

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

12/17/63

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

ACTION:

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

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

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

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

I thank you very, very much.

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

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

President FORD. Give my best to everybody.

Chairman STOKES. Thank you, we certainly will.

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

Professor Blakey.

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

Mr. Cooper received an A.B. degree from Yale University in 1923, and an LL.B. from Harvard Law School in 1925. He served the State of Kentucky as U.S. Senator from 1947 through 1949, 1953 through 1955, and 1957 through 1973. Currently he is in private practice in Washington, D.C. as counsel of Covington & Burling.

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

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

Chairman STOKES. The committee calls both witnesses.

TESTIMONY OF JOHN SHERMAN COOPER AND JOHN J. McCLOY

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

Mr. McCLOY. I do.

Mr. COOPER. I do.

Chairman STOKES. Thank you, you may be seated.

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

Mr. CORNWELL. Thank you, Mr. Chairman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As I say, it had only been a matter of style and I had a feeling at the end we were rushing a little bit the last few days to get to print rather than to arrive at any conclusions. We had already arrived at our conclusions. It was just a matter of putting them into good form.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Sawyer, the gentleman from Michigan.

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

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

Mr. McCLOY. I don't think it could have missed Connally. I think we were a little lax in the Commission in connection with the use of those X-rays. I was rather critical of Justice Warren at that time. I thought he was a little too sensitive of the sensibilities of the family. He didn't want to have put into the record some of the photographs and some of the X-rays taken at the time.

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

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

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

Mr. McCLOY. That's right.

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

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

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

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

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

Senator COOPER. Yes.

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

Senator COOPER. Yes.

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

Senator COOPER. Yes.

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

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

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

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

Mr. DODD. Thank you, Senator.

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

Mr. DODD. Thank you, Senator.

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

Mr. DODD. Certainly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman STOKES. Time has expired.

Any more members seeking recognition?

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

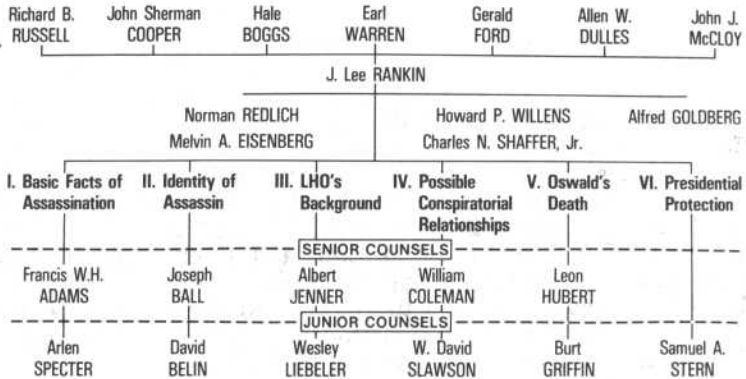
Chairman STOKES. Gentlemen, Mr. McCloy and Senator Cooper, on behalf of the committee, I want to thank both of you for having appeared here today and taken the time to give us the benefit of your observations with reference to the service you rendered while members of this very distinguished panel of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

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

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

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

THE WARREN COMMISSION



LIAISONS

Jim Davis - assigned from State Dept. to consult
with WC about approaching USSR
Ted Sorensen - White House
Adam Yarmolinsky - Defense Department
James J. Malley - FBI

Thomas Kelley - Secret Service
Abram Chayes - State Department
H. Miller - Justice Department
R. Helms - CIA

JFK EXHIBIT F-476



JFK EXHIBIT F-477

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

Mr. McCLOY. Thank you very much.

Senator COOPER. Thank you.

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

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

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

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

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

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

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

Chairman STOKES. The committee calls Mr. Rankin.

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

Thank you, you may be seated.

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

Mr. KLEIN. Thank you, Mr. Chairman.

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

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

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

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

Mr. RANKIN. I was General Counsel.

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

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

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

Mr. RANKIN. Yes, I was.

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

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