

The Documents

Even the available Warren Commission transcripts have gaps in them. There are portions of the discussion, often just as sensitive and provocative matters are being raised, when the Commissioners decided to go "off-the-record" and the official court reporter stopped taking notes. One does not know how long these discussions took or what they covered. This material is beyond retrieval.

In addition to the executive sessions and special staff meetings, the Commission took direct testimony from 94 witnesses, including President and Mrs. Johnson; Mrs. John F. Kennedy; Secretary of the Treasury C. Douglas Dillon (in whose department resides the Secret Service); Secretary of State Dean Rusk (whose department handled Oswald's passport problems during his Soviet sojourn); FBI Director Hoover; CIA Director John A. McCone and his deputy, Richard M. Helms; Texas Attorney General Waggoner Carr; Secret Service Chief James J. Rowley; Mrs. Marina Oswald (Oswald's widow); Mrs. Marguerite Oswald

(Oswald's mother); and Jack Ruby, the man who killed Oswald in the Dallas police station on November 24. The staff interviewed 395 other witnesses. However, the Commission apparently disregarded the recommendation of Texas Attorney General Carr that all FBI and CIA agents who were in the Dallas area in the period immediately before and following the Kennedy assassination be interviewed as well. Carr's written recommendation to General Counsel Rankin was based on the long-held suspicion that Oswald may have been employed by either the CIA or the FBI. What follows is an annotated chronology of the Warren Commission's executive sessions, including the lengthy meeting between two of the Commissioners, staff members and a panel of three psychiatrists.

The Commission Meeting of December 5, 1963

This was the organizational meeting of the Commission at the National Archives. The Commission had no staff and no quarters of its own; the principal object of the session was to organize the

investigation. Yet, the first insights into the thoughts of the seven men began emerging quickly, almost as soon as the chairman called the session to order. What preoccupied the Commission from the outset was its historic responsibility, its relations with the FBI and the Justice Department, and the sensitive problem of how to deal with the real Texas inquiry. Katzenbach, the Deputy Attorney General, had spent a part of the time to advise the Commission. This is how Warren launched the Commission:

Chairman: Gentlemen, this is a very sad and solemn duty that we are undertaking, and I am sure that there is not one of us but who would rather be doing almost anything else that he can think of than to be on a commission of this kind. But it is a tremendously important one. The President, I am sure, is right in trying to make sure the public will be given all of the facts of this sordid situation . . .

Warren: I went on to suggest, however, that the Commission refrain from hiring its own investigators or obtaining subpoena powers. The colleagues, concerned about their credibility, thought this too self-limiting and made it clear that the Commission should have subpoena powers. They were worried, though, that their investigation might improperly interfere with Jack Ruby's murder trial scheduled for February, 1964. John McCloy summed up these problems:

Mr. McCloy: Yes. Now I have the feeling that the prestige, the standing of this Commission, everybody is looking for it to come forward promptly, with an objective comprehensive report which will lay all the dust, and right across our path is this incident of the pending murder trial . . . I have a feeling that we have another obligation than the mere evaluation of the reports of agencies, many of which as you suggested, or some of them at least, may be interested, may be involved. There is a potential culpability here on the part of the Secret Service and even the FBI, and these reports, after all, human nature being what it is, may have some self-serving aspects in them. And I think that if we didn't have the right to subpoena documents, the right to subpoena witnesses if we needed them, that this Commission's general standing might be somewhat impaired. We could use them of course with great discretion and I certainly wouldn't want them to go running around examining witnesses, but I can visualize occasionally when we will want to examine witnesses . . .

Rep. Boggs: I think it would be a mistake if we should suddenly get to a point in the conduct of this Commission where we had to do that and all of a sudden we appear in Congress and ask for this power. If we just ask for it in the course of events of the first meeting of this Commission I think it would be well and proper . . .

Rep. Ford: Hale, I agree with you a hundred percent. I think it would raise the stature of this Commission if this were something that we unanimously agreed upon from the outset. It would give us a standing more than what we have at the present time.

Sen. Russell: It occurs to me, since Mr. McCloy has mentioned it, it would decrease the use of self-serving conclusions if we had that power. Understand, I'm not looking for anyone, I'm not suspicious of anyone going out to cover up, but people will be writing about this thing. I told the President the other day, 50 years from today people will be saying he had something to do with it so he could be President. . . .

But Warren, still anxious to keep the Commission's work within what he considered manageable proportions, kept demurring.

Chairman: If the rest of you want the subpoena power that is perfectly all right with me, but if we have the subpoena power people are going to expect us to use it. Witnesses are going to have the right to come in and say, here, I've got this testimony, I want to give it before your committee. And if they are cranks, if they are nuts, we are in a bind because if we don't hear them at least they are going to go out and say we have suppressed the evidence on them and we only heard the things that we wanted to hear, etc.

Rep. Boggs: But Mr. Chief Justice, won't that happen whether we have the subpoena power or not?

Chairman: Well I think maybe it would to some extent, but if we're proceeding, on the theory that this was a job of evaluation of evidence rather than of gathering of evidence it will enable us to go to the various agencies of the government and have these people who want to be witnesses investigated, have their testimony appraised by them and then submitted to us for evaluation. That was my thought.

Mr. McCloy: I somehow come back finally to the conviction that this is something we have to do. This Commission is going to be criticized . . . no matter what we do but I think we would be more criticized if we were simply posed before the world as something that is evaluating government agencies' reports, who themselves may be culpable. And I have a feeling that it is within the dignity of this Commission that we should have this, and if we have good counsel he can separate out the nuts from the others, and say I think you ought to talk to this man or you shouldn't talk to him . . .

Finally, under prodding from McCloy, Ford, Boggs and Russell, the Commission passed a resolution providing for introduction of a bill in Congress that would grant subpoena powers to the presidential body. But the decision was made not to ask for the power to grant immunity to witnesses.

From the first day, the Commission was worried about the Texas court of inquiry. Warren described it as a "strange sort of institution" that in the past did not perform very admirably. Katzenbach explained that the Texas court normally holds public hearings, takes evidence, but comes to no conclusions. "Obviously in irresponsible hands" this procedure could be abused, he added.

Warren remarked that the Texas authorities had engaged among their counsel "a gentleman by the name of Jaworski" (Leon Jaworski who, 10 years later, would become the Watergate Special Prosecutor), whom he called a fine lawyer. But Warren commented that "I personally would be very happy if the state of Texas would decide not to hold any such hearings until this Commission had an opportunity to survey the situation and make its appraisal, because if there should be some irresponsible witnesses come before that Commission (in Texas) and give sensational testimony to the public, no findings that they are untrue or anything, and we would have the job of allaying the public fears that developed from that kind of testimony and I think it would be very bad indeed."

Leads of information attributed to the FBI concerning the bureau's initial findings annoyed the Commission that first day. The Commission was still awaiting the FBI's first full report, and Sen. Russell asked acidly, "how much of their findings does the FBI propose to release to the press before we present the findings of this Commission." This was the beginning of a sub rosa, but intense and sustained feud between the Commission and the FBI that was to

significantly color the ensuing proceedings. Underlining the internal frictions between the attorney general's office and the FBI (the FBI's autonomy within the Department of Justice was a traditional problem facing attorneys general), Katzenbach told the Commission that although Hoover seemed "utterly furious" about the leaks, there could be no question that information came from the bureau.

The balance of the Commission's first session was devoted to discussing the hiring of a general counsel—a number of names were suggested (McCloy said that even Thomas Dewey, the 1944 and 1948 Republican presidential candidate, would be available)—but no decision was made. Allen Dulles remarked that "I don't think it should be anybody from Texas." The Commissioners kept coming back to the problem of handling their press relations—the Commission lived in constant fear of leaks and press criticism—and, at one point, it was suggested that the FBI provide a press spokesman. The idea was quickly dropped.

Ford asked the Chairman to clarify his plans for the Commission meetings later in December because "we have a holiday season coming up, at least I have, with some family plans." McCloy asked, "Can I go to Brazil next week?" Warren suggested an afternoon meeting to keep searching for a general counsel, but McCloy could not make it. "I have this luncheon with the President, whatever it is. They made it very clear to me it was a command performance," he said. The Commission adjourned until the next day.

The Commission Meeting of December 6, 1963.

Again, the Commission found itself bogging down in the problem of the Texas Court of Inquiry. Katzenbach was negotiating with Texas Attorney General Carr who had come to Washington, but whom Warren refused to see for three days, having the Texan cool his heels in his hotel room. Warren was holding out for a formal promise that the Texans would hold no hearings until the Commission completed its own investigation. There was uncertainty whether the Warren Commission could issue its report before the end of Ruby's trial, which the Chairman feared might last until May or June. The quandary was that, on the one hand, the report could prejudice a trial in progress and, on the other, that the Commission could reasonably delay finishing its work only so long. The Commission kept wondering what the FBI was doing and just how much the CIA knew about the assassination. The public was never told about the Commission's doubts concerning the FBI and the CIA. As for Allen Dulles, he emerged as an informal spokesman for the CIA, repeatedly offering his former agency's services and insisting that the FBI transmit its material to the CIA as expeditiously as possible.

Mr. Dulles: . . . We would probably want to receive from the State Department and the FBI, at some time appropriate, their reports in regard to the effect of the sad incident, abroad, the attitude taken in various countries. I was in touch with the CIA, which runs what you may call the Foreign Broadcasting Information Service, which means we intercept on a world-wide basis all the radio messages that are sent out, which include, in the case of the Soviet Union, a great deal that is published. They have collected on their own, before I spoke to them, quite a little on this, which is summarized in this pamphlet. Now, while some of those are marked Confidential and some are For Official Use Only, there is very little that is confidential, really. The only confidential thing is that we pick these messages up and do intercept them personally, but it is not advertised that this is a CIA operation. I have copies of the summary, which I can distribute to each member . . . If you don't want to keep them you can destroy

them . . .

When McCloy asked Warren whether he had communicated with the CIA, an exchange ensued that once again demonstrated how discreetly the Commission felt it had to act towards the intelligence community.

Chairman: No, I have not, for the simple reason that I have never been informed that the CIA had any knowledge about this.

Mr. McCloy: They have.

Chairman: I'm sure they have, but I did not want to put the CIA into this thing unless they put themselves in.

Mr. McCloy: Don't we have to ask them if we're on notice that they have?

Chairman: We have to do it with all of them . . . We have not done it with any of them yet because we have not been in that position . . . I think we have to ask them. We have to ask the Secret Service. We have to ask the FBI.

Sen. Russell: State Department may have something.

Chairman: Yes, the State Department. And I think we ought to ask the White House direct if they have anything further that they might like to have us consider in connection with this.

Sen. Russell: . . . Would it be appropriate for us to seek to get such information as the Dallas police, Texas State police, have or should we get that from the FBI?

Russell's question went unanswered inasmuch as the Commission had not yet resolved the Texas rivalry problem. Quite bitterly, Warren told the Commission that he had received "a four-page, single spaced letter" from Waggoner Carr, mainly showing "the importance of their court and what they're going to do," but with "no offer to do anything else other than have their Court of Inquiry." Warren then read a letter he had sent Carr stating that "it is the view of the Commission . . . that a public inquiry in Texas at this time might be more harmful than helpful in our search for the truth."

"I think that we have to show a spirit of cooperation with these people and still . . . not reveal everything we have got or anything about our innermost secrets," Warren told the Commissioners. "We don't have to do that to cooperate with these people . . . I've cooperated with the federal government in a thousand things when I was in state government (Warren had served as governor of California) and we didn't tell everything . . ."

Meanwhile, J. Lee Rankin, the former solicitor general, emerged as the leading candidate for the post of general counsel, although no action on his appointment was taken at the December 6 meeting. And, again, the FBI came in for criticism for new leaks to the press. Boggs and McCloy agreed that it was "outrageous" and Warren remarked that "it would be a great mistake for us either to feel ourselves, or to give the impression to the public, that we sought the assistance of the FBI or the Department of Justice in picking our counsel."

The Commissioners' travels kept interfering with the group's work. Boggs said he had to catch a plane. McCloy announced that "I'm going to leave on Sunday for London for a day . . . It's a queer business but we know this happens. I have to go over and make a speech in London and come back the same day. It's crazy." But McCloy also had to catch a plane that same afternoon.

The Commission Meeting of December 16, 1963.

On December 9, the Commission received a five-volume report from the FBI—and the bureau again came under attack. First, Allen Dulles reported that "my copy of the FBI report got to me all right but I was surprised . . . It got there in a big box and I thought it was some more of my books; I shoved it aside and I didn't have it under any security at all." Then this exchange developed over the CIA:

Chairman: We have been . . . notified by the Secret Service that they'll perhaps have their report in before the end of the week. The CIA said that it has no big report to make but it has some communications that it wants to present to us and it will do so when Mr. Rankin tells them we're ready for it.

Mr. Dulles: They have not seen the annexes to the FBI report. They do not have those. Their report could only be of value, in my opinion, unless they have something extraneous, after they have seen the FBI report.

Mr. McCloy: But they do have something that is extraneous.

Mr. Dulles: That we ought to get.

Chairman: Yes. They have Oswald's trip down to Mexico, for one thing, I know. Where he went to the Cuban Embassy down there, and possibly some other agency. . . . And I think we also ought to make a formal recommendation of the Texas people to send us their reports.

Rep. Boggs raised the question of Mrs. Marina Oswald and security surrounding her. "She's a Russian citizen," he said. "She might just take off and leave." This led to the following discussion:

Mr. Dulles: I was rather worried about that. She's been in touch with the Soviet Embassy, that we know, and of course she might just take off and go to Mexico.

Chairman: The only thing that I heard was that the Secret Service took her into protective custody so that nothing would happen to her. Now, what they have done since that time I don't know. They were afraid that something might happen to her, as happened to her husband, so they took her to some unknown place, I think.

Rep. Ford: It would be another bad flavor, I think.

Chairman: You're exactly right.

Mr. McCloy: There's another woman here that intrigues me and that is Mrs. Ruth Paine.

Mr. Dulles: And her husband, too [Michael R. Paine]. I understand there's a report on that.

The Paines were friends of Marina Oswald who stayed with them in Irving, Texas, in the weeks preceding President Kennedy's assassination. Lee Oswald visited Marina at the Paines's the evening before the assassination, spending the night there.

The FBI report, voluminous as it was, utterly failed to satisfy the Commission on a number of critical points.

Chairman: Well, gentlemen, to be very frank about it, I have read that FBI report two or three times and I have not seen anything in there yet that has not been in the press.

Sen. Russell: I couldn't agree with that more. I have read it through once very carefully, and I went through it again at places I had marked, and practically everything in there has

come out in the press at one time or another, a bit here and a bit there.

Mr. Dulles: Some of the details of the annexes are not in the press.

Sen. Russell: That's true.

Mr. Dulles: I wish we could get from the FBI more readable annexes. There are three, four, or five annexes there and I think they ought to assume the responsibility of writing them so we can read them.

Rep. Ford: . . . I've had a terrible time trying to read some of the notes of Oswald and I think that, as a convenience to us, it would be very helpful if it was typewritten up so that it would be very readable. [This is a reference to Oswald's diary and his other writings.]

Mr. Dulles: His handwriting is very hard to decipher. They do a better job of deciphering the handwriting than we do.

Mr. McCloy: I think that you've got to bear in mind that they were under pressure to get this to us, and this only purports to be a summary. The grammar is bad and you can see they did not polish it all up. It does leave you some loopholes in this thing but I think you have to realize they put this thing together very fast.

Rep. Boggs: There's nothing in there about Governor Connally.

Sen. Cooper: And whether or not they found any bullets in him.

Mr. McCloy: This bullet business leaves me confused.

Chairman: It's totally inconclusive.

Sen. Russell: They couldn't find where one bullet came out that struck the President and yet they found a bullet in the stretcher.

Mr. McCloy: I think you ought to have the autopsy documents.

Chairman: By all means we ought to have the medical reports. We ought to have them as part of this document here because they might play a very important part in it. . . . I had the feeling that, after studying this [FBI] report, unless we had the raw materials that went into the making of this report and had an opportunity to examine those raw materials and make our own appraisal, that any appraisal of this report would be little or nothing, and it, therefore, occurred to me that we perhaps ought to have a resolution requesting all agencies and departments furnish all raw materials upon which the reports given to us are based. And reports of raw materials from all developments pertaining to this matter since the last reports were made. In that way we can make our own appraisal of these raw reports and we can form what is going on from day to day in this field.

Rep. Boggs commented that "reading that FBI report leaves a million questions." Dulles, again rising to the CIA's defense, said the agency could not do much "on the Soviet end"—the background of Oswald's three years in Russia—"until they receive those papers that have been submitted to us by the FBI. . . . They've been working for a long while, I know. It started when I was there." This was the first public admission that the CIA had been

following Oswald's case since his defection to the Soviet Union in 1959, immediately after his discharge from the Marine Corps. Dulles, however, went on to say that as soon as the CIA obtains the FBI's raw reports, including Oswald's diaries, "they can start tracking back and see what is not told us by the Russians." He said that the Soviet government, which had been requested by the State Department to provide information about Oswald's stay in Russia, has not told of "paying him money, quite substantial sums." Warren replied that the Commission ought to study State Department, Secret Service and Immigration Service reports "and whatever the CIA has." He added that "I think the CIA is right, it can't do much on the Russian end until they get this raw material, and they can do quite a good deal."

But, as the Commission was beginning to discover the bureaucratic rivalry problems involving US intelligence agencies, Warren suggested that "perhaps we ought to have a thorough investigation . . . as to the relationship between the FBI and the Secret Service and the CIA in connection, not only with this matter, but in matters of this kind so that we can do something worthwhile in the future. He also recommended that Oswald's and Ruby's lives be traced from their birth "down to the time [Oswald] was assassinated."

Sen. Russell, ever suspicious of the intelligence agencies, felt that a staff member "with a most skeptical nature, sort of a devil's advocate," would analyze FBI and CIA reports for "every contradiction and every soft spot . . . Just as if we were prosecuting them, or planning to prosecute them . . . Maybe the other fellow could do it, go through here and take these reports as if we were going to prosecute J. Edgar Hoover."

Russell, uncannily prophetic, urged:

I think one study should be made just from the standpoint of every one of these reports, if we are ever to reconcile all of this contradictory rumor, the relationship of the Secret Service and the FBI and the police department there, and things of that nature. . . I hope the Commission will agree to get some man who will look for the weakness and possible contradictions, and study it solely from that standpoint. Unless some man devoted his whole time on it we could shove over a question that could be raised five or six years from now that would make us look as if we'd been careless.

Warren was still dissatisfied with the knowledge the Commission had concerning the events prior to the Kennedy assassination. He remarked, for example, that "there really isn't anything to indicate whether or not the FBI notified the Secret Service about any of the activities of Oswald" before Kennedy's arrival in Dallas. And, once more expressing the Commission's concern over its credibility, he said that "I have read in one of the papers . . . which said this is a strange Commission, not one of them has had any investigative experience."

Ford commented that the FBI report "was a narrative that was interesting to read, but it did not have the depth that it ought to have."

Even after reading the FBI report, the Commission showed itself to be totally confused about the events in Dallas as they related to the details of the actual assassination, where the bullets were fired from at President Kennedy, what were the angles and trajectories of the fatal shots.

By now, J. Lee Rankin was already serving as general counsel and participating in the executive session. He becomes a focal point of the ensuing conversation.

Mr. McCloy: I think we ought to take a look at the grounds

and somebody ought to do it and get the picture of this angle to see if it is humanly possible for him to have been hit in the front from a shot fired from that window. Maybe it is . . .

Mr. Rankin: I think that it would be most helpful, before making a trip down there, to examine all the possibilities first and point these out so that you would have the various things to look at that we could think of, and all that you could think of, before anyone went down there rather than going down and coming back with all of those questions.

Mr. McCloy: It's true that evidence slips away, but I think you're right on this. Then there's the question, should we not interview Connally very quickly, and the widow that's a very sensitive thing. I don't think you should cross-examine her, but after all she was a witness right alongside of her husband when the bullet struck.

Mr. Rankin: What are you going to do with the President and Mrs. Johnson? They were there, too . . .

Rep. Boggs: They were not in the same car.

Mr. McCloy: I think somebody ought to be interviewing Mrs. Kennedy pretty quickly. . . I think it's a very delicate thing to do; but I'm told she's quite prepared to talk about it. I've talked to one of the members of the family about it. . . And if you don't do that I think memory might play tricks.

The FBI—and, increasingly, the bureau's ability or inability, to produce adequately—was the recurrent topic of this session. After the first experience with the FBI, Warren conceded that he had been too optimistic 11 days earlier in proposing that the Commission confine itself to the "evaluation" of FBI reports. This is how General Counsel Rankin put it to the Commissioners:

Mr. Rankin: The Chief Justice and I finally came to the conclusion, after looking at this report, that we might have to come back to you and ask for some investigative help, too, to examine special situations, because we might not get all we needed by just going back to the FBI and other agencies because the report has so many loopholes in it. Anybody can look at it and see that it just doesn't seem like they're looking for things that this Commission has to look for in order to get the answers that it wants and it's entitled to. We thought we might reserve the question, but we thought we might need some investigative staff.

Sen. Russell: Initially my thought was if anything came up that we needed some additional information on or wanted to get something expanded to follow up some clue we would turn it over to the FBI and tell them to clear it up. I don't think we will need to have a large staff, but two or three people to check against certain instances where we might need an independent inquiry . . .

Mr. Rankin: There may be some situations where we can't get answers and in those we may need some investigator to get the answers, because it might be a tender spot. I am sure that the FBI is certainly tender about the knowledge they had and the fact that the Secret Service did not have that knowledge in order to do anything about it.

The FBI's greatest vulnerability at that point was the fact that it had failed to inform the Secret Service ahead of time of Oswald's presence in Dallas. He had returned to the Dallas area from Mexico

on October 9, 1963. Subsequent testimony would show that the CIA watched him in Mexico during the seven days he spent there applying for Cuban and Soviet visas; it claimed later it even had photographs showing him visiting the two embassies. But, evidently, the CIA was not talking to the FBI, and the FBI was not talking to the Secret Service or, for that matter, to the Dallas police. What the Commission did not know when it studied the December 9 FBI report was that Oswald had written a threatening letter to the bureau's Dallas field office 10 days before the assassination to discourage agents from additional interviews with his Russian-born wife. FBI agents talked to Marina after Oswald's return from Mexico but inexplicably, not to him. The last time the bureau had talked to Oswald was in August, 1963, in New Orleans, at his request, after being arrested for causing a disturbance while distributing leaflets of the Fair Play for Cuba Committee. The Warren Commission, in fact, never knew about Oswald's threats to the FBI. This was revealed only in 1975, when FBI Director Clarence Kelley admitted that Oswald had written such a letter and that FBI agents had destroyed it, apparently without reporting to Washington. In retrospect, the FBI's inexplicable performance was even worse than suspected at the time; now it looms very suspicious indeed in any event, as the Commission recognized, the FBI erred grievously in not informing the Secret Service about Oswald, a former defector with a perplexing and mercurial political and psychiatric history.

Sen. Russell agreed with Rankin that the FBI "would not be humane" if it were not "tender" about this failure. And Rankin went on:

Mr. Rankin: There is also the time that Oswald was in this building and he got out and nothing was done about it until he had been all over the community. I presume that all of the various agencies are rather tender about that situation. So we might have difficulty getting anything and come up against a blank wall until we get somebody who we can rely upon and who will try to work around some of the people and get the whole picture first.

Rankin's reference was to the Texas School Book Depository building, overlooking the route of the Kennedy motorcade on November 22, from where Oswald fired the shots. Oswald had been employed there.

The Commission went back to the FBI-CIA relationship, this time on Allen Dulles's initiative.

Mr. Dulles: We can expedite the CIA report, I know, because I can give them, or the FBI can pass to them these exhibits about Oswald being in Russia. That is going to be a pretty key business, the analysis of those reports.

Chairman: Haven't the CIA any contact with the FBI?

Mr. Dulles: I don't think they'll do it because the FBI has no authority to pass these reports to anyone else without this Commission's approval.

Mr. McCloy: The CIA knows everything about it. I don't know how they got it but John McCone (CIA Director) knows everything.

Mr. Dulles: He has not seen the reports because I've checked with people yesterday at great length. I have no authority to give it to them and he has not seen the exhibits that we now have that describe Oswald while he was in Russia.

Chairman: I see no reason why we should not give John McCone a copy of this report and let him see it. He can see

mine if he wants to

Mr. Dulles: I can make mine available. I wouldn't want to do it without approval of this Commission.

Sen. Russell: I have never been able to understand why it is that every agency acts like it's the sole agency in the government. There is very little interchange of information between the departments in the United States Government. The entire view is that they are a separate, closed department, and there is no interchange of information. The Agriculture Department may have something that is similar to what another agency has and yet you can't interchange that information.

Mr. Dulles: I wouldn't want the FBI to pass this report around every place. If you give me authority I would be willing to see that's done.

Chairman: If there is no objection, Mr. Dulles will be authorized to make his FBI report available to Mr. McCone.

Interestingly, as the transcript shows, Katzenbach had written the Commission a few days earlier recommending that the five-page FBI report be made public. In retrospect, it appears that the FBI wanted the public to be apprised, within two weeks of the assassination, of the bureau's conclusion that Oswald had acted alone and that there had not been a conspiracy. The earlier press leaks by the FBI seemed to fit the same pattern. But Russell proposed that the Commission advise Katzenbach that it did not think it advisable to release the FBI report. Rep. Ford said "Right," and the group voted so to inform the Justice Department.

Warren also cautioned the Commission that "it might be in somebody's mind to delay" Jack Ruby's trial, recommending that the Commissioners refrain from discussing publicly when the final report would be issued—before or after the trial. He did not explain his concern, except to say that "We're getting into an area where we can't tell what is liable to happen . . . It might be to somebody's interest if they knew this Commission would not make a report until this trial is over, and to find some way to delay the Ruby trial."

The Commission kept referring to critical material in the press. For example, Rep. Boggs remarked that an article entitled "Seeds of Doubt, Questions About the Assassination" in the December 21, 1963 issue of *The New Republic* (issues of magazines are postdated by a week) "raises some interesting questions." Then the Commission divided over whether to interview Mrs. Kennedy.

Mr. McCloy: One thing I have some doubt about is whether you're going to let such a long time elapse, between the date of the assassination and the middle of January, before you interview the chief witness, Mrs. Kennedy. I just think it's going to look strange if we don't. I don't know who has interviewed her. Maybe some people have, maybe they have not, but I think we ought to satisfy ourselves that we interview her.

Rep. Boggs: I have talked to a friend of mine who told me about riding to the scene of the tragedy, the hospital, and he told me what transpired in the hospital room, and the extent of the wounds. In fact, the President was undoubtedly dead before he ever arrived at the hospital. None of this appears in these reports. Nothing but the autopsy.

Mr. McCloy: We have to get that fast from the one that was closest to him, within a foot of him, when the bullet struck.

Rep. Boggs: And Gov. Connally and Mr. Johnson, and the

Secret Service agent who jumped up on the back of the car.

Sen. Russell: I don't think we should start informal hearings at this stage because I don't know that we'll have to have a parade of witnesses. But if one member of the Commission would want to talk to them I think Mr. Rankin can find that rather quickly through the FBI to see if they have any statement from them. I doubt that they have. If they have not it's rather delicate.

Mr. Dulles: It would be background information of the Secret Service's relations with the FBI.

Mr. McCloy: I don't think we ought to question Mrs. Kennedy.

Sen. Russell: I wouldn't like for the whole Commission to do it. If someone wanted to interview her that's different. I don't think she's the principal witness.

Rep. Ford: That's what I was going to suggest. Someone who knows her best and has known her for a period of time. It can be done most informally.

Chairman: Gentlemen, I don't think we know about this thing yet to question witnesses in the formal way. And when you're going to talk to someone like Mrs. Kennedy I think we ought to know exactly what we want to find out from her, exactly what we have to have from her. I just can't see that we can proceed that way with her because it doesn't seem an honorable way.

Mr. McCloy: I think a month is going to go by before you're in that position, and I think that is dangerous.

Chairman: Do you think she'll forget, Jack?

Mr. McCloy: Yes. Your mind plays tricks with you. She's got it very definitely in mind now, but I don't have that at first hand. She may not be the chief witness as to who did the job. She's the chief witness as to how those bullets hit her husband. She saw both of them. . . This is looming up as the most confusing thing that we've got.

Chairman: I wonder if the report we get from the Secret Service wouldn't pretty much clear that up. If it doesn't, good Lord, what can they report to us on that will help us. They were there, right at the car, and know exactly what happened.

Rep. Boggs: Well, this FBI report doesn't clear it up.

Chairman: It doesn't do anything.

Rep. Boggs: It raises a lot of new questions in my mind.

Mr. McCloy: The FBI was down there.

Mr. Dulles: Yes, but during the investigation I don't think they have any business around the President.

Rep. Ford: No protection responsibility.

Sen. Cooper: I think what the Chief Justice is saying is this, when these reports come in, if there are any raw reports from the FBI, if they have affidavits from people that testified about the circumstances about what happened to the President, also the security people, then, as I understand it, if there are any gaps in that and you feel that you should, go and talk to Mrs. Kennedy.

Sen. Russell: You can get a person to say anything and he

wasn't even there, and yet he'll believe that he saw it himself. I think someone should ask the attorney general to ask her if she would make a statement, and if our counsel feels that we should take the statement then some member of the Commission who knows Mrs. Kennedy better than I do, and I assume that of four or five of you that is true, should take this statement as informally as possible, and that is about how it should be done, if we should do it at all.

Mr. Dulles: I wonder if she wouldn't write it out, and then if we wanted to ask questions on that it would be easier for her. She could take time and just write out everything she could remember.

Rep. Boggs: My thought would be that you or Allen check with Ted Sorensen about this.

Mr. McCloy: My feeling would be to go to Bobby because he held her hand throughout the whole thing, and I think that would be better than [White House aide] Sorensen . . .

Mr. Rankin: I think we could get it by letting her tell her story first and arrange to visit her about particular questions that might not be covered, if that is all right with you.

During the meeting, Dulles questioned several times the value of reports provided by the Soviet government.

Mr. Dulles: The Soviet reports are entirely incomplete. They only relate to correspondence with the embassy. There must be a great many reports that they have, you know, from his diary and so forth and so on. Whether the State Department wants to ask the Russians for any other material regarding him during his stay in Russia, it seems to me we ought to give them a chance to come forward on that. If they refuse us, and they probably will, then we publish these diaries, and so on, it will show that a great deal went on between the Soviet Government and us, only known in Russia, not around here.

Oswald's lengthy diary had been found by the FBI shortly after the assassination, but it had not been made public at the time the Warren Commission was meeting in January. Dulles's reference to "a great deal" that went on between the Soviet government and the US is unclear. It is not likely that he was referring merely to Washington's request to the Soviet Foreign Ministry for background information concerning Oswald's stay in Russia between 1959 and 1962. It remains unknown what, if any, other contacts there had been between the two governments concerning Oswald.

The Commission also felt uneasy about its limited information about Jack Ruby's background. Although the final report has a biographical section on Ruby, it is clear 11 years later that it is full of gaps, particularly concerning his criminal record. Presently, Rep. Boggs said: "There is still little on this fellow Ruby, including his movements, what he was doing, how he got in there [the Dallas jail], it's fantastic. . . ." Or Boggs again, "One of the keys in this case is Ruby. . . ."

The Commission Meeting of January 21, 1964

This was the Commission's first meeting of the new year, the first since December 16. The Commission was now fully staffed, and Warren, again optimistic, told his colleagues that "progress can be expected reasonably rapidly." But this January meeting was also the time the Commission was faced with the dilemma of whether to speed up the publication of the report because of the campaign year or hold

it back pending the outcome of Jack Ruby's trial. Americans were never informed about this consideration at the time. Nor were they told that Warren set a secret target date to complete the investigation, if possible, before the Democratic and Republican Conventions. And, once again, the FBI comes in for sharp criticism.

Chairman: It seemed to me that one of the important things in our investigation is to be able to trace every dollar that we can in the possession of Oswald and every dollar that he spent, because we don't know where his money came from. There is no evidence of any affluence or anything of that kind, but I think for in order to make our report complete, we ought to know that as far as we can every dollar that came into his possession and every dollar that he spent, and we have taken that up with the Treasury and they have assigned two of their topflight investigators to run that matter down . . .

Mr. Dulles: There is a pretty good list already on page 35 of the FBI report.

Chairman: Yes, there is, but a lot of blind spots in that, too, Allen, that I think ought to be checked thoroughly.

Mr. Dulles: He paid his taxes.

Mr. Rankin: Mostly withholding and he got a refund most of the time.

Chairman: And he did pay back the loan that they gave him over in Russia to come back to the United States. . . . [The State Department had loaned Oswald the necessary funds to return to the United States with his wife in 1962.]

After discussing Oswald's financial status and listening to Allen Dulles's suggestion that a study of past assassinations might provide clues for the motive in the Kennedy killing, Chief Justice Warren raised the question of when the Commission's report could be completed.

Chairman: Gentlemen, it is rather early from the work that we have done already and from the materials we have to say when we could close this matter out, but I think it is not too early for us to start thinking about when we anticipate quitting.

I think if this should go along too far and get into the middle of a campaign year that it would be very bad for the country to have this thing discussed at that particular time.

On the other hand, if we were ready today we couldn't put the report out because of the Ruby situation, and how long that will take, I don't know.

But I thought if we should pick a date, say the first of June as a target date to finish this thing up and have our report ready and filed so we could work toward it, that it would be a good thing to do, because things can drag on if you don't have a target day . . .

Mr. Rankin: I think that we could plan very definitely on closing up on all of the areas except the foreign area by a certain date, and I was thinking about trying to have everything done so we could have a proposed report for the Commission's consideration by, well, by the middle of May, anyway, and trying for a date, possibly the first of June, that you could say you had a report.

Now, the foreign area is a very difficult one because there are large patches in the Soviet Russia period, and in Mexico City that are unaccounted for by any report that we have, and so we don't know what is going to develop, and we have to try

to run them out day by day and hour by hour to try to account for it.

If we hit something that we have to go a long way to try to get the rest of it, then we don't know what will be involved there.

Sen. Russell: Has Ruby's case been set for trial yet?

Mr. Rankin: Well, tentatively, they have talked about the [February] 10th . . .

Sen. Russell: Do you have any idea how long it will take to conclude that?

Mr. Rankin: They also said in the news account today . . . to try for a continuance so I don't know what they are up to but we all agreed that the smartest thing they could do in defending their client was to get him to trial quickly, but we are not trying the case.

Sen. Russell: That time may have passed now . . .

Sen. Cooper: You don't intend to set a target date publicly?

Mr. Rankin: No, I was thinking for the Commission's purpose. That is privately.

Sen. Cooper: They could have the Ruby trial postponed.

Mr. Rankin: No, I thought we could just see what your thinking was, and it seemed like it was wise to try to get out of the way of the conventions if we could.

Sen. Russell: I see no objection to a tentative date. I wouldn't want to be bound too tightly by it because you never know where we will be with respect to it . . .

Rep. Ford: That may be pushing it a bit, but I think it is good to have a push.

Chairman: Some pressure on us to get something done . . .

Rankin told the Commission that it would take the members 30 days to read and digest the raw material already accumulated in the files. He added that if all necessary information were available, the staff could do "quite a job" of putting it together in 45 days. Dulles remarked that about two-thirds of the material was of "no importance," but the Commission should rely on the staff to pick out what is essential from the mass of material—"it is as high as this room now." He said "we can browse around if we have time."

With the Commission constantly worried about criticism, Ford suggested, in effect, that there be no publicity given to the identity of individual Commissioners interviewing witnesses. The system was for witnesses to appear before one or two Commissioners and staff, rather than the full Commission in most instances, to save time.

Rep. Ford: If there was an area of criticism, one might share the blame and others wouldn't, and whether we do a good job or not is dependent upon all of us putting our name on that dotted line with full and complete responsibility.

Chairman: Very true.

Rep. Ford: If it were informal and not as a part of a specific assignment, I think it would be good, but to have it officially known that Hale or I were the person responsible for a particular part it might lead to some criticism or perhaps to dissension or anything else, and I—

Chairman: Or even to harassment by people on the outside.

Such was the Commissioners' concern over possible criticism that they decided to keep some information concerning interrogations secret even from the staff.

Rep. Ford: You are right. Somehow these things might leak and somebody could be criticized within the group. This would be my only off-the-top-of-my-head thought on it.

Chairman: I think you are right, and I see no reason why, if we decided to do that, whatever we decided to do I see no reason why it should ever get out of this room, even to our staff, there is no need of the staff knowing that that is the situation.

Rep. Ford: Yes

Another question the Commission found perplexing was that of Kennedy's wounds. The Commissioners were faced with conflicting information in different reports. This, of course, was a matter that would be repeatedly raised by the report's critics in the years to come.

Mr. McCloy: 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 didn't they turn the body over, who turned the body over, who were the people up there, and why did the FBI report come out with something which isn't consistent with the autopsy when we finally see the autopsy? . . . Then talk to the head of the FBI and not Mr. Hoover, but the fellow who headed this investigation, and go in, what did you do, what is all this talk about your having no liaison with the Secret Service? You did have an interview or at least you located this man two or three weeks before the assassination? Didn't you pass this on to the Secret Service, why didn't you if you didn't, and how about this business of the overpass? Did you have Secret Service men on the overpass? It was obviously a place to have somebody, because you can drop a bomb right over it. Well, apparently it turns out they didn't have, for God's sake why didn't you?

Rep. Boggs: I notice in the overpass it never even gets into it.

Mr. McCloy: How about the relationship, well, how about the Mrs. Kennedy investigation? We haven't decided yet who did that.

Sen. Russell: Hasn't that testimony been taken yet?

Chairman: No, we have never bothered Mrs. Kennedy, Senator.

Mr. McCloy: I think we have got to at some point sit down and talk with her not with regard to the sworn testimony.

Mr. Dulles: You haven't talked to Connally or Mrs. Connally?

Mr. McCloy: Do we talk to Mrs. Oswald and what is this we see in the newspaper about Mrs. Oswald being examined by the Commission?

Mr. Rankin: We are planning to examine her

The Commission's next concern was a visit to Dallas. The panel had been in existence for over six weeks, but it had not yet inspected the scene of the crime. The discussion on this point was baffling. The eight top-notch lawyers in the room—the seven Commissioners and the general counsel—could not decide whether they were in danger of being subpoenaed by Texas authorities. This was one episode in which the work of the Commission verged on the absurd.

Mr. McCloy: About visiting the scene of the crime. I think

sooner or later one of us or all of us ought to go down there and visit it in spite of the very graphic and interesting exhibits.

Mr. Rankin: We are being asked for all kinds of evidence by Ruby's defense counsel and I think if we go down there, we might all be subpoenaed.

Mr. McCloy: Slap a subpoena on us.

Mr. Rankin: Subpoena *duces tecum* and then what do we do.

Mr. Dulles: We have no immunity in our capacity as a Commission, do we?

Sen. Russell: We do have executive immunity, we are a presidential Commission, which is the highest we can have.

Mr. Dulles: If we could get into subpoena we would be in great trouble, I don't think we could.

Sen. Russell: I don't think we could. I don't think we are subject to any subpoena.

Sen. Cooper: You don't think we are?

Sen. Russell: No, sir, I don't think so.

Chairman: You don't think we are subject to subpoena?

Sen. Russell: I don't believe you can subpoena this Commission to produce any paper we have.

Chairman: I don't think we ought to produce anything.

Mr. Rankin: We have executive privilege.

Sen. Russell: We have executive privilege. If we don't have executive privilege as appointees of the President, to do a specific performance, a specific job for him, I don't know how you create executive privilege . . . I wouldn't go down there with the bands playing and the colors flying just now but that is talking about an entirely different thing from whether or not you're subject to the subpoena.

Rep. Boggs: I think if we go, the whole Commission has got to go, I think for one man to go down there would be unfair to the one man and unfair to the other members of the Commission as well.

If a determination is made to go there then I think the whole Commission has got to go. . . .

Mr. Rankin: I think it is very important if anybody goes you all go, because you are going to be passing upon this whole question and you ought to have the same kind of evidence before you when you get there

Chairman: I agree with you that they have no right to subpoena our records or get any of them. We could prevent that all right. But they could serve a subpoena on us.

Sen. Russell: That is correct.

Chairman: They could embarrass us tremendously. . . . We discussed that very thoroughly about the testimony of Mrs. Oswald, and it was first thought we ought to take the testimony down there, but it occurred to me that there might be a lot of complications if we go down there, and we should work it out with her attorneys to bring her up here and do it in quiet right in this room, right in this room with no fanfare or anything else about it. I was wondering about this: if that little woman, with her babies and if she comes she has got to come

and bring her babies with her, goes on a commercial airplane, she will be subjected to flashbulbs and everything, and she will be embarrassed and maybe she will be made hostile, and I thought that if we were to ask the Armed Forces if they would

Sen. Russell: I don't think that would be the slightest difficulty in that up here in one of these Jet Stars in a couple of hours from down there

A long discussion ensued over Marina Oswald's plans to sell her story to Life magazine. Warren said that her lawyer should let the Commission inspect the story before "this thing goes to the printer," and that the lawyer had agreed to it. In fact, he said, the first 50 pages were being translated from the Russian.

Sen. Russell: Her attorney is not commercial-minded, is he? If he was he would say, no, he is going to sell the story first, beat the Commission. Because the story would sell three times as many as after the report is made.

Chairman: He doesn't agree to wait until the report is made, but until we have examined it and have had an opportunity to take her testimony

Mr. McCloy: He is still peddling this thing?

Chairman: Oh, yes

Mr. McCloy: It might develop into a movie, but then also in contact with this fellow [Isaac Don] Levine to try to break the story up in a little more graphic manner and tie it into the Russian business, and it is with the thought and background of a Russian connection conspiracy concept

The Commissioners spent some time wondering about the functions of various lawyers representing or purporting to represent the Oswald family.

Sen. Russell: But there are so many lawyers brought into it. She [Marina] has lawyers in Texas and didn't employ someone in New York.

Mr. Rankin: Well, there is Mark Lane who . . . is in the agenda here about representing Oswald, the decedent before the Commission, and Mr. Thorne told me that he came to Marina Oswald, too, and Mr. Thorne and asked if he couldn't represent the decedent on her behalf and she turned him down, she didn't want any part of him.

Mr. Dulles: I think she was wise from what I hear about Mr. Lane.

Mr. Rankin: Then he went to Marguerite, the mother and persuaded her. But apparently she didn't seek him out

Sen. Russell: He was down soliciting business

Then the Commissioners went back to their secret target date, insistent that it not be known publicly. Warren, responding to Ford's query about their timetable, said that June 1 was the tentative target date. And McCloy added: "Not to be given out. That is just within the confines of this room." Discussing the procedure, Warren said that counsel should examine the witnesses while "we sit here as near like judges as the situation will permit"

Rankin informed the Commission that the FBI had just provided a reconstruction of the crime scene with photographs and actual models, having spent "a considerable sum of money" on it. The exhibit was being kept in the Commission's building in a locked

room. He then undertook to explain where the Commission stood in regard to the FBI.

Mr. Rankin: We would by now have all kinds of requests to direct to the FBI and the other agencies in detail of additional material we need to fill out these various holes and we were getting down to this point where we got this additional supplemental material and I didn't want to go back to the FBI and say to them, "Where is this matter about Mrs. Paine, for instance on such and such a date," an additional inquiry, and find that they said, well, that is all in your supplement. Why don't you read what we give you, and you would really be in a bad spot if we did that and it would make our relations difficult and make it hard for us to get the other material if we needed it later.

Sen. Russell: That is what you are for, Mr. Rankin, you are supposed to know what is in all those things and avoid our being embarrassed by asking such a thing

Mr. Rankin: Then, we can let you see the type of additional inquiries we are making to the FBI and the Secret Service and everybody else That will give you a really good picture along with the synopsis you have as to what we think might be some further guidance in this further picture

The problem of fingerprints on Oswald's gun and other objects then came up, and several members suggested that it would be wise to have independent experts provide their findings in addition to the FBI's report.

Sen. Russell: I have a great confidence in the FBI. I am not making any statements in any sense to challenge their ability. I have great confidence in them and I realize all over the country as a whole when they get down to the question of ballistics, for example, when the states have exhausted themselves they ask the FBI to make a study of it. But it seems to me that the FBI itself would be glad to have that done because there is going to be unquestionably in the years that are ahead, maybe perhaps months, there will be so many questions raised, that it would be desirable to have a double check made on matters of that kind that are capable of being investigated by another competent group

Chairman: But we can find those people who are thoroughly independent, too, of the FBI.

Sen. Russell: I don't think that is a matter that we ought to go out and discuss. We ought to perhaps not even refer to it along the line, but have it quietly in reserve

Mr. Dulles: About the visual aids . . . Do the FBI and the Secret Service and maybe the police of Texas agree on these models and so forth and the various visual aids you have given us here, or is this just the FBI?

Mr. Rankin: Just the FBI and the Secret Service is different on the distances, and I have already put that up to them and asked them about it.

This was a reference to a disagreement between the FBI and the Secret Service concerning the distance between Oswald and President Kennedy's car — and the speed of the car — at the precise moment the bullets were fired.

Rep. Boggs: What is really significant is whether the man lived or died. If the car speeded up he probably would still be alive today

The Commission's relations with the press were a continuing anxiety. Warren remarked, for example, that newsmen "badger the life out of Mr. Rankin."

Rep. Boggs: A man who is in public life, and who has to be elected to office, he can afford to have press pets because he knows pretty well who is going to help him and who is going to be cutting his throat. But a Commission can't do it, a presidential Commission. They have got to deal it out with the same spoon to everyone without regard to their relations with them

Rep. Ford: Would it be wise to borrow somebody from the bureau or the CIA who handles their business in this way?

Rep. Boggs: . . . I think it important for the public to know that the Commission is active and is doing things. It doesn't necessarily mean they should know what we are doing, but in my judgment it would be a mistake if all of a sudden the Commission disappeared out of the news totally and completely

Chairman: . . . If we have an understanding today that, of course we are not seeking publicity but bearing in mind that certain questions will of necessity have to be answered

Once more, the Commission turned to the delicate question of how Mrs. Kennedy should be approached.

Mr. McCloy: . . . If somebody from the Commission, and I had you in mind, Mr. Chief Justice, would call on her, at a certain time, but in order to sort of ease it for her, could you just give her a little ahead of time what the general line of questioning would be so she could be thinking about it a little bit . . . I would like to speak off the record a minute in regard to this matter.

The discussion was off the record. At this point, the official reporter stopped taking notes.

Rep. Boggs: . . . In the case of the widow of the late President, and in the case of the President and his wife, that the Commission authorize its Chairman . . . to take whatever steps he deems advisable to get whatever testimony may be pertinent from those people

Ten pages of transcript of the January 21 meeting have been removed at this point and classified without explanation by the National Archives.

The grisly subject of Lee Oswald's remains was next on the Commission's agenda. The final report did not show that this matter was even discussed.

Chairman: . . . Now that the situation is that this man is buried in a cemetery and it takes officers around the clock to watch him, watch and see that they don't come in and exhume him and do something that would further injure the country, and so it has been suggested that to save expense they exhume him and cremate him. But the mother has made some public statements about that and said she doesn't care how much it costs or what it is, she just won't consent to his cremation.

His wife, since she has come over to this country, has been studying the Catholic religion, and while she hasn't yet accepted it, she does go to two Catholic churches, and the Catholic church, I think we all know, is opposed on religious grounds to cremation, and I think if we gave any consent to any one cremating this man, we would be in trouble . . . The

question might arise before this thing as to something on that body now. I don't know what it is. It might be the course of the bullet. It might be something else. But I don't think we would want that disposed of until our report has been made

Sen. Russell: Because then they would make a case on it. I thought we might do this. I thought we might get some mausoleum to take this body, and seal it up and put it in the mausoleum, unknown to anybody else, if they can do that, and no one would know where it was, the wife would consent to it, I think, and the mother hasn't got anything to say about it anyway if the wife consents to it, and I would have that done rather than to dig up or cremate that body. We might get into a great religious controversy.

Rep. Boggs: I am a little concerned about moving him. You remember when, it is funny how history repeats itself, but all the controversy about the body ultimately of Lincoln

Sen. Russell: I believe it is better to have somebody paying for watching that grave a little while longer.

Mr. McCloy: I don't think we ought to have on the record that we are moving in this thing. We are not saying anything about it.

Sen. Russell: If the wife is not willing to have him moved it is a question of watching, to prevent some body snatcher from removing him.

Rep. Boggs: If you move that body, I don't care if you move that body 20 foot over to somewhere else somebody is going to say that is not the body and you are going to have to have somebody go down there and pull it out of that mausoleum and have X-rays made and prove it is his body. It may cost a little money to have a cop or two around there but it is worth it

Sen. Cooper: . . . the lot is owned by his mother, Marguerite, and he doesn't know whether she would want anybody in there trying to strengthen the vault. Of course she wouldn't do anything about it, unless his wife agreed to it being moved, but it is being protected by the city police and they don't know how long it is going to be protected

The Commission spent some time discussing whether Oswald's personal effects should be returned to his mother at once, later, or placed in the National Archives.

Chairman: It may be that there are some of these things that we would like to use as an exhibit for our report and would like to put in the Archives over here.

Sen. Russell: That is exactly what I had in mind. I think the more of these things that are kept in the public domain the better off we are . . . If they are in the public domain, there they are, there is the evidence you can see them, for example, denying this is the same gun, if you have that gun, the gun is in the public domain where any American citizen can see it why that answers itself.

Chairman: I would never give them the gun.

Rep. Boggs: I would never think of giving it to them.

Chairman: I will tell you what they might have in view. How many articles are there, Lee?

Mr. Rankin: Four hundred.