

The Commissioners and Rankin then bogged down again in the subject of whether the Commission should prevent Marina Oswald from selling her life story before the Commissioners had a chance to study it. The conclusion was that Mrs. Oswald was free to sell it at any time. Rankin, who had read parts of it, told the Commission that "it doesn't add anything."

Warren informed the group that he had to take the six o'clock plane to New York "because I have to escort Queen Frederika [of Greece] to a dinner" and did not want to commit "lese majeste." As the conversation droned on, McCloy, returning to Marina Oswald's diary, reported that he had heard from Life magazine that "she was going to put evidence in this thing that she was a Soviet agent." Sen. Russell commented: "That will blow the lid if she testifies to that."

Then the Commission turned to inquiries by the American Civil Liberties Union about access to Marina Oswald.

Chairman: In a newspaper item [the ACLU] demanded to see Mrs. Oswald to see if she was being restrained unconstitutionally of her liberty . . . They want to see her personally, and I don't think we could afford to have a great issue made of that . . . I think we ought to try to make arrangements to let someone see her and talk to her and maybe we can do it at the time of her testimony here.

Sen. Russell: I don't think they have a right to invade her privacy if she doesn't want to talk to them. She has got her own lawyer . . . I don't know that we have her in our custody . . .

Mr. Rankin: We do have a little problem because the Secret Service came to us and said, "Shall we quit our surveillance over her?"

Sen. Russell: Oh, no, we can't do that.

Mr. Rankin: I said we can't do that because she would slip right across the border and be gone, and if it got down to that issue, I suppose they would say we told them to stay there, blame it on us . . .

Again, the Commission found itself in a conflict with Texas. The Dallas district attorney and Ruby lawyers, as Warren put it, "demanded that we give them everything we have . . . they wrote a jury argument to support it." Then, as it turned out, the FBI was part of this problem, too.

Sen. Russell: The FBI and Secret Service, if they can litigate it out of them, let them have it.

Chairman: The trouble is we are in a little bind there because the FBI has written to these people and has said, "Now we are perfectly willing for you to have anything that the Commission says you might have." . . . That is what you might expect, they are passing the buck . . .

The Commission voted to advise the Texas lawyers-it could not comply with the request, but Warren said that a letter also had to be sent to FBI Director Hoover who "has put us in a bind." The FBI, as mentioned above, had told the Texas authorities and Ruby's lawyers that they could have all the bureau's materials if the Warren Commission agreed. The Commission apparently saw it as another FBI attempt to disseminate its conclusions. Warren put it strongly in his letter to Hoover:

"The Commission has authorized me to advise you and other Federal agencies that it will not respond favorably to such requests and that it will not urge you or them to make

any deviation from your own judgment of what is required of your agency by law . . ."

By then, the Commission had seen enough of the problems involving US intelligence agencies to take the view that they needed overhauling. The Commission had already sent a letter to the Secret Service requesting their recommendations for future coordination among the agencies for the protection of Presidents.

Chairman: Now, we were asking the Commission now whether we should ask for similar information from the other agencies because we have the problem that is involved in this whole thing of pooling information that comes to the attention of one intelligence agency.

For example, the FBI's information about Oswald that was not communicated to the Secret Service so they could put it into their special place, their research place that they could have and which they check out when they go from one place to another.

Now, apparently there is the considerable problem about that information being brought to the attention of various agencies that would have an interest in it, and the question of where it can be pooled. There is on the other side of the coin the question of whether or not the other agency is entitled, has sufficient security or its people are safe enough to give this confidential information to which some of the agencies say, "Well, we couldn't give any information of some of our activities because our people would be killed immediately if that agency got the information."

Of course, each one claims that it is the secure agency and the other one can't be trusted with anything.

Mr. Dulles: I heard that before.

Mr. Rankin: So we think for you to evaluate this whole thing first, you have the problem of what was done at the time in regard to protecting the President. We have the problem of what they did . . . with relation to their own standards and so forth at the time, and there is a considerable problem in that area.

Then it is what they are trying to do now to improve their procedures, and what might be done by this Commission in suggesting action that could improve the whole set-up. There isn't any question but what we are spending a tremendous amount of money in the government for accumulating all kinds of information. But whether it gets the place that it should for the most effective means is, one of the things I think this Commission is going to desire to say something about. At least we want to present it to you for your attention and see what you want to do about it.

Rep. Ford: The immediate problem then is whether we are going to ask them to tell us, one, what they did prior to, and now what are they anticipating they will do in the future . . .

Mr. Dulles: I haven't seen anything from the Texas police . . .

The Commission Meeting of January 22, 1964

This was a secret meeting of the Commission called on an urgent basis by Chief Justice Warren, to advise the Commissioner that the attorney general of Texas had information suggesting that Lee Harvey Oswald might have been acting as an undercover FBI agent. The meeting, held from 5:30 pm to 7 pm at the Commission's headquarters, was not publicized. The minutes of this

session are not listed in the official "Inventory of the Records of the President's Commission on the Assassination of President Kennedy" issued by the National Archives in Washington in 1973. Marion M. Johnson, the custodian of the Kennedy records at the Archives, told The New Republic that the minutes of the January 22, 1964, session were not listed in the "Inventory" because they had not been "discovered" when the catalogue was being compiled in 1973. The Archives did not explain how the minutes were subsequently discovered; they were declassified, however, on March 14, 1975. The quality of this transcript is especially poor, with words missing occasionally, others misspelled, and the identity of speakers not always clearly indicated.

When Warren summoned the Commission for the emergency meeting, he was apparently unaware that earlier published reports had hinted that Oswald may have had connections with the FBI. The Commission would conclude in its final report that these allegations were disproved to its satisfaction. But this whole question was reopened in September, 1975 when Waggoner Carr, who had served as attorney general of Texas in 1963-64, charged that the Commission failed to meet his request that a check be conducted on all the FBI and CIA agents, informants and "spies" who were in the Dallas area immediately before President Kennedy's assassination. Carr's charges in 1975 served to spotlight the strange and difficult relationship between the Warren Commission and FBI Director Hoover throughout the investigation of President Kennedy's death.

The Commissioners were so stunned by the information given them at the January 22, 1964 session that Allen Dulles, the former CIA director, proposed that the minutes of this meeting be destroyed.

Chairman: I called this meeting of the Commission because of something that developed today that I thought every member of the Commission should have knowledge of, something that you shouldn't hear from the public before you had an opportunity to think about it. I will just have Mr. Rankin tell you the story from the beginning.

Mr. Rankin: Mr. Waggoner Carr . . . called me at 11:10 this morning and said that the word had come out, he wanted to get it to me at the first moment, that Oswald was acting as an FBI undercover agent, and that they had the information of his badge which was given as number 179, and that he was being paid \$200 a month from September of 1962 up through the time of the assassination. I asked what the source of this was, and he said that he understood the information had been made available so that defense counsel [Melvin Belli] for Ruby had that information, that he knew that the press had the information, and he didn't know exactly where Wade had gotten the information but he [Wade] was a former FBI agent.

That they, that is, Wade before, had said that he had sufficient [evidence] so that he was willing to make the statement.

I brought that to the attention of the Chief Justice immediately, and he said that I should try to get in touch with Carr and ask him to bring Wade up here, and he would be willing to meet with him any time today or tonight to find out what was the basis of this story. I tried to get Carr, but he was out campaigning in Texarkana so . . . it took him quite a while to get back to him and talk to him. I just got through talking to him and he told me the source of the information was a member of the press who had claimed he knew of such an agent, that he [Oswald] was an undercover agent, but he now is coming with the information as to his particular number and the amount he was getting and the detail as to the time

when the payments started. Wade said he as well as him did not know the name of the informant but he could guess who it was, that it was given to his assistant, and he was sure that he knew, and he said he was trying to check it out to get more definite information.

Carr said that he could bring Wade in some time the first of the week, but in light of the fact that it was this man of the press and that they did not think it would be broken by the press immediately, although there had been all kinds of stories down there but Carr said there were some 25 to 40 different stories about this being the case . . . but this was the first time that he got something definite as to how they were handling it or how it could be handled by himself. But I was concerned of an undercover agent. He thought that the press would not bring the story without some further proof, and they are working on that now, he said. So he thought that if he brought Wade back on Monday or Tuesday, that that would still take care of any major problem. When he first told us, he said the press had it and he was fearful because he hadn't even gotten this from Wade. He got it from another man that the press would bring it before we could know about it and the Commission would be asked all kinds of questions without having information about it. Now he said Wade told him that the FBI never keeps any records of names . . .

Rep. Boggs: There is a denial of this in one of these FBI records, as you know . . .

Sen. Cooper: In this file we had yesterday, one of the lawyers for this fellow who claims to represent . . . Oswald or one of the Ruby, told about this, do you recall it, he said it was being rumored around.

Mr. Rankin: Yes, it was being rumored that he was an undercover agent. Now it is something that would be very difficult to prove out. There are events in connection with this that are curious; in that they might make it possible to check some of it out in time. I assume that the FBI records would never show it, and if it is true, and of course we don't know, but we thought you should have the information . . . And Mr. Carr said that they . . . thought that they knew why the FBI was so willing to give some of these records to the defense counsel . . . he said a number of these records were furnished by the Texas authorities, and that they should not be given up to the defense counsel, and that the reason he thought that they were so eager to help Ruby was because they had the undercover, that Oswald was the undercover agent and had the number of his badge and so much, he was getting \$200 a month and so forth, and that was the way it was explained as his justification to the court as a basis for determining the records and that that was the excuse the FBI, the reason the FBI had for being so eager to give the records up. That is the way it was developed. . . I did talk to Jaworski [Leon] and he said he didn't think Wade would say anything like this unless he had some substantial information back of it, and [Jaworski] thought he [Wade] could prove it, because he thought it would ruin many politics, in Texas, to be making such a claim, and then have it shown that there was nothing to it . . .

Rep. Ford: How long ago did they get a feeling that there was some substance to the rumors that apparently had been—I just assumed, and I didn't ask them that, that Carr called me and seemed to be in a matter of great urgency at 11:10 this

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morning, and that he was fearful that they would bring in the papers before we would even get to know about it, and that is the way he was talking and acting about it.

Sen. Cooper: He felt there was . . . He didn't know the name of the informant?

Mr. Rankin: No, he did not.

Chairman: What then would lead him to think it had substance?

Mr. Rankin: Well, he said that the reason he thought it might have substance was because Wade had heard these rumors constantly . . .

Sen. Cooper: How would you test this kind of thing?

Mr. Rankin: It is going to be very difficult for us to be able to establish the fact in it. I am confident that the FBI would never admit it, and I presume their records will never show it, or if their records do show anything, I would think their records would show some kind of a number that could be assigned to a dozen different people according to how they wanted to describe them. So that it seemed to me if it truly happened, he did use postal boxes practically every place that he went, and that would be an ideal way to get money to anyone that you wanted as an undercover agent, or anybody else that you wanted to do business that way with without having any particular transaction.

Rep. Ford: There might be people who would see what was going on with that particular box, because the postal authorities do watch, they have means of watching in many places that no one could see. They can watch the clerks as to what they are doing in these boxes, and they can watch the individuals that are going in and out. They do that only when they have an occasion to be suspicious, but they might, in watching for somebody particularly, they might also see other things that they just have to note. That is a possibility.

At this juncture, the Commission tried to understand why the FBI might ever have employed Oswald in any capacity. Here Dulles volunteered his CIA background to help search for possible reasons.

Mr. Dulles: What was the ostensible mission? I mean when they hire somebody they hire somebody for a purpose. It is either . . . Was it to penetrate the Fair Play for Cuba Committee? That is the only thing I can think of where they might have used this man. It would be quite ordinary for me because they are very careful about the agents they use. You wouldn't pick up a fellow like this to do an agent's job. You have got to watch out for your agents. You really have got to know. Sometimes you make a mistake.

Rep. Ford: He was playing ball, writing letters to both the elements of the Communist parties. I mean he was playing ball with the Trotskyites and with the others. This was a strange circumstance to me.

Mr. Dulles: But the FBI get people right inside you know. They don't need a person like this on the outside. The only place where he did any at all was with the Fair Play for Cuba Committee.

Rep. Boggs: Of course it is conceivable that he may have been brought back from Russia you know.

Mr. Rankin: If he was in the employ from 1962, September

1962, up to the time of the assassination, it had to start over in Russia, didn't it, because didn't he get back in February? . . .

Mr. Dulles: They have no facilities, they haven't any people in Russia. They may have some people in Russia but they haven't got any organizations of their own in Russia . . . They might have their agents there. They have some people, sometimes American Communists who go to Russia under their guidance and so forth and so on under their control. . . .

Mr. Rankin: One of the strange things that happened, and it may have no bearing on this at all, is the fact that this man who is a defector, and who was under observation at least by the FBI, they say they saw him frequently, could [be] with a passport that permitted him to go to Russia. From my observations of the case that have come to us, such passports are not passed out with that ease.

Mr. Dulles: I think you are wrong on that . . . Because the passports are issued valid for anywhere except specified countries . . . But any American, practically any American, can get a passport that is good for anywhere. An American can travel and Russia is one of the countries you can now travel to. . . .

Chairman: I think our general counsel and I both have some experience in cases that have come before our court which would indicate that that isn't exactly the fact . . . They have great difficulty, some of them, in getting a passport to go to Russia.

Rep. Boggs: Particularly for someone who has any Communist . . .

Mr. Rankin: The State Department knew he was a defector. They arranged for him to come back.

Mr. Dulles: But it don't get passport files or the passport records. They are issuing hundreds and thousands of passports. They have their own particular system . . . They don't run around from time a man comes in. If they don't find any clue, and they don't according to our record here, they don't find any warning clue in his file—they should have a warning clue in his file.

Sen. Cooper: That is what they admitted, that they had not supplied the warning.

Mr. Dulles: And the Passport Office don't on its own usually go around and inquire. They wait until it is assigned there. Then they follow it up.

Sen. Cooper: This may be off the point a bit, but as I re-read the report, the chronology of the FBI checks on Oswald, they knew that he had gone to Texas. They learned from Mrs. Paine: they knew where Mrs. Oswald was living. They talked with her. They knew where he was working . . .

Rep. Boggs: . . . You will find the report from the FBI dated back last summer, and months before that and then months after that. . . .

Mr. Rankin: They had a report on many, they had an agent go and see him when he was in prison . . . in New Orleans . . . and he lied to them before the police. He said his wife was a Texas girl, and he married her in Texas, and a whole string of stuff, and in Dallas they had a report prior to that that was definitely contrary to it.

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Rep. Boggs: The fellow [Edward] Butler who works for the . . . organizations . . . to disseminate and tie Communist propaganda to Latin America, is the one who confronted him on the streets in New Orleans . . . Butler says that this was the first time that they established that he had been in Russia and that he had defected at one time and then returned. You have undoubtedly in your files . . . that tape that was made . . . in New Orleans. . . . On that tape . . . he gives the normal Communist line, reaction to everything.

Sen. Cooper: How do you propose to meet this situation?

Rep. Boggs: This is a serious thing.

The allegation that Oswald might have been an FBI informer became immensely troubling to the Commission in the light of the bureau's insistence from the very outset that he was the assassin and that there was no conspiracy. As Rankin said, the FBI wanted the Commission to "fold up and quit." The discussion in the Commission made it clear that suspicions were developing that the FBI could be so convinced of Oswald's guilt as the lone gunman because it had him under control. It was a devastating thought. The Commission was so aghast that Dulles even suggested that the record of their session be destroyed. At that stage, the disposition of the Commission seemed to be to conceal evidence, if it actually developed into evidence, to spare the nation an intolerable truth. Rankin sought to place it all in perspective.

Mr. Rankin: I thought first you should know about it. Secondly, there is this defector too that is somewhat an issue in this case, and I suppose you are all aware of it. That is that the FBI is very explicit that Oswald is the assassin or was the assassin, and they are very explicit that there was no conspiracy, and they are also saying in the same place that they are continuing their investigation. Now in my experience of almost nine years, in the first place it is hard to get them to say when you think you have got a case tight enough to convict somebody, that that is the person that committed the crime. In my experience with the FBI they don't do that. They claim that they don't evaluate, and it is uniform prior experience that they don't do that. Secondly, they have not run out of all kinds of leads in Mexico or in Russia and so forth which they could probably . . . They haven't run out all the leads on the information and they could probably say—that isn't our business . . . But they are concluding that there can't be a conspiracy without those being run out. Now that is not (normal) from my experience with the FBI . . . Why are they so eager to make both of those conclusions . . . the original report and their experimental report, which is such a departure. Now that is just circumstantial evidence, and it don't prove anything about this, but it raises questions. We have to try to find out what they haven't said that would give any support to the story, and report it to you.

The transcript becomes unclear at this point in identifying the speakers participating in the discussion as to which FBI official would know whether Oswald had, indeed, been an undercover agent. Rankin, replying to questions, said that Alan H. Belmont, whom he described as being in the FBI's Special Security Division, would know "every undercover agent."

Mr. Rankin: . . . When the Chief Justice and I were just briefly reflecting on this we said if that was true and it ever came out and could be established, then you would have people think that there was a conspiracy to accomplish this assassination

that nothing the Commission did or anybody could dissipate.

Rep. Boggs: You are so right.

Mr. Dulles: Oh, terrible.

Rep. Boggs: Its implications of this are fantastic, don't you think so?

Chairman: Terrific.

Mr. Rankin: To have anybody admit to it, even if it was the fact, I am sure that there wouldn't at this point be anything to prove it.

Mr. Dulles: Lee, if this were true, why would it be particularly in their interest—I could see it would be in their interest to get rid of this man but why would it be in their interest to say he is clearly the only guilty one? I mean I don't see that argument that you raise particularly shows an interest.

Mr. Rankin: They would like to have us fold up and quit.

Rep. Boggs: This closes the case, you see. Don't you see?

Mr. Dulles: Yes, I see that.

Mr. Rankin: They found the man. There is nothing more to do. The Commission supports their conclusions, and we can go on home and that is the end of it.

Mr. Dulles: But that puts the burden right on them. If he was not the killer, and they employed him, they are already it, you see. So your argument is correct if they are sure that this is going to close the case, but if it don't close the case, they are worse off than ever by doing this.

Rep. Boggs: Yes, I would think so. And of course, we are all even gaining in the realm of speculation I don't even like to see this being taken down.

Mr. Dulles: Yes. I think this record ought to be destroyed. Do you think we need a record of this?

Mr. Rankin: I don't, except that we said we would have records of meetings and so we called the reporter in the formal way. If you think what we have said here should not be upon the record, we can have it done that way. Of course it might . . .

Mr. Dulles: I am just thinking of sending around copies and so forth. The only copies of this record should be kept right there.

Rep. Boggs: I would hope that none of these records are circulated to anybody.

Meeting of the Commission on January 27, 1964

Five days after its secretive emergency meeting of January 22, the Commission was convened by Chief Justice Warren to decide what to do about the reports that Lee Oswald may have been an FBI undercover agent. The Commission (minus Rep. Ford, who was away that day) spent more than two hours of its three-and-a-half-hour afternoon session agonizing over ways of approaching J. Edgar Hoover on the subject of Oswald.

The Commission, as it became increasingly clear throughout the afternoon, was caught between its concern that Hoover's written denial of Oswald's alleged employment by the FBI would not be believed by the public and its own fear of antagonizing Hoover if it attempted to embark on its own investigation of the charges. The

point was repeatedly made that Hoover might feel that he was being investigated by the Commission if, as suggested by many members, he were asked to produce documentary evidence that he was telling the truth. The discussions produced the impression that the commissioners were, in a sense, afraid of Hoover, whose national popularity and reputation were repeatedly alluded to. Yet, they were in a dilemma, almost convinced that there might be no way of discovering the truth. In other words, they feared they could never prove the negative, i.e. that Oswald had never been in the FBI's employ!

This doubt was further compounded by Allen Dulles who, drawing on his experience as CIA Director, virtually assured the Commission that, even if they were true, Hoover would never confirm the charges. He acknowledged that in his own case, he would not have told the truth about his undercover agents, even under oath, to anybody except the President of the United States.

The counterpoint to this discussion was the oft-expressed sense of frustration about the FBI. The panel recognized its utter dependence on the FBI and its own inability to develop alternate sources of information. In anger, several Commissioners and J. Lee Rankin, the General Counsel, complained that the FBI was imposing its own conclusions on the Commission—that Oswald, acting alone, was President Kennedy's assassin—and that it simply wanted the panel to endorse the bureau's findings.

In what was the most dramatic executive session to date, the Commission took two hours to agree on instructions to Rankin on how to approach Hoover—without antagonizing him. As the session opened, Rankin summarized the situation for the Commissioners, repeating the information from Waggoner Carr, the Texas attorney general, that the charges concerning Oswald's possible connection with the FBI were developed in hearings in the chambers of the judge who was to preside over the forthcoming trial of Jack Ruby. According to Rankin, this came about when Ruby's lawyers asked for FBI materials to help prepare their case, but were turned down by Dallas County District Attorney Henry Wade on the request of the FBI. However, Carr said, according to Rankin, that the FBI might make an exception in this case because "Oswald was an undercover agent for the FBI." The seeming contradiction was never adequately explained—as so many other things were not made clear to the Commissioners—though it fitted into the strange theory developed at the Commission's meeting five days earlier that by leaking the suggestion that Oswald had been an FBI informer, the bureau would effectively close the case in terms of a conspiracy to kill President Kennedy.

The FBI, as we have seen, had rejected the conspiracy theory. The Commission was disturbed by the vagueness of the charges: the sources were a Houston newspaper and a Dallas County deputy sheriff who might have been repeating the newsman's story. The allegations were also published early in January in *The Nation*, and the Commission had a new Secret Service report repeating the charges.

Mr. Rankin: They said that the rumors were constant there that Oswald was an undercover agent, but they extended it also to the CIA, saying that they had a number for him assigned to him in connection with the CIA and gave that to him, and none of them had any original information of their own.

They said that the source of their information was a man by the name of Hudkins who was a reporter for the *Houston Post*, and that it had been circulated by a greater portion of all the reporters in the Dallas area who had been working on this matter in various forms . . . We did discover, amongst the

papers that we received from the Secret Service, a report . . . which referred to a Mr. [Allan L.] Sweatt, who was the Deputy Sheriff in Dallas County, in which he said that Oswald was an undercover agent and was being paid so much a month for some time back to September, and that it had a number which he gave and that report as No. 172. This report by the Secret Service agent was of a conference or inquiry that he made in the area to Sweatt back on December 17th. The report was dated January 3, and we didn't get it until January 23 . . . At the time when this matter first came to our attention, the Chief Justice asked [the] Secret Service agent who was working here, [that] if there was anything about this in their files that he would get it if there was and bring it to him directly personally . . .

We didn't know what to expect from this, because that was 20 days after the date of that report, and we wondered whether the Secret Service was withholding something from us, since they had this in their hands clear back on January 3 . . .

The explanation since has been that they were trying to check it out, that there was no purpose to withhold it from us even though it seemed like kind of a long period since they hadn't gotten any further report from Mr. Sweatt at all . . .

Mr. Dulles: He was the one who gave it to the Secret Service?

Mr. Rankin: Yes . . . They have since then, the Secret Service, has investigated, we asked them to, and they have gone to Sweatt and Sweatt has said he got it from Hudkins. Back to the same source . . . And there is nothing that we have received from any investigative agency checking out Hudkins in regard to this report . . . Those stories we generally discount as possibly an effort to blame the FBI for some of the matters involved . . . [Wade] did say he has had considerable experience with the FBI, and knew their practices, that he handled as much as \$2,000 a month during the war period in which he paid off informers and undercover agents in South America, and he knew that it wasn't revealed on any records he ever handled who he was paying it to and he never got any receipts, and it wasn't the practice to get receipts; that he would have a list of numbers in his office, that was one of the most closely guarded records that he had, and he would put down the amount he paid off, including such people as the head of the government in Ecuador, or the police in Ecuador and he said that he was paying him more than his salary each month, so that they got better service than the local government did . . .

He was frank, however, about stating that he didn't know whether that practice continued, he didn't know how they were doing it, that was a long time ago and how the FBI would handle any such transaction now . . . He didn't indicate that he was sure that this was the case at all. He just indicated that it was a possibility, and some of the things that had happened he thought were curious . . .

Having listened to Rankin's report, the Commission was faced with the puzzle of what it could—or should—do about the charges against the FBI. Sen. Russell asked whether these allegations could be cleared up. The immediate problem was whom to approach first.

Mr. Rankin: We thought, first, about approaching the Justice Department with a request that the Attorney General [Robert F. Kennedy] inform us as to the situation not only as to what he would say about whether Oswald was or was not an undercover agent, but also with the supporting data that

the Commission could rely upon, and there is some difficulty about doing that. As the head of the department, the FBI, of course, is under the attorney general, but I think we must frankly recognize amongst ourselves that there is a daily relationship there involved in the handling of the problems of the department and the work of the FBI for the department and that we wouldn't want to make that more difficult . . . that it is the feeling of the department, not the attorney general because he is not here, but Mr. Katzenbach, and Mr. Miller, assistant attorney general in charge of the Criminal Division, that such a request might be embarrassing, and at least would be difficult for the attorney general, and might, if urged, while we would get the information we desired, make very much more difficult for him to carry on the work of the department for the balance of his term.

Sen. Rieffell: If he would transmit to us what they told him, the FBI has a very large measure of autonomy in their operations.

Mr. Rankin: In light of that, I suggested the possibility for the Commission to consider that I should go over and see Edgar Hoover myself, and tell him this problem and that he should have as much interest as the Commission in trying to put an end to any such speculations, not only by his statement, which I would be frank to tell him I would think would not be sufficient, but also if it was possible to demonstrate by whatever records and materials they have that it just couldn't be true, and see if we couldn't get his cooperation to present that with the understanding that the Commission at the time, the Commission would have to feel free to make such other investigation and take testimony if it found it necessary, in order to satisfy the American people that this question of an undercover agent was out of the picture. To examine [James P.] Hosty, the FBI agent who was working in that area, and to examine the special agent in charge of the area, and to examine Mr. Hoover, under oath, right up the line. . . . We do have a dirty rumor that is very bad for the Commission, the problem and it is very damaging to the agencies that are involved in it and it must be wiped out insofar as it is possible to do so by this Commission. . . .

Chairman: Well, Lee and I both agreed that we shouldn't leave this thing in this present posture, that we should go ahead and try to clear the matter up as best we can. We did argue a little about the approach, whether we should go first to the FBI and ask them for an explanation or whether we should first go and try to see if there is any substance to the claim by interrogating the newspaperman who claims that he has the knowledge of the situation, or whether we should first go to the bureau . . . Lee felt it would be the better part of cooperation to go over and see Mr. Hoover and tell him frankly what the rumor was, state that it is pure rumor, we haven't evaluated the facts, but ask him, first, if it is true, and secondly if he can supply us with information to establish that these facts are not true, and they are inconsistent with what would be the way of operation of their bureau . . . I rather dislike going to the FBI and just ask them to establish to us that a rumor can't be true until we have at least looked into it.

Sen. Russell: If you went down there in the first instance to the FBI and got a statement and when you start pursuing it you would look like you are impeaching. . . . I think the best way to handle it would be to try to exhaust it at the other hand before you go to the FBI. . . .

Rep. Boggs: . . . If you get a statement from responsible officials in that agency and then you say, "Well, we are not going to take this statement on face value, we are going to go behind it," this could become a matter of grave embarrassment to everybody. . . .

Still, as the Commissioners were beginning to realize, there was no assured way of doing away with the allegations linking Oswald to the FBI. The point that dawned on the Commission was that intelligence agencies tend to deny such charges regardless of their accuracy. And the Commission could not even be certain that the FBI would be telling the truth in denying the Texas charges. Allen Dulles's expert opinion on intelligence agency practices served to compound the doubts.

Sen. Russell: If Oswald never had assassinated the President or at least been charged with assassinating the President and had been in the employ of the FBI and somebody had gone to the FBI they would have denied he was an agent.

Mr. Dulles: Oh, yes.

Sen. Russell: They would be the first to deny it. Your agents would have done exactly the same thing.

Mr. Dulles: Exactly. . . .

Sen. Cooper: If you have these people up from Texas and examine them, of course the FBI will know that.

Mr. Rankin: They already know about this apparently. . . . I just don't think that they [the Texas officials] are going to come out and say they fabricated this, if it is a fabrication. It is too serious for that.

Rep. Boggs: Of course, we get ourselves into a real box. You have got to do everything on earth to establish the facts one way or the other. And without doing that, why everything concerned, including everyone of us is doing a very grave disservice. . . .

Sen. Cooper: . . . Before you asked Mr. Hoover you present us with all the proof to the contrary, because as you say, if he presents all this proof to the contrary, then the situation changes a little bit. It would appear to him that you are trying to impeach his testimony. . . .

Mr. McCloy: Do we have a statement from Mr. Hoover that this man was not an agent? Was that communicated in the record?

Mr. Rankin: Yes. . . .

Mr. McCloy: I would like to examine again this relationship between the Department of Justice and the FBI. Just why would it be embarrassing for the attorney general of the United States to inquire of one of his agencies whether or not this man who was alleged to have killed the President of the United States, was an agent.

Does the embarrassment supersede the importance of getting the best evidence in such a situation as this?

Mr. Rankin: Well, I think it is a question of whether we have to put him into that position in order to get the job done, because there is, in my opinion, not any question but what there will be more friction, more difficulty with his carrying out his responsibilities, and I think we have a very real problem in this Commission in that if we have meetings all

the time and they know what it is about ... and we are meeting rather rapidly here in the last few days, and they can guess probably what it is about, certainly after the meeting with the Texas people. ...

Sen. Cooper: In view of all the rumors and statements that have been made not only here but abroad, I think to ask the President's brother, the dead President, to do this, it wouldn't have any backing in it. It would have no substance in his purpose but some crazy people would translate it from his official position to a personal position. It may sound far fetched but he would be implying as a person that something was wrong. You can't overlook any implications.

Mr. McCloy: I think that would perhaps be an element in the thing, but it still wouldn't divert me from asking this man who happens to be the attorney general whose sworn duty it is to enforce justice, to ask him just what is within his knowledge in regard to such a serious thing as this. It is [an] awkward affair. But as you said the other day, truth is our only client ... I think we may have to make this first step, that the senator speaks about, but I don't think that we could recognize that any door is closed to us, unless the President closes it to us, and in the search for the truth

Mr. Rankin: I don't see how the country is ever going to be willing to accept it if we don't satisfy them on this particular issue, not only with them but the CIA and every other agency

Mr. McCloy: In reading over this testimony again, this morass of testimony or evidence we have got here, I notice that Mrs. Oswald, the mother, said perhaps he was an agent, perhaps he might have been an agent, in trying to explain why he went to the Soviet Union.

Chairman: She has made statements on that. ...

Mr. Dulles: Since this has been so much out in the public, what harm would there be in talking to Hoover without waiving my right to make any investigation in the public. ... There is a terribly hard thing to disprove, you know. How do you disprove a fellow was not your agent. How do you disprove it.

Rep. Boggs: You could disprove it, couldn't you?

Mr. Dulles: No.

Rep. Boggs: I know, ask questions about something—

Mr. Dulles: I never knew how to disprove it.

Rep. Boggs: Did you have agents about whom you had no record whatsoever?

Mr. Dulles: The record might not be on paper. But on paper would have hieroglyphics that only two people knew what they meant, and nobody outside of the agency would know and you could say this meant the agent and somebody else could say it meant another agent.

Rep. Boggs: Let's take a specific case, that fellow Powers was one of your men. ...

Mr. Dulles: Oh, yes, he was not an agent. He was an employee.

The reference is to Francis Powers, the U-2 pilot, who was shot

down over the Soviet Union in 1960

Rep. Boggs: There was no problem in proving he was employed by the CIA.

Mr. Dulles: No. We had a signed contract.

Rep. Boggs: Let's say Powers did not have a signed contract but he was recruited by someone in CIA. The man who recruited him would know, wouldn't he?

Mr. Dulles: Yes, but he wouldn't tell.

Chairman: Wouldn't tell it under oath?

Mr. Dulles: I wouldn't think he would tell it under oath, no ... He ought not tell it under oath. Maybe not tell it to his own government but wouldn't tell it any other way.

Mr. McCloy: Wouldn't he tell it to his own chief?

Mr. Dulles: He might or might not. If he was a bad one then he wouldn't.

Rep. Boggs: What you do is you make out a problem if this be true, make our problem utterly impossible because you say this rumor can't be dissipated under any circumstances.

Mr. Dulles: I don't think it can unless you believe Mr. Hoover, and so forth and so on, which probably most of the people will.

Mr. McCloy: Allen, suppose somebody when you were head of the CIA came to you, another government agency and said specifically, "If you will tell us," suppose the President of the United States comes to you and says, "Will you tell me, Mr. Dulles?"

Mr. Dulles: I would tell the President of the United States anything, yes, I am under his control. He is my boss. I wouldn't necessarily tell anybody else, unless the President authorized me to do it. We had that come up at times.

Mr. McCloy: You wouldn't tell the Secretary of Defense?

Mr. Dulles: Well, it depends a little bit on the circumstances. If it was within the jurisdiction of the Secretary of the Defense, but otherwise I would go to the President, and I do on some cases.

Mr. Rankin: If that is all that is necessary, I think we could get the President to direct anybody working for the government to answer this question. ...

Mr. Dulles: 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.

Mr. McCloy: Mr. Hoover didn't have anything to do with him but his agent. Did you directly or indirectly employ him?

Mr. Dulles: But if he says no, I didn't have anything to do with it. You can't prove what the facts are. There are no external evidences. I would believe Mr. Hoover. Some people might not. I don't think there is any external evidence other than the person's word that he did or did not employ a particular man as a secret agent. No matter what.

Mr. McCloy: If we get a statement from the Department that the Attorney General and perhaps from Mr. Hoover or from Mr. Hoover which said, "I am telling you that this man was not in any way employed by the FBI", or in the case of John McCloy or the CIA, I think that probably stops us, unless we

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run into something—

Mr. Dulles: That would be all right with me. Whether it meets with the others—

Mr. McCloy: Now there is put in our hand a document that shows he was paid a certain amount of money. Maybe we would have to go further than that but I think it would be almost incumbent upon us to ask the head of the agencies whether or not this man was an employee.

Rep. Boegs: Just to examine a little further your statement. I would believe that could establish whether or not this fellow got \$200 a month, almost certainly establish it.

Mr. Dulles: How could you? He is dead and you haven't got his bank account or anything of that kind.

Sen. Russell: The only trouble is these undercover agents they don't keep one line of writing, not one word anywhere.

Mr. Dulles: Sometimes you very often, in the Soviet, they did it all the time, they wanted to compromise a person and they would deliberately see that there was a record, they would keep it, and they would force money on people, and force money, people to give receipts, sometimes they would want to do that. But that is when you are, I don't know whether too much of this should be on the record as far as the Soviet is concerned. If you want to incriminate someone and tie them to you, you would give them money and give them a receipt. But that doesn't by any means overlap. But on occasion.

Sen. Russell: Is that when you would want to blackmail him?

Mr. Dulles: That is correct. Klaus Fuchs, take [Alger] Hiss with the rug, they wanted to have some evidence, he couldn't run away then, he was caught, he was trapped.

Mr. Rankin: Allen, how would you feel about it, if you were head of the CIA now, and the same claim was made and this Commission was worried about the claim being believed by the public, and they would ask you, would you want the Commission to come to you directly?

Mr. Dulles: Oh, yes, certainly I would.

Mr. Rankin: Or would you want us to go out and examine witnesses first?

Mr. Dulles: I think I would want you to come so I could give you leads as to how you could examine witnesses if you wanted to.

Mr. Rankin: If you had us out examining witnesses about whether you had the man in your employ, would you feel that we were not very fair to you?

Mr. Dulles: No, I don't think I would.

Mr. McCloy: Do you think it might be quite appropriate for us?

Mr. Dulles: It would depend whether there were international complications or foreign governments involved, then I might say we would do it in this way or that way to keep from being in trouble with the foreign country. But as far as the US.

Mr. McCloy: But wouldn't we be putting your agency in great trouble if we went out finding out who your agents were and put out the report and make it public knowledge, wouldn't

you think it strange if we didn't come to you with our problem?

Mr. Dulles: Yes, I think it would be.

Mr. Rankin: Then you would leave doubt you were not investigating around before you had any real leads.

Mr. McCloy: We might get a lead and then we have it and then we have to publish.

Sen. Russell: There is no man in the employ of the federal government who stands higher in the opinion of the American people than J. Edgar Hoover.

Mr. Dulles: That is right.

Sen. Russell: Of course, we can get an affidavit from Mr. Hoover and put it in this record and go on and act on that but if we didn't go any further than that, and we don't pursue it down to Hudkins or whoever it is, there still would be thousands of doubting Thomases who would believe this man was an FBI agent and you just didn't try to clear it up and you just took Hoover's word.

Personally, I would believe J. Edgar Hoover, I have a great deal of confidence in him. . . . But the other people—I would believe, a simple statement as Holy Writ, this one statement without being under oath, but you can't try cases that way, and you can't base the conclusions of this Commission on that kind of material.

Mr. McCloy: I think it would be wrong for us to start an independent examination of who the agents of this, of the various law enforcement agencies of the country were without notifying the head of that agency that we were doing it and why we were doing it. . . . You would communicate with the head of the agency, whether it be the attorney general or Mr. Hoover or John McCone, whoever it might be, at the same time you would be taking a look at Hudkins [The newspaperman]. . . .

Mr. McCloy: They [The FBI] are not on notice of these last developments in the Commission, the last information.

Sen. Cooper: They probably have notice that these people have been here, and therefore suspect already that we are looking into it because knowing exactly what we are doing.

Mr. McCloy: Katzenbach says they will be embarrassed.

Mr. Rankin: Greatly embarrassed.

Chairman: But they seemed to think there would be no embarrassment for us to check it out ourselves. They think that is all right, they think it is all right for us to do that. . . . I am not going to be thin-skinned about what Mr. Hoover might think, but I am sure if we indicated to Mr. Hoover that we were investigating him he would be just as angry at us as he was, or would be at the Attorney General for investigating him. . . . The better way to do it would be to try to establish in our own minds whether or not there is any truth to this thing. . . . and if we decide that there is nothing to it except rumor, as far as we can find, I would still ask Mr. Hoover to report to us on it, tell him that this rumor has persisted, that Oswald was on the payroll of the FBI, and that the date of his employment was stated, his number was stated, his wages were stated, and that we would like anything he has in his records or through his investigation to disprove that thing.

Now, I don't see how a man in a public position whose own reputation is at stake in the thing, could object to such procedure. I don't think that is unfriendly in any way, shape or form. But I do believe, if we just go and indicate to Mr. Hoover that we are now investigating his probity without having tried to determine whether it is fact or fiction, that he might have reason to believe that we were doing it. . . .

Mr. Dulles: We ought to go to him.

Chairman: We must go into this thing from both ends, from the end of the rumor-mongers and from the end of the FBI, and if we come into a cul-de-sac, why, we are there but we can report on it. . . .

Mr. Dulles: I agree. . . . I don't think there is necessarily a question of probity. It might look so to the country. It is Mr. Hoover's job to watch the Fair Play for Cuba Committee and to try to penetrate it in any way he could. The reason I don't believe it is this fellow was so incompetent that he was not the kind of fellow that Hoover would hire: If this fellow was hired, I wouldn't discredit this might be a normal thing to do, but he was so stupid. Hoover didn't hire this kind of a stupid fellow, but for him to want to penetrate the Fair Play for Cuba Committee and find out what it is doing in this country is just as much of his duty as it is to penetrate the Communist Party in this country and he has been doing that right along. . . .

Mr. McCloy: I wouldn't put much confidence in the intelligence of all the agents I have run into. I have run into some awfully stupid agents.

Mr. Dulles: Not this irresponsible.

Mr. McCloy: Well, I can't say that I have run into a fellow comparable to Oswald but I have run into some very limited mentalities both in the CIA and the FBI.
(Laughter)

Chairman: Under agents, the regular agents, I think that would be right, but they and all other agencies do employ undercover men who are of terrible character.

Mr. Dulles: Terribly bad characters.

Sen. Russell: Limited intelligence, even the city police departments do it.

Chairman: It takes almost that kind of a man to do a lot of this undercover work.

Mr. Dulles: They ought to be fairly smart. They may not be of high moral character but they ought to be fairly smart.

Mr. McCloy: Most of them certainly are. But you couldn't base an argument on the fact that the man, because he is not intelligent hasn't been retained.

Mr. Rankin: Would it be acceptable to go to Mr. Hoover and tell him about the situation and that we would like to go ahead and find out what we could. . . . Then if he reacts and says, "I want to show you that it couldn't be," or something like that, beforehand, what about that kind of an approach?—

Chairman: I don't believe we should apologize or make it look that we are in any way reticent about making any investigation that comes to the Commission.

But on the other hand, I don't want to be unfriendly or unfair to him. . . .

Mr. Rankin: What I was fearful of was the mere process will cause him [Hoover] to think that we are really investigating him.

Chairman: If you tell him we are going down there to do it, we are investigating him, aren't we?

Mr. Rankin: I think it is inherent.

Chairman: If we are investigating him, we are investigating the rumor against him, we are investigating him, that is true. . . .

Rep. Boggs: Mr. Dulles, when you headed up the CIA, the notion that you would know the countless informers and people employed by the agencies was fantastic. You couldn't know about all of that.

Mr. Dulles: No, but after a thing like this happens and it is in the paper two or three times I would get hold of the proper person and say, "Have we hired anybody in that particular area?" By this time I would have known whether we did hire him or not. . . . I had to authorize it. I had to trust that to the other agents.

Mr. McCloy: You would know in this case who, if there was anybody, who would have hired Oswald, who it would be.

Mr. Dulles: Certainly within an area, certainly no one had authority to do it. Now someone might have done it without authority. The CIA has no charter to hire anybody for this kind of work in the United States. It has abroad, that is the distinction. . . . I don't say it [The CIA] couldn't possibly have done it, but it has no charter of authority to run this kind of agent in the United States; that would be other departments of government, particularly the FBI. We wouldn't investigate the Fair Play for Cuba Committee in the United States, in the CIA. But there is no reason why an inquiry shouldn't go. . . .

Actually, Dulles was misleading the Commission with his statement that because of its charter confining it to operations abroad, the CIA was not involved in domestic intelligence activities. The report of the Rockefeller Commission on "CIA Activities Within the United States," issued in June, 1975, asserted that the agency had been conducting a covert and illegal program of international mail interception at American post offices since 1952. This activity continued during Dulles' tenure as CIA Director and subsequently.

Meanwhile, as McCloy pointed out, the possible link between Oswald and the FBI as well as the question of whether there was a relationship between Oswald and Jack Ruby will "loom up in all probability to be . . . major issues in our investigation."

Mr. McCloy: If he was on the payroll of the FBI they would think he was all right, they would not think of his being a defector. . . . It is going to, I think, foment a good bit of comment, and we are going to have to have a very solid record on it. . . .

Mr. Rankin: At the police station, just after the assassination, Hosty, the agent for the FBI in the Dallas area, said that he knew that Oswald had visited two known subversives . . . within two weeks of the day of assassination. . . .

Mr. Dulles: Has Hosty been talked to later to get the names?

Mr. Rankin: Nobody has asked him. . . .

Mr. McCloy: This brings up to my mind again the desirability

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of our talking to the chief investigator of the FBI. We here don't know whether somebody checked up on Hosty again or whether he didn't. Why don't we get him in and just talk with him. I don't know whether we want to examine him under oath but talk to him about the extent of the FBI investigation . . . What have they done? . . . I would think the time is almost overdue for us being as dependent as we are on FBI investigations, the time is almost overdue for us to have a better perspective of the FBI investigation than we now have.

McCloy's exasperation with the Commission's utter dependence on the FBI underscored how nearly impossible was the task facing the Warren Commission. The Commission, having rejected at its first meeting, and on Warren's suggestion, the idea of engaging its own investigators, was now totally at the mercy of the FBI, an agency it wholly distrusted. Yet the Commission was being inexorably pushed by the FBI to accept the bureau's conclusions.

Rankin told McCloy that, in fact, it was not viable to end the Commission's dependence on the FBI.

Mr. Rankin: We had hoped to do that about two and a half weeks ago and we were going to come back to them with a great many obvious questions, and holes in what we have been given. But then we got a supplemental report, and it filled in some of the holes but not all of them, two-thirds of them or more . . . and we didn't want to ask them questions that they would say, 'well haven't you read our supplemental report, it is all there.' Our relations would break down very rapidly if we did business that way, so we had to go and analyze all the new material and, not only the supplemental report, but all their additional raw materials they gave us at that time, and now we are in the process of trying to give them demands. . . .

Mr. McCloy: . . . We are so dependent upon them (The FBI) for our facts that it might be a useful thing to have him before us, or may be just you talk to him, for example, to follow up on Hosty.

The reference is to Belmont, the FBI official in charge of the investigation.

Mr. Rankin: Part of our difficulty in regard to it is that they have no problem. They have decided that it is Oswald who committed the assassination, they have decided that no one else was involved, they have decided. . . .

Sen. Russell: They have tried the case and reached a verdict on every aspect.

Rep. Boggs: You have put your finger on it.

Mr. McCloy: They are a little less certain in the supplementals than they were in the first.

Mr. Rankin: Yes, but they are still there. They have decided the case, and we are going to have maybe a thousand further inquiries that we say the Commission has to know all these things before it can pass on this.

And I think their reaction probably would be, "Why do you want all that? It is clear."

Sen. Russell: "You have our statement, what else do you need?"

Mr. McCloy: Yes, "We know who killed cock robin." That is the point. It isn't only who killed cock robin. Under the terms

of reference we have to go beyond that.

Rep. Boggs: The most difficult aspect of this is the Ruby aspect.

Mr. Rankin: That is one very difficult area. Then you have some clear proof of some kind of a Cuban connection there, and there is a difference in regard to the testimony of what it is. You run into clear proof that his brother had some kind of a Cuban connection . . . in Detroit, but that sort of dries up when we try to get at the detail of what it is. . . .

Rankin was referring to reports that Ruby and his brother were engaged in an effort to sell surplus jeeps to Cuba in 1959, after Premier Fidel Castro took power. Jack Ruby, in fact, visited Havana in 1959.

Chairman: Well, Lee, as I understand your approach would be this: You would go to Mr. Hoover and say, "Now, Mr. Hoover, as you know, there are rumors that persist in and around Dallas and it is getting into the national press, to the effect that Oswald was an undercover FBI agent. The rumor has gone to the extent of stating the date on which he was employed, the number under which he was employed, and the amount of money that he received for his services, and that continued up until the time of the assassination.

"Now we are going to have to try to run that rumor down to see if anyone claims positive knowledge or whether it is plain rumor.

"Can you, and will you, give us all the information that you have which will enable us to ferret that thing out, to the very limit?"

Mr. Rankin: That is what I would like to do. Reserving at the same time the right to go to these other people and take their testimony.

Chairman: That would be implicit in it. . . .

Mr. Rankin: I had in mind going to Mr. Hoover and asking him for more than his expression of the truth or falsity of it. Asking him for what he knows his organization presumably, what can he do to help us in regard to the proof of the facts in regard to this particular . . . I am sure Mr. Hoover knows many of these, he may not know about particular individuals, just like Mr. Dulles wouldn't, but he knows who to ask, and ring a button and say, for the record how could we establish this? . . . I am sure within the FBI Mr. Hoover knows where to find out who was hired on any particular date and the basis of it, and I thought if it was my situation, and I was being reflected on that I had had somebody like this under my employ I would like to be approached, first, and I wouldn't feel that it was a reflection on me, or at least I would feel the reflection was already involved in these kinds of articles and claims, and I would rather you would come to me than to go to someone else and ask him about the rumors, and let me see if I couldn't establish it. I don't think the country is going to be satisfied with the mere statement . . . about any intelligence agency that Oswald wasn't hired in light of this kind of an accusation, or rumor.

I think that the country is going to expect this Commission to try to find out the facts, as to how those things are handled to such an extent that this Commission can fairly say, "In our opinion, he was or was not an employee of any intelligence agency of the United States." . . .

Dulles then made the practical suggestion that Rankin ask Hoover to let him see any reports from FBI agents who had contact with Oswald on different occasions. Rankin replied that the Commission had such reports, "but we don't have any assurances that those are the only reports . . . there could be more reports and all that kind of thing." As we learned in 1975, Rankin was right in his suspicions. He also noted that it was a "curious factor" that FBI agents did not approach Oswald after an interview with him in August although they did talk to Marina Oswald and Ruth Paine during October. It was the October approach to Marina by the FBI that led Oswald in November to write his threatening letter to the Bureau, but the Warren Commission did not know about it at the time. There is no explanation, either, as to why the FBI did not seek out Oswald after he wrote the letter. It could be theorized that had such an FBI contact been made, Oswald might have been prevented from committing the Dallas crime.

Sen. Russell remarked that it was a "queer thing" that the FBI interviewed Marina and Ruth Paine, but not Oswald. Rankin recalled that, according to Marina, two FBI agents had talked to Oswald for two hours in a car shortly after he had returned to the United States in 1962, and that Oswald "was very much disturbed." But, he said, "we don't have any report that would cover anything like a two hour conversation." This, then, was another instance in which the Commission had to weigh the relative credibility of the FBI and such witnesses as Marina Oswald. Finally, Sen. Russell told his colleagues that they had to face reality.

Sen. Russell: It seems to me we have two alternatives. One is we can just accept the FBI's report and go on and write the report based on their findings and supported by the raw materials they have given us, or else we can go and try to run down some of these collateral rumors that have just not been dealt with directly in this raw material that we have.

Rep. Boggs: I think we must do the latter . . .

Chairman: I think there is no question about it . . .

Mr. McCloy: We certainly wouldn't be doing the FBI a service and doing the Commission a service . . .

Sen. Russell: I don't propose to attack the FBI unless there is some startling revelation that they have evaded their responsibility . . .

Mr. Rankin: I thought from what I know about him [Hoover] that he would say, "We will do anything we can to help you. We will make anything available from our records," and then I would say to him, "You know your records and I don't. What will prove that this rumor is false?" . . .

Chairman: From his standpoint, he couldn't possibly have any proof other than his statement.

Mr. Rankin: Well, he may have a lot of proof . . .

Finally, the Commission voted unanimously to let Rankin approach Hoover in whatever way he thought best. After hours of discussion—and all the handwringing about upsetting Hoover—the Commission was, in effect, turning the responsibility to its general counsel.

Rankin then outlined at length the areas of investigation the Commission should pursue. The first area would be the day of the assassination, including all the Presidential plans and the collaboration between the Secret Service, the Dallas police, and the county sheriff. Rankin stressed that "we have difficulty determining the exact time" that Oswald went to Mexico although, presumably,

he already knew from newspaper reports late in September that President Kennedy would be coming to Texas in late November. Rankin further argued that a visit to Texas would necessarily include a stop in Dallas, and that the President's motorcade would have to move past the Texas School Book Depository building.

Mr. Rankin: . . . So it is possible he could have made as part of his plans from the time he left to go to Mexico City to try to locate in this building and go ahead with the assassination.

Now, that would assume that it is possible that he talked to people about such plans, and had collaborators concerning them in Mexico City. We do not have enough information about that to know what happened there except we do have information that he tried to get a visa at the Cuban Embassy, and he tried to get a visa at the Soviet Embassy, and we know the hotel he stayed at, and we have a very limited report from the hotel keeper about most of it to the effect that they knew nothing about him, didn't even know that he came or went, although there were seven days between the time he went down on the 26th of September and the third [of October] when he came back. . . . So that we have a wide range of inquiry yet in Mexico City as to the seven days and his activities there.

Sen. Russell: Who has been doing the investigating in Mexico?

Mr. Rankin: The CIA has been working with us in regard to that area, and the FBI has an attaché there who has done some work but most of it has been by the CIA, and we have a question there of how much of our information we have gotten from the FBI in an exhibit to the CIA and prior to that . . .

Rankin then turned to the details of Oswald's attempt the previous April to assassinate retired Maj. Gen. Edwin A. Walker, his account of it to Marina, and her threat to denounce him to the authorities if he ever repeated such an act. The attempt on Walker's life became known only after Dallas. Rankin told the Commissioners that it was strange that, according to Marina's testimony to the FBI, she had not known that Oswald had gone to Mexico. Another area of investigation outlined by Rankin was the question of President Kennedy's wounds—the point of exit or entrance of the bullet in the front of the neck. He noted that all this material "has to be developed much more than we have at the present time." Rankin pointed to contradictions between Dallas medical reports and the subsequent autopsy. He added: "So the basic problem, what kind of a wound it is in the front of the neck, is of great importance to the investigation." The Commission's uncertainty on this point, of course, would become later the subject of continuing controversy as to how many shots—and from where—were fired at Kennedy.

Mr. Rankin: . . . We think that the wound in the neck has to be related to one of these others, but the problem is difficult to determine because we have a statement from the hospital that the bullet that was more whole than the other was found on the stretcher which they brought the President in to the hospital on, and then we have other testimony later that goes back over the same ground in which the person in charge of the stretcher and the attendant said that this bullet was found under the blanket on the stretcher Gov. Connally was on.

Sen. Russell: I thought it was found on the stretcher of the President.

Mr. Rankin: That was the first story. And that is what we have to deal with, a story of that kind to try to reconcile it with people who actually handled the stretcher that Gov. Connally