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by Marvin M. Johnson NARS
9/29/75

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

Report of Proceedings

Held at

Washington, D.C.

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PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

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Washington, D. C.

Tuesday, June 23, 1964

The President's Commission met, pursuant to notice, at 10:00 a.m., at 200 Maryland Avenue, Northwest, Washington, D. C., Chief Justice Earl Warren, presiding.

PRESENT:

Chief Justice Earl Warren, Chairman

Representative Gerald R. Ford, Member

Allen W. Dulles, Member

J. Lee Rankin, General Counsel

Albert Jenner, Associate Counsel

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Members present: Chief Justice Warren and Representative

Ford.)

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The Chairman. On the record.

Rep. Ford. Mr. Chief Justice, I received last Friday a number of these drafts, and I have looked over several of them. And the one entitled "Lee Harvey Oswald's Life in Russia", early preparations and so forth, about 170 some pages -- in the first 120 or 130 pages, I noticed at least 10 references, as I recall, to Mr. Nesenko's views.

First, to my knowledge, we have never had Mr. Nesenko before the Commission, nor have we taken depositions nor have I seen any F.B.I. or C.I.A. reports on him.

If we are going to use what he says --- I will tell you in a minute why I don't think we should -- we ought to have, the members of the Commission, the basis upon which these statements are included in the proposed draft.

Secondly, I have been led to believe, by people who I believe know, that there is a grave question about the reliability of Mr. Nesenko being a bona fide defector.

Now, if he is not a bona fide defector, then under no circumstances should we use anything that he says about Oswald or anything else in our record. And even if he is subsequently proven to be a bona fide defector, I would have grave questions about the utilization of what he says concerning Oswald.

(At this point, Mr. Dulles entered the hearing room.)

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Rep. Ford. Now,

The Chairman. Or anybody else.

Rep. Ford. Or anybody else.

I cannot help -- I feel so strongly about this that I just think that the Commission has got to make a decision on it.

I have a very strong suspicion - and I cannot document it any more than we can document what he says here about the Oswald case -- that Mr. Mesenko could very well be a plant -- not only for other reasons, but for the Oswald case, and if he is unreliable for other reasons, he could be thoroughly unreliable as far as Oswald is concerned. It would be a very easy thing for the Soviet Union to plant him here for a dual purpose -- one for other reasons, and one to extricate themselves from any implication in the assassination.

And, for these reasons, I think the Commission ought to take up, one, whether we ought to get more information about Mesenko -- as far as I know, we have none, except rumor and so forth. And, secondly, whether even if we got more information from him in direct testimony or deposition, whether we ought to use it under any circumstances at the present time.

The Chairman. I agree with you.

Lee, you will remember, I talked to you about that, too, some time ago -- that we should not rely on this man in any way -- certainly not unless the State Department and the C.I.A. vouch for him, which they will not do. And we had that -- that is in

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the testimony here. At least it was talked here by the C.I.A. people. I think it was Mr. McCone who said that.

Mr. Rankin. That was off the record, Mr. Chief Justice, you remember.

The Chairman. Yes. But I am allergic to defectors, and I just think we shouldn't put our trust in any defector unless it is known absolutely and positively that he is telling the truth -- unless he can be corroborated in every respect. And we cannot corroborate this man at all. And it would be a tragic thing if we were to rely on him to any extent, and then it should later come out that he was a plant or was not a true defector.

So I think exactly as you do, Jerry. I would vote on the Commission not to use his testimony, when we come to discussing it.

Rep. Ford. I just wanted -- I thought at this point that we ought to bring it up. And I wanted you to know, and the other Commission members to know, my strong feelings in this regard.

I am delighted to get your reaction.

When the time comes to make the decision, we will all have to make it. But we should not start out at this point possibly using what we are using of his comments, when in the final analysis it might be completely unreliable and undesirable.

Mr. Dulles. May I just add that I concur in what you said, Mr. Chairman, and in what Jerry said.

Over the weekend I had an opportunity to discuss the Nosenko

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matter in some detail with my former colleagues, and they are not yet in a position to determine his bona fides. And I gathered from what they said that it might be some time before they would reach any conclusions, if they ever can reach conclusions, because in these difficult situations you never can be entirely sure.

So I think the position that you have taken that we ought not to rely upon this testimony -- and I doubt whether we should let the name of Mosenko get into the printed report.

I think there is some question, as I say, as to whether we should in any way refer to Mosenko by name. Whether later we should use some of the information, depending upon their judgment as to bona fides, that is a question to be decided later.

Mr. Rankin. Mr. Chief Justice, I think I ought to report to you about the whole situation as far as the staff is concerned, so you will all -- the Commissioners -- will be familiar with all the facts as I know about it.

We have been trying to get an answer from the C.I.A. as to what they thought of the bona fides of Mr. Mosenko for some time. And, finally, after we waited, recently, for several weeks, they told us they could not come to a conclusion. And we then asked them what we could do about this material.

We have been furnished it by the F.B.I. in a report of an interview some time ago and they said that they didn't think we could rely on it, or at least they were not able to verify his

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bona fides -- that is the C.I.A. And they said they thought we shouldn't use it.

We then have the problem that I think the Commission should decide at the proper time, that we will definitely not use it. I think that you need to have some place in a record that will be put in Archives, but not available to the public generally, except under security precautions, the fact that you did know about him. And that you did have this information that you do have. And that you decided not to use it upon careful consideration of the problem. So that the record will be complete. Because there will be people, in light of the fact that this was a public defection, that has been well publicized in the press, who will wonder why he was never even called before the Commission.

I think you will recall that we had the question up of whether we would call him for several months now, and we were waiting whether we could get any answer from the C.I.A. as to whether he was considered reliable before making that decision.

Since we could not get any answer in the affirmative, there was no purpose in bringing his testimony in here under these conditions.

Now, I just received a call from Mr. Helms this morning about it, and he learned that we even had papers that the Commissioners were looking at. And the staff felt that the Commissioners should bring to the attention -- or they should bring to the attention of the Commissioners such information as we

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had, so that you were not in the dark about the information in considering this whole problem about the life in Russia. And Mr. Holmes said that he thought that it shouldn't even be circulated to the Commissioners, for fear it might get out, about the name Mosenko, and what we had received.

The Chairman. The name Mosenko, you say?

Mr. Rankin. Yes.

The Chairman. Well, that name has been in the paper, hasn't it?

Mr. Rankin. As far as the information we have associated with that name, is what he was suggesting. And he said would it help if Mr. McCone sent a letter to the Chief Justice as Chairman of the Commission asking that no reference to Mosenko be used. And I said, "I think that would be helpful to the Commission," because then the Commission would have this position of the C.I.A. on record upon which they could act if they see fit when they consider the matter. And so that is what they propose to do.

The Chairman. Well, my own view is that we should not rely to any extent on Mosenko, that there would be grave danger in doing so, and I would have no confidence in anything I might say about his testimony.

We will just discuss that, and we ought to have a meeting in a day or two, on a number of questions that have arisen.

So we will put that on the agenda.

Rep. Ford. Very fine.

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Mr. Dulles. I would like to raise the question whether we would like to have a letter, though, in our file asking us not to use it. It might look later to somebody as though this were an attempt by the C.I.A. to bring pressure on us not to use a certain bit of information. I don't see -- they can perfectly well say there are sensitive reasons for not having this name brought up in this connection -- but I hope they won't say we could not use it.

The Chairman. I wonder if they could not say they are not prepared to vouch for him, and if they don't vouch for him, certainly I am not going to.

Mr. Dulles. That is fine. Then we have a justification for not using it.

Now, the testimony, though, might have certain background interest for us, because there are two possibilities. Either the fellow is a plant, or there are certain bona fides in the case. If he is a plant and saying this, this is highly significant. We wouldn't use it as the truth, but it might influence our thinking on certain points.

Rep. Ford. This, I think, is getting down to the crux of the matter. We cannot pass judgment on the matter of whether he is bona fide or a plant. But it may be desirable for the Commission to indicate that information has been received about Mosenko, and what he alleges to know about Oswald's life in the Soviet Union. And then in our report, we can say we are in no

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position to pass judgment on it.

But for us to ignore the fact that an agency of our Government has a man who says he knows something about Oswald's life in the Soviet Union, we ought to say something about it -- either say we are not in a position to say it is reliable, it may develop that he was or wasn't reliable. But for us to just ignore the fact, when we know somebody in the Government has information from a person who was in Russia, and who alleges he knows something about Oswald, would be unfortunate.

The Chairman. I think the crux -- I agree with you. And I think the crux of the whole matter is that the report should be clear to the effect that we cannot vouch for the testimony of Mr. Misenko.

Isn't that your idea?

Rep. Ford. That is right.

But we perhaps shouldn't ignore the fact that there is some information that the Commission is familiar with. I don't know quite how you would phrase it in the report.

But to ignore it, I think, would be unfortunate.

The Chairman. Yes.

I think Lee has got the feel of that thing, and it can be done.

Mr. Rankin. The staff was very much worried about just treating it as though we never heard anything about it, and having something develop later on that would cause everybody to

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I know that there was such information and that we didn't do anything about it, and it would maybe affect the validity of our whole report.

Mr. Dulles. If it has not already been done, I think it might be well, too, to ask the staff to go over this report and to make a brief report to us as to where this goes with others in certain cases -- it seems to me to go with what we have -- in certain cases it supplements it. But it might be useful to have a brief study of that kind, and see how much it goes with other independent information we have, and where it supplements, adds to or differs from it.

Rep. Ford. I think you have got to analyze this in two ways. One, if he is bona fide, then what he knows or allegedly knows could be helpful. But in the alternative, if he is not bona fide, if he is a plant, we would have to take a much different view at what he said and why he is here. This makes quite a difference.

And I don't think we can ignore the two alternatives. And there are only two of them. And we ought to discuss that in the report.

Mr. Dulles. Do you happen to know the date situation, as to the date of his defection in relation to the assassination?

Mr. Rankin. Well, that is one of the things that I inquired into, in trying to find out from the C.I.A. as to whether or not he might have been planted for the purpose of furnishing this

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information -- because that was very disturbing to me and to the staff that were working in this area -- Mr. Coleman and Mr. Slawson. And they assured me that he had been what they call dangled before them, before the assassination occurred, for several months, so that they felt that it couldn't have been anything that was connected with the idea of furnishing a plant for this particular purpose.

I am entirely satisfied from what they told me about that.

Now, we don't have that in the record. This is just a telephone conversation.

Rep. Ford. It is my best recollection that he was actually a defector some time in December -- at a disarmament meeting in Geneva, Switzerland. And the original press releases were to the effect that he was a highly significant catch as far as we were concerned, because he was in Geneva with these Soviet disarmament experts.

There was great mystery about this particular defection, because the Soviet Union made such a protest -- they went to the Swiss Government, as I recall, and raised the devil about it.

Now, subsequent information has developed that he doesn't appear to be quite as big a catch, if any, as far as we are concerned.

Having absolutely no faith in what the Soviet Union tries to do in these kind of cases, he might have been dangled for one reason two or three months before the assassination, but pumped

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the last three weeks subsequent to the assassination, and a man that was as high as he allegedly is, with the mental capacity he is supposed to have, could be very well filled with all the information which he is now giving us in reference to the Oswald case.

As I say, I am a complete and total skeptic and cynic about these kinds of people, and there would be no better way for the Soviet Union to try and clean its own skirts than to have a high ranking defector come and discount Oswald's importance, Oswald's significance, while he was in the Soviet Union.

So, in my opinion, we have got to be very hard-boiled, cynical, skeptical, about Mr. Mosenko, and any relationships he might have as far as the Oswald case.

The Chairman. Well, I think we are in agreement on almost everything you say.

(Whereupon, at 10:30 a.m., the Commission recessed, to go into further business.)

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