

Chapter 6. That January 27 Transcript

As he did for all the Commission's executive sessions other than the emergency session of five days earlier, Rankin had an agenda for it. The sessions were not limited to what the agendas list. The agendas inform the Commission Members what Warren and Rankin will raise with them. Whatever else any Member ^{might} would want to discuss, the session ^{mindset,} of January 27 was to go into four broad subjects:

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wanted*
- I. Proposed letters regarding security precautions.
 - A. Letters to Department of Justice and CIA (Attachment 1)
 - B. Letter to Department of the Treasury (Attachment 2)
 - C. Letter to Police Commissioners (Attachment 3)
 - II. Allegations regarding Oswald as an undercover agent
 - A. Report on events since last meeting of Commission
 - B. Alternative courses of action
 - III. Progress Report on the work of Commission Staff - General Counsel
 - IV. Additional Materials
 - A. Statements of Lee Harvey Oswald after arrest (Att 4)
 - B. Chronology prepared by Secret Service

Warren did not start the session with the first item on the agenda. He got right into the second one, "Allegations regarding Oswald as an undercover agent" and that is that they really kicked around. It was too ~~hot~~ hot to handle so all they did is kick it around. Then, before then and after it. The Commission never did get down to deciding how to investigate these "allegations," as in its work it never did.

Of what they were supposed to ponder and never did, one was not irrelevant to these allegations, those "Statements of Lee Harvey Oswald after arrest," of which, according to the agenda, copies were attached to it so the Members could be aware of what the Commission knew that Oswald had said. In turn, that was limited to what had

had been given to the Commission by the FBI and the Secret Service. Those statements were not verbatim transcripts of questions and answers. They were restricted to what the agencies chose to record of what Oswald said to them or the police said he had said to them. Incredible as it may seem, when the purpose of questioning Oswald was to learn all that could be learned about the crime from him, including whether he would confess, the police were careful, according to their own statements, not to have any tape recorder present and running.

When questioned about this later, Captain Will Fritz, chief of homicide, sought to explain it away by saying he had requested ^a tape recorder in his budget but did not have one. He did not say that he had tried to borrow one ^{from elsewhere in the police department or from} other city departments, which suffered no shortage of recorders, or that he had tried to rent one. Or even buy one, ^{and misperceive} plentiful as they were in all the stores, especially those selling radios and TVs.

So all that could be known until the Commission took testimony and all that was thereafter known is what the police let the ~~the~~ federal agencies know of what Oswald told them that the federal agencies put on paper, ^{plus} and the records made by those federal agencies when they had someone present when Oswald was questioned. Of these one statement in particular grabbed my attention. I reported it verbatim in my first book, I have a point in putting it this way and in adding that that book was completed by mid-February, 1965 and was first published that August. It is that what grabbed by attention was entirely ignored in the official investigations and by the media as well as by those writing ostensibly ^y on this subject.

To make the point that what the Commission ^y and all others ignored was readily available to all I ^y turned to Whitewash to quote this report verbatim. I remembered clearly that I used it in discussing "Oswald's Legal Rights" (pages 64 ff) ^y Turning to it I saw ~~at~~ what I had forgotten that might be relevant and what I believe has an overall importance that I repeat for ~~the understanding~~ information and understanding more than 30 years later.

What ~~might be~~ relevant and the Commission ignored entirely in its supposed deliberation of these "allegation" is that ^y contrary to the Commission's reporting, the ^{al} allegation was not limited to Oswald as working in some informer capacity for the FBI. Those reports

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all included "or the CIA". The Commission ^{later} wiped that ~~out~~ out other than getting a pro
forma denial from the head of the CIA, what ^{at} this session it was told by his predecessor ~~de~~
CIA director, Allen Dulles, was an entirely worthless denial. What's forgotten is that

The CIA, for which all domestic activities were prohibited by its charter, got
to the hospital once the President ^{almost as soon as} ~~was there before~~ the FBI did!

Once that caught ^{my} attention and I looked at what I wrote preceding it, I was
struck by something else that has been almost entirely ignored, that while the Commission
based some of its conclusions on its false statement that ^{Oswald} ~~was~~ a liar, "repeatedly and
blatantly lied to the police," the Commission's own record ^{proves} ~~speaks~~ the opposite, that
Oswald not only was truthful, but his truthfulness is supported by the Commission's
own evidence and is exculpatory!

While ~~it~~ elsewhere in my first book and later [↓] developed much more ^{official} evidence proving
that Oswald, to official knowledge and from official ^{proof}, was not and could not have
been the assassin, to show how readily available this information was to all and in
particular to the Commission when it supposedly was considering both whether Oswald
had had some connection with some federal agency and, the words of the agenda, ~~OSWALD'S~~
~~statements~~ "Statements of Lee Harvey Oswald after arrest," I here quote from that first
book what the Commission had and ignored at this executive session. One of the purposes
this session
of which was to consider ~~it~~ precisely what I used in that book.

After all these years it is a side issue, but it is also clear that it was improper
to question Oswald when he was ~~without counsel~~. His desire for counsel and his repeated
[†]
statements that he would respond to what he was asked if so instructed by his counsel
comes through clearly. He even agreed to take a polygraph test, once he had counsel.

What I here quote ~~is~~ is from pages 73-5. After quoting some of these statements the
Commission was to deliberate January 27 and did not, I wrote:

[Manning C.]

[Secret Service]

[Tom]

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What were the police going to use against Oswald? Certainly not these statements. And what a field day defense counsel would have had confronting prosecution witnesses with these statements. These are witnesses the Commission believed. But it called Oswald a liar at least six times (R20,118,130,180,182,185) based on these statements. If Oswald was a liar, what of these witnesses? One of the eight classifications "evaluated" in determining Oswald's guilt was "(6) the lies told to the police" (R118). Of his statements during these interrogations, "While Oswald's untrue statements during interrogation were not considered items of positive value by the Commission, they had probative value in deciding the weight to be given his denials ... (Because) independent evidence revealed that Oswald repeatedly and blatantly lied to the police, the Commission gave little weight to his denials of guilt" (R180).

As an example of one of the Oswald "lies", it is worth noting that his account of what he did during lunch hour, if one version by FBI Agent Bookhout is believed, is supported by the testimony of the Negro employees. Bookhout and Hosty placed this "on the first floor" (R613), and Bookhout alone said Oswald "recalled possibly two Negro employees walking through the room during this period. He stated possibly one of these employees was called 'Junior'..." (R622) "Junior" Jarman so testified. And had Oswald been anywhere but on the first floor, he would have had no way of knowing this.

There are other contradictions between the written statements of the participants, and conflicts between their written statements and testimonies. There is also a provocative fact included on which all versions are in accord but of which the text of the Report says nothing. This had to do with Oswald's assertion he had seen another rifle in the building and that Truly and other employees had examined it (R601,612). Other testimony showed this incident actually did happen. ~~Warren Caster had purchased two rifles, a .22 for his son and what is described as "a 30.06 sporterized Mauser" for himself. This was a few days before the assassination. His rifle was at home the day of the assassination, according to Caster (7H386). What is surprising is that the Report completely ignores this incident in its text, especially because the Caster rifle is of the same make that so many, if not all, of the first reports of the found rifle said it was. Mention of this additional rifle escaped notice in the press until after the reaction of the FBI to the mild criticism the Report addressed to it. This was one of the few provocative things that had never been leaked to the press. The Washington Evening Star, which enjoys excellent relations with the FBI, had an unattributed box inserted in the statement of J. Edgar Hoover referring to these two additional Texas School Book Depository rifles.~~ Some of the participants refer to things others never mention. Inspector Kelley said he and Secret Service agents were present "as observers" (R626), although he and others elsewhere refer to his

participation in the interrogation (R607,627,630).

Oswald's last moments before he was taken on the "abortive transfer" that led to his murder are thus described by Inspector Holmes alone, "... Chief of Police Curry came into the room and discussed something in an inaudible undertone with Captain Fritz, apparently for the purpose of not letting Oswald hear what was being said. I have no idea what this conversation was ...".

Almost but not quite entirely suppressed is this incident, mentioned in the interrogation reports by Kelley alone, "... he asked me whether I was an FBI agent and I said that I was not that I was a member of the Secret Service. He said when he was standing in front of the Textbook Building and about to leave it, a young crew-cut man rushed up to him and said he was from the Secret Service, showed a book of identification, and asked him where the phone was. Oswald said he pointed toward the pay phone in the building and that he saw the man actually go to the phone before he left." (R629)

There are two confirmations of this, one in the Commission's own records and one it, the FBI and the Secret Service decided to ignore. As ~~the~~ ^{the} Secret Service headed its own report on this (CD 354), "Pierce Allman (person believed to be the one mentioned by Lee Harvey Oswald as identifying himself as Secret Service Agent at Texas School Book Depository immediately ~~after~~ following assassination) interviewed..." Allman, then of WFAA news, was confirmed by Terrence Ford, that station's radio promotions director, who was there

(As those familiar with either the official fact or the official mythology know- and it is true of either because in and of both it is true - Oswald could not have been on the first floor at 12:15^{2/1} and still be the assassin or an assassin. It would have taken him much more time than ^{Schedule} the time of the motorcade's arrival permitted or was permitted by the arrival of the motorcade five minutes late, to get up to the sixth floor and go across it diagonally through all those ^{stacks} ~~stacks~~ of cartoned books to get to that window. ^{There he then had to} ~~then~~ assemble the rifle that had to have been ~~dis-~~ ^{dis-} assembled to get it into the building unseen because ^{then had to} it took an experienced FBI agent six minutes to reassemble it. ^{Oswald} ~~Oswald~~ get that sniper's den, essential in the official mythology but in fact non-existing, constructed of cartons of books - magical cartons because not one held his fingerprints where he had to have held them to ^{handle and carry them to} make that sniper's ~~liar~~ ^{He, had to be} lair, and then be ready to fire away ^{in less time than} that time ~~time~~ he had, even if ^{he had} fifteen minutes although ^{he could not have planned} to be the one he planned it he had only two minutes. ^{could} He could not have planned successfully and included any delay or he could have missed his alleged moment of ~~the~~ ^{could} destiny. He also could not have been up there in that window and returned to the first floor, after disposing of that rifle, by the time Allman and/or MacNeil spoke to him on the first floor. Moreover, he was ~~seen~~ ^{seen} on the first floor at about the time the motorcade was due, at about 12:15^{2/1}, by a building employee, Carolyn Arnold. See Photographic Whitewash, pages 210-~~1~~ 1)

when as Allman told the Secret Service, he was directed to the telephone, as Oswald had stated.

The day of the assassination Robert MacNeil, best known for his later MacNeil-Lehrer Report on public TV, was covering the Kennedy trip for NBC-TV News. He left NBC and went to work for BBC in London. While working for BBC in a letter he confirmed to me that Oswald had directed him to a telephone ^{on} from the first floor of the building. He

later repeated this in a PBS program commemorating the 30th assassination anniversary.

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I quote, nothing omitted in quotation, what relates to ~~that~~ ^{an} FBI agent getting knock^{ed} down by the Secret Service at the ~~his~~ hospital only to ~~at~~ ^{at} time the arrival of the CIA agent:

Newsmen talk of an incident reminiscent of this behavior in which an unnamed FBI man went charging into Parkland Hospital intent upon his duty and without identifying himself. He is said to have been knocked cold by a Secret Service agent, following which he is supposed to have shown his credentials.

copy me into - out

There are also a few vague references in the appended 26 volumes to a similar incident at the hospital. Secret Service Agent Andrew E. Berger reported on November 30, 1963, "I assumed a post in the entrance of the emergency room ... with SA Johnsen ... Shortly thereafter FBI Agent Vincent E. Drain, commission book #5067, Dallas office arrived at the room entrance. He showed me his credentials and said he had received a telephone call from Director Hoover telling him to make himself available to us. This information was conveyed to ASAIC Kellerman. When I inquired of Agent Drain who the unidentified male was who accompanied him, he replied that he was a doctor friend of his. The agent and unidentified male then proceeded to the end of the hall. Approximately 5 minutes subsequent to the visit of Agent Drain a unidentified CIA Agent, after showing his credentials said that he would be available. At approximately 1:30 PM, the Chief Supervising Nurse, a Mrs. Nelson started to enter the emergency room with an unidentified male (WM, 45yrs, 6'2", 185-190 lbs, grey hair). As the reporting agent and SA Johnsen started to ask his identity he shouted he was FBI. Just as we began to ask for his credentials he abruptly attempted to enter the emergency room and had to be forcibly restrained by us. ASAIC Kellerman then appeared and asked this individual to go to the end of the hall." (18H795)

[Bry]

[Doris]

In a companion statement of the same date, SA Richard E. Johnsen placed himself with Berger "... when Chief Nurse Nelson entered the President's room. She was followed by an unidentified man (WM, 40-45 yrs, 6'2", 185 lbs, grey hair). When SA Berger and I stopped him he said, 'F.B.I.', and made a determined effort to enter the President's room. We stopped him and asked for his credentials. He again tried to forcibly enter the President's room and had to be restrained. After he had been subdued he produced his F.B.I. credentials. At this time ASAIC Kellerman appeared and asked the F.B.I. agent to go to the end of the hall. Congressman Olin E. Teague (D-Texas) witnessed this incident. SA Berger was assured by the Congressman that the F.B.I. man had not attempted to produce any identification and appeared to be determined to enter the President's room. He stated that if there were any inquiries that he would be more than glad to give a statement in our Service's behalf. Nurse Nelson was interviewed by SA Berger in my presence. She stated that the F.B.I. agent had showed her no identification." (18H798-9)

None of this appears in the Report. No one of these people was called as a witness, except Nurse Nelson. None, including the nurse, is even mentioned in the Report. When Mrs. Nelson appeared as a witness, she was not asked about this incident (6H143-7). And what

was an agent of the CIA, which has no internal functions, doing there at all, and especially so fast?

What follows immediately is what I recalled that sent me to this part of that very first book on the Warren Commission and its Report:

The question I asked in that ^{W. W. W.} writing (completed in early 1964, ~~xxxvi~~ what was a CIA agent doing at the hospital only minutes after the President reached it is without any answer. There is no more about it that I recall from those 26 large volumes or on the Commission's estimated 200 cubic feet of records at the Archives.

There is another item by Inspector Kelley alone. It is exceedingly important. It was completely ignored when the Commission called him on June 4, 1964. His testimony was carefully restricted. He was asked nothing about the interrogations, and especially was this reflection of his mind avoided. He was asked about the White House automobiles and about reconstructions of the crime. In this testimony Kelley declared that from the area of the Triple-Overpass the President was never at any time obstructed by the windshield from a potential assassin in that area, but that, based on what he had been told of the President's non-fatal wound, with what the Report calls the "neck" injury as high as it was, the overpass could not have been the source of that shot. He was using Exhibit 386, the "artist's conception", as identification of the location of the wounds (5H129-34,175-6).

In the ignored statement, Inspector Kelley shows that the lack of counsel to advise Oswald effectively closed his mouth. Oswald had made clear he would not talk about the crimes, if about anything, depending upon which police version is believed, until he had counsel. No counsel, no talk. It was that simple. And once he had counsel, then he would be guided by his counsel's advice, and either Oswald or the lawyer would talk to the Secret Service:

"I approached Oswald then and, out of the hearing of the others except, perhaps one of Captain Fritz's men, said that, as a Secret Service agent, we are anxious to talk with him as soon as he had secured counsel; that we were responsible for the safety of the President; that the Dallas police had charged him with the assassination of the President but that he had denied it; we were therefore very anxious to talk with him to make certain that the correct story was developing as it related to the assassination. He said that he would be glad to discuss this proposition with his attorney and that after he talked to one, we could either discuss it with him or discuss it with his attorney, if the attorney thought it was the wise thing to do, but that at the present time he had nothing more to say to me."
(R630)

This was the last event in Oswald's life before he left on the "abortive transfer" and death. Perhaps it is symbolic of the crowded, chaotic events of those two horrible days. But imagine the scene and the significance of Inspector Kelley's drawing Oswald aside. Here we have a room so small that Captain Fritz said its size alone prevented both the keeping of any kind of transcription of the questions and answers and the proper conduct of the interrogations. But Inspector Kelley had something of a confidential nature he did not want either the police or the FBI to hear. He drew Oswald out of the hearing of the others to have a whispered private conference with the accused man!

And immediately Oswald was murdered!

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incident

This gets us back to the Commission's supposed deliberations of what Oswald said after he was arrested. The record I quote is one it had before that session and from the agenda should have been attached to it along with ~~some~~ many of the others all of which were in various ways misrepresented when not, like what I quote, ignored entirely. So thanks to the Commission, the FBI and ^{d/} the Secret Service we have no idea of ~~what~~ why ^{they} drew Oswald aside and had that ^{later} whispered conversation with him "out of the hearing" of the other federal agents there present.

Kelley, a lawyer, has since died. When I ^{later} met with him several times he had been promoted to assistant ~~car~~ director. He claimed then not to have any recollection of this. But then the official line had been ~~laid~~ laid down and whether or not he had forgotten, Kelley had to hew that line.

The Commission did not follow its agenda for that meeting. Here is how Warren opened it:

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Well, gentlemen, since we met last week, Mr. Rankin and I have explored this situation we discussed considerably. We talked to the Texas people, and we have given considerable thought to it since, and I am going to ask Mr. Rankin to start at the beginning and just tell you the story as we have got it.

The previous meeting to which Warren refers was that emergency session of January 22.

Rankin began with twice misrepresenting ^{is the report that Oswald had worked for} ~~xxxxxxx~~ the FBI only. ~~they supposedly were considering that Oswald was.~~ (I cited the pages of Whitewash IV ^{there} rather than of the transcript because I reproduced the typescript of that transcript of that session in facsimile in it. ^{What I say here} ~~Here is it ref~~ comes from pages 37-8)

Rankin just plain lied. Carr was specific in saying that the reports were that Oswald had worked for either the FBI or the CIA. He also told the Members that Ruby's lawyers had raised this question in ~~xxxxxxx~~ ^{in open court} and then corrected himself to say that it had been raised in chambers.

Rankin followed this with another lie, as we have seen, that the only number attributed to Oswald "was ~~No~~ No, 179." ~~But~~ (page 38) But he then corrected this on the ~~next~~ next page to include the CIA. There for ~~the~~ the first time Rankin named Hudkins as the

supposed original source. He was not. Thereafter Hudkins is referred to ~~as~~ on a dozen and a half more pages of that transcript.

Rankin also acknowledged that this report was published a month earlier. he claimed not to have known of it then. (page 39)

But rather than Hudkins being the alleged ^{only} source, as Rankin admitted (page 40) the Secret Service had told ^{reported to} the Commission that Dallas County Chief Criminal Deputy Sheriff Alan Sweatt (as early as ~~the~~ December 17 ^{of} the previous year. In this narrative Rankin admitted that the Commission had this Secret Service report "since they had it in our hands clear back on January 3." (page 40) ~~This material was held by the Secret Service and was not made available to the Commission until it had done some checking.~~

That the Secret Service did not give the Commission the report until it had done some checking was the cause of Rankin's wonder if it was holding out on them.

That Rankin did not tell the Members for another three and a half weeks did not provoke any questions. Nor did it that at the January 22 session he had made no reference to it.

With Hudkins and Sweatt both given as sources, neither was called to testify by the Commission and while Sweatt was spoken to ^{and Hudkins are} by Members of the Commission and by some of their staff, he was never questioned about this. Sweatt ^{is my source} on some of this, the rest ^{is} being clear in the Commission's own published and unpublished records.

Yet Rankin complains that neither the federal agencies nor the local police did what he and the Commission also did not do, check it out:

But they had never made any effort to go to Sweatt and see what his story was, although apparently it was common talk there, too, because there are some references to a public official saying that Oswald was acting as an undercover agent, and there is also some statements in the press that some police officers made such statements after the assassination.

But there is nothing to show that there was any effort to try to check that out.

Those stories we generally discount as possibly an effort to blame the F.B.I. for some of the matters involved.

Sen. Russell. Has Hudkins claimed his journalistic immunity, have they gone back to him?

Mr. Rankin. They haven't even asked him, or at least

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(page 42)

Then there are several pages of the irrelevant, the conditions under which Wade left the FBI - in World War II. The ^HRussell, who recorded his serious doubts and questions not later than two months ^{earlier}, tried to get it back into the real world:

Sen. Russell. What steps, if any, have we taken to clear up this matter, Mr. Rankin, if it can be cleared up, to determine whether there is anything to this or not?

Mr. Rankin. Well, we have discussed various possibilities, that is the Chief Justice and myself have, and I want to tell you about them, and I think you will have to instruct us what you want us to do. (page 45)

In saying "he" to Rankin Russell is, politely, asking him what he has done. Rankin's first response was unreal, to ask Bobby Kennedy to speak for the FBI. When Rankin had to admit this he said that perhaps "I should go over and see Edgar Hoover himself, and tell him this problem and that he should have as much interest as the Commission in trying to put an end to any such speculations, not only by his statement, which I would be frank to tell him would not be sufficient, ... (page 46) Rankin did not dare tell Hoover that,

When Boggs then asked, "What other alternatives are there?" Rankin said ~~they~~ they could "examine Hudkins, the reporter, examine Sweatt..." (page 47)

To this point Rankin has uttered less than could be expected of a cub reporter, it is all that obvious, and it is all what he could have done or had done without any Commission directive of approval, save that he might prefer to be able to tell Hoover that it was the Commission's idea that he be questioned, not Rankin's. Then there is what Ford stole and sold in his book, what he began it with:

We do have a dirty rumor that is very bad for the Commission, the problem and it is very damaging to the agencies that are involved in it and it must be wiped out insofar as it is possible to do so by this Commission. (Page 48)

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In this as in all else Rankin makes it clear that the Commission is not going to really investigate to determine the truth or ~~the~~ falsity of what he described as "a dirty rumor, rumor", not as what had been reported in the papers. They haven't any evidence at all and spent two months avoiding even trying to get any yet ~~his~~ ^{he} says they have to "wipe" it "out" to the degree they can.

Dancing around this reality Warren said ~~(we shouldn't~~ leave this thing ~~in this~~ ~~present~~ present posture, that ~~we~~ we should go ahead and try to ~~clear~~ clear the matter up as best we can." His belief is that they should "find out first from these people," Sweatt and Hudkins, "if there is any substance to it." (page 49) Even to leaning on Hudkins' publisher to get Hudkins to talk. (Pages 49-50) They had not spoke to Hudkins but they assumed he would not talk. As we have seen, "bad apple" opponent Joaworski did that for them, to no avail. Then they debate whether Hudkins really had any journalist privilege in refusing to name his source, ~~in~~ that would be what he did. (page 50) But then ~~Warren~~ ^{Rankin had} knocked that down to Warren in telling him "that they might use the fact that we had asked them to testify as the springboard for an article ~~that~~ which would blow this thing into the public domain, and that we might do a disservice that way." (Page 51)

When it was public knowledhe and had been published repeatedly over a two-month period it was already in "the public domain." ~~If~~ Rankin gave Warren any illustration of ~~his~~ ^{any report} being called to testify added anything other than that fact to any article, the transcript is not burdened with it. It was not true.

Russell then ~~said~~ said that they "ought try to exhaust it" or learn all they could to begin with. (page 51)

Dulles, ~~then~~ referring to ~~an~~ ~~earlier~~ New York Times story of a month earlier asked, "Hasn't it gone ~~anywhere~~ maybe a little farther in the press?" as of course ^{it} it had. The FBI's denial had also been published. (page 52) And at this point it begins to get a little har hairy because as becomes clear, the FBI and the CIA habitually lie about such things.

Russell got it going that way by observing that even if Oswald had not been charged as the assassin and it was reported that he "had been in the employ of the FBI and

somebod had gone to the FBI they would have denied he was an agent."

Dulles interjected, "Oh, yes."

Russell then told Dulles, whp had headed the CIA, "Your agents would have done exactly the same thing."

"Exactly" was Dulles rejoinder.

Russell then followed this up, ^{with} ~~out~~, "Say I never heard about the man who may have been on the payroll for five years."

Cooper chimed in, "Yes." (pages 52-3)

After chewing this ~~and~~ a bit Boggs commented,

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Rep. Boggs. Of course, we get ourselves into a real box. You have got to do everyting on earth to establish the facts one way or the other. And without doing that, why everything concerned, including everyone of us is doing a very grave dis-service. (page 53)

Along the Boggs line of "got to do everything on earth to establish the facts"

Cooper followed up with

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Sen. Cooper. We have a duty which is outside the FBI's position, which is if you believe there is something which should be looked into it, and we wouldn't believe that if we weren't talking about it.

My only point is whether or not it would be reasonable to inform the FBI that you have had these statements, therefore you have to ask these people where they got their information. (page 54)

As Fourth of July speeches there are among the best. They were that, no more.

McCloy, who'd been ^around a long time and had served many whitewashing roles in an exemplary manner, experieced whitewasher that he was, returned to ask a question the answer to which he knew, why it would be embarrassing to ask the attorney general to tell them whether Oswald had worked in any way for the FBI. They all knew that the Hoover they all dreaded would have gone supersonic and that relations between him and ~~Tommy~~ Bobby Kennedy were not smooth or close. (page 56)

It then turn out that the Commission, which had not circulated copies internally, had already ~~goss~~ gotten a written denial from Hoover. (page 56)

But McCloy's interest in causing additional problems for Bobby did not end. Maybe he was looking for ^u Brownie points from Hoover, but he knew that Hoover ~~head~~ headed the FBI and ^{way} as the one to ^{the only one} question, not Bobby Kennedy. When Cooper demurred a little, McCloy then argued, "...but it still wouldn't ~~it~~ divert me from asking this man who happens to be the Attorney General whose sworn duty it is to enforce justice, to ask him just what is within his knowledge in regard to ^a serious things as this. It is an awkward affair but as you said the other day, truth is our only client." (Page 57)

Fine speech for a lawyer who is also a ~~pol~~ political ^{operator} figure, but as he and all the others knew, the only way Kennedy got any FBI information was from Hoover. Thus the right way was to go to Hoover, to ~~to anyone to whom he spoke~~.

Then they jabber a bit about calling Hudkins and other reporters and drop that when Rankin warns them, covering his own ass at the same time,

"I don't see how the country is ever going to be willing to accept it if we do ~~it~~ ask them on this particular ~~point~~ issue, not only with them but the CIA and every other agency." (page 58)

McCloy's ^{McClay's} determination to keep them away from Hoover ~~unsaked~~ ^{he} ~~unslaked~~, McCloy gets back to arguing there is no privilege for reporters on their sources because two ~~were~~ ^{had only} ~~then~~ ^{been} recently ~~jailed~~ ^(in refusing to identify their sources) in England! (page 58) As they ramble around on this Russell interjected that Congressional committee's generally recognize this privilege. (page 59)

It made no difference to McCloy when Dulles ^{said} he could not see "what harm ~~that~~ there would be in talking to Hoover without waiving any right to make any investigation in the public." "In the public made little sense because they did nothing "in the public" and never intended to. But McCloy was not deterred. (page 60-1)

A dialogue between Dulles and Boggs ensued when ~~then~~ Boggs asked Dulles if as the CIA's head, "Did you have agents about whom you had no record at all? This got them in deeper water after Dulles' response:

Mr. Dulles. The record might not be on paper. But on paper would have hiercglyphics that only two people knew what they meant, and nobody outside of the agency would know and you could say this meant the agent and somebody else could say it meant another agent. (page 61)

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Boggs then asked Dulles about Francis Gary Powers, the CIA pilot[†] shot down deep inside the Soviet union. ^{Boggs} De said "the man who recruited him would know, wouldn't he?" Dulles' forthright reply, expecting permanent secrecy, got them into the deepest waters of deliberate official lying that Dulles justified for them:

Mr. Dulles. Yes, but he wouldn't tell.

The Chairman. Wouldn't tell it under oath?

Mr. Dulles. I wouldn't think he would tell it under oath, no.

The Chairman. Why?

Mr. Dulles. He ought not tell it under oath. Maybe not tell it to his own government but wouldn't tell it any other way.

Mr. McCloy. Wouldn't he tell it to his own chief?

Mr. Dulles. He might or might not. If he was a bad one then he wouldn't.

Rep. Boggs. What you do is you make out a problem if this be true, make our problem utterly impossible because you say this rumor can't be dissipated under any circumstances.

Mr. Dulles. I don't think it can unless you believe Mr. Hoover, and so forth and so on, which probably most of the people will.

Mr. McClon. Allen, suppose somebody when you were head of the CIA came to you, another government agency and said specifically, "If you will tell us", suppose the President of the United States comes to you and says, "Will you tell me, Mr. Dulles?"

Mr. Dulles. I would tell the President of the United States anything, yes, I am under his control. He is my boss. I wouldn't necessarily tell anybody else, unless the President authorized me to do it. We had that come up at times.

Mr. McCloy. You wouldn't tell the Secretary of Defense?

Mr. Dulles. Well, it depends a little bit on the circumstances. If it was within the jurisdiction of the Secretary of Defense, but otherwise I would go to the President, and I do on some cases. (p. 42-3)

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Dulles, ~~who~~ had his own record of not laying it all on the line to Eisenhower in personally ordering that U-2 flight by Powers that broke ^{up his/Kel's} the planned first summit with ^{the} Khrushchev in Paris ^{up,} s Dulles' testimony about ^{this} it to the Senate Intelligence Committee (in author's files) ^{this} makes/clear, ^{He/} gave them ^{commission} all a new problem in telling them ~~they~~ the head of the CIA might not tell the truth to even the secretary of ~~the~~ defense. That led Rankin to turn in a different direction without ending McCloy's determined effort to protect Hoover:

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Mr. Rankin. If that is all that is necessary, I think we could get the President to direct anybody working for the government to answer this question. If we have to we would get that direction.

Mr. Dulles. What I was getting at, I think under any circumstances, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow.

Mr. McCloy. Mr. Hoover didn't have anything to do with him but his agent. Did you directly or indirectly employ him.

Mr. Dulles. But if he says no, I didn't have anything to do with it. You can't prove what the facts are. There are no external evidences. I would believe Mr. Hoover. Some people might not. I don't think there is any external evidence other than the person's word that he did or did not employ a particular man as a secret agent. No matter what. (page 63)

Still unyielding in his defense of Hoover and no less determined to involve Bobby Kennedy when as a lawyer McCloy knew that Kennedy could have no first-hand knowledge and could repeat only what Hoover had told him -if Hoover told him anything at all - gets back to that campaign of his:

C. Spence
M. Rankin

Mr. McCloy. If we got a statement from the Department that the Attorney General and perhaps from Mr. Hoover or from Mr. Hoover which said, "I am telling you that this man was not in any way employed by the FBI", or in the case of John McCloy or the CIA, I think that probably stops us, unless we run into something --

Mr. Dulles. That would be all right with me. Whether it meets with the others --

Mr. McCloy. Now there is put in our hand a document that shows he was paid a certain amount of money. Maybe we would have to go further than that but I think it would be almost incumbent upon us to ask the head of the agencies whether or not this man was an employee.

Rep. Boggs. Just to examine a little further your statement, I would believe that would establish whether or not this fellow got \$200 a month, almost certainly establish it.

Mr. Dulles. How could you? He is dead and you haven't got his bank account or anything of that kind.

Sen. Russell. The only trouble is those undercover agents they don't keep one line of writing, not one word anywhere. (page 64)

Dulles then changed the subject to how the Soviets arranged to be able to blackmail and us the CIA and all spokesmen do, people, which had no relevance at all, and after a few such exchanges Rankin tried to get them back on track as much as they would get, what Dulles said did not help them avoid the need for talking to Hoover, McCloy again tried to prevent that, and Russell brought the need back in front.:

C. Spence
M. Rankin

Mr. Rankin. Allen, how would you feel about it, if you were head of the CIA now, and the same claim was made and this Commission was worried about the claim being believed by the public, and they would ask you, would you want the Commission to come to you directly?

Mr. Dulles. Oh, yes, certainly I would.

Mr. Rankin. Or would you want us to go out and examine witnesses first?

Mr. Dulles. I think I would want you to come so I could

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give you leads as to how you could examine witnesses if you wanted to.

Mr. Rankin. If you had us out examining witnesses about whether you had the man in your employ, would you feel that we were not very fair to you?

Mr. Dulles. No, I don't think I would.

Mr. Rankin. That wouldn't bother you.

Mr. Dulles. No.

Mr. McCloy. Do you think it might be quite appropriate for us?

Mr. Dulles. It would depend whether there were international complications or foreign government involved, then I might say we would do it in this way or that way to keep from being in trouble with the foreign country.

But as far as the U. S. --

Mr. McCloy. But wouldn't we be putting your agency in great trouble if we went out finding out who your agents were and put out the report and make it public knowledge, wouldn't you think it strange if we didn't come to you with our problem?

Mr. Dulles. Yes, I think it would be.

Mr. McCloy. That is what I think.

Mr. Rankin. Then you would leave doubt you were out investigating around before you had any real leads.

Mr. McCloy. We might get a lead and then we have it and then we have to publish.

Sen. Russell. There is no man in the employ of the Federal Government who stands higher in the opinion of the American people than J. Edgar Hoover.

Mr. Dulles. That is right.

Sen. Russell. Of course, we can get an affidavit from Mr. Hoover and put it in this record and go on and act on that but if we didn't go any further than that, and we don't pursue it down to Hudkins or whoever it is, there still would be thousands of doubting Thomases who would believe this man was an FBI agent and you just didn't try to clear it up and you just took Hoover's word.

Personally, I would believe J. Edgar Hoover, I have a great deal of confidence in him

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Mr. Dulles. I do, too.

Sen. Russell. But the other people -- I would believe, a simple statement as Holy Writ, this one statement without being under oath, but you can't try cases that way, and you can't base the conclusions of this Commission on that kind of material.

Sen. Cooper. I would like to have your idea about what I suggested.

Mr. McCloy. State it again.

Sen. Cooper. We know these people have been here, so this speculation or rumor is just some official, we will not say approval, but they don't disapprove it.

Mr. McCloy. They have cognizance of it. (page 65-7)

Russell's warning them they would not be believed and that they knew the Commission could not function properly without behaving as lawyers and treating evidence as lawyers

dp, led Cooper to state what they should do without being able to end McCloy's determined and his insistence on shelving Bobby Kennedy in opposition to that.

Sen. Cooper. That being true, since we are under a duty to see what Hudkins and Sweatt say about it, where you got that information, my suggestion was we do that, but apprise Mr. Hoover about the facts, where this information comes, we have to inquire into it, we will inquire into it, and then talk to him further about it and see if there are any facts which he ought to know about, and it would be a matter of justice to him instead of having him disprove it from the beginning.

Mr. McCloy. What is your objection, John, to going to it, I don't know whether it is Hoover or the Department of Justice, and the CIA, John McCone, or under-Secretary of Defense, he has an intelligence unit too, this man, it has come up, we would like to know, can you give us any information which would prove or disprove this rumor.

Sen. Cooper. I haven't got objection to it but even if, if we are dealing with the FBI now, if Mr. Hoover makes his statement, I think still by reason of the fact you have heard these people and they have said that Hudkins does have some information about the truth of it, whether it is or not, you still are under a duty to examine them.

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Mr. McCloy. I think it would be wrong for us, this is off the top of my head, listening to this thing, I think it would be wrong for us to start an independent examination of who the agents of this, of the various law enforcement agencies of the country were without notifying the head of that agency that we were doing it and why we were doing it.

Sen. Cooper. That is what I think.

Mr. McCloy. In other words, you would communicate with the head of the agency, whether it be the Attorney General or Mr. Hoover or John McCone, whichever it might be, at the same time you would be taking a look at Hudkins.

Sen. Cooper. Yes.

Mr. McCloy. The sources.

Sen. Cooper. I think if there was suspicion we ought to clear it up.

Mr. Dulles. They are on notice on it and they have not denied it. These are not official denials here but the other letter was.

Mr. McCloy. They are not on notice of these last developments in the Commission, the last information.

Sen. Cooper. They probably have notice that these people have been here, and therefore suspect already that we are looking into it because knowing exactly what we are doing.

Mr. McCloy. Have you talked to Katzenbach, Lee?

Mr. Rankin. No.

Mr. McCloy. Willens has indicated that Katzenbach says they will be embarrassed.

Mr. Rankin. Greatly embarrassed.

Mr. McCloy. Greatly embarrassed.

Sen. Russell. If what?

Mr. Rankin. If the Attorney General were asked to check this out and then report to us.

The Chairman. But they seemed to think there would be no embarrassment for us to check it out ourselves. They think that is all right, they think it is all right for us to do that.

Now, my own thought is this: I am not going to be thin-

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M. J. [unclear]

skinned about what Mr. Hoover might think, but I am sure if we indicated to Mr. Hoover that we were investigating him he would be just as angry at us as he was, or would be at the Attorney General for investigating him.

Now, I thought that the better way to do it would be to try to establish in our own minds whether or not there is any truth to this thing or whether it is --- as to whether it is based on any one who assumes to have positive knowledge or whether it is just a rumor that has developed through a lot of gossip from the press rooms, or not, and if we decide that there is nothing to it except rumor, as far as we can find, I would still ask Mr. Hoover to report to us on it, tell him that this rumor has persisted, that Oswald was on the payroll of the FBI, and that the date of his employment was stated, his number was stated, his wages were stated, and that we would like anything he has in his records or through his investigation to disprove that thing.

Now, I don't see how a man in a public position whose own reputation is at stake in the thing, could object to such procedure. I don't think that is unfriendly in any way, shape or form. But

I do believe, I am inclined to believe, if we just go and indicate to Mr. Hoover that we are now investigating his probity without having tried to determine whether it is fact or fiction, that he might have reason to believe that we were doing it.

Sen. Russell. Back to the way I felt about it.

Mr. Dulles. We ought to go to him.

The Chairman. That is the difference between my approach and his approach. We must go into this thing from both ends, from the end of the rumormongers and from the end of the FBI, and if we come into a cul de sac why we are there but we can report on it.

Now that is the way it would appeal to me. These are things where people can reasonably disagree. Whatever you want to do I am willing to approach it in that manner.

Mr. Dulles. I agree with that, Mr. Chairman. May I point out, I don't think there is necessarily a question of probity. It might look so to the country. ^{110 (P. 4 to 68-7)} It is Mr. Hoover's job to watch

Here Dulles delivered a lecture on its being Hoover's duty to do precisely what our Founding Fathers fought the Revolutionary War and established this as a free country to prevent; the duty to engage in domestic intelligence aimed against Americans and what they think and believe, what our Constitution used to prevent. He explains that to meet this responsibility Hoover has to hire some dubious characters, some "stupid" like ~~an~~ Oswald. It is his duty to penetrate political groups and he has been doing that right along. He ends his lecture on the Constitution and ~~how~~ Hoover's duties under it by saying, "So I don't think you have a question of probity." They then, including even Dulles, commiserate about the low characters required for this protection of the Constitution as consider by these most eminent lawyers when they are wondering how to investigate what had the effect of a coup d'etat when the President was assassinated:

Mr. McCloy. I wouldn't put much confidence in the intelligence of all the agents I have run into. I have run into some awfully stupid agents.

Mr. Dulles. Not this irresponsible.

Mr. McCloy. Well, I can't say that I have run into a fellow comparable to Oswald but I have run into some very limited mentalities both in the CIA and the FBI.

(Laughter)

The Chairman. Under agents, the regular agents, I think that would be right, but they and all other agencies do employ undercover men who are of terrible character.

Mr. Dulles. Terribly bad characters.

Sen. Russell. Limited intelligence, even the city police departments do it.

The Chairman. It takes almost that kind of a man to do a lot of this undercover work. (pages 71-2)

Rankin then gets them back on the problem they faced, more or less, by asking,

"Would it be acceptable to go to Mr. Hoover and

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tell him about the situation and that we would like to go ahead and find out what we could about these --

Mr. McCloy. Hudkins' sources.

Mr. Rankin. Then if he reacts and says, "I want to show you that it couldn't be", or something like that, beforehand, what about that kind of an approach?

The Chairman. Well, Lee, I wouldn't be in favor of going to any agency and saying, "We would like to do this". I think we ought to know what we are going to do, and do it, and take our chances one way or the other.

I don't believe we should apologize or make it look that we are in any way reticent about making any investigation that comes to the Commission.

But on the other hand, I don't want to be unfriendly or unfair to him.

My own judgment was that the most fair thing to do would be to try to find out if this is factor fiction.

Mr. Rankin. What I was fearful of was the mere process will cause him to think, in light of these people being here and all, and the meetings of the Commission, that we are really investigating him.

The Chairman. If you tell him we are going down there to do it, we are investigating him, aren't we?

Mr. Rankin. I think it is inherent.

The Chairman. If we are investigating him, we are investigating the matter against him, we are investigating him, that is true.

I don't want to belabor the thing at all.

Rep. Boggs. Does anyone have -- I mean, Mr. Dulles, when you headed up the CIA, the notion that you would know the countless informers and people employed by the agencies was fantastic. You couldn't know about all of that.

Mr. Dulles. No, but after a thing like this happens and it is in the paper two or three times I would get hold of the proper person and say, "Have we hired anybody in that particular area?" By this time I would have known whether we did hire him or not because otherwise certainly not. I had to authorize it. I had to trust that to the other agents.

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Mr. McCloy. You would know in this case who, if there was anybody, who would have hired Oswald, who it would be.

Mr. Dulles. Certainly within an area, certainly no one had authority to do it. How someone might have done it without authority. The CIA has no charter to hire anybody for this kind of work in the United States. It has abroad, that is the distinction. (pages 72-4)

For all their fine speeches what remains clear is that what is most important ^{to} all to these eminences of the law and of our public life is not meeting the responsibilities to the nation they had accepted but to keep Hoover satisfied and not anger him in any way. They ramble a bit before coming back to their problem, how to keep Hoover happy while at least making a pretense of doing their job! Once again McCloy was Hoover's de facto agent/lawyer:

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Mr. McCloy. I wonder whether -- this brings up to my mind again, the desirability of our talking to the chief investigator of the FBI. We here, we don't know whether somebody checked up on Hesty again or whether he didn't. Why don't we get him in and just talk with him. I don't know whether we want to examine ~~him~~ him under oath but talk to him about the extent of the FBI investigation. We hear they are continuing to investigate. What have they done. There is this loophole about it, "What have you done about this? What have you done about that? What do you have in mind for future investigations", and he will say "We have in mind this". Have you thought about that avenue. I would think the time is almost overdue for us being as dependent as we are on FBI investigations, the time is almost overdue for us to have a better perspective of the FBI investigation than we now have. (pages 77-8)

Rankin knew the FBI and Hoover very well, as his response to McCloy indicates. To make the unpatible less unpleasant Rankin greatly exaggerated the content of that FBI supplement to its five-volume report, CD1. It is a preposterous substitute for an investigation of anything, most of all an assassination, but it is not as virulent a diatribe against Oswald. But Rankin begs the question. Neither FBI report makes any reference to Oswald as any kind of agent for any agency:

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Mr. Rankin. Well, the difficulty with doing that, we had hoped to do that about two and a half weeks ago and we were going to come back to them with a great many obvious questions, and holes in what we have been given. But then we got a supplemental report, and it filled in some of the holes but not all of them, two-thirds of them or more, that were not, and we didn't want to ask them questions that they would say, well haven't you read our supplemental report, it is all there. Our relations would breakdown very rapidly if we did business that way, so we had to go and analyze all this new material and, not only the supplemental report but all their additional raw materials they gave us at that time, and now we are in the process of trying to give them the demands.

There may be a thousand different requests for additional investigation that we will come up with in all this area.

Now the difficulty with trying to get the man in charge and asking him those questions is how much do you know about what he is giving. If we get him here before the Commission, I think you could ask him a good many things but he would probably say two-thirds or more of the time, "I told you this and I told you this and my reports", and so forth.

So I don't think we have equipped you as Commissioners so that you could do that.

He would soon find you didn't know anything like what he did about the matter.

As far as we are concerned, the men are getting advised of the areas as rapidly as possible, and they are coming back with these further inquiries, but there are vast areas that are unanswered at the present time. (pp 78-9)

Less bluntly Rankin is telling them they are not going to get anywhere with

Hoover and his FBI. McCloy sees it, as do Boggs and Russell:

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Mr. McCloy. I can see the difficulty with that. But on the other

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other hand, I have a feeling we are so dependent upon them for our facts that it might be a useful thing to have him before us, or maybe just you talk to him, to give us the scope of his investigation, and as of that date, some of the things that are still troubling us, and we will be able to ask him, for example, to follow up on Ecoty.

Mr. Rankin. Part of our difficulty in regard to it is that they have no problem. They have decided that it is Oswald who committed the assassination, they have decided that no one else was involved, they have decided --

Sen. Russell. They have tried the case and reached a verdict on every aspect.

Rep. Boggs. You have put your finger on it.

Mr. McCloy. They are a little less certain in the supplementals than they were in the first.

Mr. Rankin. Yes, but they are still there. They have decided the case, and we are going to have maybe a thousand further inquiries that we say the Commission has to know all these things before it can pass on this.

And I think their reaction probably would be, "Why do you want all that. It is clear."

Sen. Russell. "You have our statement; what else do you need?"

Mr. McCloy. Yes, "We know who killed cock robin". That is the point. It isn't only who killed cock robin. Under the terms of reference we have to go beyond that. (pages 80-1)

McCloy is correct is saying they have to "go beyond that" but they never did.

After a little more jabber:

The Chairman. Well, Lee, as I understand your approach would be this: You would go to Mr. Hoover and say, "Now, Mr. Hoover, as you know, there are rumors that persist in and around Dallas and it is getting into the national press, to the effect that Oswald was an undercover FBI agent. The rumor has gone to the extent of stating the date on which he was employed, the number under which he was employed, and the amount of money that he received for his services, and that continued up until the time of the assassination.

"Now we are going to have to try to run that rumor down to

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see if anyone claims positive knowledge or whether it is plain rumor.

Can you, and will you, give us all the information that you have which will enable us to ferret that thing out, to the very limit?"

Mr. Rankin. That is what I would like to do. Reserving at the same time the right to go to those other people and take their testimony.

The Chairman. That would be implicit in it. (page 81-2)

Boggs still had questions and in undertaking to answer them Rankin discloses what he did not disclose earlier, that from his years in the Department of Justice he is certain that the FBI would have relevant records and Hoover could get them. Rankin also repeats what several members had said earlier, that the country would not be satisfied with pto forma, self-serving denials:

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Rep. Boggs. What about the point that Senator Russell makes. Assuming that you had these people who are involved here, that you had not talked to them, and you get a statement from the Justice Department, or from Mr. Hoover, or from whoever it may be which is categorical in its denial. Where does that place us where you decide to go talk to these other people?

Mr. Rankin. Well, I had in mind going to Mr. Hoover and asking him as the Chief Justice said, for more than his expression of the truth or falsity of it. Asking him for what he knows his organization presumably, what can he do to help us in regard to the proof of the facts in regard to this particular matter.

Now, it is like the questions you asked, Congressman, of Mr. Dulles, and if you would ask, I am sure Mr. Hoover knows many of those, he may not know about particular individuals, just like Mr. Dulles wouldn't, but he knows who to ask, and ring a button and say, for the record how could we establish this? I never had that kind of a problem when I was with the Department of Justice. But I am sure within the F.B.I. Mr. Hoover knows where to find out who was hired on any particular date and the basis of it, and I thought if it was my situation, and I was being

above name

reflected on that I had had somebody like this under my employ I would like to be approached, first, and I wouldn't feel that it was a reflection on me, or at least I would feel the reflection was already involved in these kinds of articles and claims, and I would rather you would come to me than to go to someone else and ask him about the rumors, and let me see if I couldn't establish it. I don't think the country is going to be satisfied with the mere statement from, not to use Mr. Hoover's name, but just examine about any intelligence agency that Oswald wasn't hired in light of this kind of an accusation, a rumor.

I think that the country is going to expect this Commission to try to find out the facts, as to how these things are handled to such an extent that this Commission can fairly say, "In our opinion, he was or was not an employee of any intelligence agency of the United States." *(page 83-4)*

After telling the members that they may not have all the FBI's reports and have no assurance that they do, which as Rankin did not know was correct because *that those*, despite what Dulles had just told them, were never sent to Washington, Rankin ~~et~~ gets to something he does not ^{ex}aggerate in referring to it as "curious": *As they discuss this* they decide that they must do what they never did do:

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Mr. Rankin. He had a report from, in October, from Mrs. Payne and from Marina Oswald, if you remember, but he didn't go directly to Oswald himself. That is a curious factor in itself, that he made no approach --

Sen. Russell. That has always been a queer thing to me before this rumor came up. I couldn't understand why they went to Mrs. Payne and Mrs. Oswald, but didn't go to him.

Mr. Rankin. That is correct. We have the August conversation when he returned to this country and the first time they approached him, Marina Oswald, the wife, said that the two F.B.I. agents talked to him for two hours, and when he returned to the house from talking to him out in the car or out in the yard he was very much disturbed -- that is her expression of it.

We don't have any report that would cover anything like a two hour conversation.

*Report
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It is a relatively short report.

Now, what occupied the rest of the time -- well, it could have been something not related to his at all, but it seems to me if someone else is going to take this material after we get through and make a report they are going to say, how can you spend two hours on a thing like that? What happened to the rest of the time, and they will try to draw the inference.

Sen. Russell. It seems to me we have two alternatives. One is we can just accept the F.B.I.'s report and go on and write the report based on their findings and supported by the raw materials they have given us, or else we can go and try to run down some of these collateral rumors that have just not been dealt with directly in this raw material that we have.

Rep. Boggs. I think we must do the latter.

Sen. Russell. So do I.

The Chairman. I think there is no question about it.

Sen. Russell. Of course the other is much easier.

Mr. McCloy. We certainly wouldn't be doing the F.B.I. a service and doing the Commission a service,

Sen. Russell. The F.B.I. would like to see us very much do it.

Mr. Dulles. I think it is the question of the procedure, I don't think there is any difference among us as to what is to be done. *page 55 b*

It did and it does seem strange that when Hosty was supposedly checking up on Oswald the one thing he avoided doing was speak to Oswald. But then all of this is at least strange. *the*

Russell soon returned to his proposal:

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Sen. Russell. I don't propose to attack the F.B.I. unless there is some startling revelation that they have evaded their responsibility.

Mr. McCloy. I think the F.B.I. is an agency which has the security of this country, and a very important agency, as has this Commission.

Rep. Boggs. What we have to do is tell our counsel what to do.

The Chairman. Yes.

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Sen. Russell. Do you have any contacts with any United States district attorneys in Texas in whom you have confidence? Is any one of them that you think you could get to interview this man?

Mr. Rankin. Well, I had in mind that the Commission should go directly with some member of its staff to interview him and interview each of these people, but as we proceed with that I thought we would have Mr. Hoover understand we were doing that and that he recognized that we had to do it and that was --

Sen. Russell. I have no objection to that.

Of course I think he is going to offer to interview them, if he hasn't already done it.

Mr. Rankin. I think the Commission needs to have its own record on that, and I think it might be very desirable to have them here under oath for the Commission to see them and be present when they give their story.

This is, in my opinion, one of the major points that is constantly raised to try to explain this situation. If we can put it to rest in any way, it is of major importance.

Sen. Cooper. That is the point I have felt, we have to interview these people. But I thought, also, that you have to let the F.B.I. know that you are interviewing them because all the other, the great bulk of the testimony we have got we have received from them.

I think we would have to -- they are appraising us of what they say they are doing, I think we have a duty of appraising them of what we are doing, and in truth, in investigating the credibility of what they are doing, because if this should turn out that they knew it, and never reported it, it would be -- a blow.

Mr. Dulles. Did these people point out that this all stems back to Hudkins? ~~Reprints - Hudkins~~ (pages 89-90)

The FBI's ~~no~~ agent-in-place as the ~~spies~~ speaks call them, its informer, ~~Member~~ Gerald Ford, was not at that session. But it would not take long for the FBI to have this tidbit, that ^{to the Commission} it all stemmed from Hudkins. On his part Dulles reported regularly to the CIA, even, as I pointed out in the reprint edition of Photographic Whitewash IV, advising the CIA on how not to answer what the Commission wanted to know, and to volunteer nothing at all.

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What do the rest of you think of the approach of Mr. Rankin, the way we have just laid it out here in the last few minutes?

Mr. Dulles. Doesn't that combine your idea, too, Mr. Chairman? It seems to me it is a marriage of the two.

The Chairman. It is just a question of whether you have the cart or the horse first. We disagreed a little on which approach to take, but if you think his approach is reasonable; is a reasonable approach to it, it is perfectly all right with me. I would be glad to go along with it.

Mr. McCloy. I think it is fundamentally the same as yours. It may be a little -- it is almost a collateral approach.

The Chairman. Yes, there isn't any great difference.

Sen. Russell. Do you propose to let Mr. Hoover send out some F.B.I. agents to interview this fellow Radkins to kind of find out where he got this information?

Mr. Rankin. No.

Sen. Russell. What are you going to do after telling him all this?

The Chairman. That is a good question.

Mr. Rankin. I thought from what I know about him that he would say, "We will do anything we can to help you. We will make anything available from our records", and then I would say to him, "You know your records and I don't. What will prove that this rumor is false?"

And there may be some --

The Chairman. From his standpoint, he couldn't possibly have any proof other than his statement.

Mr. Rankin. Well, he may have a lot of proof. *(pages 7-8)*

~~Gradual~~ Gradually they are working their ~~way~~ way through it, deciding what they will and will not do. Rankin is careful to make a record favorable to him ^{*as*} if there is some controversy later. But they still avoid interviewing the reporters:

As an FBI damage-control tickler disclosed to my friend ^{and} Mark Allen states, the FBI and the CIA got together on how they would respond to the Commission. Dulles was no end helpful --but not to his Commission:

Mr. Rankin. Yes, that is the only explanation, except I think where you have a statement of a secret service man by a deputy sheriff that you can't disregard it even though he tells someone again.

Mr. Dulles. Right.

Mr. Rankin. It seems to me you probably would want all of these people who participated in that and get it out on the paper.

Rep. Boggs. What role did this man Alexander play in this?

Mr. Rankin. Well, it appeared to have started earlier than -- he was as active, but it is possible, I don't know --

The Chairman. I think he is the fellow who blew the whistle so far as this Commission is concerned. I think that is where Carr got his information, don't you think?

Rep. Boggs. From Alexander?

The Chairman. From Alexander, yes. And Alexander was up here and sat in that chair, and said that it wasn't exactly the way Carr had presented it, that there were two different things.

One, that was involved in Carr's story to Lee. One of them had to do with hearing in chambers on some papers they wanted from the defense, and then after that was over he went out into the corridor and then down to the pressroom and he said they were all talking about it then, he said all the press were, it is a matter of common knowledge among the press, this rumor, and he just shrugged the whole thing off, and Carr was sitting here where the Senator is and he didn't object to anything that Alexander said, although it varied radically from what he told you a day or so before.

Sen. Russell. Well, Mr. Chairman, I was not primarily responsible for Mr. Rankin's employment by this Commission but he is our counsel and if that is the way he wants to do it, I will make a motion that he proceed as he thinks is best in respect to this matter.

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The Chairman. Is there a second?

Mr. McCloy. I think that is all right.

Mr. Dulles. Along the lines he discussed here.

The Chairman. Those in favor say aye.

(Chorus of aye)

The Chairman. Contrary, no.

(No response)

The Chairman. Unanimously adopted. (pages 90-1)

The rest of the agenda was forgotten. The entire ~~time~~ almost three hours was ~~devoted~~ devoted to what Rankin described as a "dirty rumor," not ^{to/m} so ^{they} letting ~~that~~ had to investigate vigorously to learn ^{and report} the truth. And did they agonize over it! To the point where they completely ignore ^d that the CIA as well as the FBI was reportedly the agency for which Oswald allegedly worked. Dulles was able to tell ^{the CIA} it that it was forgotten, ~~staxofzanyzdaagexxz~~ ~~knowzthezinvestigationz~~ that it had nothing to fear from any Commission ~~in~~ inquiry or questioning.

Each and every page from which I've quoted was stamped [/]top and bottom and in large black letters "TOP SECRET". But there is not a word in all those pages that in any way qualified for even the lowest c/assification. It was not only improperly classified- it was classified by the Commission that lacked any legal authority to classify anything at all. It was kept as top secret, despite Ford's theft and sale of it, until I sued for it under FOIA ^{in 1979} and when I obtained it ^T published the entire thing in White-wash II. ~~in 1974~~. The Washington Post published the story of its reporter to whom I gave a copy and then the Post forgot about it. I know of no other paper that ever paid any attention to it. ~~no paper~~ ^{no} newspaper or magazine or radio or TV reporttr ever asked me about it or spoke to me about it in any ^{w/} way in what is now 20 years. It should have been a major scandal but the media that always supported and protected the Commission and the official mythology protected both.

And despite all the piety, all those Fort Fourth of July speeches, all those ^{Donna} intona- tions about what the country would not and should not accept, that is what the Commission did, what it said and knew ~~should~~ not be accepted. However, thanks to the media, and to the initial secrecy, it was not and could not have been rejected by the country- which just did not know about it.