

Senator COOPER. Thank you.

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

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

#### AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

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

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

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

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

Chairman STOKES. The committee calls Mr. Rankin.

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

Thank you, you may be seated.

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

Mr. KLEIN. Thank you, Mr. Chairman.

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

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

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

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

Mr. RANKIN. I was General Counsel.

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

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

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

Mr. RANKIN. Yes, I was.

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

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

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

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

I then came down and was sworn in as Counsel.

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

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

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

Chairman STOKES. Without objection, it may be received.

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

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

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

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

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

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

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

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

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

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

Mr. RANKIN. That is correct.

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

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

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

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

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

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

Mr. RANKIN. That was a decision of the Commission, although I recommended that kind of a procedure because I described various possibilities of getting outside investigators and that it might take a long period of time to accumulate them, find out what their expertise was, and whether they could qualify to handle sensitive information in the Government, and it might be a very long time before we could even get a staff going that could work on the matter, let alone have any progress on it.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. RANKIN. We had pressures from the beginning on the time element because the country was anxious to know what had happened and whether there was any conspiracy involved. I was assured by the Chief Justice that it would only take me 2 or 3 months at the outside in this job and that is all the time I would be away from my law practice, and, of course, I wished to get the job done correctly and properly, but also to get back to my other work. On the other hand, the first meeting we had with the staff, I told them that our only client was the truth and that was what we must search for and try to reveal. I think we adhered to that, that we never departed from that standard, any of the Commission or myself or the staff. We tried as conscientiously as possible to convey the information explicitly that we discovered.

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

Mr. RANKIN. I didn't think there was any pressure. There was an expression by some members of the Commission that it would be better if the problem of the assassination and whether any conspiracy was involved and what had happened, who the assassin was, as the Commission found, if all of those questions were not injected into the various political conventions, but there was no indication at any time that we should try to get the report out for any such purpose and not adequately make a report or investigate whatever sources we were able to find.

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

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

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

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

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

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

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

What would be your position in reply to this criticism?

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

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

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

I stand corrected, it was at an executive hearing before this committee, that he made this statement. He said, "I think because Earl Warren was adamant almost that the Commission would make up its mind on what it thought was the truth, and then they would state it as much without qualification as they could, he wanted to lay at rest doubts.

"He made no secret of this on the staff. It was consistent with his philosophy as a judge."

Do you agree with this statement by Mr. Slawson?

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

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

Mr. RANKIN. I do.

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

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

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

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

Mr. KLEIN. Thank you.

Mr. Chairman, I have no further questions.

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

Mr. KLEIN. No.

Chairman STOKES. Thank you, counsel.

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

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

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

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

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

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

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

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

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

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

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

Mr. RANKIN. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

Mr. RANKIN. I do.

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

Mr. RANKIN. Yes, I had.

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

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

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

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

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

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

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

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

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

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

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

Mr. RANKIN. We had one open hearing.

Mr. SAWYER. That was because Mark Lane demanded—

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

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

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

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

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

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

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

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

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

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

Mr. SAWYER. Were you there at the time?

Mr. RANKIN. Yes.

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

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

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

Mr. RANKIN. No, there were not.

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

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

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

Mr. RANKIN. That is, yes.

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

Mr. RANKIN. That is correct.

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

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

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

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

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

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

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

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

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

Mr. RANKIN. Yes.

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

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

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

Mr. RANKIN. That is what they said.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. RANKIN. That is correct.

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

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

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

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

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

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

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

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

Mr. RANKIN. That is correct.

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

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

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

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

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

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

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

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

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

Mr. DEVINE. Thank you, Mr. Chairman.

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

Mr. RANKIN. Yes.

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

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

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

Mr. RANKIN. Yes.

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

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

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

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

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

Mr. RANKIN. That is correct.

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

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

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

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

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

Mr. RANKIN. They did not.

Mr. DEVINE. In another area, Mr. Rankin, there was some testimony this morning about 17 or so FBI agents being subjected to disciplinary administrative procedures within the Bureau for lack of discretion or failure to meet the necessary standards on the preassassination investigation of Oswald and the fact he was never placed on the security index.

Were you aware of this administrative action within the Bureau?

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

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

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

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

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

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

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

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

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

Mr. DEVINE. Thank you, Mr. Chairman.

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

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

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

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



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

Mr. RANKIN. Yes.

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

Mr. RANKIN. That is right.

Mr. FITHIAN. And the FBI performed those tests.

Mr. RANKIN. Yes.

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

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

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

Mr. RANKIN. That is right.

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

Mr. RANKIN. That is right.

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

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

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

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

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

Mr. RANKIN. No.

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

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

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

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

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

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

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

Mr. RANKIN. Yes sir.

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

I am wondering if you had any problem with that?

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

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

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

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

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

Chairman STOKES. Time of the gentleman has expired.

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

Chairman STOKES. Without objection.

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

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

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

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

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

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

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

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

Mr. RANKIN. Not that I recall.

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

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

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

Mr. RANKIN. I just don't recall.

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

Mr. RANKIN. Yes.

Mr. EDGAR. How was that plan developed?

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

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

Mr. RANKIN. That is right.

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

Mr. RANKIN. No.

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

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

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

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

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

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

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

Chairman STOKES. Time of the gentleman has expired.

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

Chairman STOKES. The gentleman is recognized.

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

Mr. RANKIN. No, it was not.

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

Mr. RANKIN. No; it was not.

Mr. EDGAR. Thank you.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Connecticut, Mr. McKinney.

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

Mr. RANKIN. Yes.

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

Mr. RANKIN. Yes.

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

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

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

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

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

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

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

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

Mr. RANKIN. Both.

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

I believe Mr. Belmont states:

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

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

How did you react to that?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Document handed to the witness for his inspection.]

Mr. RANKIN. Yes.

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

[The exhibit follows:]

## JFK EXHIBIT F-447

WDS:mfd:24Jun

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

MEMORANDUM

June 24, 1964

TO: The Commission

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

SUBJECT: Yuri Ivanovich Nosenko

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

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

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

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

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

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

DECLASSIFIED BY  
EO. 11652, Sec 5.5(a)

BY MAJ NARS Date 1/24/75

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. RANKIN. I have.

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

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

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

Mr. RANKIN. It does, yes.

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

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

Chairman STOKES. Well, the subject matter.

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

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

Mr. RANKIN. That is right.

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

Mr. RANKIN. That is right.

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

Mr. RANKIN. Yes sir.

Chairman STOKES. Is that correct?

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

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

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

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

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

Chairman STOKES. Thank you.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

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

Did you personally meet with J. Edgar Hoover?

Mr. RANKIN. Yes.

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

Mr. RANKIN. It had changed.

Mr. EDGAR. Changed from when to when?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. RANKIN. No.

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

Chairman STOKES. Time of the gentleman has expired.

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

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

Would that pose any problem for you?

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

Chairman STOKES. Fine.

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

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

Thank you.

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