

## Part 2

## Chapter I The Commission's "First Shock," Its "Dirty Rumor"

Russell told me, "I am satisfied they have not told us all they know about Oswald." I did not interrupt him to question him. I wanted to hear all he had to say that day as I walked with him from his office in what was known when I worked there merely as the Senate Office Building, it being the only building the Senate then had. With the building of the new Senate Office building across the street from it, the old building was named after Russell. By the time we reached the door to the Senate chambers in the Capitol Building, we would part at the door when he entered it for that day's session, So I asked nothing when he did not specify either the "they" he was satisfied had not told the Commission "all they know about Oswald" to the character of the information he believes was withheld from the Commission.

Russell's belief has been amply substantiated by the quite large volume of the CIA's records on Oswald in a single file, its 201 "personality profile" file. Its disclosure was compelled by the 1992 law. It began in late 1993. What the CIA had begins with an incredible 18 linear feet of paper in that one file!

To visualize that great amount of paper and the extraordinary amount of time, effort and interest it reflects, if stacked on the floor in the average home, two stacks in a room would not hold all that paper the CIA had on Oswald in this single file!

The amount of work required for the generation of such a remarkable amount of information is impossible for the average person to comprehend. It is a reflection of an exceptional CIA interest in Oswald.

It seems clear that the CIA is the "they" Russell had in mind. The FBI

had given the Commission a great volume of political material on Oswald, all selected, formulated and calculated to give the Commission the belief that was the opposite of the truth, that Oswald was "Red." In fact, and this cannot be repeated too often, Oswald was virulently anti-Communist. The FBI and the Commission say this without using the word "Red" by referring to Oswald as a "Marxist." The country and the world took this as intended, to mean he was a Communist, and all the FBI generated and the Commission published is designed to give that impression.

However, the Commission's counsels, anxious to cover their own asses and dishonesties in drafting the report, published their 26 volumes of appending proof that Oswald was anti-Communist. This has been publicly available since my first book, Whitewash: The Report on the Warren Report. From what the Commission published alone, I reported about Oswald's politics in many places in that book, on pages 1, 10, 19, 72, 119-21, 123, 137, and 146. On Oswald as an alleged "Marxist" I used the Commission's own evidence on pages 72, 120-1, 146, and 192.

When I published Post Mortem in 1975 in it I added to the clear record the Commission had that Oswald was anti-USSR and anti- United States Communist what the Commission suppressed that the defected KGB minor official Yuri Nosenko told the FBI and the FBI gave to the Commission whose unpublished records were my cited source. (pages 626ff) The KGB suspected that Oswald was an American "sleeper" agent or "agent in place" and kept him under surveillance that included his mail. The KGB also knew that even inside the Soviet Union Oswald was openly opposed to it and to its politics and its political leaders.

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and am without a doubt that Russell believed the FBI's line that Oswald was some kind of Red. That is the thrust of the text volume of its five-volume report President Johnson ordered of it before he appointed his Commission. It is a political diatribe against Oswald and little else. So little else that it barely mentions the assassination and does not even try to account for the known and reported shooting in it.

Not only did the FBI indoctrinate Russell and the rest of the Commission with the belief that Oswald was a Red, Russell's very conservative political beliefs came close to assuring he would believe that of Oswald. To indicate how strongly Russell held to his conservative beliefs, he told LBJ, as tapes of Johnson's phone conversations disclosed in 1994 reveal, that he did not want to be in the same room with the liberal Republican Supreme Court Justice Earl Warren. That was when Johnson was twisting arms to get those he wanted to be Members of his Commission to agree. Johnson appointed Russell over Russell's refusal to accept the appointment, which Russell also told me. As he then pointed out, there was nothing he could do after the President's announcement of his appointment.

Russell's conviction that Johnson appointed him to the Commission to keep him from leading the South's strong opposition to the pending civil-rights legislation and his determination to nonetheless lead that opposition led him to his shunning all his Commission work possible. He did read extensively what the staff gave Members and he did have his own staff read and encapsulate for him what the records reflected.

The Commission ceased to exist after publication of its Report on September 27, 1964. A few of its staff continued working to assemble and have published its appended 26 volumes of testimony and exhibits that November.

Its records were then transferred to the National Archives, custodian of our national treasure of records, along with all other preserved historical records. I sought to obtain all the Commission's executive session transcripts from the archives and eventually forced the disclosure of all but one case.

The remaining withheld transcript is that of the executive session of May 19, 1964. The ostensible reason for this withholding is to protect the privacy of Commission assistant counsel Norman Redlich, then and later Rankin's first assistant. In fact, all the Commission's massive file of defamation of Redlich had already been disclosed to me by the Archives. It consisted of about 300 pages of not infrequently ugly racism by the extreme political right. It alleged falsely that Redlich was a "red" over his civil-rights record. The real purpose of this continued withholding is to protect Ford who, at that executive session sought to have these racists' efforts to get Redlich fired succeed. Ford attempted to get Redlich fired, protected by TOP SECRET secrecy, failed. The other members would not agree to the baseless demands of the irrational right political extreme that Ford argued. After their Commission careers, Rankin became corporation counsel of the City of New York, with Redlich his assistant. Later Redlich was dean of the law school of the City College of New York. When this one transcript was disclosed in 1994 under the 1942 law supposedly requiring full disclosure of the JFK assassination records it got no attention at all. It completely confirms what I attested to that court and encapsulate here. It had been withheld from me by fraudulent misrepresentation and by official perjury. What Ford was really up to, protected by the expectation of perpetual secrecy, is what I stated under oath and is unrefuted in the court record in

CA 2052-73.

When it denied me the transcript of this January 27 session, I filed suit for it and the other transcripts then still withheld under the Freedom of Information Act (FOIA). In its initial refusal to let me have this transcript and throughout the entire lawsuit in federal district court for the District of Columbia the Archive insisted that this transcript was and was properly classified TOP SECRET and thus, under the law, had to deny it to me. Based on this sworn-to representation the Archives won that lawsuit. CA/

FOIA became the law of the land on July 4, 1967, during the Johnson administration. Although it is a disclosure law, all agencies treated it as a law authorizing nondisclosure. This practice, especially by agencies like the FBI and the CIA, increased more and more under the subsequent Republican administrations, most greatly under the Reagan administration, which rewrote the standards for claimed "national security" withholdings by executive order. These Archives affidavits were falsely sworn. That is the felony of perjury. In my not inconsiderable experience in FOIA litigation, official perjury was commonplace and the agencies and their affiants were invariably immune in these felonies. Official perjury became so commonplace and so immune that when I proved it, myself under oath and subject to the penalties of perjury, the government did not even bother to try to refute my affidavits. The judges just ignored the crimes, and these were felonious crimes, flaunted in their faces by the executive agencies.

I filed an appeal with the federal court of appeals. It was only then that the government, knowing that court as then constituted was not inclined to rubber-stamp its claims in FOIA litigation and faced with the possibility that a reversal by the court of appeals would attract more attention to what

it was hiding in that January 27 transcript, decided that it really was not TOP SECRET and sent me a copy on June 4, 1974.

But it was classified TOP SECRET when Ford published it and for nine years thereafter. He and Stiles were paid for their use of this TOP SECRET record.

This FOIA lawsuit, Civil Action (CA) 2052-73, was one of 13 I filed to obtain withheld assassination records. They are listed in the bibliography. Ultimately, I succeeded in all these lawsuits in varying degrees. I obtained about a third of a million pages of once-secret records, mostly from the FBI but including other agencies, like the CIA. Of these, about a quarter of a million relate to the assassination of President John F. Kennedy and its official investigations. Several of these lawsuits were precedental. Official corruption in one of them, CA 2301-70, led to the 1974 amending of FOIA investigatory files exemption to make accessible under the Act of FBI, CIA and similar agency records. This made possible exposure of terrible FBI intrusions into the lives of people its Director, J. Edgar Hoover did not like, of its misnamed "Cointelpro" records. This acronym was its abbreviation of what that police-state outrage was not, a "counter-intelligence program." It was the last surviving Kennedy brother, Senator Edward M. (Teddy) Kennedy who saw to it that the legislative history of the 1974 amending is specific in attributing that amending to the FBI's abuses in my CA 2301-70 lawsuit.

As we shall see, the affidavits filed by Rankin and Dr. James B. Rhoads, then the Activist of the United States, were false. Because they were most material in this lawsuit that constituted perjury, a serious felony. That they would risk the possibility of being charged with this felony to continue to withhold this and other executive session transcripts reflects the

importance officially attributed to continuing to keep secret the transcripts so many of which reflect unfavorably on Ford. It was held in their offices rented from the Veteran of Foreign Wars five blocks east of the capitol grounds, on Independence Avenue, SE, beginning at 5:30 pm.

Although the major media rarely covered these FOIA court hearings, one of the reasons official perjury in them was so immune from punishment and the judge could ignore it, sensational contents made public only because of a heated controversy had a much better chance of getting attention from the major media and of being reported by it. (Paul Hoch, of Berkeley, California, told me where the this stenotypist's tape was hidden.)

*to page 53 where 5d'w.*

From Rankin's inaccurate account two days later, at the executive session of Friday, January 24 with the Texas Court of Inquiry and Dallas District Attorney Henry Wade, the

To try to keep Russell as happy as possible and to keep him from resigning from the Commission, which he told me he came close to doing several times - and this is borne out by the deposit of his records at the University of Georgia at Athens, Georgia - he was given the services of the Georgia lawyer, Alfreda (correct) Scobey. She studied and reported on these records to Russell, too.

But despite his best efforts to be familiar with what the Commission had, that was impossible for him. He also had by far the poorest record of attendance at and participation in the Commission's hearings. He was present at only six. And of them, there is the one he forced for further questioning of Marina Oswald, just before the Commission's Report was filed. This alone reflects Russell's questions about the Oswalds.

While I am without doubt that Russell was firm in his belief that Oswald was a Communist and that it was information of his character he believed "they" had withheld from the Commission, his belief is not relevant to the since proven fact that the "they" of the CIA had withheld from the Commission an enormous volume of records of "what they know about Oswald." Nor is his belief relevant to what the Commission did and did not do to learn more about Oswald. This is particularly true of what the Commission avoided doing to learn whether there was anything to the report that Oswald had worked for the FBI. Having avoided facing that report for more than a month after it was first published, when J. Lee Rankin learned that the Texas Court of Inquiry had received and was going to look into that report the Commission could no longer ignore and avoid it. Instead, it set out to control what could and could not be known about it.

Because it is impossible for me to get to the National Archives where the CIA mass of its Oswald Personality Profile is available and because retired Army intelligence major John Newman, who is also a college professor, is writing a book about that file, we here assess only what the Commission did and did not do when it was so deeply troubled that the report it was ignoring could no longer be entirely avoided, realized that somehow it has to be addressed.

We "have a dirty rumor," J. Lee Rankin, general counsel, told six of the seven eminent members of the Commission, "and it must be wiped out." The "dirty rumor" is that Lee Harvey Oswald, already ordained the lone assassin, had worked for the FBI.

What a sensation - the only man ever officially considered as the President's assassin - worked for the FBI!



Really hot stuff!

It caused the Commission great consternation.

The occasion for Rankin's characterization of this report the Commission had not yet investigated was the third of its three known considerations of that report, all held in utmost secrecy in less than a week. It was on January 27, 1964. It and the first one five days earlier were classified TOP SECRET.

The Commission had not yet held its first hearing, taken its first evidence.

The only member not yet present was Gerald R. Ford, Congressman from Michigan. He then was the Minority Leader, the Republican leader in the House of Representatives.

The first public knowledge of this "dirty rumor" came from Ford's 1965 book, Portrait of the Assassin, co-authored, meaning written by his close friend and political ally, John R. Stiles. (Simon and Schuster, New York, 1965. It was republished as a pocket book by Ballantine Books, Inc., New York, in 1966).

Ford had put Stiles on the government payroll ostensibly as his assistant in Commission work but actually to write this book and an earlier commercialization of his Commission role published by LIFE magazine at roughly the same time the Commission's Report was issued. This was to figure in the Senate Judiciary hearings on his nomination to be our first unelected vice president, the means by which he became our only unelected President.

At the time Ford used the stenographic transcript of the January 27 executive session, it was classified TOP SECRET. That meant its disclosure could start a war or have other horrendous consequences.

When the question of his private use of classified information came up in Ford's confirmation hearings, he testified, under oath, that "we did not use in that book any material other than the material that was used in the 26 volumes of testimony and exhibits that were subsequently made public and sold to the public generally."

This is quoted from my 1974 book, Whitewash IV: Top Secret JFK Assassination Transcript. It quotes from page 89 of the judiciary committee's published hearing on the Ford nomination.

(5a & 5b)

The Commission's January 27 executive session related to what Ford described in his book as its "first shock," which it wasn't, and as "an astounding problem," which it was the evening of Friday, January 22, 1964.

(5c)

Chairman Earl Warren, the Chief Justice of the Supreme Court, called that emergency meeting at that unusual hour after he and Rankin had conferred following Rankin's receipt of a telephone call from Waggoner Carr, attorney general of the State of Texas and the chairman of its special Court of Inquiry into the JFK assassination. Carr told Rankin of widespread reports in Dallas that Oswald had worked for the FBI and that his group would be inquiring into it, which it never did.

That transcript also was withheld from me on the technically truthful ground that it did not exist in the form of a transcript. But the stenotypist's verbatim tape did exist, and when I notified the Archives that I knew it had this tape and where it was filed, it decided to have to transcribe <sup>it</sup> for me rather than risk the considerable attention a lawsuit for the transcript of those words of the Commission could get. (See my 1975 book, <sup>it</sup> <sup>it</sup> <sup>it</sup>)

Post Mortem, pages 405-7, 475-88, 611, 621-2 and 662).

(5d) *transfer from 49 line*

The Archives did not ask the court reporting firm of Ward & Paul, which provided the Commission's stenographic reporters, to transcribe that Ward & Paul stenotypist's tape. Instead, the Archives asked the Pentagon. The Pentagon's transcriber, not familiar with the names or the subject matter, made minor errors I correct, like spelling Rankin's name "Rawkin." Often names were omitted, replaced by "Q" and "A."

Warren's first words in opening that emergency January 27 session are, "I called this meeting because of something that developed today that I thought every member of the Commission should have knowledge of, something 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."

Rankin then said that Carr "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 an FBI undercover agent" with the "number 179, and was being paid two hundred dollars a month from September of 1962 up through the time of the assassination."

The only thing that actually "developed" that day was the Commission's awareness that its temporary competitor, the Texas Court of Inquiry, knew of the report that Oswald had worked undercover for the FBI.

(6A)

The government's first knowledge came indirectly from Alan Sweatt (correct), Dallas County Sheriff's chief criminal deputy. It reached the Secret Service second-hand on December 17, 1963. A news story about the report was published January 1, 1964 by the Houston Post. It was written by

Alonzo H. Hudkins, III, better known as "Lonnie" and later my friend. Lonnie, according to Philadelphia, Pennsylvania FBI SA (Special Agent) John R. Wineberg, told Joseph Goulden, then a reporter for the Philadelphia Inquirer about it when he visited the Gouldens "in early December." Goulden and Hudkins had "covered the courthouse beat in Dallas" together. (This FBI report of February 12, 1964 is in Commission File No. 463. The Commission numbered its files first as "Commission Number," then, as in this instance, as "Commission Record" or "CR" and ultimately as "Commission Document" or "CD," which most are.)

The New York Times and the magazine The Nation also had articles in preparation and the report was common knowledge in Dallas.

It had not just "developed" on January 22. What did "develop" then is the Commission's certainty that it could no longer ignore this sensational report.

According to Rankin, even the lawyers for Jack Ruby, the man who killed Oswald Sunday, November 24 and thus prevented a trial of the one person ever officially considered the assassin, knew of this report. Rankin attributed this information to Henry Wade, Dallas County Prosecutor and later also my friend.

Rankin and Warren decided to ask the Texans to come to Washington immediately and in secret. With no member of the Commission present, they met with Carr, Wade, Dean Robert G. Storey, of Southern Methodist University Law School (Emeritus) and Leon Jaworski, prestigious Houston attorney who was special counsel to the TCI. Later he was chief Watergate prosecutor.

Rankin asked all involved to keep their coming to the Commission entirely secret but the FBI knew before the Texans emplaned. A Dallas

Part 2  
Chapter 4 - The Commission's "First Shirk," ITS "DIRTY RUMOR"

~~That "Dirty Rumor"~~ - ~~of the title~~

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43A

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on 4/4. insert these notes in folders at place indicated by V and by P

Notes on 5A  
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3A 6A 4BA

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But despite his best efforts to be familiar with what the Commission had, that was impossible for him <sup>also</sup> and he had by far the poorest record of attendance at and participation in the Commission's hearings. ~~He~~ <sup>He</sup> was present at only six. <sup>one</sup> And of them, is the one he forced for further questioning of Marina Oswald, just before the Commission's Report was filed. This alone reflects Russell's questions about the Oswalds.

While I am without doubt that Russell was firm in his belief that Oswald was a Communist and that it was information of this character he believed "they" had withheld from the Commission, his belief is not ~~more~~ relevant to the since proven fact ~~is~~ that the "they" of the CIA had withheld from the Commission an enormous volume of records of "what they know about Oswald." Nor is his belief relevant to what the Commission did and did not do to learn more about Oswald. This is particularly true of what the Commission avoided doing ~~what it could~~ to learn whether there was anything to the report that Oswald had worked for the FBI. Having <sup>avoided</sup> ~~avoided~~ facing that report for more than a month after it was first published, when J. Lee Rankin learned that the Texas Court of Inquiry had received and was going to look into that report the Commission could no longer ignore and ~~avoid~~ it. Instead it set out to control what could and could not be known about it.

Because it is impossible for me to get to the National Archives where that CIA mass of its Oswald Personality Profile is available and because <sup>Army</sup> retired ~~Army~~ intelligence major Joh Newman, who is also a college professor, is ~~is~~ writing a book about that file, we here assess only what the Commission did and did not do when it was so deeply troubled that the report it was ignoring could not longer be ~~avoided~~ entirely, <sup>realized</sup> ~~realized~~ that somewhere it had to be addressed   
 after space

4 1A  
48 A

What a sensation! - the only man ever <sup>officially</sup> considered as the President's assassin -  
worked for the FBI! ~~It~~ Really hot stuff!  
Commission  
It caused great/consternation.

AGENT OSWALD?

That "Dirty Rumor"

We "have a dirty rumor," J. Lee Rankin, general counsel, told ~~the~~ <sup>six of the seven prominent</sup> ~~seven~~ members of the President's Commission on the Assassination of President John F. Kennedy, better known as the Warren Commission, "and it must be wiped out." The "dirty rumor" is that Lee Harvey Oswald, already ordained the lone assassin, had worked for the FBI. <sup>yes</sup> <sup>if here</sup>

The occasion for <sup>Rankin's</sup> this characterization of <sup>the</sup> report the Commission had not yet investigated was the third <sup>of</sup> three known considerations of that report, <sup>by that Com-</sup> mission <sup>all</sup> held in utmost secrecy in less than a week, <sup>It was on</sup> ~~on the evening of January~~ on January 27, 1964. <sup>It and the first one five days earlier were classified TOP SECRET</sup>

The Commission had not yet held its first hearing, taken its first evidence.

The only member not present was ~~Representative~~ <sup>R.</sup> Gerald Ford, Congressman from Michigan. He then was the <sup>1</sup> "Republican leader in the House of Representatives, the Minority Leader 1965"

The first public knowledge of this "dirty rumor" came from Ford's <sup>meaning written by</sup> book, Portrait of the Assassin, co-authored <sup>with his</sup> close friend and political ally, ~~Frederick~~ Stiles. (Simon and Schuster, New York, 1965). It was republished as a pocket book by Ballantine Books, Inc., New York, in 1966)

Ford had put Stiles on the ~~the~~ government payroll ostensibly as his assistant in Commission work but actually <sup>to</sup> write this book and an earlier commercialization of his Commission role published by LIFE magazine at roughly the same time the Commission's Report was issued. This was to figure in the hearings <sup>Senate Judiciary Committee's</sup> held ~~when~~ by the ~~Senate~~ ~~Judiciary~~ on his nomination to be our <sup>first</sup> unelected vice president, the means by which he became our ~~only~~ unelected President. <sup>By the Senate judiciary committee.</sup>

At the time Ford ~~stated~~ <sup>used (stenographic TRANSCRIPT)</sup> the transcript of the January 27 executive session it was <sup>not meant to disclose could start a war</sup> ~~classified~~ TOP SECRET. <sup>(This) true and horrendous consequence.</sup> When the question of his private use of <sup>Ford's</sup> classified information came up in his confirmation hearings, he testified, under oath, that "we did not use in that book any material other than the material that was used in the 26 volumes of testimony and exhibits that were subsequently made public and sold to the public generally."

This is quoted from my 1974 book, Photographic Whitewash: Top Secret JFK Assassination



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Transcript, <sup>it</sup> which quotes ~~it~~ from page 89 of the judiciary committee's published hearing on the Ford nomination.

BA here and BB

When a copy of that transcript was denied me by the National Archives, inheritors of the Commission's records, after I requested it under the Freedom of Information Act (FOIA) and I filed suit for it (Civil Action (CA) 2052-73) it continued to be withheld from me because it was classified TOP SECRET. It was not disclosed to me until the next year, after the government had won the lawsuit before the district court and just when the government's brief was due at the appeals court, to which I had taken the case.

This transcript continued to be classified TOP SECRET for nine years after Ford published it in the book for which he and Stiles were paid.

The Commission's <sup>January 27</sup> first executive session <sup>related to</sup> on what Ford described in his book as <sup>which it was</sup> its first ~~shock~~ shock, <sup>1</sup> which it wasn't, and as "an astounding problem" was the evening of Friday, January 22, 1964. <sup>SCA</sup> Earl <sup>(The Chief Justice of the Supreme Court)</sup> Warren called that emergency meeting at that unusual hour after he and Rankin had conferred following Rankin's receipt of a telephone call from Waggoner Carr, attorney general of the State of Texas and the chairman of its special <sup>ts/</sup> Court of Inquiry in the JFK assassination. Carr told Rankin of reports in Dallas that Oswald had worked for the FBI, <sup>widespread</sup> and that his group would be inquiring why it <sup>which it</sup> ~~was~~ <sup>was</sup> ~~did~~ <sup>did</sup>.

That transcript also was withheld from me on the technically truthful ground that it did not exist - in the form of a transcript. But the stenotypist's <sup>verbatim</sup> tape did exist, and when <sup>and when it was filed</sup> I notified the Archives that I knew it had this tape, it decided to have to transcribed for me rather than risk the considerable attention a lawsuit for the transcript of those words of the Commission could get. (See my 1975 book, Post Mortem, pages 405-7, 475-88, 611, 621-2 and 662) <sup>FD here</sup>

The Archives did not ask the <sup>court</sup> expert reporting firm of Ward & Paul, which provided the Commission's stenographic reporters, to transcribe <sup>that Ward & Paul stenotypists</sup> its own tape. Instead the Archives asked the Pentagon. The Pentagon's <sup>often names were omitted, replaced by "B" and "A"</sup> trainer transcriber, not familiar with the names or the subject matter, made minor errors I correct, like spelling Rankin's name "Rawkin."

Warren's first words in opening <sup>that emergency January 22</sup> the session are, "I called this meeting because of something that developed today that I thought every member of the Commission should have

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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."

Rankin then said that Carr "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~~ Oswald was an FBI undercover agent" with the "number 179, and <sup>was being</sup> that he ~~was~~ paid two hundred dollars a month from September of 1962 up through the time of the assassination."

The only thing that <sup>actually</sup> "developed" that day was the Commission's awareness that its temporary competitor, the Texas <sup>C</sup>ourt of Inquiry, knew of <sup>the</sup> ~~this~~ report that Oswald had worked undercover for the FBI.

<sup>CA BA line</sup> ~~The government~~ government's first knowledge came <sup>indirectly</sup> from Alan Sweatt, Dallas County Sheriff's chief criminal deputy. <sup>(correct)</sup> It ~~reached~~ <sup>reached</sup> the Secret Service second-hand on <sup>A news story about the</sup> ~~December 17, 1963.~~ The report was published January 1, 1964 by the Houston Post. It was written by Alonzo H. Hudkins, III, better known as "Lonnie" <sup>Philadelphia, Pennsylvania</sup> and later my friend. Lonnie, according to FBI SA (Special Agent) John R. Wineberg, told Joseph Goulden, then a reporter for the Philadelphia Inquirer about it when he visited the Gouldens <sup>in</sup> early December." Goulden and Hudkins had "covered the courthouse beat in Dallas" together. ~~(This FBI report of February 12, 1964 is in Commission File No. 473. The Commission referred to its files as "Commission Number," as in this instance, as "Commission Record" of "CR" and as Commission Document" or CD, "which must be.)~~ <sup>numbered</sup> ~~(This FBI report of February 12, 1964 is in Commission File No. 473. The Commission referred to its files as "Commission Number," as in this instance, as "Commission Record" of "CR" and as Commission Document" or CD, "which must be.)~~

The New York Times and the magazine The Nation also had articles in preparation and the report was common knowledge in Dallas.

It had not just "developed" on January 22. What did ~~deve~~ "develop" then is the Commission's certainty that it could no longer ignore this sensational report.

<sup>At</sup> Even the lawyers for Jack Ruby, the man who killed Oswald Sunday, November 24 and thus prevented a trial of the one person ever officially considered the assassin, <sup>Rankin</sup> ~~according to Rankin.~~ <sup>He</sup> attributed this information to Henry Wade, Dallas County Prosecutor and later also my friend. <sup>He knew of this report.</sup>

Rankin and Warren decided to ask the Texans to come to Washington immediately and in secret. Rankin and Warren, <sup>with</sup> no ~~other~~ member of the Commission present, <sup>they</sup> met with

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Robert

Carr, Wade, Dean ~~Robert~~ G. Storey, of Southern Methodist University Law School (emeritis) and Leon Jaworski, prestigious Houston attorney who was special counsel to the TCI. Later he was the chief Watergate prosecutor. all involved to keep their coming to the Commission  
Rankin asked that it all be kept entirely secret out the FBI knew ~~before~~

before the Texans explained. A Dallas policeman or official, his name is redacted from the record disclosed to me in my FOIA lawsuit against the Dallas office, assassination records, CT 78-0322, leaked the information to Dallas ~~FBI~~ SA Robert <sup>W</sup>emberling, that office's JFK assassination case agent. <sup>He</sup> told Gordon Shanklin, Special Agent in Charge <sup>SA</sup> immediately phoned Inspector <sup>James R.</sup> Malley at FBIHQ and he also wrote his memo <sup>on this</sup> "to files" which I cited <sup>it is in</sup> from the Dallas ~~main JFK assassination~~ main file on Lee Harvey Oswald, (File No 100-10461-2799)

Note (In all I filed 15 FOIA lawsuits when the government did not disclose the information i requested voluntarily. As a result I obtained about a third of a million pages that had been secret. <sup>302</sup> Of these about a quarter of a million relate to the assassination of President Kennedy and tis investigations. <sup>11</sup> These lawsuits are listed in the bibliography. In the FBI's filing system, the first number is the classification of the file, the second its number within that classification, and the third iss serial number ithin that file. The numbers are not chronological. They are applied as filed, not as generated or received.)

After his and Rankin's day with the Texans Warren called another Commission executive session for Monday, January 27, that "dirty rumor" session.

<sup>This report</sup> That ~~it~~ was not the Commission's first shock, Nor <sup>as Ford wrote</sup> was it the most serious, as <sup>he</sup> Ford pretended. What shock the Commission up most of all was its realization <sup>that FBI</sup> that by its careful leaking which it steadfastly blamed on all others, <sup>b/</sup> the FBI had ~~hoaxed~~ the Commission in. <sup>It is here</sup> As a practical matter it was virtually impossible for the Commission to <sup>immediately</sup> conclude other than as the FBI concluded, that Oswald was the lone assassin - that there had been ~~no conspiracy~~. Hoover had this instant vision, as he later boasted to William Manchester, author of The Death of a President, (Harper and Row, New York, 1967), <sup>from a receipt this day found conclusively</sup> the <sup>was the official version of the Warren</sup>

afternoon of the assassination. ( FBIHQ 62-109060, Not Recorded serial, June 4, 1964 assistant director Cartha memorandum from G.D.DeLoach to John P. Mohr, assistant to the Director. This is the FBIHQ main JFK assassination file. <sup>illegally noted</sup> (The original or "record" copy is in an undisclosed "Crime Records" file, <sup>not appears to be 94-427662</sup> 94-4362. Nobody inside the FBI ever addressed Hoover directly. All communi-

(7)

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its

What the FBI leaked was what it selected to leak from ~~the~~ supposedly definitive report on the assassination the new President directed Hoover to have made when he was back in his vice president's office the night of the day of the assassination, <sup>That was a week</sup> before he appointed his Presidential commission. The ~~pre-prepared~~ FBI's <sup>was</sup> report ~~made~~ made in five spiral-bound volumes. The first is its report, supposedly on the assassination but <sup>it is</sup> ~~actually~~ <sup>political as an alleged "red" it holds</sup> no more than a diatribe against Oswald, with virtually no information at all about the assassination. The next three volumes are exhibits relating to this first volume. The fifth is on Jack Ruby. This report was not forwarded to the Commission until December 9, 1963. However, my files hold published leaks from this first volume ~~and~~ that could have come from no other source, <sup>They began appearing</sup> beginning December 2 and ~~ending~~ <sup>at</sup> December 5. These extensive and widely-published leaks <sup>reporting</sup> ~~stating~~ that Hoover and the FBI had concluded that Oswald and he alone had killed the President made it a practical impossibility for the Commission to conclude other than the FBI had <sup>concluded-</sup> and that the FBI saw to it the nation and the world knew the FBI had concluded.

If the Commission thereafter did not agree with this FBI conclusion, that Oswald was the assassin and that there had been no conspiracy, it would have meant what nobody <sup>and survived,</sup> in official life ever dared <sup>a real fight with J. Edgar Hoover and his FBI.</sup>

Having no real choice, the Commission did conclude that Oswald was the lone assassin.

This FBI "conclusion" began with an instant vision Hoover had the <sup>early</sup> afternoon of the <sup>day of the</sup> assassination,

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cations intended for him were routed through rigid channels. The man above De Loach ~~and~~  
~~xxxx~~ <sup>John P.</sup>  
~~xxxxxx Hoover~~ was Mohr. From him this memorandum went to Clyde Tolson, associate director  
personally  
and the man/closest to Hoover. Tolson decided whether records would reach "Hoover." <sup>only</sup> ~~His~~  
initial, DeLoach's and Hoover's, the latter with an "OK", are <sup>added</sup> ~~appended~~ to the last page.  
The position of the FBI never changed. <sup>by</sup> After almost 30 years it remains identical with  
Hoover's instant vision before any investigation was made or possible.)

And, the Commission did <sup>not</sup> conclude in accord with Hoover's <sup>instant</sup> vision, that Oswald was  
the lone assassin.

Deputy Attorney General Nicholas deB. Katzenbach assured the Commission at its  
December 5, 1963 executive session that the leaking to assert control was by the  
FBI. <sup>S.T.</sup> Pick up and quote from transcript 5A here ~~to come~~

That the Commission was really terrified, a ~~more~~ <sup>more</sup> severe a reaction that mere  
shock, is <sup>of</sup> apparent in the January 22 executive session transcript. <sup>That was, remember,</sup> ~~This is~~ the first  
session called for TOP SECRET <sup>statement that has T.C.I. would investigate at the</sup> consideration of Waggoner Carr's report that Oswald was  
said to have been an FBI under <sup>Hoover</sup> informer.

They were <sup>not</sup> easily terrified men, those Warren Commissioners of whom Ford is the  
only survivor as of this writing. They were nationally and internationally known and respected,  
successful, <sup>In this</sup> and they represent President Lyndon Johnson's shrewdness in his selecting  
of them. He quieted all possible criticism of their conclusions in advance by his  
<sup>choice</sup> selection of the Commission's members.

Appointing Earl Warren chairman when Johnson knew appointing him was wrong and Warren  
<sup>and his associates just knew</sup> agreed it was wrong, immobilized the Eastern intellectual establishment <sup>and the more liberal Democrats,</sup> and moderate  
Republicans. All the others appealed to and had strong followings among the various  
groups of conservatives, <sup>save for</sup> John Sherman Cooper, ~~xxxxxxx~~ Senator from Kentucky, <sup>was</sup>  
<sup>not</sup> ~~one of~~ the more, liberally-inclined Republicans. John J. McCloy, with long experience in  
government, particularly in whitewashing ~~problems~~ problems into invisibility, enjoyed a  
fine reputation in financial circles. Ford was the <sup>Republican</sup> leader in the House of  
Representatives, Allan <sup>Dulles</sup> Dulles had influence <sup>with</sup> in and was respected by <sup>his</sup> the cold-war  
set, having been a successful ~~spee~~ spok-master in World War II and Director, Central

85A  
50A

~~Katzenbach's words are:~~ What he told the Commission is that although the FBI claimed it <sup>was</sup> ~~as~~ conducting a vigorous "no-stones-untuned" investigation to determine who did the leaking, only the FBI could have done the leaking. It <sup>o</sup> ~~alone~~ then had copies of what was leaked.

no extra space

Although only ~~the~~ court reporter, Rankin and Commission ~~members~~ <sup>members</sup> were present, the FBI knew what Katzenbach said immediately. Ford was actually an FBI informer reporting on the Commission and ~~its~~ his fellow ~~members~~ all of whose executive sessions were and remained <sup>classified</sup> TOP SECRET. He reported to DeLoach, who reported, through channels, to Hoover. Aside from earning the FBI's gratitude and Hoover's contempt, all Ford got for being a stoolpidgeon was to keep an FBI ~~agents'~~ <sup>agent's</sup> attache case with a combination lock. It was given to him with the transparent face-saved ~~on the pretense~~ that he add he alone of

the seven Commission members required it for the safe carrying of his Commission records.

*(I have a separate file of duplicates of FBI records)*  
~~See author's separate file of FBI records on Ford as an FBI informer. I have kept the original files from which they were duplicated exactly as I received them from the FBI for their ultimate disposal as a ~~free~~ public matter at Hood College, Frederick, Maryland, where I live.)~~  
*get of all serial #5*

98  
57

Intelligence, for some years, presiding over some of the CIA's most spectacular failures that were so thoroughly approved by so many, especially the Bay of Pigs, over which JFK fired him, after a decent interval.

*Johnson appointed only*  
There were ~~but~~ two Democrats appointed to the Commission, *This was always* a radical and unprecedented departure from tradition and practice under which the majority party appoints a majority of ~~its~~ *members* to all political bodies. Johnson selection of these five Republicans effectively immobilized any Republican criticism of whatever ~~in~~ his Commission might ultimately conclude. ~~Johnson~~ With Warren's appeal to and following among the more liberal Democrats, Johnson, wily pol that he was, chose both of the Democrats from among those in the party ~~that~~ *who* were not followers of President Kennedy. They were Hale Boggs, long-time and popular Congressman from Louisiana and Senator Richard B. Russell of Georgia. *In selecting one of* Russell, who chaired the Senate's oversight *sub-committee* over the CIS and ~~then~~ *was* leading the southern opposition to civil-rights legislation, Johnson almost blew it.

*as indicated earlier*  
Despite his long associations with Johnson in the Senate, where Johnson had risen to be the majority leader, Russell entirely misread Johnson's objectives in appointing him to the Commission. When Russell wound up in strong disagreement with ~~the~~ Commission Counsel Arlen Specter's single-bullet theory, without which the Commission could not reach a lone-assassin, no-conspiracy conclusion, *as we have seen* Rankin was equal to the task, with an assistant from Warren. They conned the overly-committed Russell, who trusted them. *QA here*

*as reported above* (single-bullet)  
~~(I had heard the rumor that Russell had disagreed with the majority although he had signed the Report, what Johnson and Warren wanted so much, giving it unanimity, and that he had forced a Commission executive session over it, the last of them. It was, ~~my~~ ~~the~~ I learned as I obtained and studied these executive session transcripts, on Friday, it was given to President Johnson on the twenty-fourth and made public on the twenty-ninth, September 18, 1964. That was after the Report was written and ready to be published.)~~

*executive session*  
That supposed transcript was a fake, prepared so that the first page alone would mislead any overly-busy member who, looking at it, would lay it aside. *and recognize it. (See White House TV)*

The Commission's court reporting was provided by the firm of Ward & Paul, a long-established, reputable firm. I was quite familiar with its work because it provided these same services to the Senate committee for which I had worked ~~for years earlier~~

5/4

(This single-bullet theory was the invention of Commission Assistant Counsel Arlen Specter. Specter was a Philadelphia assistant district attorney when he joined the Commission staff. He was then a liberal Democrat and a member of the liberal Americans for Democratic Action. With the end of his Commission career he returned to Philadelphia where he exploited his Commission career first by becoming a Republican and then by running successfully for District attorney against the man who have given him his start as an assistant district attorney. Thereafter he ran successfully for the United States Senate. On its judiciary committee he exploited his Senatorial immunity to castigate the black woman law professor who testified to sexual abuse by President George Bush's nomination of the ultra-conservative Clarence Thomas to succeed the Supreme Court's liberal black justice Thurgood Marshall. This earned him widespread opposition among woman voters in particular and almost cost him reelection in 1992. At the time Specter made this single-bullet theory up it had been proven to be impossible. But it was the only means by which the Commission dared pretend that Oswald alone fired all the shots during the assassination. It required a single bullet to have entered the back of the President Kennedy's neck been fired from some 60 feet up in the Texas School Book Depository Building; to have hit President Kennedy in the back of his neck; then to have exited the front of his neck higher on it that it had entered; it, then to have gone to the right to enter Texas Governor John B. Connally's chest under his right armpit where it bowed to the left, smashing four inches of his fifth rib before exiting under his right nipple; and then to have entered his right wrist and smashed those heavy bones before exiting the wrist to slide into his left thigh and penetrate about four inches parallel with the thigh bone in which it lodged a fragment still there; lurking and awaiting the proper moment after the wild drive the Parkland Hospital in the Presidential limousine, being lifted from it and placed on a gurney or rolling stretcher and then have perceived the very moment it would be seen by a hospital engineer to sneak back out of these four inches on Connally's thigh to fall underneath the gurney's mattress and thence to the floor when a doctor entering a rest room shoved the gurney, causing it to strike a wall, the apparent signal this magical bullet, like nothing in science or mythology, required for its emergency and entry into our national history. See Whitewash 11.155-57, especially

as a phisurer against Hill

was conduct

retired

Specter

that remained virtually unscathed

slide Connally's

ing it in

then

a

timely



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almost three decades earlier. As that committee's editor I prepared three long years of of all that committee's testimony ~~taken down~~ verbatim transcripts by Ward & Paul court reporters for publishing. As printed and bound by the Government <sup>P</sup>printing <sup>O</sup>office those hearings I edited take up 17 inches of shelf space. So I knew Ward & Paul's work very well. *It was excellent.*

I knew at first glance that it had not prepared that "transcript" and further, casual examination, just turning a page, left it without question - that supposed transcript was a very <sup>careless and a very</sup> daring fake. (See Whitewash IV, pages 131-2)

Russell had intended for that transcript to record his views, especially his disagreement, for history.

Rankin saw to it that there was no court reporter present to record Russell's words and those of Rankin and the other of the present commissioners. Russell, as I later learned, <sup>Miss</sup>took a staff stenographer <sup>to</sup> be the court reporter.

When I put the <sup>fake transcript</sup> proof in Russell's hands he asked me to ~~conduct~~ obtain proof for him that there was no other version of the transcript, a real one. After I <sup>gave</sup> took him that proof from the Archives he encouraged my efforts to disprove the Report until his dying day, several times expressing regret that from his many Senate duties and his declining health he could not be ~~of more~~ active in the effort.

One ~~summer~~ day in the early summer of 1968 as we walked from his office in the "old" Senate Office Building, the only Senate office building when I worked in it, over <sup>to</sup> the the Senate session in the Capitol building he told me that he had thought <sup>he</sup> had talked Johnson out of appointing him to the Commission only to learn the next day that Johnson had appointed him and that, after the public announcement of it, there was nothing he could do. He said he thought Johnson appointed him to prevent his leading of the southern opposition to the then-<sup>pending</sup> ~~opening~~ civil rights legislation.

"But I fooled Lyndon," Russell <sup>u</sup>chickled as he told me. He added that he led that fight but that as a result he could and did devote little time to <sup>Johnson's</sup> the Commission. In all he attended ~~only~~ about a half-dozen if its hearings.

I believe that Russell's misreading of Johnson's intentions became a great national tragedy because if he had devoted more time to the Commission's ~~work~~ his ultimate disa-

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greement would have been stronger and Rankin and Warren would not have been able to deceive and mislead him into believing <sup>that</sup> the supposed "compromise" they worked out ~~at~~

satisfied ~~at~~ his objections <sup>to</sup> and his strong disagreement <sup>with that single bullet theory</sup>

<sup>"compromise"</sup>  
As this appeared in the Report (only page 19) it is:

2. The weight of the evidence indicates that there were three shots fired.

3. Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds. However, Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository.

2  
There is no such "evidence" from any experts who testified before the Commission, ~~and more, that the Commission's second shot absolutely has to have missed, otherwise~~

~~its entire supposed reconstruction, which was really Arlen Specter's invention, collapses and the Report could not have been issued.~~

Russell told me that when he read the Report and disagreed in particular with its account of the shooting he told Warren, "Just put a little footnote in there at the

bottom of the page saying 'Senator Russell dissents'." Warren, of course, could not accept that because it ended <sup>the</sup> unanimity he and Johnson so wanted <sup>and raised substantial doubt about the whole part of the Report</sup>

Russell did not agree that there had been a lone assassin, that there had been no conspiracy.

The <sup>deposit</sup> of his records at the University of Georgia <sup>at Athens, Georgia</sup> holds the statement he

<sup>prepared September 18</sup> prepared to read at the executive session where Rankin had assured that there would be no transcript <sup>Russell's</sup> and some of his records on our relationship <sup>are also in that deposit.</sup>

In his last letter to me, of January 30, 1970, he said:

I am interested that you are continuing your work, and there are a number of matters in the investigation which would be of interest to me if I had the time to devote to them. Unfortunately, my duties here as Chairman of the Appropriations Committee and President Pro Tempore of the Senate simply preclude me from spending the time that would be required to do justice to any further inquiry into this complicated series of events.

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The Commission's "solution," which is no more than a theory, <sup>is</sup> impossible if either the first or the third of the shots it admits were fired is the one that missed. Its theory requires that its "missed" shot be the second of the three. Otherwise, ~~the~~ its entire reconstruction, which is no more than a theory, <sup>collapses</sup> and the Report as issued could not have been issued. So, which shot or shots hit the governor is essential to the Commission's findings, the opposite of what the Report says and the opposite of what Russell believed. That the first and only the first of these three shots caused all seven

Interestingly, the FBI and the Secret Service have from the first insisted that the second of the officially-acknowledged <sup>and only it</sup> three shots hit Connally and <sup>that</sup> could not have been the missed bullet both agency reconstructions ignored and continue to ignore.

(For the FBI's initial expression of its <sup>unchanged</sup> "solution" see Whitewash, pages 192-5.

This single-bullet theory is dealt with at length in the last two chapters of Whitewash and throughout Post Mortem. <sup>and in my NEVER AGAIN</sup> <sup>The publication of which is being</sup> <sup>by the publisher as a tribute to</sup>

nonfatal injuries to both victims was an absolute necessity in the Report's conclusions. Russell was misled into not perceiving this.

Russell did come to regret very much that it had not been possible for him as he understood his personal responsibilities to be more active in the Commission's work. As

When he knew his death was close (he had emphysema and a cancerous lung) he with some delicacy and tact did record some of his disagreements with the Warren Report in a broadcast <sup>on</sup> for the Cox TV network, which is important in his native Georgia.

Washington Post 11/9/70 and author's files.

That, of course, did not undo what Rankin, assisted by Warren, accomplished in seeing to it that the Commission's records held no indication of Russell's dissent for history and then in conning him into agreeing to a "compromise" that was no compromise at all, that had him agreeing with <sup>the Commission's conclusion</sup> what he strongly disagreed with.

(Russell had had his assistant, C.E. Campbell, read my books and report on them to him, as he did on June 14, 1968, that record also in the Russell deposit at the University of Georgia. <sup>here relevant</sup> The key sentence in that memo to Russell about my books is that, "He completely agrees with your thesis <sup>(I)</sup> that no one shot hit both the President and the Governor." He said of my then four books that my "work is scholarly and evidences a tremendous amount of research"; that my "method is to restrict his (my) criticism to the actual information which the Commission had." His concluding words are, "Weisberg was at one time a Senate investigator and through research has apparently become very knowledgeable on all aspects of the Kennedy assassination.")

Russell's Lang

It is, I repeat, a great national tragedy that because he was so <sup>overly</sup> committed to what he regarded as his Senate responsibilities and because of additional limitations imposed by his failing health <sup>that he could not</sup> Russell could be conned into agree with the Report he did not agree with at all.

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This was made possible by Rankin's playing unseemly games with the Commission's executive session transcripts, by faking one he saw to it did not exist. (I have the records of when which court reporters were assigned to the Commission, the typed pages each produced, with their page numbers, <sup>and</sup> all the bills rendered and <sup>relevant</sup> some other records.)

What Russell also told me is ambiguous but <sup>it does</sup> related directly to the subject matter <sup>that did</sup> of ~~the report~~ that week at the end of January, 1964, the report that Oswald had been an FBI undercover informant. <sup>As a spy above,</sup>

Of Oswald Russell told me "I am satisfied they have not told us all they know about Oswald."

This is one of ~~those~~ that "number of matters ~~which~~ in the investigation which would be of interest to me" if <sup>Russell</sup> he had had the time during the Commission's life and after it ~~it~~ ended.

While as of this writing we cannot know the fact about whether Oswald had had any government connections, although perhaps we may in the future from records <sup>d</sup> that were kept secret entirely improperly, we can explore what Rankin, who had to have had Warren's agreement, did to see to it that the Commission would not resolve that problem by avoiding all it could have done when it had that responsibility.

Because when they were embarrassed by the Oliver Stone movie JFK the Commission's former counsels held a coast-to-coast press conference and issued a statement proclaiming they were all honorable men, I note that not one of them did a thing to see to it that the Commission did ~~not~~ make ever a perfunctory effort to meet its assigned and accepted responsibilities.

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Not one resigned in protest of what he was asked to do.

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They redefine "honor."

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"They" I took to mean the CIA and the FBI and in this he was quite correct, *as we shall see.*

This does not have to mean that he <sup>re</sup>ditated the <sup>Oswald</sup> informant report. From Russell's political views he could have <sup>in mind</sup> ~~meant~~ had the false Commission and FBI portrayal of Oswald as a red and <sup>as</sup> pro-Soviet when the opposite was true, <sup>also</sup> as we shall see.

But by then we had reached the doors to the Senate chambers and we could discuss that no further.

We do in this book, beginning with <sup>that</sup> these ~~once~~ TOP SECRET executive session transcripts *of January 22, 1964*

Note. A fuller account of the Russell deception, ~~and of what he~~ including reproduction of the fake transcript, ~~and~~ of various Russell <sup>and</sup> comment and questions, with an encapsulation of our relationship appears in Whitewash IV on pages 20-3, 26-8, 30, 35-6, 38-9, 41-2, 45-6, 50-2, <sup>55/</sup> 59-60, 64-5, 67, 69, 71-2, 76, 80, ~~84~~ 83-9, 91, 96-7, 99, 104-9, 111-7, 126, 128, 131-2, 138, -40, 208 and 209. For an account of the last minute re-examination of Marina Oswald, on September 6, 1964, after the report was written, that Russell forced, see Whitewash, pages <sup>1</sup> 34-6. She then admitted being blackmailed by the FBI to testify to what the Commission wanted her to testify to. <sup>of</sup> Other references to Russell and his work on the Commission are scattered through my other books.)

~~It was also reported, without confirmation, that to a degree less than Russell, Boggs and Cooper had questions about part of the Report. There is no reflection of this in the Cooper deposit at the University of Kentucky. It was examined in the fall of 1992 by my friend Bill Neichter, <sup>c/</sup> Louisville <sup>attorney.</sup> lawyer. <sup>Cooper's Commission</sup> Records one would expect to be in that deposit, like these executive-session transcripts, <sup>N/</sup> and many others, are not there and are not indicated <sup>N/</sup> as being there in the inventory to that archive.~~

policeman or official, his name is redacted from the record disclosed to me in my FOIA lawsuit against the Dallas office. <sup>in up</sup> Assassination records (CA 78-0322) leaked the information to Dallas SA Robert Gemberling, that office's JFK assassination "case agent." He told Gordon Shanklin, Special Agent in Charge (SAC) and <sup>Shanklin</sup> he immediately phoned Inspector James R. Malley at FBIHQ. Shanklin also wrote a memo on this "to files." It is in the Dallas main file on lee Harvey Oswald, (~~File No.~~ 100-10461-2799). E  
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After his and Rankin's day with the Texans on January 24, Warren called another Commission executive session for Monday, January 27, that "dirty rumor" session.

This report was not the Commission's first shock, as Ford wrote. Nor was it the most serious, as he pretended. What shock the Commission up most of all was its realization that the FBI, by its careful leaking, which it steadfastly blamed on all others, had boxed the Commission in. What the FBI leaked was what it selected to leak from its supposedly definitive report on the assassination the new President directed Hoover to have made when he was back in his vice president's office the night of the day of the assassination. That was a week before he appointed his Presidential commission. The FBI's report was made in five spiral-bound volumes. The first is its report supposedly on the assassination. Actually, it is no more than a political diatribe against Oswald as an alleged "red." It holds virtually no information at all about the assassination. The next three volumes are exhibits relating to this first volume. The fifth is on Jack Ruby. This report was not forwarded to the Commission until December 9, 1963. However, my files hold published leaks from this first volume that could have come from no other source. They began appearing December 2 and crested December 5.

These extensive and widely-published leaks reporting that Hoover and the FBI had concluded that Oswald and he alone had killed the President made it a practical impossibility for the Commission to conclude other than the FBI had concluded and that the FBI saw to it the nation and the world knew the FBI had concluded.

If the Commission thereafter did not agree with this FBI conclusion, that Oswald was the assassin and that there had been no conspiracy, it would have meant what nobody in official life ever dared and survived, a real fight with J. Edgar Hoover and his FBI.

Having no real choice, the Commission did conclude that Oswald was the lone assassin.

This FBI "conclusion" began with an instant vision Hoover had the early afternoon of the day of the assassination, as he later boasted to William Manchester, author of The Death of a President (Harper and Row, New York, 1967). <sup>HIS</sup> FBIHQ 62-109060, "Not Recorded" serial, June 4, 1964 memorandum from assistant director Cartha D. DeLoach to John P. Mohr, assistant to the Director. This is the FBIHQ main JFK assassination file. (The original or "record" copy is in an illegibly noted undisclosed "Crime Records" file that appears to be 94-427683).

Nobody inside the FBI ever addressed Hoover directly. All communications intended for him were routed through rigid channels. The man above DeLoach was John P. Mohr. From him this memorandum went to Clyde Tolson, associate director and the man personally closest to Hoover. Tolson decided whether records would reach Hoover. Only his initial, DeLoach's and Hoover's, the latter with an "OK," are added to the last page. The position of the FBI never changed. After almost 30 years, it remains identical with



Hoover's instant vision before any investigation was ever made or possible.

And, the Commission did conclude in accord with Hoover's instant vision, that Oswald was the lone assassin.

Deputy Attorney General Nicholas deB. Katzenbach assured the Commission at its December 5, 1963 executive session that the leaking to assert control was by the FBI. What he told the Commission is that although the FBI claims it was conducting a vigorous "no-stones-returned" investigation to determine who did the leaking, only the FBI could have done the leaking. It alone then had copies of what was leaked.

Although only the court reporter, Rankin and Commission members were present, the FBI knew what Katzenbach said immediately. Ford was actually an FBI informer reporting on the Commission and his fellow members, all of whose executive sessions were and remained ~~classified~~ TOP SECRET. He reported to DeLoach, who reported, through channels, to Hoover. Aside from earning the FBI's gratitude and Hoover's contempt, all Ford got for being a stool pigeon was to keep an FBI agents' attache case with a combination lock. It was given to him with the transparent face-save that he and he alone of the seven Commission members required it for the safe carrying of his Commission records. (I have a separate file of duplicates of FBI records on Ford as an FBI informer. and on others in what I call a "subject" file. I have kept the original files from which they were duplicated exactly as I received them from the FBI for their ultimate deposit as a public archive at Hood College in Frederick, Maryland, where I live.)

That the Commission was really terrified, more severe a reaction than mere shock, is apparent in the January 22 executive session transcript. That was, remember, the first session called for TOP SECRET consideration of Waggoner Carr's statement that his TCI would investigate the report that

Oswald was said to have been an FBI undercover informer.

They were not easily terrified men, those Warren Commissioners of whom Ford is the only survivor as of this writing. They were nationally and internationally known and respected, politically experienced, prominent and successful. In this they represent President Lyndon Johnson's shrewdness in his selecting of them. He <sup>quit</sup> ~~quitted~~ all possible criticism of their conclusions in advance by his choice of the Commission members.

Appointing Earl Warren chairman when Johnson knew appointing him was wrong and Warren and his associate <sup>justice</sup> ~~first~~ ~~aces~~ agreed it was wrong, immobilized the Eastern intellectual establishment and the more liberal Democrats and moderate Republicans. All the others appealed to and had strong followings among the various groups of conservatives. John Sherman Cooper, Senator from Kentucky, was one of the more <sup>liberal</sup> ~~liberal~~-inclined Republicans. John J. McCloy, <sup>3/11</sup> with long experience in governemtn, particularly in whitewashing problems into invisibility, enjoyed a fine reputation in financial circles. Ford was the Republican leader in the House of Representatives. Allan Dulles had influence with and was respected by his cold-war set, having been a ~~as~~successful spook-master in World War II and Director, Central Intelligence, for some years, <sup>He</sup> ~~presiding~~ over some of the CIA's most spectacular failures that were so thoroughly approved by so many, especially the Bay of Pigs, over which JFK fired him, after a decent interval.

Johnson appointed only two Democrats to the Commission. This was a radical and unprecedented departure from tradition and practice under which the majority party always appoints a majority of its members to all political bodies. Johnson's selection of these five Republicans effectively immobilized any Republican criticism of whatever his Commission might ultimately conclude.

With Warren's appeal to and following among the more liberal Democrats, Johnson, wily pol that he was, chose both of the Democrats from among those in the party who were not followers of President Kennedy. They were Hale Boggs, long-time and popular Congressman from Louisiana and Senator Richard B. Russell of Georgia. In selecting Russell, who chaired one of the Senate's CIA oversight subcommittees and was then leading the southern opposition to civil rights legislation, Johnson almost blew it. 3

As indicated earlier, despite his long association with Johnson in the Senate, where Johnson had risen to be majority leader, Russell entirely misread Johnson's objectives in appointing him to the Commission. When Russell wound up in strong disagreement with the Commission's single-bullet theory, without which the Commission could not reach a lone-assassin, no-conspiracy conclusion, as we have seen, Rankin was equal to the task, with an assist from Warren. They conned the overly-committed Russell, who trusted them.

(This single-bullet theory was the invention of Commission Assistant Counsel Arlen Specter. Specter was a Philadelphia assistant district attorney when he joined the Commission staff. He was then a liberal Democrat and a member of the liberal Americans for Democratic Action. With the end of his Commission career, he returned to Philadelphia where he exploited his Commission career first by becoming a Republican and then by running successfully for district attorney against the man who had given him his start as an assistant district attorney. Thereafter, he ran successfully for the United States Senate. On its judiciary committee he exploited his Senatorial immunity as a perjurer to castigate Anita Hill, the black woman law professor who testified to sexual misconduct by President George Bush's nominee nomination of th >

the ultra-conservative Clarence Thomas to, succeed the Supreme Court's retired liberal black Justice Thurgood Marshall. This earned Specter widespread opposition among women voters in particular and almost cost him re-election in 1992. At the time Specter made this single-bullet theory up it had been proven to be impossible. But it was the only means by which the Commission dared pretend that Oswald alone fired all the shots during the assassination. It required a single bullet that remained virtually unscathed to have been fired from some 60 feet up in the Texas School Book Depository Building; to have hit President Kennedy in the back of his neck; then to have exited the front of his neck higher on it than it had entered; then to have gone to the right to enter Texas Governor John B. Connally's chest under his right armpit where it hewed to the left, smashing four inches of his fifth rib before exiting under his right nipple; and then to have entered his right wrist and smashed those heavy bones before exiting the wrist to slide into Connally's left thigh, penetrating it in about four inches parallel with the thigh bone in which it lodged a fragment still there; lurking and awaiting the proper moment after the wild drive to Parkland Hospital in the Presidential limousine, being lifted from it and placed on a gurney or rolling stretcher and then have perceived the very moment it would be seen by a hospital engineer to sneak back out of those four inches on Connally's thigh to fall underneath the gurney's mattress and thence to the floor when a doctor entering a restroom shoved the gurney, causing it to strike a wall, the apparent signal this magical bullet, like nothing in science or mythology, required for its timely emergency and entry into our national history. See Whitewash, pages 155-87, especially pages 161-2.)

I believe that Russell's misreading of Johnson's instructions became a

great national tragedy because if he had devoted more time to the Commission's work his ultimate disagreement would have been stronger and Rankin and Warren would not have been able to deceive and mislead him into believing that the supposed "compromise" they worked out satisfied his objections to and his strong disagreement with that single bullet theory.

As this "compromise" appeared in the Report (on page 19) it is:

2. The weight of the evidence indicates that there were three shots fired.

3. Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds. However, Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository.

There is no such "evidence" from any experts who testified before the Commission.

The Commission's "solution," which is no more than a theory, was impossible if either the first or the third of the shots it admits were fired is the one that missed. Its theory requires that its "missed" shot be the second of the three. Otherwise, its entire reconstruction, which is no more than a theory, collapses and the Report as issued could not have been issued. So, which shot or shots hit the governor is essential to the Commission's findings, the opposite of what the Report says and the opposite of what Russell believed. That the first and only the first of these three shots caused all seven nonfatal injuries to both victims was an absolute necessity in the Report's conclusions. Russell was misled into not perceiving this.

Interestingly, the FBI and the Secret Service have from the first insisted that the second of the officially-acknowledged three shots and only

it hit Connally and thus could not have been the missed bullet both agency reconstructions ignored and continue to ignore.

Russell did come to regret very much that it had not been possible for him as he understood his personal responsibilities to be more active in the Commission's work. As his last letter to me, of January 30, 1970, he said:

I am interested that you are continuing your work, and there are a number of matters in the investigation which would be of interest to me if I had the time to devote to them. Unfortunately, my duties here as Chairman of the Appropriations Committee and President pro Tempore of the Senate simply preclude me from spending the time that would be required to do justice to any further inquiry into this complicated series of events.

It is, I repeat, a great national tragedy that because Russell was so overly committed to what he regarded as his Senate responsibilities and because of additional limitations imposed by his failing health that he could be and was conned into agreeing with the Report he did not agree with at all.

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