you
23 previously told us you had during this period of time. What I
24 wanted to ask you about is further in the memo it describes this
25 view as a change. It says: "The above change will, of course,

1 require more time for the preparation of this report." Are you
2 aware of any changing viewpoints on what should be the scope of
3 the investigation or the scope of the report during this period?

4 Mr. Katzenbach. Again, this is an internal Bureau report.
5 It may be that I had put this to the director so broadly that it
6 was broader than what they were then doing. Since I did not know
7 what they were then doing outside of being assured that they were
8 investigating everything, I would not have known whether there
9 was a change or not. It was not a change from my viewpoint.

10 Mr. Cornwell. Your view then was from the beginning that
11 all allegations and all rumors should be investigated and every-
12 thing should be laid out before the public?

13 Mr. Katzenbach. It had to be. And if there were problems
14 in doing that, you faced it at the time you did it.

15 Mr. Cornwell. In the materials from the Senate which we
16 provided to you at page 41, there is the statement: "Richard Helms'
17 sentiments coincided with this Bureau's supervisor's." The super-
18 visor they had made reference to above that -- "In his November
19 28, 1963 cable to the CIA's Mexico station chief, Helms stated:

20 For your private information their distinct" -- I suppose the word
21 "is" should be in there, but it is not in the quote. It reads:
22 "Their distinct feeling here in the agencies, CIA, FBI, State,
23 that ambassador is pushing this case too hard and that we could
24 well create flap with Cubans which could have serious repercus-
25 sions."

1 I would ask you whether you would interpret that to mean that
2 he was worried about pushing an investigation into the Cuban field
3 too far.

4 Mr. Katzenbach, Subject to that interpretation. I do not
5 know.

6 Mr. Cornwell, Did you ever have any discussions with Helms
7 or anyone else at the CIA during that period by which you could
8 tell us more precisely what their viewpoint was on such matters?

9 Mr. Katzenbach, Not that I can presently recall. I remember
10 the Mexican incident only because of complaints Mr. Hoover made
11 to me and discussions again I had I think probably with Alexis
12 Johnson, but they came in a somewhat different light.

13 Mr. Hoover was telling me that "The ambassador is trying to
14 run this investigation. I want to run this investigation. He
15 does not know. He is not experienced and he is interferring with
16 it."

17 Mr. Cornwell. That, of course, is in a somewhat different
18 concept.

19 Mr. Katzenbach. In a somewhat different concept, I was
20 again concerned about that for an entirely different reason, I
21 did not know the nature of his interference, but that was one
22 of the few ambassadors who was quite close to Lyndon Johnson. He
23 was a fellow Texan. So, I had a totally different perspective
24 on it.

25 Mr. Cornwell. In other words, you were worried about the

1 same potential allegations about tainting the investigation that
2 you mentioned to us earlier?

3 Mr. Katzenbach. Yes. I was more worried about the other
4 side of the coin. I was perfectly happy to have whomever the
5 legal attache in Mexico City was who wanted to help to follow
6 everything up. But I did believe, A, that they could do it more
7 professionally than the ambassador and I was not unaware of Mr.
8 Hoover's strong feelings that he did not like people mucking around
9 in FBI investigations, even attorneys general.

10 Mr. Cornwell. Following the same line of inquiry in order
11 to determine whether or not there is anything that came to your
12 attention indicating that the investigation may have been distorted
13 or sidetracked because of considerations of potential international
14 repercussions, on the same page of the Senate report, page 41,
15 there is reference to a legat cable to FBI headquarters suggesting
16 in pertinent part, "The Bureau may desire to give consideration
17 to polling all Cuban sources in United States in effort to confirm
18 or refute this theory," meaning the theory that Oswald may have
19 been involved with the Cubans.

20 And on the cable, according to the Senate report, at FBI
21 headquarters the supervisor wrote a handwritten notation, "Not
22 desirable. Would serve to promote rumors." The same question
23 from the perspective of the Bureau: When, if ever, did it come
24 to your attention that there may have been that sort of thinking
25 in the FBI?

1 Mr. Katzenbach. I do not know. Never. I can understand
2 the supervisor's comment, depending on how you go about the
3 investigation. Maybe the idea was a good or bad one, I do not
4 know. That it occurred or that it was recommended by the legal
5 attache, I did not know that. All I am saying is whether going
6 around to the Cuban sources is a good or bad idea to nail that
7 point down, I did not know, I did not know who they were, Whether
8 that would promote rumors, I did not know, if done in the way
9 that was suggested.

10 It should have been followed up or anything should be followed
11 up that would be productive, I certainly expected. It would have
12 been consistent with what I thought had to be done.

13 Mr. Cornwell. To do what?

14 Mr. Katzenbach. To follow up in any way that you could.
15 Whether this particular way of investigation is the best way of
16 going about solving that problem or not, I do not know. We should
17 have checked into every conceivable connection that Oswald had,
18 potential connection, and done our best to follow it up, and it
19 should have been done.

20 Mr. Cornwell. I suppose at least in theory more so if it
21 were known that there were plots, assassination plots against
22 Castro perhaps.

23 Mr. Katzenbach. Yes, I think so. Quite apart from that, I
24 think that should have been done. If you do not do it, somebody
25 else is going to do it. My point was, don't leave anything here

1 for somebody else to uncover, get it all out.

2 Mr. Cornwell. How big a role in the thinking of yourself
3 and those who were making decisions at those levels of government
4 during 1963 was the consideration that any investigation should
5 be possibly foregone, if it had the possibility of creating
6 additional rumors?

7 Mr. Katzenbach. It never entered my mind or anybody else's
8 that I ever talked to. This was the President of the United States
9 who had been assassinated. Not only would the government want to
10 know anything they could about it, but so would the public and so
11 would the world.

12 Mr. Cornwell. I take it, however, that even though neither
13 you nor the persons with whom you spoke considered diverting or
14 foregoing an investigation because of the possibility of rumors,
15 there was a substantial pressure to quash unfounded rumors at an
16 early stage. Is that correct?

17 Mr. Katzenbach. Yes, that is correct. In a very modest way,
18 I would have liked the Bureau to say we have not uncovered any
19 evidence that Oswald did not act alone, but the investigation was
20 continuing. I would have liked some statement of that kind, which
21 I knew in fact to be true. I knew in fact what they were telling
22 me.

23 Mr. Cornwell. The memos that we forwarded to you included
24 one on November 24 from Belmont to Tolson in the FBI, one on
25 November 25 which was a memo from you to Mr. Moyers and had also

1 been attached to a memo of the same date from Evans to Belmont
2 in the FBI?

3 Mr. Katzenbach. Yes. Another one of November 26 from Evans
4 to Belmont. Those memos, I suppose we could say in part, reflect
5 what appears to be a disagreement between you and the FBI on the
6 very subject matter you just mentioned, which was your feeling
7 that some press release should be made in order to tell the public
8 that no hard evidence of conspiracy had been developed. Is that
9 correct?

10 Mr. Katzenbach. Yes. If that were the fact, then it was
11 the fact that they were telling it to me orally. I think equally
12 important in that what I wanted was a public commitment that we
13 would put all the facts on the table.

14 When the report was done it would all be available. I would
15 have liked to have done that, but obviously, the Warren Commission
16 did not want that done.

17 Mr. Cornwell. There is a similar letter which I believe we
18 also forwarded to you which you wrote to Earl Warren attaching
19 the first FBI report.

20 Mr. Katzenbach. It would probably be accurate to say which
21 I signed. It reads to me very much as though the Bureau drafted
22 it.

23 Mr. Cornwell. Dated December 9, 1963?

24 Mr. Katzenbach. I would be surprised if it were not a
25 Bureau letter.

1 Mr. Cornwell. Why in your mind was there such an urgency to
2 make the preliminary findings of the FBI that there was no con-
3 spiracy available to the public? The memos and the letter are
4 all dated within days of the assassination.

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

13 That is, in the face of a lot of rumors about conspiracy,
14 a total silence on the subject from the government neither con-
15 firming nor denying tended to feed those rumors. I would have
16 liked a statement of the kind I said, that nothing we had uncovered
17 so far leads us to believe that there is a conspiracy, but investi-
18 gation is continuing, everything will be put out on the table.

19 Indeed, I still think today it would have been a good idea
20 to have done it. We might have gotten a better report.

21 Mr. Cornwell. That last comment is sort of related to the
22 question I was getting ready to ask you. You said you might have
23 gotten a better report. Is that true even in light of what you
24 testified earlier was the Bureau's apparent inclination to justify
25 their own acts and their failure to admit their shortcomings?

1 Mr. Katzenbach. Probably not in the light of that, but at
2 the time they were complaining about pressure to get the report
3 out.

4 Insofar as that could be used as an excuse not to follow
5 everything up or something of that kind, I believe if you had been
6 able to make an interim statement of the kind that I suggested,
7 you would have taken some timing pressure off getting the report
8 out because the failure to make that statement was the only
9 alternative you had in view of the adamant position that the
10 Bureau was taking, which I understand.

11 You see, nobody really could do it other than the Bureau,
12 with the Bureau's acquiescence. Nobody else knew. I did not
13 know what was going on. Nobody in the government knew what was
14 going on other than very short conclusionary statements which you
15 got from liaison people, from the director himself.

16 I did not know who they were interviewing or why they were
17 interviewing, what they uncovered.

18 Mr. Cornwell. Was there in fact a disagreement, apart from
19 what these memos say, between you and the Bureau on the releasing
20 of information about the progress of their investigation?

21 Mr. Katzenbach. Sure. You know, it would drive you absolutely
22 wild to see the Bureau release it.

23 Mr. Cornwell. That was the point of the question.

24 Mr. Katzenbach. I do not know who the Washington Star
25 reporter was, but my guess would be that it was Jerry O'Leary.

1 You could bet it would be the Star or the News and not the Post,

2 I would go further than that.

3 The ticker on the day the Bureau delivered the assassination
4 report to my office, five minutes before it came to my office,
5 Ed Guthman came running in, or Rosenthal, with the ticker saying
6 I have the report. I said, "Where is it?" He said, "I haven't
7 got it yet." While he was standing in the office, the report was
8 delivered to me,

9 The Bureau took the position that it must have been leaked
10 by my office and not by them. I said, "I cannot leak something I
11 do not know."

12 Mr. Cornwell. We found a memo relating to such a matter.
13 I do not know if we found it in time to provide it to you or not.
14 It was dated December 20, 1963. Near the bottom of the first page
15 it reads: "Senator Russell stated that Deputy Attorney General
16 Katzenbach had directly implied that the leaks had come from the
17 FBI. He quoted Katzenbach as telling the members of the prestig-
18 ious commission J. Edgar Hoover has chewed his men out for leaking
19 information and they will not be doing any more of this.

20 "I told the Senator that Katzenbach was lying in implying
21 such action on the part of the FBI representatives. The point is
22 made that sometimes a person tries to cover up his own guilt by
23 blaming others."

24 Let me ask you first about the facts.

25 Mr. Katzenbach. I cheated because I knew when I read it who

1 had written that memo. I see that it was Mr. DeLoach,

2 Mr. Cornwell. I take it your testimony would be that it was
3 not you who leaked the information?

4 Mr. Katzenbach. That is correct.

5 Mr. Cornwell. Do you have reason to believe then that it
6 was the Bureau?

7 Mr. Katzenbach. Yes. The Bureau knew it and I think that
8 the Bureau leaked it. The Bureau constantly leaked things of this
9 kind and constantly denied it and constantly blamed it on other
10 people. There is not a reporter in town who does not know that.

11 Mr. Cornwell. Why would the Bureau have overtly opposed
12 your earlier request that a limited press release be made if they
13 were intending to leak the information themselves?

14 Mr. Katzenbach. I do not know. For one thing, they did not
15 really leak on matters that they were investigating, having state-
16 ments about them made by the Department of Justice. They wanted
17 to make their own statements about them. Secondly, I suppose with
18 their own leaks, they controlled what was said. If it is done
19 in the form of a leak, it is deniable. I wanted a rather formal
20 statement.

21 The Bureau really had a policy, and quite a good one, of
22 saying that they did not want to make any partial statements about
23 an investigation until the investigation was completed. That is
24 perfectly sound policy. Like all policies, it is conceivable there
25 might be circumstances that would justify an exception. But

1 basically, it was a good policy. When the Bureau leaked, it leaked
2 as a formal matter. The bureau agents did not leak. It was their
3 form of press release.

4 Mr. Cornwell. Directing your attention to a memo dated
5 December 3rd, 1963, from Belmont to Tolson, the general subject
6 matter concerns the first meeting of the Warren Commission and
7 your view, as recorded by the memo at least, that you felt the
8 FBI should have someone at the first meeting and Belmont stating
9 that he made no commitment to you.

10 "But I remember we advised him that our report in this matter
11 will speak for itself. Until the report is ready, there is no
12 real purpose in an FBI representative being present at the Com-
13 mission meeting."

14 It concludes thereafter stating, "Katzenbach felt it was
15 better to show willingness to cooperate with the Commission."
16 Were there any specific examples that come to your attention
17 along this line of specific FBI antagonism toward the Commission,
18 failure to cooperate with it, other than what we have already
19 discussed?

20 Mr. Katzenbach. I do not think so. I was satisfied at the
21 time -- obviously wrong -- that the Bureau was cooperating.
22 They were in fact doing more than I think they would have ever
23 done for me in terms of making the raw data available and so forth.

24 So I was satisfied that they were, I am not surprised.
25 This is the kind of thing you get from Belmont to Tolson, Hoover,

1 knowing Hoover's opposition to the Commission, not really wanting
2 to have anything to do with it and also thinking it fairly funny
3 having me sitting over there and not knowing what was going on.

4 The reason I wanted the Bureau there was I wanted somebody
5 telling me what was going on. I did not know. I could not even
6 suggest the answer that I would give which was that I am sure that
7 they were thoroughly investigating everything.

8 Mr. Cornwell. Were you aware of the FBI's maintenance
9 of dossiers on the Commission members at the time?

10 Mr. Katzenbach. No, I do not believe so, except that it may
11 have been that the Chief Justice asked for the FBI checks to be
12 done on people he was putting on his staff. I do not know. If
13 he did, I would be obviously aware of that request and whatever
14 dossier was the result of it, but nothing else.

15 Mr. Cornwell. You, I take it, read the part in the Senate
16 report that we forwarded to you on that subject?

17 Mr. Katzenbach. Yes.

18 Mr. Cornwell. Which was not a security background investi-
19 gation of the nature you just referred to, but in fact a dossier
20 in terms of derogatory material that, if the Senate report is
21 correct, Hoover gathered in order to potentially have leverage
22 over Commission members?

23 Mr. Katzenbach. Apparently so, at least according to the
24 Senate report. I was unaware of that at the time, although I knew
25 his opposition to the Commission -- he was concerned about the

1 Commission. I thought he had less so, in all candor, because he
2 had some very strong friends on the Commission and I thought maybe
3 that would relax him.

4 Mr. Cornwell. What was your assessment of the impact that
5 the formation of the Commission had on the FBI's or CIA's willing-
6 ness to continue the investigation in fact in an openminded fashion
7 until it was concluded?

8 Mr. Katzenbach. I do not know. That would be very specu-
9 lative.

10 Mr. Cornwell. Let me ask you to focus on a couple of time
11 periods. First, what the FBI generated on its own prior to the
12 time that the Commission was selected and empaneled versus what
13 they produced based on specific requests of the Commission there-
14 after and, second, the pledges that both the CIA and the FBI gave
15 at the termination of the Warren Commission and then the fact as
16 we know it today, that no investigation was thereafter conducted?

17 Mr. Katzenbach. With respect to the first part of the ques-
18 tion, I would not have expected any problems from the Bureau in
19 terms of going out and following up all the things that the Com-
20 mission wanted to do.

21 In the ordinary course of things that was done repeatedly in
22 the Department of Justice prosecutions and I would not have expect-
23 ed great problems from that if they were satisfied, as they
24 appeared to be, with the conclusions they came to and the basic
25 reasons they came to, I would have thought they would have no

1 particular problems in running down a lot of alleys they had not
2 run down if it did not develop any information that was flatly
3 contrary to their conclusions.

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

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

17 With respect to the second part, I regarded the investigation
18 continuing as pretty much a formal statement that they made at the
19 time, that "if something comes up that seems to be sufficiently
20 important, I assure you we will follow it up."

21 I do not think anybody thought that was going to happen. I
22 think it was fairly pro forma.

23 Mr. Cornwell. The question really is in your assessment,
24 would either one of those have been different, either one of those
25 situations been different, had someone else conducted the

1 investigation? Had the Department of Justice assumed primary
2 responsibility, would the FBI's investigation have in fact been
3 more openminded? If the Department of Justice had made the inves-
4 tigation, would in fact it have continued until everything was
5 run out as opposed to what apparently was the fact in 1964, that
6 there was a time deadline set and the Warren Commission went out
7 of business? What kind of impact did the existence of the Com-
8 mission have on those problems?

9 Mr. Katzenbach. I would think, if anything, they would have
10 had more clout than the Department of Justice would have had in
11 terms of getting the Bureau to follow up, at least in the time
12 period of its existence, all of those things,

13 Mr. Cornwell. In your view, no substantial price was paid
14 in terms of the effective duration of an open-ended investigation
15 which accrued by virtue of the formation of the Warren Commission?

16 Mr. Katzenbach. I think not. I think in that period of time
17 what information would have been available in that period of time
18 would have been followed up under its direction,

19 My only qualification is that sometimes something happens
20 five years later. There was no way that you could have known at
21 the time.

22 Mr. Cornwell. Of course the Senate report suggests an example
23 of that. It did come up later and conclude that the Bureau failed
24 to follow it up.

25 Mr. Katzenbach. Yes, but the only one I remember is the

1 Drew Pearson one. If you had told me those facts and asked me
2 whether the Bureau was likely to have followed up something Drew
3 Pearson told them or attributed to Drew Pearson, I would have said,
4 no. The bias against Drew Pearson was very strong.

5 I think that is a more plausible explanation for anybody
6 familiar with the Bureau than unwillingness to engage in the
7 assassination investigation. They would not believe Drew Pearson
8 under oath. Hoover hated him and Johnson liked him.

9 Mr. Cornwell. The dominant result would not have been that
10 the Commission terminated and the Bureau at that point in time
11 washed its hands of the investigation?

12 Mr. Katzenbach. Not in my view. Drew Pearson had committed
13 serious errors from the Bureau's viewpoint because he had been
14 critical of the Bureau.

15 Mr. Klein. You alluded to Bobby Kennedy's desire to be
16 detached from the entire investigation. Could you go into that
17 a little bit more about what he said and when he took this position
18 for the first time?

19 Mr. Katzenbach. I guess he took it from the outset. He was
20 about as devastated a human being as I had ever seen. He really
21 never had any interest in any part of the investigation. I doubt
22 if he ever read the FBI report. I do not know whether he ever
23 read the Warren Commission's report. I told him at the time it
24 came out it probably would be helpful if he would say he thought
25 it was a thorough investigation, if that was the way he felt, and

1 I think he said it, but I never had any great confidence that he
2 read it. I attributed it simply to what I said, the fact that
3 his brother was dead and what the hell difference did it make
4 apart from that fact.

5 Mr. Klein. Do you have any knowledge as to whether Bobby
6 Kennedy had any inkling about the CIA's Castro plots?

7 Mr. Katzenbach. I do not know. Independently, I have no
8 knowledge at all of that other than what is obvious and that is
9 that after the Bay of Pigs fiasco he got heavily involved in the
10 Cuban thing, sitting on the committee with Dulles and Maxwell
11 Taylor, if I recollect correctly, reviewing what had happened on
12 the Bay of Pigs.

13 He afterwards took an interest in the brigade, the Cuban
14 prisoner exchange, that kind of thing. So, he obviously knew
15 whatever the members of that review committee knew about the Bay
16 of Pigs. Those were not areas that he very often shared very much
17 with me.

18 During those periods when he was heavily doing that, I was
19 running the Department and when we had conversations, it was usually
20 about my problems in running the Department, not what he was doing
21 over in the CIA building.

22 Mr. Klein. From what you knew about his character, his
23 personality, was it surprising that his attitude would be that
24 "He is dead and nothing can bring him back" or "I do not want
25 anything to do with it," as opposed to the attorney general of

1 of the United States, "I will turn over every stone to make sure if
2 anybody else was involved they are brought to justice?"

3 Mr. Katzenbach. No, his attitude was exactly what I would
4 have expected his attitude to be.

5 Mr. Klein. That is all I have.

6 Mr. Cornwell. To be sure you are focusing on that last ques-
7 tion that was asked, was anything ever said, again looking back --
8 I know at the time it did not hit you this way -- by Bobby Kennedy
9 that indicated he felt any personal responsibility for the assassi-
10 nation, that he had known something or possessed some information
11 that if he had acted differently on the basis of it, could have
12 averted the assassination?

13 Again, the possibility, among others, that he had knowledge
14 of the plots and after the assassination occurred he felt that
15 his knowledge of that he should have used differently?

16 Mr. Katzenbach. There was nothing he ever said to me on that
17 subject that would have led me to believe that was of any concern
18 whatsoever to him. He found parts of it distasteful, maybe what
19 Jackie did, I do not know, the whole autopsy business, revealing
20 all that medical information he just found extremely distasteful.

21 I would say I would have also under the same circumstances.
22 With respect to that kind of matter, he would ask, "Is it neces-
23 sary?" and I would say, " es, it is. You know, we do not have to
24 circulate those pictures around to everybody. Competent people
25 have to look at them and examine them," and so forth, and he would

1 accept that. Those are the only areas that I ever recall even
2 talking to him about with respect to the assassination.

3 I never saw anything that indicated he felt any responsibility
4 at all for what had occurred.

5 Mr. McDonald, Mr. Katzenbach, your testimony here and the
6 record of the Warren Commission and just history reflect there
7 was great concern to allay public fear of a conspiracy, and the
8 Bureau within weeks after the assassination, Mr. Hoover apparently
9 within a few days, concluded that in his estimation, Oswald acted
10 alone and then the public report came out a few weeks later.

11 In light of that, I am going to show you a memo dated June
12 3rd, 1960. It is an FBI memo from J. Edgar Hoover to the Office
13 of Security, Department of State. The subject of the memo -- again
14 this is 1960 -- is "Lee Harvey Oswald, Internal Security." The
15 memo is regarding Oswald's trip to Russia and the whole matter
16 of his passport, and then Hoover's memo and it is interesting
17 because it is a memo from Hoover.

18 The Xerox copy indicates J. Edgar Hoover in the last para-
19 graph saying: "There is a possibility that an imposter is using
20 Oswald's birth certificate. Any current information the Department
21 of State may have concerning subject will be appreciated."

22 It is an interesting memo dated almost three and a half years
23 prior to the assassination. First of all, were you ever aware
24 of that memo?

25 Mr. Katzenbach. No.

1 Mr. McDonald. If you had been aware of that memo and the
2 attachments, at the time of the assassination, what would your
3 reaction have been to that kind of information, the fact that the
4 Bureau had a case file on him, an internal security file vis-a-vis
5 the possibility of foreign involvement, foreign conspiracy? Would
6 that have changed your outlook in the early days after the assassi-
7 nation and your outlook as to what occurred subsequently?

8 Mr. Katzenbach. You mean if I had been aware of this kind
9 of memo I would have wanted to know what the follow up was, was
10 there an imposter?

11 Mr. McDonald. Yes.

12 Mr. Katzenbach. Was this Lee Harvey Oswald? That kind of
13 question? Apart from that, I would not have been the slightest
14 bit surprised if they had the file. In fact, I probably knew they
15 had a file on Lee Harvey Oswald because if there had not been a
16 file on him, there would not have been a question of whether he
17 should have been on the security, what do you call it, potential
18 assassins' list.

19 I would have just wanted to know more detail about this if
20 I had known this. Perhaps I am repeating myself, but everybody
21 appeared to believe that Lee Harvey Oswald had acted alone fairly
22 early. There were rumors of conspiracy. Now, either Lee Harvey
23 Oswald acted alone or he was part of a conspiracy, one of the two,
24 or somebody paid him. That is what I mean by conspiracy, somebody
25 else was involved.

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

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

13 If some foreign government was behind this, that may have
14 presented major problems. It was of major importance to know that.
15 I want to emphasize that both sides had a different set of prob-
16 lems. If there was a conspiracy, the problem was not rumors of
17 conspiracy. The problem was conspiracy. If there was not con-
18 spiracy, the problem was rumors. Everything had to be gone into.

19 If another president, God forbid, ever gets assassinated we
20 will face the same problems and not all the facts will ever come
21 out. I think it is almost hopeless. It is an objective, but it
22 is almost hopeless. Fifteen years from now, 25 years from now,
23 somebody will dig through all of this and come out with a new book.

24 Mr. McDonald. If there was a conspiracy and Hoover apparently
25 within a few days was satisfied in his mind that Oswald had acted

1 alone, and it has been speculated that that would have been a
2 fact even though Hoover had not officially concluded that inform-
3 ally in the Bureau, if the old man said this, do you think that
4 would have colored the way the Bureau subsequently investigated,
5 if they really were not looking for a conspiracy, but were trying
6 to bolster the conclusion?

7 Mr. Katzenbach. I do not know. That is difficult to specu-
8 late about. It would seem to me in any event they would have had
9 to have done what I was asking them to do and that is follow down
10 everything because if you are persuaded that there is no conspir-
11 acy and you believe that to be correct and that is the conclusion
12 you want to publicly come out with, you are going to have to
13 follow down everything that anybody who believes that there might
14 have been a conspiracy is going to suggest establishes the possi-
15 bility of a conspiracy.

16 I do not know whether I have phrased that in a way that you
17 have asked it. It may be just proving a negative, if you are in
18 fact right, but you had better do it and you had better follow that.
19 I cannot say if you did that and it turned out that this was some-
20 thing more and something more and something more, why you would
21 not change your mind about it or begin to wonder.

22 So, even if you went into it with a bias of the kind you
23 described, I would think that your investigation itself would
24 begin to create problems. I continue to this day to have a high
25 regard for FBI agents and for their ability to uncover facts.

1 Mr. Cornwell. If I could hopefully summarize your testimony
2 in order to ask you one final question -- if I misstate your views,
3 I am sure you will let me know -- but as I understand, basically
4 what you have told us is that when confronted with the enormous
5 problem that the Department, the FBI, and all the leadership of
6 our country faced in the days right after the assassination, you
7 perceived that one of the most pressing problems was Johnson's
8 ability to take over the government and to be able to operate,
9 particularly in the international field, without suspicion and
10 that perhaps the two principal mechanisms that you suggested or
11 were in favor of to accomplish that were an independent commission
12 to supervise the FBI's reports or suggest any additional investi-
13 gation coupled with limited press releases stating that the
14 investigation which had been conducted disclosed no conspiracy.
15 Is that correct?

16 Mr. Katzenbach. Yes, but the investigation was continuing.
17 There was no evidence of the conspiracy at the time.

18 Mr. Cornwell. Right. In addition, I believe you stated
19 to us -- these are not the words you used, but I gather the gist
20 of what you were saying is that you did obviously have to pay
21 potentially some price for the suggestion that an early press
22 release go out, the price being that at least it was possible that
23 that would tend to distort the Bureau's investigation.

24 It would tend to lock them into the early investigation
25 results, but you had to be told the results of the investigation

1 and the facts suggested no conspiracy and, therefore, that seemed
2 to be the best of the alternatives available to you. Is that
3 essentially correct?

4 Mr. Katzenbach. I think that is correct. You left out one
5 thing in terms of what was important. That was an important con-
6 sideration, what you described. I think an equally important con-
7 sideration was that the American people had a right to know, when
8 their President is killed, everything about it.

9 Mr. Cornwell. Of course, I take it that the urgency of their
10 need to know might be somewhat less?

11 Mr. Katzenbach. That is correct.

12 Mr. Cornwell. They would have had absolute right to know
13 ultimately at some point in time.

14 Mr. Katzenbach. Yes. I wanted to couple that press release
15 you talked about with the statement that "We will make all the
16 facts available at the conclusion of our investigation."

17 Mr. Cornwell. Right.

18 Mr. Katzenbach. I wanted both.

19 Mr. Cornwell. I understand. At least, there was an element
20 of hard decision in there from your point of view because if you
21 pushed for some press release you made some sacrifice in exchange.

22 Mr. Katzenbach. Yes. I think I was pushing largely because
23 the State Department was pushing me.

24 Mr. Cornwell. I understand. That brings me to the question,
25 if you had known at that point in time what you now know or have

1 reason to believe, based on the Senate report and other sources of
2 information, that there were plots directed at Castro, that Hoover
3 in fact was worried about internal repercussions, if the Jenkins
4 memo is correct, that the FBI at least in one small segment had
5 destroyed a piece of evidence indicating on its face, maybe not
6 in reality but at least on its face, the possibility of some
7 association between the FBI and Oswald -- there is, incidentally
8 we did not show you, a CIA memo which indicates that they had
9 contemplated using Oswald as an agent -- if you had known those
10 types of things, been told them within a day or two of the assassi-
11 nation, would you have opted for the early press release, early
12 FBI report, that you had suggested?

13 Mr. Katzenbach. I do not think under those circumstances
14 you could have. I think you would have had to say there is more
15 here to sort out than we are now able to sort out.

16 If I had known about those things, I would have said, "How
17 are we going to cope with all this? We had better wait." I might
18 add to that something that I suppose is obvious, that those rea-
19 sons were never given to me as reasons not to do this.

20 In fact, no reasons were ever given to me other than "The
21 investigation is not completed. We do not want to make a state-
22 ment."

23 Mr. Cornwell. Taking that idea one step further, let me ask
24 you in light of the revelations that we just talked about, which
25 have come out in the years since 1963, do you feel confident with

1 the Warren Commission's conclusions today?

2 Mr. Katzenbach. I think the Warren Commission's conclusions
3 are probably right. There are obviously some things that should
4 have been checked at that time and it may be more difficult to
5 check on now. It always seems to me inherently improbable that
6 Oswald was acting as part of a conspiracy, mainly because of the
7 number of footprints.

8 It seems to me if the Russians were prepared to do this kind
9 of thing to an American president, which is an extremely volatile
10 potentially explosive kind of thing to do, talking about the
11 Russians, you know, it could lead to war, it could lead to almost
12 anything.

13 If they were prepared to do that, which seemed to me improb-
14 able, they surely would be prepared to do it with somebody else
15 with less footprints around than Lee Harvey Oswald.

16 I think in general I would feel the same way about the Cubans
17 but with less confidence because I do not think that Fidel Castro
18 has quite the rationality of the leading Russian politicians.
19 That still seems to me to be the fact, that I really think putting
20 the Russians into it is virtually incredible.

21 Even with the Cubans, one would think that you would not have
22 had somebody who was a member of the "Fair Play for Cuba Committee,"
23 had all of those obviously traceable associations back to Cuba,
24 and as unstable as Oswald appears to have been, to be your assassin.
25 Nor do I think that in a well thought out assassination scheme you

1 would have done something so inherently chancey as the assassi-
2 nation of President Kennedy.

3 By that I mean you would have been more sure to get your
4 target than Lee Harvey Oswald could conceivably have been in that
5 situation. That is a long answer. I am inclined to think that
6 the conclusion of the Warren Commission is probably correct.

7 Mr. Cornwell. We supplied you, of course, with a number of
8 pieces of documentation for background in order mainly to refresh
9 your memory before we asked you questions. Is there any subject
10 matter about the investigation as it was conducted or anything that
11 has come to your attention since that you wish to offer to us or
12 could offer to us for consideration, anything outside of the
13 paperwork or the questions that we have asked you?

14 Mr. Katzenbach. I really cannot think of anything. I think
15 we have covered it.

16 Mr. Cornwell. We certainly appreciate your taking the time
17 to talk to us. I guess there are no further questions.

18 I think for the record, we will incorporate into it both the
19 specific memos we asked you about and those we sent to you to
20 refresh your memory in advance.

21 Mr. Katzenbach. Fine.

22 (Whereupon at 12:25 p.m. the taking of the deposition was
23 concluded.)

ends vma

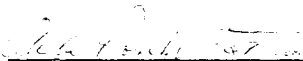
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vma

CERTIFICATE OF NOTARY PUBLIC

I, Albert Joseph LaFrance, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand to the best of my ability and thereafter reduced to typewriting under my direction, that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, or financially or otherwise interested in the outcome of the action.


Notary Public in and for the
District of Columbia

My commission expires November 14, 1980.

vma

68

1 I have read the foregoing pages
2 one through sixty-six, inclusive,
3 which contain a correct transcript
4 of the answers made by me to the
5 questions therein recorded. Signature
6 is subject to corrections.
7

8 /S/Nicholas Katzenbach
9

10 I, /S/Flora A. Marchigiani, Notary Public in and for the
11 County of Westchester,
12 State of New York, do hereby certify that I am notarizing
13 and witnessing signature for the deposition of Mr. Nicholas
14 Katzenbach on this 15th day of February 1979.
15

16 /S/Flora A. Marchigiani
17 Notary Public in and for the
18 County of Westchester
19 State of New York

20 My commission expires
21
22
23
24
25

March 30, 1980

On September 25, 1978, Mr. Katzenbach mailed to the committee the following letter supplementing his testimony:

Nicholas deB. Katzenbach
Old Orchard Road, Armonk, New York 10504

September 25, 1978

The Honorable Louis Stokes
Select Committee on Assassinations
U. S. House of Representatives
331 House Office Building, Annex 2
Washington, D. C. 20515

Dear Mr. Chairman:

In my testimony before the Committee on Thursday, September 21, I stated that I had absolutely no recollection of meeting with Mr. Helms with respect to the Nosenko case. I understand that Mr. Helms said there was such a meeting, and it took place on April 2, 1964.

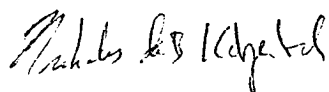
On my return to my office this morning I checked on the notes of meetings which were kept by my secretary, and they confirm Mr. Helms' recollection. I am attaching a copy of the relevant page of the calendar. Although it is clear from this page that there was such a meeting, I continue to have absolutely no recollection of it, and therefore cannot tell you what was discussed beyond what is stated in the calendar itself.

It was not my custom to make notes on such meetings, and I doubt that there are in the files of the Department any notes made by me. However it is possible that Mr. Yeagley or Mr. Foley made such notes. I believe Mr. Foley is now deceased, but Mr. Yeagley is now a judge in the District of Columbia, and perhaps he would have some recollection of the meeting.

I had, prior to my testimony, checked my calendar diary for the period dealing with the assassination and the creation of the Warren Commission, but had not thought it relevant to the Committee's investigation to go as far as April. Hence I was unaware of this entry. While

this calendar does not refresh my recollection and therefore would not change my testimony, it did seem to me that in fairness to both the Committee and Mr. Helms I should make it available to you.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Richard C. Helms". The signature is written in a cursive, slightly slanted style.

cc: Mr. Gary Cornwell
Hon. Richard C. Helms
Edward Bennett Williams, Esq.

Thursday, April 2, 1964

Harold Reis	)	9:35 a.m.	SAW
Sol Lindenbaum	) Civil	9:35 a.m.	SAW
Joseph Dolan	) Rights	9:35 a.m.	SAW
David Filvaroff	) briefing	9:35 a.m.	SAW
John Douglas	)	9:35 a.m.	SAW
Jack Rosenthal	)	9:35 a.m.	SAW
Burke Marshall	)	9:35 a.m.	SAW
David Filvaroff		11:55 a.m.	SAW
William Foley		12:27 p.m.	SAW
William Orrick		1:50 p.m.	SAW
Marshal McShane		2:37 p.m.	SAW
David Filvaroff		3:10 p.m.	SAW
William Geoghegan		3:25 p.m.	SAW
Edgar Cahn, O.L.C.		3:30 p.m.	SAW
Burke Marshall		3:32 p.m.	SAW
Burke Marshall		4:07 p.m.	SAW

[Lawrence Houston, CIA	4:08 p.m.	SAW
[Richard Helms, CIA	4:08 p.m.	SAW
[David Murphy, CIA	4:08 p.m.	SAW
[J. Walter Yeagley	4:08 p.m.	SAW
[William Foley, Crim. Div.	4:08 p.m.	SAW
[Defector Case]		

<u>Addressed Brandeis Univ.</u>	4:40 p.m.	SAW
Students (40) in AG's office		

Sol Lindenbaum	6:45 p.m.	SAW
John Douglas	6:56 p.m.	SAW
William Orrick	7:06 p.m.	SAW
David Filvaroff	7:12 p.m.	SAW
Joseph Dolan	7:15 p.m.	SAW

Friday, April 3, 1964

John Durrner (white Motor)	9:15 a.m.	SAW
Sol Lindenbaum	9:30 a.m.	SAW
Harold Reis	) Civil	9:30 a.m.
David Filvaroff	) Rights	9:30 a.m.
Burke Marshall) briefing	9:30 a.m.
Jack Rosenthal)	9:30 a.m.
Joseph Dolan)	9:30 a.m.

NdeBK to Puerto Rico	10:15 a.m.
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