

WILLIAMS
OFFICE
Oswald, L.H.
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1/22/64

MEMORANDUM FOR THE FILES

FROM: Mr. J. Lee Rankin, General Counsel

SUBJECT: Rumors that Oswald was an undercover agent.

Allegations have been received by the Commission to the effect that Lee Harvey Oswald was an undercover agent for the Federal Bureau of Investigation or the Central Intelligence Agency prior to the assassination of President Kennedy on November 22, 1963. This memorandum reviews these allegations and summarizes the action taken to date by the Commission.

On Wednesday, January 22, 1964, I received a telephone call from Waggoner Carr, Attorney General of Texas. Mr. Carr stated that he had received on a confidential basis an allegation to the effect that Lee Harvey Oswald was an undercover agent for the Federal Bureau of Investigation since September of 1962 and that he had been paid \$200.00 a month from an account designated as No. 179. Mr. Carr indicated that this allegation was in the hands of the press and defense counsel for Ruby and suggested that his information came ultimately from District Attorney Henry Wade, although he stated that he had not discussed this matter directly with Wade.

After a discussion with the Chairman of the Commission and Mr. Leon Jaworski, I contacted Attorney General Carr. I asked the Attorney General to contact District Attorney Wade and try to

ascertain more definitely the source of this allegation.

At the request of the Chairman of the Commission, I also asked Mr. Carr to ask Wade and his assistant, Bill Alexander, to come to Washington as soon as possible to discuss this matter.

*See
Harr
9/3/68*

A meeting of the Commission was called for 5:30 p.m. on Wednesday, January 22, 1964. All the members of the Commission were present with the exception of John J. McCloy and Senator Richard B. Russell. This specific allegation was discussed in detail by the Commission. It was recognized by all members of the Commission that, although this allegation was probably not accurate, this matter had to be regarded seriously by the Commission. It was agreed that the Commission would have to take whatever action necessary to pursue this matter to final conclusion. During the meeting efforts were made to contact Attorney General Carr again. When he was contacted, Attorney General Carr stated that District Attorney Wade had been unable or unwilling to specify the source of this allegation in more detail. He informed me that he and Messrs. Wade, Alexander, Jaworski and Storey would come to Washington the next day.

On Thursday, January 23, 1964 Secret Service Report No. 767 was brought to my attention. This report is dated January 23, 1964 and summarizes an interview by Agent Bertram

District Attorney Wade and Alexander stated that the sources for these allegations or rumors were several reporters, including Houston Post reporter Madkins. They did not pinpoint Madkins as being the source of this information, but they did not name any other individual reporters. They both indicated that they would not vouch for the integrity or accuracy of these reporters. They did inform us that this information was not disclosed in chambers during the bail hearing on Monday, January 20, 1964. District Attorney Wade stated that, based on his experience as an FBI agent during the years 1939-43, he did not think that the number would be either a payroll or voucher number carried on the Bureau records. He suggested that the records are not kept that way and would not show the name of the informer, who would probably be paid by the FBI agent in cash. He further stated that in his experience it was customary for the agent to carry the informer on his books as a number.

There was a general discussion regarding other information disclosed in the investigative reports which lend some degree of credibility to these allegations. Among other matters discussed at the meeting, the following were stressed: (1) the use by Oswald of Post Office boxes; (2) use by Oswald of aliases; (3) the lengthy 2-hour interview conducted by the

with Houston Post reporter Alonzo H. Watkins III. A pertinent paragraph of the report reads as follows:

NEVER CALLED
AS WITNESSES

On December 17, Mr. Watkins advised that he had just returned from a weekend in Dallas, during which time he talked to Allen Sweatt, Chief Criminal Division, Sheriff's Office, Dallas. Chief Sweatt mentioned that it was his opinion that Lee Harvey Oswald was being paid \$200 a month by the FBI as an informant in connection with their subversive investigation. He furnished the alleged informant number assigned to Oswald by the FBI as "3172".

THIS IS THE
EVIDENCE. See FBI
~~RECORDS~~
PAGE

The report concludes with the request that Chief Allen Sweatt of the Dallas Sheriff's office be interviewed regarding the above allegation. Upon being informed by representatives of the Secret Service that this subsequent interview had not yet taken place, I requested that it be done immediately.

On Friday, January 24, 1964, the Chairman of the Commission and I met with Attorney General Carr, District Attorney Wade, Assistant District Attorney Alexander, Mr. Jaworski and Dean Storoy. We reviewed the situation to date. District Attorney Wade and others of the Texas representatives stated that the rumors to the effect that Oswald was an undercover agent were widely held among representatives of the press in Dallas. They stated also that Mr. Belli, attorney for Jack L. Ruby, was familiar with these allegations. Wade stated he was also aware of an allegation to the effect that Oswald was an informant for the CIA and carried Number 110669.

NO INVESTIGATION OF THIS

FBI of Oswald in August of 1962; (4) interviews conducted by Special Agent Hosty in Dallas regarding Oswald's whereabouts and the failure to notify Secret Service of this information; (5) the comment after the assassination of Special Agent Hosty that Oswald had contacted two known subversive agents about 15 days before the assassination; (6) Oswald had Special Agent Hosty's car license and telephone numbers in his notebook; (7) Oswald's mother has stated that her son was an agent for the FBI or some other federal agency; (8) Special Agent Hosty was transferred from Dallas two weeks after the assassination.

REMOVED BY
FBI ON 1/21/64
IN CONNECTION WITH
AND THEN
TURNED OVER
TO THE

The Chief Justice decided to present the results of this meeting to the entire Commission on Monday, January 27, 1964 and decided to propose tentatively that necessary inquiries be made concerning these allegations and that this memorandum be prepared for the record.

On the evening of Friday, January 24, 1964, a member of my staff was informed by representatives of Secret Service that Allen Sweatt, Chief of the Criminal Division of the Sheriff's office in Dallas, had been interviewed regarding the allegations made in Secret Service Report No. 767. According to this oral report, Sweatt stated that he received the allegation from Mr. Alexander in District Attorney Wade's

|||
JACK RUBY'S FRIEND
TRAVELER MADE TRIP
HIS LAWYER.

office. He also mentioned Houston Post reporter Hudkins as a source of the information. When Sweatt was informed that the number in a similar allegation was 179 rather than 172, as he had indicated initially, Sweatt indicated that he would accept 179 as the correct number. Secret Service Inspector Kelley expressed his view that Hudkins was not very reliable, based on previous unfounded reports which he had furnished to Secret Service.

Please return - Sending in case it interests. H

Beginning with the testimony of John Ehrlichman, which started July 24, 1973, there was a great public bathing of the CIA's involvement in White House domestic illegalities, special illegalities for the CIA, which is banned by law from such domestic activities. This seemingly full airing was not. It was a suppression made to seem like full exposure. All that was new evolved as the consequence of Senatorial fumbling, the accidental asking of unplanned questions. The fumblers, unaware of what they had blundered into, didn't pursue the leads they got. The papers ignored it totally.

That was an exciting moment for me, because I knew of Nixon's previous associations with several of the CIA's dramatic personae.

In varying degrees, the committee went through the motions of asking Haldeman, the two generals, Cushman and ~~Walters~~ Walters, Helms, and then Kleindienst, Gary and Peterson about what the CIA did for Hunt and how they knew.

It added nothing to what had come out in the scandalous end of the Ellsberg trial. It adds up to the White House, through amnesia Ehrlichman, asking a few little favors for Hunt, who then, on his own, extended them and was hauled up short by the vigilant and already-sorrowful CIA.

What brought it to a head, all those who knew and would talk agreed, was Hunt's demand for a specific secretary, then stationed in France. Perish the thought, the CIA couldn't do anything like that. This, too, was not news, but there on TV, all those diligent public servants and all their righteous indignation, it sure looked good.

The truth is less pretty.

Hunt was not turned down on a secretary. They just had their own, hidden reasons for refusing him "the young lady", unmarried, the one of all the fair clerk-typists in the entire CIA who "was the only secretary he would accept because of 'the loyalty factor'."

This language is from an unsigned "MEMORANDUM FOR THE RECORD", "SUBJECT: Request by Mr. Howard Hunt for Special Agency Secretarial Support." It is dated 23 August 1971, has "EA/DDCI" typed at the bottom and "SECRET" stamped at the top. My copy is a xerox

of the committee's copy. So, they had it.

Cushman knew about it. He is the one who sent it to Helms, whose office stamped receipt on the "buck" slip I also have. Helms got it when it was typed, August 23. He is represented by the initial DCI, standing for Director, Central Intelligence. The routing slip is to Helm, back to DDCI, Deputy Director, Central Intelligence, Cushman, who then sent it to the Executive Director, who received it August 30 and returned it to DDCI. Under "remarks" on this ordinary routing slip, over the initial "C" is "FYI and guidance on how to handle." For Ex. Dir. "FYI only."

The response, over the initial "H", is "If Hunt renews the request, please let me know and I'll speak to Ehrlichman at once."

This part the committee read, and Helms drew himself up in the chair and allowed as how he wouldn't sit or stand for such shenanigans.

The only request testified to was for a secretary stationed in Paris. That's all. And, properly and offended, it was also testified to, the CIS rejected it, firmly.

The numbered paragraph of the memo begin with a little more, if still very little, description of Hunt's role in the CIA. He is "a retired Clandestine Service officer." With this in front of him, Helms mumbled something about he thought maybe Hunt had handled propaganda activities. It then involves Ehrlichman in the request, the same Ehrlichman who had no idea what Hunt was doing. He said.

"...to request that the Agency furnish him a secretary for a temporary assignment of between 30 and 90 days. He said that he needed the secretary to work on a highly sensitive assignment and that Mr. John Ehrlichman had suggested that he call General Cushman."

Breaking and entering and burglary are fairly described as "highly sensitive." They are this is it is only a psychiatrist's office that is broken into and made into a shambles.

It is less of an exaggeration to use "highly sensitive" when the homes and offices of foreign diplomats, in Washington and at the UN, are broken into, rifled and made into nasty messes in quest of secret papers (not found).

"2. Mr. Hunt said that he wanted the services of a specified individual, Miss [name masked before xeroxing], who was working in the Paris Station. He said that he didn't want Chief, EUR to know that he or the White House was involved in the request. He suggested that the Director's office should recall the young lady at once, explaining to all concerned that she was urgently needed for the unspecified special assignment. He again stressed that the White House involvement should not be mentioned to anyone but General Cushman or the Director."

One wonders how dangerously subversive, how utterly ^{able} ~~independent~~, how big-mouthed, or how excessive a drinker the Chief of all of CIA in Europe must be for the White House and Hunt to have such misgivings ~~as~~ about him. One is also prompted to marvel at the rare attributes of this "young lady" that ~~she~~ she and she alone of all clerk-typists in spookdom could be trusted with this "sensitive assignment".

All of Paragraph 3, which would seem to be a biography of Miss Blank, is masked out except that she "is a __ year old GS-__ clerk typist from". Must be sensitive if her grade and place of origin have to be kept secret/ from the United States Senate.

Quite contrary to that righteous representation of ~~her~~ proper bureaucratic indignation over Hunt's persistence and/or White House chiselling (both versions are official and under oath), is the solicitude, the anxiety to be helpful even if to chisellers, in

"4. After discussing the case with General Cushman, I informed Mr. Hunt that the Agency would be very reluctant to withdraw [this time even the "Miss" is masked] in the middle of her overseas assignment. It would involve unnecessary expense and would disrupt the work of the Paris Station. I suggested that if Mr. Hunt would furnish us with the qualifications desired we might be able to provide a fully qualified secretary from Headquarters. Mr. Hunt replied that Miss _____ was the only secretary he would accept because of the "loyalty factor," and he would withdraw the request if he could not get her. I suggested that he take the matter up with General Cushman if it would make him feel better. He replied that he might do this but would first talk to Mr. Ehrlichman. Several days have gone by and we have heard no more of the matter.

Little wonder. Hunt and his gang of heroes was getting ready to rip off the psychiatrist's office, a lateral description of what they did to the filing cabinets and other doors and drawers. They were proper secret agents, though. They photographed their failure, showing all the damage, even Liddy in one of the pictures, which interests us separately. Then, not trusting the White House photographer or any other, Hunt gave the camera with the exposed film in it to a CIA agent he phoned ahead to have meet him ^{Hunt} at the airport. ~~That~~ did save processing expenses, but it was costly for the government.

For the White House, too, as it turned out.

The semi-perpetually amnesiac Ehrlichman couldn't remember talking to Cushman.)

the four-star general soon to be made Commandant of the Marine Corp by his boss, who also happened to be an old friend of Cushman's as Cushman, although these CIA files don't show it, also was of Hunt.

Another "buck" slip would seem to indicate that Ehrlichman and Cushman were not exactly strangers. This became a point because Ehrlichman he had not phoned Cushman. Ehrlichman persisted with sufficient vigor to inoculate Cushman with some of that White House amnesia, which sometimes doesn't really hurt the career military.

The slip is from DDCI, to DCI, who returned it to DDCI, where executive assistant KW, Karl Wagner, initiated and forwarded to the third routing point, "ER-FILE Howard Hunt."

Cushman's August ~~25~~³¹ handwritten note reads, "I called John Ehrlichman ~~on~~ Friday and explained why we could not meet these requests. I indicated that Hunt was becoming a ~~serious~~ pain in the neck. John said he would restrain Hunt."

Opposite "Friday" in the margin "27 Aug 71" is written.

At the bottom, with the same illegible initial as appears after ~~the~~ DCI, is "Good."

Reference to Ehrlichman as "John" is not the only indication Cushman and he knew each other fairly well. The memo euhred out of Cushman by Ehrlichman and addressed to him 10 January 1973 with the typed but unsigned signature "R.E. Cushman, General, USMC", also is stamped "SECRET" (-by 056047). The subject is "Contact with Mr. E. Howard Hunt."

The first of the four numbered paragraphs relates, among other things, that the call from the "hite House announcing that "Hunt would call on me to ask for some support" was "over the "hite House line direct to my office as Deputy Director of the Central Intelligence Agency. " What Ehrlichman really wanted is, "I cannot recollect at this late date who placed the call, but it was someone with whom I was acquainted, as opposed to a stranger."

"Acquainted" as in "John", ~~was~~^{according} to Cushman's contemporaneous memos.

This date, January 10, was well after The Watergate but well before exposure of

the great "national security" operation of the Labor Day weekend, Operation Shrink. Ehrlichman's desire for what the spooks call a "cut-off" is understandable. And who knows, maybe those earlier memos saying "John Ehrlichman called me" wouldn't surface? However, it is not the only good reason. Another is

"2. Mr. Hunt stated that he had to elicit information from an individual whose ideology he was not certain of and for that reason would like to talk to him under an alias and requested that I provide some documentation to back up his ~~desired~~ alias identity. He said this was a one-time interview. I said that, yes, we would provide a driver's license and what is called pocket litter which would indicate the identity which he wished to assume for this one-time operation."

This is translatable into non-Ehrlichman, Non-Cushman, non-CIA, Non-Senate committee Englishman, if Mrs. Beard and her children don't resent Hunt's reference to her as "him".

Hunt and Liddy "spirited", the word used, Mrs. Beard away from those bad, bad Judiciary Senators and those ~~proprietor~~ prying busibodies of the FBI while the White House, the Mitchell-Kleindienst operation, ITT and an odd bag of others were trying to make a fake out of the memo she really wrote, That incriminating one saying that the Nixon people, including Mitchell, had, in effect bargained settlement of a massive anti-trust suit - value into the billions - against ITT for a \$400,000 contribution to the Republican convention through an ITT subsidiary, Sheraton Hotels.

They took her to Denver. If she didn't know them before, by the time they had crossed more than half the country, it seems a fair guess that she knew what they looked like. Later a statement was wanted from her ~~saying other things with things to be denied~~ denying the memo. That "highly sensitive assignment so crucial to the "national security" fell to our hero of the Bay of Pigs.

Hunt's concern was not this "individual whose ideology he was not certain of." There was absolutely no ~~no~~ "uncertainty" about the "ideology" of ITT's very effective lady lobbyist. It was, rather, that anyone who saw him going to, into and leaving her hospital room might recognize him. It is for this that he needed the disguise, that red wig he never did get on straight.

That was a "one-time operation", though, because it didn't hold up after he came back with the statement.

In fairness to the CIA, whose Technical Services people were offended at the descriptions of Hunt in that wig in Denver, they claim, privately, as befits spooks, that he wasn't wearing ~~them~~ their wig that day.

And in fairness to the committee, which seems to have had some reluctance about thorough questioning of the right witnesses about what it had on them and theirs in FBI's confidential files, they ~~were~~ were all anxious to get started on their vacations. No more innocent explanation for their failure to question Ehrlichman and the CIA witnesses on all the contents of these documents suggests itself.

Cushman has a nice touch in this unsigned memo addressed to Ehrlichman, ~~s/f/s~~ ~~zshavkhsdz~~ ~~(copied to [redacted])~~ aka (cop shorthand for "also known as") "John".

Throughout the memo the addressee is referred to not as "you" but as "Mr. Ehrlichman." That is really the cut-off's cut-off.

In ~~NSGK~~ another "SECRET" stamped "MEMORANDUM FOR THE RECORD" ~~ix~~ there is ample justification for Cushman's "pain in the neck" designation, if those are the words he really used. It is unsigned, dated 30 August 1971 and has the names of the CIA's Technical Services Division people masked. It is Cushman's memo, reporting that ~~the~~ Deputy Chief, TSD, telephoned on 27 August 1971 to report ~~that~~ additional requests from Mr. Howard Hunt. He said that Mr. Hunt had telephoned Mr. (), his regular TSD contact, on 26 August 1971 and asked him to meet a courier at the airport to receive exposed film and arrange for its development. Mr. Hunt also arranged to pick up the developed film later. Mr. () said that the pseudonym of Mr. Hunt's colleague, whose identity remains unknown to use, is Roy Anderson."

This film seems to have been the casing of the Ellsberg job. note "regular contact."

"2. Mr. () said that he was increasingly concerned at the nature of assistance requested by Mr. Hunt. TSD had initially furnished Mr. Hunt with notinal [sic] pocket-litter documentation. Hunt was not pressing for fully backstopped documentation and support. A driver's license and credit cards (including Hertz and Avis) had been requested in pseudonym. Mr. () said that he had turned down this request. Hunt had asked that the Agency arrange to backstop a New York phone number either through an answering service there or by a hookup which would permit the New York number to be answered in Washington. Hunt also wanted the Agency to arrange for a New York business office to acknowledge him. Mr. () said this service was beyond TSD's ~~capacity~~ capability and would have to be handled by the Office of Security."

Hunt sure was out to give Nixon real "national security" service and to save him, if not the tax-payers, all he could. Hunt also knew providing these things was jo sweat for the CIA because they had supplied exactly these "support" services to him in the past, as I'd reconstructed as soon as his name was mentioned, before his arrest.

"3. I told Mr. (_____) that Mr. Hunt's latest requests drew us even further into the sensitive area of domestic operations against Americans and that all such requests should be referred to General Cushman's office. "Meanwhile those requests should not be met."

The signature of EA/DDCI is hastily masked, not quite completely. Why he should need secrecy is not apparent. But if for some reason he did need a cover, Karl Wagner's is now blown.

~~XXXXXXXX~~ Free-loader ^{yearning} "unt didn't stop with that ~~sex~~ for this "young woman" from Paris, reported in the August 23 memo. This was 12 days later.

There are several other things of passing interest in this last paragraph. "Sensitive area" to all outside CIA really mean "illegal." "Domestic operations against American" is not just sensitive. "It is absolutely forbidden by law. Helms had just before this made the only public speech of his long career in the spookery. In it he has assured the nation's editors that they never, absolutely never, did this. Trust us, he asked, and he was believed. In big headlines, too.

This, however, is an admission that through Hunt and the "White House the CIA had already crossed the line into illegal activities at home. This is not an expression of fear about being drawn close to "domestic operations against Americans". "It is apprehension about getting "even further into" these illegal activities.

It didn't stop Hunt entirely. He did have a cover address in Washington, but he was known by his right name there. His simple solution was a separate phone, one that didn't go through the office switchboard, one the secretaries were ordered not to answer in his absence.

That, however, is another part of the Watergate story. One the committee and the press ~~stickles~~ had deliberately stayed away from.

To ~~paraphrase~~ paraphrase Barry Goldwater, excess in pursuit of national security is no vice with the CIA only up to a point. "This is one of the distinctions between the CIA and the White House, between Nixon and Helms, who Nixon soon bounced although Helms was but days from honorable retirement.

Doing that was quite exceptional. ^{up top} Somebody was pretty unhappy.

At only one point is there reason to suspect there may have been any change, and that may be entirely innocent. At the bottom of the third page, the typing of "informant for the" (followed by "CIA and carried Number 110669") is uneven within the line, is at a downward slant, and has extra spacing.

To the uninformed who might later read this, including all officials except the very few who were involved, Rankin's memo would seem a complete and forthright presentation, which it is not. It is, rather, a fine example of how well he had learned the lessons of years in the bureaucracy and how he put his legal skills to work. It is designed to leave a record to be interpreted as establishing that the Commission had made a full inquiry into the "rumors that Oswald was an undercover agent." Exactly the opposite is the case. It made no investigation. It merely pretended to, leaving such false records as this to make it seem it had. The facts are that what the Commission decided it had to do it did not do; and what the Texas officials insisted be done was not done.

Before analyzing this self-justification thought securely buried in the files, so it can be understood better and seen in proper perspective, let me trace my unsuccessful efforts to get the transcript of the top-secret session of January 27. Rankin's memo says of it only that Warren "decided to present the results of" that Friday session with the Texans "to the entire Commission on Monday, January 27." This says that the members of the Commission were not at the hairy meeting with the Texans. If this is the case, is it not cause for wonder?

Why were not all of the members at - or at least asked to - this secret meeting for which "the Texas officials slipped into the nation's capital with complete anonymity?"

Ought not all members have been required to hear the evidence that Oswald had been a federal undercover man?

That Monday session did come to pass. It was scheduled for 3 p.m. As usual, Rankin prepared the agenda. I have a copy of it from the "PC6-1" file. The Ward & Paul reporter was named "Firshein." There were 84 actual pages, numbered from 127 to 212.

This comes from still another "TOP SECRET" record in the "PC-2" file. Interestingly, it also records that the first page of that January 22 session was to have been numbered 127. It has the identical wording about the fate of the transcript of that session, "no write up (sic) reporter's notes confiscated by Commission." And, if the estimate is correct that the hour-and-a-half January 22 session would have run 30 pages, this January 27 session lasted about five and a half hours!

That Monday's transcript is still suppressed. The government is not reluctant to use the raw power it has. The law enacted to require "freedom of information" does not apply to the government unless it can be made to apply in court, which is neither easy nor inexpensive. It is time-consuming and can be very costly. Should a litigant be able to afford to sue, should he then be fortunate enough not to get a partisan judge, and should he then win, he must be prepared to fight further through the appeals court to the Supreme Court if the government elects to stall. For these many years, a book, history and truth must then wait.

When I began pressing for the withheld but existing executive session of January 27, there was no anxiety on the part of the Archives to be informative. Or to divulge the subject matter or matters. They refused to withhold what they alleged could be withheld and provide copies of the remainder, as they did in all other cases.

In short, they were uptight.

They claimed two justifications, one a citation of law and one of regulations.

Not once did they cite the law properly or in full - and that law, 5 U.S.C. 552, is called the "Freedom of Information" Act! It was passed by Congress in an effort to prevent, not enable, such wrongful suppression, which is a characteristic of all governments.

The Department of Justice itself interpreted this law in advance of its effective date. That date, in the light of subsequent history, could not have been more inappropriate. It was July 4, 1967. This interpretation is published under the title, "Attorney General's Memorandum on the Public Information Section of the Administrative Procedures Act," the technical identification of the law. It is prefaced by the most glowing expressions by President Johnson of his belief "that freedom of information is so vital that only the national security, not the desire of public officials or private citizens, should determine when it should be restricted," and of his "deep sense of pride that the United States is an open society in which the people's right to know is cherished and guarded." Attorney General Ramsey Clark's commentary is twice as long and twice as flowery. "Nothing so diminishes democracy as secrecy," he boasted. "Never was it more important ... that the right of the people to know the actions of their government be secure." Government had to change its ways, he said, "adopt new standards and practices."

Everybody, especially the Attorney General, who could not have been more specific, says the public has a right to know everything except for "the exemptions of the act." So, under this Attorney General, there were this and thousands of similar denials of this sacred "right to know."

Under this law (subsection (c)), if information be withheld, "the burden shall be upon the agency to sustain its action." And, citizens can go to federal court to compel this or delivery, as I have, if they meet regulatory requirements. These, of course, include contesting the applicability of the claimed exemption.

Only, in all that correspondence, the Archives never did cite which exemption it claimed gives it the right to withhold this transcript from me. It cited the entire law. It is required to invoke a specific exemption or exemptions from the nine provided by Congress. Now, this is not because the Archives has no lawyers. It does. Moreover, inadvertently, it once sent me the wrong set of papers, thereby disclosing that every request I make and every answer seem to be routed to a certain lawyer, whose name and office number are given.

No, neither ignorance nor carelessness caused this omission. There is no applicable exemption, and to invoke the one that comes closest is to confess all.

As given in the table of contents of the Attorney General's Memorandum, these are inadequately described: National defense and foreign policy; internal procedures; statutory exemption; information given in confidence; internal communications; protection of privacy; investigations; information concerning financial institutions; and information concerning wells. Definitions are expanded to the point that they comprise a quarter of the Memorandum.

The first and last two clearly cannot be applied. Remembering that this was an executive session, not one in which testimony was taken, "internal procedures," defined as "related solely to the internal personnel rules and practices of any agency," is entirely inapplicable. "Statutory exemptions" means "specifically exempted from disclosure by statute," which throws that out. There is no such law. It cannot be

"information given in confidence" because a) there was no witness to give information and b) the information given at the earlier session was already available, unless Rankin was crooked. Besides, there was no secret about the alleged sources. It had been published. A transcript of a meeting is not within the definition of "internal communications." "Investigations" means not just any old investigation, but those that are "investigatory files compiled for law enforcement purposes" and, under some conditions, even these must be available. There was no possible law-enforcement purpose, the Commission authorization excluding that. Besides, there was no federal law involved. Killing a President was not then a federal crime.

What remains, although entirely inapplicable, is "protection of privacy." With Oswald dead, he had no privacy to protect. And, again, all the allegations were public. The kinds of things intended are medical and personnel records where there is a "clearly unwarranted invasion of personal privacy." Some personnel records are required to be public. Outside these non-secret kinds of information, although not the intent of the law, it might be argued that a "possible area of invasion of privacy would be the furnishing of detailed information concerning Government employees or others." And the only possible way this might be asserted is if Oswald had the government affiliation alleged, regardless of its character, significance or insignificance.

It is manifest that the reasons the government's lawyers steadfastly failed to cite their legal authorization as required of them by specifying the exemption or exemptions they allege allow withholding this transcript is because none do and they suppress by raw power alone, exactly what the law was enacted to prevent; or they are, even if without legal sanction, invoking the fact of Oswald's official connection as reason.

There is even less comfort in the regulatory claim, Archives rules controlling availability of Commission records. My copy is identified as "Justice Department Revision of Guidelines." Can't be more official than that. What is called "Guideline 2" is cited. It reads, in its entirety:

Security classifications should be respected, but the agency responsible for the classification should carefully re-evaluate the contents of each classified document and determine whether the classification can, consistently with the national security, be eliminated or downgraded.

First of all, this transcript did not come from any agency. It originated with the Commission itself. The Commission, which no longer existed, could not have utilized this provision because it was not another agency. Therefore, unless the suppression is entirely spurious, an "agency" had to have caused it. Unless the CIA or the FBI produced their records of Oswald's service and the Commission discussed them, there can be no applicability, for no other "agency" information can be involved.

Were this the case, it means Oswald was their man.

The overriding consideration in "Guideline 2" is "national security."

It has been the traditional bureaucratic ploy to equate "national security" and indefinite euphemisms subject to any and all changing official whims, variously phrased as "good cause," "national interest," and "public interest." This law was enacted to end that abuse forever. If it did not succeed, it is not the fault of Congress. Executive agencies violate the law because they have the power to get away with it. The Report of the House of Representatives on this law is so emphatic on precisely this point that its prohibition appears on more than a third of the pages. A few examples are:

Historically Government agencies whose mistakes cannot bear public scrutiny found "good cause" for secrecy. (p.6)

The old law titled "Public Information" and clearly intended for that purpose, has been used as an authority for withholding rather than disclosing information. Such a 180° turn was easy to accomplish ... (p.4)

... "public information" is a misnomer If it permits the withholding of Federal agency records, if secrecy is required "in the public interest" (p.5)

No Government employee at any level believes that the "public interest" would be served by disclosure of his failings or wrongdoings ... (p.9)

It is not merely that this Guideline 2 language cannot be legally employed as a means of withholding the transcripts. These Guidelines do have provision for hiding stoolpigeons. It is, "3 (A) Might reveal the identity of confidential sources of information." But in this case, that, too, would have been improper, for it is qualified by this added language, "and impede or jeopardize future investigations by precluding or limiting the use of the same or similar sources hereafter."

Jack Ruby took permanent care of that. Oswald could inform no more.

What it all boils down to is an illegality the government can get away with until sued, and that through all the years of delays and exorbitant costs it can exact.

A Chief Justice of the Supreme Court headed this Commission, but the withholding of its January 27 session for the reasons given could not be more illegal.

The agenda alone proves that, as does Rankin's memo, for there is no basis under the law for withholding either what Rankin's memo says was discussed or what the agenda specifies:

- 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
 - B. Chronology prepared by Secret Service

Examination of all nine exemptions of the law shows that none of the four subjects is encompassed by any. Except for the second item, identical data is readily available or, in fact, was published by the Commission.

Nonetheless, the Archives refused to let me see or have copies of any of the pages on any subject and refused to explain its refusal.

Here is where Eckhoff's previously-quoted letter of September 3, 1968, proved helpful, without his having that intent.

After skipping from that hectic, supertime session of Wednesday, January 22, to his culling of the printed stories, Ford skipped back to the transcript of the 27th. His language is loose, but there is little question about his meaning. He does quote what he presents as verbatim "discussion among members" after reference to January 27. I chose to interpret this otherwise and accused the Archives of making available to him what it had denied me, the transcript of the 22nd. Eckhoff took the bait:

There was no error in our letter to you of May 20, 1968. An examination of Portrait of the Assassin ... indicates that the quotations to which you refer relate to the executive session of the Commission of January 27 rather than January 22, 1964. The transcript for the executive session of January 27 has not been released or made available to anyone by the National Archives.

By this means it is established that what Ford did quote is the session of the 27th, that he did use classified material, and that the government has granted him an exclusive copyright on public information. Further, under the law, even if information is properly classified, as this is not, any use eliminates the right to claim the exemption.

In this case I am inclined to think it may be what Ford did not quote that impels the government to a repeated illegality, although, when understood, what he quotes is enough. The little Ford said is, for those with things to hide, too much. It also shows that Rankin's memo on the three meetings is entirely inadequate on all.

Rankin's opening paragraph fails to date the allegations that "Lee Harvey Oswald was an undercover agent for the Federal Bureau of Investigation or the Central Intelligence Agency." It gives no source. It pretends in the second paragraph that the first and only report was the Carr phone call of January 22, not until then, and disguises the fact that federal investigators and the Commission had long known of these reports and been silent.

The opening of the third paragraph can be given a fascinating interpretation. It says that Rankin did not "contact" Carr, presumably meaning call him back, until "after a discussion with the Chairman of the Commission and Mr. Leon Jaworski." Jaworski is not identified. He is a prominent Texas attorney. He was then one of two special counsel to the Texas Court of Inquiry. The other, also a prominent Texas lawyer and Dean of Southern Methodist University Law School, was Robert Storey.

Both had CIA connections, Storey by intelligence service in its predecessor, which is as indirect as my own, and Jaworski in a way that traces back to Rankin's service as Solicitor General of the United States in the Eisenhower administration, where Mrs. Oveta Culp Hobby had been Secretary of Health, Education and Welfare. She was also publisher of the Houston Post, which Hudkins found it expedient to leave soon after he wrote stories indicating that Oswald had been an official informant.

Now for some years did the rest of the story come out, and then

as a consequence of student resentment at being converted into unwitting CIA agents. In early 1967 there was considerable news attention to the CIA's use of foundations in its intelligence operations. Of the many such sources available, I here quote briefly from "The Espionage Establishment" by David Wise and Thomas B. Ross, the fourth chapter, on the functioning within the United States:

The nouveau Texas Establishment has also been included in the CIA network. Oveta Hobby ... allowed the agency to use the Hobby Foundation as a conduit. John W. Mecom, the oil tycoon, was one of the original incorporators of another conduit, the San Jacinto Fund. Sarah T. Hughes, the federal judge who administered the oath of office to President Johnson, was a trustee of the Hoblitzelle Foundation, which handled CIA money, and Leon Jaworski, a lawyer friend of the President's, was a trustee of the M. D. Anderson Foundation, another recipient.

In a mid-February 1967 story about CIA foundations The Washington Post distributed through its syndicate, Richard Harwood had two interesting sentences: "Jaworski refused to discuss the financial affairs of the Anderson Foundation" and "Efforts to reach Judge Hughes were unsuccessful."

Ah, the fabrics novelists could weave of this immediate and heavy CIA involvement in the aftermath of the assassination through close friends of the man who became President by that assassination, the man who insisted upon a CIA-connected judge to administer the oath of office to him and delayed everything - including his succession - pending her being located and her arrival at Air Force One, where he awaited her at Love Field. Or of the fact that, when the President's close crony, the anti-Kennedy Governor of the state, had appointed as Attorney General a man who selected another CIA type to dominate the Texas Court of Inquiry. Or that before calling back the head, Carr, Rankin first consulted this CIA-type, Jaworski.

Why Rankin consulted or felt he had to consult Jaworski at all

is not indicated. There would seem to be no need, Carr having called him, nobqJaworski. Carr was the head man - in theory, anyway.

(It should also be noted that, by the time of appointment of the Court of Inquiry, Governor John B. Connally, later to become a Democratic Secretary of the Treasury in the Republican Nixon administration, was sufficiently recovered from the wounds he received in the assassination to be consulted in such matters. He was well by the time of this great long-distance-telephone-call drama between Rankin in Washington and the Texas commission.)

How remarkable a coincidence that there is this heavy CIA involvement in the Texas end of the question of Oswald as an agent, including the owner of Hudkins' paper and the Texas inquiry. These people of prominence and influence performed important intelligence services, exactly paralleling the alleged minor Oswald role.

There is nothing unusual in Rankin's asking Carr "to contact District Attorney Wade." Rankin always went through Carr when there was dirty work to be done, even if it meant delay and the Commission was always in a rush to get its job over with. One of the more intriguing examples is his letter of February 24, 1964, from which I quote the body!

In connection with this investigation the Commission has asked me to request through you that the Dallas authorities make no changes or alteration in the physical surroundings of the assassination scene without first advising the Commission of its intention to do so.

In the Commission's view this would include the area north of Main Street, south of Elm Street, west of Houston, and east of the first viaduct under which the President's car motored after passing the Texas School Book Depository Building.

By March 4, the mayor had gotten the word. But it was much too late when Rankin made the request, more than three months after the assassination. By that time, all alterations necessary to frustrate any photo-intelligence work had been completed. This ranged from

pruning of all shrubbery in the background of pictures to the totally unnecessary removal and resetting of road signs. Both landmarks were required for orientation of the President's position at the time each shot was fired. The best pictures, taken by the late Abraham Zapruder, were taken over those signs.

By another remarkable coincidence, this definition of the area of Commission interest - and even at that too-late date it was not an order for no/changes - excluded both the location of the President when he was assassinated and the place from which the Commission claimed the shots were all fired by Oswald alone. The President was on Elm Street and the Texas School Book Depository was north of it.

Contacting Wade was especially interesting because the report did not originate with him and the Commission knew its sources.

If Rankin did not personally order the memory-holing of the transcript and all other records of that January 22 hour-and-a-half of what Ford called an "astounding problem" - and with his tight-fisted control nothing else seems possible - he was the boss. The buck stopped with him. Secure in this knowledge, he found space for a single paragraph on that dramatic event.

It says little, again too much. Knowing nothing, having none of the evidence about it, the Commission (McCloy and Russell were not present) decided "this allegation was probably not accurate," but "the matter had to be regarded seriously." Translation: Downgrade but play it safe.

(Ford quotes Rankin more pointedly from the January 27 session: "We do have a dirty rumor that is very bad for the Commission ... very damaging to the agencies that are involved in it and it must be wiped out ..," which is one way of conducting an investigation to discover

fact and truth, call it "dirty" and without investigation ordain "it must be wiped out.")

Having elected not to contact Wade directly, and insisting on the fiction that Wade had been the source of the report, Rankin quotes Carr as having "stated that District Attorney Wade had been unable or unwilling to specify the source of this allegation." This is a prejudicial formulation, considering that Wade was known not to be the source, to say a) that he was "unwilling," suggesting Wade was covering up, and b) that he was "unable" to "specify the source." It is even more prejudicial when what Wade really said is considered.

From Rankin's account, this took more than an hour and a half!

What follows is cute:

On Thursday, January 23, Secret Service Report No 767 was brought to my attention ... This report is dated January 23 ...

That report is dated January 3, 20 days earlier. The information is dated 37 days earlier and was immediately communicated to Washington by phone.

This is a lie, designed to make it seem that nothing had reached Washington about the Hudkins report until the day after Carr phoned Rankin, thus to buttress the pretenses that there was no knowledge prior to Carr's call and that the Commission had not overlooked its responsibilities to look into this "dirty rumor" that "must be wiped out."

How vigilantly did the executive agencies pursue this "dirty rumor?" Sweatt was given as its source, not Wade, and that Secret Service Report No. 767 had asked that Sweatt be interviewed - as of mid-December, already a late date, considering the earlier publication of what had to be "wiped out." By January 23 it had not yet been done. So, Rankin finally "requested that it be done immediately."

For the nitty-gritty, the super-super-secret meeting with the Texas Court of Inquiry and Wade and his assistant, Bill Alexander, the original source of the report, it was arranged that all the members of the Commission be absent. When Ford said the Texans "slipped into the nation's capital with complete anonymity," he did not exaggerate.

Rankin's version is that "The Chairman of the Commission and I" met with them. Ford's is, "They met with Lee Rankin and other members of the staff." Both agree, significant as this disagreement is for any real investigation ever to have been intended, that none of the members of the Commission, all of whom were saddled with responsibility, was present.

Ford had identified the Texas delegation as Carr, Wade and "any other Dallas officials /who had knowledge," leaving out those he knew were there and thus avoiding mention of the two with most responsibility and the CIA connection. Rankin identifies them as Carr, Wade, Alexander, Jaworski and Storey. In Rankin's version, it is "Wade and others of the Texas officials who stated that the rumors to the effect that Oswald was an undercover agent were widely held among representatives of the press in Dallas." This is the expurgated version, omitting any reference to the FBI and Rankin's friend, "Dear Edgar."

Rankin, too, is an expert at switching. Here, where in fact it referred only to the FBI rumors, he says that "Wade and Alexander" attributed all of this to the press. *Then:*

~~There follows the sentence with the alterations:~~

Wade stated he was also aware of an allegation to the effect that Oswald was an informant for the CIA and carried the number 110669.

This is the magical number. All reference to it disappears -
forever.

To this point, all Rankin has noted "for the files" is that Oswald has been reported (and this by Hudkins only) as a suspected FBI informant, "S172" and as a CIA informant, "Number 110669," which is far from complete.

Out of nowhere, there having been no earlier reference to either kind, Rankin then quotes Wade as saying that, "based on his experience as an FBI agent during the years 1939-43, he did not think that the number which number Rankin does not say would be either a payroll or voucher number carried on the Bureau records."

Even for Rankin, this is a pretty large non sequitur. With both numbers represented as identification numbers, he quotes Wade not on this but on "payroll or voucher^s number." He quotes nobody on the possibility of either number being consistent with informant identification by the FBI, CIA or any other federal intelligence or police organization. A local phone call would have elicited that information.

Obviously, if a letter and three-digit combination would be consistent with FBI practice, as it is, the six-digit number would not be, so Rankin's imprecision and switching can serve to help "wipe out" that "dirty rumor." Wade is further quoted as saying what subsequently was confirmed when a robbery of FBI Media, Pennsylvania, offices turned up a large number of political ("security" to the FBI) reports, that informers "would probably be paid by the FBI agent in cash" and that "it was customary for the agent to carry the informer on his books as a number."

Having begun his memo pretending this was the first knowledge the Commission had of any report that Oswald had been a federal informant, Rankin next, forgetting this and his and the Commission's total silence about these reports, including those published, slipped a bit

and acknowledged their existence:

There was a general discussion regarding other information disclosed in the investigative reports which lend some degree of credibility to these allegations.

What "information" from what "investigative reports" tending to credit the belief that Oswald had been a federal informant was not worth mentioning in Rankin's memo. This is one of the better ways of avoiding resort to the memory-hole system of filing valuable information.

There follows, in the same paragraph, what is clearly indicated as not this confirmatory information from investigative files, a list of eight topics described as "Among the other (emphasis added) matters discussed at the meeting." Rankin is consistent. He attributes neither meaning nor interpretation to any one, restricting himself to the list. All, however, when understood, are additional confirmatory information:

- (1) the use by Oswald of Post Office boxes;
- (2) use by Oswald of alises;
- (3) the lengthy 2-hour interview conducted by the FBI of Oswald in August of 1962 for immediately before he is said to have become an FBI informant/;
- (4) interviews conducted by Special Agent Hosty in Dallas regarding Oswald's whereabouts Hosty knew and the failure to notify Secret Service of this information;
- (5) the comment after the assassination of Special Agent Hosty that Oswald had contacted two known subversive agents about 15 days before the assassination;
- (6) Oswald had Special Agent Hosty's car licence and telephone numbers in his notebook;
- ☐ (7) Oswald's mother has stated that her son was an agent ...
- (8) Special Agent Hosty was transferred from Dallas two weeks after the assassination.

Finally it turns out that the Secret Service filed an oral report with the staff - after the Texans left, naturally - that Sweatt had been interviewed about Secret Service Report No. 767. Sweatt's source? Assistant District Attorney Bill Alexander, who had just been there and, from Rankin's memo, had neither been questioned about this nor volunteered any information about it. The only other thing added is that Sweatt had agreed perhaps it "was 179 rather than 172."

Thus were two of the most dramatic and incredible moments in history - first official consideration of whether a President had been killed by a man working for an official intelligence agency - reduced to official nothingness. The first, providentially, was destroyed and the second, with even more foresight, arranged to have neither a record made nor a member of the Commission present.

Is there anything like this in American history? In the history of modern civilization?

By January 27, when the genteel old ladies were permitted their kaffee klatch on this, there had been much thinking and talking - and the added precaution of suppression. Ford's jaw, lubricated by expectations of profit, helps a bit with what we now know is this session whose transcript exists but is suppressed.

The others, he said, looked to Dulles for advice and counsel. Dulles had spent much of his life in intelligence and had long headed the CIA - at precisely the time it could have used Oswald. What better reason for turning to him for advice and recommendation than the fact that, if Oswald had been working for the CIA when he was in Russia, it would have been under Dulles!

Dulles did acknowledge that, had this been the case, there would be "nothing in writing." The Commission immediately forgot that.

At this meeting, Renkin said what he did not in his memo, that Wade "was so troubled" because of his previous FBI experience, "He handled as much as \$2,000 a month during the war period in which he paid off informants and undercover agents in South America." In that part of the world and at that time, \$2,000 a month went very far.

Another quote from Wade (who had also made clear he was not familiar with any changes in FBI practice):

He thought that the postal box was an ideal way to handle such transactions and was a way he had used at various times in the past too (sic).

If Oswald ever had any other real use for post office boxes, it was never established.

At this juncture, Ford expressed the concern of the Commission that

it would not be justified in plunging into the matter in some irresponsible manner that might jeopardize the effectiveness of an important agency's operations.

How this might have been done Ford does not explain. How it could have been done, when the Commission did everything in complete secrecy, seems beyond explanation.

Ford's discussion has it that "Every intelligence agency of the Government also had to be scrutinized" in pursuance of the Commission's mandate. "The Commission would have to devise an approach that was independent of all these agencies." To do the job, true.

The Commission's "independence" of these agencies consisted in using them and nobody else for 100 percent of its investigation. Its "scrutiny" consisted of asking the agencies to deny the allegations, which each did.

No more.

Senator Russell, apparently, had been cued in on none of this, for he asked, "What steps, if any, have we taken to clear up this matter?" Rankin replied that he and Warren had "discussed various possibilities."

One was to ask the Attorney General "what he would say about whether Oswald was or was not an undercover agent." Picture of Bobby Kennedy combing the poorer sections of three southern cities looking for informants for the FBI! How else could he know? Orwell to Aesop, in desperation.

Another was Rankin's suggestion, that "I should go over and see Edgar Hoover myself" and cajole him into understanding "this problem." Rankin added, "I would be frank to tell him" that "his statement ... would not be sufficient." Picture of Hoover breaking down and confessing all - assuming he had a better way of knowing than the Attorney General!

With Hoover's denial "not enough," it is what the Commission settled for.

When Boggs asked for other alternatives, Rankin suggested "examine Hudkins." Therefore, Hudkins was never "examined" by the Commission.

McCloy said that, if they got pro forma denials, "that probably stops us unless we run into something . . ." (excision in Ford).

Russell, first expressing admiration for Hoover, said, "We can get an affidavit from Mr. Hoover ... but if we didn't go any further (sic) than that, and we don't pursue it down to Hudkins, or whoever it is, there would still be thousands of Doubting Thomases ... and you just didn't try to clear it up and you just took Hoover's word." He was right on the "Doubting Thomases," right on doing nothing but taking Hoover's word, and right on that not clearing anything up. But he was wrong, and no effort was made to tell him the truth, in believing that Hudkins was the source. Rankin knew better and was silent. Hudkins did no more than report what he had been told and Alexander, according to Rankin, was one of the sources. His source is unknown.

Russell advised, "you can't base the conclusions of this Commission" on no more than Hoover's oath, unquestioningly as he would accept it.

Again the questioning of Hudkins by the Commission, this time described by Senator Cooper as their "duty."

McCloy reminded that the Department of Defense "has an intelligence unit, too." Many more than one. And they duplicate.

The Keffee Klatch soon got to the point where the eminent chairman knew the answer without any investigation - before it was decided whether or not there would be any kind of investigation:

We must go into this thing from both ends, ^{from} ~~for~~ the end of the rumormongers and from the end of the FBI ...

As Oswald's guilt was ordained in advance, so was it with the innocence of the FBI and its venerable overlord, of whom Mrs. Martha Mitchell, wife of the Nixon Attorney General, quipped, "If you've met one Director of the FBI, you've met them all."

Almost timidly, Rankin asked, "Would it be acceptable to go ahead and find out what we can about these -- " only to be interrupted by McCloy's interjection of "Hudkins' sources." Rankin picked it up by saying they could then see if Hoover "reacts."

To that hidden moment in history, for that tiny fragment of time, this is as close as anyone ever came to an official investigation of the first indispensable man in American government, J. Edgar Hoover.

Warren did not like the idea. He thought, "we ought to know what we are going to do, and do it, and take our chances one way or the other." He did not want to make the Commission look "apologetic" or "in any way reticent to make any investigation."

Brave talk for the mouse who never belled the cat. It encouraged Rankin to what, in Ford's copyrighted government (mesning public) property, is the last word:

"I don't think the country is going to be satisfied with the mere statement from, not to use Mr. Hoover's name perish the thought - such a blasphemy!⁷, but just examine about any intelligence agency that Oswald wasn't hired, in the light of this kind of an accusation, a rumor."

After getting this off his chest, Rankin's words straightened

out a bit:

"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 (emphasis added) 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.'"

The Commission may not have been "in any way reticent about making" that investigation, but it didn't. It may have understood that the unsubstantiated word of Hoover would not be acceptable to many, but that is what it got, no more, from him or CIA head McCone. It wound up as Rankin wound it up, without the pretense of any real inquiry into whether Oswald "was or was not an employee of any intelligence agency of the United States." It cannot with honesty be described as even a superficial, perfunctory look at "how those things are handled."

Is there any wonder, with these the words selected from those 85 pages to put the best possible face on the Commission and its investigation of Oswald as an agent, and the selection by a member of the Commission, the government refuses the transcript to me?

This record is so frightful that the government, meaning in this case the Department of Justice, of which, in theory, the FBI is part, would rather risk the attention a lawsuit might get than let those bones rattle off the skeleton with the opening of the closet door.

Compromised as they were by their connections, the Texans were less timid. Or, perhaps, instead of suggesting they were made of sterner stuff, which seems not to be the case, despite the vaunted Texas rep, it would be more precise to say they talked tougher.

It was almost as though Waggoner Carr had bugged that eight-foot Commission table. Two days later, on January 29, he sent the Commission a letter in which, without mention of the horrendous subject, Oswald as agent, he suggested:

(1) From the Director of both agencies involved there should be obtained the names of every agent and representative in service in the Dallas area between the months of August and December. This information must be complete so that every single representative who acted for these agencies in that area, whether for only a few days or for several months, is to be included.

(2) Each of the men on these two lists should be examined under oath to determine whether he has any knowledge of the subject matter under discussion.

(3) The director--the number one man of each agency--as well as the district director of each agency (being the district within which Dallas lies) each should similarly be examined to ascertain whether any of them has any knowledge of the matter under inquiry.

If there is any substance to the report under investigation, it is possible that knowledge of the matter rests with only one or two individuals and this makes it particularly important that every single person who was in the area during the months involved be available for interrogation.

Rankin fobbed him off with a polite letter dated February 4. He represented himself as impressed with Carr's suggestions and quoted Warren's opinion that they were "sound and thorough," recommendations that "certainly will be seriously considered by the Commission."

And thus it came to pass, no better reason being needed than that they were "sound and thorough," that the Commission followed not one of the Texas recommendations.

In the end, the Texans were satisfied. They sent copies of their report to the Commission, receiving proper thanks and praise. I tried my luck, asking Carr for whatever information he could provide. Nothing he said, after the first sentence of his single-paragraph response, is accurate:

For your information, during the course of the investigation, I heard the rumor that Oswald was employed by the FBI or CIA at the time of the assassination. I forwarded this rumor to the Warren Commission and insisted that they check it out. I did not make a special or hurried trip to Washington for that purpose, but handled it on one of my numerous trips there during the Warren investigation. As you know, I, or my special counsels, sat in on almost all of the hearings

during the investigation. So far as anyone from Texas sitting in on the hearings was concerned, this rumor was explored and investigated and found to be false.

Texas was content - officially, at least, as was Washington and all its bureaucrats of all the agencies Oswald might have served. Only ordinary people were not. The suspicion lingers that Oswald had, in fact, been some kind of informant.

~~Strangely, the possibility seems to have been one of the fascinations of his mid-teen years.~~

With a vacation in prospect - it had started four days earlier for their colleagues - the Ervin committee rushed to an end of the big-name part of its investigation just before 5 p.m. Tuesday, August 7, 1973.

That was the day two morning papers reported criminal investigation of Vice President Spiro Agnew on charges of bribery, extortion and tax fraud while governor of Maryland. Later in the day interest of allegedly criminal acts as vice president was also reported. Agnew had been the silent beneficiary of the pervading hanky-panky with untraced hundred-dollar bills. Those who did it for him had already been charged in Maryland.

The Ervin committee wound up with what for it was exceptional speed. On the one day they heard the two top lawyer on The Watergate case prior to the appointment of the special prosecutor. These are former Attorney General Richard Kleindienst and Assistant Attorney General Henry Peterson, head of the Criminal Division. They were preceded by Pat Gray who, as acting director, had run the FBI during the entire investigation.

These three men, all Nixon appointees, had been in charge of the entire investigation. Everyone else was subordinate to them and subject to orders from them.

In theory, that is. In fact, they all swore to having run no investigation.

And, in fact, they had presided over a whitewash that they were not charged by the committee with administering. This is not surprising because, despite all it had brought to light and the unprecedented attention it had received, the committee, too, was whitewashing.

Peterson, with some emotion, protested prosecutorial purity. That we examine separately. The indictment they drafted for the grand jury to rubber stamp is the best evidence.

Until Kleindienst could no longer delay recusing~~ing~~ himself, or withdrawing from the case, Peterson had been second in charge, which seems to have meant little more than staying in touch, more or less, with the local prosecutors. Of the first "break" in the case, Alfred Baldwin's turning state's evidence, Peterson first learned in the news-
papers. Reports from the prosecutors reached him in his own volunteered words.

"rather slowly at first."

From the first minute it was obvious that Kleindienst had close personal and subject to charges political connections/with all except the hired-hands in the sex assortment of crimes. Forgetting the President, this meant ~~from~~ ⁹⁹ John Mitchell, whose Deputy Attorney General he had been ("John Mitchell is one of the best friends I've ever had. I love 'im"); the man in charge of the re-elect committee whose agents committed the crimes;

Maurice Stans, former associate as Secretary of Commerce, the moneybags of the crimes who Kleindienst and Peterson had saved from grand-jury questioning at White House demand, in Peterson's words, "in order to avoid publicity" and who, with Mitchell was indicted by an independent Manhattan prosecutor, ~~along with~~ ^{(as was} Robert Vesco, who had found it expedient to hire Nixon's nephew Donald and who had sent a satchel full of hundre-dollar bills to Stans - \$200,000 of them - by Nixon's brother);

Haldeman and Ehrlichman, the two men closest to Nixon, both of whom Peterson urged Nixon to fire because of their involvements and both of whom also obstructed justice;

John Dean, who had been Kleindienst's deputy when Kleindienst was Deputy Attorney General;

Robert Mardian, who had been Assistant Attorney General in charge of the Internal Security Division;

and many others, friends of his or friends of his friends and associates.

That Kleindienst did not recuse himself at the outset meant that he could see to it that someone else did not control the investigation and prosecution from which he was careful to keep himself detached, not exactly the history-book role of the Attorney General of the United States.

*insert
2/1-2:4*
Peterson, unlike Pat Gray, knew something about investigations. After four years in the Department of Justice in the two top positions, Kleindienst should have. Peterson had been an FBI agent when transferred to the legal end and rose under Nixon to be the man in charge of all criminal cases. Why he omitted his experience in citing his experience and why neither committee counsel nor any of the seven members corrected the deficiency is a mystery. This FBI experience was not a secret. George Herman of

CBS News did not ignore it in preparing the audience for the afternoon's testimony.

Pat Gray's one credential, aside from sycophancy, was that he didn't think. He said so himself. "One of the witnesses, if not all together, said as often, "I didn't think of it." His concept of love of country and patriotism, again in his own words, is expressed, "Aye, aye, sir!"

For its own reasons, whatever they are, the Ervin committee spent little time with Gray on The Watergate investigation of which he was boss. This was not true of the Senate Judiciary Committee when it was considering his nomination for permanent FBI director. These are some of the questions, all central to The Watergate investigation, to which he said he did not know the answers but would later provide them in writing:

(Quoted marked passages from transcript)

And these are some of the questions he considered irrelevant to The Watergate investigation - some of those dealing with Hunt and Segretti only:

(Quote marked excerpts)

The Ervin committee had the transcripts of the Judiciary committee proceedings. They made infrequent reference to some of the other things Gray had ~~xxxx~~ said. Those Judiciary hearings had, in fact, been printed by then and I had skimmed and marked them up before Gray testified. The quotations above are from that initial skimming, those that grab the fast-moving eye only.

Nixon, in fact, had been so pleased with Gray's performance that, as we have already seen, he kept him in the FBI slot long after he knew there was no chance of confirmation. Kleindienst and Peterson were not unaware of this.

Nor were they, any more than Gray, unaware that Nixon was lying about the investigation and his claimed part in it. Senator Weicher was the only one with interest in that. He quoted from Nixon's April 30, 1973. Nixon had then said, "...On March 21, 1973, I, personally, assumed responsibility" and ordered those in charge "to report to me in this office." Each of the three said he had never gotten any such orders and had not been called upon for any such report.

50
Nixon could not have had Ehrlichman in mind. Ehrlichman swore that whatever it was he conducted was not an investigation. Besides, that didn't happen until later, until March 30.

None of the three men in top command of the supposedly "thorough and aggressive" Watergate investigation permitted himself the questions in each day's newspapers about Nixon. These are questions it was their official function to resolve, if necessary in ~~excuse~~ a court of law. How any could have avoided them is inexplicable. In the case of Peterson, who had personal investigative experience, there is less excuse. These four excerpts from his testimony illuminate the point.

Asked by Senator Inoye how he could explain the failure of the FBI to find a second bug in Democratic headquarters when the state-evidence witness, Baldwin, had told them exactly where it was and when the Republicans, particularly Agnew, were alleging it had been planted by the Democrats when the phone company found it, Peterson mused, ^{later} "One thing about the FBI Bureau, they're not very good at admitting their mistakes, I'll tell you." So, he kept them in charge of investigating themselves.

He testified that they were "investigating what Hunt and Liddy did out there in California" and that a week after the arrests the CIA had given him, personally, the pictures Hunt had left in the CIA's camera. He had a private conference on this with the CIA's general counsel.

The FBI had investigated Ellsberg. These pictures showed Liddy in front of ^{the office of} his ~~attorney~~ psychiatrist into ~~whom~~ ^{which} they broke and the doctor's name. The FBI knew the doctor, had talked to him. But, according to Peterson, he and they could see no connection, no relevance. He swore, "We didn't identify those documents with the Ellsberg case."

Were this not enough, Nixon knew all about the case. His orders to Peterson were, "I know all about that. That's a national-security matter. You stay out of that. Your mandate is to investigate Watergate."

Yet with these among many facts inconsistent with purity and innocence right in its face and with Peterson's charge that political pressure had forced appointment of a special prosecut~~or~~ and thus kept him and his from "breaking the case wide open", the committee did not pursue it. They did not even ask why anyone should expect the crew that had been on it/^{for a year}without breaking the case to accomplish ~~it~~ it in a longer time. They did not even question his blurted-out boast of how they were going to do it: first get convictions and then "immunize" the convicted and make them talk.

With the great concern all politicians profess for how the tax dollar is spent, none asked why it took a quarter of a million FBI hours alone if the "game plan" was to extort confessions from the already convicted by giving them immunity~~and~~ ~~substantiating~~ from new charges and jailing them for contempt if they didn't talk.

The plain and simple fact is that after McCord did talk, without such a deal, Hunt and all the others save Liddy also did, and no Kleindienst-Peterson-Gray-Department of Justice indictments issued.

Peterson was long on emption, short on credibility and zero on performance.

With all of this and so much more that was ignored, with Peterson and Kleindienst the two top law officials on the case that was a glaring whitewash, the committee saw fit to spend less time questioning them than it had with nobodies like the clerk Robert C. Odle, Jr. and others of similar unimportance.

There were fine speeches. Those of old and admirable Sam Ervin would have been ~~appropriate~~ appropriate for the Fourth of July, revival meetings, law schools and political campaigns. Those by smart, young and TV-personable Howard Baker subtly sustained Nixon. Some of the other Senators gave the appearance of trying, but the reality is that a Senator is a busy man who can't do all his other work and keep up with the complex facts of so complicated a case. It is for this reason that I have selected simple illustrations, those that required no ~~special~~ ^{none} preparation or ~~work~~ that could not have been delegated to the staff.

Why staff counsel didn't do the obvious here and in most of the other cases is also not immediately apparent. That they did not is obvious.

5X/66

(Indeed, after this was written it was confirmed by The Washington Post, quoting staff and Senatorial sources. The Bob Woodward-Carl Bernstein story of August 8, 1973 goes even further and reports that the tentative decision by the Republican members, joined by Democrat Talmadge, to end the hearings a month after they resumed would assure that unpublicized evidence "on questionable campaign contributions by some of the President's close friends and supporters" and "material on the network on the network of Nixon campaign spies, the 'plumbers' and the political work of the Internal Revenue Service...will slip between the cracks unless we have the time."

(The Post also quoted "many" unnamed "members of the staff" as asserting that "inadequate questioning on the part of the senators is responsible for any 'backlash' effect and say that the senators have failed to adequately pursue leads developed by committee attorneys. ... the senators are prepared to all but ignore the information developed for...campaign financing and dirty tricks. One key staff attorney said,"... the "dirty tricks" and campaign financing touch every politician...we detect a new shyness on those subjects."

("Senator Baker took a less pessimistic view of the future of the committees. 'The committee is already a success,' he said. 'it is just a question of how much of a success...though the findings now appear hazy...'"

("Several Democratic staff members and two senators criticized Baker's role in the investigation. Said one senator, "His questioning is soft. He's trying to get himself into back in the good graces of the Republican Party". The senator also criticized Fred Thompson, the minority counsel. 'Thompson is known for his pro-White House questions, just listen.'")

2

The importance of the witnesses and TV coverage guaranteed a real spectacular. This the committee could depend upon. No matter how little they said, no matter how much they lied, the hearings were bound to be the sensation they were. What did come out it was good to come out, good for the people to know. But what came out was far short of what could and should, was far less than the people should know.

This was my fear at the outset of the second round of hearings. To anyone with investigative, legal or analytical experience, there was a major flaw that went unreported in the news columns, uncriticized in editorials. The major culprits were put on at the outset. It was known that they would lie because they had no choice. Lying was their only chance of escaping the possibility of the functioning of justice when Nixon controlled that justice and they had committed their crimes for him. Therefore, it those whose testimony could have had greatest effect on those who were the biggest liars should have had their testimony taken first.

In having John Dean at the outset, procedure was proper. But in having John Mitchell before John Ehrlichman, it was wrong. Ehrlichman was ~~his~~ certain to garrot Mitchell, and he did. This gave Mitchell the only inspiration he could have to tell at least that of the truth that could ~~help~~ serve personal interest.

Dean made documented accusations the other had to face.

Likewise was it wrong to delay taking the testimony of the dirty-workers like Hunt into the third round because if he talked at all he would impale the bigger ones.

Aside from being a kind of whitewash, this ~~kind~~ organization assured there would be a more massive contradiction in testimony. In turn that meant greater difficulty in resolving conflicts. And that meant less chance of even perjury indictments.

Especially when Nixon runs the Department of Justice and that department is the prosecutor and the investigator of crimes.

2 1
Kleindienst, Peterson and Gray are, of course, lawyers. So is each member of the committee and its counsel. All these lawyers knew the score.

It is the obligation of the witness to answer questions, not to volunteer information. With these three as with almost all before them, it was foolhardy to expect any volunteering that was not for a selfish purpose. ~~With~~ With those having ^{it} any involvement, would not likely serve the interest of full disclosure.

If the witness is truthful and responsive to the questions asked and if there is a deficiency in the evidence, it is the fault of the questioning.

For any Congressional investigation to be successful, for it to elicit the evidence, it requires the right witnesses and that these witnesses ~~must~~ be asked the right questions.

This third and essential, Nixon-connecting phase of the investigation had only right witnesses, if not all of them. They were not asked all the questions that should have been asked. Inevitably, this means that all the truth ~~discovered~~ that could have come out did not and could not. In turn, this means the committee learned less and accomplished less than it could and should have.

Time pressures did not cause it. The members do not really have to take vacations. More time was available from better control of the hearings. Ehrlichman filibustered for a week, undeterred. Nobody even tackled him.

Nor is ignorance or incompetence the explanation. All these lawyers know their business.

They pulled their punches - on purpose.

This was their "game plan."

insert m2

There were many courtesies Kleindienst, if not ~~the~~ to the establishing of truth to the completeness possible. One of the more glaring - but one also not commented on - had to do with an earlier scandal over the promise of \$400,000 by the monstrous international conglomerate, ITT to the Republican convention then slated for San Diego. Jack Anderson had published a secret memo ~~XXXXX~~ by ITT lobbyist Dita Beard confirming the deal as a quid pro quo for favored treatment in an anti-trust case pending against ITT, which sought to buy Hartford Insurance ~~Co~~ ^{Company} and several smaller companies. Mrs. Beard had involved John Mitchell, the attorney general. In the backwash, the confirmation of Kleindienst as Mitchell's successor was jeopardize. It was apparent that unless everyone else lied, Mitchell perjured himself in that proceeding. Nixon's troubleshooter, Chuck Colson, recommended abandoning the Kleindienst nomination, the feeling was that strong. Colson knew more than most about what could come out.

Mitchell had testified to not having anything to do with the matter. If false, because it was material and under oath, this was perjury.

Less than a week before Kleindienst appeared, the committee asked him about a secret memo to him written by Colson. Haldeman, whose amnesia was then more than usually troubling, claimed no recollection of it. He can't be blamed for not wanting to remember. Even for Colson it was a blunt writing. They have an internal White House classification "for eyes only" but in this case it hadn't functioned well.

The ITT buying of the deal was in 1970. Colson's is a 1972 memo, inspired by the Kleindienst hearings.

This memo was described better by ^{California Democratic} Senator John V. Tunney, son of the former boxing champion, than by any of the Watergate investigators. Tunney said it "involves the highest echelons of the White House and the Administration in a fix-up, cover-up, lie-out-of-it scheme...obliterates any legitimacy the settlements on behalf of ITT may have had."

As a member of the Judiciary committee, Tunney participated in the Kleindienst and the Gray hearings. He then had demanded the filing of perjury charges, without success,

which is predicatable when the Department of Justice is called upon to prosecute itself and duplicates my own earlier experiences, again with perjury committed by Department officials that, thanks to Mitchell and Kleindienst, went unpunished.

Whereas Mitchell had sworn to no knowledge of the fix or of the case itself before settlement and had denied the payoff. Colson wrote Haldeman, with some energy, about the existence of internal documents not all copies of which were retrievable or had been destroyed "setting forth the \$400,000 agreement with ITT". One copy of the memo had gone to Mitchell before the settlement, Colson said, so this alone was proof. There was, in fact, much more. I have copies of some.

Then there was another memo, by White House Communications Director Herb Klein. It included this language, "...\$400,000 in private money arranged through a new major ITT hotel contacted by Bob Wilson." The hotel is the Sahmaton. "Wilson is a California Republican Congressman. (Another California Republican leader, Ed Reinecke, also confirmed the transaction at an earlier date. He also was part of it.)"

Part of Colson's concern was that the memos, copies of which still existed, directly involved Nixon. One discussed conversations between Nixon and Mitchell two months before the ultimate settlement, mentioning, in Colson's words, "the agreed-upon ends of the resolution of the ITT case." Another said that Ehrlichman told ITT President Hal ~~Stewart~~ S. Geneen (right) that Nixon had given specific instructions to Justice, not to press anti-trust cases on "bigness alone."

Colson laid out straight for Haldeman his and other White House staffers' concern over "all the problems - put in their worst context - that might arise. Colson suggested that Kleindienst's nomination be withdrawn to avoid "the possibility of serious additional exposure" of the Nixonian seaminess.

ITT executive activity was rushed August 7, 1970, which is this period before the deal was consummated with the settlement ITT wanted. The quality of the personal relationships is indicated by the informality of the salutations. ITT's "Ned" wrote "The Honorable Spiro T. Agnew" as "Ted", not even "Dear Ted/": "I deeply appreciate your assistance concerning the attached memo. Our problem is to get to John the facts...After you

read this, I would appreciate your reaction on how we should proceed."

Top and bottom, large size stamping "PERSONAL & CONFIDENTIAL."

Mitchell is John Newton Mitchell. The attached, like-stamped unaddressed, unsigned memo of the same date refers to "our meeting on Tuesday [when] I told you of our efforts to try to settle the three anti-trust suits... [ITT President Geneen] Before we met Hal/had a very friendly session with John... While you and I were at lunch, Hal and Bill Merriam, who runs our local office, met with Chuck Colson and John Ehrlichman, and Hal told them of his meeting with John/ Ehrlichman said flatly that the President is not enforcing a bigness-is-bad policy and that the President had instructed the Department of Justice along these lines. He supported strongly what John had told Hal... In his conversation with Hal, John agreed that the steam had gone out of the merger movement... John agreed with Hal that there was no need for a 'crusade' to halt the merger. ... My question to you is, should we get this development [at lunch with Ehrlichman and Colson] back to John so he is aware, and how do we do it? What is the best way? I would appreciate your help and advice."

"Ted" response is not among the xeroxes I have.

But another of that day's ITT letters is. It is to "Dear Chuck" at the White House from "Tom", who is Thomas H. Casey, ITT's Director, Corporate Planning. His letterhead uses the Washington address, 1707 L Street, NW. It eliminates any question about the "John" of reference in these words, "During his meeting with Attorney General Mitchell, Mr. Geneen and the Attorney General both agreed... The Attorney General stated that it was not the intent of the Department of Justice to challenge economic concentration or bigness per se, or big mergers as such."

When there is a Nixon and a Mitchell and a gaggle of money-mind advisers to "interpret" the laws, the need for legislative enactments to develop an authoritarianism is considerably diminished.

On the 10th there is an internal ITT memo, from E.J. Gerrity (right) to J.F. Ryan that ends the pretenses of the Dita Beard scandal, that she was a hard-drinking self-starter ^[sic] ~~was~~ a full excep to what we did ~~with~~ Friday with Colson et al in re anti-trust

it is important that Bob Schmitt, Dita Beard, Horner-Goodrich, and whomever else should be aware, that we acquaint key people with what happened last Tuesday." Among the seven to whom copies were sent is Dita Beard.

"Ned" wrote a memo ~~xxx~~ "describing his visit with Agnew." Or, with no address on the letter, the inference of hand-delivery is confirmed. For an additional Kleindienst involvement," If Kleindienst follows through, this may be the break for which we have been looking."

This is quoted from an August 24, 1970 Inter-office ITT memo, also "PERSONAL & CONFIDENTIAL" from Ryan to Herrigan, subject "Highpoints."

It also discloses that in between, on the 20th, Ryan visited with Nixon's moneybags, the indicted Stans, who collected and blackjacked the Watergate money.

There are many reasons for using these documents in questioning Haldeman, Ehrlichman, Kleindienst and Mitchell, ~~xxxxxx~~ With all the conflicts in crucial testimony, one, always pertinent, is as a test of credibility and honesty.

The committee's failure to do so seems not to be consistent with diligence or determination to pursue its mandate or, in fact, to really do something about official criminality and corruption.

These documents should also have been used in questioning Gray, for Gray had the responsibility for no investigation of E. Howard Hunt's part in this ITT sordidness. But and Liddy, Nixon's superspies, had first spirited Dita Beard out of town so she could not be questioned and then ~~Hunt~~ Hunt, "disguised" with the CIA outfit that also wasn't fully investigated, corrupted her, hardly a role in plugging leaks or "investigating" the Pentagon Papers. Or doing something about the dope traffick. Knowing these were Hunt's alleged function and the Gray's FBI had ignored all of this - and that the FBI was under Kleindienst - and that Peterson was in charge of criminal prosecutions - the committee rushed to its vacation instead.

"... IT NEVER ENTERED MY MIND"

Writing about Nixon or The Watergate - and to write of one, inevitably, is to write of the other, is like trying to write about an enormous spider-web that is overlaid with myriads smaller webs. Following a spoke soon leads to coinciding spokes, that, though they come from different hubs, go the same way and serve the same purposes. They become indistinguishable.

This presents an organizational problem as the magnitude of the available material provides a problem of recall. There are as many ways to put a Watergate book together as there are spokes to the wheel of a spider's web.

The New Nixon is the Old Nixon who has profited from the workings of time, has learned the lessons time teaches, and has accumulated the connections and relationships required for the advancement of any politician and required more for a man such as Richard Nixon is.

The past is prologue with Richard Nixon, too.

He is not a John Kennedy, a charismatic man, a man of many and close friendships, a man whose devotees were not all his political friends. Nixon is an almost friendless man whose following, sometimes intensely loyal, is loyal and does follow not because of Richard Nixon the man but because of what they believe Richard Nixon stands for. This exotic fact is the single most common fact to emerge from the Ervin committee's hearings as it took testimony from ~~him~~ his people who were involved in The Watergate. Even those reputedly close to him were without a single warm mention of him. Without exception, all considered what each understands Nixon to stand for the object of his first loyalty.

The past that is ~~prologue~~ prologue with Richard Nixon is ~~also~~ sometimes his present, with him, sometimes part of The Watergate.

The people who are part of his past and part of The Watergate are too numerous to mention except where the relationship has most meaning in the present. It is not only people who are past and present, however. It is government agencies, like Congressional committees and their members, and the intelligence and police forces, mostly the CIA and

FBI, are past and present, as are many corporations and their heads. Nixon's close relations with the FBI began the day he became a freshman Congressman, taking the seat of Jerry Voorhis and his place on the UnAmerican Committee. He was intimately linked with the CIA not later than his vice-presidency.

FBI and CIA men of the past are also part of the story of The Watergate. One of the ~~men~~ ^{McCord,} caught burglars/was both FBI and CIA. Another of the convicted, Liddy, had been an FBI man. Hunt and all the Cubans had been CIA, one Martinez, as of the time of his arrest.

There is another almost mythical figure, French-Canadian son of a Maine grocer, who has an odd and titillating/^{indirect} relationships with the Watergate arrestees, Richard Nixon past and present, and the man so generous ~~with Nixon's brother,~~ to Nixon's brother, Howard Hughes. Hughes was much more generous with Nixon than with his brother.

It is not only Dietrick who saw Nixon for Hughes. This former FBI man Robert ~~W~~ Maheu (right) had access to Nixon for Hughes and serves Nixon well in the past in one of Nixon's less-remembered times of crisis.

Maheu is a living storybook. He is part of a book, Howard Hughes in Las Vegas, by Omar Garrison, who does not recount what follows. That comes from other sources none of which put it together in their Watergate reporting. These include The New York Times (Wallace Turner and Tom Buckley), The San Francisco Chronicle, United Press International (UPI), Jack Anderson, Newsweek, The Wall Street Journal, and The Washington Post's Sunday magazine, Potomac (written by Shelbery Coffee III, then assistant editor, later editor).

When World War II was about to explode, Maheu left Washington Georgetown law school to become an FBI agent. He left it in 1947 to get rich on the post-war boom. It didn't work out that way ^{so} ~~so~~ he went back to civilianized FBIing. The man from whom he cadged space, Carmine Bellino, was a Kennedy man and today is chief investigator of the Ervin committee.

from alimony to corporations.

The detective business Maheu knew, /Gradually he established a solid business. An early client satisfied with his services was Greek tycoon Stavros Niarchos, then

with his erstwhile brother-in-law, Aristotle Onassis, now the husband of the former Jacqueline Kennedy. Putting the hex on an Onassis-Saudi Arabian contract for Niarchos had Maheu on his way.

Closer to this than to FBI work is a deal Maheu pulled for Richard Nixon, in 1957, when Harold Stassen was running a "dump Nixon" movement in the Republican Party. The means he used has become popular with Nixon. It was a loaded poll designed to show Nixon was a popular figure. Stassen has his own poll which yielded an opposite result. Poll became very popular with Nixon. A big hunk of The Watergate money, ^{\$340,000} ~~\$25,000~~ of it, had been stashed away in the White House for polling. It was actually used as Watergate hush-money.

Other clients ranged from top Washington lawyers, like famed Edward Bennett Williams, to the late Dominican dictator, Rafael Trujillo.

For a while Maheu was the partner of another former FBI man, Robert Finch, who had been Nixon's administrative assistant as vice president. During this period Maheu got to know Nixon's successor administrative assistant, Robert Finch, later to hold important positions in Nixon's first term as President.

Before Maheu prospered, one of his associates ^{was} ~~is~~ the late Lou Russell, Congressional investigator and friend of McCord, for whom Russell also worked ~~xxx~~ occasionally. Russell also knew Nixon in his UnAmerican days, when Russell helped him on the Alger Hiss case on which Nixon built his own reputation. Russell, whose father was a long-time FBI agent, worked for Hoover for about 10 years. When McCord felt his first lawyer, Gerald Alch, F. Lee Bailey's partner, was not pursuing his interest with due diligence and suspect Nixon might be his secret client, Russell introduced McCord to a mutual friend, Bernard Fensterwald, Jr., who raised McCord high bail and thereafter represented him. McCord alone among that seven then ~~strated~~ strated out of jail.

Russell died of a heart attack ~~may~~ July 2, 1973. He came close to being more directly involved in The Watergate. He had been in McCord listening post in the Howard Johnson motel just before the break-in.

With his death, one of the questions to which Maheu will not give direct answer may never be answered. The rumor around Washington in those days was that he had some CIA money.

Not the first but an early job for Hughes had to do with the pretty movie star on whom Hughes' roving eye had settled, Jean Peters. She was then married to Stuart Cramer III. Maheu kept Cramer under surveillance, there was a divorce and Mrs. Cramer became Mrs. Howard Hughes.

By the time Maheu went to work for Hughes full time, and not as a flatfoot but as confidant and adviser, he had had some of the more famous corporations as clients.

It is Maheu who masterminded Hughes' Nevada operations, the estimated value of which was \$300,000,000. For ~~six~~ ^{four} years Hughes liked him well enough to pay him \$500,000 and build a house worth that much for him to live in. Jealous Hughes employees dubbed it "Little Caesar's Palace."

When Richard Nixon was in the White House, Maheu saw him for Hughes and was there socially, at prayer breakfasts. This end of the connection Maheu didn't mind talking about.

Whether or not the CIA had helped Maheu get his detective business started, he tried to do it a favor. In January and February 1971 Jack Anderson wrote three columns alleging a CIA attempt to kill Castro in which Maheu figured. Then CIA director John McCone vigorously denied any such plot but two CIA operatives confirmed knowing the man Maheu produced to pull the job, a former dashing Hollywood mob figure John Roselli. Roselli, born Filippo Sacco, had been a henchman of Willie Bioff, prominent gangland figure. He was also an aficionado of starlets. The Roselli plot, which didn't work, involved a slow-working and not easily detected that was to have been fed Castro by his chef.

There has been a rumor that has no substantiation to the effect that Robert Kennedy

was involved in such a plot that backfired and got John Kennedy assassinated. One consequence of the JFK assassination is that Richard Nixon's election became possible.

In the course of checking the Mahou-Roselli story out, Anderson spoke to former Florida Senator George ~~Smack~~ Smathers, friend of JFK, Richard Nixon and Bebe Rebozo, Nixon's closest chum. Just before he was killed, JFK ~~in~~ gave ~~Smack~~ Smathers to understand that he believed the CIA was behind the assassinations of two ~~dictators~~ dictators, Trujillo and South Viet Nam's Diem, and of Diem's secret-police chief brother, Nhu. ^{then}

Hughes was always making business friends ~~not~~ getting into fights with them. One of these former friends, now an enemy with a ~~250~~ \$132,000,000 suit filed against Hughes, is a lawyer turned publisher become millionaire, Hank Greenspun of the Las Vegas Sun. In their friendly days, Greenspun sold Hughes his Columbia Broadcasting System-affiliated KLAS-TV for \$4,000,000.

TR to

Hughes' name was brought into The Watergate story by McCord when he testified before the Ervin committee. In order to finish up with Hughes it is necessary to anticipate this part of the story, another Nixonian operation like The Watergate break-in, a burglarizing of Greenspun's four-foot by four-foot safe in his private office. Directly over this light-green safe hangs an autographed picture of Nixon. Greenspun supported Nixon. In 1972 he also made what he describes as "a substantial contribution" to Nixon's campaign.

~~Having bought almost everything he wanted, including women, Hughes apparently thought he could buy a president, too. He had his man, Nixon the president.~~

Hunt and Liddy worked for Nixon. They were both part of his elaborate plan for domestic spying that later will interest us. From them McCord testified that he learned of their plan to steal from Greenspun's safe what he said he remembered as hot documents reflecting on several potential Democratic candidates. McCord quoted Liddy as saying that after the heist, those who pulled it "would go directly to an airport near Las Vegas, where a Howard Hughes plane would be standing by to fly the team directly ~~in~~ into a Central American country."

The committee seemed to show remarkably little interest in this disclosure. It was clearly within the purview of the committee's function, which included investigation of the entire ~~ix~~ election and particularly all the dirty-works of the special private spy outfit Nixon had set up within the White House. Checking it out would have been child's play, no real work for apprentice investigators. If these men went to Las Vegas, there would be airline records and there would be expenses accounts. Once McCord on May 22, 1973 said it, the committee dropped it.

As soon as McCord said it and the wire-services reported it, Hank Greenspun had his say.

~~REMARKS~~ He had no secret documents reflecting on Democratic candidates, nothing not public, nothing that had to be kept in so large a safe.

He did have hundreds of Howard Hughes' signed, personal memorandums.

Initially, he declined to give more than a general description of some. Before McCord's disclosure, in fact, before Liddy told McCord of the plan, Greenspun and Hughes had had a falling out and there had been an upheaval within the ~~ixix~~ Hughes empire and the aging recluse had been spirited out of his secret hideaway ^{of a decade, the} ~~at the top of the Vegas penthouse of Vegas' Desert Inn -~~ hotel he had not left for years. ^{It was believed he was in Nicaragua, which is a} "Central American country." Greenspun's large suit against Hughes had been filed, as had others totalling close to 3500,000,000. Maheu, ousted in that upheaval, had filed against Hughes jointly with Greenspun in one of these suits.

Over the years as he has erected his vast empire, Hughes had been in trouble with the anti-trust division of the Department of Justice. The best known of these cases is the one in which he lost control of Trans-World Airlines.

In reaction to McCord's testimony, Greenspun let it be known that some of the Hughes monies dealt with Hughes' contacts with the anti-trust division. Greenspun then declined to go into details. "He did say, "it will come out ^{due} in/time" and "I'll go to the can [jail] for life rather than surrender those documents."

"Hughes," He added, "would give anything to get his hands on them. That's why a Hughes plane was involved and why McCord testified its destination was to be a Latin

American country. Hughes was in Macaragua at the time of the attempted break-in."

Here Greenspun was confirming McCord, saying that there had been an attempt to burglarize his safe. Knowing this and that one of Hunt's Cubanos was a locksmith, the committee did not then pursue the matter. Nor was it prodded into an immediate reaction by the strength of Greenspun's reaction. He found it "catastrophically disturbing that the forces of the federal government were employed to serve the private interests of Howard Hughes." To this the crusading publisher who had exposed much scandal added a provocative comment that seemed to be a challenge to the committee that was investigating the election and particularly the illegal use of vast sums of secret money in it, "I am completely disillusioned by the thought that they [his Hughes documents] may have been turned over to to a massive political contributor."

Greenspun did not let this new charge stand as a generality. He added specifics he attributed to "the highest authority", that Hughes' large contribution to the 1972 campaign had been handled by Robert ^FBennett, son of the former ultra-conservative Senator from Utah, Wallace F. Bennett.

Wheels within wheels again. Bennett was president of the Washington public relations agency, Robert R. Mullen & Co. Confronted with Greenspun's charge, Bennett had no choice but to confirm it and his relationship to Hughes. He represented Hughes in Washington and the contribution ~~was~~ of \$100,000.

Handled/
But, not only did Bennett and Mullen represent Hughes, he represented Nixon, too.
Bennett had set up 150 secret fund-raising committees for handling Nixon's secret funds.
 Involved in all of this was the Mullen vice president, none other than Nixon's super-spook, E. Hoard Hunt!

If our wheels do not revolve slowly they will make tracks that can't be followed. On Mullen, Bennett Hunt and the secret committees, let them ^{now} turn enough to lay out the Hughes track. Later they will lead into the White House and to Nixon all over again, with tracks that are of other criminal activity. These tracks will also lead to the CIA.

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There was ~~intentionally~~ error in McCord's testimony that "Gordon Liddy told me in February 1972 that he, too, had handled a Howard Hughes campaign check, a donation to [Nixon's] 1972 campaign." Hughes had, in fact, made numerous contributions of \$3,000 each, a figure commonly used to circumvent the law and brought all the fronts committees into existence. Each Nixon committee could get a \$3,000 contribution without breaching the law. We shall come to the case of a single man who gave a total of \$7,000,000 in both of Nixon's successful campaigns and got more than personal satisfaction from it.

Interviewed after Greenspun sounded off, Bennett said he had given the Republicans these checks totalling \$100,000 "in the first week of November." However, the books of the "Republican fronts for the period ending January 31, 1973, show Hughes checks for \$3,000 each dated after the first week of November, from November 14 through November 28.

Had there been an attempt to break into Greenspun's safe at the time McCord indicated? According to Greenspun there had been. He could not give the exact date but he did provide the approximate time. It was while he was on vacation, ^{September. This} ~~which~~ would seem to indicate that Nixon's superspooks' information was better than their burglary.

Knowing Hughes and the value of his hoard of Hughes' files, Greenspun says, "I had stay to ~~be~~ prepare." He had had a heavy metal plate welded to his office door "and double locks." After this he did the wisest thing of all, he "moved the Hughes documents to another location."

Had ~~the~~ Hunt and Liddy and their boys not left Washington, they would not have had to jimmy the window of Greenspun's office, leaving marks on the aluminum sill that is hidden by heavy curtains, and Greenspun's safe would not be marred by the mark of heavy tools.

Greenspun is a sharp character. Were he not, he'd not have parlayed a \$1,000 down payment on the strikebound Sun in 1950 into the fortune he now controls. He knew more than he said. He knew that Howard Hughes was not alone in wanting to retrieve those files.

Three weeks after McCord's testimony and Greenspun's response to it he was again locked in legal battle, this time with Nixon's Internal Revenue Service. UPI reported from Las Vegas on June 11, 1973, that Greenspun had that day "filed a motion with U.S.

district Court seeking to quash a subpoena served by the I.R.S. that ordered him to turn over to the government newspaper documents on Hughes....Two agents of the IRS showed up at Greenspun's office May 23, the day after a select Senate committee was told of a plot to break into the publisher's office safe."

To this UPI added what turns out to be an accurate description of those files but one not carried in any paper I saw:

"Greenspun told a news conference that same day [May 22] that he had documents that showed Hughes 'game plan' for electing the President, senators and other politicians."

White House concern over the Hughes affair did not become public until later. On Friday morning, August 10, 1973, the entire top of The Washington Post's front page carried the headline, "White House Had Agencies Spy on Political Rivals." This was another in the series of sensational stories for which Bob Woodward and Carl Bernstein had already won the Pulitzer Prize. The agencies used, in addition to IRS, included the Secret Service and the FBI and the Departments of Commerce, Justice, Defense and Interior. The Post's source was "24 classified memos" an unidentified source had shown it.

Four of these "eyes only" White House secrets dealt with Nixon's attempt to discredit Lawrence O'Brien, the Democratic chairman. O'Brien had served in the Kennedy and Johnson cabinets. Thereafter he had had his own public-relations agency.

Charles Colson, as Nixon's "Special Counsel", was really his chief of the dirtiest dirty-works. John Wesley Dean III was "Counsel to the President. Haldeman was Nixon's chief of staff and closest counsellor. John J. Caulfield is a former New York detective who was a Nixon espionage operator with ambition that, as he pushed it, led him to a high Treasury post for which he was forced to resign during The Watergate exposures. Regardless of what high-sounding titles these and others held, their chief function during Nixon's first term seems not to have been to help him run the government. Rather ~~does~~ they appear to be part of the re-election campaign he began upon inauguration.

The June 23, 1971 memo to Haldeman, written before the attempt to steal the

contents of Greenspun's safe, ignored the wise counsel of an earlier one, written to Dean by Caulfield February 1. Dean told Haldeman, "You and Chuck Colson should get together and come up with a way to leak the appropriate information" about O'Brien having an annual retainer from Hughes. Haldeman attributed the information to "Bebozo and Bennett. He cautioned, "We should keep Bob Bennett and Bebe out of it at all costs."

With Nixon's closeness to and indebtedness to Hughes and with the \$205,000 deal long since public, how remarkable it is that Haldeman and others close to Nixon regarded and expected the press and the people to regard O'Brien's legitimate working for Hughes as reprehensible, as something that would smear him!

Spy Caulfield's warning to Dean was, "Forced embarrassment of O'Brien in this matter might well shake loose republican skeletons from the closet. Among those he mentioned none indicate that the contents of the Greenspun safe ~~were~~ known to the Nixon's personal spies on the public payroll?"

"In this connection, it should be remembered that Don Nixon visited the Dominican Republic with a group of wheeler dealers in September 1969 who assertedly were connected with"

Hughes, and,

"Former ~~Representative~~ Rep. Pat Hillings has long been on the payroll of Hughes in a public relations capacity."

Hillings had been a Republican Congressman from California.

(These Nixon operatives did not deceive themselves, not did they avoid blunt and colorful self-description when they never expected their language or their operations to be known. In an April 6, 1972 memo to Colson, Dean recommended that an effort to smear O'Brien over an allegation that O'Brien has some involvement in the leasing arrangements for the then new Department of Transportation building be scratched. His counterpart to Caulfield's "skeletons from the closet" was, "raising the issue might open Pandora's box." O'Brien labelled these allegations of some unspecified impropriety "pure garbage". He also said that when he took the Hughes account, he announced it publicly."

Bebozo was a much better operator than Nixon's publicly-paid mixture of professional spooks and political arrangers and re-arrangers. When he was forced out of his key

spot in Hughes' Nevada fiefdom of the empire and his "Little Caesar's Palace", this former FBI man, former private detective and international manipulator was well prepared. Indeed, he had to be, for aligned against him were the executives of the foundation of the empire, Houston, Texas based Hughes Tool Company and ~~and~~ an army of lawyers ~~and~~ headed by Maxwell Cox, partner in Davis and Cox, of New York City.

There ensued a bizarre struggle. Hughes was a billionaire. The word was spread that Hughes had been bilked in real-estate and other deals and by "skimming" and "scamming." ("Skimming" is raking off gaming-table profits to avoid paying taxes on them. Hughes' political contributions is believed to have come from the skim of which he was not robbed. "Scamming" is employee dishonesty, embezzlement and theft by casino and hotel employees.)

When the Hughes Tool side had to produce authentication of an order or directive from Hughes, it never produced him in person. The rumor that he was dead was not dispelled until Clifford Irving counterfeited an "autobiography". Then Hughes' voice was produced on tape and identified as his voice by those who knew him. On nationwide TV, a new kind of spectacular. The lawyers and managers used as proof of Hughes wishes anything from telephone calls to his fingerprints on paper.

On Maheu side, he seems to have been prepared for anything. He once caught Hughes' agents with his garbage! They arranged for the garbage collectors to keep it separate. They then bought it from the garbagemen in search of evidence against Maheu.

Maheu's son Peter is one of the sources of the report that Hughes had stopped cutting his hair and finger-and toenails.

At one point Peter, another of the many FBI men who had worked for Maheu, Dean Elson, and Doug Priest, captain of Maheu's yacht, Alouette II planned to ~~xx~~ "rescue" Hughes, by sea, from alleged Bahamian captivity. Provocatively if perhaps meaninglessly, Maheu had the yacht based at Newport Beach, California, which is the home port of Herbert Kalmbach. He is the man who for years - until he was caught up in the payment of Watergate hushmoney- was Nixon's personal lawyer.

Of all of Maheu's for^hnight, nothing seems to have been as providential as his holding on to what Newsweek in its issue of August 14, 1972, without any reference to The Watergate, describes as "a sheaf of 100 memos from Hughes to Maheu."

Without doubt it is copies of these, not dirt on Democrats, that the Hunt-Liddy bagmen were after in their September 1971 assault on the aluminum windowsill and heavy drapes before they got to Greenspun's ~~gross~~ light green safe.

Had that stuff been used in the campaign, where The Watergate seems to have made no difference, this could have.

Having bought almost everything else he ever wanted, including beautiful women, Hughes thought he could buy the president. There was little in his longtime experiences on many lower levels to discourage belief or chill hope. Hughes had plundered the federal treasury (the best-known case is of the World's Largest Airplane of World War II, a huge wooden plying boat) and ~~set~~ a virtual mortgage on Nevada's government, by controlling important politicians, as great wealth facilitates and limitless gull enables.

Nixon was the President Hughes thought he could buy. Maheu was his agent.

Had the white House bagmen stayed in Washington, as Jack Anderson did, they'd have ~~xx~~ captured some exciting ~~handwritten~~ ~~handwritten~~ handwritten Hughes ~~xxxx~~ memorabilia that Nixon would have preferred not get into court or any other public use before the election.

Hughes sent Maheu to Nixon "as my special confidential emissary" with a "arch 14, 1968 scrawling - this was long before Nixon's first election - with an offer to help him run "under our sponsorship and supervision." He followed this up with \$100,000 from the skin of which he had not been robbed, delivered by casino operator Richard Danner. In cash, naturally.

It didn't make much difference to Hughes who was president as long as he ^{owned} ~~xxxx~~ him. ~~secretly~~ Fixer Maheu was directed to "get the word" to Nixon's rival, Humphrey, "that we will give him immediately full, unlimited support for his campaign" if Humphrey would use his influence as vice president to get nuclear testing in Nevada stopped. (Emphasis Hughes. Hughes worried about the adverse effect on Nevada's major industry, tourism, of these nuclear explosions. Discouraging tourism cost Hughes money from his casino and

hotel operations.)

Hughes looked ahead. "I had Nevada's Governor Paul Laxalt in mind to be President after Nixon. He said this in the same memo,

"I feel there is a really valid possibility of a Republican victory this year. If it could be realized under our sponsorship and supervision every inch of the way, then we would be able to follow with Laxalt as our next candidate."

Laxalt had other ideas. He retired from politics. Hughes believed that Laxalt radiated a Kennedy-like charisma with which he could have ridden to that Great White Corral in Washington.

His Maheu-Greenspan treasure in Hughes paper also disclosed Hughes belief that he controlled other politicians and influenced others, beginning with both Nevada senators, Howard Cannon and Alan Bible (right). In his June 28, 1968 report to Hughes Maheu wrote,

"Howard Cannon called me this afternoon to inform that he and Senator Bible have been told all day long - by fellow Senators - that they can depend on full support and assistance in sustaining their position that we obtain the Stardust...George Frankling (right) and Laxalt...are both ready to challenge the Justice Department single-handedly."

Frankling was ~~district~~ district attorney of Las Vegas.

In playing the other side of ~~back~~ his behind-the-scenes road to the White House, via Humphrey, Hughes wrote Maheu that

"...if he will just take this one on for us...I leave this whole campaign in your hands. I am sure you should personally go to the White House after we have obtained the 90-day delay [in nuclear detonations] and endeavor to sell the President [LBJ] on a permanent policy [against further explosions]. I am sure H.H.H. would be glad to go with you and set up this appointment."

He got

More than the \$100,000/in skin from the Silver Slipper, a personal property rather than a Hughes corporation, so there was no incriminating corporate record, troubled Nixon. More than Don Nixon's junket with those "wheeler-dealers". More than that \$205,000 for one big Nixonburger bite, too.

McCord's reference to Hughes and Greenspan opened up another can of worms.

As The Watergate story dribbled out, it involved all the higher echelons of official justice, including the Attorney General, Richard Kleindienst, L. Patrick Gray, acting director of the FBI and a number subordinate to them. They both resigned under

It was White House staffers who thereupon executed an affidavit, ~~which~~ filed with the court in the Ellsberg case in which he assumed full responsibility for that series of crimes and totally exculpated Nixon and others next to him in the White House.

The Ellsberg fiasco will tax our nostrils later. Cox's assurances to the Senate breezed the confirmations through.

The Los Angeles Times asked Cox about Greenspun's imputation of conflict of interest the afternoon Greenspun made it. Cox scoffed at the notion while conceding that developments could compel him to "isolate" himself from some parts of the investigation ~~because~~ because of Max's connections with Hughes.

In 1965, when Archibald Cox was solicitor general, he had to disqualify himself from the supercolossal anti-trust case over Trans-World Airlines because Max was on that case. Despite this he said, "Max's activities [sic] never entered my head." He added, "I don't ~~see~~ offhand see any problem. If there was any question, I'd have to think of how to deal with it so people know it's being handled right down the middle."

The Nixon-Hughes connection was well known, apparently to everyone except the special prosecutor. ~~Why~~ If had hadn't read the papers ~~which~~ he also had to have been utterly oblivious of all fact about Nixon the year JFK beat him and Cox was on Kennedy's/staff. ^{campaign}

Victor Navasky, biographer of Robert Kennedy, who had been John's Attorney General when Cox was his subordinate, intimates that when they had the need the Kennedy brothers could get Cox to argue himself into positions he really disagreed with. And in The Making of the President, 1960, Theodore White notes that John Kennedy had one failure in organizing the intellectual "feed" to his campaign; his academic team of speech writers headed by Professor Archibald Cox, proved unable to establish authority over the hurly-burly of the/campaign..."

Cox's academic and legal credentials are impeccable. But when so gross and well-publicized a conflict of interest "never entered" his "head", not even after he had had to disqualify himself in one of the largest anti-trust suits in a/long catalogue of legal enormities; when he could be talked into talking himself into what he really opposed; when he "proved unable to establish authority" over a much smaller staff in an

incomparably smaller endeavor, on without ~~a~~ approximation to the historically and legal unprecedented responsibilities he assumed as special Watergate prosecutor; should one not wonder if the ~~great~~ precisely-accurate Nixon intelligence operation that yielded knowledge of the secret contents of Hank Greenspun's safe had not in some way found and planted the idea of selecting Archibald Cox.

Much
~~of~~ of the foregoing ~~except the Post story of August 10, 1973,~~ was public knowledge before Cox was selected. It didn't encourage him to decline, or to let the Senators and the country know? It "never entered my head"?

Can one return to the Old Nixon without wondering what else might "never enter" Cox's head? Or without qualms about how and why he got the job? If he assumed it with the acknowledgement that he might have to "isolate" himself from major parts of it?