

OFFICIAL TRASHING

The Commission preferred its own amateur psychiatry to that of professionals, including its own, Dr. Wilfred Overholser, whose services to the Commission were kept a state secret. Dr. Overholser had formerly headed a government mental hospital. The only planned use of his psychiatry of which I can find any record is that for which he had absolutely no qualification, examination of the film of the autopsy of the assassinated President. If he did that, it remains a secret. The truth is that no evaluation ever made of Oswald is in any way consistent with or justification of the official allegations and the only official one, when he was in the Marines, is ~~that~~ "no abnormalities ~~were~~ noted, in all categories, including psychiatric" (CE 1383).

By means of its own amateur psychiatry, the Commission concluded the assassinated alleged assassin - and there is no credible evidence he was and overwhelming evidence he could not have been the assassin - had a predisposition toward violence, widely interpreted as supposedly coming from sleeping too far into his boyhood with his widowed mother, to reading and spelling defects, and other realities of science that in this case are the devices of fiction.

For all the extensive biographical data on Oswald - and about half the enormous 912-page Report is biographical and utterly irrelevant without probative proof he was the lone assassin - there remains the total absence of what we have considered.

So the reader can fully appreciate how little of the Report is on the assassination, how considerable an understatement it is to say that the official explanation of the crime is largely supposedly biographical information and other such immaterialities, let me cite these statistics: The first chapter of the Report, titled "Summary and Conclusions", was not that alone. It was also the Commission's press release on the Report. It is 25 pages, next to the shortest chapter. The shortest chapter, the second, has 22 pages. Of these, eight are taken up with charts and pictures of the area, leaving 14 pages of text. It is the chapter called "The Assassination" - 14 of 912 pages! This is but a third the length of one of the chapters on Oswald's "Background and Possible Motives," the seventh; about a fourth the length of Chapter 13, "Biography of Lee Harvey Oswald." The subject of by far the least interest in the Report is the assassination. This is the only means by which it could even seem to be pinned on the man immediately accused, before there was a vestige of evidence of any association with the crime at all; the man upon whom it was thus pinned, after what was touted as the greatest criminal investigation in history, by unsubstantiated inferences and the capture of the public and media minds with carefully arranged leaks of the most prejudicial misinformation.

His career from school-day attraction to the flying boy scouts, through his top-secret-plus security clearance, his relationship with a Penkovsky-case principal, his unlikely activities over a period of years, can make sense only as intelligence-oriented. His own claims to this association, the many things tending to substantiate him, and the complete absence of anything that, by even a fly-by-night correspondence detecting-course apprentice, could be considered a real

investigation of any of this, support the belief.

We began with the official hang-up on this tender point of Oswald's official connections without telling the whole story of them, and to that we now return, with the perspective added by that part of his career not hidden beyond retrieval.

Within the context of the preceding chapters, with the distortions, misrepresentations, suppressions, avoided witnesses and investigations, hidden evidence - evidence hidden most of all from the Commission by the FBI, which was supposedly investigating for it - and of evidence that could have shown his associations with it and/or the CIA - there is a background for the Commission's own misconduct so serious it is beyond adequate description in terms the average American can conceive to be the reality.

It is now time to return to the beginning, Congressman Ford's exploitation of official secrets for personal profit, at the cost of breaching faith with his former colleagues on the Commission, after that Commission ceased to exist, when it was not possible to do anything about it. He had made this easier by putting a political crony on the public payroll as his assistant, even though the Commission had its own staff without limitations on its size. The public provided Ford with his ghostwriter.

Ford's taxpayer-subsidized book tells far from the complete story, much, much less than he knew, very much less than he could have said of Oswald as an official informant and the pretense of an investigation of it. The seventh and last veil hid more. Ford restricted himself to just enough to make a story, to what he could seem to refute, leaving himself and the Commission, if judged by his book alone, clean and pure.

That this literary scrimshaw did not work can be attributed to the fact that the rest of the book is junk. When it appeared, few had any way of knowing this sensational beginning was anything but the complete story of Agent Oswald. The book is literary trash, a jumble of irrelevant, prejudicial rehashing of the official, personal defamations of the Oswald family and an all-pervading, contrived anti-Communism, put together with the unknowing paranoia of those who have successfully converted this modern sickness into political careers. The result is an overblown updating of an urbanized "Tobacco Road."

In the steam-cleaned Ford version, the Commission's first knowledge of reports that Oswald had been an informant came from Waggoner Carr's telephone call to Rankin, Hoover's old personal friend from his Solicitor-General days in the Department of Justice. Republican Rankin manipulated the Republican-dominated Commission appointed by the Democratic President (who had become President because of the assassination), who thus fixed upon his Republican opposition responsibility for "investigating" the crime.

It was neither the phone call nor the content of the phone call.

It was the source of the phone call - no stranger.

Waggoner Carr was Attorney General of the State of Texas. His call meant that the Commission had to face the ultimate crisis, an official investigation outside the federal government that might reveal the possible connections between its various spooks and Oswald.

The assassination of John Kennedy was a crime only in Texas. Texas jurisdiction did not end when Ruby assassinated the accused. Only the ^hsacred fictions, that Oswald was the assassin and that there was no conspiracy, prevented criminal action in the case. Ruby served but two purposes in shooting Oswald: He closed Oswald's mouth

the only safe way - permanently; and he made it possible to avoid consideration of any other culprit.

But, in so doing, he added to Texas' image and conscience troubles because the assassination was committed in its hate environment.

Texas immediately developed new problems: the federal government, the Commission and, most of all, Rankin who, despite his polite manner and smooth words, exercised tight tyrannical control over everything.

The federal government set out to - ~~and succeeded in~~ immobilizing and nullifying any independent Texas investigation. The strange form this took is set forth lucidly and in detail by Sylvia Meagher, one of the writers who first and most effectively disputed the Warren Report. Her "Accessories After the Fact" remains a basic work four years after publication. Her exposure of the unending federal trickery in vitiating anything Texas might undertake appeared in the July-August issue of the now-defunct small magazine, "The Minority of One," under the title "Wheels Within Deals: How the Kennedy 'Investigation' Was Organized."

It was Machiavellian.

Four days after the President was killed, Carr and Walter Jenkins, then the long-time righthand man of the new President, began conversations taken over by Abe Fortas, who later became a Justice of the Supreme Court. Carr was led to believe that there would be a joint Texas-Department of Justice-FBI investigation. As early as November 26, the Texas part was called a "Court of Inquiry." When the White House began dealing with Carr - and it was then a Texas White House - the federal end had been announced as an FBI investigation,

to be made public by the President. But no sooner had Texas been hog-tied than the White House announced the creation of this special Presidential Commission. Formal announcement was November 29, but work on it had begun sooner. The idea is generally credited to Fortas, but it was earlier the broadcast editorial recommendation of Washington's Radio Station WWDC, where it had been conceived by Irving Lichtenstein, then station vice president. WWDC urged Warren to head the Commission.

As Carr wrote Warren December 5, almost his last letter that was not a protest against some kind of federal duplicity,

The assassination occurred in Texas. The people of Texas share with their fellow countrymen the loss of a great President. Their own Governor was badly wounded. The integrity of Texas justice is deeply involved. I am certain that the people of Texas feel that it is their local responsibility to have their State officials do everything possible to uncover all the facts.

Rankin treated the Texas "Court of Inquiry" like a boy out to make a girl, saying whatever at any moment seemed expedient.

On the other hand, Texas was loose and easy to make. Ultimately, she aborted.

No copies ~~that~~ that report were publicly available. Carr's response to my request was to direct me to any Texas college. He considered he had fulfilled his obligation by filing a copy with each.

It would appear that, with all he had to do, such as dealing with Jenkins, Fortas, Rankin and the members of the Commission, Carr had no time for reading newspapers. When he learned about the reports that Oswald had been a federal informant, he phoned Rankin immediately. Unlike Carr, the Commission and its federal investigators did read the papers. In silence and without investigation, they knew all about the newspaper stories. There are no copies in the Commission's files.



WAGGONER CAMP
ATTORNEY GENERAL OF TEXAS

Wagoner Camp

SUPREME COURT BUILDING
AUSTIN 11, TEXAS

February 4, 1964

Honorable J. Lee Rankin
General Counsel
President's Commission
200 Maryland Avenue, N. E.
Washington, D. C. 20002

Dear General:

As all of you well know, President Johnson asked that Texas hold a court inquiry following the assassination of President Kennedy. This I agreed to do and, promptly thereafter, high officials of the Department of Justice and I made joint public statements to the people of Texas assuring them that this would be a cooperative effort between the two governments.

Later, Texas agreed to postpone its Court of Inquiry until after the work of the Commission had been completed and, at the same time, accepted the previously made invitation of Chief Justice Warren to "participate in the Commission's work". There can be no doubt in your mind that Texas would have proceeded at that time with its own investigation had we not been invited to participate in the work of the Commission.

In furtherance of this mutual understanding Texas has made available to the Commission all of its records, evidence and investigation reports. We have received nothing but expressions of gratitude from you and the Chief Justice. If Texas has done anything which falls short of her commitment of mutual helpfulness, I am not aware of it nor have you or the Chief Justice mentioned it to me.

I cannot, therefore, understand why you have apparently broken your commitment to have Texas represented at the time of the examination of Lee Harvey Oswald's surviving widow. Such commitment was expressed several times by you in my presence and the presence of the special counsel.

Honorable J. Lee Rankin
February 4, 1964

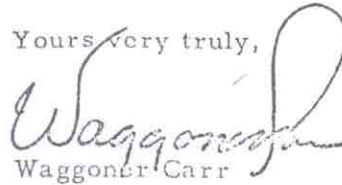
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This development raises serious doubts in my mind as to the wisdom of Texas now relying upon the original understanding that we would "participate in the Commission's work" or upon any future commitment such as the present one we relied upon that we would be invited to be present upon the interrogation of Mrs. Oswald.

If this development represents what Texas may expect in the future then we will feel relieved of our agreement to postpone further our own individual hearing.

I shall look forward to hearing from you if my reaction to this matter is not warranted.

Yours very truly,



Waggoner Carr

WC:cr

cc: Honorable Leon Jaworski

cc: Honorable Robert G. Storey

(These are not the only things purged. I have obtained a number, some only by accident because misfiled copies were not found and could not be destroyed.)

When I could not locate these clippings I knew the Commission had, I kept after the Archivist to have his staff locate them. It is little known but, aside from becoming custodian of the Commission's files, the Archives also set them up and supervised them. One of my repeated requests was answered by the Archives November 22, 1968 - the fifth anniversary of the assassination - in these words:

No copies of the stories in the Houston Post or the Philadelphia Inquirer which you request have been found in the records of the Commission.

More than a year later, in December,

No copies of the newspaper stories ... or a report of an interview with Hudkins by Special Agent James W. Russell have been found.

I had restricted my requests for copies to those stories I knew the Commission had. Ford was indelicate enough to quote both in his book, four of Goulden's five paragraphs in full. He omitted the one reading

- The revelation that the Federal Bureau of Investigation tried to recruit Oswald as an undercover informant in Castro groups two weeks before Mr. Kennedy's death.

There were others, perhaps the most thorough by Harold Feldman in The Nation.

Hoover, naturally, took a dim view of Feldman. In a December 27, 1964, letter to Renkin, he described it as "a muddy attempt to link Lee Harvey Oswald with the FBI as an informant. Using public source material with no selectivity, Feldman tries to make it appear that this Bureau is suppressing the fact that the assassin was actually one of its 'employees'."

It and two other magazine articles, Hoover said, "are irresponsible, and each is an example of personal bias ..."

What is conspicuously lacking is denial, if only pro forma denial, that there was neither connection nor intended connection between "this Bureau" and Oswald.

But is "using public source material" somehow wrong?

Or is using it "selectively," as in gathering published references to Oswald as Bureau-connected?

Is this an "example of personal bias?"

So, what really panicked Rankin and the entire Commission plus God alone knows who else in the FBI, CIA and throughout the government, was not this late report of the well-known rumor. It had not troubled them as long as they maintained complete control over the investigation. It was the fear that Texas would investigate it, that any kind of official attention would be paid to these recurrent and, as they appeared, credible reports of Oswald's official connection.

Thus, ^{that} /after-working-hours crash meeting which left audiences waiting for speakers, dedications in danger of being delayed, wives and families holding suppers, and desperate, cold fear in all official, in-the-know Washington hearts.

Bearing very much on this is the total absence, in Ford's account, of any reference to the Texas Court of Inquiry. He does not even give the names of those who appeared before the Commission, does not indicate that Carr had a function other than that of Attorney General in this matter. In fact, he stops his narrative of this dramatic event at precisely the point we did in the first chapter, switches to his inadequate account of what was published, and then switches again.

He gives that one scant paragraph on what the unnamed officials allegedly told the Commission, no more. At that, this skimpiness is more than the Commission provided in all 27 tomes. Officially, the Commission was totally silent.

Rankin was equal to his superhuman task, keeping it all quiet.

As he gathered the members of the Commission, so also did he get the court reporter, an over-diligence he was soon to regret - and not repeat.

Ward & Paul, a large, established and reputable court-reporting firm, got the court-reporting contract on Senator Russell's recommendation. As a Senate editor, I had worked with them for years. They are good, thoroughly dependable, and staffed with sufficient competent specialists to deliver several hundred pages of accurate transcript overnight.

They sent an official stenographer named Cantor to that hectic 5:30 p.m. executive session of January 22, 1964. This, and more, I was not to learn until much later and after the greatest difficulty.

These "TOP SECRET" transcripts were kept in that high security category until an opportunity provided itself for effective official propaganda by making them available to a fine and experienced reporter who knew absolutely nothing about the assassination or its investigation. Any reporter in these circumstances becomes the creature of his sources, for he has no independent information. In this case he planned a story for a mass-circulation magazine, The Saturday Evening Post. For him, they were quietly declassified. Not one of the real researchers who had been plumbing that literary quicksand of those 300 cubic feet of documents was informed of it. Not until after this story appeared

before as large as possible an audience, with extensive attention from the papers and electronic media, did anyone know that these secrets were being leaked. That partisan selection, to which the Archivist had lent himself with official interpretations that were beyond his knowledge, as wrong for him to make as they were in fact, killed any further major-media interest in those executive sessions.

However, once they were thus disclosed, I was able to get a set - all that were declassified, not just the few pages used in the story - for they then could no longer be denied me. They fill a box almost two inches thick, lots of paper. My pointed protest at this unseemly official propaganda and equally pointed questions of the Archivist, unanswered after four years, were followed by the quiet, unannounced retirement of that Archivist. Neither he nor his successor has ever answered these charges of official misconduct.

Nor is this the only case where what had been denied me was provided uninformed reporters who could reach large audiences, another of that period involving The New York Times. These uninformed reporters were used by the government, then distressed by the appearance of a number of books severely critical of the official investigation. It is for this reason I do not name them. In these cases it is the government, most inappropriately the institution of scholarship, the National Archives, that cast itself in this Orwellian role, not the press.

Once I had gone through those hundreds of pages of the coming together of the elders in such secrecy their trusted staff was excluded from the meetings and during the life of the Commission not even permitted to see the transcripts, I immediately noted the absence of any transcript for January 22, 1964, this dramatic one partially described by Ford. In four cases, all the executive sessions were still suppressed, the reasons given entirely spurious where they could be checked,

inadequate where given if not, in fact, outside the law. In a few instances, several pages were withheld, with explanations provided by slipsheets bearing such explanations as the claim that confidential personnel matters were discussed.

But for this meeting, there was neither transcript nor explanation of its absence, no matter how invalid or fictional.

And so, tediously and persistently, I kept after the Archives, in person and in writing, for a long period of time. In seven months of 1968, in writing alone, I tried a dozen times. The last went without response for more than a half-year.

In some cases, as in my letter of September 5, 1968, I made charges:

Disclosure of these executive session transcripts would be embarrassing to the federal government because they contain evidence of the connection between it and the accused assassin, Lee Harvey Oswald.

There was more than one such session, to my certain knowledge. There were three in a single five-day period alone.

The Archives insisted, as they said in Eckhoff's September 3 letter this answered, "No transcript for the executive session of January 22, 1964, to which you refer has been found among the records of the Commission."

In saying this, Mark Eckhoff, Director of the Diplomatic, Legal and Fiscal Division, told the truth. Unintendedly, he was also helpful in other ways.

The fact is that there is no transcript of that sensational executive session - not anywhere!

Rankin did not forget his old friend, Hoover, nor his concept of his responsibility to the Commission or to what has come to be called the "national interest."

Tracing this out and establishing it was neither easy nor pleasant. After following one blind trail after another, I finally started exploring the Commission's innocuous-seeming "housekeeping" files, the records of its expenditures. There, sure enough, with every penny spent, at least theoretically, having to be accounted for, I found a file labeled, "Ward and Paul - Reporting Services." It all seemed above suspicion to casual examination but, when it was read slowly, it was not at all innocent.

This large file accounted for the taking of all the testimony before the Commission and of depositions taken by the staff in Washington and throughout the country. It holds all of the relevant letters from all of those who forwarded the transcripts. It includes Rankin's penny-pinching with the official investigation of how a President was assassinated. Example: Reducing the number of copies of transcript ordered to below the minimum needed for careful staff and member examination.

There were also records like nothing else in our history.

Among the records of delivery on Ward & Paul printed forms there is Receipt No. 3001. It is dated January 22, 1964. It covers "nine copies of proceedings before the President's Commission on the Assassination of President Kennedy in re TOP SECRET held at Washington, D. C. on January 21, 1964." The receipt is signed by Mrs. Julia T. Eide, Rankin's administrative aide. A release is affixed by rubber stamp. As filled in, it records that delivery was made at 8:55 a.m. January 22 by Jesse L. Ward., Jr., in person. Good, secure service when the boss himself handles it.

Two notes are typed in. At the bottom, near the release, is "ATTENTION: J. Lee Rankin." Under the description of what was delivered is

also, Reporter's notes, master sheets, carbon paper, waste (sic).

I have the transcript of this executive session. It is numbered

"Volume 4."

Volume 5 is covered by Receipt No. 3013, the next one. It also is signed by Julia T. Eide. It is filled in with identically the same words save for the dates, January 28th, covering the executive session of January 27. Ward again made delivery, at 9:10 a.m.

So, although there was this hectic executive session of January 22, about Oswald as a federal agent, the numbering of the transcripts confirms the Orwellian report of the Archives that it does not exist. But in this great emergency, Ward & Paul did send a court reporter who did record every word said, yet no transcript.

Part of the explanation is disclosed in the trouble Ward & Paul had getting paid. By March 10 the Commission owed them \$4,629.75, all accounted for in a bill directed to Rankin's attention and sworn to by Wayne Birdsell, long-time Ward & Paul manager. The notary is Anthony S. Pastnyck.

The tabulation of transcripts is in chronological order. In some cases, 10 copies were made. If each of the seven members got one and a copy was reserved for printing, there remained at most two copies for the staff to work with.

There is none for January 22.

That is accounted for in a separate entry at the bottom. It reads:

Jan. 22 No write-up (reporter's notes confiscated by Commission).

This is not the full entry. I shall also quote the balance.

But I do not want the full impact of this to be lost.

Here, after all that long period of official avoidance of credible reports that Oswald had been a federal informant, the first official acknowledgment of it was rendered non-existent, the Commission having

confiscated the court reporter's notes after ordering that they not be transcribed!

They were not transcribed. No record at all.

Has there ever been anything like this in our history?

A President is assassinated. His accused assassin, himself having been conveniently assassinated while in custody, is alleged to have had government connections. Then the only record of these top-secret deliberations is confiscated and with the greatest care hidden - not once referred to in any of the estimated 10,000,000 officially-published words!

To put it more bluntly, if the official version is correct, if Oswald did kill the President, then the assassin had been accused of being a federal employee and the first official consideration of it is eliminated - totally and permanently.

Can anything warrant a more sinister interpretation?

Any part of it - secrecy or elimination?

Can anything lend more support to the belief that Oswald, whether or not the assassin, had such complicating connections?

There is no possibility of error here. My checking could not have been more thorough. I also obtained a chronological listing (from File PC-2) of all court-reporting services.

These three executive sessions, of January 21, 22 and 27, appear in that order. The same legend appears for all three under "Total Copies," with identical explanations:

"9", followed by "#1 of 9 through 9 of 9."

Following the January 22 session, this is stricken through. After that date, two of the columns are blank. These are headed "Date Shipped" and "Receipt No." All three transcripts are entered as "daily" under

"delivery," meaning first thing the following morning. This includes that of January 22. Like all other entries for that date, this, too, is crossed out.

But the story is even worse.

First, the petty chiseling.

Ford, careful not to mention a word of what was said at that secret meeting, said it lasted over an hour and a half. With long periods of silence, that is many words.

Now, a court-reporting firm cannot exist if all it does is provide a court reporter who takes notes and never transcribes them. Especially not if the reporter does not begin work until after the end of the normal working day, on overtime, and then in an extreme emergency, with all the attendant extra costs. So, for the company's and the reporter's dropping everything else, mobilizing an extra staff for emergency transcription, rushing to the Commission's offices instead of eating supper, giving up a night's plans, Ward & Paul was paid the munificent total of \$24.75!

This was computed on an estimate that seems low, that the hour and a half of executive session would have totaled only 30 pages. These were paid for at \$0.825 per estimated non-page. (250 words per page is a generous estimate.)

Actually, there was no provision for such a contingency in the contract. It does not even charge for the taking of the notes. In accordance with prevailing practice for countless years, payment is on a sliding-scale, per-page basis. This is set forth in the January 7, 1964, proposal that was accepted. It provides a minimum per-page charge of \$1.65 for an original and two copies up to a maximum of \$3.15 for a total of 25 copies.

To this insult and injury was added abuse. Bills were not paid monthly. Handwritten notes on this March 10 bill for January's work read:

Req. #30 sent to Mr. Malin and Miss Dove 3-13-64. It was.
 I have it.⁷
 3-27 Mr. Ward called to ask when he might expect payment.
 3-30 Called Mr. Malin - Talked to Miss Dove = Req sent in
 3-17-64 Takes about 10 work days to process.

These notes do not appear on all file copies of the bill. I have copies from other files in which they do not. One discloses only that Ward had to ask for his \$4,629.75.

Next, the true and complete dedication to Orwell.

There is this simple note typed on a plain piece of paper:

2/7/64 - 10:30 a.m.

Mr. Elmer Moore of Secret Service took all as waste material delivered by Ward & Paul to date to be burned with other waste matter at the White House and under supervision of White House Police.

Julia Eide

Other descriptions of what was delivered by Ward & Paul include dictabelts in addition to "Reporter's notes, master sheets, carbon paper."

Prior to burning, the ultimate in thoroughness, also from other sources, "shredding."

Orwell called it the "memory hole," the place everything destroyed was put.

Here, of all the most inappropriate places, the White House was the "memory hole."

The residence of the man who became President only because of

the assassination thus investigated - the complete destruction of the first official consideration of whether the man who made him President had worked for the government!

Alas, this is not the end of the official covering-up of the story of Oswald as some kind of federal agent. It is but the beginning.

When Texas, officially, told Washington what it had long known, Washington could not ignore it. Ford slides over it, saying only that at its January 22 session, "The Commission made the decision to ask the Texas Attorney General, District Attorney Wade and any other Dallas officials (emphasis added) who had knowledge of these allegations to come at once to Washington and secretly present what they had heard."

The others were not only "Dallas" officials. It was the Texas Court of Inquiry plus the Dallas officials who accompanied them. Ford and still-existing official records avoid reference to the official Texas inquiry.

It would not have been more secret.

Ford says of this secrecy only that "The Texas officials slipped into the nation's capital with complete anonymity." With the Washington press corps, that takes some doing.

How it was done is in part indicated in a January 23 telegram to Rankin from Carr's assistant, John Stegall. It reached Washington about noon. The copy in the Commission's "GA 2 Texas" file has this added in Rankin's handwriting, "noted 1-23-64 J L R." It was arranged for the Texans to arrive after dark, after the end of the working day:

Carr party will leave Dallas Breniff Flight #110 at 4:15 P.M. EST arrive National Airport, Washington 7:30 PM. EST.
Regards.

This time Rankin did not repeat the mistake of ordering a court

reporter, as the records already cited show. There were no such services between the January 22 session - the records of which are destroyed - and that of January 27, which soon will interest us. No transcript, no need to use the "memory hole." On the other hand, wisely, as it turned out when Ford sold his blabbermouthing, it was decided that this could not be ignored entirely. Instead, Renkin prepared a "MEMORANDUM FOR THE FILES." It certainly was not for investigative reporters like me, for it was placed in only those files to which there was no index or guide of any meaningful kind, those then never expected to be seen by anyone - ever. Later, they were not accessible for research when the numbered ones or "CDs" were. By the time they were accessible, most researchers had abandoned their interest, having done their writing, and the commercial press had no interest.

This memo is undated, so there is no way of knowing when it was written. This is not the norm for the man who is so punctilious he notes such things as having read a telegram. When letters were drafted for his signature, the date of drafting was required on all carbon copies. Its subject is, "Rumors that Oswald was an undercover agent." Copies were placed in the "GAI CIA," "Oswald, L. H. Post-Russian Period" and "GAI FBI" files, from which my copy comes.

Here it is, in full:

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, not Jaworski. 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