

1 doing will never be tolerated. And these are the considerations
2 that Mr. Kelley will have to resolve and what we will have to
3 have considerable discussions on to make sure that we are fair
4 to the employees and at the same time make sure the system is
5 such that we hopefully can prevent a recurrence.

6 Mr. Drinan. I am constrained to ask: Will the principle
7 of "don't embarrass the Bureau" be operational?

8 Mr. Adams. I hesitate to even answer that, because I
9 think I have made it very clear that we have tried; that Mr.
10 Kelley has established his credibility, that we have testified
11 on matters that are embarrassing to anyone that is a part of
12 the FBI. And I think the fact that we have made an open dis-
13 closure would belay any comment that we are overburdened with
14 a great sense of "don't embarrass the Bureau."

15 Mr. Drinan. My time has expired. Thank you, sir.

16 Mr. Edwards. Mr. Kindness.

17 Mr. Kindness. Thank you, Mr. Chairman.

18 To what extent do the FBI rules or any statutes of the
19 United States require FBI personnel to report any misconduct
20 on the part of FBI personnel?

21 Mr. Adams. It is an internal rule. It is in our rules
22 and regulations.

23 Mr. Kindness. Is that rule available. Might that rule
24 be made available to the Subcommittee?

25 Mr. Adams. Yes, sir.

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Mr. Kindness. I would appreciate it if that would be made a part of the record, Mr. Chairman.

Mr. Edwards. So ordered.

(The information will be submitted at a later date.)

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1 Mr. Kindness. What is the sanction ordinarily, under
2 that rule for failure to report a violation or misconduct by
3 another employee if the Federal Bureau of Investigation?

4 Mr. Adams. There is no sanction set out by specific
5 penalties. It would depend largely on the type of misconduct
6 that was involved, and whether failure to report permitted it
7 to continue. It would go into the situation of were you in a
8 position to have prevented this or to have brought misconduct
9 to the Bureau's attention.

10 Mr. Kindness. In fact, it would be very difficult to
11 apply such a rule in many cases, would it not be?

12 Mr. Adams. It would be, but we have, on a number of
13 occasions in the past, censured employees by writing them a
14 letter telling them that they are reprimanded because they have
15 knowledge that certain activities were going, and that they
16 should have properly reported it.

17 Mr. Kindness. In the course of investigations of matters
18 even of great national import, is it not ordinarily the experi-
19 ence that you find memories become a little cloudy after 12
20 years?

21 Mr. Adams. I can give you a good-example of that, and
22 that is in connection with Mrs. Paine's testimony. When we
23 ~~was~~ contacted ~~her~~ again during this current inquiry, she couldn't
24 even remember first having testified to this statement. And
25 here is a person directly connected with the facts of the

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1 matter. It required jogging of her memory. And it is just not
2 unusual after 12 years, considering the hectic nature of and
3 a fascination with 80 extra Agents transferred into the office,
4 and a short deadline, what with the President insisting that
5 the FBI conduct a thorough and exhaustive investigation -- I
6 mean these situations are panic situations. And so the passage
7 of time undoubtedly had a lot to do with the inability to come
8 up with absolute facts.

9 Mr. Kindness. If you were confronted today with the
10 information that a certain individual anywhere in the United
11 States was upset with or mad at an FBI Agent in any FBI office
12 in a city where the President of the United States might be
13 visiting in the near future, would you be inclined to connect
14 that necessarily with the President's impending visit?

15 Mr. Adams. It would depend on the nature of the threat.
16 The criteria we have are very broad at the present time and we
17 apply them liberally. But if someone, for instance, threatened
18 a public official, that is the type of threat that we would
19 immediately furnish to the Secret Service, because this person
20 is obviously directing threats against public officials. So,
21 under our current criteria that would undoubtedly be dissemi-
22 nated.

23 Mr. Kindness. Had that occurred in 1963 in the case of
24 Lee Harvey Oswald, could you explain to the Subcommittee what
25 action might have been taken by the Secret Service?

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1 Mr. Adams. Well, had we notified the Secret Service --
2 and the criterion then would not have provided for it -- but,
3 I am not familiar with the precautions that they would have
4 taken then or even that they would take now. This is a matter
5 that we have testified on before Senator Montoya's Com-
6 mittee, because it is a very troublesome area. We have 400,000
7 persons a year arrested for crimes of violence in the United
8 States. We have over 100,000 people released from peniten-
9 tiaries each year in the United States. We have 400,000 people
10 released from mental institutions, which should mean they are
11 cured, but does indicate that a substantial number of our
12 citizens do have psychological or emotional problems. And we
13 have people that engage in protest and demonstrations against
14 government officials. Well, that could represent a person
15 who, if you attached it to emotional instability or criminal
16 capability, that could represent or pose a threat. And all
17 of these things to date mean that there is a large segment of
18 the American public which could constitute a threat to the
19 President at any given time. And it is the Secret Service's
20 responsibility, in considering all of this wealth of informa-
21 tion, Mr. Kindness, to try to apply the best judgment possible
22 to weed out those that require the closest attention. So, I
23 really don't know what they would have done under the circum-
24 stances, had we advised them of Oswald.

25 Mr. Kindness. Thank you, sir. My time is up.

1 Mr. Edwards. Mr. Badillo.

2 Mr. Badillo. Who else, what other people were disciplined,
3 aside from the Mr. Hosty?

4 Mr. Adams. Investigators?

5 Mr. Badillo. Of these that you mentioned, were any of the
6 other people? Was the Supervisor disciplined, or the Special
7 Agent in Charge?

8 Mr. Adams. I believe the Agent in Charge was for some
9 aspect; I believe the Supervisor mentioned here was; I believe
10 the Agent involved was; and I am sure that some of the others
11 that we interviewed during the course of the investigation
12 may have been.

13 Mr. Badillo. Of these that were disciplined, these were
14 specifically involved with the Oswald appearance and note.
15 Now, would these actions, this discipline be taken after a
16 hearing?

17 Mr. Adams. After a hearing?

18 Mr. Badillo. Yes.

19 Mr. Adams. No.

20 Mr. Badillo. They just received a letter that told them
21 they were disciplined? Did someone investigate? Was there a
22 written report?

23 Mr. Adams. Yes, under our disciplinary procedures we
24 obtain an explanation from an employee. And that explanation
25 coupled with the Agent in Charge's recommendation, that is

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1 reviewed back FBI Headquarters and memorandum are prepared
2 recommending appropriate action.

3 Mr. Badillo. Discipline then comes from the Headquarters
4 in Washington?

5 Mr. Adams. Yes.

6 Mr. Badillo. Was the Attorney General and the FBI Direc-
7 tor at that time aware of these disciplinary actions?

8 Mr. Adams. The Attorney General would not be, because the
9 FBI generally has been delegated the authority to manage its
10 internal personnel matters.

11 Mr. Badillo. Mr. Chairman, could we get copies of the
12 report indicating the reasons for discipline? I ask that be-
13 cause it may contradict some of the testimony the witnesses
14 made here. But it was a report around that time, and I think
15 it is better evidence of what actually has taken place.

16 Mr. Edwards. Well, we will discuss that with the Bureau
17 in the days to come.

18 Mr. Badillo. Now, you say that Mr. Ruby was interviewed
19 nine times from March 11, 1959 and eight other times. Since
20 you are very precise about the times, or rather the letter from
21 Mr. Hoover, was very precise, I assume you have records of those
22 interviews?

23 Mr. Adams. Yes.

24 Mr. Badillo. Mr. Chairman, I think we should get the
25 302 reports, as I believe they are called.

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Mr. Adams. What were they?

Mr. Adams. They would be just a notation as to the dates

and a negative; in this case.

Mr. Badillo. Meaning no report was made?

Mr. Adams. No information; in other words, it was a negative contact. He was contacted for the purpose of obtaining information and --

Mr. Badillo. Could we get copies of that, Mr. Chairman, just so we could see what other notations may have been made.

You make a report only when you get positive information and not when you get negative information?

Mr. Adams. Well, no, if an informant gives us positive and negative information -- I mean, once he has established a pattern of furnishing us worthwhile and substantial information, then he is actually called an informant and converted to an informant's status.

Mr. Badillo. So he didn't get an informant's status?

Mr. Adams. Because he never furnished any information.

Mr. Badillo. So you mentioned on page 14: "A check of the records of the Chicago Police Department disclosed no information concerning this shooting." You have no information concerning a shooting in December of 1939. But the Chicago Tribune has a front-page story here on it. It has a picture of Jack Ruby and says: "Leon Cook, left" a lawyer and

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1 former Secretary of the Scrap Handlers & Junk Handlers Union
2 was shot before the union offices and Jack Rubenstein, the
3 present Secretary, was seized for questioning."

4 Mr. Adams. Well, we did come up with the newspaper articles
5 concerning it, and the articles that we had, they indicated that
6 the information that came on the shooting came from him, because
7 was a friend of either the deceased or a friend of the indi-
8 vidual who actually committed the shooting.

9 Mr. Badillo. Yes, but it says that he was seized for
10 questioning by the police department. You say the Chicago
11 Police Department hasn't any record at all of the shooting?

12 Mr. Adams. That is right.

13 Mr. Badillo. Or the people who were interviewed for ques-
14 tioning?

15 Mr. Adams. Well, this was back in 1939, I believe.

16 Mr. Badillo. You mean that the records are not available?

17 Mr. Adams. The records today -- I mean a check of the
18 records at the time of the assassination failed to reveal any
19 record of it in the Chicago Police Department, and that is why
20 they had to go to the newspaper morgue to see, in view of the
21 allegation, was there some publicity concerning this. And
22 there was. And that is in the Commission's report.

23 Mr. Badillo. Is that the normal procedure of police
24 departments that they don't keep records beyond a certain time?

25 Mr. Adams. I am not familiar with the Chicago Police

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Department.

Mr. Badillo. But I say other than the Chicago Police Department?

Mr. Adams. Some of them do have a practice of destroying records after a period of time if no charges are filed. And I believe in this case the—I don't recall that there were actually charges against him, *or*

or, charges were placed and dismissed.

Mr. Badillo. My time has expired.

Mr. Edwards. I will yield to you in just a minute, Mr. Dodd.

Will you check and advise us, Mr. Adams. if there is in the Chicago Police Department a police report numbered 55513 for an offense dated 12/9/1939 and a detective report dated 12/8/39? This, according to our information, is the file that Mr. Badillo referred to. And it has been reported to the Committee that there is a tickler on the file that says that the FBI "Is to be notified if anyone asks to examine that file." We would appreciate your advising us if the file does exist and if that tickler is there.

Mr. Adams. Yes.

(The information will be submitted at a later date.)

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Mr. Dodd. Thank you, Mr. Chairman.

Mr. Adams, my first question to you is regarding the letter to Mr. Rankin from Mr. Hoover outlining some 69 documents that the FBI had in its files concerning Lee Harvey Oswald. Among those documents was apparently a letter or a memorandum of one kind or another informing the FBI offices that the -- I am referring to a letter specifically, which was one of the items not turned over to the Commission, which was a letter from the New Orleans Office to the Bureau, dated November 19, 1963, changing the office of origin of Lee Harvey Oswald's investigation from New Orleans to Dallas. Now, that is two days after this allegation of a telex coming across.

There has been a response in defense of the fact that there was not a telex to the effect that a warning of an assassination was transmitted on November 22nd, presumably after the assassination took place. Is that a fact. Was there a telex on November 22nd, after the assassination took place, warning of the assassination in Dallas.

Mr. Adams. No, what I think you may be referring to is in trying to analyze what could have caused this former clerk to have this impression, sir, we were looking for communications which he might have seen which might have caused him to confuse it with this.

Mr. Dodd. Correct.

Mr. Adams. And there was a teletype that went out November

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1 22nd to all of our Offices using somewhat the same terminology.
2 This was after the President was assassinated. It said: "As-
3 sassination of President John F. Kennedy. All Offices immediately
4 contact all informants -- security, racial and criminal -- as
5 well as other sources for information bearing on the assassi-
6 nation of President Kennedy. All Offices should immediately
7 establish whereabouts of bombing suspects, all known Klan and
8 hate group members, all known racial extremists, and any other
9 individuals who, on the basis of information available in your
10 files, may possibly have been involved."

11 Mr. Dodd. This was after the assassination?

12 Mr. Adams. Right. And this uses similar terminology to
13 what he claims was in the telex, which we can't find.

14 MR. Dodd. As a matter of operating procedure, would it
15 be a common practice to send a telex to one office or to two
16 offices? In other words, would a warning go out saying: "Be-
17 ware" to Los Angeles or to San Francisco, "Beware, there may
18 be an assassination attempt," and it not be sent to other
19 offices? Is that possible?

20 Mr. Adams. Yes. For instance, on President Kennedy's
21 travel, I think we had one once in Tampa, Florida, or Miami,
22 where a threat was in that area where a Klansman was suspected
23 of --

24 Mr. Dodd. But you wouldn't warn Seattle, Washington,
25 for instance?

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1 Mr. Adams: No, this was directed at a particular threat.
2 In this particular situation, though, sir, the communica-
3 tion which he claims went out, that was directed to "All SACs"
4 and among the inconsistencies in it was that in listing people
5 to be contacted, the supposed teletype said: "militant groups
6 threatening assassinate the President." But, it did not say:
7 "Contact security informants." This would be the first group
8 you would contact, of the militant groups.

9 Mr. Dodd. I understand that, and I understand you wanted
10 to check the other 59 offices, just to make sure something
11 hadn't been sent out. But, in all likelihood -- and I am just
12 assuming here -- but if a message were sent warning of a poten-
13 tial assassination in Dallas, you really wouldn't be sending it
14 to all of your offices throughout the country.

ape 2-10
2-B) 15 Mr. Adams. Yes, we would. In this case, based on his
16 terminology, it indicated an unknown militant group. Therefore
17 you would check informants in every office that might be able
18 to come up with any information having a bearing on it, because
19 militant groups travel all over the country.

20 Now, if he had said: "a militant group in Dallas is at-
21 tempting to" and had a specific group, that would have gone
22 to Dallas. But, with the broad terminology that was in his
23 supposed teletype, that would have gone to all. In fact, the
24 copy he has made available, the precise copy he claims he saw,
25 is directed to all SACs.

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1 Mr. Dodd. You mentioned in the question a few moments
2 ago that Mr. Hosty was one of the people who interrogated Lee
3 Harvey Oswald after his apprehension. I understand there were
4 seven other FBI Agents who interviews him for more than five
5 hours. I wonder if you have notes or copies of those inter-
6 views or where they tape recordings of those interviews?

7 Mr. Adams. I am sure every interview that was conducted
8 would have been included in what we call a 302, a report of
9 interview form.

10 Mr. Dodd. Do you know if you have any of these or not?

11 Mr. Adams. I am sure we do.

12 Mr. Dodd. Mr. Chairman, could I request that that infor-
13 mation be submitted to the Committee for inspection?

14 Mr. Edwards. We will discuss it with the Bureau in the
15 days ahead. We have some problems with security and sometimes
16 we have to go over there.

17 Mr. Dodd. Well, whatever. My time has expired.

18 Mr. Edwards. Mr. Butler?

19 Mr. Butler. No questions.

20 Mr. Edwards. Mr. Badillo.

21 Mr. Badillo. No further questions.

22 Mr. Edwards. Mr. Parker?

23 Mr. Parker. Thank you. Mr. Adams, one matter pertaining
24 to Mr. Williams Walter that was not covered in your prepared
25 statement and which there have been allegations in the press

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1 is that . . . er was the subject of a polograph examination.

2 Did the Bureau give the polograph examination to him?

3 Mr. Adams. No, sir. The Dallas Times Herald, the news-
4 paper that he originally contacted upon the resurrection of
5 this story did afford him a polograph examination. According
6 to the Dallas Times Herald, the polograph examination was limited
7 in the questions that he could answer because of an agreement
8 between Mr. Walter and the polograph examiner. And based on
9 the result of that, there were indications of disception on the
10 part of Mr. Walter. However, the examiner concluded the results
11 were inconclusive because of the limited number of questions
12 that could be asked.

13 Mr. Parker. Is this your information due to the results
14 of that examination having been supplied to the FBI?

15 Mr. Adams. It was in the Dallas Times Herald newspaper
16 article that their investigative reporters prepared on it. We
17 do not have the actual examiner's report.

18 Mr. Parker. Mr. Adams, we have prepared a list of ques-
19 tions with regard to the handling -- with regard to the pro-
20 cedures regarding the handling of material which is delivered
21 to FBI offices; some questions in terms of your internal invest-
22 gation; and some matters concerning FBI rules which are fairly
23 extensive and thorough and which I will not have time to ask
24 you at this point. There are questions also regarding some
25 legal issues with respect to the violation of FBI rules. I

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would like to submit these questions to you and have them answered, either by affidavit or the continuation of the oath under which you are now under. Also, we would like to have furnished to the Subcommittee the names of all the individuals and their titles to which you alluded to in your statement. Also, in addition, we would like a copy of the Bureau's report and summary which was given to the Department of Justice concerning your investigation of the Oswald letter incident. All of that material, Mr. Chairman, I would suggest be turned over to the Subcommittee. And in order to facilitate its being turned over, and also to protect the individuals involved, I would request that it be deemed Executive Committee material.

Mr. Edwards. So ordered.

(The information will be submitted at a later date.)

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1 Mr. Adams. As far as the names are concerned, we will
2 make those available in Executive Session under Executive
3 protection. As far as the results of our investigation is
4 concerned, this would be a decision decided upon by the Attorney
5 General under his procedures. We will, upon receipt of your
6 request, convey it to him.

7 Mr. Edwards. Mr. Klee.

8 Mr. Klee. Thank you, Mr. Chairman.

9 Mr. Adams, to your knowledge, have any other papers,
10 materials or documents given to the FBI ever been destroyed?

11 Mr. Adams. That is a rather broad question. We do destroy
12 material under our records destruction procedures. We do ob-
13 tain information that is never actually made a matter of record
14 in the FBI, which is destroyed, like informal notes, reading
15 slips, papers like that. It is very difficult for me to zero
16 in on a specific answer to your question.

17 Mr. Klee. Well, in the context of the Oswald investiga-
18 tion or anything having to do with Jack Ruby, are there any
19 other papers, material or documents that have been destroyed?

20 Mr. Adams. Not that I know of.

21 Mr. Klee. Okay. With respect to the papers, materials,
22 or records that are not made a part of the FBI files or not
23 made a part of the actual records, were there any papers in
24 connection with the Oswald investigation or the Ruby case that
25 were destroyed, to your knowledge? Were there any informal

1 materials or papers?

2 Mr. Adams. Not that I know of. When Agents conduct
3 interviews, they make notes. Then when they dictate the
4 results of those interviews, they destroy those notes. I don't
5 know of any documents that were improperly destroyed.

6 Mr. Klee. Either documents that are not made a part of
7 the FBI records or files that are other than these insignificant
8 and unsubstantial type of routing slips? I am referring to
9 another context, to perhaps some of the "do not file" types of
10 instructions.

11 Mr. Adams. Oh, ⁱⁿ a year's past there was a system where
12 we had pink memoranda and blue memoranda which were to signi-
13 fy that the information included in this memorandum was for
14 informational purposes only and was not to be made a part of the
15 official records of the FBI. It would be like -- it wasn't
16 anything sinister -- it would be like a train ^{commitment},
17 individuals' property records, or it could be background infor-
18 mation going up on an "action memorandum." That it was felt
19 for your information "thus-and-so". But it wasn't necessary
20 to include it as a matter of permanent record and --

21 Mr. Klee. Are there such memoranda pertaining to the
22 Oswald and Ruby cases?

23 Mr. Adams. Not that I know of; not that I know of person-
24 ally.

25 Mr. Klee. Thank you very much. Mr. Chairman, I have

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1 no further questions.

2 Mr. Edwards. Mr. Adams, I will refer once more to the

3 address book that Oswald had at his boarding house, and in it

4 was Mr. Hosty's name and the address and phone number and the

5 license number of the FBI car that Mr. Hosty was driving. I

6 refer you to a meeting of the Warren Commission on February

7 24, 1964, where in Rankin says: "As you recall, we informed

8 you before that the address and telephone number book of Lee

9 Harvey Oswald had in it the name of James Hosty, the FBI Agent,

10 his telephone number; his license; and that it wasn't in the

11 transcription of that information which was furnished to us by

12 the FBI. We have written to the FBI to ask in an official

13 inquiry how this could happen and for them to furnish us all the

14 information concerning that occurrence. We have not received

15 a reply yet."

16 Later Mr. Hoover did answer to the best of his knowledge

17 as to why it wasn't included in the information. But we have

18 that and we have this very perplexing matter of the Oswald note

19 and then we have developed this morning again that the Jack

20 Ruby information, which for 10 years was really kept secret

21 from the American people, that he was an informer for the FBI

22 and had been reporting to the FBI on at least seven or eight

23 occasions. We have also the fact which is new to me, and I am

24 sure to most people, that were were a number of agents dis-

25ciplined after the assassination investigation.

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1 Now, in all the FBI files relating to Lee Harvey Oswald,
2 is there any information whatsoever that might have been
3 some sort of a government agent or paid by any other governmenta
4 agency, such as the CIA?

5 Mr. Adams. To my knowledge, no. I have not reviewed the
6 entire assassination file. All I can go on is the fact that
7 this allegation was made during the Commission hearings and
8 the Commission specifically addressed itself to that, and in
9 their conclusions they concluded that there was no evidence
10 whatsoever of Oswald ever being an informant or agent of the
11 FBI or CIA or any other governmental agency.

12 Mr. Dodd. Mr. Chairman, could I ask one point?

13 Mr. Edwards. Yes.

14 Mr. Dodd. You know the Warren Commission, you know, look-
15 ing over the record of the Warren Commission -- and the trans-
16 cript is alive, fortunately -- but the transcript indicates that
17 an effort was made to purge the record of any mention of the
18 fact that Lee Harvey Oswald was a paid informant. I am sure
19 you are familiar with what I am talking about in the record
20 itself.

21 MR. Adams. No.

22 Mr. Dodd. Well, there is an effort to exclude that infor-
23 mation from the transcript itself; to exclude raising the
24 allegation of the fact that Mr. Oswald was an informant.

25 Mr. Adams. No, I am not familiar with that. I would have

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1 to review . . . Specifically, to see what issue is. All I am
2 familiar with is the conclusion, which I had occasion to read
3 this morning. I have not read the material submitted to the
4 Commission on this issue.

5 Mr. Dodd. Thank you, Mr. Chairman.

6 Mr. Edwards. Are there any further questions? Thank you,
7 then, Mr. Adams.

8 Mr. Dodd. Mr. Chairman, let me just read to you the fol-
9 lowing. Mr. Dulles, on page 2444 of the record says: "I think
10 the record ought to be destroyed. Do you think we need a
11 record of this?" And this dialogue just goes back and forth.
12 You are not familiar with that at all?

13 Mr. Adams. No, I am not. The fact that I am not doesn't
14 mean that I have read it and forgotten it. This investigation
15 took place ^{quite} just a few years before I took over my present
16 responsibilities and I hadn't had any specific responsibilities
17 in connection with the investigation until last year. And I
18 don't think anyone has gone back and reviewed the entire scope
19 of it.

20 We take allegations from time to time that come up, such
21 as the one, for instance, bums in a boxcar could be the indi-
22 viduals. Then when they come up, we investigate them, and we
23 furnish the results to the Department or, in that case, to the
24 Rockefeller Commission that was going into the CIA and --

25 Mr. Dodd. I appreciate all that, Mr. Adams. It seems to

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1 me this is a tremendously significant revelation, that is, the
2 fact that they were eight or nine occasions that Mr. Ruby was
3 interviewed by the FBI; of the fact that the revelations of
4 the fact of the letter warning that FBI Agent in Dallas of some
5 extremely hostile activity in the part of Mr. Oswald was des-
6 troyed, and so on. These are significant revelations and they
7 involve, as you pointed out in your opening sentence, one of
8 the most tragic incidents of the history of this country. And
9 then we see a record where again efforts are made to purge or
10 not allow certain information to be included in the Warren Com-
11 mission Report.

12 I mean these are tremendously significant points. They
13 are painful to the American public, I might add. I don't know
14 of anyone who is dying to see revelations regarding involve-
15 ment by any governmental agency. But, I think the facts should
16 be made know and --

17 Mr. Adams. Well, what I have offered to do -- that is to
18 say, I didn't come here prepared to discuss that, because I
19 couldn't possibly come prepared to discuss every aspect of the
20 assassination. But, I will be glad to take your question. I
21 am sure if the issue has been raised before, we have inquired
22 into it and conducted appropriate inquiries. If not, we should
23 conduct one now. I will be glad to inquire into it and furnish
24 you the results.

25 Mr. Dodud. Thank you.

of the House.

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Mr. Eswal . . . Thank you, Mr. Adams . . . | Mr. Bassatt.

(Whereupon, at 11:30 a.m., the Subcommittee recessed, subject to the call of the Chair.)