

24.
THE JANUARY 22, 1964, WARREN COMMISSION
EXECUTIVE SESSION TRANSCRIPT

Early in the course of his investigation of Warren Commission records Harold Weisberg discovered the existence of a secret Warren Commission executive session of January 22, 1964. No public records of any kind acknowledged the executive session had taken place, but he had pieced together isolated documents from the housekeeping files to show that a stenographic tape listed on an inventory sheet pertained to the session. Ostensibly the tape had never been transcribed. The National Archives refused to transcribe the tape or permit a copy of it to be made because it bore a Top Secret classification.

In 1974 it became possible for Mr. Weisberg's attorney, James Lesar, to pursue this through correspondence with the National Archives and then appeals under the Freedom of Information Act to seek declassification and obtain its transcription. Just before he was to file a Freedom of Information Act lawsuit to attempt to force the document into the public domain, the Archives declassified it. Instead of having the official court reporter make the transcription, they used a Pentagon stenotypist. They then forwarded a copy. Lesar and Weisberg believe the precedent established in C.A. 2052-73 had enabled them to prevail, without resorting to the courts, over an attempt to forbid access on grounds of national security.

There is an historical importance in having the two transcripts printed in the order they appeared for public scrutiny. The subject matter of the

January 22 session illumines that of the January 27 session and provides some explanation for the fierce resistance by the government in C. A. 2052-73.

In the transcript of the executive session reproduced here it is obvious the stenotypist was unfamiliar with the names and places associated with the subject matter, and many inaccuracies, misspellings, and awkward phrases occur. Many of these require no comment. Some are not so clear and additional material has had to be added in brackets within the text as well as by way of footnotes. This has been sparingly done.

The following editorial changes were made:

[] means a blank was left in the text by the military stenotypist who was apparently unable to decipher a word or phrase.

A bracketed letter or word means the editor has added that material to the text of the original typescript, as for example: [supplemental].

On page two of the typescript original the editor added the paragraphing.

The name of J. Lee Rankin, chief counsel of the Warren Commission, was misspelled as Rawkin every time it appeared in the text, and this has been changed to the correct spelling.

The word "more" occurred at the bottom of every page save the last one of the original, and these were omitted.

"A:" and "Q:" were used by the stenotypist, and it is often difficult to ascertain to which person they refer. "A:" apparently refers to either Rankin or Warren. "Q:" might refer to the last person other than Rankin or Warren who spoke. Where internal evidence suggests the speaker, the name has been added, properly bracketed.

There was no title page.

The page numbers of the original document are given in parentheses.

The National Archive's declassification stamp, dated 3/27/75, has been omitted from transcript page 1.

1/22/64, 5:30 - 7:00 P.M.

[MR. WARREN]: Gentlemen:

I called this meeting of the Commission because of something that developed today that I thought every member of the Commission should have knowledge of, something that you shouldn't hear from the public before you had an opportunity to think about it. I will just have Mr. Rankin tell you the story from the beginning.

MR. RANKIN: Mr. Wagner [Waggoner] Carr,¹ the Attorney General of Texas, called me at 11:10 this morning and said that the word had come out, he wanted to get it to me at the first moment, that Oswald was acting as an FBI Undercover Agent, and that they had the information of his badge which was given as Number 179, and that he was being paid two hundred a month from September of 1962 up through the time of the assassination. I asked what the source of this was, and he said that he understood the information had been made available so that Defense Counsel for Ruby had that information, that he knew that the press had the information, and he didn't know exactly where [Henry] Wade had gotten the information, but he was a former FBI Agent.

That they, that is, Wade before, had said that he had sufficient so that he was willing to make the statement.

FORD: Wade is?

[MR. RANKIN] A: The District Attorney [of Dallas].

FORD: Carr is the Attorney General.

BOGGS: Right, of Texas.

RANKIN: I brought that to the attention of the Chief Justice immediately, and he said that I should try to get in touch with Carr and ask him to bring Wade up here, and he would be willing to meet with him any time today or tonight to find out what was the basis of this story. I tried to get Carr (2) and he was out campaigning in Texarkana and so forth, and so it took us quite a while to get back to him and talk to him. I just got through talking to him and he told me the source of the information was a member of the press who had claimed he knew of such an agency, that he was an undercover agent, but he now is coming with the information as to his particular number

¹ Waggoner Carr, Attorney General of Texas, head of the special Texas Court of Inquiry into the assassination. Members of the court: Henry Wade, District Attorney of Dallas; Counsel Leon Jaworski, member of a respected and prestigious Houston law firm and later Special Watergate Prosecutor; Robert Storey, Dean emeritus of Southern Methodist University Law School.

and the amount he was getting and the detail as to the time when the payments started.

Wade said he as well as him did not know the name of the informant but he could guess who it was, that it was given to his assistant, and he was sure that he knew, and he said he was trying to check it out to get more definite information.

Carr said that he could bring Wade in some time the first of the week, but in light of the fact that it was this man of the press and that they did not think it would be broken by the press immediately, although there had been all kinds of stories down there but Carr said there were some 25 to 40 different stories about this being the case admonishing the press themselves, but this was the first time that he got something definite as to how they were handling it or how it could be handled by himself.

But I was concerned of an undercover agent. He thought that the press would not bring the story without some further proof, and they are working on that now, he said. So he thought that if he brought Wade back on Monday or Tuesday, that that would still take care of any major problem.

When he first told us, he said the press had it and he was fearful because he hadn't even gotten this from Wade. He got it from another man that the press would bring it before we could know about it and the Commission would be asked all kinds of questions without having information about it. Now he said Wade told him that the FBI never keeps any records of names.

MR. BOGGS: Wade is the District Attorney for Dallas County?

RANKIN: That is right.

(3) Q: And the other man, Carr, is the Attorney General?

[MR. RANKIN] A: That is right.

Q: And the other people who have knowledge of this story?

[MR. RANKIN] A: He indicated that the press down there had knowledge of this story, and that the information came from some informant who was a press representative, and he, that is, Wade, could guess who it was but his assistant knew and he never asked him. They were trying to get more explicit information.

[MR. WARREN] A: Lee, would you tell them?

MR. DULLES: Who were you talking with when you got this information, Wade himself?

[MR. RANKIN] A: I was talking with Carr.

BOGGS: There is a denial of this in one of these FBI records, as you know.

A: Yes.

COOPER: In this file we had yesterday, one of the lawyers for this fellow who claims to represent—

BOGGS: Thornhill, I think. [Joseph Tonahill]

COOPER: Oswald or one of them, Ruby, told about this, do you recall it, he said it was being rumored around.

RANKIN: Yes, it was being rumored that he was an undercover agent. Now it is something that would be very difficult to prove out. There are events in connection with this that are curious, in that they might make it possible to check some of it out in time. I assume that the FBI records would never show it, and if it is true, and of course we don't know, but we thought you should have the information.

[MR. WARREN] A: Lee, would you tell the gentlemen the circumstances under which this story was told?

[MR. RANKIN] A: Yes, When it was first brought to my attention this morning—

(4) BOGGS: What time was this, Lee?

[MR. RANKIN] A: 11. 10.

BOGGS: That is after the Ruby episode of yesterday?

[MR. RANKIN] A: That is right.

Q: Yes.

[MR. RANKIN] A: And Mr. Carr said that they had used this saying before the Court that they thought they knew why the FBI was so willing to give some of these records to the Defense Counsel, and they were []ing to the Defense Counsel being able to get the records and asking the Court to rule that they couldn't get them.

Q: That is, the District Attorney was?

[MR. RANKIN] A: That is right, and he said a number of these records were furnished by the Texas authorities, and that they should not be given up to the Defense Counsel, and that the reason he thought that they were so eager to help Ruby was because they had the undercover, that Oswald was the undercover agent and had the number of his badge and so much, he was getting two hundred a month and so forth, and that was the way it was explained as his justification to the Court as a basis for determining the records and that that was the excuse the FBI, the reason the FBI had for being so eager to give the records up. That is the way it was developed. Now Mr. [Leon] Jaworski, who is associated with the Attorney General working on this matter was reported to you before, and [], story [Robert Storey], I don't talk to Stor[e]y about it but I did talk to Jaworski and he said he

didn't think Wade would say anything like this unless he had some substantial information back of it, and thought he could prove it, because he thought it would ruin many in politics, in Texas, to be making such a claim, and then have it shown that there was nothing to it.

(5) BOGGS: No doubt about it, it would ruin many.

[MR. RANKIN] A: And Jaworski is an able lawyer, mature and very competent. We have complete confidence in him as a person. Now that is the evaluation of the situation.

FORD: He hasn't made any investigations himself?

[MR. RANKIN] A: No, he has not.

FORD: Was Wade or anyone connected with Wade?

[MR. RANKIN] A: No.

DULLES: Talking about Stor[e]y, just a few minutes ago just telling him I wasn't going to be down in Texas, I had told him I was going to be down at the time, he didn't indicate that he had anything of any importance on his mind. Maybe he won't offer it to him obviously.

RANKIN: I don't know that it was even brought to his attention.

DULLES: I don't believe it was, now. Of course, he is not in the hierarchy.

[MR. RANKIN] A: Well, I think they were planning on telling the Attorney General and Jaworski.

FORD: How long ago did they get a feeling that there was some substance to the rumors that apparently had been—I just assumed, and I didn't ask them that, that Carr called me and seemed to be in a matter of great urgency at 11:10 this morning, and that he was fearful that they would bring in the papers before we would even get to know about it, and that is the way he was talking and acting about it.

COOPER: He felt there was . . . He didn't know the name of the informant?

[MR. RANKIN] A: No, he did not.

Q: What then would lead him to think it had substance?

[MR. RANKIN] A: Well, he said that the reason he thought it might have substance was because Wade had heard these rumors constantly, and his assistant had gotten (6) this information from the informant as to a definite bad[g]e number, and the amount and the date.

COOPER: How would you test this kind of thing?

[MR. RANKIN] A: It is going to be very difficult for us to be able to establish the fact in it. I am confident that the FBI would never admit it, and I presume their records will never show it,² or if their records do show anything, I would think their records would show some kind of a number that could be assigned to a dozen different people according to how they wanted to describe them. So that it seemed to me if it truly happened, he did use postal boxes practically every place that he went, and that would be an ideal way to get money to anyone that you wanted as an undercover agent, or anybody else that you wanted to do business that way with without having any particular transaction.

FORD: There might be people who would see what was going on with that particular box, because the postal authorities do watch, they have means of watching in many places that no one could see. They can watch the clerks as to what they are doing in these boxes, and they can watch individuals that are going in and out. They do that only when they have an occasion to be suspicious, but they might, in watching for somebody particularly, they might also see other things that they just have to note. That is a possibility.

DULLES: What was the ostensible mission? I mean when they hire somebody they hire somebody for a purpose. It is either . . . Was it to penetrate the Fair Play for Cuba Committee?³ That is the only thing I can think of where they might have used this man. It would be quite ordinary for me because they are very careful about the agents they use. You wouldn't pick up a fellow like this to do an agent's job. You have got to watch out for your (7) agents. You have really got to know. Sometimes you make a mistake.

FORD: He was playing ball, writing letters to both the elements of the Communist parties. I mean he was playing ball with the Trotskyites and with the others. This was a strange circumstance to me.

²The Warren Report, p. 327, states: "Director Hoover has sworn that he caused a search to be made of the records of the Bureau, and that the search discloses that Oswald 'was never an informant of the FBI, and never assigned a symbol number in that capacity, and was never paid any amount of money by the FBI in any regard.' This testimony is corroborated by the Commission's independent review of the Bureau files dealing with the Oswald investigation."

³Lee Harvey Oswald established a chapter of the Fair Play for Cuba Committee in New Orleans. He was the sole member. The organization was pro-Castro but used the return address of a right-wing, anti-Castro organization located in a building housing a Central Intelligence Agency office.

DULLES: But the FBI get people right inside you know. They don't need a person like this on the outside. The only place where he did any at all was with the Fair Play for Cuba Committee.

BOGGS: Of course it is conceivable that he may have been brought back from Russia you know.

A: If he was in the employ from 1962, September 1962, up to the time of the assassination, it had to start over in Russia, didn't it, because didn't he get back in February? When did he get back here from Russia?

A: I think it was February; February of this year.

Q: Of '62, Was it of '62?

A: Oh yes, that is right, it was '62.

DULLES: They have no facilities, they haven't any people in Russia. They may have some people in Russia but they haven't any organizations of their own in Russia.

A: Yes.

DULLES: They might have their agents there. They have some people, sometimes American Communists who go to Russia under their guidance and so forth and so on under their control.

COOPER: Of course there are rumors all around Dallas, of course the FBI is acquainted with rumors too.

[MR. WARREN] A: One of the strange things that happened, and it may have no bearing on this at all, is the fact that this man who is a defector, and who was under observation at least by the FBI, they say they saw him frequently, could (8) walk about the Immigration Office in [New] Orleans one day and come out the next day with a passport that permitted him to go to Russia. From my observations of the case[s] that have come to us, such passports are not passed out with that ease.

DULLES: Mr., I think you are wrong on that.

[MR. WARREN] A: I could be.

DULLES: Because the passports are issued valid for anywhere except specified countries. There is a stamp as I recall that says not good for Communist China, North Vietnam, and so forth. For a long time they had on the stamp not good for Hungary. But any American, practically any American, can get a passport that is good for anywhere. An American can travel and Russia is one of the countries that you can now travel to.

[MR. WARREN] A: Well, maybe you can.

DULLES: You can get them quick.

[MR. WARREN] A: I think our General Counsel and I both have some experience in cases that have come before our Court which would indicate that that isn't exactly the fact.

DULLES: I think in the State Department . . .

[MR. WARREN] A: They have great difficulty, some of them, in getting a passport to go to Russia.

BOGGS: Particularly for someone who has any Communist . . .

[MR. WARREN] A: Oh, yes.

DULLES: Is there any evidence that State Department has that record in the files? I don't think that record has ever turned up.

COOPER: They admitted there wasn't any.

[MR. WARREN] A: What record, that he was a defector?

(9) DULLES: Yes, I don't think the State Department or in the Passport Bureau, there was no record. It didn't get down to the Passport offices. That is one of the things we ought to look into.

[MR. WARREN] A: The State Department knew he was a defector. They arranged for him to come back.

DULLES: But it don't get [] passport files or the passport records. They are issuing hundreds and thousands of passports. They have their own particular system.

[MR. WARREN] A: Yes.

DULLES: They don't run around from time a man comes in. If they don't find any clue, and they don't according or our record here they don't find any warning clue in his file—they should have a warning clue in his file but as I recall they don't.

COOPER: That is what they admitted, that they had not supplied the warning.

DULLES: And the Passport Office don't on its own usually go around and inquire. They wait until it is assigned there. Then they follow it up.

COOPER: This may be off the point a bit, but as I re-read the report, the chronology of the FBI checks on Oswald, they knew that he had gone to Texas. They learned from Mrs. Payne [Mrs. Ruth Paine]: they knew where Mrs. Oswald was living. They talked with her. They knew where he was working.

BOGGS: Sure. That is all in the file.

COOPER: I know that. I say they knew where he was working.

BOGGS: I am sure you went over that material that we received a few days ago. You will find the report from the FBI dated back last summer, and months before that and then months after that, why some agent would make a report on it.

(10) COOPER: Sure.

A: I think it was in October.

RANKIN: They had a report on many, they had an agent go and see him when he was in prison.

BOGGS: In New Orleans?

A: In New Orleans.

Q: Right.

A: And he lied to them before the police. He said his wife was a Texas girl, and he married her in Texas, and a whole string of stuff, and in Dallas they had a report prior to that that was definitely contrary to it.

BOGGS: The fellow [Edward Scannell] Butler, who works for the [non-?] profit organizations that Dr. Oxnard heads to disseminate and tie Communist propoganda to Latin America, is the one who confronted him on the streets in New Orleans.⁴ I know Butler. He is a very fine young man. It was . . . Butler says that this was the first time that they established that he had been in Russia and that he had defected at one time and then returned. You have that undoubtedly in your files, that film,⁵ that tape that was made and borrowed in New Orleans?⁶

⁴The transcription of the tape is not clear. Butler was executive vice president of The Information Council of the Americas, also known as INCA, an organization that distributed extremist right-wing information in Latin America. The organization and its members' links with the Oswald story in New Orleans is related in Harold Weisberg, Oswald in New Orleans. Case for Conspiracy with the CIA (New York: Canyon Books, 1967).

⁵Presumably the film is the 16 mm reel of WDSU-TV (New Orleans) footage involving Oswald taken in August, 1963, and now deposited in the National Archives. The footage has been edited; the editing is not indicated.

⁶Presumably the tape is "Conversations Carte Blanche," aired by New Orleans radio station WDSU in August, 1963, where Butler, Oswald, and others engaged in a conversation. An inaccurate transcript of the show is printed in the Warren Commission's Hearings before the President's Commission . . . (Washington: Government Printing Office, 1964), volume XXI, pp. 633-641.

The most glaring error in the transcript occurs when Oswald is said to respond: "I worked in Russia. I was not under the protection of the—that is to say I was not under the protection of the American Government."

The tape says: "I worked in Russia er, I was er under the protection er, of er, that is to say I was not under protection of the American government . . ." See, Weisberg, Oswald in New Orleans, p. 132.

A: Yes.

BOGGS: Of course on that tape—I listened to that tape—he gives the normal Communist line, reaction to everything.

A: That is right.

Q: The same old stereotyped answer?

A: Yes.

COOPER: How do you propose to meet this situation?

BOGGS: This is a serious thing.

(11) [MR. RANKIN] A: I thought first you should know about it. Secondly, there is this factor too that a [] consideration, that is somewhat an issue in this case, and I suppose you are all aware of it. That is that the FBI is very explicit that Oswald is the assassin or was the assassin, and they are very explicit that there was no conspiracy, and they are also saying in the same place that they are continuing their investigation. Now in my experience of almost nine years, in the first place it is hard to get them to say when you think you have got a case tight enough to convict somebody, that that is the person that committed the crime. In my experience with the FBI they don't do that. They claim that they don't evaluate, and it is uniform prior experience they don't do that. Secondly, they have not run out all kinds of leads in Mexico or in Russia and so forth which they could probably—It is not our business, it is the very—⁷

DULLES: What is that?

[MR. RANKIN] A: They haven't run out all the leads on the information and they could probably say—that isn't our business.

Q: Yes.

[MR. RANKIN] A: But they are concluding that there can't be a conspiracy without those being run out. Now that is not [] from my experience with the FBI.

Q: It is not. You are quite right. I have seen a great many reports.

A: Why are they so eager to make both of those conclusions, both

⁷The Warren Report, p. xiii, states: "Because of the diligence, cooperation, and facilities of Federal investigative agencies, it was unnecessary for the Commission to employ investigators other than the members of the Commission's legal staff."

in the original report and their experimental [supplemental] report,⁸ which is such a departure. Now that is just circumstantial evidence, and it don't prove anything about this, but it raises questions. [] We have to try to find out what they have to say that would give any support to the story, and report it to you.

(12) FORD: Who would know if anybody would in the Bureau have such an arrangement?

[MR. RANKIN] A: I think that there are several. Probably Mr. Belmont would know every undercover agent.

Q: Belmont?

[MR. RANKIN] A: Yes.

Q: An informer also would you say?

[MR. RANKIN] A: Yes, I would think so. He is the special security, of the division.

DULLES: Yes, I know.

[MR. RANKIN] A: And he is an able man. But when the Chief Justice and I were just briefly reflecting on this we said that if that was true and it ever came out and could be established, then you would have people think that there was a conspiracy to accomplish this assassination that nothing the Commission did or anybody could dissipate.

BOGGS: You are so right.

DULLES: Oh, terrible.

BOGGS: Its implications of this are fantastic, don't you think so?

[MR. WARREN] A: Terrific.

RANKIN: To have anybody admit to it, even if it was the fact, I am sure that there wouldn't at this point be anything to prove it.

⁸Reports prepared by the FBI that became Warren Commission documents. Commission Document Number 1: Investigation of Assassination of President John F. Kennedy, November 22, 1963, Washington, D. C.: Federal Bureau of Investigation, 1963. Five volumes. These contained less than 450 words on the murder and omitted one wound on the President's throat and the missed shot that wounded citizen James Tague.

Commission Document Number 107: Investigation of Assassination of President John F. Kennedy, November 22, 1963, Supplemental Report. Washington, D. C.: Federal Bureau of Investigation, 1964. One volume.

DULLES: Lee, if this were true, why would it be particularly in their interest—I could see it would be in their interest to get rid of this man but why would it be in their interest to say he is clearly the only guilty one? I mean I don't see that argument that you raise particularly shows an interest.

BOGGS: I can immediately—

[MR. RANKIN] A: They would like to have us fold up and quit.

(13) BOGGS: This closes the case, you see. Don't you see?

DULLES: Yes, I see that.

RANKIN: They found the man. There is nothing more to do. The Commission supports their conclusions, and we can go on home and that is the end of it.

DULLES: But that puts the men right on them. If he was not the killer and they employed him, they are already it, you see. So your argument is correct if they are sure that this is going to close the case, but if it don't close the case, they are worse off than ever by doing this.

BOGGS: Yes, I would think so. And of course, we are all even gaining in the realm of speculation. I don't even like to see this being taken down.

DULLES: Yes. I think this record ought to be destroyed. Do you think we need a record of this.

[MR. WARREN] A: I don't except that we said we would have records of meetings and so we called the reporter in the formal way. If you think what we have said here should not be upon the record, we can have it done that way. Of course it might . . .

DULLES: I am just thinking of sending around copies and so forth. The only copies of this record should be kept right here.

BOGGS: I would hope that none of these records are circulated to anybody.

[MR. WARREN] A: I would hope so too.

RANKIN: We also give them to you Commissioners. Now if you don't want them, those are the only ones who get them but sides [besides] himself: off the record.

END

EMENDATIONS

- Section 2; p. 12, in paragraphs numbered 15, 19, and 20, "Janaury" to "January".
- Section 5; p. 20, in paragraph two "examption" to "exemption"; a superfluous "and" is omitted following 10501 in the last paragraph.
- Section 10; p. 39, in paragraph four "if fails" to "it fails".
- Section 11; p. 44, in paragraph two, "nation" to "national", "pri" to "private", and "Top" to "Top Secret"; p. 45, in paragraph one "idetity" to "identity"; p. 47, in the penultimate sentence "lenghty" to "lengthy"; p. 52, in paragraph one "commercial" to "commercial"; p. 53, "Hirma" to "Hiram" and "Frederic" to "Frederick"; p. 55, in paragraph number 12 "March 4, 1963" to "March 4, 1964"; p. 56, in paragraph number 16 "stampt" to "stamp".
- Section 15; p. 86, in paragraph two "classificaction" to "classification".
- Section 16; p. 89, the prefatory "State of New York, County of New York, City of New York, ss.:" is omitted.
- Section 18; p. 97, in paragraph four "Executive 10501" to "Executive Order 10501"; p. 100, in paragraph one "shall no" to "shall not"; in paragraph four "deletitions" to "deletions"; p. 105, in paragraph number 10 "sesion" to "session"; p. 106, in paragraph number 13 "Executice" to "Executive"; p. 107, in paragraph number 18 an isolated "t" is omitted; p. 108, in paragraph number 21 "Rhoades" to "Rhoads"; p. 118, "Sen. Ford" to "Rep. Ford" and "FBI I though" to "FBI I thought"; pp. 121-123, classification stamps appeared on all pages of Exhibit C, but were omitted.
- Section 21; p. 152, in the second paragraph the quotation was originally cited on pages 199-1200.

- Section 22; p. 166, "Aug. 17, 1966", to "Aug. 17, 1965".
- Section 23; numerous misspellings are reprinted as in the original; p. 176, "F.I.B."; p. 179, "Swett" in the first Rankin statement; p. 190, "McClou" as the speaker; p. 191, the third Dulles statement contains "I I"; p. 192, in the Russell statement "blacmail" lacks a "k", and the second Cooper statement contains "beford"; p. 213, "sheets" in the last sentence of Rankin's first statement; p. 215, "reight" in the last Rankin statement; p. 217, "partment" in paragraph four; p. 219, "every" in the fourth Russell statement; p. 220, "peak" in the fifth Rankin statement; p. 221, "Dalls" appears twice; p. 223, "to" in the first Boggs statement and "Cheif" in the second.
- Section 24; except where noted on pp. 224-225, the text is copied exactly from the original.