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John J. McCloy

The Making of

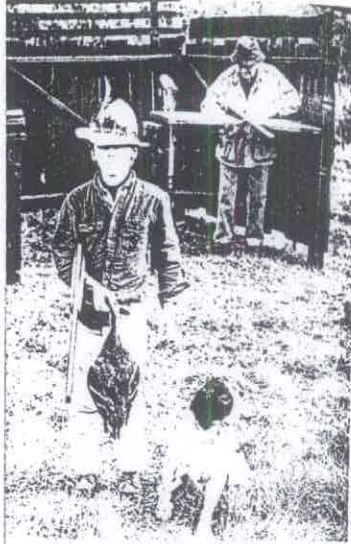
the American

Establishment

THE

CHAIRMAN

CHAPTER 25



The Warren Commission, a Brazil Coup, Egypt Again, and the 1964 Election

*"The Commission is going to be criticized . . . no matter what we
do. . . ."*

JOHN J. MCCLOY, 1963

On November 24, Lee Harvey Oswald was himself shot dead before a live television audience. A shocked and grieving nation instinctively suspected a conspiracy had taken the life of John Kennedy. As McCloy later told CBS's Eric Sevareid, "Here the President was shot, and a couple of days later the fellow that shot him was killed. It was a strange sort of thing."¹ Lyndon Johnson knew that such suspicions could quickly diminish his authority. "I became President," Johnson later told his chosen biographer. "But for millions of Americans I was still illegitimate, a naked man with no presidential covering, a pretender to the throne, an illegal usurper."² It was soon learned that Oswald had been a self-proclaimed Marxist and had once defected to the Soviet Union. His killer, Jack Ruby, was the owner of a strippers' bar in Dallas and boasted years of associations with

mobsters in Chicago, Dallas, New Orleans, and Miami. And all of this had taken place in Lyndon Johnson's Texas, a hotbed of anti-Catholic, antiliberal, and anti-Kennedy passions. Not even the new president was exempt from suspicion.³

Before Kennedy was even buried, both Senate and House committees announced their intention to investigate the assassination. On top of this, the FBI, the Dallas police, and the Texas attorney general were all beginning their own independent investigations. Johnson was well aware that such multiple investigations might only entrench the country's skepticism by coming to different conclusions as to what happened on November 22, 1963. He felt he had quickly to persuade most Americans that whatever had happened in Dallas was finished. A single investigation, carried out swiftly by a blue-ribbon presidential commission, was most likely to dispel the country's worries. Eugene Rostow, then a professor at Yale Law School, first suggested the idea to Johnson on the day Oswald was killed. Abe Fortas, Dean Rusk, and Joe Alsop gave him the same advice.⁴

Johnson recalled that the last time a shocking event had so disrupted the nation's collective psychic had been in the aftermath of the surprise attack on Pearl Harbor. Many Americans had then suspected Franklin Roosevelt of having foreknowledge of the Japanese attack, a conspiratorial theory laid to rest by a presidential commission led by Supreme Court Justice Owen Roberts. To Johnson's mind, there could be no better choice to lead a similar investigation than the chief justice of the Supreme Court, Earl Warren. The chief justice, however, didn't want the job. The president only persuaded him to serve when he insisted that it was a matter of war and peace. No one but the country's highest judicial officer, Johnson said, could "dispel these rumors." Otherwise, "if the public became aroused against Castro and Khrushchev, there might be war."⁵ And, to turn the screws a bit more, the president claimed that the other commissioners he had selected—John McCloy, Allen W. Dulles, Representative Gerald R. Ford, Representative Hale Boggs, Senator Richard B. Russell, and Senator John Sherman Cooper—had only agreed to serve if Warren chaired the Commission.⁶

In fact, only after wheedling a reluctant promise from Warren to chair the Commission did Johnson approach McCloy. As a Republican who had served Kennedy, the Milbank, Tweed lawyer was an ideal choice.⁷ Johnson's chief behind-the-scenes adviser, Abe Fortas, suggested McCloy's name.⁸ Fortas had known McCloy ever since their occasional tiffs during World War II over the internment of the Japanese Americans. He was also aware of McCloy's prewar detective work on the Black Tom case. In addition to everything else that McCloy symbolized—bipartisanship, a deep and long familiarity with the law, and a reputation for sound and sober judgment in serving four previous presidents—his Black Tom credentials made him peculiarly suited for the purpose at

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hand. Later, the famed trial lawyer Louis Nizer, in a preface for Doubleday's 1964 unabridged version of the Commission's final report, cited McCloy's role during the 1930s in unmasking “German secret agents” as evidence that “if there was conspiratorial chicanery [in the Kennedy assassination], he could cast an experienced eye on the scene.”⁹

Early in the Commission's deliberations, in fact, McCloy demonstrated that he was the one man most inclined to look for the threads of a conspiracy. Allen Dulles opened one early Commission meeting by passing out copies of a ten-year-old book about seven previous attempts on the lives of various presidents. The author argued that presidential assassins typically are misfits and loners. Dulles told his colleagues, “. . . you'll find a pattern running through here that I think we'll find in this present case.” To this McCloy retorted, “The Lincoln assassination was a plot.”¹⁰ And when Chief Justice Warren announced at the first meeting that he didn't think it would be necessary for the Commission to request subpoena powers, McCloy convinced his colleagues that without such investigative powers the Commission's credibility would be “somewhat impaired.”¹¹

But if his Black Tom experience thirty years earlier prepared him temperamentally to ferret out any conspiracy, circumstances did not favor the exercising of these investigative instincts. There was neither the time nor the political will to conduct a thorough investigation. McCloy acknowledged these political pressures during the commissioners' very first meeting, on December 5, 1963, when he muttered something about how the Commission had been “set up to lay the dust . . . not only in the United States but all over the world. It is amazing the number of telephone calls I have gotten from abroad.”¹² He was disturbed by how many of his friends in Europe assumed that some kind of conspiracy was behind the assassination. He thought it was important to “show the world that America is not a banana republic, where a government can be changed by conspiracy.”¹³ On the other hand, he, of all the commissioners, was best equipped to know that an investigation that really intended to establish the truth or nontruth of a larger conspiracy would require more than a few months. It had taken him nine years to prove the Black Tom conspiracy. It would be that much harder to prove the *absence* of a conspiracy. “The Commission,” he said in that first meeting, “is going to be criticized . . . no matter what we do . . .”¹⁴

Neither the country nor the president could wait nine years for an exhaustive investigation. Johnson wanted the Commission's conclusions published before the November 1964 elections, and so a deadline was set for all drafts of the report to be completed by June 1. Despite this looming deadline, the Commission was slow to gear up. They met twice in a room in the National Archives during December 1963, but there was not another meeting until the third week of January. This delay worried an

impatient McCloy. One evening, over dinner with John McCone, he told the CIA director that he feared with the passage of time "trails [of evidence] will be lost." He thought the commissioners should be interviewing witnesses right away and asked McCone to see if he could get the president to exert a little pressure on Chief Justice Warren. The next day, McCone wrote a short note to Johnson recommending that he call the chief justice.¹⁵

To be fair, Warren was already working hard to assemble a staff. Because each of the commissioners had a full-time job, the bulk of the actual investigative work would have to be done by a team of lawyers. But many of these lawyers came from prestigious firms and could give only part of their time to the Commission. The lawyers did not begin their actual investigations until March, leaving themselves with only three months to interview witnesses and write their reports. The commissioners themselves regarded their commitment to the investigation as a part-time responsibility. McCloy attended only sixteen out of the fifty-one formal sessions and heard fewer than half of the witnesses who testified.¹⁶

He had a number of weighty business affairs on his mind when he began working on the assassination investigation. In their very first meeting, McCloy told Chief Justice Warren that he had "a terrific schedule, it's just piled up at this time."¹⁷ The next day, at noon, he went to the White House to receive his Freedom Medal from Johnson in the State Dining Room. Then he flew to London for a day, to give a major address attacking the rise of European nationalism and its Gaullist manifestations in particular for undermining the Atlantic alliance.

Upon his return to New York, he began to prepare for a business trip to Brazil he had scheduled for later in the month. One of Milbank, Tweed's corporate clients, the M. A. Hanna Mining Company, the largest producer of iron ore in the country, was facing some serious legal difficulties in Brazil. George Humphrey, Hanna's chief executive officer, and a man McCloy knew as Eisenhower's Treasury secretary, wanted him to see what he could do to protect Hanna's Brazilian investments. Two years earlier, a left-of-center government led by President João Goulart had issued an expropriation decree against Hanna's iron-ore concession. Humphrey had appealed the decree, but by the autumn of 1963 it looked as if the Brazilian federal courts would uphold the nationalization.¹⁸ In the late 1950s, Humphrey had paid no more than \$8 million to acquire the mineral rights to one of the richest Brazilian concessions, and he was desperate to retain this concession.¹⁹

In late September, he sent his right-hand man, Jack W. Buford, to Washington to explain how serious matters had become. Buford told the State Department that the whole conflict had now entered the "political

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arena." Pointing to the "constant agitation and activity against Hanna on
the part of the Communists and leftist elements in Brazil," Buford said
the "United States must now stand and be counted." By referring to the
"close past collaboration of Hanna with conservative and military groups
in Brazil," he hinted that the company was preparing to intervene directly
in the country's political contest.²⁰

Despite this blunt language, Humphrey and Buford feared that their
appeal to Washington for some kind of intervention was not being heard.
So, on the recommendation of a mutual friend, Leo Model, a Wall Street
investment banker with close ties to Rothschild interests, Buford went to
see McCloy. He immediately recognized that McCloy had "a little more
'oomph' than the usual lawyer."²¹

McCloy quickly set about educating himself on the situation by seeing
all the appropriate officials at the State Department, the World Bank, the
IMF, and the CIA. As it happened, one of the men he had worked with
in Germany after the war, Lincoln Gordon, was now the U.S. ambassador
to Brazil. Gordon was back in Washington temporarily that week and
gave McCloy his own highly pessimistic assessment of the situation.²² He
told him things were so bad that contingency planning for a coup had
begun as early as September 1963.²³

In preparation for the worst, McCloy set up a channel of communica-
tion between the CIA and Hanna's man, Buford. Thereafter, whenever
Buford returned from one of his frequent trips to Rio de Janeiro, he would
drive out to the CIA's headquarters in Langley, Virginia, for a debriefing.
According to Buford, McCloy also arranged for him to meet periodically
with the CIA station chief in Rio. "Through this fellow," recalled Buford,
"we had many, many meetings with the military people who were oppos-
ing Goulart behind the scenes."²⁴

Goulart had forged a broad political alliance with the left. But he was
far from being a communist. A large landowner, Goulart was described
by Colonel Vernon Walters, the U.S. military attaché in Rio, as "basically
a good man with a guilty conscience for being rich."²⁵ And as long as he
was in power, McCloy thought it was worth the effort to try to strike a
deal with him. In late November, he told Harriman that he thought
Humphrey "should face the new trends" and invite the Brazilians to
negotiate some kind of joint participation in Hanna's mining conces-
sions.²⁶

But as political tensions rose, Hanna became an obvious target for
anti-American sentiment. In January, signs began to appear in city streets
that read, "Out with Hanna. . ."²⁷ Passions were such that the Goulart
government went to great lengths to ensure that McCloy's arrival in Rio
on February 28 received no publicity. The next day, he met with Presi-
dent Goulart:

The Brazilian president was actually looking forward to meeting the

famous American. He was so curious to learn what McCloy had to say about the Kennedy assassination that it was some time before Hanna's troubles were discussed. But then McCloy pulled two proposals out of his suit pocket. Plan "A" guaranteed that, if Hanna was allowed to mine the Minas Gerais iron-ore fields, the company would make a \$18-million investment in the construction of a modern ore-and-coal maritime terminal on the Brazilian coast. Alternatively, Plan "B" proposed that Hanna lease at a nominal cost 50 percent of its current iron-ore reserves to a new joint-venture company of which Hanna would have a minority share. In either case, Hanna retained control of the majority of its iron-ore reserves, while the government could advertise either deal as a major American concession. Goulart bought this pitch and agreed that a six-man committee of Hanna and government representatives could commence detailed negotiations in a week.²⁸

By the time McCloy boarded a Pan Am flight back to the United States, his presence in Rio had been detected. One pro-Goulart newspaper reported that McCloy, "considered the highest asset of the American government in any international deal," was in Rio. In another article, headlined "The Great Negotiator," readers were told that McCloy was insisting on "taking back that which belongs exclusively to our people. . . . The main thing in this fight is not to give up what is legitimately ours. . . . Even if conversations are carried out by the great expert in negotiations, McCloy."²⁹

Despite this negative publicity, he left hoping that he had brokered a deal both acceptable to Hanna and politically palatable to the Brazilians. A few days later, Harriman told him that he "had heard that he did a good job." McCloy replied that he "didn't know yet whether they were out of the woods."³⁰ Three days later, the political landscape changed dramatically when Goulart, addressing a mammoth leftist rally, announced the expropriation of all private oil refineries and some landholdings. The Brazilian right-wing opposition responded by organizing a counterdemonstration. Rhetoric on all sides escalated, and many private citizens, including Hanna's American employees in Brazil, began arming themselves.³¹ The political crisis was such that no further progress was made on the tentative agreement worked out by McCloy in early March.

Hanna officials were now very worried. Back in their Cleveland headquarters, Humphrey and Buford considered sending McCloy down to Rio once again. But McCloy knew from his contacts in the intelligence community that the time for deal-making was over. On March 27, 1964, Colonel Walters cabled Washington that General Castello Branco had "finally accepted [the] leadership" of the anti-Goulart "plotters."³² Three days later, he told Ambassador Gordon that a military coup was "imminent."³³ The following morning, Washington's contingency plan for a Brazilian coup, code-named Operation Brother Sam, was activated as a

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U.S. naval-carrier task force was ordered to station itself off the Brazilian coast. Well before the coup began, the Brazilian generals were told that the U.S. Navy would provide them with both arms and scarce oil.³⁴

The Goulart regime, however, collapsed so quickly that the protracted civil war predicted by the CIA on March 31 never developed.³⁵ The generals who planned and executed the coup did not need the arms or oil supplies waiting for them off the coast. Hanna Mining Company, in fact, ended up giving the generals more direct assistance than did Operation Brother Sam. The initial army revolt occurred in Minas Gerais, the state in which Hanna had its mining concession. When these troops began marching on Rio, some of them rode in Hanna trucks.³⁶ In Rio itself, Jack Buford was in constant touch with the local CIA station chief, who kept him informed by phone on Goulart's movements.³⁷

McCloy was back in New York when the coup occurred, but he and his Hanna clients were tremendously relieved at this turn of events. As *Fortune* magazine put it, "For Hanna, the revolt that overthrew Goulart . . . arrived like a last minute rescue by the First Cavalry."³⁸ The generals who now ruled the country soon saw to it that Hanna's concession was restored.

The 1964 Brazilian coup marked a turning point for U.S. policy in Latin America. The Johnson administration had made clear its willingness to use its muscle to support any regime whose anticommunist credentials were in good order.³⁹ Later that year, millions of dollars were funneled by the CIA to influence the Chilean elections. And the following year, President Johnson intervened with troops in the Dominican Republic to oust a similar left-of-center government. In Brazil, thousands of citizens were arbitrarily arrested, many newspapers were closed down, and press censorship was imposed. But one had to be understanding, Ambassador Gordon told Dean Rusk only a week after the coup, because there had been a "very narrow escape from Communist-dominated dictatorship."⁴⁰ For McCloy, it was just a matter of creating the right kind of business climate. As he explained to the regime's new leader, General Castello Branco, he had agreed to represent Hanna "only because he was convinced that such an arrangement would be in the public interest—of benefit to Brazil and to Brazilian-American relations as well as to the company."⁴¹ What was good for Hanna was good for Brazil and its relations with Washington.

Throughout late 1963 and early '64, Brazil was a mere sideshow on McCloy's calendar. The main event was his frustrating experience on the Warren Commission. By mid-December 1963, a number of things had already prejudiced the assassination probe. Various arms of the federal bureaucracy had made up their minds on the basic facts. Only two hours

after Oswald was shot on November 24, J. Edgar Hoover phoned the White House and left a message for Johnson: "The thing I am most concerned about . . . is having something issued so we can convince the public that Oswald is the real assassin."⁴² Hoover ordered his men to concentrate exclusively on making the case against Oswald as the lone assassin.⁴³ Without wasting any time, on December 9, Hoover handed the commissioners the FBI's Summary Report on the assassination. It concluded that Oswald had acted alone in firing three shots at the presidential party, two of which hit Kennedy and one of which hit Governor John Connally.⁴⁴

In describing the president's wounds, the report said that one of the bullets had entered "just below his shoulder" at a downward angle of forty-five to sixty degrees. It had penetrated to a distance of less than a finger length, and there was no point of exit. Furthermore, the bullet was not in his body.⁴⁵ The report described the fatal head wound but made no mention at all of the wound in the front of Kennedy's neck.

Almost immediately, the commissioners saw some major problems with the FBI Summary Report. Its description of the entry wound in the president's shoulder as being nearly six inches below the base of the neck flatly contradicted the Bethesda Naval autopsy report submitted by Dr. James J. Humes. The navy autopsy had placed this same entry wound at the base of the neck, high enough for the bullet to have exited through the wound at the front of Kennedy's neck. If the FBI description of the shoulder wound was correct, the bullet could not have entered Kennedy at a 40-percent downward angle and then climbed enough to exit through the front of his neck.

When the commissioners sat down behind closed doors to discuss the FBI's conclusions, McCloy said, "Let's find out about these wounds, it is just as confusing now as could be. It left my mind muddy as to what really did happen. . . . Why did the F.B.I. report come out with something which isn't consistent with the autopsy when we finally see the autopsy?"⁴⁶ He also couldn't understand why there was no mention of Governor Connally's wounds. The evidence as to how the bullets hit Kennedy, he said, "is looming up as the most confusing thing that we've got."⁴⁷ At this point, McCloy was not ruling out a second assassin. He said he wanted to go to the Dallas assassination site "to see if it is humanly possible for him [Kennedy] to have been hit in the front. . . ."⁴⁸

But even as they complained about the report, the commissioners found reasons to excuse the FBI's behavior. "It does leave you some loopholes in this thing," McCloy said, "but I think you have to realize they put this thing together very fast."⁴⁹ What McCloy didn't know was that the FBI chief was withholding evidence from the Commission. Hoover had been unhappy that Johnson had even appointed an outside body to investigate the assassination. He regarded the Commission as a

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threat to the Bureau, particularly since he was soon informed that the
Bureau's handling of the Oswald case in the months prior to the assassina-
tion could be severely criticized. Among other things, soon after the
assassination the FBI ordered one of its agents to destroy a threatening
note written to the Bureau by Oswald just a few weeks before the assassi-
nation.⁵⁰ In addition, Hoover had conducted his own internal investiga-
tion of why Oswald hadn't been listed on the FBI's Security Index, a list
of more than twenty thousand potentially disloyal citizens. On December
10, he was told that Oswald should have been on the list, and that the
FBI's investigation of Oswald should have escalated when the Bureau
learned from the CIA that Oswald had made an appointment to see a
KGB officer in the Soviet Embassy in Mexico less than two months prior
to the assassination. An angry Hoover immediately acted upon this inter-
nal report by disciplining seventeen FBI agents, including William Sul-
livan, the assistant director. But this action was to remain secret, since
Hoover felt that, if the Bureau's deficient handling of the Oswald case
became known, the FBI's reputation would be compromised.⁵¹ Indeed,
Hoover believed there was "no question" that the Bureau "failed in
carrying through some of the most salient aspects of the Oswald investiga-
tion."⁵² But he was not about to admit this to the Warren Commission.
Instead, he withheld information critical of the Bureau's handling of
Oswald. And just in case the Commission began to attack the Bureau, he
asked his men to dig out "all derogatory material on Warren Commission
members and staff contained in FBI files."⁵³ Finally, he did everything
he could to find out how its investigation was being conducted. To this
end, an obliging Congressman Ford soon began giving confidential brief-
ings to the FBI on the commissioners' top-secret deliberations.⁵⁴

The FBI was not the only agency withholding information from the
Commission. The CIA had numerous critical facts in its possession con-
cerning the possible motives various foreign powers may have had to
assassinate the president. Among other things, on the very day of
Kennedy's murder a CIA agent had met in Paris with a Cuban official who
claimed he was willing to assassinate Fidel Castro. The Cuban, whom the
CIA later determined was probably a double agent, was actually given an
assassination weapon, a poison pen with a hidden syringe.⁵⁵ This was only
the most recent of numerous plots to kill Castro, but neither it nor any
previous attempts were revealed to the Warren Commission. (Some of
these CIA plots involved the use of various Mafia networks, a highly
relevant fact given Jack Ruby's underworld associations.) Of course, one
commissioner, Allen Dulles, was aware that the Agency had targeted
Castro during his tenure as Director of Central Intelligence (DCI).
Whether he shared this information with McCloy or any of the other
commissioners is not known. Like everyone else, McCloy knew that both
the Eisenhower and Kennedy administrations had wanted to destroy

*He cites books that are seriously flawed instead of the available
official records*

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Castro's regime, and in his mind this alone might have given Castro reason to retaliate.⁵⁶ But, given Oswald's defection to the Soviet Union, he also thought the accused assassin may have been recruited by the KGB. He had talked about the case with Ellen, who thought it "pretty suspicious" that Oswald had found it so easy to obtain an exit visa from the Soviets for his Russian wife.⁵⁷ (Unknown to him at the time, a December 1963 CIA memo gave voice to the same speculation.⁵⁸) Alternatively, he thought the possibility that Oswald may never have been a genuine defector, that he might have been sent to the Soviet Union by the CIA, was "a very realistic rumor" and worthy of investigation.⁵⁹ In short, he thought anything was possible.

He misses an important point. The Commission knew the report. It might have been published a month earlier. The difference here is that the Texas Court in query was taking up his case so the Commission would no longer need it.

This was underscored for him when, on the afternoon of January 22, 1964, he received an unexpected call from the Commission's newly appointed general counsel, J. Lee Rankin. The lawyer informed him that an emergency meeting had been scheduled for five o'clock that afternoon in the Veterans of Foreign Wars Building on Capitol Hill. Canceling his other appointments, McCloy flew down from New York and arrived just as the meeting began.⁶⁰ Taking his seat around an eight-foot oblong table with the other commissioners, McCloy heard Rankin report some shocking news: the Texas attorney general had just forwarded an allegation that Oswald had been an undercover agent of the FBI, that he had been paid \$200 a month since September 1962, and that his agent number was 79.⁶¹

How he is limited to what Rankin used of what is possible in 1967 & thus misses more thought he got my books when he was here. He did see them & I am sure of the transcript.

The commissioners were aware of the explosive nature of this news. Representative Ford later wrote, "I cannot recall attending a meeting more tense and hushed."⁶² By the time they parted two and a half hours later, the commissioners had agreed that Rankin should with the greatest secrecy interview the Texas attorney general and report to the Commission on what he learned. Five days later, the commissioners met once again in the Veterans of Foreign Wars Building, where they now had taken over two floors of office space.

Rankin told them that the source of the allegation against the FBI was a Dallas reporter, and that the allegation probably could not be substantiated. "We do have a dirty rumor," he said, "that is very bad for the Commission. . . . It must be wiped out insofar as it is possible to do so by this Commission." But as they discussed the problem, it gradually dawned on the commissioners that this was something that was going to be very hard to disprove.

"This is going to build up," McCloy said. "In New York, I am already beginning to hear about it. I got a call from Time-Life about it. . . ." Dulles then interrupted to explain that if Oswald had been an FBI informant there might be no records of the fact, and if you interviewed the FBI agent who recruited him, he would be unlikely to admit the fact, even under oath.

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

"He might," Dulles replied, "or might not. . . . What I was getting at, I think under any circumstances, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow. . . . You can't prove what the facts are."⁶³

In other words, if Oswald had been on the FBI payroll, Hoover might not have known, or might lie about it. At this point, McCloy suggested that they either go to Hoover himself with the information or ask another intelligence agency to investigate the rumor. In the end, knowing that whatever course of action they took, the truth of the allegations could not be proved or disproved, the commissioners decided just to inform Hoover of the rumor. The FBI chief responded that there was nothing to it, and there the matter was allowed to rest. *He testified, published.*

The crisis passed, and though the allegations that Oswald had been an FBI informant were almost certainly false, the Commission's handling of the problem underscored a central dilemma in the conduct of its investigation. The Commission had two possibly contradictory purposes: it was supposed to expose the facts of the assassination, but the commissioners—and, indeed, most Americans—hoped the facts would reassure the nation that the assassination was the work of a lone gunman. What would happen if any of the "dirty rumors" were discovered to be true? Would the national interest be served if an unresolved conspiracy was all that could be known? *He could have known that this was without doubt true.*

This first crisis also made it clear that, unless they took the time and expense to establish an independent team of investigators, the Commission would remain absolutely dependent on the FBI. McCloy pointed out the inherent problem of this dependency: "There is a potential culpability here on the part of the Secret Service and the FBI, and their reports, after all, human nature being what it is, may have some self-serving aspects in them."⁶⁴ But, again, the Commission decided to live with this problem.

By this time, McCloy was full of doubts about almost every aspect of the case. Even before the crisis over Oswald's alleged ties to the FBI, he had been brooding about the unresolved contradictions between the FBI's Summary Report and the Bethesda Naval Hospital's autopsy report on the president. Sometime in mid-January, he discussed these concerns with C. D. Jackson. The Time-Life executive had just bought the rights to an 8mm movie shot by Abraham Zapruder, a Dallas businessman who had chanced to catch most of the assassination sequence on film. Zapruder's film was to become a key piece of evidence for both the Commission and its critics in the years to come.

On January 20, 1964, Jackson sent McCloy a series of blown-up transparencies reproduced from Zapruder's film sequence of the assassination. In an accompanying note, he told McCloy, "Our scrutiny of these stills indicates one thing we did not notice when looking at the movie,

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and one other thing that you seemed to be in doubt about. I think there is no question but that the first shot actually took place behind the sign [a traffic sign that blocked Zapruder's view], inasmuch as the first frame of the car emerging from behind the sign shows Kennedy's hands just beginning to come up [to grasp his wounded throat]."⁶⁵

McCloy's doubts were only heightened when he and the other commissioners viewed the Zapruder movie. As C. D. Jackson's transparencies made clear, the Zapruder film shows that Kennedy had already been shot once as he emerged from behind the traffic sign. But it also showed clearly enough that Governor Connally had not yet been wounded—or at least he had not yet reacted, even though his rib and his wrist bone were shattered. This suggested that Connally could not have been hit by the same bullet that wounded Kennedy in the neck. After viewing the film, McCloy had the following exchange with Allen Dulles:

"... you would think," Dulles said, "if Connally had been hit at the same time [as Kennedy, he] would have reacted in the same way, and not reacted much later as these pictures show."

"That is right," said McCloy.

"Because the wounds would have been inflicted," Dulles said.

"That is what puzzles me," said McCloy.

McCloy later asked the doctor who had treated Connally's wounds whether the governor could have had a delayed reaction to the impact of the bullet. The doctor replied, "Yes, but in the case of a wound which strikes a bony substance such as a rib, usually the reaction is quite prompt."⁶⁶ (Connally later confirmed this view in his testimony before the Commission: he stated that it was his firm belief that he was hit after Kennedy and by a second bullet.)

The film was puzzling. When it was finally released in 1975, most viewers had the same reaction as McCloy and Dulles. Kennedy seems to have been shot first, and Connally wounded a second and a half later. This time frame seriously undermined a lone-gunner theory of the assassination, since the Commission had already established that Oswald's vintage 1940 bolt-action Italian rifle could not be fired more than once every 2.3 seconds. If Oswald was a lone assassin, the bullet he presumably fired through Kennedy's neck must also have hit Connally. If a single bullet was not responsible for the wounding of both men, there had to be a second assassin. McCloy and the other commissioners, some reluctantly, adopted the explanation that Connally had had a delayed reaction to his wounds. If Oswald was the lone assassin, he had fired three shots, one of which passed through both Kennedy and Connally.

never released. Rights sold from time to time

This became the heart of the Warren Commission's conclusions. But to reach this verdict, the commissioners had to embrace the Bethesda Naval autopsy description of Kennedy's wounds and discount the FBI Summary Report. The latter placed the rear entry wound nearly six inches

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There was absolutely nothing to keep the Commission from using his palm and not publish it

below the base of Kennedy's neck, too low for the bullet to have exited through the president's neck. This contradiction, and much of the ensuing controversy over the Commission's conclusions, could have been resolved by a look at some definitive evidence. Dozens of color photographs and X-rays were taken during the Bethesda autopsy, and a close inspection of these photos could have resolved the dispute.

But, in what was perhaps the Commission's major mistake, Chief Justice Warren decided, out of deference to the Kennedy family, not to allow the Commission access to the photos and X-rays. If such photos became a part of the record, Warren said, "it would make it a morbid thing for all time to come." McCloy agreed at the time with this decision, on condition that at least one commissioner, accompanied by a doctor, be allowed to inspect this critical evidence.⁶⁷ In the event, Warren reviewed the photos in private and then allowed the autopsy doctors to testify before the Commission without producing the material.⁶⁸ Just three years later, after a number of books throwing doubt on the Commission's conclusions had been published, McCloy told a television audience on "Face the Nation," "I think there's one thing I would do over again. I would insist on those photographs and the X-rays having been produced before us." He still believed the "best evidence" on the autopsy came from the sworn testimony of the naval doctors who conducted it. "We couldn't have interpreted the X-rays if we'd had them," he said. "But probably it would have been better to have had them for the sake of completeness in view of all the to-do that's occurred since."⁶⁹

None in public then

Fifteen years later, McCloy's retrospective assessment was confirmed by the House of Representatives' Select Committee on Assassinations. The Select Committee reopened the case in 1976-78 and made a point of having a medical panel examine the autopsy photos and X-rays. Although the panel reported that the entry wound in the back was two inches lower than claimed by the Warren Commission, it concluded that the wound was high enough to have allowed the bullet to exit from Kennedy's throat.⁷⁰ Obviously, if this information had been released in a clear and definitive fashion in 1964, the Warren Commission Report would have met with much less skepticism in subsequent years.

The controversy over the autopsy was only one of several issues that the Commission found troubling. As late as August 1964, just a few weeks before the report was submitted to President Johnson, the commissioners expressed skepticism about elementary pieces of evidence.⁷¹ McCloy was startled one day to hear testimony from a Dallas police officer that he couldn't make a positive identification of Oswald's palm print on the alleged assassination rifle.⁷² His frustration with the case mounted as he and his colleagues listened to a barrage of confusing and sometimes contradictory testimony. Some of the most curious statements concerned the "grassy knoll" to the right of the assassination site. Numerous wit-

nesses swore they had heard shots fired from this direction, and some said they had seen puffs of smoke in the same location. Others claimed to have talked to men on the grassy knoll who had flashed Secret Service badges and told them to move on. But there had been no Secret Service personnel near the grassy knoll. As for the "puffs of smoke," McCloy knew from his knowledge of hunting rifles that modern ammunition was virtually smokeless: "There haven't been any 'puffs of smoke' like they say since the Gettysburg battle during the Civil War."⁷³

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Certainly the most intriguing story to come before the Commission involved an important Russian defector who had come to the United States in February 1964. At the time, Yuri Nosenko was the highest-ranking KGB officer to have crossed over to the West. He told his CIA debriefers that he had, coincidentally, seen Lee Harvey Oswald's KGB file, dating from his 1959 defection to Moscow. Nosenko reported that the KGB had never even debriefed Oswald, and, indeed, had never used him for operational purposes. If Nosenko's testimony was to be accepted, the KGB had nothing to do with Kennedy's accused assassin. But as the Warren Commission soon learned, there were many within the CIA who believed Nosenko was a disinformation agent, sent by the KGB to reassure the Americans that Oswald had not been their man. Placed in solitary confinement and relentlessly interrogated by the Agency's counterintelligence chief, James Jesus Angleton, Nosenko never changed his story. Angleton became obsessed with the Nosenko case; it seemed to him incredible that the KGB would not have debriefed an American defector with Oswald's credentials. As a radar operator in the Marines, Oswald had been stationed in Japan, where he had had access to classified information about the U-2 spy planes. Angleton and his allies within the Agency convinced Richard M. Helms, the CIA's deputy director for plans, that there were enough subtle inconsistencies in Nosenko's story to warrant his continued detention and interrogation.*

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Helms—who had been designated the CIA's liaison to the Warren Commission—naturally became alarmed when he learned that the Commission intended to rely on Nosenko's story to exonerate the Soviets from any involvement in the assassination. So, one humid day in late June, he asked for a private meeting with Chief Justice Warren and told him that

*If Nosenko's story was true, it not only exonerated the KGB of any responsibility for Kennedy's murder, but also discredited the bona fides of another KGB defector, Anatoliy Golitsyn, who had been providing Angleton with information that in retrospect we know greatly inflated the operational capabilities of Soviet intelligence. Among other things, Golitsyn claimed the KGB possessed a master plan to infiltrate the West, and would send just such a "disinformation" agent as Nosenko to discredit Golitsyn. By 1964, Angleton was so ensnared in Golitsyn's web of paranoia that he had every reason to prevent Nosenko from testifying before the Warren Commission. In 1969, after five years of illegal imprisonment by the CIA, Nosenko was released, and his story is now accepted as true by most observers of the intelligence business.

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the Agency could not vouch for Nosenko and did not want him to testify before the Commission. The chief justice reacted to this news with visible annoyance. He had been given to understand by J. Edgar Hoover that Nosenko's bona fides had checked out. Helms replied that he could only speak for the CIA, but that there was a division of opinion within his Agency over Nosenko. At this, Warren curtly thanked Helms, and later the same day the commissioners met behind closed doors to discuss this new problem.⁷⁴

The minutes of this extraordinary meeting are still classified, but we know McCloy, for one, had all along thought there were legitimate reasons to suspect Oswald had some kind of relationship with Soviet intelligence. By the summer of 1964, Warren Commission lawyers William Coleman and David W. Slawson had concluded that Oswald probably began planning his defection while stationed in Japan. They pointed out that he could have established contact with Soviet agents through an active Japanese Communist Party.⁷⁵ After his defection, Oswald had lived in Minsk, next door to a school for training Soviet Army intelligence agents. He had been paid well by the Soviets and given a spacious apartment. He had married a Russian woman, whose uncle was an army-intelligence colonel. The Soviets had then allowed Oswald to redefect to the United States, together with his Russian bride. McCloy thought all of these facts suspicious. But neither he nor any of the Warren Commission's later critics concluded that the Soviets had sent Oswald to kill the president. Rather, if Oswald had been recruited, he may well have been sent back as a "sleeper," an agent instructed to lie low until activated in a crisis or for some specific operation. This theory did not rule out the possibility that Oswald was being used by more than one intelligence agency. Theoretically, he could have been recruited in the Marines as a sleeper for U.S. military intelligence or the CIA when he initially defected to the Soviets. The Soviets, suspicious of the genuineness of his defection, could have sent him back to the United States ostensibly as one of their own sleepers, but with the intention of feeding disinformation to his U.S. intelligence handlers.⁷⁶ Whomever he worked for, once he arrived in the United States, according to this theory, Oswald went awry and eventually acted alone in killing the president. If this is what happened, any or all of the intelligence agencies he ever had a relationship with would have been frantic to cover up their connection to him. It would also explain Nosenko's timely defection only two months after the assassination with the news that the KGB had nothing to do with Oswald. This was a line of speculation McCloy found plausible.⁷⁷

He knew that in the business of intelligence one found many men of unsavory character. Earlier in the year, he had amused his colleagues on the Commission by observing, "Well, I can't say that I have run into a fellow comparable to Oswald, but I have run into some very limited

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Fable. I got one FOIA years ago. In jail he saw

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we think this being a "sleeper" did or did not he leave. what would he have done if it wasn't?

no basis on this? L-B is not based on records

*Does not again use nursery source my work + instead
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LBJ'S WISE MAN

mentalities in the CIA and FBI." Everyone laughed at this, and then Warren chimed in, "It almost takes that kind of man to do a lot of this intelligence work."⁷⁸ Neither McCloy nor the other commissioners were naïve men. They knew, to use one of McCloy's favorite words, that they were grappling with one of those "imponderables." The puzzle of Oswald's life would probably never be solved. All that really mattered now was to determine if there was enough evidence that Oswald had pulled the trigger.

None of the other evidence concerning Oswald's possible foreign connections could ever be verified. McCloy was impatient to have the Commission's report out, if only to "lay the dust," as he had said on the first day of their investigation. He was annoyed by the publicity generated by Mark Lane, an early conspiracy theorist, who had embarked on a lecture tour of Europe that spring. On the afternoon of April 30, 1964, McCloy told his fellow commissioners, "... Generally speaking, from the reports that come to me from all over Europe, what with Mr. Lane's visits over there—there is a deep-seated feeling that there is a deep conspiracy here. . . . Let's to the best of our ability search these out and attack them."⁷⁹

Later that spring, McCloy and Allen Dulles went to Dallas to look at the scene of the murder.⁸⁰ The trip became a turning point for McCloy. Whereas before he had sometimes described himself as "a doubting Thomas," he came back from Dallas prepared to endorse the lone-assassin theory.⁸¹ Oswald, he decided, fit the pattern of a "loner" rather than a "plotter."⁸² He also reconciled his doubts about Connally's wounds and accepted that one of the three bullets fired from Oswald's rifle had hit both Kennedy and Connally.⁸³ Having made up his mind, McCloy was disappointed when the Commission decided it had to extend its deadline for submission of first-draft chapters of the report from June 1 to July 1. The "ugly rumors" in Europe would "spread like wildfire," he feared, if the publication of the report was delayed much longer.⁸⁴

Adding to McCloy's concerns about the drift in European opinion was the fact that Senator Barry Goldwater seemed assured of being the Republican Party's presidential nominee in the November elections. Goldwater's foreign-policy views, particularly on the Atlantic alliance, were strongly isolationist. McCloy recognized that, from a European perspective, both the assassination and Goldwater's impending nomination cast doubt on America's ability to lead the Atlantic alliance. So, for the first time since the Willkie campaign in 1940, he became active in Republican Party politics. In late June, Drew Pearson reported that McCloy was "working backstage" for Goldwater's strongest remaining opponent, Governor William Scranton of Pennsylvania.⁸⁵ There was pressure for

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McCloy to endorse Scranton, a political act he thought inappropriate for a man in his position. He was watching "Meet the Press" on July 12, 1964, when Scotty Reston asked Scranton why such men as McCloy and Lovett, who represented a certain high tradition in the Republican Party, had not come out forcefully against Goldwater. Scranton diplomatically replied that he knew McCloy and had a high regard for him, but that he didn't think it was appropriate for such a man to engage in party politics. As soon as the program was over, McCloy received a message from Scranton, and when he returned the call, Henry Kissinger came on the line and said he was speaking for the governor. Would McCloy help the Scranton campaign draft a platform plank on the control of nuclear weapons? McCloy said he would be happy to do this.⁸⁶ He would go that far, but he never allowed his name to be used at the convention in association with any "stop-Goldwater" effort.

By mid-July, it was too late: Goldwater's grass-roots organization of conservative Republicans easily gave him the nomination at San Francisco. Shortly after the convention, McCloy took a swing out to California and Illinois to gauge Goldwater's strength. He told Averell Harriman afterward that he had found evidence of "some nationalization of [the] Goldwater business. . . . Most of the businessmen were for him." He saw a real danger of an "overwhelming collapse of the [Republican] party."⁸⁷ He felt himself being dragged into partisan political matters, and he didn't like it. But he had already confessed in an earlier conversation with Harriman that "in the course of the campaign I may want to come out for the Democratic nominee. . . ."⁸⁸ Harriman called Mac Bundy, Johnson's national-security adviser, with this piece of political intelligence. He told Bundy that McCloy was "disturbed" and "almost ready to do anything within his dignity to help."⁸⁹ He advised Bundy, however, against organizing a "Republicans for Johnson" committee. McCloy would never have anything to do with something so publicly partisan. Instead, Harriman suggested that the White House get liberal and moderate Republicans like McCloy to sign on to an elite bipartisan committee. (McCloy wasn't the only distinguished Republican to feel so disaffected. Robert Lovett told McCloy he was going to vote for Johnson.⁹⁰)

Shortly before the Democratic convention in Atlantic City, Bundy took Harriman's advice. He wrote the president a memo entitled "Backing from the Establishment." Bundy has always disclaimed the existence of any "Establishment." But as the result of a satirical article by Richard Rovere in the May 1962 issue of *Esquire*, the term was in vogue among Bundy's circle of friends. Rovere had written that John Kenneth Galbraith, challenged to name the chairman of the Establishment, had by "sheer intuition" named John J. McCloy. The *Esquire* article had been written tongue in cheek; but even as men like Bundy had a good laugh reading Rovere's spoof, they had to admit that, as with all good satire,

there was some truth in his description of a foreign-policy establishment.⁹¹

So, in all seriousness, Bundy told Lyndon Johnson, a man he knew to be profoundly self-conscious around "Eastern Establishment" types, that "the key to these people is McCloy." Bundy defined "these people" as "the very first team of businessmen, bankers et al." McCloy, he wrote, "is for us, but he is under very heavy pressure from Eisenhower and others to keep quiet. I have told him that this is no posture for a man trained by Stimson, and I think he agrees in his heart, but I also think that in the end the person to whom he will want to say 'yes' is you. He belongs to the class of people who take their orders from Presidents and nobody else." Bundy also told the president that he knew McCloy's personal choice for the vice-presidential spot was Senator Hubert Humphrey, and "if in fact that is your decision, you might make a lot of money by telling McCloy just before you tell the country."⁹²

McCloy did think that Humphrey had "grown a great deal and has a good bit of sense."⁹³ There is no indication that the secretive Johnson let McCloy in on his choice of Humphrey as vice-president, but one can imagine him savoring the idea that the Establishment was closing ranks behind his campaign. Late in July, Harriman moved things along by planting a story idea with *New York Times* columnist C. L. Sulzberger. Why not urge the president to send Jack McCloy across the Atlantic to calm European concerns about both the assassination and Goldwater's nomination?⁹⁴ A week later, Sulzberger's widely read column reported, "... personalities high in the Government are giving serious thought to efforts to calm opinion in certain allied lands. There has been private talk of encouraging distinguished Republican moderates who do not sympathize with Senator Goldwater's more extreme views, to travel overseas during coming weeks and explain American realities and the underlying constancy of our national position." Sulzberger named McCloy as the ideal candidate for such a mission, not only because he was so "highly respected in Europe," but also because he was a member of the Warren Commission, "which is expected to lay the ghost of any suspicion Mr. Kennedy was killed by organized conspiracy."⁹⁵ In the event, McCloy was already too busy with other matters to take time off for a trip to Europe. (Unknown to Sulzberger, the president was talking to McCloy about a secret mission to the Middle East.)

Sulzberger may have expected the Warren Commission to bury all the "vicious speculation" about assassination plots, but even as he wrote his column, McCloy and the other commissioners were having trouble reaching consensus.⁹⁶ They discovered they were more or less evenly divided on such critical issues as the "single-bullet" theory. Russell, Boggs, and

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and mis- des the point here what McCloy was really saying is that they knew of no con- spirators whether or not there was a con- spiracy in fact not of which nature of conspiracy - the Commission did have and would not be a part of that - but had been a left spy agency - what he who missed is that he was a member of the Warren Commission - they did find out conspiracy

Cooper had "strong doubts." McCloy, Ford, and Dulles felt no other theory could satisfactorily explain what had happened. When Russell said he would not sign a report that stated flatly that one of the bullets had hit both Kennedy and Connally, McCloy mediated a compromise. He told Russell that the Commission could not afford the luxury of issuing majority and minority reports. The country had to have a unanimous report. Reaching for his yellow legal pad, McCloy began to scribble out some alternative language: he suggested saying that there was "very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds." However, Connally's testimony and "certain other factors have given rise to some difference of opinion as to this probability but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository."⁹⁷ This language acknowledged the doubts of Russell, Boggs, and Cooper, but made their dissent irrelevant to the critical issue of whether a lone gunman in the Book Depository was responsible for Kennedy's assassination. In the discussion that followed, which McCloy later called the "battle of the adjectives," Ford and Russell argued over McCloy's language. Ford wanted to strengthen the conclusion by saying that there was "compelling" evidence. Russell wanted to say only that there was "credible" evidence. In the end, they agreed to McCloy's description of "very persuasive evidence."⁹⁸

McCloy also brokered the wording of the Commission's primary conclusion, that Oswald had acted alone. The staff's initial draft stated that there had been "no conspiracy." Ford suggested it say that the Commission had found "no evidence" of a conspiracy. McCloy's language was finally agreed upon: "Because of the difficulty of proving a negative to a certainty the possibility of others being involved with either Oswald or Ruby cannot be rejected categorically, but if there is any such evidence it has been beyond the reach of all investigative agencies and resources of the United States and has not come to the attention of this Commission."⁹⁹ This was lawyers' language, and it laid "the dust" on all the "ugly rumors" of conspiracy without forcing the Commission to make a categorical denial, to "prove a negative." On the other hand, McCloy's language is categorical in its assertion that any such evidence of a conspiracy was beyond its reach. The commissioners, after all, had expressed doubts about the full cooperation of the CIA and the FBI. They had admitted among themselves that, if Oswald had had any kind of relationship with a U.S. intelligence agency, that fact probably could not be proved. They had been told by the CIA's Richard Helms that the Agency could not vouch for the testimony offered by the KGB defector Yuri Nosenko, that Oswald was not a KGB asset. They knew that Oswald's

He did not "hesitate" and this is far from all he told the FBI that should have interested the Commission

career, from the time he joined the Marines, was filled with mystery. Similar problems arose in the Commission's final report in dealing with Jack Ruby's connections to organized crime, the one group in the country with an unequivocal motive to kill the brother of the attorney general.

The public, however, was not to be privy to these doubts. When the report was released in late September, the eight hundred-plus pages, based on twenty-six volumes of testimony and thousands of field interviews by the FBI and the Selective Service, seemed quite definitive. *The New York Times* called it "comprehensive and convincing."¹⁰⁰ But in the end, the long-term credibility of the report was undermined as much by what it said as by what it left out. Reasonable people still could have concluded that in all probability Lee Harvey Oswald alone fired the shots that killed Kennedy. But too many questions arose in the course of its investigation for the Commission to state this or any other conclusion with finality.*

Over the years, McCloy was distressed whenever doubts were raised about the Commission's central verdict, that Oswald had acted alone. But on occasion, some of the Commission's own members voiced such doubts. Senator Russell told the press in 1970, "I have never believed that Oswald planned that [the assassination] altogether by himself."¹⁰² Lyndon Johnson himself privately told one of his aides in 1967 that "he was now convinced that there was a plot in connection with the assassination." The president suspected the CIA had "something to do with this plot."¹⁰³ As McCloy knew from his conversations with Johnson, the president had arrived at this conclusion when he was informed by the FBI of the CIA's plotting with the Mafia to assassinate Castro.¹⁰⁴ Later, McCloy told an interviewer of his own "frustration" with "the testimony of the C.I.A. before the Commission." He had a feeling the CIA could be telling the commissioners only "what they wanted us to hear."¹⁰⁵

For McCloy, the experience had been an exercise in frustration, and it pained him that his attempts to construct a consensus both within the Commission and, through its report, with the public at large, had unraveled over the years. Instead of putting the whole tragic business behind the country, the Warren Commission Report unintentionally planted the seeds of an enduring controversy. As Arthur Schlesinger put it, the Kennedy assassination had become a "quagmire for historians."¹⁰⁶

*Fifteen years later, the case was reinvestigated by the Select Committee on Assassinations of the House of Representatives. The Select Committee endorsed many of the Warren Commission's findings, but on the central question it concluded that Kennedy "was probably assassinated as a result of a conspiracy."¹⁰¹ In the same breath, the Committee admitted it was "unable to identify the other gunman or the extent of the conspiracy." The Committee's evidence was hardly definitive, and its conclusions never won credibility with scholars of the assassination.

is, was filled with mystery. The final report in dealing with the case of the one group in the country was written by the attorney general. It was subject to these doubts. When the report was released, it consisted of eight hundred-plus pages, and thousands of field interviews were conducted. It seemed quite definitive. *The report was* convincing."¹⁰⁰ But in the end, the case was undermined as much by the doubts of the people still could have been raised as Oswald alone fired the shots. The doubts arose in the course of its investigation or any other conclusion.

Whenever doubts were raised, Oswald had acted alone. But members voiced such doubts. "I never believed that Oswald did it himself."¹⁰² Lyndon Johnson said in 1967 that "he was not involved in the assassination." The question is, "What to do with this plot."¹⁰³ Johnson, the president had been advised by the FBI of the CIA's activities. "Later, McCloy told me that the testimony of the C.I.A. was that the CIA could be telling the truth." ¹⁰⁴

Exercise in frustration, and a consensus both within the public at large, had unraveled a tragic business behind the scenes intentionally planted the seeds. Schlesinger put it, the case for historians."¹⁰⁶

select Committee on Assassinations. The committee endorsed many of the conclusions it concluded that Kennedy was assassinated.¹⁰¹ In the same breath, the committee concluded that the gunman or the extent of the conspiracy, and its conclusions never

McCloy was in Cairo, waiting for an appointment with President Nasser, the day the Warren Commission Report was released. Johnson had sent him once again to use his charms on the Egyptian president in an effort to revive Egyptian-American relations. Since McCloy's last visit, in June 1963, Nasser had hosted a highly publicized state visit to Egypt by Nikita Khrushchev. The Johnson administration feared that Nasser was providing the Soviets with a solid foothold in the Middle East. Washington was also unhappy over Nasser's intervention in the Yemeni civil war, where fifty thousand Egyptian troops were backing the Republican government. Worse, U.S. intelligence sources had determined that the Egyptian surface-to-surface-missile program was progressing, a development that threatened a major new Arab-Israeli arms race. McCloy had been instructed by Johnson to raise all these issues with Nasser.

Given the upcoming election, Johnson had not wanted it known that he had sent a high-level emissary to talk with the controversial Egyptian leader. McCloy's mission, and even his presence in Cairo, were supposed to have been a secret, but there was a leak, and the Egyptian press reported on September 29, 1964, that Nasser would be seeing John McCloy as a "special representative of President Johnson." The U.S. Embassy quickly tried to cover the slip by releasing a statement to the wire services that McCloy was in Cairo on one of his "periodic visits" to discuss Ford Foundation projects with various Egyptian officials. He was to see Nasser only as a courtesy, to convey President Johnson's "personal greetings."¹⁰⁷ When questioned by newsmen after he had spent an hour with Nasser in his suburban Cairo villa, McCloy told them that he had given him a copy of the Warren Commission report and that they had discussed "a variety of world issues."¹⁰⁸

This was McCloy's fourth or fifth session with Nasser since 1957, and he found the Egyptian president "less suspicious and more willing to talk about the arms problem" than on his last visit. But his mission was no more successful than on previous visits. McCloy had been authorized by the State Department to tell Nasser that, if he froze the Egyptian missile program, Washington would persuade the Israelis to do the same. McCloy also assured Nasser that the Israelis were not refining bomb-grade plutonium. (This turned out to be incorrect: it later became clear that the Israelis had acquired a nuclear-weapons capability.) Nasser listened politely to these assurances, but gave no indication that he would respond positively. When the conversation turned to the still-festering Palestinian problem, Nasser confessed he had no solution to offer and implied that another war was no answer.¹⁰⁹

At the end of their talks, McCloy raised an issue of concern to Chase

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Manhattan Bank, where he was still a board director. He asked what Nasser could do to keep Chase off the Arab Boycott Committee's list of proscribed companies.¹¹⁰ Earlier that summer, in response to a report that the bank was being investigated by the Committee, Chase officials had submitted documentation of their contention that Chase had not acted directly as a financial agent for Israel.¹¹¹ Nasser listened with more than polite interest to this plea. Egypt already had a \$10-million commercial loan from Chase, and he wanted to be able to extend his lines of credit with Chase and other New York banks. (McCloy's representation seems to have convinced Nasser, since, with the exception of Syria, most Arab states thereafter continued to deal with Chase Bank.¹¹²)

Back in Washington, McCloy told Harriman and other State Department officials that he was not optimistic that Nasser would freeze his missile program. "We were asking him something," he said, "that was very hard for him to do." But he thought the talks worthwhile, and if "we kept working on Nasser, we might eventually get some results." Harriman agreed, though he felt it was going to be tough to get the Israelis and their domestic "supporters to think of the long-range aspects of our policy and understand why it was desirable for us to continue frank discussions with Nasser."¹¹³

By the time McCloy returned from the Middle East, Lyndon Johnson was poised to win his own electoral mandate for the presidency. The Democrats had convinced many Americans that Senator Goldwater should not have his finger on the nuclear button. By contrast, Johnson was presented as a peace candidate, committed to keeping the United States out of a ground war in Vietnam, and dedicated to preventing the proliferation of nuclear weapons. On such weighty issues, Johnson seemed to have bipartisan support. This was reinforced for the voters that autumn by the formation of two panels of foreign-policy advisers: the President's Panel of Foreign Policy Consultants and a special task force to study nuclear proliferation. McCloy agreed to have his name associated with both groups, which included all the familiar names: Arthur Dean, Allen Dulles, Robert Lovett, Eugene Black, Roswell Gilpatric, and others. *The New York Times* dryly observed that Johnson was "eager" to "project an image of bipartisanship and unity in foreign affairs."¹¹⁴ Despite the overt political purpose, McCloy was happy to loan his reputation to Johnson. Like 61.2 percent of the American electorate that November, he voted Democratic—for only the second time in his life.

1987.) Thus, in the midst of the "Soviet combat-brigade" affair of 1978, McCloy was consulted by the Carter administration and questioned as to what exactly had been negotiated. He reported, of course, that no agreement had been reached barring Soviet troops from the island, only that the Soviets had promised to withdraw those troops associated with the operating of the missiles. Similarly, critics in recent years have mistakenly charged that McCloy gave the Soviets a firm pledge not to invade Cuba. In fact, Henry Kissinger told the Soviets in 1970 that the Nixon administration believed that the understandings of 1962 "were still in force" and that the United States had pledged that it "would not use military force to bring about a change in the governmental structure of Cuba." If anything, Kissinger's statement represented an expansion of the McCloy-Kuznetsov understandings. (Martin, unpublished manuscript, p. 133.) Finally, twenty-five years after the crisis, Jack Anderson and Dale Van Atta charged that the Soviets had violated the "understandings" by placing a dozen TU-95 Bear bombers and some 40 MiG-23 or MiG-27 fighter-bombers in Cuba. Such planes, they point out, are all capable of carrying nuclear weapons. (Jack Anderson and Dale Van Atta, "Cuban Missile Crisis Facts Under Wraps," *WP*, Oct. 9, 1987.) If such reports are true, they merely underscore the limited nature of the understandings reached by McCloy in 1962 and remind us that what was unacceptable on the domestic political stage in 1962 is today merely a redundant fact of life in the age of nuclear parity.

101. Paul Hoffman, *Lions in the Street: The Inside Story of the Great Wall Street Law Firms*, p. 41.

102. McCloy to President Kennedy, 2/21/63, JFK.

103. Lew Douglas to Clint Murchison, 4/15/63, LD.

104. McCloy to Lew Douglas, 6/7/63, LD; McCloy to Herbert Hoover, 6/5/63, HH.

105. McCloy to Eisenhower, 6/6/63, DDE.

106. Endicott Peabody memo to the president, "John McCloy on Vietnam and the Presidency," 11/6/67, NSF, Memos to the President, vol. 53, box 26, LBJ. Robert McNamara claims that before his death Kennedy had already made the decision to withdraw U.S. troops from Vietnam. (Robert S. McNamara interview, March 7, 1990.)

107. McCloy to Lew Douglas, 6/7/63, LD.

108. McCloy interview, March 19, 1986.

109. McCloy to Lew Douglas, 6/7/63, LD.

110. Rusk cable to Cairo, Rome, et al., re: McCloy itinerary, 6/18/63, DOS FOIA.

111. *NYT*, July 4, 1963.

112. McCloy to Johnson, 11/23/63, LBJ.

BOOK SIX

TWENTY-FIVE: THE WARREN COMMISSION, A BRAZIL COUP, EGYPT AGAIN, AND THE 1964 ELECTION

1. *Baltimore Sun*, July 21, 1975 (courtesy of Harold Weisberg).

2. Doris Kearns, *Lyndon Johnson and the American Dream* (New York: Harper & Row, 1976), p. 170.

3. Lyndon Baines Johnson, *The Vantage Point: Perspectives of the Presidency 1963-1969* (New York: Holt, Rinehart & Winston, 1971), p. 26.

4. Johnson, *Vantage Point*, p. 26; Alfred Steinberg, *Sam Johnson's Boy: A Close-up of the President from Texas* (New York: Macmillan, 1968), p. 625. Fortas was the lawyer who ensured Johnson's election to the Senate in 1948 by an eighty-seven-vote margin. The first phone call Johnson made in Dallas immediately after the assassination was to Fortas. (Jack Harrison Pollack, *Earl Warren: The Judge Who Changed America* [Englewood Cliffs, N.J.: Prentice-Hall, 1979], p. 260.)

" affair of 1978, McCloy was as to what exactly had been reached barring Soviet sed to withdraw those troops in recent years have mistakes not to invade Cuba. In fact, administration believed that the United States had pledged that in the governmental structure an expansion of the McCloy- (p. 133.) Finally, twenty-five charged that the Soviets had Bear bombers and some 40 they point out, are all capable n Atta, "Cuban Missile Crisis e true, they merely underscore y in 1962 and remind us that 52 is today merely a redundant

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5. Steinberg, *Sam Johnson's Boy*, p. 626.

6. Pollack, *Earl Warren*, p. 229.

7. Johnson later claimed that Bobby Kennedy specifically asked him to appoint both McCloy and Allen Dulles to the Commission. This seems unlikely, since the attorney general at the time acted as if he was emotionally incapable of involving himself in any investigation of who killed his brother. (Johnson, *Vantage Point*, p. 27; Arthur M. Schlesinger, Jr., *Robert Kennedy and His Times*, p. 662.)

8. Steinberg, *Sam Johnson's Boy*, p. 625.

9. *The Official Warren Commission Report on the Assassination of President John F. Kennedy*, with special analysis and commentary by Louis Nizer (Garden City, N.Y.: Doubleday, 1964), p. vi-a.

10. Warren Commission meeting transcript, 12/16/63, p. 52, JFK.

11. Warren Commission meeting transcript 12/5/63, p. 37, JFK. On the other hand, McCloy decided that the power to grant immunity to hostile witnesses was unnecessary to the Commission's work. This decision has been attacked by critics of the Warren Commission. (*Ibid.*, p. 61.)

12. Warren Commission meeting transcript, 12/5/63, p. 37, JFK.

13. Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of the Truth* (New York: Bantam, 1966), p. 30.

14. Robert Sam Anson, *"They've Killed the President": The Search for the Murderers of John F. Kennedy* (New York: Bantam, 1975), p. 39.

15. John A. McCone to Lyndon Johnson, 1/9/64, LBJ.

16. Mark Lane, *Rush to Judgment* (New York: Holt, Rinehart & Winston, 1966), p. 7; Henry Hurt, *Reasonable Doubt: An Investigation into the Assassination of John F. Kennedy* (New York: Henry Holt, 1985), pp. 28-29.

17. Warren Commission meeting transcript, 12/5/63, p. 58, JFK.

18. Jan Black, "Linkage Groups and Denationalization: Denationalizing Business Elites, United States Penetration of Brazil," unpublished manuscript, p. 87.

19. Edie Black and Fred Goff, *The Hanna Industrial Complex* (New York: North American Congress on Latin America, 1969), p. 8.

20. Memo of conversation, 9/20/63, DOS FOIA.

21. Jack W. Buford interviews, Jan. 17, 1985, Feb. 1, 1985.

22. John W. F. Dulles, "Hanna in Brazil," unpublished manuscript, pt. IX, pp. 337, 340. As recently as Aug. 21, 1963, for instance, Gordon had cabled Washington, "If God really is Brazilian, Goulart's heart trouble of 1962 will soon become acute. . . . Goulart will almost certainly do his best to institute some form of authoritarian regime."

23. "Proposed Short Term Policy: Brazil," State Department secret report, 9/30/63, AH. This document mentions such activities as initiating a "covert program" to "assure U.S. penetration of the non-commissioned officers of all three [Brazilian military] services." The report also recommends "quick recognition and support to any regime which the Brazilians install to supplant Goulart's regime. . . ." See also Ruth Leacock, "JFK, Business, and Brazil," *Hispanic American Historical Journal*, vol. 59, no. 4 (Nov. 1979), p. 667. Not everyone was as pessimistic as Ambassador Gordon. Tom Hughes, director of the State Department's Intelligence and Research Bureau, argued with his colleagues that Goulart was simply a "social reformer" and that Gordon's analysis lacked "validity." (Thomas L. Hughes secret memo to Mr. Martin, State Department, 8/29/63, AH.)

24. Jack W. Buford interview, Jan. 18, 1985.

25. Vernon Walters, *Silent Missions* (Garden City, N.Y.: Doubleday, 1978), p. 388.

26. McCloy-Harriman telcon, 11/4/63; McCloy-Harriman telcon, 11/29/63, AH; Frederic L. Chapin to McCloy with enclosures, 12/16/63, AH.

27. Dulles, "Hanna in Brazil," p. 355.
28. *Ibid.*, pp. 346-47, 359.
29. *Ibid.*, p. 360.
30. Harriman-McCloy telcon, 3/10/64, AH.
31. Dulles, "Hanna in Brazil," p. 366.
32. Walters to ACSI, Department of State cable, 3/27/64, LBJ.
33. Walters, *Silent Missions*, p. 386.
34. Top-secret Joint Chiefs of Staff cable to CINCSTRIKE, 3/31/64, LBJ; Ruth Leacock, "Promoting Democracy: The United States and Brazil, 1964-68," *Prologue*, 1981, p. 79; see also Department of State cable from American Consulate in São Paulo, 3/30/64, LBJ.
35. CIA intelligence-information cable, 3/30/64, LBJ.
36. Jan Black, "Linkage Groups and Denationalization, Denationalizing Business Elites," p. 87, unpublished manuscript.
37. Jack W. Buford interviews, Jan. 17, 1985, Feb. 1, 1985.
38. Black and Goff, *Hanna Industrial Complex*, p. 4; Philip Siekman, "When Executives Turned Revolutionaries," *Fortune*, Sept. 1964, p. 221.
39. When Arthur Schlesinger expressed his puzzlement as to why the United States had "rushed to embrace the new Brazilian regime," he received a firm rebuke from McGeorge Bundy, who said Johnson was "considerably annoyed" by this criticism. Bundy explained that Johnson was extremely sensitive to the suggestion that his administration's policies in Brazil represented a reversal of John Kennedy's support for democratic forces in Latin America. (McGeorge Bundy to Schlesinger, 5/12/64; Schlesinger airgram to State Department, 4/23/64, LBJ.)
40. Ruth Leacock, "Promoting Democracy," p. 81.
41. State Department airgram, 11/10/64, reporting on McCloy's call on President Branco, 11/5/64, DOS FOIA.
42. Hurt, *Reasonable Doubt*, p. 19.
43. *Ibid.*, p. 327.
44. David S. Lifton, *Best Evidence: Disguise and Deception in the Assassination of John F. Kennedy* (New York: Macmillan, 1980), p. 106.
45. *Ibid.*, pp. 83-84.
46. *Ibid.*, p. 85.
47. Warren Commission meeting transcript, 12/16/63, p. 55, JFK; Hurt, *Reasonable Doubt*, p. 43.
48. Warren Commission meeting transcript, 12/16/63, p. 35, JFK.
49. *Ibid.*, p. 12.
50. Hurt, *Reasonable Doubt*, p. 252.
51. Edward J. Epstein, *Legend: The Secret World of Lee Harvey Oswald* (New York: Reader's Digest Press, 1978), p. 17.
52. *Ibid.*, p. 264.
53. David E. Scheim, *Contract on America: The Mafia Murder of President John F. Kennedy* (New York: Shapolsky Publishers, 1988), p. 218; *NYT*, Nov. 29, 1985.
54. Hurt, *Reasonable Doubt*, p. 32.
55. Epstein, *Legend*, p. 254.
56. *Ibid.*, p. 232. The CIA also withheld Agency documents reporting that a Cuban agent named Miguel Casas Saez was in Dallas on Nov. 22, 1963, on a "sabotage and espionage mission." (Hurt, *Reasonable Doubt*, pp. 420-22.)
57. Warren Commission meeting transcript, 12/16/63, p. 39, JFK.
58. Hurt, *Reasonable Doubt*, p. 214.

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39, JFK.

59. McCloy interview, BBC Panorama, March 6, 1978.
60. Pollack, *Earl Warren*, p. 237.
61. Lane, *Rush to Judgment*, p. 368.
62. *Ibid.*, p. 367-68.
63. Anson, "They've Killed the President," pp. 46-47.
64. Pollack, *Earl Warren*, p. 235.
65. C. D. Jackson to McCloy, 1/20/64, DDE.
66. Lifton, *Best Evidence*, p. 73.
67. Warren Commission meeting transcript, 4/30/64, pp. 33-35, JFK.
68. Pollack, *Earl Warren*, p. 245.
69. *Long Beach Independent Press*, July 3, 1967.
70. *The Final Assassinations Report*, House Select Committee on Assassinations (New York: Bantam, 1979), p. 34; Hurt, *Reasonable Doubt*, pp. 53-54.
71. Hurt, *Reasonable Doubt*, p. 108.
72. David W. Belin, Esq., *November 22, 1963: You Are the Jury* (New York: Times Books, 1973), p. 194.
73. Pollack, *Earl Warren*, p. 244. In fact, the House Select Committee on Assassinations concluded in 1978 that such "smokeless" gunpowder can indeed be seen when fired. (Hurt, *Reasonable Doubt*, p. 117.)
74. Tom Mangold, *Cold Warrior James Jesus Angleton: The CIA's Master Spy Hunter* (New York: Simon & Schuster, 1991), pp. 174-75; Epstein, *Legend*, pp. 47-48.
75. Epstein, *Legend*, p. 49. *I know of no person to whom this &*
76. Nosenko actually brought with him some documentation of his story, including some papers from Oswald's KGB file. These documents testified that the Soviets indeed feared that Oswald was a sleeper agent under the control of U.S. intelligence. Nosenko said orders were given for Oswald to be kept under surveillance but not recruited. He claimed that, when Oswald was accused as Kennedy's assassin, KGB officials feared that someone in their organization might nevertheless have recruited him. A bomber was quickly dispatched to Minsk, Nosenko says, to retrieve Oswald's file, and KGB officials were relieved to read that the ex-Marine had never been recruited. (Anson, "They've Killed the President," p. 164.)
77. McCloy interview, BBC Panorama, March 6, 1978; see also McCloy questioning of Alan H. Belmont, assistant to the director of the FBI, in *The Witnesses: Selected and Edited from the Warren Commission's Hearings by the New York Times* (New York: McGraw-Hill, 1964), pp. 604-13, 526, 551.
78. Anson, "They've Killed the President," p. 154.
79. Warren Commission meeting transcript, 4/30/64, p. 18, JFK.
80. *Ibid.*, p. 31.
81. *Baltimore Sun*, July 21, 1975 (interview of McCloy on CBS by Eric Sevareid).
82. *The Witnesses*, p. 553.
83. Pollack, *Earl Warren*, p. 250.
84. Epstein, *Inquest*, p. 81.
85. Drew Pearson, Bell-McClure Syndicate, June 22, 1964.
86. McCloy-Harriman telcon, 7/13/64, AH.
87. McCloy-Harriman telcon, 8/4/64, AH.
88. McCloy-Harriman telcon, 7/13/64, AH.
89. Harriman-Mac Bundy telcon, 7/13/64, AH.
90. Harriman-McCloy telcon, 8/4/64, AH.
91. In a 1978 postscript to his famous essay, Rovere wrote, "There was no American Establishment; of course there wasn't, yet in a way there was, and in any case the chairman

of the board had to be John J. McCloy." (Richard Rovere, "The American Establishment," *Wilson Quarterly*, Summer 1978, pp. 170-84.)

92. McGeorge Bundy memo to the president, "Backing from the Establishment," 8/24/64, Bundy Memos, LBJ.

93. Harriman-McCloy telcon, 8/4/64, AH.

94. Cyrus Sulzberger-Harriman telcon, 7/23/64, AH.

95. *NYT*, Aug. 1, 1964.

96. *Ibid.*

97. *Official Warren Commission Report*, p. 19.

98. Epstein, *Inquest*, p. 122.

99. *Ibid.*, p. 124.

100. Pollack, *Earl Warren*, p. 253.

101. *The Final Assassinations Report*, House Select Committee on Assassinations (New York: Bantam, 1979), p. 104.

102. Hurt, *Reasonable Doubt*, p. 30.

103. FBI memo, C. D. De Loach to Mr. Tolson, 4/4/67, FBI FOIA.

104. McCloy told an interviewer in 1978, "I must assume he [Johnson] knew it at the time when I was sort of visiting with him and we were talking about these matters—that there had been an effort, on behalf of the CIA, to assassinate Fidel Castro, and that therefore this was logical that Fidel Castro was retaliating and had retaliated." (McCloy interview, BBC Panorama, March 6, 1978.)

105. *Ibid.*

106. Scheim, *Contract on America*, p. vii.

107. Ambassador Lucius Battle cable to secretary of state, 9/29/64, DOS FOIA.

108. *NYT*, Sept. 29, 1964.

109. "McCloy's Impressions of His Meeting with President Nasser on September 28," State Department memorandum of conversation, 10/6/64, AH.

110. *Ibid.*

111. *NYT*, Dec. 19, 1964.

112. Eugene Bird interview, Aug. 11, 1988; Ben Read memo to Mac Bundy, 1/8/65, LBJ.

113. "McCloy's Impressions of His Meeting with President Nasser on September 28," State Department memcon, 10/6/64, AH.

114. *NYT*, Sept. 10, 1964, Nov. 2, 1964.

TWENTY-SIX: McCLOY AND VIETNAM: 1965-68, NATO CRISIS, SECRET MIDDLE EAST NEGOTIATIONS

1. Alvin Wirtz to LBJ, 5/20/40, LBJ (courtesy of Robert Dallek).

2. George C. Herring, *America's Longest War: The United States and Vietnam 1950-1975* (New York: Alfred A. Knopf, 1979, 2nd ed. 1986), p. 110; NSC action memo no. 273, 11/26/63, LBJ.

3. Herring, *America's Longest War*, p. 116.

4. *NYT*, n.d. (1965) reports McCloy receiving \$30,000 from the Ford Foundation; *Wall Street Journal*, March 1, 1965, reports he was paid \$49,914 by Chase in 1964, and he must have drawn a minimum of \$100,000 from his Milbank, Tweed partnership. Finally, he was being paid thousands of dollars as a board director for numerous corporations.

5. Dean Rusk memorandum of conversation with Mr. John J. McCloy, 6/20/64, LBJ.

6. Endicott Peabody memo to the president, 11/6/67, NSF, Memos to the President, vol. 53, box 26, LBJ.

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As we wondered why he uses so little of what he got from me and credits what he knows is my work to others, as in simply the executive session transcripts, one possible explanation is that by and large he agrees with the Warren Report. I do not know all he copied but he did go through my Commission file, where the transcripts are.