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INVESTIGATION OF
THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

HEARINGS
Before the President's Commission
on the Assassination
of President Kennedy

PURSUANT TO EXECUTIVE ORDER 11130, an Executive order creating a Commission to ascertain, evaluate, and report upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent violent death of the man charged with the assassination and S.J. RES. 137, 88TH CONGRESS, a concurrent resolution conferring upon the Commission the power to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas

Volume

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March 1965

of...

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

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Biographical information on the Commissioners and the staff can be found in the Commission's *Report*.

*Mr. Willens also acted as liaison between the Commission and the Department of Justice.

Preface

The testimony of the following witnesses is contained in volume V: Alan H. Belmont, assistant to the Director of the Federal Bureau of Investigation; Jack Revill and V. J. Brian of the Dallas police, who testified concerning conversations Revill had with James Patrick Hosty, Jr., a special agent of the FBI; Robert A. Frazier, a firearms expert with the FBI; Drs. Alfred Olivier, Arthur Dziemian, and Frederick W. Light, Jr., wound ballistics experts with the U.S. Army laboratories at Edgewood Arsenal, Md.; J. Edgar Hoover, Director of the Federal Bureau of Investigation; John A. McCone, Director of the Central Intelligence Agency; Richard M. Helms, Deputy Director for Plans of the Central Intelligence Agency; Thomas J. Kelley, Leo J. Gauthier, and Lyndal L. Shaneyfelt, who testified concerning efforts to reconstruct the facts of the assassination; Mrs. John F. Kennedy; Jack Ruby; Henry Wade, district attorney of Dallas; Sgt. Patrick T. Dean, of the Dallas police, who testified concerning a conversation with Ruby; Waggoner Carr, attorney general of Texas; Richard Edward Snyder, John A. McVickar, Abram Chayes, Bernice Waterman, and Frances G. Knight, of the U.S. Department of State; Secretary of State Dean Rusk; Mrs. Lee Harvey Oswald; Harris Coulter, an interpreter with the Department of State; Robert Alan Surrey, a Dallas citizen who testified regarding his relationship with General Walker; James J. Rowley, Chief of the U.S. Secret Service; Robert Carswell, special assistant to the Secretary of the Treasury; Bernard William Weissman, who testified concerning an advertisement signed by him which appeared in the Dallas Morning News on November 22, 1963; Robert G. Klause, a Dallas citizen who testified regarding a "Wanted For Treason" handbill; Mark Lane, a New York attorney; President Lyndon B. Johnson and Mrs. Lyndon B. Johnson; Llewellyn E. Thompson, former U.S. Ambassador to the Soviet Union, and Secretary of the Treasury C. Douglas Dillon.

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Hearings Before the President's Commission on the Assassination of President Kennedy

Wednesday, May 6, 1964

TESTIMONY OF ALAN H. BELMONT

The President's Commission met at 9:25 a.m. on May 6, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Representative Gerald R. Ford, John J. McCloy, and Allen W. Dulles, members.

Also present were J. Lee Rankin, General Counsel; David W. Belin, assistant counsel; Norman Redlich, assistant counsel; Samuel A. Stern, assistant counsel; and Charles Murray, observer.

The CHAIRMAN. Well, gentlemen, the Commission will come to order.

Mr. Belin, you had something you wanted the record to show in connection with our testimony yesterday.

Mr. BELIN. Yes, sir.

The CHAIRMAN. Would you present it to the Commission now, please.

Mr. BELIN. Yes, sir. We have a report from an FBI document that states that Roy Truly when interviewed on November 22, advised that "it is possible Oswald did see him with a rifle in his hands within the past few days," that is as of November 22, "as a Mr. Warren Caster, employed by Southwestern Publishing Co., which company has an office in the same building, had come to his office with two rifles, one was a .22 caliber rifle which Caster said he had purchased for his son, and the other a larger more high-powered rifle which Caster said he had purchased with which to go deer hunting if he got a chance," and Truly said that he examined the high-powered rifle and raised it to his shoulder and sighted over it and then returned it to Caster and Caster left with both rifles.

Then Truly went on to state that he does not own a rifle and has had no other rifle in his hands or in his possession for a long period of time. Now because of the problem that did arise, I believe the staff will promptly go down to Dallas to take the deposition of both Mr. Truly and Mr. Caster to fully get this in deposition form and find out where these rifles were as of November 22.

The CHAIRMAN. And their caliber, and so forth.

Mr. BELIN. Yes, sir.

The CHAIRMAN. Yes, sir; I think that is desirable. You ought to do that.

Mr. Belmont, the purpose of today's hearing is to take your testimony concerning the general procedures of the FBI and explain their relationship to the case of Lee Harvey Oswald.

Would you please rise and raise your right hand. Do you solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. BELMONT. I do.

The CHAIRMAN. Will you be seated, please.

Mr. Stern, will you conduct the examination, please?

Mr. STERN. Thank you, sir. Would you state your full name for the record, please?

Mr. BELMONT. Alan H. Belmont.

Mr. STERN. And your address, Mr. Belmont?

Mr. BELMONT. 2711 North Yucatan Street, Arlington, Va.

Mr. STERN. Mr. Belmont, what was your education at the college level?

Mr. BELMONT. Graduate of Stanford University in California, with an A.B. degree, majoring in accounting.

Mr. STERN. What year?

Mr. BELMONT. 1931.

Mr. STERN. What was your employment briefly before joining the Federal Bureau of Investigation?

Mr. BELMONT. I joined the Bureau, the FBI, in 1936, and in the interim I worked for public accountants and as a public accountant myself in California.

Mr. STERN. Would you describe, please, for the Commission briefly your experience in the Federal Bureau of Investigation since 1936?

Mr. BELMONT. I entered the FBI November 30, 1936, and after the period of training, was assigned to Birmingham, Ala., as my first office. I transferred to Chicago in about August 1937, and remained there until the summer of 1938 when I was transferred to Washington, D.C., headquarters.

In January of 1941 I was transferred to New York as supervisor of applicant and criminal investigative matters, remained there until the fall of 1942, when I was made assistant agent in charge of our Chicago office. In January of 1943 I was made agent in charge of our Cincinnati office and remained there until the summer of 1944 when I was transferred to New York as assistant agent in charge of criminal matters in New York.

Subsequently, I was placed in charge of all security work in New York for a number of years and was transferred to Washington in charge of the domestic intelligence division in February 1950. I headed that division until about June of 1961 when I was made assistant to the director in charge of all investigative work of the FBI and that is my present position.

Mr. STERN. Could you describe the organization of the FBI with two purposes in mind: First, to fix your position in the organization. Second, to provide a framework for describing the investigation of the case of Lee Harvey Oswald.

Mr. BELMONT. The headquarters of the FBI is, of course, or the FBI is headed by Mr. J. Edgar Hoover as Director. Directly under him is Mr. Clyde Tolson, Associate Director. There are 10 divisions broken down in particular types of administration.

Mr. DULLES. May I say if any of this is classified, highly classified, you had better let us know because then we could go off the record.

Mr. BELMONT. There is nothing classified here.

Mr. DULLES. Right. I know that you would have that in mind.

Mr. BELMONT. Thank you.

Basically, the division of the 10 divisions at headquarters is between administrative and investigative. The 10th division is the inspection division and reports directly to Mr. Hoover. I am in charge of the investigative divisions which are comprised of the general investigative divisions handling general criminal work, the special investigative division handling special inquiries of applicant nature, and our aggressive approach to organized crime.

The laboratory division handles all examinations of a scientific nature, and the domestic intelligence division handles all types of security work. I am in charge of those four divisions, and thus am in charge and responsible for our investigative work.

Our field offices, numbering 55, are geographically located in accordance with the amount of work in a particular area. Each division in the field is headed by a special agent in charge, assisted by an assistant special agent in charge. They are responsible for the proper conduct of the work within their divisions. They are answerable to Mr. Hoover. They are also supervised, of course, in the particular area of the work concerned by the division at headquarters.

Depending on—

Mr. DULLES. May I ask is that 55 in the United States?

Mr. BELMONT. United States and its possessions.

Mr. DULLES. And Puerto Rico?

Mr. BELMONT. Yes.

Mr. DULLES. It doesn't include your legal—

Mr. BELMONT. Legal attachés abroad?

Mr. DULLES. Yes.

Mr. BELMONT. No; they are under the direct supervision of our headquarters.

Depending on the size of the division in the field, we will have a supervisory staff in order to properly supervise the work of the agents in the field.

Mr. STERN. Can you describe the establishment of a typical case, indicating the meaning of the terms office of origin and auxiliary office?

Mr. BELMONT. A case is opened by the FBI upon the receipt of information indicating a matter within the jurisdiction of the FBI. We restrict our investigations to those matters which are within our jurisdiction.

The office of origin is the office where the major part of the work is to be done. Thus it should be the controlling office of the investigation.

Normally, if an individual is under investigation, it will be the office where he resides. There will be in many cases investigation to be conducted by other offices. Those offices that have investigations in that case are considered auxiliary offices, and will cover the investigation sent to it, sent to them, by the office of origin or by another auxiliary office, if a lead develops within that area that requires attention elsewhere.

I may say that the office of origin can be changed and is changed if during the investigation it becomes apparent that the focus of the investigation has shifted to another area.

It is logical, therefore, that that office which bears the brunt of the investigation should be in possession of all the material pertinent to the investigation and should be charged with the supervision and running of the investigation and the direction of it.

In the event the office of origin is changed at any given time, the previous office of origin will forward to the new office of origin all material pertaining to the case so that it will have a complete file and the necessary knowledge to run the case.

Mr. STERN. Can you tell us a bit more about how information is maintained and how it flows through the system from headquarters to office of origin, to the auxiliary office or in the other directions that are possible?

Mr. BELMONT. Since the information is maintained in a standard and uniform filing system in both our field offices and our headquarters so that there is complete uniformity in the handling of information, our main filing system is at headquarters. Consequently, we need here all pertinent information in any case. Consequently, the reports and information developed during a case are sent to our headquarters for filing.

It is pertinent to observe that we conduct close to 2 million name checks a year for other agencies and departments of the Federal Government. Consequently, we must have here all pertinent information so that a name check will reflect the information in possession of the Bureau.

When a report is prepared in our field office—an investigation, and there are leads or investigation to be performed in another office, copies of this report are designated for that office, together with the lead or the investigation to be covered. Upon receipt of that the office gathers the background information from the report and proceeds with the investigation.

Mr. STERN. This is the auxiliary office?

Mr. BELMONT. The auxiliary office.

If there is a matter of urgency rather than wait for an investigative report, the information will be transmitted by more rapid means, such as teletype. All of our offices have teletypes; radio, our offices have a radio system; telephone.

Mr. DULLES. Is that teletype from the office to Washington only, or is there some interoffice teletypes?

Mr. BELMONT. Each office is connected with each other office by teletype.

Mr. DULLES. It is; all over the country?

Mr. BELMONT. Yes, sir; permitting rapid communication.

Mr. DULLES. That is, New Orleans and Dallas would have teletype between these two offices?

Mr. BELMONT. Yes.

The CHAIRMAN. What kind of radio communication, Mr. Belmont, did you say?

Mr. BELMONT. We have an emergency radio communication so that both for normal use, in the matter of expense, to reduce expenses, and for an emergency, our offices can communicate with headquarters and with each other.

The CHAIRMAN. On your own transmission system?

Mr. BELMONT. Yes, sir; that is correct. We feel that in any type of an emergency we must, because of our heavy responsibilities—

The CHAIRMAN. Yes.

Mr. BELMONT. Be able to communicate. As a matter of fact, during the recent disaster in Alaska, one of the few means of communication with the mainland was our radio system.

The CHAIRMAN. Is that so?

Mr. BELMONT. And we assisted in passing messages down from Alaska.

We have a communication called AIRTEL which is simply a communication in letter form on a particular form which upon receipt is regarded as a matter of urgency and requires special handling.

So that you will understand that, in an effort to cut expenses, we determined that a matter which could not wait for a report or a letter was normally sent by teletype, which is a relatively expensive means of communication.

By sending an AIRTEL which would be recognized for special handling, the office could receive the same information by mail with a delay of perhaps 12 hours and it would still receive the urgent handling that we require for that particular thing. That is the purpose of the AIRTEL.

Mr. STERN. I think we might turn now to a description of your role in the investigation of Lee Harvey Oswald, both before and after the assassination.

Mr. BELMONT. As the individual in charge of all investigative operations, the Lee Harvey Oswald investigation is my responsibility, the same as any other investigative case in the Bureau.

Mr. STERN. Did you have any particular involvement that you can recall in the investigation of his case before November 22—personally?

Mr. BELMONT. No; this case was not of the importance or urgency that it was considered necessary to call to my personal attention for personal direction. You must bear in mind that during the fiscal year 1963 the FBI handled something in the nature of 636,000 investigative matters. Necessarily, then, those matters which would be called to my personal attention for personal handling would have to be on a selective basis.

Mr. STERN. Have you been personally involved in the investigation since the assassination?

Mr. BELMONT. I have indeed.

Mr. McCLOY. Before we get to this, how many cases of defections to the Soviet Union would you be investigating in the course of a fiscal year?

Mr. BELMONT. I couldn't give you an exact figure on that. It is our system to investigate any individual where there is information or evidence that indicates a necessity for investigation within our jurisdiction. I do know that we have investigated, and currently are investigating, defectors not only to the Soviet Union but in other areas of the world.

Mr. McCLOY. They also would not come per se to your attention, your personal attention?

Mr. BELMONT. Depending on the case. If there is a matter which has some urgency or there is a question of policy, it would and does come to my attention, and indeed comes to the attention of Mr. Hoover.

I would not seek to give you any impression that I am not advised of many cases, I am. I am kept daily advised, as is Mr. Hoover, of all matters of policy or urgency or where there is a question of procedure. That is inherent in our system of close supervision.

Mr. McCLOY. What I am getting at is, I think, is the matter of defection just out of its own character of such significance that it becomes a matter of out of the ordinary importance to the Bureau when you learn of it.

Mr. BELMONT. Again, Mr. McCloy, I have no way of knowing the extent to which those particular cases would be called to my attention.

As shown in the Oswald case itself, we do take cognizance of these. Immediately upon the publicity on Oswald, there was a case opened. I do know that I see many such cases and where there is an indication of possible damage

to the country through the leak of information, classified or in some other instance where there is a question of policy or urgency it is immediately called to my attention. I can only say in general I do see many such cases.

Mr. McCLOY. Well, we had testimony here yesterday that in a preassassination investigation of Oswald that they learned he was a defector, they had interviews with him, and then they marked the case closed.

At one stage it was reopened and then it was closed again because, as I gather it, there was no indication other than his defection that would lead to their, to the agents, feeling that this man was capable of violence or that he was a dangerous character in any sense.

I gather that whether or not he was thought to be a dangerous character or whether he was capable of violence would be settled by the man in the field office, in the office that had charge, the man who was in charge of the office that was dealing with that case locally, is that right?

Mr. BELMONT. That is a judgment that he would render, but that judgment would be passed on by our headquarters staff.

Mr. McCLOY. Passed on by Washington?

Mr. BELMONT. Yes, indeed. In this instance by the domestic intelligence division.

Mr. McCLOY. In this case then the decision to close that case, I am talking always about the preassassination business, was approved or tacitly approved by the Washington staff.

Mr. BELMONT. Not tacitly approved. Approved.

Mr. McCLOY. Approved. Well, you mark the paper approved or you just accept it, accept the file with a notation "return for closing."

Mr. BELMONT. When the closing report comes to our headquarters, it is reviewed by our supervisory staff, and if we do not agree with the action then the field office is notified to continue the investigation. That is a decision of substance.

Mr. McCLOY. Well, I can understand that but I gather when the report comes in you simply let the report lie unless you feel from your examination of it that it justified further action. You don't notify the field office, do you, that the closing of the case is approved?

Mr. BELMONT. No, Mr. McCloy. With the volume of work that we have that would be an unnecessary move.

Mr. McCLOY. I can understand that.

Mr. BELMONT. It is, however, thoroughly understood through our service, through the system that we follow, that if that report comes in and it is reviewed and it is filed here, if there is disagreement as to the handling of the closing of the case or any other matter pertaining to the investigation, the seat of government will then go out with instructions to the field.

Mr. McCLOY. All right.

Mr. DULLES. Could I ask one question further on that point?

The CHAIRMAN. Yes, indeed.

Mr. DULLES. As I recall from the testimony of your people yesterday, with regard to the situation in Dallas and later in New Orleans, that after the case was marked closed in Dallas, there was this incident in New Orleans of the distribution of the Fair Play for Cuba pamphlets, and then a case there, a live case, an open case was started.

Now, it wasn't quite clear to me yesterday from all the testimony, I missed a bit of it, unfortunately, as to whether the opening of a new case in New Orleans, because of the new incident, would operate to reopen it or change the closed status of the case in Dallas, and the case was then transferred from New Orleans to Dallas later. If you could clear that up for us I think it would be helpful.

Mr. BELMONT. The agent, Fain at the time, who handled the case, closed the case after two interviews with Oswald, arriving at the conclusion that the purpose of our investigation of Oswald which was to determine whether he had been given an assignment by Soviet intelligence, had been served. He closed the case, as he felt there was no further action to be taken. The purpose had been satisfied. Headquarters agreed.

In March 1963 Agent Hosty received information in Dallas to the effect that

Oswald had been in communication with The Worker, the east coast Communist newspaper. He therefore reinstated the case, and sent out a lead to check Oswald's employment. He also received information, as I recall it, that Oswald had been in communication with the Fair Play for Cuba Committee, so there were two incidents that aroused his interest.

In June 1963 our New Orleans office likewise received information that Oswald had communicated with The Worker or was on a subscription list for The Worker. So that the case was revived in Dallas by Hosty.

Mr. DULLES. That was even before what we call the New Orleans incident?

Mr. BELMONT. Correct.

Mr. DULLES. Yes.

Mr. BELMONT. And he learned that Oswald had left Dallas, the residence was then picked up in New Orleans, and the case was revived. So that actually there was a joint revival of the case.

Then on August 9, 1963, Oswald was arrested by the New Orleans police in connection with a disturbance of the peace in passing out these pamphlets, which further aroused our interest. So that the reopening of the case after the closing was due to these incidents that I have mentioned.

Mr. DULLES. Thank you. So that at the time of the assassination, this was an open and not a closed case as regards the Dallas office.

Mr. BELMONT. That is correct. At the time that Oswald was found to be living in New Orleans, and this was definitely established that he was actually residing there, the Dallas office in accordance with the procedure that I mentioned, transferred the case to New Orleans as office of origin.

Subsequently, the case was again transferred back to Dallas when it was determined that Oswald was again residing in the Dallas area.

The CHAIRMAN. All right, Mr. Stern.

Mr. STERN. We were getting, Mr. Belmont, to the question of whether you had been personally involved in the investigation since the assassination.

Mr. BELMONT. I said I have indeed.

Mr. STERN. Yes. As a part of that you have reviewed in detail the investigation made prior to the assassination?

Mr. BELMONT. Yes.

Mr. STERN. Have you participated in or supervised the preparation of reports and other correspondence to the Commission in response to questions from the Commission?

Mr. BELMONT. Yes.

Mr. STERN. I show you a letter with attached memorandum which has been marked for identification Commission Exhibit No. 833. Can you identify this document, Mr. Belmont?

(The document referred to was marked Commission Exhibit No. 833 for identification.)

Mr. BELMONT. This is a letter transmitted on April 6, 1964, to Mr. Rankin by the FBI with enclosure answering a number of questions which the Commission posed to the FBI.

Mr. STERN. Did you supervise the preparation of this letter?

Mr. BELMONT. Yes.

Mr. STERN. And you have reviewed it and are familiar with it?

Mr. BELMONT. Yes.

Mr. STERN. We have covered in your answers to Mr. Dulles and Mr. McCloy a good deal of the material in here.

I would like briefly to touch upon several of the questions, the more important questions, regarding the nature of the FBI's interest in Lee Harvey Oswald at various times, and I would like you to refer to each question that I indicate but not read your answer. Paraphrase it. I think we have had a good deal of the specific detail but what I am interested in is a description from your examination of the investigation as it was carried on, of the nature of the FBI interest in Oswald.

I would like to turn to the first question in which we asked—

The CHAIRMAN. You mean by that that you could get, we could get, a better idea from paraphrasing the answer than we could get from the exact answer itself?

Mr. STERN. I think he might be able to highlight the answer. We have the exact answer on the record, and I thought it might—

The CHAIRMAN. Well, highlight it, if there is anything in addition I would think that would be relevant and pertinent. But to ask him to paraphrase that which he has done with great meticulousness would seem to me to be abortive and would take a lot of our time, and I don't see what it would prove. If you have anything in addition that you want to ask him, if you want to ask him if there is anything in addition he has not put in there, that is all right. But to just ask him to paraphrase answers that have been done with great care would seem to me to be confusing the record, and serve no purpose.

Mr. STERN. I might ask, Mr. Belmont, whether there is anything you would like to add or amplify in these questions?

Mr. BELMONT. I believe the answers speak for themselves, although in view of Mr. McCloy's questions a little while ago, I would be very happy to make clear our approach to this matter. For example, the fact that our interest in defectors, in this case, is shown by the fact that in early November 1959 we opened a file on Oswald based on the newspaper publicity as to his defection. And the fact that he had applied to renounce his citizenship. We checked our files then to see was this a man we had a record on, and found that we had a fingerprint record solely based on his enlistment in the Marines.

We had no other record on him but we placed a stop or a flash notice in our fingerprint files, at that time so that if he should come back into the country unbeknownst to us and get into some sort of trouble we would be immediately notified. That is our opening interest in the case with the thought in mind that should he come back to the country we would want to know from him whether he had been enlisted by Soviet intelligence in some manner.

That is our procedure because of our experience that these things have happened, and we consider it our responsibility to settle that issue whenever we can.

Mr. STERN. Could you explain, Mr. Belmont, this procedure of placing a stop in the files that you just referred to?

Mr. BELMONT. We merely notify our identification division to place what we call a flash notice in the man's fingerprint file, which means that should he be arrested and the fingerprints be sent to the FBI, that the appropriate division, in this case the domestic intelligence division, would be notified that the man had been arrested, for what and where he was arrested, thus enabling us to center our attention on him.

Our next interest in this man arose as a result of the fact that his mother had sent, I believe, \$25 to him in Moscow, so we went to her in April 1960 and we talked to her. At that time she told us that he had told her that he would possibly attend the Albert Schweitzer College in Switzerland.

So as a followup, we had our legal attache in Paris make inquiry to see whether he had enrolled in this college. The resultant check showed that while they had expected him and a deposit had been placed that he did not show up at the college.

Mr. STERN. I think that is all covered in quite adequate detail in the answer to the first question.

Mr. DULLES. I have one question I would like to put to you on the first question and answer in your letter of April 6, in Exhibit 833—the Bureau's letter of April 6. You refer, first, to the fact that the first news you got about Oswald was from a news service item, and then later on at the bottom of the second full paragraph you state, "A file concerning Oswald was prepared and as communications were received from other U.S. Government agencies those communications were placed in his file."

The record may show the other communications, I guess our record does show, but do you feel that you adequately were advised by the State Department as this case developed or by the CIA or other agencies that might have known about it?

Mr. BELMONT. Yes. We received a number of communications from other agencies, and we set up a procedure whereby we periodically checked the State Department passport file to be kept advised of his activities or his dealings with the Embassy in Moscow so that on a periodic basis we were sure we had all information in the State Department file.

We received communications from the Navy, and from other agencies.

Mr. DULLES. Is there any general procedure with respect to Americans abroad who get into trouble. Do you get informed so in case they come back you can take adequate precautionary measures? Is that established SOP?

Mr. BELMONT. Yes, Mr. Dulles. We do receive such information, and if we pick up the information initially as we did here, from press reports or otherwise, we go to the other agencies and ask them whether they have any information and establish an interest there so that if they have not voluntarily furnished us the information they will do so upon our request.

Mr. DULLES. Thank you.

Mr. STERN. On page 3, Mr. Belmont, in the answer to question No. 3, the second paragraph, could you tell us why the FBI preferred to interview Oswald after he had established residence and why it was not preferable to interview him upon his arrival in New York?

Mr. BELMONT. This is a matter of experience. Generally speaking when an individual such as Oswald arrives back in the country and the press is there, there is an unusual interest in him. Immigration and Naturalization Service has a function to perform, and we prefer, unless there is a matter of urgency, to let the individual become settled in residence. It is a much better atmosphere to conduct the interview, and to get the information that we seek. If it is a matter of urgency, we will interview him immediately upon arrival.

Mr. STERN. On page 4, Mr. Belmont, in your answer to question No. 6, was it ordinary procedure for Agent Fain to re-interview Oswald so soon after his first interview under the circumstances? Is there anything unusual about that?

Mr. BELMONT. There is nothing unusual whatsoever. Agent Fain interviewed Oswald on June 26, 1963—1962, I believe it was, was it not?

The CHAIRMAN. Yes; 1962.

Mr. BELMONT. And was not satisfied that he had received all the information he wanted nor that it was a matter that should be closed at that time.

Therefore, he set out a lead to re-interview Oswald, and after an appropriate period he went back and re-interviewed him. This is within the prerogative of the investigative agent, and certainly if he was not satisfied with the first interview it was his duty and responsibility to pursue the matter until he was satisfied.

Mr. STERN. In your answer to question No. 5, does the response of Oswald to the question why he went to Russia seem typical to you of the returned defector, or unusual?

Mr. BELMONT. There is no such thing as a typical response. Each case is an individual case, and is decided on its merits and on the background of the individual, and the circumstances surrounding it.

Mr. STERN. Would it be usual for the defector to agree to advise you if he got a contact? Are they generally that cooperative?

Mr. BELMONT. We ask them because we want to know, and the purpose of our interview with him was to determine whether he had been recruited by the Soviet intelligence, and we asked him whether he would tell us if he was contacted here in this country. He replied he would. Whether he meant it is a question. However, you must bear in mind that this man, I believe it was when he was interviewed in July of 1961 in the American Embassy, the interviewing official there said it was apparent that he had learned his lesson the hard way, and that he had a new concept of the American way of life, and apparently had decided that Russia was not for him.

When we interviewed him likewise he told us that he had not enjoyed his stay in Russia. He likewise commented that he had not enjoyed his stay in the Marines. So that in direct answer to your question, it is customary for us in such a case as this, to ask the man if he will report a contact, and it is customary for him to say yes, because frankly, he would be putting himself in a rather bad light if he didn't say yes.

Mr. STERN. Turning to—

Mr. DULLES. Could I ask a question there: Do I correctly read your report and those of your agents to the general effect that you had no evidence that there was any attempt to recruit Oswald in the United States?

Mr. BELMONT. No evidence whatsoever.

Mr. STERN. Question 8, Mr. Belmont, on page 5, sets out the information from a report by Agent Hosty regarding alleged Fair Play for Cuba Committee activity by Oswald while he was still residing in Dallas. Have you found that an investigation was conducted to determine whether that was accurate and do you think it should have been investigated?

Mr. BELMONT. As to whether he was active with the Fair Play for Cuba Committee in Dallas? We did check. We have rather excellent coverage of such activities. There is no evidence whatsoever to indicate that he was active with the Fair Play for Cuba Committee in Dallas. And, as a matter of fact, I can go a step further and say that following his dissemination of pamphlets and his activities in New Orleans, our inquiry of our sources who are competent to tell us what is going on in the organizations such as Fair Play for Cuba Committee, advised that he was not known to them in New Orleans. So that his activities in New Orleans were of his own making, and not as a part of the organized activities of the Fair Play for Cuba Committee.

Mr. McCLOY. On that point, Mr. Belmont, where did he get his material, the printed material that he was distributing? Must he not have gotten that from some headquarters?

Mr. BELMONT. It is my recollection that he had that printed up himself.

The CHAIRMAN. That is right.

Mr. McCLOY. All of it, so far as you know, was self-induced, so to speak?

Mr. BELMONT. Correct.

Mr. STERN. Does your answer imply, Mr. Belmont, that there were Fair Play for Cuba activities in Dallas and New Orleans that you knew about?

Mr. BELMONT. No; we do not have information of Fair Play for Cuba activities in Dallas nor any organized activity in New Orleans. So that this letter that you refer to, which was undated, was, as in so many things that Oswald wrote, not based on fact.

Mr. STERN. On page 7 in the answer to question 12, you refer to the inconsistencies and contradictions between the information Oswald gave to Agent Quigley when he interviewed him in the New Orleans jail and the facts as they were known to the FBI before that, and say that "in the event the investigation of Oswald warranted a further interview, these discrepancies would have been discussed with him."

Can you explain why the fact of these inconsistencies and contradictions and perhaps outright lies to Agent Quigley was not itself reason for a further interview?

Mr. BELMONT. Let me turn this just a little bit and say why should we re-interview him?

Our interest in this man at this point was to determine whether his activities constituted a threat to the internal security of the country. It was apparent that he had made a self-serving statement to Agent Quigley. It became a matter of record in our files as a part of the case, and if we determined that the course of the investigation required us to clarify or face him down with this information, we would do it at the appropriate time.

In other words, he committed no violation of the law by telling us something that wasn't true, and unless this required further investigation at that time, we would handle it in due course, in accord with the whole context of the investigation.

Mr. STERN. Do you know whether the fact of these contradictions was called to the attention of the Dallas office at the time of Oswald's return to Dallas?

Mr. BELMONT. The entire file, of course, or the pertinent serials were sent to Dallas at the time that the case was transferred back to Dallas so they would have that information.

Mr. STERN. I gather what you are saying is they would note the contradictions from the reports?

Mr. BELMONT. Yes.

Mr. STERN. In the answer to question 14 on page 8, again in connection with these inconsistencies, the letter reads "These inconsistencies were considered in subsequent investigation."

Can you expand on that and tell us how they were considered?

Mr. BELMONT. That is right along the line of my previous explanation to you,

namely, that they were recorded in the file. In the event it was desired to talk to him further at a future date, they would be considered as to whether we desired to have him further explain.

Mr. STERN. On page 12, in response to question 22, which asked for an explanation of the reason for the investigation to ascertain his whereabouts, the letter reads, "In view of Oswald's background and activities the FBI had a continuing interest in him."

What was the nature of that continuing interest at that time?

Mr. BELMONT. On August 21, 1963, because of his activities in distributing these pamphlets, and his arrest in New Orleans, headquarters here in Washington sent a letter to the New Orleans and Dallas offices instructing them to pursue the investigation. In other words, in evaluating this information we felt it desirable that we further explore his activities to determine whether they were inimical to the internal security of the country. So that we had this continuing interest based on our evaluation, and so instructed our field offices.

Mr. STERN. Mr. Chairman, I believe the answers to the other questions give us a complete enough record.

The CHAIRMAN. Very well.

Mr. STERN. May this exhibit which has been marked 833 for identification be admitted?

The CHAIRMAN. It may be admitted in evidence under that number.

(The document referred to, previously marked Commission Exhibit No. 833 for identification, was received in evidence.)

Mr. McCLOY. Is there anything else, Mr. Belmont, that you may want to add? You have already been asked this question as you went through all these questions and answers, but is there anything else you would like to add in view of your answers this morning in further elaboration of the answers that have been given?

Mr. BELMONT. No, sir; unless the Commission has further questions at this point, I believe that the questions are answered properly and sufficiently.

Mr. McCLOY. You think that if you are interviewing a defector which is something that provokes your interest, and I guess the mere fact of defection and return to the United States would do so, and if you found that defector was lying to you, you think that without something in addition to that there would be no further necessity of examining him. Is that a fair question? Let me put it another way.

Mr. BELMONT. I have just a little difficulty following you.

Mr. McCLOY. Here is my point. Here was a defector who comes within the category of interesting cases naturally.

Mr. BELMONT. Yes, sir.

Mr. McCLOY. And you question him and you find he is lying to you. At that stage, as I understand your testimony, you say without something more you don't necessarily go any further, is that right?

Mr. BELMONT. No; that is not correct. We had talked to this man twice in detail concerning the question of possible recruitment by Soviet intelligence. We had checked his activities. He was settling down. He had a wife and a child. He had, according to what he had told us, in our interview with him, he had not enjoyed his stay in Russia. The State Department evaluation of him in Moscow was that he had learned his lesson and, as a matter of fact, he had made some statement to the effect that he now recognized the value of the American way of life, along those lines.

So that we had pretty well settled that issue. At the time that we interviewed him in the jail in New Orleans, we had again been following his activities because of his communications, his contacts with The Worker and the Fair Play for Cuba Committee and our interest there was to determine whether he was a dangerous subversive. The interview in the jail was very apparently a self-serving interview in an attempt to explain his activities in the New Orleans area, and if I recall correctly, he took the position that the policy as directed against Cuba was not correct, and that the Fair Play for Cuba Committee was merely addressing itself to the complaints of Cuba, and was not in effect a subversive organization.

If, Mr. McCloy, during those first two interviews where we were pursuing this matter of him being a defector and his recruitment, he had lied to us, and the agent was not satisfied we would have pursued it to the bitter end. Or if during any other time information came to our attention which indicated a necessity to pursue that further we would have pursued it to the bitter end.

Mr. McCLOY. You speak of this as a self-serving interview. Do you think that he sought the interview with you, with Mr. Quigley eventually, because he had known of the prior contacts that he had had with the FBI, and he simply wanted to keep out of trouble?

Mr. BELMONT. I don't know why he asked to see an agent. I simply do not know why.

Mr. McCLOY. I think that is all.

Mr. STERN. Mr. Belmont, I show you a letter marked for identification Commission Exhibit No. 834. Can you identify that for the Commission, please?

(The document referred to was marked Commission Exhibit No. 834 for identification.)

Mr. BELMONT. This is a letter dated May 4, 1964, addressed to the Commission which sets forth in summary the contents of the headquarters file on Oswald prior to the assassination.

Mr. STERN. Do you have that file with you?

Mr. BELMONT. Yes, sir.

Mr. STERN. Would you explain generally to the Commission what materials there are in that file that for security reasons you would prefer not to disclose?

Mr. BELMONT. The file contains the identity of some of our informants in subversive movements. It contains information as to some of the investigative techniques whereby we were able to receive some of the information which has been made available to the Commission.

Mr. STERN. I think that is enough, Mr. Belmont, on that.

Mr. McCLOY. You didn't have anything further to add to that, did you?

Mr. BELMONT. No.

The CHAIRMAN. I think as to those things if it is agreeable to the other members of the Commission, we will not pursue any questioning that will call for an answer that would divulge those matters that you have just spoken of.

Mr. BELMONT. I would like to make it clear, Mr. Chairman, that—I think that is very kind of you—I would like to make it clear that Mr. Hoover has expressed a desire to be of the utmost help to the Commission, and to make any information available that will be helpful to the Commission. I think your observation is very much worthwhile.

Mr. STERN. Mr. Belmont, have you reviewed the actual file and this letter of May 4 which summarizes each document in the file?

Mr. BELMONT. Yes, sir.

Mr. STERN. And to your knowledge, is this an accurate summary of each piece of information in the file?

Mr. BELMONT. Yes, sir.

Mr. STERN. The file is available to the Commission?

Mr. BELMONT. Yes, sir.

Mr. STERN. If they want to look at any item in it?

Mr. BELMONT. Yes, sir.

The CHAIRMAN. The file does not include that security matter that you mentioned, or does it?

Mr. BELMONT. This file is as it is maintained at the Bureau with all information in it.

The CHAIRMAN. With all information in it?

Mr. BELMONT. Yes, sir; this is the actual file.

The CHAIRMAN. I see.

Mr. RANKIN. Mr. Belmont, are you willing to leave the file a reasonable time in case any of the Commissioners desire to examine it personally?

Mr. BELMONT. Yes, sir.

Mr. RANKIN. We will return it.

The CHAIRMAN. I wonder if we do want it on those conditions. If we want to get anything from it don't you think, Mr. Rankin, that we ought to make

it known here while the witness is here. I personally don't care to have this information that involves our security unless it is necessary, and I don't want to have documents in my possession where it could be assumed that I had gotten that information and used it, so I would rather, I would rather myself confine our questions to this file to the testimony of Mr. Belmont. Then if we want it, if we want any of those things, it then becomes a matter to discuss here in the open, and not just in privacy.

Mr. RANKIN. Mr. Chairman, I felt it made a better record if the file is available only to the Commissioners in case they do want to examine it, and then it will be taken back and the staff will not examine it.

The CHAIRMAN. I think he has stated that the file will be made available to us whenever we want it.

Mr. RANKIN. Yes.

The CHAIRMAN. If we do want it to read it that is one thing. For myself, I think we can get what we want from examining the witness, and then if there is any portion of it that comes into play why we can determine the question here, but I really would prefer not to have a secret file, I mean a file that contains matters of that kind in our possession.

Mr. RANKIN. There is one factor that I wanted to get before the Commission and in the record, and that is that you had all the information that the FBI had in regard to this matter, and I thought that was important to your proceedings, so that we would not retain such a file, and we had an accurate summary but that it is available so that the Commission can be satisfied that nothing was withheld from it in regard to this particular question. That was the purpose of the inquiry.

Mr. DULLES. I assume, Mr. Belmont, if later other testimony arises that would make us desire to refer to this file we could consult it in your offices or you would make it available to us?

Mr. BELMONT. Yes, sir.

The CHAIRMAN. I think I would personally rather have it done on that basis. What do you think, Mr. McCloy?

Mr. MCCLOY. I was just glancing at the file, and it seems to have the regular, the usual type of reports that we have seen. But there is a good bit of elaboration in those, in that file of the summary which is here. This summary I don't think can purport to be a complete description of the documents that are in here, as I glance through them here.

I just happened to see a good bit of detail in here which doesn't have anything to do with the security problem we talked about, but I would think that probably it would be wise for some member of the Commission or members of the Commission as a whole, to run through that file in order to be sure that we have seen the material elements of the file that we would not perhaps, might not, be able to get from this letter of May 4.

The CHAIRMAN. Well, there are so many of these questions in here that are obviously matters that we would have no more concern with than just to know about them.

Start from the very beginning, a news clipping from the Corpus Christi Times, dated October 2, 1959. Now if that excites any interest on the part of any member, why we could say, "Well, could you show us that?" Then the next is the United Press release, dated October 31 at Moscow, and a great many of these.

Now, I wonder if it wouldn't be better for us to look over all of these various things, items that are in the file, and then if there are any that happen to excite our interest, we can ask Mr. Belmont about it. If it is a matter that involves security, we could then discuss it and make our determination as to whether we wanted to see it. I would think that when we are dealing with things that are as sensitive as the FBI has to deal with in that respect, that that would be adequate; that is my opinion of it.

But if the rest of the Commission feel that they want to see it notwithstanding the security measure, I would, of course, have no objection.

Mr. RANKIN. Mr. Chief Justice, what I was trying to deal with was a claim by someone that the Commission never saw all there was in the hands of the

FBI about Lee Harvey Oswald, and we recognize that some of these items should not be considered important by anyone, as we look at the matter, but we wanted you to be able to satisfy the public and the country that whatever there was that the FBI had, the Commission had it, and we didn't think that in light of the security problems the whole file should be a part of the files of the Commission. And we tried to present here a summary, even of items that did not seem important, but we did want the record in such condition that the Commission could say in its report, "We have seen everything that they have." I think it is important to the case.

Mr. McCLOY. I notice, Mr. Belmont, in running through this file, a note here that symbols are used in instances where the identities of the sources must be concealed.

Mr. BELMONT. That is correct, sir.

Mr. McCLOY. If that is so—

Mr. BELMONT. In some instances.

Mr. McCLOY. Only in some instances. There are other cases where that is not the case.

Mr. BELMONT. Yes; that is right.

Mr. McCLOY. There is a great deal of narrative in here about Oswald and his relations with the Embassy. Maybe it is elsewhere in the record.

Mr. BELMONT. I would presume that you have received that from the other agencies. Those are copies of communications that the other agencies sent to us.

The CHAIRMAN. Well, why couldn't we go over this list and see what items we would be interested in and then we can determine, can we not, whether we want—

Mr. McCLOY. I am not so sure, you can look through this yourself, I am not so sure if from reading just that short summary you get the full impact of all the narrative that is in the various reports. There is a good bit here. For example, one page I have here about this business of beating his wife and the drinking. There is a good bit of detail.

Mr. BELMONT. Mr. McCloy, you have that record.

The CHAIRMAN. We have the record, I have read the records myself.

Mr. McCLOY. Maybe we have that one.

Mr. BELMONT. Any investigative report you have.

Mr. McCLOY. Is there any investigative report in here that we have not got?

Mr. BELMONT. No, sir.

Mr. RANKIN. We are trying to develop, Mr. Chief Justice and Commissioners, that you have everything that the FBI had, this is their total file in regard to this matter of Lee Harvey Oswald so that there is nothing withheld from you as far as the FBI is concerned. That is part of what we are trying to develop this morning, in addition to the items themselves.

Mr. DULES. I wonder if the staff, Mr. Rankin, could not go over this and check over those items we have from other sources and what the FBI has already furnished us so what we deal with with respect to this file are only items that are not in the Commission's records already. That would cut this down by half, I would imagine or more.

Mr. RANKIN. Yes; we could do that for you.

Mr. DULES. Then we could have this available possibly at a later date just to check over the other items against your files to see if there is any information there that we really need.

The CHAIRMAN. You could come back, couldn't you, Mr. Belmont?

Mr. BELMONT. I am at your disposal.

The CHAIRMAN. I think that would be better. I think, Mr. Rankin, your purpose is entirely laudable here, but I think we do have to use some discretion in the matter, and you say that you want it so we can say we have seen everything. Well, the same people who would demand that we see everything of this kind would also demand that they be entitled to see it, and if it is security matters we can't let them see it. It has to go back to the FBI without their scrutiny.

So unless, I would say, unless there is something that we think here is vital to this situation, that it isn't necessary for us to see the whole file, particularly

in view of the fact that we have practically—we have all the reports, he says we have all the reports that are in that file, and it just seems like thrashing old straw to go over it and over it again.

Mr. McCLOY. Do we have copies of all these telegrams that are in here from the Embassy?

Mr. BELMONT. You are looking at——

Mr. McCLOY. Not Embassy; here is one from Mexico. Do we have that? We don't have these in our files, for example.

Mr. BELMONT. This is subsequent to the assassination. You see your area of interest at this point is information, all information we had prior to the assassination. I did not remove from this file the items that started to come in subsequent to the assassination, you see.

Mr. McCLOY. My feeling is that somebody on the Commission should examine that file. I can't come to any other conclusion after reading it all, because I don't know what is in it, what is in our record, and what is in that file. There is a good bit of material there that is narrative, which I think would be relevant. Certainly, I don't believe we can be possibly criticized for deleting or not producing a file which contains the type of information that you are speaking of. We are just as interested in protecting the security of your investigative processes as you are. But I don't think that when it is on the record that we have this file, that may contain material that was not in our files, and we are given the opportunity to examine it, without disclosing these confidential matters that we ought not to have somebody go through it.

Mr. DULLES. I agree with that but I think we could save time if we checked off first what we have already and that would cut out about half of that file probably.

Mr. McCLOY. I think in a rapid glance through it, I think just about half of it.

The CHAIRMAN. Well, suppose you do that then, get those and let's see. All right, proceed, Mr. Stern.

Mr. STERN. I think perhaps we ought to leave the entire matter of the file then until we can give you the information.

The CHAIRMAN. That is right.

Mr. STERN. May we admit for the purposes of the record this list at this time, Mr. Chief Justice, which has been marked No. 834?

The CHAIRMAN. Yes. There are no security matters in this?

Mr. BELMONT. No, sir.

The CHAIRMAN. It may be admitted as Exhibit No. 834.

(The document referred to, previously marked Commission Exhibit No. 834 for identification, was received in evidence.)

Mr. STERN. Mr. Belmont, can you identify this letter dated February 6 with an attached affidavit which has been marked for identification as Commission Exhibit No. 835?

(The document referred to was marked Commission Exhibit No. 835, for identification.)

Mr. BELMONT. Yes; this is a letter dated February 6, 1964, to the Commission from the FBI to which is attached an affidavit by Director J. Edgar Hoover.

Mr. STERN. What is the subject?

Mr. BELMONT. Stating flatly that Lee Harvey Oswald was never an informant of the FBI.

Mr. DULLES. Would you define informant. Obviously in the sense he knew some information as previously indicated from the previous interviews. I mean for the record, would you just define what you mean by an informant in this sense?

Mr. BELMONT. An informant in this sense is an individual who has agreed to cooperate with the FBI and to furnish information to the FBI either for or without payment.

Mr. STERN. Thank you.

Mr. BELMONT. This would not, of course, include the cooperative citizen to whom we go, and who frequently and frankly discloses any information in his possession, but rather someone who joins an organization or seeks out information at the direction and instance of the FBI relative to subversive or criminal

matters. In other words, I want to make it clear we do not regard patriotic citizens as informants.

Mr. STERN. I take it you also would not have regarded Lee Oswald as an informant from the contacts with him that you have told us about and the other agents have told us about?

Mr. BELMONT. Indeed not; in no way could he be considered an informant; in no way.

Mr. STERN. Did you supervise or assist in the preparation of the information contained here?

Mr. BELMONT. Yes, sir.

Mr. STERN. And you are familiar with it?

Mr. BELMONT. Yes; I am.

Mr. STERN. And to your knowledge, does it accurately and completely state the Bureau's practice in recruiting a prospective informant?

Mr. BELMONT. That is correct.

Mr. STERN. Is there anything you would like to add to the information covered in there with respect to your practices regarding informants?

Mr. BELMONT. No; only in my personal knowledge this is a correct statement and Lee Harvey Oswald was not an informant of the FBI.

Mr. STERN. Did you ever use the term "agent" to apply to anyone other than an employee, a special agent employee of the FBI?

Mr. BELMONT. No; we do not.

Mr. DULLES. Could I ask you, Mr. Belmont, whether Mr. Fain's separation from the FBI had anything whatever to do with the Oswald case or in his handling of the Oswald case?

Mr. BELMONT. No; indeed not. Mr. Fain came to the retirement age and decided he wanted to retire, which is his privilege, and he retired and is presently working in Texas and very happy, I understand.

Mr. DULLES. Thank you.

Mr. BELMONT. He retired in good graces, good standing, so far as the FBI is concerned.

The CHAIRMAN. And a year before the assassination.

Mr. BELMONT. Frankly, I don't recall.

The CHAIRMAN. Yes; it was August 1962, he testified.

Mr. STERN. You have already covered this, Mr. Belmont, but just so that the record is completely clear on this point, was Lee Oswald ever an agent of the FBI?

Mr. BELMONT. Lee Oswald was never an agent of the FBI.

Mr. STERN. The letter of February 6, 1964, from Mr. Hoover, alludes to testimony furnished the Commission by District Attorney Wade. Have you subsequently been advised that Mr. Wade had not testified before the Commission?

Mr. BELMONT. Yes; we received a letter from the Commission advising us that the incident referred to was an informal discussion rather than actual testimony before the Commission.

Mr. STERN. And also to complete the record, have you been advised that Mr. Wade was not suggesting that he believed the rumor about Oswald as an informant, but felt obliged to call it to the attention of the Commission?

Mr. BELMONT. The Commission's letter so advised us.

Mr. STERN. Mr. Chairman, may this be admitted with No. 835?

The CHAIRMAN. It may be admitted under that number.

(The document referred to, previously marked Commission Exhibit No. 835 for identification, was received in evidence.)

Mr. STERN. Mr. Belmont, I show you a letter dated February 12, 1964, a number of affidavits by special agents, attached to it. It was identified yesterday, parts of it were identified yesterday and it therefore carries the number for identification 825. Can you identify this letter for us?

Mr. BELMONT. In order to be sure—I beg your pardon. This is a letter dated February 12, 1964, to the Commission from the FBI, to which is attached affidavits of FBI personnel who had reason to contact Lee Harvey Oswald and who were in a supervisory capacity over the agents who contacted Oswald.

Mr. STERN. Did you supervise the preparation of this material?

Mr. BELMONT. These affidavits were prepared, of course, by the men themselves.

I have read the affidavits, and they were compiled as an enclosure and sent over with this letter.

Mr. STERN. You have reviewed them in preparation for your testimony before the Commission?

Mr. BELMONT. Yes, sir.

Mr. STERN. To your knowledge, are they accurate?

Mr. BELMONT. They are accurate, to my knowledge, yes.

Mr. STERN. Are they complete?

Mr. BELMONT. Yes.

Mr. STERN. They do not omit any significant fact you know of?

Mr. BELMONT. No.

Mr. STERN. In connection with the material they cover?

Mr. BELMONT. No.

Mr. STERN. Unless there are any questions on that, Mr. Chairman, I suggest we admit this document.

The CHAIRMAN. It may be admitted as No. 825.

(The document referred to, previously marked Commission Exhibit No. 825 for identification, was received in evidence.)

Mr. STERN. Mr. Belmont, I show you a letter dated March 31, 1964, from Director Hoover to Mr. Rankin, the General Counsel of the Commission, with a series of attachments. Can you identify this which has been marked for identification as No. 836. Can you identify this for the Commission?

(The document referred to was marked Commission Exhibit No. 836 for identification.)

Mr. BELMONT. This is a letter dated March 31, 1964, to the Commission from the FBI to which is attached the instructions contained in our manuals as to the type of information which should be disseminated to Secret Service and our relations or liaison with Secret Service.

Mr. STERN. It was prepared in response to a request from the Commission?

Mr. BELMONT. That is correct.

Mr. STERN. Did you supervise or assist in the preparation?

Mr. BELMONT. I did.

Mr. STERN. Have you reviewed it recently?

Mr. BELMONT. Yes.

Mr. STERN. Is it complete with respect to the matters covered?

Mr. BELMONT. Yes; it is.

Mr. STERN. Is there anything you would like to add to it with respect to the matters covered?

Mr. BELMONT. Well—

Mr. DULLES. May I just interrupt here a moment. Is this inquiry directed to the question of whether it is now adequate or whether this is complete as of the time of the assassination? I think we have two questions there to consider.

Mr. BELMONT. Mr. Dulles, this letter outlines our relations with Secret Service and the material that is attached covers both the instructions to our agents prior to the assassination and the current instructions.

Mr. DULLES. Subsequent to the assassination?

Mr. BELMONT. Yes, sir.

Mr. DULLES. Yes.

Mr. STERN. What were the criteria you employed and instructed your agents to employ before the assassination in determining what information should be reported to the Secret Service regarding threats against the President, members of his family, the President-elect, and the Vice President?

Mr. BELMONT. These are contained in detail in the attachments which represent sections of our manual of instructions which are available to all of our personnel in the field as well as the seat of Government, and also in the FBI handbook which is in possession of the individual agent in the field. These instructions require that any information indicating the possibility of an attempt against the person or safety of the persons mentioned by you must be referred immediately by the most expeditious means of communications to the nearest office of the Secret Service. Further, that our headquarters in Washington must be advised by teletype of the information and the fact that it has been furnished to Secret Service.

Mr. STERN. Specifically, the kind of information you were interested in, that is before the assassination?

Mr. BELMONT. Yes. Specifically the kind?

Mr. STERN. Yes.

Mr. BELMONT. Any information indicating the possibility of a threat against the President and Vice President and members of the family.

Mr. STERN. Have you broadened—

Mr. BELMONT. I may say, sir—

Mr. STERN. Yes.

Mr. BELMONT. That this practice was assiduously followed, and you will find that the files of the Secret Service are loaded with information over the years that we have furnished them. That was a practice religiously followed and a practice voluntarily followed without request. In other words, we do not have a written request for this type of information but rather considered it our responsibility and duty to furnish this information.

Mr. STERN. Did you ever participate in or do you know of any discussion with the Secret Service before the assassination regarding the kind of information they were interested in?

Mr. BELMONT. We had close liaison with Secret Service, and I have no doubt that in oral discussions that the question came up. I wasn't present but I would assume it has come up, particularly as we were constantly furnishing information. We have no written criteria, you might say, as to what should be furnished.

Mr. STERN. That is, established by the Secret Service.

Mr. BELMONT. That is correct.

Mr. STERN. And you yourself never participated in any discussion of—

Mr. BELMONT. No; I did not.

Mr. STERN. This liaison function.

Mr. BELMONT. This is something we have done for years on the basis that we consider it our responsibility not only as far as the President goes. As you know, Mr. Chairman, we have also followed the same policy relative to other high officials when it appears desirable.

Mr. STERN. Have you subsequent to the assassination augmented your instructions to special agents in this respect?

Mr. BELMONT. Yes. On December 26, 1963, we prepared additional instructions reiterating those already in effect, and adding other dissemination to Secret Service concerning the security of the President.

The CHAIRMAN. Where do those new ones appear in the exhibit, Mr. Belmont?

Mr. BELMONT. They appear as an attachment—working from the back, I think. Mr. Chairman, I can help you most.

The CHAIRMAN. Yes.

Mr. BELMONT. Eight pages from the back it starts, it reads, "Manual of Instructions Section 83."

The CHAIRMAN. Yes; I have it.

Mr. BELMONT. The first page is the same information that we previously furnished to Secret Service involving threats.

The CHAIRMAN. The first page is intact, as it was before.

Mr. BELMONT. There may be some slight changes in wording but essentially it is the same dealing with possible threats.

The CHAIRMAN. Yes.

Mr. DULLES. Mr. Belmont, I wonder if it would be possible for the Commission's convenience to date each one of these papers as of a certain date. It is quite difficult going through it now without referring to the letter in each case to determine whether the instructions are as of the date of the assassination or as of the present date?

Mr. BELMONT. We can do that without any difficulty. I would be glad to do it with the staff, or can I help you here?

Mr. DULLES. Well, I think we can do that later but I think it would be useful when this goes into the record for our later reference in studying this to have those dates available to us on each one of the attachments.

Mr. BELMONT. Very good.

Mr. DULLES. Thank you.

Mr. BELMONT. Coming back to this item you inquired about, sir, the other dissemination to Secret Service concerning the security of the President is set forth on pages 2 and 3 of this inclusion in our manual, and it extends the dissemination to "subversives, ultrarightists, racists, and fascists, (a) possessing emotional instability or irrational behavior, (b) who have made threats of bodily harm against officials or employees of Federal, State or local government or officials of a foreign government, (c) who express or have expressed strong or violent anti-U.S. sentiments and who have been involved in bombing or bomb-making or whose past conduct indicates tendencies toward violence, and (d) whose prior acts or statements depict propensity for violence and hatred against organized government." That was prepared in an effort to provide additional, and a voluntary effort, without request, to provide additional information that might be helpful to avoid such an incident as happened November 22, 1963.

Mr. STERN. This did not come about, this change did not come about, through any request from the Secret Service or discussion with the Secret Service?

Mr. BELMONT. No. We made these changes, as I say, in an effort to provide any additional information in the light of what happened that might be of assistance to Secret Service and might assist in protecting the President.

Mr. DULLES. I wonder, Mr. Belmont, whether you would consider possibly changing in section (d) the word "and" to "or" whose prior acts or statements depict propensity for violence" and then it now reads "and hatred against organized government". There have been cases, I believe, where the propensity for violence had not been previously noted but the hatred of organized government has.

Mr. BELMONT. We will be happy to change that.

Mr. DULLES. I just suggest for your consideration, I don't wish to rewrite it.

Mr. BELMONT. We would be happy to change it, Mr. Dulles.

Mr. STERN. Following Mr. Dulles' thought, in the line above that, Mr Belmont, should that "and" before (d) be "and" or "or"? Do you mean these—

Mr. BELMONT. We do not mean that all of these items must be coupled together if that is your thought.

Mr. STERN. That is right.

Mr. BELMONT. We will be happy to change the "and" before (d) to an "or".

Mr. STERN. This means any of the broad classifications of people, subversives, ultrarightists, racists or fascists who meet any of these four tests.

Mr. BELMONT. That is correct.

Mr. STERN. Can you give the Commission some notion of the increase in volume which the broadening of your criteria has brought about? By volume, I mean the volume of your references to the Secret Service.

Mr. BELMONT. I do not have an exact figure, however, I do know that more than 5,000 additional names have gone over to Secret Service under these criteria.

The CHAIRMAN. In what period of time?

Mr. BELMONT. Since we put them out.

The CHAIRMAN. I see.

Mr. BELMONT. Which was December 26.

The CHAIRMAN. Yes.

Mr. McCLOY. Have you included defectors in this list?

Mr. BELMONT. Yes, sir; we do include defectors.

Mr. STERN. You mean as of December 26, 1963?

Mr. BELMONT. Correct.

Mr. STERN. Has the expansion of your criteria led to any problem or difficulty for you or for individuals or do you anticipate any problem or difficulty under the expanded criteria?

Mr. BELMONT. It seems to me that there is a necessity to balance security against freedom of the individual. This is a country of laws and a government of law, and not a government of men. Inevitably the increase in security means an increase in the control of the individual and a diminishment, therefore, of his individual liberties. It is a simple matter to increase security. But every time you increase security you diminish the area of the rights of the individual. In some countries the problem of a visiting dignitary is met without much difficulty.

Persons who are suspect or may be considered dangerous are immediately rounded up and detained while the individual is in the country. The authorities have no problem because in those countries there is not a free society such as we enjoy, and the people who are detained have no redress. The FBI approaches this whole field of security—I am not boring you with this, am I?

The CHAIRMAN. No, indeed. This is tremendously important.

Mr. BELMONT. The FBI approaches this whole field of security and its tremendous responsibilities to protect the internal security of the country as a sacred trust. In carrying out our investigations and our work in the security field, we do it in such a manner under the law that we strengthen rather than weaken the free society that we enjoy. It is for that reason that our men are trained carefully, thoroughly, and supervised carefully, to insure that their approach to the entire security field, which inevitably touches on control of thought, is handled with extreme care. Our activities are directed to meet the terrific responsibility we have for the internal security of the country, but to meet it under the law. We feel that to place security as such above the rights of the individual or to increase these controls beyond what is absolutely essential is the first step toward the destruction of this free society that we enjoy.

We have been asked many times why we don't pick up and jail all Communists. The very people who ask those questions don't realize that if action, unrestrained action, is taken against a particular group of people, a precedent is set which can be seized on in the future by power-hungry or unscrupulous authorities as a precedent, and which inevitably will gnaw away at this free society we have, and sooner or later will be applied to the very individuals who are seeking this action. Up until the time of the assassination we religiously and carefully and expeditiously furnished to Secret Service immediately on a local basis as well as on a national basis, headquarters basis, any and all information that in any way was indicated to be a possible threat against the President. This permitted Secret Service to take such action as was required against these individuals who had by their action set the stage for appropriate restraint or observation based on something they did. Therefore, they were not in a position to complain legitimately because they had by some word or deed set in motion a threat against the President of the United States. Since the assassination, as I have testified, we have broadened the area of dissemination in an effort to be helpful. It stands without question that we could have said, "No; we won't go any further." But we felt that it was our responsibility to do whatever we could do and, hence, we have broadened these criteria, and we have distributed thousands of pieces of information on individuals to Secret Service.

(At this point in the proceedings, Representative Ford enters the hearing room.)

We are not entirely comfortable about this, because under these broadened criteria after all we are furnishing names of people who have not made a threat against the President, people who have expressed beliefs, who have belonged or do belong to organizations which believe in violent revolution or taking things into their own hands. Unless such information is handled with judgment and care, it can be dangerous.

For example, we know that in one city when the President recently visited, the police went to these people and told them, "You stay in the house while the President is here or if you go out, we will go with you." We know that these people have threatened to consult attorneys, have threatened to make a public issue of the matter on the theory that this is restraint that is not justified as they have made no threats against the President. Now, when you examine this a bit further, we give these names to Secret Service. Secret Service must do something with those names, and Secret Service solicits the assistance of the police, quite properly. But I don't need, I think, to paint this picture any further, that when you get away from a specific act or deed of threats against the President, and you go into the broader area of what, perhaps, a man is thinking and, therefore, he may be a threat, and you take action against the man on the basis of that, there is a danger.

That is why, despite the fact that we have given this additional information and will continue to do so, we are uneasy. Again, if I may be permitted to continue, this is inherent in the entire approach of the FBI to the security field.

We go as far in our investigations as is necessary. But we go no further. We do not harass people. We do not conduct an investigation of a man for what he may be thinking. We attempt to the very best of our ability to carry out this responsibility for internal security without adopting tactics of harassment or unwarranted investigation, and we will not pursue a security matter beyond that which is essential to carry out our responsibilities. Now, I say that because that is the broad field of our policy, and I say it with complete sincerity, because I know. I have been in this work with the FBI both in the actual investigative field and in the policymaking and supervisory field for 27 years, and I know the policies and the procedures that are followed, and the care with which this problem is approached, and I agree with it fully.

Mr. McCLOY. You are going to impose a pretty heavy burden on the Secret Service when you dump them with the 5,000 more names than they have been used to having.

Mr. BELMONT. It will be more than 5,000, sir. This will continue.

Mr. McCLOY. From your knowledge of the situation, do you feel that the Secret Service is equipped to cope with this added burden? Is it something that you feel—

Mr. BELMONT. The Secret Service, as it has in the past, is required to call on the police for assistance in this field when the President visits a city. I do not know the exact complement of personnel of Secret Service, but they are a relatively small organization.

Mr. McCLOY. It may be they will have to reorganize some of their procedures to cope with this, won't they?

Mr. BELMONT. I do not know.

Mr. McCLOY. You have got a pretty broad classification here. "All investigative personnel should be alert for the identification of subversives, ultrarightists, racists, and Fascists (a) possessing emotional instability or irrational behavior." That may include a good many people in the United States and maybe some members of this Commission—I am speaking for myself. There is irrational behavior that I have been guilty of many times. [Laughter.] This doesn't mean you are going to send everybody over there, but the names that—all those under your classification, all of those in your opinion come under that classification unless you feel they have some, there is some, reason behind it. In other words, you are selective in this list. You purport to be selective in the numbers that you are going to convey to, the names you are going to convey to, the Secret Service.

Mr. BELMONT. We endeavor to use good judgment, sir. Now, as you indicate there are what, 190 million people in this country, and who knows when someone may adopt abnormal behavior.

You cannot tell tomorrow who will pose a risk. This is an effort to be as helpful as possible and, as we have in the past, we will use our best judgment. But this will broaden considerably the type of people and the number of people who go to the Secret Service.

Mr. McCLOY. That is what I am getting at really, Mr. Belmont. You are not saying that all those people that you characterize here under this paragraph 2 will ipso facto be sent over to the Secret Service every time the President makes a move. This simply says that all investigative personnel should be alert in that situation; am I right in that?

Mr. BELMONT. No, sir. If you will follow in the next paragraph, we say, "If cases are developed falling within the above categories, promptly furnish Secret Service locally a letterhead memorandum" with the information.

Mr. McCLOY. So without any further ado all the people in your list who are in that category will be transferred over to the Secret Service when there is an occasion, when the President travels?

Mr. BELMONT. No. This is a continuing procedure. In other words, during our investigations we come across someone who is in this area or category, and this is a requirement that that man's name go to Secret Service with a brief description of him, and Secret Service then has that filed and is in a position to know that that individual has been referred to them.

Mr. McCLOY. Well, that brings up again the comment that I originally made.

This does put a big burden of investigation and judgment on the Secret Service, one which they have not heretofore presumably had placed on their shoulders.

Mr. BELMONT. I think you are correct.

Mr. McCLOY. The reason I am asking these questions is because by implication, at least, one of our directives is to look into this situation for the future protection of the President, and we want to see that we have got something that is practical as well as cautious.

Mr. DULLES. Do the memoranda attached, Mr. Belmont, to this exhibit indicate what classes were so identified for investigation under the procedures existing at the time of the assassination and what change has been made, how it has been extended?

Mr. BELMONT. Yes, sir. If you—

Mr. DULLES. By the definitions under paragraph 2 of the Manual of Instructions.

Mr. BELMONT. The previous page and the paragraph right above No. 2 sets forth the same information that we acted on prior to the assassination.

Mr. DULLES. That is paragraph 1?

Mr. BELMONT. Yes, sir.

Mr. DULLES. The Manual of Instructions, section 83.

Mr. BELMONT. Yes, sir.

Mr. DULLES. What are the various categories given now at the top of page 2 of this exhibit which have been added?

Mr. BELMONT. At the top of page 2, sir, that is the information that should be included in the notification to headquarters as to who the individual is and the background information that was furnished to Secret Service so that we, too, can disseminate to Secret Service here.

Representative FORD. Under the new criteria would Oswald's name have gone to the Secret Service automatically?

Mr. BELMONT. Well, Congressman, right now we are including all defectors automatically.

Now, the question whether Oswald meets these criteria here as set forth is a question of judgment. As I say, right now we do furnish all defectors.

Representative FORD. Defectors are for the time being at least a special category other than what is set forth here unless for some other reason they would fall into one of these categories.

Mr. BELMONT. Yes.

Mr. McCLOY. Do you under that category send forward all Communists?

Mr. BELMONT. Yes.

Mr. McCLOY. All Communists, yes.

Mr. DULLES. Mr. Chairman, I wonder whether or not it would be wise for the record at this point to read into the record, in view of the importance of this, this paragraph which we are now discussing and which, as I understand it, contains the new definition of investigative cases?

The CHAIRMAN. Yes; we can put it into the record.

Mr. DULLES. Mr. Belmont, as I understand it, the new criteria are set forth in paragraph 2 on page 2 of the Manual of Instructions, section 83; is that correct?

Mr. BELMONT. That is correct.

Mr. McCLOY. Which, as I counted, is the 12th page of the Commission's Exhibit No. 836; is that right, Mr. Stern?

Mr. STERN. That is right number of the exhibit.

Mr. McCLOY. 836, and I think it is the 12th page.

Mr. DULLES. For convenient reference I suggest that when this be included that we add the dates and the page numbers.

Mr. STERN. I think the witness can do this immediately.

The CHAIRMAN. We will give a copy of it to the reporter and he may copy it and incorporate it later in the record.

(Paragraph 2 reads as follows:)

"Other dissemination to Secret Service concerning security of the President. All investigative personnel should be alert for the identification of subversives, ultrarightists, racists, and Fascists (a) possessing emotional instability or irrational behavior, (b) who have made threats of bodily harm against officials

or employees of Federal, State, or local government or officials of a foreign government, (c) who express or have expressed strong or violent anti-U.S. sentiments and who have been involved in bombing or bomb making or whose past conduct indicates tendencies toward violence, and (d) whose prior acts or statements depict propensity for violence and hatred against organized government."

Mr. DULLES. Do I understand you, Mr. Belmont, to say, as drafted you would not consider that defectors automatically fell under this paragraph 2, but it is your practice to notify the Secret Service about defectors?

Mr. BELMONT. We do notify Secret Service of any defectors coming to our attention.

Mr. DULLES. And by defectors, I guess we mean here maybe a redefector, meaning those who have gone to Russia and have come back or maybe those who have gone and not come back.

Mr. BELMONT. If they haven't come back——

Mr. DULLES. They are not a danger.

Mr. BELMONT. They are not within our cognizance and we don't notify Secret Service.

Mr. DULLES. These would be defectors who have gone to the Soviet Union and who then come back to the United States and tried to defect while they were over there.

Mr. McCLOY. Not necessarily, not exclusively the Soviet Union, of course.

Mr. DULLES. Communist countries, I would say.

Representative FORD. Just to get an order of magnitude, how many are there? Is this a sizable number?

Mr. BELMONT. I don't have a figure, Mr. Ford. You have had defectors in Korea from the military. You have had defectors——

Mr. McCLOY. Germany.

Mr. BELMONT. Berlin. When these are military personnel they are within the cognizance of the military, so that it is very difficult for me to give you a figure.

When we become interested is when they return to this country and warrant action by us from an internal security standpoint.

As in the Oswald case, we started our action based on newspaper publicity that he had attempted to or indicated his intention to, renounce his citizenship in Moscow. But I do not have a figure because many of these people are members of the armed services and I would hesitate to give you an estimate.

Mr. STERN. Mr. Belmont, do these terms "subversives, ultrarightists, racists, and Fascists" have a particular meaning of art in FBI parlance? Can you tell us how you use these terms in this regulation or what these mean to you and to your agents.

Mr. BELMONT. I will have to refer you to the dictionary, I think, Mr. Stern. A subversive is an individual who is active in the Communist Party or front groups associated with it or one of the other groups that we term subversive, such as the Socialist Workers Party.

The ultrarightists——

Mr. DULLES. Socialist Workers Party is a Trotskyite Party, is it not?

Mr. BELMONT. Yes, sir.

The ultrarightists, I believe here we attempt to spell out those people who are so far to the right that they do not consider themselves subject to the law and the proper procedures, and take things into their own hands.

The racists, I think, are—that speaks for itself, individuals who will go beyond the bounds of propriety in seeking their goals, and who adopt violence.

The Fascists——

Mr. McCLOY. I was wondering how you were going to define that one.

Mr. BELMONT. Is to give you the opposite end of the spectrum of subversives.

Mr. DULLES. Do we have anarchists in this country at the present time? There used to be an old anarchist society in the old days.

Mr. BELMONT. That used to be, but it is dissolved. There is no organization. I venture to say we have individual anarchists at this time.

Mr. DULLES. No organized anarchist organization.

Mr. BELMONT. No.

Mr. STERN. Mr. Belmont, in view of the quite important considerations you mentioned before, the danger of interfering with individual liberty, would it be possible within your organization to have the agents recommend to headquarters here and have someone at a higher level examine the recommendation before it is made to the Secret Service? This is, as I understand it, a continuing program and not one that comes into effect only when the President schedules a trip. This would operate without respect to scheduled trips by the President. Would that be possible? Would it fit your operation? Do you think it might help any?

Mr. BELMONT. Well, what is your thought behind that, Mr. Stern? In other words, so that names of persons won't indiscriminately be sent on a local level?

Mr. STERN. Precisely. These categories are, after all, fairly gross. They use large terms which can mean different things to different people. The considerations you mention, I think, are quite real and important. Would it help any to do something of the sort?

Mr. BELMONT. I think we will find that our agents are using good judgment in this matter. The danger involved in referring these matters to headquarters for a decision as to dissemination is the delay in time and, you will note, we stress the time element that when such information comes into the possession of our agents, immediate steps must be taken to transmit this information to Secret Service by the most expeditious means possible.

This might be of assistance to you. This information which we send to Secret Service in the field is placed in a control file, a separate file in the field, and is subject, under instructions, to inspection by our inspectors as they visit our field offices to insure that this requirement is being carried out properly; and they will examine the type of material that is being sent over.

Each field office is thoroughly inspected about once a year, and that is one of the requirements that they go through this to make sure this instruction is being properly carried out.

Mr. McCLOY. I have no further questions. I have some general questions I would like to get to at the end, but I have to leave early this afternoon.

Mr. RANKIN. I have one question I wanted to interject, Mr. Chairman, and that is as to statements, Mr. Belmont, about subversives, including persons who are members of Communist front groups. You mean to say that that includes any person who is a member of a Communist front group because, as you know, many leading citizens have been members of such groups.

Mr. BELMONT. Now, Mr. Rankin, I wouldn't carry it by any means that far. It would be dependent upon the front group, the extent of activity in it, and the activities of the individual. By no means would we classify someone as a subversive who was connected with a front group by name or—

Mr. DULLES. By front groups you mean those on the Attorney General's list; you are taking that as a criterion of a front group?

Mr. BELMONT. No, sir; not necessarily that, sir. There are other groups that we consider front groups.

Mr. DULLES. I see.

Mr. BELMONT. I am glad you raised that because each case would have to be considered on its own individual merits as to what is the extent of the activity and the purpose and intent of the activity.

Mr. RANKIN. You recognize in the work in this field that there are many Americans who are interested in certain causes and purposes and front groups in connection with them who are loyal Americans, don't you?

Mr. BELMONT. I have no doubt of that whatsoever.

Mr. RANKIN. I just wanted to get that in the record.

Mr. BELMONT. I also know many loyal Americans, unfortunately, who don't look behind some of these groups to determine their intents and purposes, and allow their names to be used where they would not otherwise do so if they took the time and trouble to check into what the organization was.

Mr. RANKIN. So you don't lump them all under the term "subversive," that is what I was trying to get at.

Mr. BELMONT. Right.

The CHAIRMAN. I suppose some join before an organization is infiltrated, too.

Mr. BELMONT. That is correct, sir.

The CHAIRMAN. They find themselves in a mousetrap then.

Mr. BELMONT. That is correct, sir; that is right.

Mr. McCLOY. In other words, you would expect your agents to exert some selection before they would send these names over to the Secret Service.

Mr. BELMONT. Our agents use judgment in the pursuance of this work, and they would continue to use judgment in the selection of people who meet this criterion. Otherwise if you carried this to the extreme you would get out of hand completely. So that there is judgment applied here and our agents are capable of applying the judgment.

Representative FORD. What has been the reaction of the Secret Service to this greater flow of information that they have received?

Mr. BELMONT. They have taken it. There has been no official reaction, to my knowledge.

Representative FORD. Have they objected to the greater burden?

Mr. BELMONT. No, sir; I would like to say, I don't know whether you are going to cover this, Mr. Stern, that our relations with the Secret Service are excellent. We work closely together.

As a matter of fact, since the assassination, at the request of Mr. Rowley, we have furnished agents to assist on occasion in the protection of the President, which is primarily a function of Secret Service, but as a cooperative gesture we have on a number of occasions made agents available at the request of Mr. Rowley. I think the figure runs to something like 139 agents—yes, 139 agents that we have made available.

We do have a very close liaison with Secret Service both at the seat of Government and in our field offices. We have a supervisor here at the seat of Government whose duty it is to stay directly in touch with Secret Service, to cut redtape and produce results both for Secret Service and for the FBI; to see that the problems are handled immediately. He has direct access to Mr. Rowley, and we have on a number of occasions at the request of Secret Service, sent one of our agents with the Secret Service when the President travels abroad, particularly where we have a representative in the countries being visited, because our relations with the law enforcement officials in those countries have been built up over the years, and we are thus in a position to assist Secret Service in establishing the necessary security measures and the flow of information to serve their purpose.

In addition, when the President travels abroad we alert all of our offices to advise us of any information which may pertain to the travel of the President, and we set up a supervisor back here to receive that information and cable it or get it immediately to our man who is accompanying the President when he makes this trip.

This is done, this agent going with Secret Service is done, at the invitation and request of Secret Service.

Representative FORD. 169 agents of the FBI who have assisted since the assassination. Did Secret Service make a specific request for their help in these instances?

Mr. BELMONT. Yes; Mr. Rowley advised that he needed help, it was offered to him by Mr. Hoover, and when the President is going to visit a city and Secret Service does not have sufficient personnel in that particular city to cover what they consider is necessary, they need specialized help from us, they will make the request to us and we will authorize our local agent in charge to make those men, the designated number, available to the Secret Service representative, who then uses their services while the President is there.

Representative FORD. I gather that prior to the assassination such requests, specific requests, had not come from Secret Service to the Bureau.

Mr. BELMONT. No. There were never any such requests before.

Mr. STERN. At the level at which the requests have been made so far, have they proved to be a difficult burden for the FBI?

Mr. BELMONT. Mr. Stern, any time that we have a pending caseload of something like 115,000 investigative matters, which is what we have, and our agents are assigned about 20 to 25 cases apiece across the country, ranging from matters of immediate urgency to matters which can be handled in due time, and whenever

our agents are putting in an average of over 2 hours overtime a day voluntarily, the loan of 139 men will be felt.

Representative FORD. 169.

Mr. BELMONT. I believe it was 139, sir. I think the letter says 139.

Mr. STERN. 139 on 16 separate occasions.

Mr. BELMONT. Yes. I do not wish to overplay this. We are not complaining.

We do feel that at such time as Secret Service is able to increase its personnel or meet this problem within the organization that it is properly their problem. But meanwhile we are following this procedure and we are not complaining.

Mr. DULLES. I had hoped, Mr. Chairman, that at some time while Mr. Belmont was here, we could ask him to just briefly define for us, going back to the assassination day, a clear definition of the respective functions of the FBI and the Secret Service prior to and immediately after the assassination. There seemed to have been at one time a little confusion there. Naturally in a situation of this kind it always happens, but I am not absolutely clear in my mind as to—

Mr. BELMONT. At the time of the assassination?

Mr. DULLES. Yes. Just before, I mean what your responsibilities were just before the assassination, and just after as contrasted with the functions of the Secret Service.

Mr. BELMONT. The Secret Service has the responsibility for protecting the President and his family, and the Vice President and so on. That is a basic responsibility.

Mr. DULLES. And you have no auxiliary function to that—

Mr. BELMONT. No, sir.

Mr. DULLES. Except to furnish names and suspects, as you have indicated.

Mr. BELMONT. That is correct. We have no function there. That is a primary responsibility and function of Secret Service.

Now, we do have what we have considered our responsibility, to furnish to Secret Service any indication of a threat to the President, and that we have done religiously.

After the assassination the President ordered us into an investigation of the assassination which changed the picture as far as this particular case was concerned.

Mr. DULLES. You mean President Johnson, immediately after the assassination?

Mr. BELMONT. Yes, sir.

Mr. DULLES. And there was a period there, there was a period though, after the assassination and before President Johnson took the oath of office—did this order come to you during that period or after he had taken the oath of office?

Mr. BELMONT. It was very rapid, probably within a day.

Mr. DULLES. I see. It wasn't immediately after.

Mr. BELMONT. No.

Mr. DULLES. It wasn't this period I am speaking of.

Mr. BELMONT. You see, Mr. Dulles, the Federal Government still has no jurisdiction over the assassination of the President. That was a murder and was within the province of the local police who immediately took hold of it and started the investigation.

Mr. DULLES. I realize that.

Mr. BELMONT. And started the investigation and it was theirs.

Mr. DULLES. You were only in there by courtesy. What you did was by courtesy of the local authorities.

Mr. BELMONT. Yes, sir; we went to the Dallas Police Department and immediately went into action because of what had happened, and there was no time for us to stand on priorities. But we felt we should be of the utmost assistance, and we sent men to the police department to assist in the interview and do anything else we could. This wasn't a time, of course, to sit back and say, "This isn't our job."

Mr. DULLES. I understand.

Mr. BELMONT. Yes.

The CHAIRMAN. Mr. Belmont, just one question. Do you know of any legisla-

tion in recent years that might have been introduced in the Congress to make an attack upon the President a Federal offense?

Mr. BELMONT. I do know that there is legislation presently pending.

The CHAIRMAN. Since the assassination?

Mr. BELMONT. Since the assassination.

The CHAIRMAN. Yes. But had it been considered in recent years? I know it had at the time of other assassinations, but so far as you know were there any recent legislation to that effect?

Mr. BELMONT. Mr. Chairman, I must plead ignorance. I haven't done research on it, and I just don't know.

The CHAIRMAN. Yes. Well, we can find that out very easily.

Representative FORD. Mr. Chairman, just the other day in the House of Representatives a bill was approved giving Federal officials the right to take certain action when a chief of state from a foreign country was within the United States; a broadening of their authority when they had a suspicion or they had some reason to believe that an attack was being made on a foreign dignitary.

At the time it went through the House I thought of the same question you just raised, and I wondered whether there were any specific legislative matters pending before any committee on this particular point.

Mr. BELMONT. I am sure there is a pending bill because my recollection is that it was called to our attention—I cannot pinpoint it for you—but I think there is pending legislation now in this matter.

Mr. McCLOY. I noticed in some Law Review article recently reference to the fact that previous bills had been introduced but had gone into the wastebasket.

The CHAIRMAN. That is true.

Mr. McCLOY. In respect of other incidents.

The CHAIRMAN. When the emotion died down.

Mr. McCLOY. When the emotion died down, that is true.

I have some further questions.

The CHAIRMAN. Have you finished, Mr. Stern?

Mr. STERN. I want to get one thing established that came up yesterday. Mr. Belmont, yesterday the Commission was interested in determining, if possible, when Agent Hosty recorded the interviews that he had taken on October 29, November 1, and November 5. He wasn't certain, except that he thought it had been done after the assassination. Have you caused a check to be made on that?

Mr. BELMONT. Yes; we checked with our Dallas office, and they do not have a specific record of when that information was recorded.

Mr. STERN. Was it recorded in substantially the same form in some contemporaneous communication?

Mr. BELMONT. Yes; within a day or two, I think on November 4, if I recall correctly, the fact that Hosty had talked to the neighbor of Mrs. Paine and had located Marina Oswald, was sent in by AIRTEL.

Mr. STERN. You might refer to Commission Exhibit 834, page 9, items 64 and 67, just so the record is straight.

Mr. BELMONT. Item 64 is an AIRTEL from the Dallas office to the headquarters dated October 30, wherein Hosty reported this interview that he had had with the neighbor of Mrs. Paine.

On November 4 the Dallas office reported by AIRTEL the results of his contact with Mrs. Paine on November 1, so that the results of his interviews were incorporated at that time, October 30, November 4, but the actual insert for the report was not prepared until some time later. To the best of Hosty's recollection it was after the 22d and prior to December 2, but he was already on record by these AIRTELS.

Mr. STERN. Thank you, Mr. Belmont.

I have no further questions.

The CHAIRMAN. Mr. McCloy.

Mr. McCLOY. I have one or two questions.

Mr. Belmont, you do know the charge has been made by some that Oswald was what is called a secret agent. Do you have any information whatever that would cause you to believe that Oswald was or could have been an agent or an informant of the FBI?

Mr. BELMONT. I have covered that in some considerable detail, Mr. McCloy, and I will make a positive statement that Oswald was not, never was, an agent or an informant of the FBI.

Mr. McCLOY. In the course of your investigation do you have any reason to make you believe that he was an agent of any other country?

Mr. BELMONT. No, sir; we have no reason to believe that he was an agent of any other country.

Mr. McCLOY. Or any other agency of the United States?

Mr. BELMONT. Or any other agency of the United States.

Mr. McCLOY. You said this morning, I believe, or at least I guess Mr. Hosty said, that the assassination of the President and any leads in connection with it are still of constant concern to the FBI.

Do you feel there are any areas as of the present time that you feel at the present time require or justify further investigation other than routine check-ups that have not already been undertaken?

Mr. BELMONT. No, sir; frankly, I don't. I will say that from the requests we have received from the Commission, you have explored this most thoroughly. We do not have any unexplored areas in this investigation that should be explored. There are some pending requests that you have made, and we are running them out as rapidly as we can.

Mr. McCLOY. Maybe this isn't a fair question to ask you, but, after all, you have had a long record of criminal investigation, and you have had a long exposure to investigation in this case.

As a result of your investigation do you feel that there is any credible evidence thus far which would support a conclusion or an opinion that the death of the President was the result of a conspiracy or anything other than the act of a single individual?

Mr. BELMONT. No, sir; we have no evidence, and I could support no conclusion that this was other than an act of Oswald.

Mr. McCLOY. Now, the investigation does lead you to the conclusion that he was the President's assassin?

Mr. BELMONT. Yes, sir.

Mr. McCLOY. Did you ever at any time have any connection whatever—you or the agency—have anything to do with the Walker, General Walker, case?

Mr. BELMONT. No, sir; that was a matter handled by the Dallas police. I am drawing on my recollection of it now, but, as I recall it, after the incident, we offered to examine the bullets that were recovered—

Mr. McCLOY. Bullets.

Mr. BELMONT. And the police apparently wanted to retain them, so that we did not conduct the examination of the bullets until subsequent to the assassination itself.

Mr. McCLOY. Until recently.

Mr. BELMONT. No; we had no connection with it, with that investigation.

Mr. McCLOY. In your investigation of the President's assassination, did you have occasion, after the event, to make an investigation of Ruby's background or Ruby's relationship to Oswald?

Mr. BELMONT. Yes, sir; we went into that very thoroughly.

Mr. McCLOY. Have we got all your reports on that?

Mr. BELMONT. Yes, sir.

Mr. McCLOY. Have you come to any conclusions or opinions in regard to Ruby and his connection with Oswald, if any?

Mr. BELMONT. The reports, of course, speak for themselves. But in summation, we did not come up with anything of a solid nature, that is anything that would stand up to indicate that there was any association between Ruby and Oswald. We had numerous allegations which we ran out extensively and carefully, but there is nothing, no information, that would stand up to show there was an association between them.

Mr. McCLOY. Maybe this is in the record, but do you—by reason of your very close association with this investigation, I venture to ask this question—do you, from your knowledge of the investigation find—was there any evidence in

regard to Ruby's propensity for violence before this shooting took place in the police headquarters in Dallas?

Mr. BELMONT. Did we have any information of that character and of that nature?

Mr. McCLOY. Yes; I am not talking before it happened, but as a result of your investigation did you turn up any other indications of any violence on the part of Ruby?

Mr. BELMONT. I hesitate to attempt to evaluate the information that we gathered from hundreds and hundreds of people that we talked to during the investigation of Ruby after the assassination. I just don't feel that I am in a position to render a judgment as to his character or his impulsiveness, the degree of impulsiveness, whether he was capable—

Mr. McCLOY. Whether he was prone to violent action.

Mr. BELMONT. I just don't feel really competent. I have no doubt that a conclusion can be drawn from reports; of course, that was one of the basic issues at the trial.

Representative FORD. Was there any evidence that the FBI found to the effect that Ruby was a Communist?

Mr. BELMONT. No, sir.

Representative FORD. None whatsoever?

Mr. BELMONT. No, sir.

Representative FORD. Was there any evidence found by the FBI to the effect that Ruby was connected with in any way whatsoever so-called rightist groups?

Mr. BELMONT. No, sir; I do not recall anything of that nature.

Mr. McCLOY. No association that you know of as a result of the investigation of Ruby with any foreign government or agency of a foreign government?

Mr. BELMONT. No, sir; you understand, you are asking me questions, and I am replying on the basis of my best recollection, but I am giving you an answer from my knowledge of the case.

Mr. McCLOY. That is what we were seeking, no more than that, because your impressions would be valuable.

Mr. BELMONT. The reason I say that there may be someone we interviewed who made a statement about Ruby and it was run out, and it was found to be false. Congressman Ford, you asked me if he was a Communist. I would say we have no evidence of that.

Mr. McCLOY. Do you feel that in view of the evidence that Oswald was a defector, that he engaged in this Fair Play for Cuba business, that he lied in his communications with the FBI, that Mr. Hosty should have been alerted by locating Oswald in the School Book Depository early in November, that he should have been alerted to informing the Secret Service of that?

Mr. BELMONT. No, sir; I do not. You must take this matter in its proper context. I pointed out to you previously that this man came back from Russia; he indicated that he had learned his lesson, was disenchanted with Russia, and had a renewed concept—I am paraphrasing, a renewed concept—of the American free society.

We talked to him twice. He likewise indicated he was disenchanted with Russia. We satisfied ourselves that we had met our requirement, namely to find out whether he had been recruited by Soviet intelligence. The case was closed.

We again exhibited interest on the basis of these contacts with The Worker, Fair Play for Cuba Committee, which are relatively inconsequential.

His activities for the Fair Play for Cuba Committee in New Orleans, we knew, were not of real consequence as he was not connected with any organized activity there.

The interview with him in jail is not significant from the standpoint of whether he had a propensity for violence.

Mr. McCLOY. That is the Quigley interview you are talking about?

Mr. BELMONT. Yes; it was a self-serving interview.

The visits with the Soviet Embassy were evidently for the purpose of securing a visa, and he had told us during one of the interviews that he would probably take his wife back to Soviet Russia some time in the future. He had come back

to Dallas. Hosty had established that he had a job, he was working, and had told Mrs. Paine that when he got the money he was going to take an apartment when the baby was old enough, he was going to take an apartment, and the family would live together.

He gave evidence of settling down. Nowhere during the course of this investigation or the information that came to us from other agencies was there any indication of a potential for violence on his part.

Consequently, there was no basis for Hosty to go to Secret Service and advise them of Oswald's presence. Hosty was alert, as was the Dallas office, to furnish information to Secret Service on the occasion of the President's visit.

It is my recollection that Hosty actually participated in delivering some material to Secret Service himself, and helped prepare a memorandum on another matter that was sent over there. So that most certainly the office was alert. The agent in charge had alerted his agents, even on the morning of the visit, as he had previously done a week or 10 days before the visit.

So that, in answer to your question, I cannot even through the process of going back and seeking to apply this against what happened, justifiably say that Hosty should have given this information under the existing conditions and with the history of this matter, that he was in a position to give it to the Secret Service. Now, most certainly—

Mr. McCLOY. We wish he had.

Mr. BELMONT. Of course.

Representative FORD. Mr. Chairman, I have a call from the floor of the House. I wonder if I could ask Mr. Belmont a question.

The CHAIRMAN. Yes, indeed.

Representative FORD. In response to a question by Mr. McCloy, you categorically said that Federal Bureau of Investigation under no circumstances had employed Oswald as an informant, as an agent or in any other way whatsoever.

Mr. BELMONT. Yes, sir.

Representative FORD. You would be in a position to know specifically that information?

Mr. BELMONT. Yes, sir.

Representative FORD. You also said, as I recall, that you had found no credible information or evidence thus far that Oswald was connected in any way whatsoever with another country as an agent. Is that about what you said or do you wish to reaffirm it in another way?

Mr. BELMONT. I will affirm what you said.

Representative FORD. There is a difference, however, between your knowledge as to whether the FBI had hired Oswald, you can be very categorical about that.

Mr. BELMONT. That is correct.

Representative FORD. You can only—

Mr. BELMONT. Say based on the evidence that we have or which developed or all information that we received, there was no indication that Oswald was in any way connected or within the service of a foreign government.

Representative FORD. But there is a difference in the way you can answer those two questions.

Mr. BELMONT. There is a difference, yes; there is a difference because in the one case we know, in the other case we rely on all the information and evidence available.

Representative FORD. But as far as a foreign government is concerned, you only know what you have been able to find out?

Mr. BELMONT. That is correct, sir.

Representative FORD. There is always the possibility in the second case, involving a foreign government, that something might come up at some other time.

Mr. BELMONT. There is always the possibility. We have no indication of it. There is always the possibility; yes, sir.

Representative FORD. But you cannot be as categorical about the future in the second case as you were in the first case.

Mr. BELMONT. Yes, sir; you are right.

The CHAIRMAN. Are there any other questions?

Mr. DULLES. Do you have some more?

Mr. McCLOY. I think I have got all the questions I wanted to ask.

(At this point in the proceedings, Representative Ford leaves the hearing room.)

Mr. DULLES. I have two or three questions.

As you know, Mr. Belmont, there have been a wide variety of rumors that have been spread abroad very particularly with regard to the assassination.

I have before me, just received last night, a book just being published in England, it is coming out in the next day or 2, called "Who Killed Kennedy," by Thomas G. Buchanan, published in London by Secker and Warburg. I have not had an opportunity yet to read the book. I have read a good deal of the background material on which it is based.

I would like to ask though when this book is available to you, and we will make a copy available to you and see that you get one promptly, whether you would have the Bureau read this, an appropriate person in the Bureau familiar with the case or yourself, and possibly give us your views with regard to certain of the allegations here within your particular competence.

Mr. BELMONT. As I understand it, Mr. Dulles, this is probably a compilation of the articles that he wrote in the French press.

Mr. DULLES. Express; yes.

Mr. BELMONT. Which, I believe, we sent over to the Commission as we received them.

Mr. DULLES. That is correct.

Mr. BELMONT. And from my recollection of perusing those articles, they are filled with false statements, innuendoes, incorrect conclusions, misinformation, and certainly what I would term false journalism. In other words, he has stated as fact or as a correct conclusion many things which the Commission's investigation has disproved completely.

We will be glad to read the book and to furnish you with a general comment on it. But to take down each statement in there and go into it would probably result in a critique of 500 pages.

Mr. DULLES. We do not want that. I don't think we need that.

Mr. BELMONT. Where actually many of these allegations have already been resolved by the Commission, I am sure. We will be glad to read it and give you a—

Mr. DULLES. I think that would be useful for the Commission to have, Mr. Chairman. Do you agree?

The CHAIRMAN. Very well; yes. If you find any factual matters in there that contradict your findings, we would expect you to call it to our attention.

Mr. BELMONT. Most certainly, sir.

The CHAIRMAN. But otherwise I don't think we want a review of the book. That is your idea, is it?

Mr. DULLES. Not a review of the book, but if there are allegations there, any evidence you can factually deny, that would be helpful to have it.

Mr. McCLOY. Do you have any record of Buchanan? Do you know anything about Buchanan's background?

Mr. BELMONT. No, sir; I do not recall.

Mr. DULLES. I wish you would check.

Mr. BELMONT. We can send you a letter.

The CHAIRMAN. We have the record.

Mr. McCLOY. He seems to be very much Ivy League, Lawrenceville School and Yale.

Mr. DULLES. He was at one time, I believe, he admitted to being a Communist at one time. He was at one time employed by the Washington Star, I am advised, and I believe, according to the information I have, that he was terminated by the Star some years ago.

Mr. BELMONT. I thought he had been in touch with the Commission.

The CHAIRMAN. He came in, he did come in here, and made a statement which we have recorded. His testimony wasn't taken. He just walked in off the street.

Mr. DULLES. I have one or two more questions, Mr. Chairman.

I believe, Mr. Belmont, that you probably have furnished us already with information with regard to any contacts that Oswald might have had, individuals whom he knew, persons who might have been accused of being accomplices of his, but if there is anybody there or any persons in your file whom Oswald knew who have not been communicated to us, we would certainly like to have them to be sure we have looked into that field exhaustively, anybody who, according to your records, Oswald knew.

Mr. BELMONT. I am sure we have explored that fully, and we have reported it to the Commission fully.

Mr. DULLES. All right; good.

Mr. BELMONT. Yes, sir.

Mr. DULLES. In view of your deep study of the case, have you reached any views of your own or are there any views of the Bureau, as to Oswald's motivation in the act that he committed?

Mr. BELMONT. Again I don't feel competent to give you an answer. There is an indication from the exploration of his background that he wanted to be somebody. He wanted to be known as someone. Whether this caused him to do this terrible thing I don't know. I think if it were possible to peer into Oswald's mind, that would really be the only way you could get your question answered.

Mr. DULLES. Have you and the Bureau made any comparative study of the various assassination attempts and assassinations of other Presidents and people in high authority in this Government to see whether any pattern at all runs through these various attempts other than attempts where there is clearly a plot, as in the case of the attack on President Truman, and probably also in the case of President Lincoln? I am thinking chiefly of the assassination of President McKinley and the attempted assassination of President-elect Roosevelt in 1933.

Mr. BELMONT. No, sir; we have not made a study of that nature. I would imagine that Secret Service has made a study.

Mr. DULLES. They have made a study. I didn't know whether you had made one also.

Mr. BELMONT. No, sir; we have not.

Mr. DULLES. That is all I have, Mr. Chairman.

The CHAIRMAN. Mr. Belmont, I have here in my hand a sheet that appeared on the newsstands over the weekend. It is supposed to be the National Enquirer. I believe it is out of New York, and it contains a page and a third about the assassination of the President and certain actions of the FBI, and so forth, and for the record I should like to read a portion of it and merely ask you if, in your opinion—

Mr. BELMONT. All right, sir.

The CHAIRMAN. And with your knowledge there is any truth to any part of it. You, of course, are acquainted with that paper.

Mr. BELMONT. No, sir; I am not. In fact, someone told me it was, it came from, the Philadelphia Inquirer, and I was shocked that something like that would be in that paper. I found it was not the Philadelphia Inquirer.

(Discussion off the record.)

The CHAIRMAN. I think, in view of the relationship you have had in this whole matter, I would like to have your testimony in the record on it.

Mr. BELMONT. Very good, sir.

The CHAIRMAN. There is no date on this paper, and I am told it appeared in three different days in three different formats with different headlines, but the same item. It is said to be by John Henshaw, Enquirer Washington Bureau Chief.

"Washington—The hottest story making the rounds here is that the U.S. Justice Department prevented the arrest of Lee Harvey Oswald and Jack Ruby BEFORE the assassination of President John F. Kennedy. Oswald and the man who killed him, Ruby, were suspected of being partners in crime 7 months before the President's death.

"The incredible details of the story are so explosive that officials won't even answer 'no comment' when queried about it. But the story being discussed by top-level Government officials reveals:

"1. That the Justice Department deliberately kept Oswald and Ruby out of jail before the assassination.

"2. That Dallas cops suspected Oswald of being the gunman and Ruby the paymaster in a plot to murder former Maj. Gen. Edwin A. Walker—7 months before the President was assassinated.

"3. That the U.S. Central Intelligence Agency was using Ruby to recruit commandoes for raids against Castro's Cuba. To prevent this explosive information from being disclosed, the CIA asked the Justice Department to step in and stop the Dallas police from arresting Jack Ruby, as well as Oswald.

"A top-secret document—a letter signed by a high official of the Justice Department—was sent in April 1963 from the Dallas Police Department to Dallas Chief of Police Jesse E. Curry requesting the Dallas police NOT to arrest Oswald and Ruby in connection with the attempted slaying of General Walker.

"After a sniper shot at, but missed, General Walker in Dallas, April 10, 1963, Dallas police suspected that Oswald was the sniper and Ruby the payoff man.

"The cops were set to arrest the pair. But they never got the chance because of the heavy pressure brought to bear by the Justice Department. And so Oswald and Ruby were allowed to remain free. And 7 months later, on last November 22 in Dallas, Oswald was able to kill the President of the United States.

"The top-secret document—a copy of it is reportedly in the hands of the Presidential Commission investigating the assassination—bares a web of intrigue that involves the Federal Bureau of Investigation, along with the Justice Department and the Central Intelligence Agency.

"It is so politically explosive that the Presidential Commission, headed by Supreme Court Chief Justice Earl Warren, has even withheld it from one of its own members, Senator Richard Russell (D., Ga.).

"It is feared that Senator Russell, who leads the South in the fight against the civil rights bill, might use the document as a weapon against the Justice Department and its chief, Attorney General Robert Kennedy, a leader in the fight for civil rights.

"The document—requesting the cops not to arrest Ruby and Oswald—contradicts the FBI report on the assassination and the subsequent murder of Oswald."

My question is, do you have any information that would lead you to believe that any of those allegations are true?

Mr. BELMONT. My answer, sir, is that that is utter fantastic nonsense, and I have no information to indicate that any of the allegations are true.

The CHAIRMAN. I think we had better mark this and introduce it in evidence. There is much more to the article, but it is explanatory of this, but I thought that was sufficiently a direct allegation that we ought to note it in the testimony. So will you give that a number, Mr. Stern.

Mr. STERN. It will be numbered 837.

The CHAIRMAN. 837. It is introduced in evidence as No. 837.

Mr. STERN. May we also have admitted, Mr. Chief Justice, Exhibit No. 836, the letter of March 31, 1964, which Mr. Belmont has identified.

The CHAIRMAN. It may be admitted under that number.

(The documents referred to were marked for identification as Commission Exhibits Nos. 836 and 837 and were received in evidence.)

The CHAIRMAN. Is there anything further, gentlemen?

Mr. McCLOY. May I suggest that we get a copy of the paper which does have the date on it. I forget what date it was.

Mr. BELMONT. Mr. Rankin, I understand you have sent it over to us, so we will be glad to answer your letter.

The CHAIRMAN. Well, Mr. Belmont, we appreciate your cooperation, and we thank you for your courtesy.

(Whereupon, at 12:40 p.m., the President's Commission recessed.)

Wednesday, May 13, 1964

TESTIMONY OF LT. JACK REVILL

The President's Commission met at 10 a.m. on May 13, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Representative Gerald R. Ford; and Allen W. Dulles, members.

Also present were J. Lee Rankin, General Counsel; Norman Redlich, assistant counsel; Arlen Specter, assistant counsel; and Charles Murray, observer.

The CHAIRMAN. Lieutenant Revill, the purpose of today's hearing is to hear your testimony and that of Detective V. J. Brian with particular regard to alleged conversation with Special Agent James P. Hosty, Jr., of the Federal Bureau of Investigation, claimed to have occurred on November 22, 1963, in the afternoon, and also concerning the facts surrounding the discussion of Commission Exhibits 710 and 711.

What are those—those are the affidavits?

Mr. RANKIN. That is his affidavit and Detective Brian's.

The CHAIRMAN. Those are the affidavits that you made in that regard.

Would you please rise and raise your right hand and be sworn?

Do you solemnly swear that the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth so help you God?

Lieutenant REVILL. I do, sir.

The CHAIRMAN. Mr. Rankin will conduct the examination.

Mr. RANKIN. Lieutenant Revill, will you state your name and place of residence for the record, please?

Mr. REVILL. My name is Jack Revill. I reside at 5617 Madowics, Dallas, Tex.

Mr. RANKIN. Do you have an official connection with the police department of Dallas?

Mr. REVILL. Yes, sir; I do.

Mr. RANKIN. What is that?

Mr. REVILL. I am presently a lieutenant of police of the Dallas Police Department.

Mr. RANKIN. How long have you occupied that position?

Mr. REVILL. I was promoted to lieutenant June 26, 1958.

Mr. RANKIN. Do you have any particular area of responsibility?

Mr. REVILL. Yes, sir; I am presently in charge of the criminal intelligence section.

Mr. RANKIN. Have you been in charge of that section since November 22 of 1963?

Mr. REVILL. Yes, sir; I have.

Mr. RANKIN. What are the functions of your work in that job?

Mr. REVILL. My unit—our primary responsibility is to investigate crimes of an organized nature, subversive activities, racial matters, labor racketeering, and to do anything that the chief might desire. We work for the chief of police. I report to a captain who is in charge of the special service bureau.

Mr. RANKIN. Who is that?

Mr. REVILL. Capt. Pat Gannaway.

Mr. RANKIN. How long have you reported to him?

Mr. REVILL. In my present capacity?

Mr. RANKIN. Yes.

Mr. REVILL. Since I have been assigned to the criminal intelligence section.

Mr. RANKIN. So that was for all times since and on November 22, 1963?

Mr. REVILL. Yes, sir; this is true.

Mr. RANKIN. Do you know James P. Hosty, Jr.?

Mr. REVILL. Yes, sir; I do.

Mr. RANKIN. How long have you known him?

Mr. REVILL. I have known Jim, Mr. Hosty, since 1959, when I took over the intelligence section.

Mr. RANKIN. Did you see him on November 22?

Mr. REVILL. Yes, sir; I did.

Mr. RANKIN. Where.

Mr. REVILL. In the basement of the city hall.

Mr. RANKIN. Just before you saw Special Agent Hosty, where had you been?

Mr. REVILL. I had been at the Texas School Book Depository.

Mr. RANKIN. What did you do there?

Mr. REVILL. We conducted a systematic search of the building, evacuated the people working in the building, and took names, addresses, and phone numbers of all of these people before they were permitted to leave.

Mr. RANKIN. Was anyone working with you there?

Mr. REVILL. Yes, sir.

Mr. RANKIN. Who?

Mr. REVILL. Numerous people.

Mr. RANKIN. I see. Was Detective Brian with you there?

Mr. REVILL. Yes, sir. I had taken Detective Brian with me from the Trade Mart, Dallas Trade Mart, upon hearing of the shots being fired at Mr. Kennedy. I took Detective Brian and two other officers assigned to my unit, Detective R. W. Westphal and Detective Tarver, O. J. Tarver.

Mr. RANKIN. How did you come back to the police department?

Mr. REVILL. By automobile.

Mr. RANKIN. By car?

Mr. REVILL. Yes, sir.

Mr. RANKIN. Was anyone with you?

Mr. REVILL. Yes, sir, I had Detectives Brian, Tarver, and Westphal.

Mr. RANKIN. They were all in the car with you?

Mr. REVILL. Yes, sir.

Mr. RANKIN. And which way did you enter the building?

Mr. REVILL. The Main Street ramp into the basement of the city hall.

Mr. RANKIN. About what time of the day?

Mr. REVILL. It must have been about 2:45, 2:50.

Mr. RANKIN. All of these officers were with you?

Mr. REVILL. Yes, sir.

Mr. RANKIN. Where did you see Special Agent Hosty?

Mr. REVILL. If I might explain that, I followed Mr. Hosty into the basement of the city hall. He drove into the basement, parked his car, I did the same, and Mr. Hosty departed from his car, ran over to where I was standing, Detective Brian and I.

The other two officers, Westphal and Tarver, as well as I recall, had remained in the rear talking to some other officers. I don't know who they were. At that time everything was mass confusion, and we were all upset.

Mr. RANKIN. Will you explain to the Commission where you parked the car with reference to the point where you saw Agent Hosty?

Mr. REVILL. I got out of my car, and we have two attendants assigned to the basement, two Negro attendants, and one of these individuals parked my vehicle for me, I don't know where he parked it. But as I got out of the car, Mr. Hosty ran toward me—

Mr. RANKIN. Now, about the parking, excuse me.

Mr. REVILL. Yes, sir.

Mr. RANKIN. Is that a part of the basement area of the police department?

Mr. REVILL. Yes, sir; it is.

Mr. RANKIN. All right; proceed.

Mr. REVILL. And Mr. Hosty ran over to me and he says, "Jack"—now as I recall these words—"a Communist killed President Kennedy."

I said, "What?"

He said, "Lee Oswald killed President Kennedy."

I said, "Who is Lee Oswald?"

He said, "He is in our Communist file. We knew he was here in Dallas." At that time Hosty and I started walking off, and Brian, as well as I recall, sort of stayed back, and as we got onto the elevator or just prior to getting on the elevator Mr. Hosty related that they had information that this man was capable of this, and at this I blew up at him, and I said, "Jim"—

Mr. RANKIN. What did he say in regard to his being capable?

Mr. REVILL. This was it. They had—"We had information that this man was capable"—

Mr. RANKIN. Of what?

Mr. REVILL. Of committing this assassination. This is what I understood him to say.

Mr. RANKIN. Are those his exact words?

Mr. REVILL. As well as I recall. Give him the benefit of the doubt; I might have misunderstood him. But I don't believe I did, because the part about him being in Dallas, and the fact that he was a suspected Communist, I understand by the rules of the Attorney General they cannot tell us this, but the information about him being capable, I felt that we had taken a part in the security measures for Mr. Kennedy, and if such, if such information was available to another law enforcement agency, I felt they should have made it known to all of us, and I asked Hosty where he was going at that time. By this time we were on the elevator and he said he was going up to homicide and robbery to tell Captain Fritz the same thing. I said, "Do you know Captain Fritz?" and he said he had never met him. I said, "All right, I will take you up and introduce you to Captain Fritz." So Detective Brian and I and Hosty went to the third floor of the city hall and went to Captain Fritz' office, the homicide and robbery bureau. We didn't see Captain Fritz, he may or may not have been there. His office door was closed.

Mr. DULLES. What time of the day, could you give me the approximate time?

Mr. REVILL. Between 2:30 and 3 o'clock, and I have the reason for saying this because of the typing of this report here. Our secretary got off at 4 o'clock.

Mr. DULLES. And Chief Curry had not yet returned, had he?

Mr. REVILL. I don't know where he was.

Mr. DULLES. You didn't know about that?

Mr. REVILL. No, sir.

Mr. RANKIN. Did you say anything about this to Captain Fritz?

Mr. REVILL. I did not talk to Captain Fritz, as I said, I didn't see him. I introduced Mr. Hosty to Lieutenant Ted Wells, who is one of the lieutenants assigned to the homicide and robbery bureau and also present at that time was another special agent, Mr. Bookhout, and Hosty, there was confusion within this office, so Brian and I, after introducing Mr. Hosty to Wells, left and went back to the special service bureau office.

Mr. RANKIN. And you didn't say anything to the inspector about it?

Mr. REVILL. The inspector?

Mr. RANKIN. Lieutenant Wells.

Mr. REVILL. No, sir; I did not.

Mr. RANKIN. You didn't tell him this important information?

Mr. REVILL. Hosty was going up to tell him the same thing.

Mr. RANKIN. Did he tell you that?

Mr. REVILL. Yes, sir; he told me that.

Mr. RANKIN. And Hosty told you then that he was going up to tell him that they knew he was capable of being the assassin?

Mr. REVILL. Yes, sir; being at that time I was out of touch with everything, being in the building, I had put no connection between the shooting of Tippit and the President.

Mr. RANKIN. Did you know that Oswald had been arrested?

Mr. REVILL. No, sir; at that time I did not.

Mr. RANKIN. You just knew about the someone by the name of Lee, didn't you?

Mr. REVILL. Yes, sir; Lee. And this was told to me by a colored employee of the School Book Depository. Myself and Lieutenant Frank Dyson took charge of the search of the building and we must have had 75 or 80 men in the building assisting in this search. I talked to a Negro—

Mr. DULLES. Were you in charge of that?

Mr. REVILL. Yes, sir; I was in charge of that phase of the search. I talked to a Negro by the name of Givens, and we had handled this person in the past for marijuana violations and I recognized him and in talking to him I asked him if he had been on the sixth floor, and as well as I recall, and Detective Brian was present at this same time he said, yes, that he had observed Mr. Lee, over

by this window. Well, I asked him who Mr. Lee was, he said, "It is a white boy." He didn't know his full name. So, I turned this Givens individual over to one of our Negro detectives and told him to take him to Captain Fritz for interrogation, and while going to the city hall, or the police station I passed this detective and Givens, and they came into the homicide and robbery bureau shortly after Hosty and I did, so I am sure Captain Fritz did talk to Mr. Givens.

Mr. RANKIN. When did you learn that Oswald had been arrested?

Mr. REVILL. I really don't know, sir. Because time, we were all shocked that this thing had happened in our city and I personally felt that maybe a sense of responsibility, maybe we could have done more to prevent this thing. I just don't know when I heard that he had been arrested.

Mr. RANKIN. Did you know it by the time you went to Lieutenant Wells' office?

Mr. REVILL. No, sir; I did not. He may have been in the office at that time.

Mr. RANKIN. You didn't know that Oswald was already in the police department?

Mr. REVILL. No, sir; I did not. I had been in this building since word came of the shots being fired until about 2:30, 2:35, and at that time I decided that my unit could possibly do more at our office where we kept all of our files, cataloging these people, the suspects that were running through my mind at that time. So, I was, I put out a call for all of the intelligence unit personnel to meet me at the office and I got no reply to this because they were all up in the special service bureau. We had been assigned to the Trade Mart, and two or three of my officers had taken into custody four or five of these picket carriers, and we did this more for protection than anything else because after the word came of the assassination, well, I am afraid they would have been mobbed, and they were all up in the special service bureau booking these prisoners at the time, and I decided we would stop by the special service bureau office, to report back to my captain and see if there was something we could do there. And as I pulled into the basement this conversation took place with Mr. Hosty.

Mr. RANKIN. And the particular words about Oswald being capable of being an assassin those were told you by Agent Hosty in the elevator?

Mr. REVILL. No, sir; either just outside the elevator and as we got on. He never mentioned this again because I guess I lost my temper at him for withholding this type of information.

Mr. RANKIN. I see. Did you do anything about losing your temper, did you say anything?

Mr. REVILL. No; Jim Hosty and I are friends, and this has hurt me that I have involved Hosty into this thing, because he is a good agent, he is one of the agents there that we can work with; that has been most cooperative in the past, and I worked with him just like he is one of us.

Mr. RANKIN. You went to the third floor on the elevator?

Mr. REVILL. Yes, sir.

Mr. RANKIN. Who else went with you?

Mr. REVILL. Detective Brian and Hosty, the elevator was—had several people on it. I don't recall who they were.

Mr. RANKIN. Was Detective Brian on that elevator?

Mr. REVILL. Yes, sir; he was.

Mr. RANKIN. At that same time?

Mr. REVILL. He went to the third floor with me.

Mr. RANKIN. And you are sure Agent Hosty was on the elevator with you?

Mr. REVILL. Yes, sir; he was.

Mr. RANKIN. And you are sure you were on the elevator?

Mr. REVILL. Yes, sir.

Mr. RANKIN. Now, will you tell us exactly what you said to Hosty and also what he said to you?

Mr. REVILL. After hearing about the information that they were purported to have had—

Mr. RANKIN. Have you told us all the information that Hosty told you?

Mr. REVILL. As well as I recall; yes, sir.

Mr. RANKIN. Now, did you say anything to him about it?

Mr. REVILL. Yes, sir.

Mr. RANKIN. What?

Mr. REVILL. I asked him why he had not told us this, and the best, my recollection is that he said he couldn't. Now, what he meant by that I don't know. Because in the past our relations had been such that this type of information, it surprised me they had not, if they had such information he had not brought it or hadn't made it available to us.

Mr. RANKIN. And you are certain you went up there on the elevator together?

Mr. REVILL. Yes, sir; took him to the third floor and introduced him to Lieutenant Wells.

Mr. RANKIN. Are you sure you didn't go up the stairs together.

Mr. REVILL. No, sir; we went to the third floor on the elevator.

Mr. RANKIN. You are positive?

Mr. REVILL. Yes, sir; because we caught the elevator in the basement, and there would have been no reason to walk up the stairs.

Mr. RANKIN. If Agent Hosty said you went up the stairs rapidly together, that would be untrue?

Mr. REVILL. Yes, sir; this would be untrue.

Mr. DULLES. Did you go in that same driveway that the car went in that was to take Oswald out?

Mr. REVILL. Yes, sir.

Mr. DULLES. That driveway; and you took that elevator right to the left as you went in there?

Mr. REVILL. No, sir; we go straight into the doors into the elevator that goes up to the third floor.

Mr. DULLES. Yes.

Mr. REVILL. Third and fourth floor.

Representative FORD. May I ask a question to reconstruct this a bit? Both Detective Brian and yourself came in one car?

Mr. REVILL. Yes, sir.

Representative FORD. And you had two other officers with you?

Mr. REVILL. Yes, sir.

Representative FORD. More or less the same time Mr. Hosty came in?

Mr. REVILL. We followed Mr. Hosty into the basement.

Mr. DULLES. Each in a car?

Mr. REVILL. Yes, sir; he was in a car and we were in mine.

Representative FORD. Your first contact with Mr. Hosty was in the basement there?

Mr. REVILL. Yes, sir.

Representative FORD. What did he say there?

Mr. REVILL. He come running up to me, and he said, "Jack, a Communist killed President Kennedy." I said, "What? What are you talking about?" He said, "Lee Harvey Oswald killed President Kennedy," and at that I said, "Who is Lee Harvey Oswald?" And then he told me about him having him in their security files, and then that, "We had information that he was capable of this." By "we" I assumed he meant the Federal Bureau of Investigation.

Representative FORD. Then Brian, Hosty, and yourself walked to the elevator?

Mr. REVILL. Yes, sir.

Representative FORD. And the three of you took the elevator up to the third floor?

Mr. REVILL. Yes, sir.

Mr. DULLES. It is about 10 feet as I remember it.

Mr. REVILL. No, sir; it is more than that.

Mr. DULLES. It is a different elevator. It is not the one that take prisoners down?

Mr. REVILL. No, sir; it is the swinging doors, you go through the swinging doors.

Mr. DULLES. It is another elevator?

Mr. REVILL. Yes, sir.

Representative FORD. At what point in the sequence did you blow up, as you say?

Mr. REVILL. When he told me about the capability. By blowing up—

Representative FORD. Was that standing in the basement near the car or was it over toward the elevator?

Mr. REVILL. We were walking over toward the elevator during this conversation and as far as blowing up, this is semantics. I wanted to know why they had not given us this information.

Representative FORD. What is his reaction to that?

Mr. REVILL. "We couldn't." I do not know what he meant by that.

Representative FORD. When you use words like "We couldn't" that "Oswald was a Communist" this is what I am trying to find out. You mean these are the precise words he said or are these your interpretations of what he said?

Mr. REVILL. The time involved it could be my interpretation, to give him the benefit of the doubt, because as I said Hosty is a friend of mine, and the last thing I wanted to do was to cause this man any trouble, because of our relations in the past.

Representative FORD. Have you ever had any doubt in the interval between that time and now that what your recollection is is accurate or inaccurate, fair or unfair?

Mr. REVILL. As far as I am concerned I have; this report is honest, and it was made within an hour after he made the thing. And since this assassination I have gone over in my mind could I have misunderstood him. I sometimes wish or hoped that I have. But this is in essence what he said to me. It might not be exactly the "we's" the "I's" but in essence it is what Mr. Hosty said.

Representative FORD. At one point as I recall your testimony, you said Hosty said that Oswald was a Communist. A few minutes after that testimony I think you said that Hosty suspected he was a Communist. Now, did you say that deliberately or did you just—

Mr. REVILL. No, sir; if I said that I was wrong.

Representative FORD. Was that just confusion?

Mr. REVILL. As I mentioned earlier he came hurrying up to me and he said, "Jack, a Communist killed the President." I said, "What?" He said, "Lee Harvey Oswald, a Communist killed the President," and then he went into the fact that they had known he was there, and then at the conclusion of our, not the conclusion because we continued to discuss this thing going up on the elevator, he made the statement that they had information that he was capable of this. He might have said probably or possibly capable of it, I don't recall, because in Dallas that day, the town died, and I know I was sick that this thing happened in my city, and I felt that maybe we could have done something else to prevent it.

Mr. DULLES. You stress the word "capable", that sticks in your mind, does it?

Mr. REVILL. Yes, sir.

Mr. DULLES. He didn't say might have done it?

Mr. REVILL. No, sir; capable.

Mr. DULLES. Normally would information of this kind have passed to you directly from the FBI or through the Secret Service in the event—of course, there hadn't been other Presidential visits, I guess, so there was no precedent but I was wondering in the case of a Presidential visit would it normally have come to you directly from the Secret Service rather than directly from the FBI?

Mr. REVILL. Well, in the past Mr. Kennedy had visited Mr. Rayburn there and this information had never been made known to us and usually the information we got from the FBI and you have got to realize the relations are good, was on a personal basis, working with Mr. Hosty and the other agent assigned to their security section and men assigned to their criminal section, it was a share and share alike thing because I have 11 men, and we just augmented their force really with the information we gathered.

Mr. DULLES. Had you had a meeting with the FBI, a general meeting, to go over security problems prior to this time, prior to the President's visit?

Mr. REVILL. No, sir; I personally had taken part in no meetings.

Mr. DULLES. With the FBI?

Mr. REVILL. With the FBI.

Mr. DULLES. Or Secret Service?

Mr. REVILL. Or Secret Service.

Mr. DULLES. Why was this?

Mr. REVILL. This I do not know. This was handled at a higher level. It is

my understanding meetings were held and my captain, who is my immediate supervisor was involved in those meetings but—

Mr. DEETS. You were not present at these meetings?

Mr. REVILL. No, sir; I was not.

Mr. DEETS. But the meetings you think were held?

Mr. REVILL. This is my understanding; yes, sir.

Mr. RANKIN. Lieutenant Revill, have you seen the original of that Exhibit 709?

Mr. REVILL. Yes, sir; I have.

Mr. RANKIN. Is that the report that you referred to when you were answering questions?

Mr. REVILL. Yes, sir; I brought a copy.

Mr. RANKIN. And Congressman Ford?

Mr. REVILL. Yes, sir; there was just one copy made of this and this is the copy I retained. The original went to Chief Clerk. And on the 4th of April I was called in and he would like me to swear that this was a true and correct statement and this I did.

Mr. RANKIN. By that you are referring to the statement sworn to and subscribed before me this 7th day of April 1964?

Mr. REVILL. Yes, sir.

Mr. RANKIN. Now, will you tell us how you happened to make this report, Exhibit 709?

Mr. REVILL. Why I made the report?

Mr. RANKIN. How did it happen that you made it?

Mr. REVILL. After Mr. Hosty had related these circumstances to me and after taking him to the third floor, I reported this incident to my captain, Captain Gannaway.

Mr. RANKIN. When was this?

Mr. REVILL. Within minutes after I left Mr. Hosty at the lounge and canteen bureau.

Mr. RANKIN. What did you say to him?

Mr. REVILL. I told him what had happened, what had transpired.

Mr. RANKIN. Just describe what you said to him.

Mr. REVILL. About meeting Mr. Hosty in the basement?

Mr. RANKIN. Just tell us what you said.

Mr. REVILL. About Mr. Hosty, following Mr. Hosty in the basement, that he came up to me, and stated that a Communist had killed the President and that a Lee Harvey Oswald, they had been in their security files, and that they knew he was in Dallas, and that he was capable, that they had information he was capable of this. To this—

Mr. RANKIN. Did you say anything about what you have said?

Mr. REVILL. No, sir; I don't recall. I might have.

Mr. RANKIN. You don't recall that at all?

Mr. REVILL. No, sir; I don't.

Mr. RANKIN. Did your captain ask you whether you said anything about Hosty?

Mr. REVILL. I don't recall him asking me that; no, sir.

Mr. RANKIN. Did he say anything to you about it?

Mr. REVILL. Yes, sir; he did. He told me to put this on paper.

Mr. RANKIN. That is all he said?

Mr. REVILL. Yes, sir; and to which I told him that I hated to do that because of Mr. Hosty, that he might have been stating a personal opinion. He said, "You put it on paper and give it to me and I will take it to Chief Clerk" and this I did.

Within 30 minutes to an hour after the thing happened.

Mr. RANKIN. Neither one of you said anything about this going through the Agent Hosty would say anything like this?

Mr. REVILL. I do not recall, sir.

Mr. RANKIN. You didn't say anything like that?

Mr. REVILL. I don't recall making such a statement.

Mr. RANKIN. And he didn't say anything like that to you about your recollection?

Mr. REVILL. No, sir.

Representative Ford. Did you write this out in longhand?

Mr. REVILL. Yes, sir; and then I dictated it to one of the stenographers in the office.

And she was to, this is what I mentioned earlier the time element, she was to, she got off at 4 o'clock and this was before she went home for the day.

Mr. DULLES. This is on November 22 you are talking about?

Mr. REVILL. Yes, sir.

Mr. DULLES. Did you sign it on November 22 or at a later date?

Mr. REVILL. The same time.

Mr. DULLES. But you swore to it on the 7th day of April 1964?

Mr. REVILL. Yes, sir.

Mr. DULLES. You swore that was your signature?

Mr. REVILL. Yes, sir; at the time I was hoping it would never come up.

Mr. RANKIN. Why?

Mr. REVILL. Because of the relations that we had with the Bureau.

Mr. RANKIN. You thought this was a bad thing for the Bureau?

Mr. REVILL. Yes, sir; I did.

Mr. RANKIN. For them to admit to you that they knew—

Mr. REVILL. Not the admitting but to withhold it.

Mr. RANKIN. To withhold the information?

Mr. REVILL. Yes.

Mr. RANKIN. They thought this man was capable of being an assassin?

Mr. REVILL. Yes, sir.

Mr. RANKIN. And yet you say that Agent Hosty just blurted that out?

Mr. REVILL. Yes, sir; he did.

Mr. RANKIN. Have you told us all that you remember about it?

Mr. REVILL. Yes, sir; all that I remember.

Mr. RANKIN. Did you make this—

Mr. DULLES. Could I ask a question that comes right along with that? Did he say anything to you about his having been in Russia and redefected?

Mr. REVILL. No, sir.

Mr. DULLES. That did not come up in this conversation?

Mr. REVILL. No, sir.

Mr. RANKIN. Did you ask him how he knew he was a Communist?

Mr. REVILL. No, sir; I did not.

Mr. DULLES. Why not?

Mr. REVILL. I don't know.

Representative FORD. In the statement that you gave on November 22 which you have signed, you say?

Mr. REVILL. Yes, sir.

Representative FORD. "The subject was arrested for the murder of J. D. Tippit and is a prime suspect in the assassination of President Kennedy."

Mr. REVILL. This I found out after reporting to my office, I didn't know what time this happened.

Representative FORD. In other words, you learned this subsequent to going with Hosty?

Mr. REVILL. Yes, sir.

Representative FORD. And then coming back to your own office?

Mr. REVILL. Yes, sir; some of the officers assigned to the Special Service Bureau on—were involved in the arrest, Detectives Carroll and I talked to Agent Bob Barrett, I ran into him in the hall and he had told me about the arrest of Oswald. I think he was present at the time.

Representative FORD. That is how you learned about this?

Mr. REVILL. Yes, sir.

Mr. DULLES. At what time of day did you make this actual statement and sign it approximately?

Mr. REVILL. Approximately 3:30, 3:35.

Mr. DULLES. 3:35 on the 22d of November?

Mr. REVILL. Yes, sir.

Mr. DULLES. This is the actual statement that you then signed and then you swore to it, and the notary's signature was put on on the 22d of April?

Mr. REVILL. No, sir; the notary's was on April 7, I believe.

Mr. DULLES. 7th day of April, I mean, 7th day of April.

Mr. REVILL. Yes, sir; but this is the report that I signed on the 22d.

Mr. DULLES. This is the actual report that you signed on the 22d?

Mr. REVILL. On the 22d. This is a copy, I believe.

Mr. DULLES. Yes; this is a copy I have in my hand.

Mr. REVILL. Yes, sir.

Mr. DULLES. The original of this was made on November 22?

Mr. REVILL. Yes, sir.

Mr. DULLES. And signed on November 22d?

Mr. REVILL. Yes, sir; it was.

Mr. DULLES. And later sworn to on April 7?

Mr. REVILL. Yes, sir; this is correct.

Mr. DULLES. April 7, 1964.

Mr. RANKIN. Is all the information on 709 given by you?

Mr. REVILL. Is this 709?

Mr. RANKIN. Yes.

Mr. REVILL. All of the information, what do you mean by this, sir?

Mr. RANKIN. All of the language and everything on that exhibit, did you give that to some stenographer to write?

Mr. REVILL. Yes, sir; I wrote it out. My stenographer, she is a clerk typist, and—I roughed it out and then she typed it for me.

Mr. RANKIN. Now, the words "subject" Lee Harvey Oswald.

Mr. REVILL. Yes, sir.

Mr. RANKIN. Was that given by you on the slip of paper you wrote out?

Mr. REVILL. Yes, sir; I wrote it out in longhand.

Mr. RANKIN. And the words 605 Elsbeth Street, was that given by you?

Mr. REVILL. Yes, sir; this is the address we were given or I was given by some of the officers involved in the arrest.

Mr. RANKIN. Who gave that to you?

Mr. REVILL. I believe Detective Carroll, Carroll or Detective Taylor, they were both there.

Mr. RANKIN. And was that at the time you made this out that you were given that information?

Mr. REVILL. Shortly before I made this out.

Mr. RANKIN. You didn't even know where he lived then?

Mr. REVILL. No, sir; I did not. I had never heard of him.

Mr. RANKIN. You know that is wrong, don't you?

Mr. REVILL. The 605?

Mr. RANKIN. Yes.

Mr. REVILL. I don't know.

Mr. RANKIN. Is it wrong?

Mr. REVILL. Yes; it is.

Mr. DULLES. As of the time.

Mr. REVILL. That is what they gave me.

Mr. RANKIN. You found that out?

Mr. DULLES. This is an address he once lived at.

Mr. RANKIN. Do you know that?

Mr. DULLES. This is correct. I want to find out what he knows about it.

Mr. REVILL. Is this a—is this an incorrect address on Mr. Oswald where he was living at the time?

Mr. RANKIN. If you check it up I think you will find—it is an incorrect address at the time. I think you will also find that 602 Elsbeth Street is where he lived at one time.

Mr. REVILL. Now, where they got this address—

Mr. RANKIN. You never checked that?

Mr. REVILL. I personally have not checked it but I am sure it has been checked.

Mr. RANKIN. I see.

Mr. REVILL. But this is the address I was given.

Mr. RANKIN. Now, you say here that you were told that the subject was a member of the Communist Party. Is that right?

Mr. REVILL. This might be my interpretation of Mr. Hosty saying a Communist killed the President and we had him in our security files.

Mr. RANKIN. You are an expert in this field, aren't you? You are working in the subversive field?

Mr. REVILL. Yes, sir; but as far as an expert, I wouldn't say I am an expert.

Mr. RANKIN. You know the difference between membership and a person being a Communist, don't you?

Mr. REVILL. Yes, sir.

Mr. RANKIN. And you know it is a very real difference?

Mr. REVILL. Yes, sir; there is a difference.

Mr. RANKIN. Do you know which Mr. Hosty told you?

Mr. REVILL. He did not say that he was a member. This was my connotation of what he said that a Communist, that "We had him in our security files."

Mr. DULLES. Could I ask a question? Where did you get this address that you put on of 605 Elsbeth Street, do you recall?

Mr. REVILL. Yes, sir; from Detective E. B. Carroll or Detective Taylor.

Mr. DULLES. Are they subordinates?

Mr. REVILL. No; they are detectives assigned to the special service bureau. One of them works the narcotics squad and one of them is assigned to the vice unit.

Mr. DULLES. You never ascertained where they got it?

Mr. REVILL. No, sir; this might be the address that they got from Oswald, I do not know. I never even thought about it until you brought up the point that this is not the address.

Mr. DULLES. Can you find out where they got this address?

Mr. REVILL. Yes, sir; I can.

Mr. DULLES. I think that would be useful. I would like to know that. I would like to know where they got this address also.

Mr. REVILL. It would have been the same day because this was made within an hour—

Mr. RANKIN. You didn't put down on this statement anything about what you said, did you?

Mr. REVILL. No, sir; I did not.

Mr. RANKIN. Why didn't you?

Mr. REVILL. All I was doing was reporting what Mr. Hosty said to me.

Mr. RANKIN. Is that the way you make all your reports just one side?

Mr. REVILL. Yes, sir; yes, sir.

Mr. RANKIN. You never say what you said?

Mr. REVILL. No, sir; I do not put our opinions or our interpretation in the report.

Mr. RANKIN. You don't even say what you asked?

Mr. REVILL. No, sir.

Mr. RANKIN. You just put the answer down?

Mr. REVILL. Put what was given to me; yes, sir.

Mr. RANKIN. And that is the way all the police department reports are made?

Mr. REVILL. No, sir; I don't know whether this is the way they are all made. This is the way we do it in our unit.

Mr. RANKIN. After you made this report, do you know what happened to it?

Mr. REVILL. I gave it to the captain, my captain, Captain Gannaway.

Mr. RANKIN. Do you know whether it was given to the Commission when the police reports were furnished to the Commission?

Mr. REVILL. This I do not know, sir.

Mr. RANKIN. I will tell you that it was not given to the Commission. Do you know any reason why it was withheld?

Mr. REVILL. No, sir; I do not.

Mr. RANKIN. Do you know any reason why it should have been withheld until Chief Curry came here?

Mr. REVILL. No, sir; I do not.

Mr. RANKIN. Did you have anything to do with that being withheld?

Mr. REVILL. No, sir; I gave it to my superior, and what he did with it, I do not know.

Mr. RANKIN. Did you ever have any discussions about withholding it?

Mr. REVILL. No, sir.

Mr. RANKIN. You did want to protect Agent Hosty, you say?

Mr. REVILL. Yes, sir.

Mr. RANKIN. And you hoped the information would not get out?

Mr. REVILL. By hoping—

The CHAIRMAN. He didn't say exactly that, Mr. Rankin. He said he hoped he wouldn't have to use it against Hosty as I understood him to say.

Mr. REVILL. Yes, sir; my opinion, and this was my personal opinion that it would not serve any purpose. In your scope of the investigation, yes, I can see where it would, but I hated to get involved in a controversy with the FBI, because of our past relations.

Mr. RANKIN. Did you recently have a conversation with Lieutenant Hopkins of Fort Worth?

Mr. REVILL. Yes, sir.

Mr. RANKIN. Where was that?

Mr. REVILL. Lieutenant Hopkins and I went to Sacramento, Calif., to a law enforcement intelligence unit conference and shared a room.

Mr. RANKIN. Did you discuss this matter with him?

Mr. REVILL. Yes, sir; it broke in the papers while we were there.

Mr. RANKIN. What did you say to him about it?

Mr. REVILL. About the report? About this report?

Mr. RANKIN. Yes.

Mr. REVILL. I told him about the conversation with Mr. Hosty and about according to the news release, the news stories, this thing was released, and the newspaper reporters and television people in Sacramento made it impossible for me to remain at the conference so I returned to Dallas. I was there for 1 day and returned the next, the next evening.

Mr. RANKIN. Did you say anything about the report being inaccurate?

Mr. REVILL. Inaccurate?

Mr. RANKIN. Yes.

Mr. REVILL. No, sir.

Representative FORD. What was the date of this conference in Sacramento?

Mr. REVILL. April 22, 23, and 24, I believe. It was on a Thursday, Friday, and Saturday. It could have been the 23d, 24th, and 25th but I returned on Friday evening.

Mr. RANKIN. Did you examine the newspaper report of your report, Exhibit 709?

Mr. REVILL. Did I examine it? Yes, sir; I read several newspaper reports of it.

Mr. RANKIN. Did you give the reports to the newspapers?

Mr. REVILL. No, sir; I did not.

Mr. RANKIN. Did you have anything to do with giving it to the newspapers?

Mr. REVILL. No, sir; this would have been the last thing I would have done.

Mr. RANKIN. Do you know who did?

Mr. REVILL. No, sir; I do not.

Representative FORD. What prompted you to discuss this information with the other officer from Fort Worth?

Mr. REVILL. I started getting long-distance telephone calls on the evening, it must have been the 23d, it was Thursday night, I got two long-distance phone calls, and Lieutenant Hopkins and I were sharing a double room and, of course—

The CHAIRMAN. Lieutenant who?

Mr. REVILL. Lieutenant Hopkins of the Fort Worth Police Department. H. F. Hopkins.

The CHAIRMAN. Yes.

Mr. REVILL. And I discussed it with him.

Representative FORD. Who was calling you long distance, what relevance does that have to it?

Mr. REVILL. To my discussing it with him?

Representative FORD. Yes.

Mr. REVILL. The long-distance phone calls were about this report, the Associated Press and the United Press.

Representative FORD. I see. They had heard about it, they called you long distance and you discussed it with Hopkins who was in the room with you?

Mr. REVILL. Yes, sir.

Mr. RANKIN. That is all that I have, Mr. Chief Justice.

The CHAIRMAN. Have you anything further, or you?

Mr. DULLES. Tippit was not under your jurisdiction, was he?

Mr. REVILL. No, sir; he was not.

The CHAIRMAN. Lieutenant, I am not familiar with the newspaper report that you are speaking of. What, in substance, did it say?

Mr. REVILL. There were several articles written. The Dallas papers carried articles on it and the Sacramento, Calif., paper carried an article on it. In essence it had to do with this conversation that Hosty and I had and about this report and somewhere, someplace some newspaper reporter must have seen a copy of this because he knew how many paragraphs they had in it and he quoted, I believe, the last paragraph of the report verbatim, and this is what concerned me, that a report such as this would fall into their hands.

Now, who the reporter is, there were several reporters that were curious about the thing, and I don't even recall which newspaper carried the verbatim paragraph about Agent Hosty's conversation.

The CHAIRMAN. And that is what caused you and Lieutenant Hopkins to have a discussion?

Mr. REVILL. Yes, sir.

The CHAIRMAN. Did he bring the matter up to you or did you bring it up to him?

Mr. REVILL. I might have brought it up to him because I was concerned that this thing had been released.

The CHAIRMAN. What was your conversation concerning that?

Mr. REVILL. That I had received these calls, the first one must have been around 2 o'clock in the morning, California time, from the Associated Press. It was a lady writer, and she asked about this and I told her that any statement would have to be made by Chief Curry, and she trapped me really. She made a false statement that Hosty was supposed to have said something else and I said no, that is not so. He did not make a statement, and then there was my comment. From that it looked like I had written them out a press release.

The CHAIRMAN. Looks like what?

Mr. REVILL. It appears as if I had written out a press release from the comment in the newspapers but that was the only statement I made that Hosty had not made such statement, it was a fabrication, he knew he was capable, but he did not make such a statement. Hosty did not make such a statement.

The CHAIRMAN. Then you discussed that with Mr. Hopkins?

Mr. REVILL. Yes, sir.

The CHAIRMAN. Do you recall just what Mr. Hopkins asked you and what you told him about this report?

Mr. REVILL. Well, when I received the first call, I was in the coffee shop, it was 2 o'clock in the morning, we had been out with two of the Sacramento County Sheriff's officers and I got the call and after getting the call I went to the room and Hopkins had been awakened by this phone call, and I told him about the call, and then from there on, I had numerous long-distance calls, and I answered the one with the UPI, and then I decided I would not talk to people. Because I couldn't see where it would help anything.

The CHAIRMAN. Did he ask you if the substance of this report was true, I am speaking now of Exhibit 709, the one we have been talking about.

Mr. REVILL. Mr. Hopkins had never seen this report. I just told him what had transpired between Hosty and I and told him that a report had been made, and this is what they were calling on.

The CHAIRMAN. Did you at any time in talking to him repudiate anything that was in this report?

Mr. REVILL. No, sir. The only thing I repudiated was the fact that this reporter had said that Hosty had made a statement and I said no, this is not true, about them not believing that he would do it, and I think I told Hopkins that.

The CHAIRMAN. Yes. Anything more?

Mr. DULLES. I have nothing more.

The CHAIRMAN. Lieutenant, thank you very much, sir, for your help here.

Mr. REVILL. Thank you, sir. I am just sorry it happened.

The CHAIRMAN. You have told us what the truth of the situation is, you could do no more and no less.

Mr. REVILL. Yes, sir.

(Discussion off the record.)

The CHAIRMAN. Lieutenant, just a question or two we forgot to ask Mr. Rankin, would you ask them, please?

Mr. RANKIN. You said you made some handwritten notes about the 709 exhibit.

Mr. REVILL. Yes, sir.

Mr. RANKIN. When you gave them to the typist—do you know what happened to those notes?

Mr. REVILL. They were destroyed, I am sure.

Mr. RANKIN. Do you know what her name is who typed 709?

Mr. REVILL. Mary Jane Robertson.

Mr. RANKIN. Is she still with the police department?

Mr. REVILL. Yes, sir.

Mr. RANKIN. What position is she in now?

Mr. REVILL. She is a clerk-typist in the special service bureau.

Mr. RANKIN. Do you know where the original of 709 is?

Mr. REVILL. With Chief Curry, I assume. Well, let's see. You have a copy, I would assume he has got it.

Mr. DULLES. Wasn't a copy made at the time?

Mr. REVILL. Yes, sir; I have it.

Mr. DULLES. The actual copy, you have?

Mr. REVILL. Yes, sir; it is in my little briefcase.

Mr. RANKIN. So that original would be available to us?

Mr. DULLES. You have it here now?

Mr. REVILL. I have a copy.

Mr. DULLES. A carbon copy?

Mr. REVILL. Yes, sir.

The CHAIRMAN. He showed us a copy of his testimony.

Representative FORD. Do you know how many copies were made?

Mr. REVILL. Yes, sir; one and one; an original and one.

Representative FORD. And you kept one copy and one went to Captain Gannaway?

Mr. REVILL. No; both copies went to Captain Gannaway who is my immediate superior and he later gave me back the carbon and the original went to Chief Curry.

Representative FORD. And you have had the one copy in your possession since how long?

Mr. REVILL. Probably a week or two after this thing happened, and I have had it in the Lee Harvey Oswald file.

Representative FORD. You have had this copy in your files in the police department?

Mr. REVILL. Yes, sir.

Representative FORD. Since about December 1 or thereabouts?

Mr. REVILL. Yes, sir; thereabouts.

The CHAIRMAN. Do you number those items in the file?

Mr. REVILL. Yes, sir.

The CHAIRMAN. And the order in which they come in?

Mr. REVILL. Yes, sir. Now, this particular report was put in the Lee Harvey Oswald file, and he was given an intelligence number, A & T, if I may get this copy I will explain to you—

The CHAIRMAN. Yes; would you do so, please?

Mr. REVILL. Excuse me just a moment. You see, he was given A & T 2965, page 31, as it appears in his file. This is indexed with a card with this file number and page number.

The CHAIRMAN. May I ask, would the next item in that file be numbered 32?

Mr. REVILL. Yes, sir; it would.

The CHAIRMAN. And the one directly preceding it would be 33?

Mr. REVILL. Thirty-three; yes, sir.

The CHAIRMAN. I see, and you have the rest of your file which would indicate that?

Mr. REVILL. Yes, sir; I don't have it with me.

The CHAIRMAN. No; but you have it in your records.

Mr. REVILL. Yes, sir.

The CHAIRMAN. And that could be produced if we wanted it?

Mr. REVILL. Yes, sir; it is the complete file we have now on Lee Harvey Oswald.

The CHAIRMAN. Yes.

Mr. RANKIN. May we have——

Mr. DULLES. Could I just see that?

Mr. RANKIN. Could we make a copy of that?

Mr. REVILL. Yes, sir; I put another piece in there because it is on onion skin.

Mr. RANKIN. We could make a photostatic copy quickly and return this to you.

Mr. REVILL. Yes, sir.

Mr. RANKIN. Mr. Chief Justice, I would like to number this in the next order of exhibits and offer it in evidence, if I may, this copy, the photostatic copy.

The CHAIRMAN. Yes.

Mr. DULLES. Just as a security matter, would you kindly look in the file and see if by any chance your original longhand notes could have been put in the file, at this place in the file?

Mr. REVILL. Yes, sir; I can, but I am sure they were not because this was not made at my office. You see, we are removed physically from the police department, the intelligence unit, and this was made at the special service bureau office.

Mr. DULLES. I see, not in your own office.

Mr. REVILL. No, sir; we are an integral part of the special service bureau office but our files are maintained elsewhere, and this was made at the special service bureau office.

Representative FORD. When you sat down to write out this statement, just describe where you did it and how you did it, what kind of paper you used and so forth.

Mr. REVILL. Well, we use the white pads like this, and I wrote it out on the pad, and in the special service bureau office and it was made in Lieutenant Dyson's office, he was out, and I used his desk, and then I took it to Mrs. Robertson, and she typed it.

Representative FORD. Did you consult with Detective Brian?

Mr. REVILL. No, sir.

Representative FORD. During the time you were preparing it?

Mr. REVILL. No, sir.

Representative FORD. Or subsequent to its preparation?

Mr. REVILL. No, sir; I did not. At the time I couldn't have told you who was with me or who overheard this thing because there was so much confusion in the elevator and going to the elevator.

Representative FORD. But Brian was with you on the elevator?

Mr. REVILL. Yes, sir; he was with me in the automobile and on the elevator.

Representative FORD. Was he up in Gannaway's office with you, too?

Mr. REVILL. Yes, sir; he works for me.

Representative FORD. He was with you at the time you went to Gannaway's office?

Mr. REVILL. The special service bureau office; yes, sir.

Representative FORD. But he didn't see this at anytime?

Mr. REVILL. No, sir; I say he didn't, I don't know whether he ever saw it or not. He might have seen it when I was working on it and I gave both of the copies to the captain.

The CHAIRMAN. Lieutenant, did that entire Oswald file that you have just told us about come to the Commission, do you know?

Mr. REVILL. I don't know. Now what we did, we made up several large books, and it is my understanding that a copy of one of these was given to the Attorney General Waggoner and he was in turn to furnish it to this Commission, this I was told by Captain Gannaway.

Mr. RANKIN. When was that?

Mr. REVILL. This was a month or two ago.

Mr. RANKIN. Yes; but not when you first gave the files.

Mr. REVILL. No, sir; because this happened on the same day.
The CHAIRMAN. Should that file have included this?
Mr. REVILL. No, sir; it didn't. There were only two pieces made of it, one copy and the original made of this.
The CHAIRMAN. I see. What I am getting at, when the department sent their reports to us, did they send copies of this file that Exhibit 709 is in?
Mr. REVILL. The Lee Harvey Oswald file?
The CHAIRMAN. Yes.
Mr. REVILL. I don't believe they did, because much of this is, pertains to newspaper articles, and information that we picked up such as leads where Ruby and Oswald were seen together, we ran all these things down, and then we would make a report of the lead, or the findings, and a copy of it would go in their files.
The CHAIRMAN. I see.
Mr. REVILL. But this one here, was not placed in that book?
Mr. DULLES. In the original of Commission Exhibit No. 709 that you have just given us prior to the notary public's inscription, subscription to it, there is red ink underlining of Lee Harvey Oswald and James Hosty. When was that put on this copy?
Mr. REVILL. I don't know, sir. Captain Gannaway must have done that because he had the thing and then later gave it to me. Now, the reason for it being underlined, I don't know. On the original—yes; I do.
Mr. DULLES. Would that be for filing purposes?
Mr. REVILL. Yes, sir; I do. Normally we retain the original copy of every report for our file copy, but I did not have the file copy or the original report so our clerk in indexing this underscored the name and the address and she made cards for the index files.
Mr. DULLES. That was a card, also, under the file of James Hosty?
Mr. REVILL. Yes, sir.
Mr. DULLES. His name is also underlined in red?
Mr. REVILL. His name indexed; yes, sir.
Mr. DULLES. In your original copy of Exhibit 709?
Mr. REVILL. No, sir; not the original copy, because the original—
Mr. DULLES. The carbon copy, excuse me, the carbon copy of 709.
Mr. REVILL. Yes, sir.
Mr. DULLES. And I assume that Commission's Exhibit No. 709 which is a photostat is a photostat of the original rather than of the carbon copy?
Mr. REVILL. Yes, sir; and I don't know who made the photostat, I did not. I assume Chief Curry had it made.
Mr. RANKIN. Mr. Reporter, we are giving the number 838 to the carbon copy of Exhibit 709 that Lieutenant Revill has just produced.
The CHAIRMAN. You propose to take a photostat of this and return this report to the lieutenant?
Mr. RANKIN. If we may, Mr. Chief Justice, this is the only copy that I have.
The CHAIRMAN. You should have it back.
Mr. REVILL. That is fine.
The CHAIRMAN. We will take a photostat and return this to you then.
Mr. REVILL. I appreciate that.
The CHAIRMAN. It may be admitted in that manner.
(The document referred to was marked Commission Exhibit No. 838 for identification, and received in evidence.)
The CHAIRMAN. I think that is all. Thank you, again, lieutenant.
Mr. REVILL. I will attempt to find out on that address, and I shall let Mr. Sorrels know, with Secret Service.
Mr. RANKIN. Yes; that will be fine.
The CHAIRMAN. Thank you.

TESTIMONY OF V. J. BRIAN

The CHAIRMAN. Come right in, sir. Detective Brian, the purpose of today's hearing is to hear the testimony of Lieutenant Revill and yourself with particular regard to an alleged conversation with Special Agent James P. Hosty, Jr.

of the Federal Bureau of Investigation claimed to have occurred on November 22, 1963, in the afternoon and also concerning the facts surrounding the discussion of Commission Exhibits Nos. 709 and 711. 709 is the affidavit of Lieutenant Revill, and 711 is the affidavit that you made concerning that matter.

Mr. BRIAN. Yes, sir.

The CHAIRMAN. Would you raise your right hand and be sworn, please?

Do you solemnly swear the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRIAN. Yes, sir; I do.

The CHAIRMAN. Please be seated.

Mr. Rankin will conduct the examination.

Mr. BRIAN. My name is Brian.

Mr. RANKIN. Where do you live?

Mr. BRIAN. In Dallas, Tex.

Mr. RANKIN. Do you have some connection with the police department in Dallas?

Mr. BRIAN. Yes, sir; I am a detective in the criminal intelligence section.

Mr. RANKIN. How long have you occupied that position?

Mr. BRIAN. Since June of 1955.

Mr. RANKIN. What is your function as a detective for the criminal intelligence section?

Mr. BRIAN. To gain, obtain information and keep records and files, and usually when an important Government official comes to town we guard them or help assist guard them, and furnish information for other agencies outside of the Dallas Police Department and have liaison, and general criminal investigation work.

Mr. RANKIN. Did you have anything to do with the Lee Harvey Oswald case?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. When was the first time that you had anything to do with that matter?

Mr. BRIAN. Well, we started interrogating people and talking to people immediately after the assassination.

Mr. RANKIN. About what time of the day?

Mr. BRIAN. In the middle of the afternoon, probably—

Mr. RANKIN. November 22, 1963?

Mr. BRIAN. Yes, sir. The first thing that we done, I was, I personally that day was, assigned at the Dallas Trade Mart where the President was to speak, I was on the side of the speaker stand when he was to come in, and they came in and got us and told us that he had been shot, and the President of the United States had been shot, and that a man in the Book Depository down there and told us to go down there and see if we could get him out, and four of us detectives down there got in a car and we went to the Book Depository and we arrived there a short time, I don't know what time it was, a short time after the shooting occurred.

Mr. RANKIN. Who were the four you are describing now?

Mr. BRIAN. Lieutenant Revill, myself, a detective, O. J. Tarver, and a detective, Roy W. Westphal.

Mr. RANKIN. What did you do there?

Mr. BRIAN. We searched the Book Depository for a couple of hours. We spent about 2 hours, I would guess, approximately 2 hours down there searching the Depository.

Mr. RANKIN. Did you find anything at that time?

Mr. BRIAN. No, sir. I was there on the floor when the man found shells over in a corner when—where the assassin was hidden at. But other than that, I wasn't present when anything was found.

Mr. RANKIN. Will you just describe that event when you saw those shells?

Mr. BRIAN. Well, a police sergeant, Jerry Hill, hollered, I was on the opposite side of the sixth floor, hollered that he had, this is where he shot from, and shells were laying there, and I walked from where I was at over to the other corner of the building and looked, and that is about the extent of my investigation

there because they called the crime laboratory and everybody else to get down there and they got an officer to guard the place and not let nobody get around and we went on searching the building.

Mr. RANKIN. What did you see, how many shells did you see?

Mr. BRIAN. I am going to guess.

Mr. RANKIN. We don't want you to guess. If you can tell us your recollection, that is all.

Mr. BRIAN. Well, the first time I went over there, I believe I saw two, but I am not sure, but I went back again later and there were three shells there.

Mr. RANKIN. Now after that, did you leave the Depository Building?

Mr. BRIAN. Yes, sir; after we spent considerable time, we went from the top floor down to the bottom floor, back up, going through it, and we finally wound up on the second floor taking all the acoustic tile out of the ceiling looking up to see if anybody was hidden up there, and I believe that was the last thing we did in the building. By that time, there were a number of people in the building.

Mr. RANKIN. You were making a complete search of each floor, were you?

Mr. BRIAN. Yes, sir; I was with, I mean there were a number of officers there. I didn't do it by myself, there were a number of us there and we were searching it.

Mr. RANKIN. Then you left the building?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Did you leave with some other officers?

Mr. BRIAN. Yes, sir: Lieutenant Revill, myself, and Tarver and Westphal all went back to the car and left to go to city hall.

Mr. RANKIN. Then you got back to the city hall. What did you do?

Mr. BRIAN. We drove into the basement and parked.

Mr. RANKIN. What time of the day was that, can you tell us?

Mr. BRIAN. Probably around 2 o'clock or somewhere in that. I don't really know to be truthful because I didn't pay any attention to the time but it was around 2 o'clock, I would guess.

Mr. RANKIN. And the four of you were together at that time?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. What happened at that point?

Mr. BRIAN. We got out of the car, and as we got out of the car—

Mr. DULLES. Was the car already inside the building or in the driveway there?

Mr. BRIAN. Yes, sir.

Let me explain. City hall basement, as some of you all know—

Mr. DULLES. I was just there so I want to know.

Mr. BRIAN. We came around the ramp and we parked in the basement. We were parked in the basement, and we got out, and started around, there is a railing there, we started around the railing and at that time Jim Hosty was coming across the basement, at a fast trot, or moving fairly fast—

Mr. RANKIN. Special Agent Hosty of the Bureau?

Mr. BRIAN. Yes, sir.

And he came across there and I know him, and I had known him for a good while to speak to him.

Mr. RANKIN. Where were you with reference to Lieutenant Revill at that point?

Mr. BRIAN. I think I was on his, probably his right-hand side.

Mr. RANKIN. Close to him?

Mr. BRIAN. Fairly close; yes, sir.

And so we walked over to meet, kind of cornered, you cross paths and we walked up there to meet Jim, and he said, he came up there and he said, that Lee Oswald, a Communist, killed the President, and then Revill said, "What?" He said, Lee Oswald, a Communist, killed the President.

He was in—nervous—in a hurry, and was just talking.

And then he said, he said that he knew that he was a Communist and he knew he worked in the Book Depository, and then Lieutenant Revill said something else to him, I am not—I don't know what he said, and they walked off in front of me going in around and in through the door over to the elevator to go up, and then we accompanied Agent Hosty up to Captain Fritz' office which is on the—

Mr. DULLES. Was the elevator there at the basement floor when you took it or did you have to wait?

Mr. BRIAN. We had to wait just a very short time on it. It wasn't standing open waiting; no, sir.

We had to wait on it just a very short time, I believe, and we went up to the third floor, and Hosty and Lieutenant Revill went in there and talked. I went to the door and just stepped inside and waited and then we went back downstairs to our office which is on two, right underneath Captain Fritz' office.

Mr. DULLES. You accompanied them to the third floor and then you came down?

Mr. BRIAN. Yes, sir.

Mr. DULLES. In the elevator?

Mr. BRIAN. That I am not sure.

Mr. DULLES. Or did you get out and come down the stairs?

Mr. BRIAN. I am not sure.

Mr. DULLES. But you weren't with Lieutenant Revill any further?

Mr. BRIAN. When we came back down to our office, we came back down, I am not sure whether we rode the elevator or not. It is a short trip down and I am—I would be afraid to say whether we walked, rode, or how we got down, but we went into Captain Gannaway's office and Revill told, Lieutenant Revill told the Captain what Hosty had said, so he said, "Write a report."

Mr. RANKIN. What did he say at that time? What did he tell the Captain that Agent Hosty had said?

Mr. BRIAN. He told him, short and very quick, that they knew that Oswald was a Communist and that he was in the Book Depository, and he said, "Write a report and get it back to me right now."

And he went right back and wrote a report.

I forgot about the whole incident, I didn't think it would be important and I didn't—well, in fact, I didn't have time to because when I got back there they had a list of names they were going to start checking out and they handed me six of them and says, "Start going and checking here and here and here and checking these people."

So I never did dwell on it again.

Mr. RANKIN. In this conversation down in the basement, have you told us all that Agent Hosty said that you recall?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. And have you told us all that Lieutenant Revill said that you recall?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Have you told us all that Lieutenant Revill told to Captain Gannaway that you recall?

Mr. BRIAN. Well, let's see. I believe that I have, yes, sir. When—Captain Gannaway's office, as you go in the door and turn right and his office is in there and if I recall correctly I didn't go all the way in his office, he did and I stood in the door, and I really didn't make a mental note of what happened and things were moving at a rather fast pace, and I believe that I did; yes, sir.

Mr. RANKIN. You have made an affidavit about this, have you not?

Mr. BRIAN. Yes, sir; I made a report to Chief Curry.

Mr. RANKIN. And you swore to that?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Is Exhibit 711 a photostatic copy of your report that you made that you have just described?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Did you swear to that report on the date that it bears?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. April 20, 1964?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. You read the Exhibit 711 right now, didn't you?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Is it correct?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Are there any additions or corrections that you wish to make to it?

Mr. BRIAN. No, sir.

The CHAIRMAN. I was just going to ask if you fixed the date on which he dictated that or wrote it, whichever he did.

Mr. RANKIN. I haven't, but I will.

Will you tell us on what date you wrote or dictated Exhibit 711?

Mr. BRIAN. Yes, sir; the day before, I believe it was the day before, Chief Curry came up here. It was either a day or 2 days before April 20th is what it says on there. That is the date that I made the report, the day or 2 days before Chief Curry came up here.

Will you tell us on what date you wrote or dictated Exhibit 711?

Mr. BRIAN. I didn't think—well, Captain Gannaway told Lieutenant Revill to write a report about the thing the date it happened, and he did, or I assumed he did, and I guess that he did. I haven't—

Mr. RANKIN. Have you ever seen that report?

Mr. BRIAN. I have seen it, but I haven't read it. That is unusual but I haven't. I didn't think the incident was really important, that is the reason why I didn't dwell on it, and I am sure it is now or I wouldn't be up here.

But they, a few days before Chief Curry was to come up here they said they wanted a report, you know, to what I had heard in the basement and this and that and the other, and I said, "Well, I better write one then."

I just assumed it was all taken care of, and so I wrote one on the 20th, I wrote that report on the 20th and swore to it and turned it in and he brought it up here.

Mr. DULLES. You made no contemporaneous memoranda, that is on November 22 you made no notes or memoranda of this?

Mr. BRIAN. No, sir.

Mr. DULLES. So the report of April 20 you dictated on or about April 20 is based on your memory?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Exhibit 711, your report, was that written out in longhand or dictated to a girl?

Mr. BRIAN. No, sir; I typed it myself on the typewriter. We don't have a stenographer in our office to dictate to.

Mr. RANKIN. You did type the part about the notary and so forth on the bottom?

Mr. BRIAN. No, sir.

Mr. RANKIN. Do you know who did that?

Mr. BRIAN. I believe Bill Biggio.

Mr. RANKIN. Who is he?

Mr. BRIAN. He is a detective who works the desk there, who is a notary who notarized it.

Mr. RANKIN. Now, before you made Exhibit 711 did anyone give you Lieutenant Revill's report to examine?

Mr. BRIAN. No, sir.

Mr. RANKIN. Compare your report with?

Mr. BRIAN. No, sir.

Mr. RANKIN. And you have never read that?

Mr. BRIAN. I don't recall reading it; no, sir. I sure don't. I probably looked at it but as far as sitting down and reading it, I have never read the report, I don't believe.

Mr. RANKIN. So if there is any differences between your report and his you are not familiar with them?

Mr. BRIAN. No, sir.

Representative FORD. Subsequent to November 22 and prior to April 20, when you prepared this Exhibit 711, did you ever talk to Lieutenant Revill about the incident?

Mr. BRIAN. Yes, sir; I sure did. He couldn't remember who was with him down in the basement, and it rocked on there and had rocked on there, and somewhere it came out that somebody said he was lying about it and he was

telling us, he said, "I am telling you the truth". "You don't have to tell me, I know you are; I was standing there with you."

And he said, "You were the one who was with me?"

And I said, "Yes, I was with you."

And I assumed he knew that I was with him. That is when he talked to Chief Curry and Chief Curry come back and said he needed the report from me, too.

Representative FORD. When did this conversation take place?

Mr. BRIAN. The date I don't have any idea. Probably 2 or 3 weeks, I will tell you—

Mr. DULLES. 2 or 3 weeks what? After November 22?

Mr. BRIAN. No, sir; before the date I wrote the report, because I messed around there for another couple of weeks and then I walked in the office one day and he said, "Chief Curry wants it today," and I said, "All right, I will write it," and I sat down and wrote it, and I believe the next day or the day after that he brought it, came up here, and all this come out in the paper about making a statement and me backing the statement up in Dallas, I don't know whether it came up here or not.

Representative FORD. Who prompted this conversation that you have been describing?

Mr. BRIAN. In our office that day?

Representative FORD. Yes.

Mr. BRIAN. I am trying to think what brought it on. Somebody, there was a statement in the paper or something that said that—anyway, somewhere down the line it came out, it said it wasn't right what Lieutenant Revill had said.

And I said, "I know it is right, I was standing there," and that was about the extent of that.

And then he said, "Well, I will need"—he talked to Chief Curry, I guess, and they decided they needed a report from me on it, and then I finally wrote the report and he brought it up here. I guess it was just in the course of a conversation more than anything. I don't think anybody prompted it, really.

Representative FORD. In this Commission 711 you actually typed it out yourself?

Mr. BRIAN. Yes, sir.

Representative FORD. Are you a fairly accomplished typist?

Mr. BRIAN. No, sir. I can type fairly well. I am not a touch typist. I can't copy, but I can type fairly well typing something I don't have to copy off of a sheet of paper. In other words, I have to look at the keys to type it.

Representative FORD. Did you have to rewrite this a second time on the typewriter?

Mr. BRIAN. Yes, sir. I made several strikeovers and some other stuff, and typed it, I had to type it over again.

Representative FORD. In other words, you typed it out once, and then retyped it yourself?

Mr. BRIAN. Yes, sir; I typed it twice. The first time everything wasn't right in there and the spelling and the strikeovers and stuff, and not being an accomplished typist I still don't like to throw things out, you know, that don't look too bad so I typed it over again.

Representative FORD. But after you typed it over the first time did you show it to somebody else?

Mr. BRIAN. I believe Lieutenant Revill looked at it and called a bunch of mistakes to my attention.

Representative FORD. What kind of mistakes?

Mr. BRIAN. Well, I don't know. There were some strikeovers and some, a couple of misspelled words, I believe, and I don't have a copy of the one that I copied from so I couldn't say, but I did have to type the report over.

Representative FORD. But these mistakes that were pointed out by Lieutenant Revill, were they mistakes of substance or just mistakes involving spelling and the like?

Mr. BRIAN. Well, what do you mean by substance now?

Representative FORD. Well, I mean as to the precise things that you said as to what transpired?

Mr. BRIAN. I don't believe there were. I am trying to recall what I had to add that took place there, and—

Representative FORD. It is important whether or not any statements of facts were altered or whether the changes were simply typographical errors or otherwise.

Mr. BRIAN. I will tell you one thing that I recall he called to my attention was 2:05 p.m., I believe, and I told him, I said I can't put that in there because I don't know what time it was, and I don't. I don't have any idea of what time it was, and he said, "Well, all right, leave that out," but I think the substance was probably the same in both reports. In fact, I am sure the substance was probably the same, because it was, the grammar was changed in some places, some spelling was changed, and some strikeovers were changed, and I think probably the second report was copied, that one was copied partially from the first one and then I made some changes.

Representative FORD. While you were in the process of discussing this with Lieutenant Revill he didn't show you his report, Exhibit 709?

Mr. BRIAN. I don't know whether he did or not. I don't believe that he did. I don't believe he did.

Representative FORD. Had you seen it before?

Mr. BRIAN. I have seen the report.

Representative FORD. Did you see it before you typed this up?

Mr. BRIAN. I don't recall seeing it. I may have, but I don't recall it.

Now, he has got something in there that I don't have in mine, I know about him saying that Hosty knew that Oswald, I believe, was capable of assassinating the President, but I didn't hear Hosty say that.

Representative FORD. When did you learn that that statement was in Revill's statement?

Mr. BRIAN. Just to be truthful, I don't know.

Mr. RANKIN. Did Lieutenant Revill ask you to include in your statement that Hosty had said that Oswald was known to be capable of being an assassin?

Mr. BRIAN. No, sir; he asked me if I heard him say it and I told him no, but I don't believe he asked me to include that in the report.

Mr. DULLES. You told him, no.

Mr. RANKIN. When was that?

Mr. BRIAN. Probably the day—now, this all happened in the course of a week's time and the conversations are hard to put on a day or time, I mean when you don't think—I didn't think all this was real important, and so I didn't try to backlog it to where—it was probably the day, probably about April 20, along in there.

Mr. RANKIN. Before or after you wrote your report?

Mr. BRIAN. Inbetween the first report and the second report I imagine.

Mr. RANKIN. I am not quite clear about how you happened to make this report in that I understood you to say that there were some newspaper accounts about it, and the lieutenant said, well, he had said what was true and something like that. Can you tell us what happened?

Mr. BRIAN. Well, now, to go back. We were in the office talking and I don't know how long this was because it may have been 2 days, 3 days, 2 weeks or 3 weeks, before I wrote that report, we were sitting in the office, and I don't recall whether it was a newspaper account or what it was, but anywhere somewhere down the line he got—somebody said that it wasn't the truth and he was lying or something and he was sitting out there talking and he said, he said he wasn't lying about it and I told him, I said "I know you are not lying because I stood there and heard you."

And he said, "Oh, you are the one who was with me?" And I said, "Yes."

But I assumed that his report, up until that time I had not seen his report, and I have seen it since then and I haven't read it from one end to the other until the other day, and he said, "Well, I am glad to know you are the one who was there then," and evidently he had forgotten I was there, too.

So, he said, "Well, make me a report on what you heard," and I said, "All right, I will," and he talked to Chief Curry and evidently before he told me that it was a matter of days or time differential in there and I said, "All right," and I just did not get around to it until finally one day I came in the office

and he said, "I've got to have that report today," and I said. "All right," and I sat down and wrote it and I had to write it over again, that happened on the day the report is dated.

Mr. RANKIN. All of that happened, though, before any news accounts of it, didn't it?

Mr. BRIAN. Well, I don't remember when they started putting it in the newspapers. There had been something about it to make him, somewhere to make him say, he was trying to convince me he was telling the truth and I said, "Well, I know you are."

I don't know what brought it on, I don't know whether it was a newspaper report or something, but anyway there was some—maybe Chief Curry was on him about it, I don't know. But he said that he was telling the truth and I told him I knew he was telling the truth because I had heard it.

Mr. RANKIN. You said you were there with him?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. How close were you to him when he was talking to Hosty?

Mr. BRIAN. Right next to him when we were talking with him. We talked around there and how you meet, you know, you walk up together and meet and went on with him.

Mr. DULLES. You were walking toward the elevator at that time, weren't you?

Mr. BRIAN. Let me draw you a little picture of how that is down there.

Mr. DULLES. I have been in the basement so I know something about it.

Mr. BRIAN. Yes, sir. But the ramp goes up here, this is why it would be easier to draw a picture and it would be easier than I can explain. He came down the ramp.

Mr. DULLES. In the car?

Mr. BRIAN. Yes, sir.

Mr. DULLES. And you parked in the basement?

Mr. BRIAN. And we parked the car, and Hosty had parked over here. You know the ramp is wide here and the other side goes up here, he had parked over in here and he was coming across this way and we coming across this way and we met.

Mr. DULLES. Where is the elevator which takes prisoners up where Oswald was shot?

Mr. BRIAN. Right through here, right in here somewhere is where Ruby shot Oswald and this is a ramp from the Main Street side and this is the ramp to the Commerce side. And this is the elevator.

Mr. DULLES. Where is the elevator?

Mr. BRIAN. The elevator is right there.

The CHAIRMAN. That is the prisoners' elevator?

Mr. BRIAN. No, sir.

The CHAIRMAN. Or the freight elevator?

Mr. BRIAN. No, sir; that is the elevator going up——

The CHAIRMAN. Which one did you take?

Mr. BRIAN. We took the elevator inside the city hall basement.

The CHAIRMAN. I see.

Mr. DULLES. Is there only one elevator there?

Mr. BRIAN. No, sir; there are two side by side. Back on this side of the basement there are two elevators over here and one freight elevator right back on in here. But this is to the city hall this direction and this is the ramp coming in from Main Street and the ramp going up to Commerce Street. We drove in this ramp one way going in this way and one way going out.

Mr. DULLES. Where are the stairs?

Mr. BRIAN. In the basement?

Mr. DULLES. You don't know?

Mr. BRIAN. There are no stairs in the basement. I mean out here where the cars are parked. Right here is the ramp, there is a walkway going up but it is not a stairway and then it levels off and you go by through here, and the jail is right here, do you recall the jail being here, on the right by the doors as you go in.

Mr. DULLES. I only saw the jail on top side.

Mr. BRIAN. Well, the jail office is right there at the head of this ramp, the jail office where they book the prisoners through.

Mr. DULLES. I didn't go in there.

Mr. BRIAN. That is the door they brought Lee Oswald out of when he was shot, going into the jail office right there.

Mr. RANKIN. There are no stairs from the basement to the third floor?

Mr. BRIAN. There are stairs inside of the basement but there are none out here, inside of the basement of city hall but none out here in the parking area.

Mr. RANKIN. Where are the stairs from the place where the elevators are that you took. Are there any stairs?

Mr. BRIAN. I didn't take any stairs.

Mr. RANKIN. No. You say you took elevators.

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Were there stairs near the elevators?

Mr. BRIAN. Back right over—let me get a pencil and draw the whole thing for you. That is about the way it is situated right there.

Mr. RANKIN. Mr. Brian, we will call that Exhibit S39. Will you just briefly tell the Commission what you have done in making that exhibit now?

Mr. BRIAN. All right, sir. I am not an artist. But we came down the ramp on Main Street, came around here to the parking area. Mr. Hosty was parked over here. There is a bunch of poles out there and I won't try to draw them in here.

Mr. RANKIN. Mark that "A" where Mr. Hosty was parked as you just indicated.

Mr. BRIAN. All right. And he was coming this way and we were coming this way. We met him about in the middle of this ramp out here, and talked, and—

Mr. RANKIN. You were right alongside of Lieutenant Revill?

Mr. BRIAN. Yes, sir; and they walked on off and I came back behind through here to these elevators and off here we caught the elevators and went on up.

Mr. RANKIN. How close were you when you came behind them?

Mr. BRIAN. Just—I didn't keep a constant pace with them, but as far as—I don't recall exactly—

Mr. RANKIN. You were close to them, were you?

Mr. BRIAN. Here is the stairway in the basement, there is one narrow stairway going up to the first floor, and you pass it and you go by the phone booth and a jail office and you pass the stairway, it is right over here in the basement of city hall.

Mr. RANKIN. And you were close to them as you went across there to take the elevator?

Mr. BRIAN. I was behind them and they were going away from me and I was fairly close, yes, sir.

Mr. RANKIN. About how far?

Mr. BRIAN. Probably 6 or 7 feet or 8 feet behind. When we got to the elevator and we all stopped there together and caught the elevator.

Mr. DULLES. Where did the conversation take place, in front of the elevators there?

Mr. BRIAN. That I heard?

Mr. DULLES. Yes.

Mr. BRIAN. Right out here, because Mr. Hosty started blurting it out just as soon as he started across here.

Mr. DULLES. And you walked from this point here?

Mr. BRIAN. Over to here, to the elevators.

Mr. DULLES. Mark that point "B."

Mr. RANKIN. Where you met?

Mr. DULLES. Where you met Hosty.

Mr. BRIAN. OK.

Mr. DULLES. And you walked along, make a mark there, if you would, along there to the elevators where you walked.

Mr. BRIAN. That is not exactly that way, this is offset, you have to come over here to go up, it is not drawn exactly right, we walked across here to the elevators straight through.

Mr. DULLES. How far is that, a hundred feet—no, less than that.

Mr. BRIAN. It is much less than a hundred feet.

Mr. DULLES. Fifty feet, something like that.

Mr. BRIAN. Probably 60, 70 feet.

Mr. DULLES. Yes, sir.

Mr. BRIAN. Something like that.

Mr. DULLES. Where is this, where does that stairway go?

Mr. BRIAN. Up to the first floor. Back in the hallway.

Mr. DULLES. And you are quite clear you didn't go up that stairway?

Mr. BRIAN. We didn't go up a stairway, no; not that stairway here.

Mr. DULLES. Or any other stairway?

Mr. BRIAN. Going up?

Mr. DULLES. Yes.

Mr. BRIAN. No, sir; we didn't go up the stairway going up.

The CHAIRMAN. When you got up to the first floor by that stairway, are there other stairs leading up to the floors above that connect with this?

Mr. BRIAN. Yes, sir; you have to go around. This is just a narrow stairway going from the basement, it is probably, well, just a regular narrow staircase that goes up, straight up. After you get to the first floor the stairways widen out probably as wide as that window and go up half a floor and meet another landing and then go up to the third floor that way. They widen out.

Representative FORD. Was anybody with Mr. Hosty?

Mr. BRIAN. Not when we met him there; no, sir.

Representative FORD. When you got on the elevator, who was on the elevator?

Mr. BRIAN. It was full.

Mr. DULLES. Were there a lot of pressmen down there, no television—

Mr. BRIAN. I don't recall seeing any but there may have been some. I don't recall seeing any but there may have been.

The CHAIRMAN. You say the elevator was full?

Mr. BRIAN. Yes, sir.

The CHAIRMAN. About how many people would it carry approximately?

Mr. BRIAN. Probably 10 or 12.

Representative FORD. Did Revill and Hosty and yourself get on the elevator?

Mr. BRIAN. Yes, sir.

Representative FORD. Anybody else get on at that point that you recall?

Mr. BRIAN. As I recall there was a little interchange of people, some got off and some got on, I believe. I believe there was a little interchange of people.

Mr. DULLES. At the bottom, that is the bottom story for the elevator?

Mr. BRIAN. Yes, sir; in the basement.

Representative FORD. As you got on the elevator and as you rode up, did you hear Hosty and Revill converse at all?

Mr. BRIAN. No, sir.

Representative FORD. There was no further conversation on this problem?

Mr. BRIAN. No, sir.

Representative FORD. When you got off the elevator where did you go?

Mr. BRIAN. Right on around. You get off the elevator and you come straight out—

Mr. DULLES. What floor—three?

Mr. BRIAN. Three. Went around to the left to Captain Fritz' office and turned right in Captain Fritz' office and I stopped right there at the door and he took him over and introduced him, talked to, I believe, Lieutenant Wells.

Mr. DULLES. Captain Fritz wasn't there at that time?

Mr. BRIAN. I don't recall seeing him in there. But Captain Fritz has got him a little office in the side and you have got to walk up in front and see if he is in there because he stays in there all the time.

Representative FORD. What did Revill and you do?

Mr. BRIAN. Went back down to our office.

Representative FORD. Gannaway's—is that Gannaway's office?

Mr. BRIAN. Gannaway's; yes, sir.

Representative FORD. As you drove—

Mr. DULLES. What floor is that on?

Mr. BRIAN. Captain Gannaway's is on the second floor.

Representative FORD. As you drove from the Texas School Depository Building after making a check of the facilities who was in the car?

Mr. BRIAN. Our car?

Representative FORD. Yes.

Mr. BRIAN. Let me see, Lieutenant Revill, myself, Westphal, Tarver, and we gave a man a lift, and I don't remember whether he was a CID, I don't know the man, I don't remember whether he was a CIC agent or a CID or OSI, he was some type of, as I recall, Army intelligence man.

Mr. DULLES. Army, Air Force, or something?

Mr. BRIAN. He was connected with the service and we let him out a couple of blocks, if I recall, up about Field Street, somewhere along in there. Lieutenant Revill knew him, who he was, and he rode up there with us.

Representative FORD. Who drove the car?

Mr. BRIAN. Lieutenant Revill. It was his car.

Representative FORD. Did you sit in the front or back seat?

Mr. BRIAN. Sat in the back seat on the left-hand side.

Representative FORD. Who sat in the front seat.

Mr. BRIAN. I don't recall.

Mr. DULLES. You were right behind Lieutenant Revill?

Mr. BRIAN. I believe I was right behind Lieutenant Revill. Yes, sir; that is, I believe I sat in the back seat.

Representative FORD. When you got into the building and got out of the car, what happened to the other occupants of the car?

Mr. BRIAN. I don't know. They went on about, probably went up to Captain Gannaway, but I don't recall seeing them after we started talking to Hosty and went on, somewhere in the shuffle they didn't stay with us and went on.

Representative FORD. They didn't accompany you up the elevator?

Mr. BRIAN. No, sir; and I don't know where they went.

Mr. DULLES. That is they weren't among the possibly 10 men of the police who were in the elevator, as far as you remember, I mean?

Mr. BRIAN. As far as I remember; no.

Mr. RANKIN. Mr. Brian, I call your attention to Exhibit 857A and the fact that is a newspaper account and ask you to examine and state whether or not you recall having seen that before. I want to correct the record, that is Commission 857A which is attached to Exhibit 831.

Mr. BRIAN. Yes, sir; I read this in the Dallas paper, I believe.

Mr. RANKIN. Did you have anything to do with giving that to the paper?

Mr. BRIAN. No, sir.

Mr. RANKIN. Did you talk to any newspaper people about it?

Mr. BRIAN. No, sir; haven't talked to any since it happened.

Mr. RANKIN. All you know about it is that you just saw it in the paper?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Then——

Mr. BRIAN. I know the next—it was supposed to come out on Friday because on Saturday they started calling my house and I left.

Mr. RANKIN. You never answered any of the calls?

Mr. BRIAN. No, sir; I never talked to any reporters about it.

Mr. RANKIN. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Congressman, do you have anything?

Representative FORD. I don't believe so, Mr. Chief Justice.

The CHAIRMAN. Mr. Dulles?

Mr. DULLES. Give me just 1 minute, Mr. Chief Justice. In the second paragraph of your letter, Commission Exhibit 711, you say "Upon entering the basement of city hall," he, Agent Hosty, that you explained, who had already parked his car, he also parked his car in the basement of the city hall building?

Mr. BRIAN. Yes, sir; over here where you told me to put "A" he was or in that area over there and was out of his car walking towards us.

Mr. DULLES. And you go on to say "and was walking very fast toward the entrance of the city hall from the parking area."

Mr. BRIAN. Yes, sir; that is this entrance over here.

Mr. DULLES. What is that marked? Is there a mark on that?

Mr. BRIAN. No, sir. You didn't tell me to mark "A" and "B" where we met.

Mr. DULLES. You might mark that "C," I think we have "A" and "B."

Mr. BRIAN. O.K., "C" would be the entrance by the jail office.

Mr. DULLES. That is right.

"At this time Hosty made the statement that Lee Oswald had killed the President, and that Oswald was a Communist."

Now, at this time, that is walking toward point "C" you have just marked on exhibit—

Mr. BRIAN. No, sir; we stopped here for a pause just for a short time, it would be hard to say how long but it wasn't because—it wasn't long because it don't take long to make a statement.

Representative FORD. That is point "B."

Mr. BRIAN. Yes, sir.

Mr. DULLES. Near point "B" is where this conversation took place.

Mr. BRIAN. Yes, sir.

Mr. DULLES. And you did not hear the content of any further conversations?

Mr. BRIAN. No, sir; other than that he said he knew he was a Communist and knew he was working in the Book Depository.

Mr. DULLES. Did further conversations take place between Lieutenant Revill and Agent Hosty after that?

Mr. BRIAN. Yes, sir; they walked on talking.

Mr. DULLES. But you did not hear what they said at that time?

Mr. BRIAN. I was behind them and Lieutenant Revill got in a hurry when that happened and they got on and I was behind them, and it is pretty hard to hear what people are saying in front of you when they have got their back turned to you and you are behind them.

Mr. DULLES. You have indicated that in paragraph 3 of Exhibit 7. You say, "While we were in the basement Hosty also said several things to Lieutenant Revill that I could not hear," because of the excitement and commotion, that is what you had reference to?

Mr. BRIAN. Yes, sir; they were conversing as they walked on and I couldn't hear them and I didn't hear what they said, I was behind them. I didn't pay a whole lot of attention to the whole thing because like I say I didn't think it would matter any. It was just—and things were happening pretty fast, and along about that time.

Mr. DULLES. That is all I have, Mr. Chairman.

Mr. RANKIN. Mr. Chairman, I would like to offer the diagram, Exhibit 839, if I may.

The CHAIRMAN. Yes, all right; it may be admitted under that number. Thank you very much.

(At this point Representative Ford left the hearing room.)

(Commission Exhibit No. 839 was marked for identification and received in evidence.)

Mr. DULLES. That is the original before the notary public put his endorsement on it.

Mr. BRIAN. Yes, sir; that went forward.

The CHAIRMAN. Thank you.

Mr. RANKIN. Mr. Chief Justice, Mr. Specter is going to examine these people about the velocity and so forth and I want to speak on—speak to him just a minute about the matter we talked about.

The CHAIRMAN. We will take a break now.

(Recess.)

TESTIMONY OF ROBERT A. FRAZIER

The CHAIRMAN. Mr. Specter, you may proceed.

You have been sworn and you are still under oath, as you understand?

Mr. FRAZIER. Yes.

Mr. SPECTER. Will you state your name again for the record, please?

Mr. FRAZIER. Robert A. Frazier.

Mr. SPECTER. Mr. Frazier, you have appeared heretofore to testify about certain tests which you have conducted, but at this phase of the record, will you state briefly your occupation and your specialty, please?

Mr. FRAZIER. I am a special agent assigned to the FBI laboratory, the firearms identification unit in Washington, D.C., where I make examinations of bullets,

cartridges, gunpowder tests, bullet holes, examinations of clothing, and other similar types of examinations.

Mr. SPECTER. In the course of your duties have you had an occasion to examine the clothing which was purportedly worn by President John Kennedy on November 22, 1963?

Mr. FRAZIER. Yes, sir; I have.

Mr. SPECTER. And do you have that clothing with you at the present time, sir?

Mr. FRAZIER. I have certain parts of it. I have the coat, shirt, tie, and the bandages and support belt which he allegedly was wearing that day.

Mr. SPECTER. Would you refer at this time to the coat, if you please, which, may the record show, has heretofore been marked as Commission Exhibit 393.

And by referring to that coat will you describe what, if anything, you observed on the rear side of the coat?

Mr. FRAZIER. There was located on the rear of the coat 5 $\frac{3}{8}$ inches below the top of the collar, a hole, further located as 1 $\frac{3}{4}$ inches to the right of the midline or the seam down the center of the coat; all of these being as you look at the back of the coat.

Mr. SPECTER. What characteristics did you note, if any, on the nature of that hole?

Mr. FRAZIER. I noticed that the hole penetrated both the outer and lining areas of the coat, that it was roughly circular in shape. When I first examined it it was approximately one-fourth of an inch in diameter, and the cloth fibers around the margins of the hole were pushed inward at the time I first examined it in the laboratory.

Mr. SPECTER. Did any tests conducted on the coat disclose any metallic substance on that area of that hole?

Mr. FRAZIER. Yes, sir. I had a spectrographer run an analysis of a portion of the hole which accounts for its being slightly enlarged at the present time. He took a sample of cloth and made an analysis of it. I don't know actually whether I am expected to give the results of his analysis or not.

Mr. SPECTER. Yes; would you please, or let me ask you first of all, were those tests run by the Federal Bureau of Investigation in the regular course of its testing procedures?

Mr. FRAZIER. Yes, sir; they were.

Mr. SPECTER. And have those results been made available to you through the regular recordkeeping procedures of the FBI?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Would you then please tell us what those tests disclose?

Mr. FRAZIER. Traces of copper were found around the margins of the hole in the back of the coat, and as a control, a very small section under the collar was taken, and no copper being found there, it was concluded that the copper was foreign to the coat itself.

Mr. SPECTER. Have you now described all of the characteristics of that hole, which you consider to be important for the Commission's consideration?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Assuming that those clothes, that jacket, specifically, at this juncture, was worn by President Kennedy, and was in the same condition when that hole was made as it is now, and at the time when you made your examination, do you have a professional opinion as to what caused that hole in the back of the jacket?

Mr. FRAZIER. Yes, sir; I would say that it was an entrance hole for a bullet.

Mr. SPECTER. And what is the reason for that conclusion, please?

Mr. FRAZIER. It has all the physical appearance characteristics which are considered when examining holes, such as its shape, its size, and in particular the fact that the fibers around the margins of the hole were all pushed inward where the cloth was torn by the object which passed through, and the fibers were unraveled as they were pushed inward, which is characteristic of a entrance-type bullet hole.

Mr. SPECTER. Is the presence of the metallic substance relevant in your conclusion that it was a bullet hole?

Mr. FRAZIER. Not necessarily. It is a factor which corroborates that opinion

but even without it, it would still have been my opinion that it was a bullet entrance hole.

Mr. SPECTER. Can you tell the size of the bullet from the hole in the jacket?

Mr. FRAZIER. The hole in the jacket is approximately a quarter of an inch in diameter.

Mr. SPECTER. Would that hole be consistent with a hole which would be caused by a 6.5 millimeter bullet?

Mr. FRAZIER. Yes, sir; the actual bullet which makes a hole cannot be determined because the cloth in one instance may stretch more than it does in another instance causing either a larger or smaller hole even for the same caliber, but it is consistent for a bullet of 6.5 millimeters in diameter to make a hole of approximately this size.

Mr. SPECTER. Were there any holes indicative of being bullet holes found on the front part of the President's jacket?

Mr. FRAZIER. No, sir.

Mr. SPECTER. Did you have further occasion to examine the President's shirt?

Mr. FRAZIER. I did.

Mr. SPECTER. May the record show that the shirt has heretofore been identified as Commission Exhibit 394?

The CHAIRMAN. Yes; it may be.

Mr. SPECTER. What, if anything, did you observe then on the back side of the shirt, Mr. Frazier?

Mr. FRAZIER. I found on the back of the shirt a hole, $5\frac{3}{4}$ inches below the top of the collar, and as you look at the back of the shirt $1\frac{1}{8}$ inch to the right of the midline of the shirt, which is this hole I am indicating.

Mr. SPECTER. May the record show the witness is examining the shirt, as he has the coat, to indicate the hole to the Commission.

The CHAIRMAN. The record may show that.

Mr. FRAZIER. In connection with this hole, I made the same examination as I did on the coat, Exhibit 393. I found the same situation to prevail, that is the hole was approximately circular in shape, about one-fourth inch in diameter, and again the physical shape of it is characteristic of a bullet hole, that is the edges are frayed, and there are slight radial tears in the cloth, which is characteristic of a bullet having passed through the cloth, and further, the fibers around the margin of the hole were—had been pressed inward, and assuming that, when I first examined the shirt it was in the same condition as it was at the time the hole was made, it is my opinion that this hole, in addition, was caused by a bullet entering the shirt from the back at that point.

Mr. SPECTER. Is that hole consistent with having been caused by a 6.5 millimeter bullet?

Mr. FRAZIER. Yes; it is.

Mr. SPECTER. With respect to the front side of the shirt, what, if any, hole did you find there?

Mr. FRAZIER. Only one hole.

Mr. DULLES. May I ask one question there?

Mr. FRAZIER. Yes; certainly.

Mr. DULLES. Is the hole in the shirt and the hole in the coat you have just described in a position that indicates that the same instrument, whatever it was, or the same bullet, made the two?

Mr. FRAZIER. Yes; they are. They are both—the coat hole is $5\frac{3}{8}$ inches below the top of the collar. The shirt hole is $5\frac{3}{4}$ inches, which could be accounted for by a portion of the collar sticking up above the coat about a half inch.

Mr. DULLES. I see.

Mr. FRAZIER. And they are both located approximately the same distance to the right of the midline of both garments.

Now, on the front of the shirt, I found what amounts to one hole. Actually, it is a hole through both the button line of the shirt and the buttonhole line which overlap down the front of the shirt when it is buttoned.

Mr. SPECTER. Proceed.

Mr. FRAZIER. This hole is located immediately below the button being centered seven-eighths of an inch below the button on the shirt, and similarly seven-eighths of an inch below the buttonhole on the opposite side.

The CHAIRMAN. You are speaking of the collar button itself, aren't you?

Mr. FRAZIER. The collar button.

The CHAIRMAN. Yes.

Mr. FRAZIER. In each instance for these holes, the one through the button line and the one through the buttonhole line, the hole amounts to a ragged slit approximately one-half inch in height. It is oriented vertically, and the fibers of the cloth are protruding outward, that is, have been pushed from the inside out. I could not actually determine from the characteristics of the hole whether or not it was caused by a bullet. However, I can say that it was caused by a projectile of some type which exited from the shirt at that point and that is again assuming that when I first examined the shirt it was—it had not been altered from the condition it was in at the time the hole was made.

Mr. SPECTER. What characteristics differ between the hole in the rear of the shirt and the holes in the front of the shirt which lead you to conclude that the hole in the rear of the shirt was caused by a bullet but which are absent as to the holes in the front of the shirt?

Mr. FRAZIER. The hole in the front of the shirt does not have the round characteristic shape caused by a round bullet entering cloth. It is an irregular slit. It could have been caused by a round bullet, however, since the cloth could have torn in a long slitlike way as the bullet passed through it. But that is not specifically characteristic of a bullethole to the extent that you could say it was to the exclusion of being a piece of bone or some other type of projectile.

Mr. SPECTER. Have you now described all of the characteristics of the front of the shirt holes which you consider to be important?

Mr. FRAZIER. Yes, sir.

Mr. DULLES. Could I ask one question there. If the bullet, after entering, hit something that made it tumble or change, would that account for this change in the appearance of the exit through the shirt?

Mr. FRAZIER. I think not. In my opinion it would not have been necessary, if I may put it that way, for the bullet to have turned sideways or partially sideways in order to make an elongated hole.

Mr. DULLES. I see.

Mr. FRAZIER. I think the effect in the front of the shirt is due more to the strength of the material being more in the horizontal rather than the vertical direction which caused the cloth to tear vertically rather than due to a change in the shape or size of the bullet or projectile.

Mr. DULLES. Or possibly the velocity of the bullet at that place, would that have anything to do with it?

Mr. FRAZIER. I think the hole would not have been affected unless it was a very large change in velocity.

The CHAIRMAN. Mr. Frazier, I notice that the front of the shirt immediately around the hole you have just been describing and in fact on much of the front of the shirt is bloodsoaked. Would that, with the other evidences you have seen there indicate to you as an expert that this was the exit of the bullet that had entered in the back of the coat as you have described it?

Mr. FRAZIER. The presence of the blood would have in my opinion no value for determining which was entrance or exit, because I have seen entrance wounds which bleed extensively and exit wounds which bleed not at all and vice versa. It depends entirely on the type of bullet which strikes, whether or not it mutilates itself in the body, and probably more importantly it depends on the position of the person who is shot after the shooting occurs as to where the blood will be located on the garments.

The CHAIRMAN. May I put it this way, probably a little better. Do the evidences that you see on this shirt indicate to you that this hole in the front of the shirt that you have just described was made by the bullet which entered in the rear.

Mr. FRAZIER. I can say that this hole in the collar area could have been made by this bullet but I cannot say that the bullet which entered the back actually came out here or at some other place because I am not aware of the autopsy information as to the path of the bullet through the body.

The CHAIRMAN. I see.

Mr. FRAZIER. But if the path of the bullet was such that it came through the body at the right angle, then one bullet could have caused both holes.

The CHAIRMAN. Could have caused both holes.

Mr. FRAZIER. Yes.

The CHAIRMAN. That is sufficient.

Mr. DULLES. Is it correct that the blood on the shirt might well have been occasioned by the second wound rather than exclusively by the first wound?

Mr. FRAZIER. Yes; it could have come from any other wound on the body as well as this one.

Mr. SPECTER. When you refer to any other wound, Mr. Frazier, are you referring to the head wound which is widely known to have been inflicted on the President at the time of the assassination?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Did you have occasion to examine the President's tie or the tie purportedly worn by the President on November 22, 1963?

Mr. FRAZIER. Yes; I did.

Mr. SPECTER. May the record show at this juncture that that tie has heretofore been marked as Commission Exhibit 395?

The CHAIRMAN. Yes; it may show that.

Mr. SPECTER. What did you note, if anything, with respect to the tie, Mr. Frazier?

Mr. FRAZIER. When the tie was examined by me in the laboratory I noted that the neck portion had been cut from one side of the knot. However, the knot remained in apparently its original condition. The only damage to the tie other than the fact that it had been cut, was a crease or nick in the left side of the tie when you consider the tie as being worn on a body. As you view the front of the tie it would be on the right side. This nick would be located in a corresponding area to the area in the shirt collar just below the button.

Mr. SPECTER. As you now indicate on your own tie, you are indicating on the portion of the tie to your right?

Mr. FRAZIER. If it was on my tie it would be on the left side of the tie.

Mr. SPECTER. Your left side.

Mr. FRAZIER. The left side of my tie. There is a nick on the left side of the tie if you consider it as left and right according to the person wearing the tie.

Mr. SPECTER. Does the nick in the tie provide any indication of the direction of the missile?

Mr. FRAZIER. The nick is elongated horizontally, indicating a possible horizontal direction but it does not indicate that the projectile which caused it was exiting or entering at that point. The fibers were not disturbed in a characteristic manner which would permit any conclusion in that connection.

Mr. SPECTER. Is the nick consistent with an exiting path?

Mr. FRAZIER. Oh, yes.

Mr. SPECTER. Is there any indication from the nature of the nick as to the nature of the projectile itself?

Mr. FRAZIER. No, sir.

Mr. SPECTER. Is the nick consistent with a 6.5 millimeter bullet having caused the nick?

Mr. FRAZIER. Yes. Any projectile could have caused the nick. In this connection there was no metallic residue found on the tie, and for that matter there was no metallic residue found on the shirt at the holes in the front. However, there was in the back.

Mr. SPECTER. Did any of the other—

Mr. DULLES. Excuse me, on the back of the coat?

Mr. FRAZIER. The shirt.

Mr. DULLES. Back of the coat and on the shirt?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Did any of the other items of President Kennedy's clothing which you have heretofore referred to contain any indications at all of any bullet holes or any other type of holes?

Mr. FRAZIER. No, sir.

Mr. SPECTER. Mr. Frazier, did you have occasion to examine the clothing which

has heretofore been identified in prior Commission proceedings as that worn by Governor Connally on November 22, 1963?

Mr. FRAZIER. Yes; I did.

Mr. SPECTER. I now hand you what purports to be the Governor's coat, and may the record show that has been heretofore marked as Commission Exhibit No. 683?

(At this point the Chairman left the hearing room.)

Mr. DULLES [presiding]. The record may so show.

Mr. SPECTER. Have you had opportunity heretofore to examine that coat?

Mr. FRAZIER. Yes; I have.

Mr. SPECTER. What did your examination reveal with respect to the back side of the coat?

Mr. FRAZIER. There was found on the coat by me when I first examined it, near the right sleeve $1\frac{1}{4}$ inches from the seam where the sleeve attaches to the coat, and $7\frac{3}{4}$ inches to the right of the midline when you view the back of the coat, a hole which is elongated in a horizontal direction to the length of approximately five-eighths of an inch, and which had an approximate one-quarter inch height.

Mr. SPECTER. Were you able to determine from your examination of the Governor's clothing whether or not they had been cleaned and pressed prior to the time you saw them?

Mr. FRAZIER. Yes; they had.

Mr. SPECTER. Is that different from or the same as the condition of the President's clothing which you have just described this morning?

Mr. FRAZIER. It is different in that the President's clothing had not been cleaned. It had only been dried. The blood was dried. However, the Governor's garments had been cleaned and pressed.

Mr. SPECTER. Had the President's clothing been pressed then?

Mr. FRAZIER. No, sir.

Mr. SPECTER. Will you proceed to describe any other characteristics—

Mr. DULLES. Had been dried artificially or let nature take its course?

Mr. FRAZIER. It appeared to be air dried.

Mr. DULLES. Air dried, artificially?

Mr. FRAZIER. I couldn't say whether any outside heat had been applied but it did not appear that any heat had been applied to the blood.

Mr. SPECTER. Proceed.

Mr. FRAZIER. On the hole on the back of the coat although it had the general appearance and could have been a bullet hole, possibly because of the cleaning and pressing of the garment. I cannot state that it actually is a bullet hole nor the direction of the path of the bullet, if it were a bullet hole.

Mr. SPECTER. Is the nature of the opening consistent with being a bullet hole?

Mr. FRAZIER. Yes, sir; it is.

Mr. SPECTER. And is it consistent with a bullet hole caused by a missile traveling from the back to the front of the wearer of the garment?

Mr. FRAZIER. I could not determine that.

Mr. SPECTER. You couldn't determine that it was, but could it have been?

Mr. FRAZIER. It could have been, yes; either way.

Mr. SPECTER. All right. Will you now turn to the front side of the coat and state what, if any, damage you observed on the body of the garment?

Mr. FRAZIER. When considered from the wearer's standpoint, on the right chest area of the coat there is a hole through the lining and the outer layer of the coat which is located $6\frac{1}{2}$ inches from the right side seam line and also $6\frac{1}{2}$ inches from the armpit which places this hole approximately 5 inches to the right of the front right edge of the coat.

This hole was approximately circular in shape, three-eighths of an inch in diameter, and again possibly because of the cleaning and pressing of the garment, I could not determine whether it actually was a bullet hole or whether or not it entered or exited if it were a bullet hole.

Mr. SPECTER. Was the hole consistent with being an exit bullet hole? That is to say, could it have been caused by an exiting bullet?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Did you find any damage on the right sleeve of the jacket?

Mr. FRAZIER. Yes, sir; on more or less the top portion of the right sleeve very near the end of the sleeve there is a very rough hole which penetrates both the outside layer, the lining and the inside layer of the sleeve.

Mr. SPECTER. Were you able to observe sufficient characteristics to formulate any conclusion as to the cause of that tear?

Mr. FRAZIER. This also did not indicate direction from the condition of the fibers, possibly due to the cleaning and pressing of the garment.

However, it could have been a bullet which struck the garment at an angle to the surface which caused a slight elongation. The hole was approximately five-eighths of an inch in length, and three-eighths of an inch in width. The elongation could also have been the result of a mutilated bullet having struck the garment or it could have been caused by a fold in the garment at the time the object or bullet struck.

Mr. SPECTER. Did you have occasion to examine the shirt, which was purportedly worn by Governor Connally, and which has heretofore been identified by the Governor in Commission proceedings, as that worn by him on November 22, 1963?

Mr. FRAZIER. Yes; I did.

Mr. SPECTER. May the record show at this point that Mr. Frazier is examining the shirt heretofore identified on the back side with a photograph marked Commission Exhibit 685 and on the front side with a photograph marked Commission Exhibit 686.

Now, referring to that shirt, Mr. Frazier, what, if anything, did you observe on the rear side by way of an imperfection, hole or defect?

Mr. FRAZIER. I found a hole which is very ragged. An L-shaped tear actually is what it amounted to in the back of the shirt near the right sleeve, 2 inches from the seam line where the sleeve attaches to the shirt, and 7½ inches to the right of the midline of the shirt, the right side being as you look at the back of the shirt.

This tear amounted to a five-eighths of an inch long horizontal and approximately one-half inch long vertical break in the cloth, with a very small tear located immediately to its right, as you look at the back of the shirt, which was approximately three-sixteenths of an inch in length.

This hole corresponds in position to the hole in the back of the coat, Governor Connally's coat, identified as Commission No. 683.

Mr. SPECTER. Were there sufficient characteristics observable to formulate a conclusion as to the cause and direction of that hole?

Mr. FRAZIER. No, sir; there were no characteristics on which you could base a conclusion as to what caused it, whether or not it was a bullet and if it had been, what the direction of the projectile was.

Mr. SPECTER. Could it have been caused by a 6.5-mm. bullet coming from the rear of the wearer toward his front?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Referring now to the front side of the Governor's shirt, what, if anything, did you observe with respect to a tear or a hole thereon, as to the body of the shirt?

Mr. FRAZIER. I found in the right chest area of the shirt, considering the shirt when it is being worn, a very irregular tear more or less in the form of an "H," of the letter "H." This tear was approximately 1½ inches in height, with the crossbar tear being approximately 1 inch in width, which caused a very irregularly shaped and enlarged hole in the front of the shirt. The hole is located 5 inches from the right-side seam, and 9 inches below the top of the right sleeve. The 9-inch figure is from the top of the right shoulder where the sleeve adjoins the yoke of the shirt.

Mr. SPECTER. Had that garment been cleaned and pressed, Mr. Frazier, prior to the time you examined it?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Were there sufficient characteristics then remaining on the hole on the front side to enable you to formulate an opinion as to the cause of the hole?

Mr. FRAZIER. No, sir.

Mr. SPECTER. Could it have been caused by a 6.5 millimeter bullet exiting from the chest of the Governor?

Mr. FRAZIER. Yes, it could.

Mr. SPECTER. Now what, if anything—

Mr. DULLES. Could I ask there, would the size and character of this hole indicate the condition of the bullet, I mean as to whether it was tumbling or whether it was a mutilated bullet or anything of that kind?

Mr. FRAZIER. No, sir; it would not.

Mr. DULLES. Even a bullet in full flight, full velocity could have made this kind of a hole in the shirt?

Mr. FRAZIER. It could have, particularly if the shirt had been wrinkled at the time it passed through, and particularly because the material in this shirt tore rather severely at the time the object passed through, indicating a very weak structure of the cotton fiber, so that it would tear out of all proportion to a stronger fabric.

And for that reason, the shape of the hole could be affected by the condition of the material as well as any folds in the material or, as you say, by a mutilated bullet or a passage of a bullet through the cloth at an angle to the surface or the passing of a bullet partially sideways through the cloth.

(Discussion off the record.)

Mr. DULLES. Will you proceed?

Mr. SPECTER. Mr. Frazier, what, if any, defect or hole did you observe on the right sleeve of the Governor's shirt?

Mr. FRAZIER. I found in the cuff of the shirt which is a French cuff, through both the outer and inner layers of the cuff, a hole which is ragged in contour, irregularly shaped, and which had more or less star-shaped tears extending outward from the hole into the material, located 1½ inches up from the end of the sleeve, and 5½ inches from the outside cuff link hole, through both, as I said, through both layers of the cuff, and the hole was in such a condition, possibly due to the washing of the material, that I could not determine what actually caused it or if it had been caused by a bullet, the direction of the path of the bullet with reference to entrance and exit.

Mr. SPECTER. Could those holes have been caused by a bullet passing through the Governor's wrist from the dorsal or upper portion to the volar or palmar side?

Mr. FRAZIER. Yes; they could.

Mr. SPECTER. Did you have occasion to examine the trousers which have been heretofore identified in Commission hearings as those worn by Governor Connally on November 22, 1963?

Mr. FRAZIER. Yes, I did.

Mr. SPECTER. May the record show that Mr. Frazier has taken and is observing the trousers which have been identified in the record, through a picture of the front side, bearing Commission Exhibit No. 687 and a picture of the rear side bearing Commission Exhibit No. 688.

Now, referring to those trousers, what if anything did you observe in the nature of a defect or hole, Mr. Frazier?

Mr. FRAZIER. In the area which would be the left-knee area of the person wearing the trousers, there was a hole which is roughly circular in shape, and approximately one-quarter of an inch in diameter with some possible expansion of the hole due to slight tearing of the cloth at the outer margins of the hole.

Mr. SPECTER. Had the trousers been cleaned and pressed prior to your examination?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Were there sufficient characteristics available for you to formulate any conclusion as to the cause of that hole?

Mr. FRAZIER. No, sir; I can say that it had the general appearance of a bullet hole but I could not determine the direction of the bullet if, in fact, it had been caused by a bullet.

Mr. SPECTER. What are the characteristics which led you to believe that it had the characteristics of a bullet hole?

Mr. FRAZIER. It has the roughly circular shape with slight tearing away from the edges of the material.

Mr. SPECTER. Is there any other hole on the trousers which could be a hole of exit?

Mr. FRAZIER. No, sir.

Mr. SPECTER. Mr. Frazier, did you have occasion to examine an automobile which was the vehicle used customarily by the President of the United States in parades?

Mr. FRAZIER. Yes; I did.

Mr. SPECTER. When did that examination occur?

Mr. FRAZIER. In the early morning hours of November 23, 1963, at the Secret Service garage here in Washington, D.C.

Mr. SPECTER. I now hand you a photograph previously identified for the record as Commission Exhibit No. 344 and ask you if that depicts the car which you examined?

Mr. FRAZIER. Yes, sir; it is.

Mr. SPECTER. I hand you a subsequent exhibit of the Commission, No. 346, showing the interior view of the automobile and ask you if that depicts the automobile which you examined?

Mr. FRAZIER. Yes, sir; however, it wasn't in this condition. It wasn't as clean as it is in Exhibit 346.

Mr. SPECTER. What was the condition with respect to cleanliness?

Mr. FRAZIER. There were blood and particles of flesh scattered all over the hood, the windshield, in the front seat and all over the rear floor rugs, the jump seats, and over the rear seat, and down both sides of the side rails or tops of the doors of the car.

Mr. SPECTER. Is that condition depicted by Commission Exhibits 352 and 353 to the extent that they show the interior of the automobile?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. What was the purpose of the examination which you made of the car at that time and place?

Mr. FRAZIER. I examined the car to determine whether or not there were any bullet fragments present in it, embedded in the upholstery of the back of the front seat, or whether there were any impact areas which indicated that bullets or bullet fragments struck the inside of the car.

Mr. SPECTER. With respect to the fragments first, what did your examination disclose?

Mr. FRAZIER. We found three small lead particles lying on the rug in the rear seat area. These particles were located underneath or in the area which would be underneath the left jump seat.

Mr. SPECTER. Have those particles been identified during the course of your prior testimony?

Mr. FRAZIER. No, sir; they have not?

Mr. SPECTER. Will you produce them at this time then, please? May we assign to this group of particles Commission Exhibit No. 840?

Mr. DULLES. These have not been discussed before, have they?

Mr. SPECTER. They have not.

Mr. DULLES. It shall be admitted as Commission Exhibit No. 840.

(Commission Exhibit No. 840 was marked for identification and received in evidence.)

Mr. SPECTER. I move formally for their admission, then, into evidence at this time.

Mr. DULLES. They shall be admitted.

Mr. SPECTER. Will you describe the three pieces of metal which are contained within this vial, please?

Mr. FRAZIER. The three pieces of metal are lead. They were weighed immediately upon recovery and were found to weigh nine-tenths of a grain, seven-tenths of a grain, and seven-tenths of a grain, respectively. Since that time small

portions have been removed for spectrographic analysis and comparison with other bullets and bullet fragments.

Mr. SPECTER. Has that comparison been made with a whole bullet heretofore identified as Commission Exhibit 399 which in other proceedings has been identified as the bullet from the Connally stretcher?

Mr. FRAZIER. Yes, sir; the comparison was made by comparing Exhibit 399 with a bullet fragment found in the front seat of the Presidential limousine and then comparing that fragment with these fragments from the rear seat of the automobile.

Mr. SPECTER. For identification purposes, has that fragment from the front seat been heretofore identified during your prior testimony?

Mr. FRAZIER. Yes; it has. It bears Commission No. 567.

Mr. SPECTER. Now, what did the comparative examination then disclose as among Commission Exhibits 399, 567, and 840?

Mr. FRAZIER. That examination was performed by a spectrographer, John F. Gallagher, and I do not have the results of his examinations here, although I did ascertain that it was determined that the lead fragments were similar in composition.

Mr. SPECTER. So that they could have come from, so that the fragments designated 840 could have come from the same bullet as fragment designated 567?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Were the tests sufficient to indicate conclusively whether fragments 840 did come from the fragment designated as 567?

Mr. FRAZIER. No, sir.

Mr. SPECTER. Did you personally find any other fragments in the President's car during the course of your examination?

Mr. FRAZIER. No; I did not.

Mr. SPECTER. Now, where, according to information provided to you then, was the fragment designated Commission Exhibit 567 found?

Mr. FRAZIER. That was found by the Secret Service upon their examination of the limousine here in Washington when it first arrived from Dallas, and Commission No. 567 was delivered by Deputy Chief Paul Paterni and by a White House detail chief, Floyd M. Boring, to a liaison agent of the FBI, Orrin Bartlett, who delivered them to me in the laboratory at 11:50 p.m., on November 22, 1963.

Mr. SPECTER. Does that constitute the total chain of possession then from the finder with the Secret Service into your hands, as reflected on the records of the FBI?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Was there another fragment, was there any other fragment found in the front seat of the car?

Mr. FRAZIER. Yes. Alongside the right side of the front seat, Commission Exhibit No. 569, which is the base portion of the jacket of a bullet, was found, and handled in identical manner to the Exhibit 567.

Mr. DULLES. And the front seat is the seat which would be the driver's seat?

Mr. FRAZIER. Yes.

Mr. DULLES. And the Secret Service man on his right, I believe?

Mr. SPECTER. Mr. Kellerman.

Mr. DULLES. That was the seat from which this came?

Mr. FRAZIER. Commission Exhibit 567 was found on the seat right beside the driver, and Exhibit 569 was found on the floor beside the right side of the front seat.

Mr. SPECTER. The right side of the front seat, Mr. Dulles, as the prior testimony shows was occupied by Roy Kellerman and the driver was William Greer.

Mr. DULLES. Right. Thank you.

Mr. SPECTER. Would you state what the chain of possession was from the time of discovery of Exhibit 569 until the time it came into your possession, based on the records of the FBI, please, if you have those records available?

Mr. FRAZIER. Yes, sir. It was delivered by Secret Service Deputy Chief Paul Paterni, and SAC of the White House detail Floyd M. Boring of the Secret

Service again, to Special Agent Orrin Bartlett of the FBI who delivered it to me at 11:50 p.m. on November 22, 1963.

Mr. SPECTER. Are the records which you have just referred to relating to the chain of possession of Exhibits 567 and 569 maintained by you in the normal course of your duties as an examiner of those items?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Mr. Frazier, is it possible for the fragments identified in Commission Exhibit 840 to have come from the whole bullet heretofore identified as Commission Exhibit 399?

Mr. FRAZIER. I would say that based on weight it would be highly improbable that that much weight could have come from the base of that bullet since its present weight is—its weight when I first received it was 158.6 grains.

Mr. SPECTER. Referring now to 399.

Mr. FRAZIER. Exhibit 399, and its original normal weight would be 160 to 161 grains, and those three metal fragments had a total of 2.1 grains as I recall—2.3 grains. So it is possible but not likely since there is only a very small part of the core of the bullet 399 missing.

Mr. SPECTER. Have you now described all of the bullet fragments which you found in the President's automobile?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Was it your job to analyze all of the bullets or bullet fragments which were found in the President's car?

Mr. FRAZIER. Yes; it was, except for the spectrographic analysis of the composition.

Mr. SPECTER. Have you now described all of the bullet fragments which were brought to you by anyone else and identified as having been found in the President's car?

Mr. FRAZIER. Yes, sir; not this morning but at previous times during my testimony I have; yes.

Mr. SPECTER. But then there is on the record now all of the identification of the metallic or bullet fragments found in connection with your examination of the President's car or which were examined by you after having been found by someone else?

Mr. FRAZIER. No, sir. There is one other, it is not a metal particle but it is a residue of metal on the inside of the windshield.

Mr. SPECTER. Aside from that residue of the windshield which I am going to come to now, have we placed on the record a description of all of the bullets or bullet fragments?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Now—

Mr. DULLES. Just one moment. You mean bullet fragments related to the car or bullet fragments found anywhere?

Mr. SPECTER. Related to the President's automobile.

Mr. FRAZIER. Yes; you have.

Mr. SPECTER. Did you have occasion then to examine the windshield of the Presidential limousine?

Mr. FRAZIER. Yes; I did.

Mr. SPECTER. What did that examination disclose?

Mr. FRAZIER. On the inside surface of the windshield there was a deposit of lead. This deposit was located when you look at the inside surface of the windshield, 13½ inches down from the top, 23 inches from the left-hand side or driver's side of the windshield, and was immediately in front of a small pattern of star-shaped cracks which appeared in the outer layer of the laminated windshield.

Mr. DULLES. What do you mean by the "outer layer of the laminated windshield"?

Mr. FRAZIER. The windshield is composed of two layers with a very thin layer of plastic in between which bonds them together in the form of safety glass. The inside layer of the glass was not broken, but the outside layer immediately on the outside of the lead residue had a very small pattern of cracks and there was a very minute particle of glass missing from the outside surface.

Mr. DULLES. And the outside surface was the surface away from where the occupants were sitting?

Mr. FRAZIER. That is correct; yes.

Mr. DULLES. And the inside surface was the surface nearest the occupants?

Mr. FRAZIER. Yes.

Mr. SPECTER. What do those characteristics indicate as to which side of the windshield was struck?

Mr. FRAZIER. It indicates that it could only have been struck on the inside surface. It could not have been struck on the outside surface because of the manner in which the glass broke and further because of the lead residue on the inside surface. The cracks appear in the outer layer of the glass because the glass is bent outward at the time of impact which stretches the outer layer of the glass to the point where these small radial or wagon spoke-wagon wheel spoke-type cracks appear on the outer surface.

Mr. DULLES. So the pressure must have come from the inside and not from the outside against the glass?

Mr. FRAZIER. Yes, sir; that is correct.

Mr. DULLES. As far as the car is concerned from the back to the front?

Mr. FRAZIER. Yes, sir.

Mr. DULLES. Not from outside against the glass—from the front against the glass.

Mr. FRAZIER. That is right.

Mr. SPECTER. Was a comparison made of the lead residues on the inside of the windshield with any of the bullet fragments recovered about which you have heretofore testified?

Mr. FRAZIER. Yes. They were compared with the bullet fragment found on the front seat, which in turn was compared with Commission 399. The lead was found to be similar in composition. However, that examination in detail was made by a spectrographer, Special Agent John F. Gallagher.

Mr. SPECTER. Was that examination made in the regular course of examining procedures by the FBI?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. And was that information made available to you through the normal conference procedures among FBI examiners?

Mr. FRAZIER. Yes, sir. He submitted his report to me and I prepared the formal report of the entire examination.

Mr. SPECTER. Are his report and your formal report a part of the permanent record of the FBI then?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. I now show you Commission Exhibit No. 350 which has heretofore been identified as a picture of the windshield of the Presidential limousine and I ask you if that is the crack about which you have just testified?

Mr. FRAZIER. Yes; it is. This Exhibit 350 is a photograph which I took on the 23d of November, showing a view from the front toward the rear of the Presidential limousine and showing the crack in the glass and the lead residue on the inside surface.

Mr. SPECTER. Would you produce at this time the lead residue obtained by you from that inside surface, please? May it please the Commission, I would like to mark this as Commission Exhibit 841 and move for its admission into evidence at this time.

Mr. DULLES. It shall be admitted into evidence.

(Commission Exhibit No. 841 was marked for identification and received in evidence.)

Mr. DULLES. May I just ask a question of you, Mr. Specter, and possibly of the witness.

I assume that the windshield we are now discussing is the windshield that was exhibited to the Commission several weeks ago and which members of the Commission examined?

Mr. SPECTER. It was, Mr. Dulles, and we can establish that, of record, through another Commission Exhibit which is 351, which was the number given to the windshield and we have a reproduction here through the photograph.

Mr. DULLES. You don't have the windshield here today, though?

Mr. SPECTER. No, we do not.

Mr. DULLES. It would be the same windshield that the Commission saw.

Mr. SPECTER. We can establish it through the witness, too.

Mr. Frazier, for that purpose can you identify what is depicted in a photograph heretofore identified as Commission Exhibit 351?

Mr. FRAZIER. Yes, sir; this is a photograph of the very small pattern of cracks in the windshield which was on the Presidential limousine at the time I examined it, and which I also later examined in the FBI laboratory.

(Discussion off the record.)

Mr. SPECTER. Mr. Frazier, have you now described all of your findings on the windshield of the Presidential limousine?

Mr. FRAZIER. Yes, sir; that is concerning the glass itself and not the molding around the windshield.

Mr. SPECTER. Will you then move to the molding around the windshield and state what, if anything, you found there?

Mr. FRAZIER. On the strip of chrome which goes across the top of the windshield and again on the passenger side of the windshield or the inside surface, I found a dent in the chrome which had been caused by some projectile which struck the chrome on the inside surface.

Mr. SPECTER. Was there one dent or more than one dent or what?

Mr. FRAZIER. One dent.

Mr. SPECTER. Will you identify what is depicted by a photograph heretofore marked as Commission Exhibit 349?

Mr. FRAZIER. Yes, sir; this is a photograph which I took of this dent at that time, showing the damaged chrome, just to the right of the rearview mirror support at the top of the windshield.

Mr. SPECTER. Did your examination of the President's limousine disclose any other holes or markings which could have conceivably been caused by a bullet striking the automobile or any part of the automobile?

Mr. FRAZIER. No, sir.

Mr. DULLES. I wonder if I could go back just a moment to the indentation in the chrome around the windshield at the top of the windshield, but on the inside, could that have been caused by a fragment of a bullet?

Mr. FRAZIER. Yes, it very easily could have. It would not have been caused, for instance, by a bullet which was traveling at its full velocity from a rifle, but merely from a fragment traveling at fairly high velocity which struck the inside surface of the chrome.

Mr. DULLES. Could that have been caused by any of the fragments that you have identified as having been found on the front seat or near the front seat of the car?

Mr. FRAZIER. Yes; I believe it could have by either, in fact, of the two fragments of rifle bullets found in the front seat.

Mr. DULLES. Thank you.

Mr. SPECTER. Mr. Frazier, assume certain facts to be true for purposes of expressing an opinion on a hypothetical situation, to wit: that President Kennedy was struck by a 6.5 millimeter bullet which passed through his body entering on the rear portion of his neck 14 centimeters to the left of his right acromion process and 14 centimeters below his mastoid process, with a striking velocity of approximately 1,904 feet per second, and exited after passing through a fascia channel in his body, through the lower anterior third of his neck with an exit velocity of approximately 1,772 to 1,779 feet per second; and that bullet had then traveled from the point where it exited from his neck and struck the front windshield in some manner. What effect would that have had on the front windshield and the subsequent flight of the missile?

Mr. FRAZIER. It would have shattered the front windshield. It would have caused a very large, relatively large hole, approximately three-eighths to an inch in diameter with radiating cracks extending outward into the glass for several inches, even to the side of the glass.

Mr. DULLES. It would have penetrated the windshield?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Would the missile then have proceeded in a forward direction?

Mr. FRAZIER. Yes, sir; it would.

Mr. SPECTER. Do you have an opinion as to how far it would have gone?

Mr. FRAZIER. Until it struck some other object in the area of approximately a mile.

Mr. SPECTER. Now assume the same sequence with respect to exit velocity from the point of the President's neck at the same rate of 1,772 to 1,798 feet per second, and assume still further that the bullet had, the whole bullet had, struck the metal framing which you have heretofore described and identified. What effect would that have had on the metal framing?

Mr. FRAZIER. It would have torn a hole in the chrome, penetrated the framing both inside and outside of the car. I can only assume, since I haven't tested the metal of that particular car, I would assume that the bullet would completely penetrate both the chrome, the metal supporting the chrome, on the inside, and the body metal on the outside which supports the windshield of the car.

Mr. SPECTER. Now, assume the same set of factors as to the exit velocity from the President's neck. What effect would that bullet have had on any other portion of the automobile which it might have struck in the continuation of its flight?

Mr. FRAZIER. In my opinion it would have penetrated any other metal surface and, of course, any upholstery surface depending on the nature of the material as to how deep it would penetrate or how many successive layers it may have penetrated.

Mr. SPECTER. Was there any evidence in any portion of the car that the automobile was struck by a bullet which exited from the President's neck under the circumstances which I have just asked you to assume?

Mr. FRAZIER. No, sir; there was not.

Mr. SPECTER. And had there been any such evidence would your examination of the automobile have uncovered such an indication or such evidence?

Mr. FRAZIER. Yes, sir; I feel that it would have.

Mr. SPECTER. Was your examination a thorough examination of all aspects of the interior of the automobile?

Mr. FRAZIER. Yes, sir; for our purpose. However, we did not tear out all of the rugs on the floor, for instance. We examined the rugs carefully for holes, for bullet furroughs, for fragments. We examined the nap of the rug, in the actual nap of the rug, for fragments and bullet holes. We pulled the rug back as far as we could turn it back and even tore the glue or adhesive material loose around the cracks at the edges of the rug so we could observe the cracks to see whether they had been enlarged, and we examined all of the upholstery covering, on the back of the front seat, on the doors, and in the rear seat compartment, the jump seats, the actual rear seat, the back of the rear seat, and we examined the front seat in a similar manner, and we found no bullet holes or other bullet impact areas, other than the one on the inside of the windshield and the dent inside the windshield chrome.

Mr. SPECTER. Had any of those portions of the automobile been struck by the bullet exiting from the President's neck, which I have described hypothetically for you, would you have found some evidence of striking?

Mr. FRAZIER. Yes, sir.

Mr. DULLES. When was this examination made?

Mr. FRAZIER. Between 2 and 4:30 a.m. on November 23, 1963.

Mr. DULLES. That was about 10 hours, 12 hours after the assassination?

Mr. FRAZIER. Yes, sir; 14 to 16 hours.

Mr. DULLES. Fourteen to sixteen hours.

Mr. FRAZIER. Yes, sir.

Mr. DULLES. May I ask, do you know in whose custody the automobile was prior to your examination from the time it was shipped on the airplane?

Mr. FRAZIER. When I arrived there were two Secret Service men present but I do not recall their names. They were introduced to me, and they were there during the entire examination but I don't recall their actual names. The car was under guard in the Secret Service garage in Washington, D.C.

Other than that I do not know.

Mr. DULLES. Was this a joint examination by you and by the Secret Service or was the examination made by the FBI?

Mr. FRAZIER. No, sir; by the FBI at the request of the Secret Service who had already examined the interior of the car for personal effects and other items.

Mr. DULLES. Did they certify to you or advise you that the car had been under their custody during this 14- to 16-hour period?

Mr. FRAZIER. I don't recall whether they actually stated that. What they stated was that the car had immediately been flown to Washington and placed in this garage and kept under surveillance the entire time.

Mr. DULLES. Thank you.

Mr. SPECTER. Was a fragment of metal brought to you which was identified as coming from the wrist of Governor Connally?

Mr. FRAZIER. It was identified to me as having come from the arm of Governor Connally.

Mr. SPECTER. Will you produce that fragment at this time, please?

Mr. FRAZIER. This one does not have a Commission number as yet.

Mr. SPECTER. May it please the Commission, I would like to have this fragment marked as Commission Exhibit 842.

(Commission Exhibit No. 842 was marked for identification and received in evidence.)

Mr. SPECTER. Now, referring to a fragment heretofore marked as Q9 for FBI record purposes, and now marked as Commission Exhibit No. 842, will you describe that fragment for us, please?

Mr. FRAZIER. Yes, sir; this is a small fragment of metal which weighed one-half a grain when I first examined it in the laboratory. It is a piece of lead, and could have been a part of a bullet or a core of a bullet.

However, it lacks any physical characteristics which would permit stating whether or not it actually originated from a bullet.

Mr. SPECTER. Are its physical characteristics consistent with having come from Commission Exhibit 399?

Mr. FRAZIER. Yes, sir; it could have.

Mr. SPECTER. Are they consistent with that fragment identified as Commission Exhibit No. 842, as having come from fragment identified as Commission Exhibit 567?

Mr. FRAZIER. Which is 567?

Mr. SPECTER. 567 is the one which was found on the front seat.

Mr. FRAZIER. Yes, sir; it could have.

Mr. SPECTER. Were the characteristics of the fragment identified as Commission Exhibit 842 consistent with having come from the fragment heretofore identified as Commission Exhibit 569?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Would you set forth from the records of the FBI, if you have those before you, the chain of possession of the fragment identified as Commission Exhibit 842, please?

Mr. FRAZIER. Commission Exhibit 842, that is the one from Governor Connally's arm, was delivered to me in the FBI laboratory on November 23, 1963, by Special Agent Vincent E. Drain of the Dallas Office of the FBI, who stated he had secured this item from Capt. Will Fritz of the Dallas Police Department.

I do not know where Captain Fritz obtained it.

Mr. SPECTER. Referring back for just a moment to the coat identified as that worn by Governor Connally, Mr. Frazier, was there any observable angle of elevation or declination from the back side of the Governor's coat to the front side of the Governor's coat?

Mr. FRAZIER. Yes, sir; there was, approximately a 35-degree downward angle.

Mr. SPECTER. Measuring from—

Mr. FRAZIER. That is—

Mr. SPECTER. Back to front or front to back?

Mr. FRAZIER. From back towards the front.

Mr. SPECTER. How about the same question as to the Governor's shirt?

Mr. FRAZIER. I would say it was approximately the same angle or slightly less. I think we measured approximately 30 degrees.

Mr. SPECTER. Was that from the front to back or from the back to front of the Governor's shirt?

Mr. FRAZIER. That would be from the back towards the front. Downward from back towards the front.

Mr. SPECTER. Mr. Dulles, those questions complete the ones which we have to ask, sir.

Mr. Frazier, one additional question: Do you have any knowledge through any source whatsoever of any bullets or bullet fragments found anywhere in the vicinity of the assassination other than those which you have already testified to, which were in the car, or the whole bullet from the Connally stretcher or the fragments from Governor Connally's wrist?

Mr. FRAZIER. No, sir; I have never heard of any nor have any been submitted to me.

Mr. SPECTER. During the regular processing of the FBI examination in this case, would all such bullets or bullet fragments be brought to you for examination in accordance with your assignment to this matter generally?

Mr. FRAZIER. Yes; they would.

Mr. SPECTER. Were any metallic fragments brought to you which were purported to have been found in the head of President Kennedy?

Mr. DULLES. Or body?

Mr. SPECTER. Or body of President Kennedy?

Mr. FRAZIER. Yes; they were.

On November 23, 1963, at 1:45 a.m., the two metal fragments in this container were delivered to me in the FBI laboratory by Special Agent James W. Sibert, and Special Agent Francis O'Neill of the Baltimore office of the FBI who stated they had obtained these in the autopsy room at the Naval Hospital near Washington, D.C., where they were present when they were removed from the head of President Kennedy.

Mr. SPECTER. Is there any specification as to the portion of the President's head from which they were removed?

Mr. FRAZIER. No, sir; they told me that there had been numerous particles in the head but only these two had been removed, the others being very small.

Mr. SPECTER. May it please the Commission I would like to have those marked and admitted into evidence as Commission Exhibit No. 843.

Mr. DULLES. It shall be so marked and admitted under those numbers.

(Commission Exhibit No. 843 was marked for identification and received in evidence.)

Mr. SPECTER. In the event we have not already had 842 admitted into evidence, I move, Mr. Dulles, for the admission into evidence of 842 which was the fragment from Governor Connally's arm.

Mr. DULLES. That shall be admitted.

Mr. SPECTER. Moving back to 843 will you describe those fragments indicating their weight and general composition?

Mr. FRAZIER. These fragments consisted of two pieces of lead, one weighed 1.65 grains. The other weighed .15 grain. They were examined spectrographically so their present weight would be somewhat less since a very small amount would be needed for spectrographic analysis.

Mr. SPECTER. Was a comparison made between or among these two fragments with the other metal from the bullets heretofore identified as Commission Exhibits 399, 567, 569, 840, and 842?

Mr. FRAZIER. Yes; they were.

Mr. SPECTER. What did that examination disclose?

Mr. FRAZIER. Possibly my numbers do not agree with those you have. These two particles from the President's head were compared with the lead of Exhibit 842.

Mr. SPECTER. Which is the fragment from the arm of Governor Connally?

Mr. FRAZIER. Yes, sir; they were compared with the lead scraping from the inside of the windshield.

Mr. SPECTER. Which is Exhibit 841.

Mr. FRAZIER. And with the three lead fragments found on the rear floorboard carpet of the limousine.

Mr. SPECTER. Which is Exhibit 840.

Mr. FRAZIER. And they were found to be similar in metallic composition.

Mr. SPECTER. Can you state with any more certainty—

Mr. FRAZIER. Excuse me, one thing. These, as a group, were compared with the bullet fragment, Commission Exhibit 567, which was found on the front seat of the automobile, which also was found to be similar in metallic composition.

Mr. SPECTER. Is it possible to state with any more certainty whether or not any of those fragments came from the same bullet?

Mr. FRAZIER. Not definitely, no; only that they are of similar lead composition.

Mr. SPECTER. Have you now described fully all of the relevant characteristics of the fragments identified as Commission Exhibit 843?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Are there any other bullets or bullet fragment or metallic substances of any sort connected with this case in any way which you have examined which you have not already testified to here today or on your prior appearance?

Mr. FRAZIER. No, sir; that is all of them.

Mr. DULLES. Is there anything further?

Mr. SPECTER. No.

Mr. DULLES. Thank you very much, Mr. Frazier.

The Commission will reconvene at 2:30.

(Whereupon, at 1:30 p.m., the President's Commission recessed.)

Afternoon Session

TESTIMONY OF DR. ALFRED G. OLIVIER

The President's Commission reconvened at 3 p.m.

The CHAIRMAN. The Commission will come to order.

Mr. SPECTER, has the doctor been sworn yet?

Mr. SPECTER. No, sir; he has not.

The CHAIRMAN. Doctor, would you raise your right hand and be sworn, please? Do you solemnly swear the testimony you are about to give in the matter before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. OLIVIER. Yes, sir.

The CHAIRMAN. You may be seated.

Mr. SPECTER. State your full name for the record.

Dr. OLIVIER. Dr. Alfred G. Olivier.

Mr. SPECTER. What is your occupation or profession?

Dr. OLIVIER. A supervisory research veterinarian and I work for the Department of the Army at Edgewood Arsenal, Md.

Mr. SPECTER. Would you describe the nature of your duties at that arsenal, please?

Dr. OLIVIER. Investigating the wound ballistics of various bullets and other military missiles.

Mr. SPECTER. Would you describe the general nature of the tests which are carried on at Edgewood Arsenal?

Dr. OLIVIER. For example, with a bullet we run tissue studies getting the retardation of the bullet through the tissues, the penetration, various characteristics of it. We use as good tissue simulant 20 percent gelatin. This has a drag coefficient of muscle tissue and makes an excellent homogenous medium to study the action of the bullet. We also use animal parts and parts of cadavers where necessary to determine the characteristics of these things.

Mr. SPECTER. Would you set forth your educational background briefly, please?

Dr. OLIVIER. Yes; I did 2 years of preveterinary work at the University of New Hampshire and 4 years of veterinary school at the University of Pennsylvania, and I hold a degree doctor of veterinary medicine at the University of Pennsylvania.

Mr. SPECTER. In what year did you complete your educational work?

Dr. OLIVIER. 1953.

Mr. SPECTER. Would you outline your experience in the field subsequent to 1953?

Dr. OLIVIER. In this field?

Mr. SPECTER. Yes, sir.

Dr. OLIVIER. I came to Edgewood Arsenal, then the Army Chemical Center, in 1957, and originally to work, take charge of the animal colonies but immediately I got interested in the research and started working in the field of wound ballistics and have been in it ever since, and am presently Chief of the Wound Ballistics Branch.

Mr. SPECTER. Have you been in charge of a series of tests performed to determine certain wound ballistics on circumstances analogous to the underlying facts on wounds inflicted upon President Kennedy and Governor Connally on November 22, 1963?

Dr. OLIVIER. Yes; I have.

Mr. SPECTER. And in the course of those tests what weapon was used?

Dr. OLIVIER. It was identified as Commission Exhibit 139. It was a 6.5 mm. Mannlicher-Carcano rifle.

Mr. SPECTER. Did the designation, Commission Exhibit No. 139, appear on the body of that rifle?

Dr. OLIVIER. Yes; it did.

Mr. SPECTER. What type of bullets were used in the tests which you performed?

Dr. OLIVIER. We used the Western ammunition, Western being a division of Olin Industries, Winchester Western, it was lot 6,000 to 6.5 mm. round. Has a muzzle velocity of approximately 2,160 feet per second.

Mr. SPECTER. And were those bullets obtained by you upon information provided to you by the Commission's staff as to the identity of the bullets which were believed to have been used during the assassination?

Dr. OLIVIER. Yes; I first got the identity from the people at Aberdeen Proving Grounds and then I further checked with the Commission to see if that was right before ordering this type of ammunition.

Mr. SPECTER. And where were those bullets obtained from?

Dr. OLIVIER. I obtained 100 rounds from Remington at Bridgeport, Conn., and Dr. Dziemian obtained another 160 rounds. I believe, from Winchester in New Haven.

Mr. SPECTER. Did you perform certain tests to determine the wound ballistics and include in that the penetration power of the Mannlicher-Carcano rifle, which you referred to, firing the Western Cartridge Co. bullet by comparison with other types of bullets?

Dr. OLIVIER. We didn't fire any of the others at the same time. These had been fired previously. We have all these records for comparison.

Mr. SPECTER. Was the Mannlicher-Carcano rifle then fired for comparison purposes with the other bullets where you already had your experience?

Dr. OLIVIER. No; it was fired for the purposes for which—to try to shed some light on say the factors leading to the assassination and all, not for comparison with the other bullets.

Mr. SPECTER. I now show you a photograph which is marked as Commission Exhibit No. 844, may it please the Commission, and ask you if this photograph was prepared by you in conjunction with the study on the Mannlicher-Carcano and the Western Cartridge Co. bullet?

Dr. OLIVIER. Yes; it was.

Mr. SPECTER. Would you explain to the Commission what that photograph depicts?

Dr. OLIVIER. Actually, the bullet passed through two gelatin blocks. This was done as part of an energy study to see the amount of energy imparted to the block of gelatin taking a high-speed motion picture. These blocks show a record of the permanent cavity left in the gelatin. This is not necessarily the total penetration. This bullet when it comes out of the second block still has quite a bit of penetrating power. Quite a few of these bullets would go into a dirt bank and imbed themselves so deeply that they couldn't be recovered.

Mr. SPECTER. I now show you Commission Exhibit No. 845 which is a photograph, and ask you to state for the record what that photograph represents?

Dr. OLIVIER. This has been adopted as standard military ammunition of the U.S. Army. It is known as the NATO round. It is M-80 ball fired in the M-14 rifle. It has a different—it is a full jacketed military bullet but has a different point, what they call a no jag point, a sharp point. It has tumbling characteristics. When it goes in a certain block it tumbles and does the same in the body. It is more efficient in producing wounds than the bullet under study.

Mr. SPECTER. How do the impact, penetration, and other characteristics of the bullet depicted in 845 compare with the Western Cartridge Co. bullet fired from the Mannlicher-Carcano in 844?

Dr. OLIVIER. It has better wounding potential due to the quicker tumbling but it would not have as good penetrating ability, when it starts tumbling and releasing all that energy doing all that damage it comes to a stop in a shorter distance.

Mr. SPECTER. Would the Western bullet be characterized as having the qualities of a more stable bullet?

Dr. OLIVIER. Yes; it would. You mean in the target?

Mr. SPECTER. Yes, sir.

Dr. OLIVIER. Yes.

Mr. SPECTER. The stability in the air would be the same for any missile, would it not?

Dr. OLIVIER. To be a good bullet they should be stable in air in order to hit what you are aiming at, yes.

Mr. SPECTER. Then would the characteristics of stability in the air be the same for either of the two bullets you have heretofore referred to?

Dr. OLIVIER. Essentially so.

Mr. SPECTER. I now hand you photograph marked as Commission Exhibit No. 846 and ask you to state what that depicts?

Dr. OLIVIER. This is a 257 Winchester Roberts soft nose hunting bullet. This one pictured fired from right to left instead of left to right and the bullet didn't even go out of the block. It deforms almost immediately on entering the block and releases its energy rather rapidly. This type of ammunition is illegal for military use. We are just studying the wounding characteristics of various bullets, but this is not a military bullet.

Mr. SPECTER. How does it compare with the Western bullet?

Dr. OLIVIER. It would be better for wounding, better for hunting purposes. But as I said, it isn't acceptable as a military bullet.

Mr. SPECTER. How does it compare with respect to penetration power?

Dr. OLIVIER. Much less than the Mannlicher-Carcano.

Mr. SPECTER. In the normal course of the work that you perform for the U.S. Army at Edgewood Arsenal, do you have occasion to simulate substances for testing purposes on determining the path of a bullet through the human body?

Dr. OLIVIER. Yes; we do use animal tissues or gelatin as simulants for tissues of the human body.

Mr. SPECTER. Has the autopsy report on President John F. Kennedy been made available to you for your review?

Dr. OLIVIER. Yes; it has.

Mr. SPECTER. And subsequent to your review of that report, did you make an effort to simulate the body tissue through which the bullet is reported to have passed through the President in accordance with the report of the autopsy surgeon; entering on the rear of his neck, 14 cm. below the mastoid process and 14 cm. to the left of the right acromion process, passing through a fascia channel, striking the trachea and exiting through the lower anterior of the neck?

Dr. OLIVIER. Yes; I did.

Mr. SPECTER. What substance did you prepare to simulate that portion of the President's body?

Dr. OLIVIER. We determined the distance on various people by locating this anatomical region and using people of various sizes we found that regardless of general body build, the distance penetrated was around 13½ to 14½ cm.

As a consequence, I used gelatin blocks 20 percent gelatin cut at 13½ cm.

lengths and also used horsemeat and goatmeat placed in a box so that—this was a little harder to get the exact length but that varied between 13½ and 14½ cm. of muscle tissue.

Mr. SPECTER. Did that simulate, then, the portion of the President's body through which the bullet is reported to have passed, as closely as you could for your testing purposes?

Dr. OLIVIER. As closely as we could for these test purposes; yes.

Mr. SPECTER. I now hand you a photograph marked as Commission Exhibit No. 847 and ask you to testify as to what that depicts?

Dr. OLIVIER. This is a box containing—I couldn't say looking at it whether it is the horsemeat or the goatmeat but one of the two. The distance traveled through that meat would be 13½ to 14½ centimeters. It is also covered with clothing and clipped goatskin on the entrance and exit sides, and behind that are the screens for measuring the exit velocity. We had already determined the striking velocity by firing I believe it was—I have it right here if you want—

Mr. SPECTER. Before you proceed to that, describe the type of screens which are shown in the picture which were used to measure exit velocity, if you please?

Dr. OLIVIER. Yes. These screens are known as the break-type screen. They are silver imprinted on paper and when the bullet passes through it breaks the current. When it passes through the first screen it breaks the current activating a chronograph, counting chronograph. When it passes through the second screen it stops. This is over a known distance, and so the time that it took to pass between the first and the second will give you the average velocity halfway between the two screens.

Mr. SPECTER. I now hand you a photograph marked Commission Exhibit 848 and ask you to describe what that shows?

Dr. OLIVIER. This was a similar setup used for firing through gelatin. It had clothing and skin over the entrance side only. If it had been placed on the other side it would have just flown off.

Mr. SPECTER. And that is similar to that depicted in 846?

Dr. OLIVIER. Essentially; yes.

Mr. SPECTER. Except that it is—

Dr. OLIVIER. Gelatin instead of the tissues.

Mr. SPECTER. Now at what range was the firing performed on the gelatin, goatmeat and horsemeat?

Dr. OLIVIER. This firing was done at a 60-yard range.

Mr. SPECTER. And what gun was used?

Dr. OLIVIER. The 6.5 Mannlicher-Carcano that was marked Commission Exhibit 139.

Mr. SPECTER. And what bullets were used?

Dr. OLIVIER. The Western ammunition lot 6,000, 6.5 Mannlicher-Carcano.

Mr. SPECTER. And was there any substance placed over the gelatin, horsemeat and goatmeat?

Dr. OLIVIER. Yes; over the gelatin we had clothing; had a suit, shirt and undershirt, and underneath that a clipped goatskin. The same thing was over the meat, and on the other side of the meat was also clipped goatskin.

Mr. SPECTER. Would there be any significant difference to the test by leaving out the undershirt if the President had not worn an undershirt?

Dr. OLIVIER. No.

Mr. SPECTER. So that the circumstance was simulated with the actual type clothing and a protective skin over the substance just as realistically as you could make it?

Dr. OLIVIER. Yes.

Mr. SPECTER. What measurement was obtained as to the entrance velocity of the bullet at the distance of 60 yards which you described?

Dr. OLIVIER. The striking velocity at an average of three shots was 1,904 feet per second.

Mr. SPECTER. And what was the average exit velocity on each of the substances used?

Dr. OLIVIER. For the gelatin the average exit velocity was 1,779 feet per

second. The horsemeat, the average exit velocity was 1,798 feet per second. And the goatmeat the average exit velocity was 1,772 feet per second.

Mr. SPECTER. I now hand you a photograph marked Commission Exhibit 849 and ask you what that picture represents?

Dr. OLIVIER. This is one of the gelatin blocks used in that test. It shows the type of track left by the bullet passing through it. That bullet is very stable. Passing through the body and muscle, it would make a similar type wound. Of course, you couldn't observe it that nicely.

Mr. SPECTER. Would you describe that as being a straight line?

Dr. OLIVIER. Yes.

Mr. SPECTER. I now hand you a picture marked Commission Exhibit No. 850 and ask you what that represents?

Dr. OLIVIER. These are pieces of clipped goatskin, clipped very shortly. There is still some hair on it. These were placed, these particular ones were placed over the tissues. This would be placed over the entrance side of the animal.

Mr. SPECTER. When you say "this," you are referring to a piece of goatskin which is marked "enter"?

Dr. OLIVIER. Marked "enter." The one marked "exit" was placed on the far side of the tissues and the bullet passed through that after it came out of the tissues.

Mr. SPECTER. For the record, will you describe the characteristics, which are shown on the goatskin at the point of entry, please?

Dr. OLIVIER. At the point of entry the wound holes through the skin are for all purposes round. On the exit side they are more elongated, two of them in particular are a little more elongated. The bullet had started to become slightly unstable coming out.

Mr. SPECTER. And how about the third or lower bullet on the skin designated exit?

Dr. OLIVIER. That hole appears as more stable than the other two. In all three cases the bullet is still pretty stable. The gelatin blocks, there were gelatin blocks placed behind these things too, and for all practical purposes, the tracks through them still indicated a stable bullet.

Mr. SPECTER. Are there any other conclusions which you would care to add to those which you have already indicated, resulting from the tests you have heretofore described?

Dr. OLIVIER. Well, it means that the bullet that passed through the President's neck had lost very little of its wounding potential and was capable of doing a great deal of damage in penetrating. I might mention one thing showing how great its penetrating ability was. That say on one of the gelatin shots, it went through a total, counting the gelatin block, it went through plus the backing up blocks of gelatin, it went through a total of 72½ centimeters of gelatin, was still traveling and buried itself in a mound of earth so it has terrific penetrating ability. This means that had the bullet that passed through the President's neck hit in the car or anywhere you would have seen evidence, a good deal of evidence.

Mr. SPECTER. Dr. Olivier, in the regular course of your work for the U.S. Army, do you have occasion to perform tests on animal materials where the characteristics of those animals materials are sufficiently similar to human bodies to make a determination of the effect of the bullet wounds in human bodies?

Dr. OLIVIER. Yes; I do.

Mr. SPECTER. And did you have occasion to make a test on goat material in connection with the experiments which you ran?

Dr. OLIVIER. Yes.

Mr. SPECTER. Are you familiar with the wounds inflicted on Governor Connally on November 22, 1963?

Dr. OLIVIER. Yes; from reading the surgeon's report and also from talking to Dr. Gregory and Dr. Shaw.

Mr. SPECTER. Did you have access to the medical reports of Parkland Hospital concerning the wounds of Governor Connally in all respects?

Dr. OLIVIER. Yes.

Mr. SPECTER. And did you have occasion to discuss those wounds in great

detail with Dr. Shaw and Dr. Gregory when they were present in Washington, D.C. on April 21, 1964, preparatory to their testifying before this Commission?

Dr. OLIVIER. Yes; I did.

Mr. SPECTER. What was the nature of the wound on Governor Connally's back?

Dr. OLIVIER. The surgeon's report described it as about 3 centimeters long, its longest dimension, and it is hard for me to remember reading it or discussing it with him but I did both. Apparently it was a jagged wound. He said a wound like this consists of two things, usually a defect in the epidermis and a central hole which is small, and he could put his finger in it so it was a fairly large wound.

Mr. SPECTER. What was the path of the bullet in a general way, based on the information provided to you concerning Governor Connally's wound in the back?

Dr. OLIVIER. Apparently it passed along the rib. I don't recall which rib it was but passed the fifth rib, passed along this rib causing a fracture that I believe removed about 10 centimeters of the rib through fragments through the pleura, lacerating the lung. I asked Dr. Shaw directly whether he thought the bullet had gone through the pleural cavity and he said he didn't believe that it had, that the damage was done by the rib fragments. Then the bullet exited as described somewhat below the right nipple.

Mr. SPECTER. Did you perform a test on goat substance to endeavor to measure the reduction in velocity of a missile similar to the one which passed through Governor Connally?

Dr. OLIVIER. Yes; I did.

Mr. SPECTER. Why was goat substance selected for that purpose in the testing procedure?

Dr. OLIVIER. We usually use this in our work so we are familiar with it. I am not saying it is the only substance that could be used, but we were not using any unknown procedures or any procedures that we hadn't used already.

Mr. SPECTER. Does it closely simulate the nature of a wound in the human body?

Dr. OLIVIER. In this particular instance it did.

Mr. SPECTER. Was the wound inflicted on the goat, then, subjected to X-ray analysis for the purpose of determining the precise nature of the wound and for comparison purposes with that wound—

Dr. OLIVIER. Yes; it was.

Mr. SPECTER. Inflicted on Connally?

Dr. OLIVIER. Yes; it was.

Mr. SPECTER. I now hand you an X-ray marked Commission Exhibit 851 and ask you to state what that shows?

Dr. OLIVIER. It shows a fractured rib. From this you wouldn't be able to— well, if you were a better radiologist than I was, you might be able to tell which one, but it was the eighth left rib. It shows a comminuted fracture extending some distance along the rib.

Mr. SPECTER. I now hand you Commission Exhibit No. 852, which is a photograph, and ask you to testify as to what that depicts, please?

Dr. OLIVIER. This is a photograph taken from the same X-ray again showing the comminuted fracture of the eighth left rib.

Mr. SPECTER. And is that a photograph then of the X-ray designated Commission Exhibit 851?

Dr. OLIVIER. Yes; it is.

Mr. SPECTER. Did you have an opportunity to observe personally the X-rays showing the wound on Governor Connally's rib?

Dr. OLIVIER. Yes; I did.

Mr. SPECTER. And how do those X-rays compare with the wound inflicted as depicted in Exhibits 851 and 852?

Dr. OLIVIER. They are very similar.

Mr. SPECTER. When the wounds were inflicted, as depicted in 851 and 852, what weapon was used?

Dr. OLIVIER. This was again the 6.5 millimeter Mannlicher-Carcano rifle.

Mr. SPECTER. And what bullets were used?

Dr. OLIVIER. The 6.5 millimeter Western ammunition lot 6,000.

Mr. SPECTER. And what distance was utilized?

Dr. OLIVIER. On the goat the distance was 70 yards.

Mr. SPECTER. And was there any covering over the goat?

Dr. OLIVIER. Yes. There was a suit, shirt, and undershirt.

Mr. SPECTER. What was the entrance velocity of the bullet?

Dr. OLIVIER. Striking velocity for an average of 11 shots was 1,929 feet per second.

Mr. SPECTER. And what was the exit velocity?

Dr. OLIVIER. The exit velocity was 1,664 feet per second.

Mr. SPECTER. I now hand you a box containing a bullet, which has been marked as Commission Exhibit No. 853, and ask you if you have ever seen that bullet before?

Dr. OLIVIER. Yes; I have.

Mr. SPECTER. And under what circumstances have you previously seen that bullet?

Dr. OLIVIER. This was the bullet that was fired through the goat. It went through the velocity screens into some cotton waste, dropped out of the bottom of that and was lying on the floor. It was picked up immediately afterwards still warm, so we knew it was the bullet that had fired that particular shot.

Mr. SPECTER. Was that fired through the goat depicted in the photographs and X-ray, 851 and 852?

Dr. OLIVIER. Yes; that was the goat.

Mr. SPECTER. Would you describe for the record, verbally please, the characteristics of that bullet?

Dr. OLIVIER. The bullet has been quite flattened. The lead core is extruding somewhat from the rear. We weighed the bullet. It weighs 158.8 grains.

Mr. SPECTER. I now hand you Commission Exhibit 399, which has been heretofore in Commission proceedings identified as the bullet found on the stretcher of Governor Connally, and ask if you have had an opportunity to compare 399 with 853?

Dr. OLIVIER. Yes; I have.

Mr. SPECTER. And what did you find on that comparison?

Dr. OLIVIER. The bullet recovered on the stretcher has not been flattened as much, but there is a suggestion of flattening there from a somewhat similar occurrence. Also, the lead core has extruded from the rear in the same fashion, and it appears that some of it has even broken from the rear.

Mr. SPECTER. Is there some flattening on both of those bullets in approximately the same areas toward the rear of the missiles?

Dr. OLIVIER. In the bullet, our particular bullet is flattened the whole length, but you say towards the rear?

Mr. SPECTER. You say our bullet; you mean 853?

Dr. OLIVIER. Yes, 853 is flattened. No. 399 is flattened more towards the rear.

Mr. SPECTER. Are there any other conclusions which you have to add to the tests performed on the goat?

Dr. OLIVIER. Well, again in this test it demonstrates that the bullet that was stable when it struck in this fashion again lost very little velocity in going through that much goat tissue.

Incidentally, the amount of goat tissue it traversed was probably somewhat less than the Governor, but in any case it indicates the bullet would have had a lot of remaining velocity and could have done a lot of damage.

Another thing that hasn't been brought up is the velocity screen immediately behind the goat, the imprint of the bullet left on it was almost the length of the bullet.

Mr. SPECTER. What does that indicate?

Dr. OLIVIER. This indicates that the bullet was now no longer traveling straight but either traveling sideways or tumbling end over end at the time it hit the screen.

Mr. SPECTER. And that was after the point of exit from the goat?

Dr. OLIVIER. Yes.

Mr. SPECTER. Are there any other conclusions which you found from the studies on the goat?

Dr. OLIVIER. No, I believe that is all I can think of right at this moment.

Mr. SPECTER. In the regular course of your work for the U.S. Army, do you have occasion to perform tests on parts of human cadavers to determine the effects of bullets on human beings?

Dr. OLIVIER. Yes, I do.

Mr. SPECTER. And was a series of tests performed under your supervision on the portions of human cadavers simulated to the wound inflicted on the wrist of Governor Connally?

Dr. OLIVIER. Yes.

Mr. SPECTER. Were you familiar with the nature of the wound on Governor Connally's wrist prior to performing those tests?

Dr. OLIVIER. Yes, I was.

Mr. SPECTER. What was the source of your information on those wounds?

Dr. OLIVIER. I had read the surgeon's report, also talked with Dr. Gregory, the surgeon who had done the surgery, and had looked at the X-rays.

Mr. SPECTER. Had you had an opportunity to discuss the wounds with Dr. Gregory and view the X-rays taken at Parkland Hospital, here in the Commission headquarters?

Dr. OLIVIER. Yes; I did.

Mr. SPECTER. On April 21, 1964?

Dr. OLIVIER. Yes.

Mr. SPECTER. I now hand you an X-ray marked as Commission Exhibit 854, and ask you what that depicts?

Dr. OLIVIER. This is a comminuted fracture of the distal end of the radius of a human arm.

Mr. SPECTER. And in what manner was that wound caused?

Dr. OLIVIER. It was caused by a bullet from the Commission Exhibit 139. This was again the 6.5-millimeter Mannlicher-Carcano Western ammunition lot 6,000.

Mr. SPECTER. Fired at what distance?

Dr. OLIVIER. Fired at a distance of 70 yards.

Mr. SPECTER. And was there anything protecting the wrist at the time of impact?

Dr. OLIVIER. Not protection but there was again clothing, this time suit material or suit lining, at least suit material and shirt. I am not sure about the lining. I can tell you. I have it right here. Suit material, suit lining material, and shirt material.

Mr. SPECTER. I now hand you a photograph marked as Commission Exhibit 855 and ask you what that represents?

Dr. OLIVIER. This is a photograph taken from the X-ray, Commission Exhibit 854.

Mr. SPECTER. Will you describe for the record the details of the injuries shown on 854 and 855, please?

Dr. OLIVIER. This is a comminuted fracture of the distal end of the radius. It was struck directly by the bullet. It passed through, not directly through but through at an oblique angle so that it entered more proximal on the dorsal side of the wrist and distal on the volar aspect.

Mr. SPECTER. How does the entry and exit compare with the wound on Governor Connally which you observed on the X-rays?

Dr. OLIVIER. In this particular instance to the best of my memory from looking at the X-rays, it is very close. It is about one of the best ones that we obtained.

Mr. SPECTER. Is there any definable difference at all?

Dr. OLIVIER. I couldn't determine any.

Mr. SPECTER. It is close, you say?

Dr. OLIVIER. Yes. If I had both X-rays in front of me if there was a difference I could determine it, but from memory I would say it was for all purposes identical.

Mr. SPECTER. I now hand you a bullet in a case marked Commission Exhibit 856 and ask if you have ever seen that before?

Dr. OLIVIER. Yes. This is the bullet that caused the damage shown in Commission Exhibits Nos. 854 and 855.

Mr. SPECTER. Would you describe that bullet for the record, please?

Dr. OLIVIER. The nose of the bullet is quite flattened from striking the radius.

Mr. SPECTER. How does it compare, for example, with Commission Exhibit 399?

Dr. OLIVIER. It is not like it at all. I mean, Commission Exhibit 399 is not flattened on the end. This one is very severely flattened on the end.

Mr. SPECTER. What was the velocity of the missile at the time it struck the wrist depicted in 854 and 855?

Dr. OLIVIER. The average striking velocity was 1,858 feet per second.

Mr. SPECTER. Do you have the precise striking velocity of that one?

Dr. OLIVIER. No; I don't. We could not put velocity screen in front of the individual shots because it would have interfered with the gunner's view. So we took five shots and got an average striking velocity.

Mr. SPECTER. When you say five shots with an average striking velocity, those were at the delineated distance without striking anything on those particular shots?

Dr. OLIVIER. Right, and after establishing that velocity, then we went on to shoot the various arms.

Mr. SPECTER. And what was the exit velocity?

Dr. OLIVIER. On this particular one?

Mr. SPECTER. If you have it?

Dr. OLIVIER. Yes. Well, I don't know if I have that or not. We didn't get them in all because some of these things deflect. No, I have no exit velocity on this particular one.

Mr. SPECTER. What exit velocity did you get on the average?

Dr. OLIVIER. Average exit velocity was 1,776 feet per second. This was for an average of seven. We did 10. We obtained velocity on seven.

Mr. SPECTER. Would the average reduction be approximately the same, in your professional opinion, as to the bullet exiting from the wrist depicted in 854 and 855?

Dr. OLIVIER. Somewhat. Let me give you the extremes of our velocities. The highest one was 1,866 and the lowest was 1,664, so there was a 202-feet-per-second difference in the thing. Some of the cases bone was missed, in other cases glancing blows. But I would say it is a close approximation to what the exit velocity was on that particular one.

Mr. SPECTER. And what would the close approximation be, the average?

Dr. OLIVIER. The average.

Mr. SPECTER. Would you compare the damage, which was done to Governor Connally's wrist, as contrasted with the damage to the wrist depicted in 854 and 855?

Dr. OLIVIER. The damage in the wrist that you see in the X-ray on 854 and 855, the damage is greater than was done to the Governor's wrist. There is more severe comminution here.

Mr. SPECTER. How much more severe is the comminution?

Dr. OLIVIER. Considerably more. If I remember correctly in the X-rays of the Governor's wrist, I think there were only two or three fragments, if that many. Here we have many, many small fragments.

Mr. SPECTER. In your opinion, based on the tests which you have performed, was the damage inflicted on Governor Connally's wrist caused by a pristine bullet, a bullet fired from the Mannlicher-Carcano rifle 6.5 missile which did not hit anything before it struck the Governor's wrist?

Dr. OLIVIER. I don't believe so. I don't believe his wrist was struck by a pristine bullet.

Mr. SPECTER. What is the reason for your conclusion on that?

Dr. OLIVIER. In this case I go by the size of the entrance wound and exit wound on the Governor's wrist. The entrance wound was on the dorsal surface, it was described by the surgeon as being much larger than the exit wound. He said he almost overlooked that on the volar aspect of the wrist.

In every instance we had a larger exit wound than an entrance wound firing

with a pristine bullet apparently at the same angle at which it entered and exited the Governor's wrist.

Also, and I don't believe they were mixed up on which was entrance and exit. For one thing the clothing, you know, the surgeon found pieces of clothing and the other thing the human anatomy is such that I don't believe it would enter through the volar aspect and out the top.

So I am pretty sure that the Governor's wrist was not hit by a pristine or a stable bullet.

Mr. SPECTER. What is there, in and of the nature of the smaller wound of exit and larger wound of entrance in the Governor's wrist as contrasted with a smaller wound of entrance and larger wound of exit in 854 and 855, which leads you to conclude that the Governor's wrist was not struck by a pristine bullet?

Dr. OLIVIER. Do you want to repeat that question again?

Mr. SPECTER. What is there about the wound of entry or exit which led you to think that the Governor's wrist wasn't struck by a pristine bullet?

Dr. OLIVIER. Well, he would have had a larger exit wound than entrance wound, which he did not.

Mr. SPECTER. And if the velocity of the missile is decreased, how does that effect the nature of the wounds of entry and exit?

Dr. OLIVIER. If the velocity is decreased, if the bullet is still stable, he still should have a larger exit wound than an entrance.

Now, on the other hand, to get a larger entrance wound and a smaller exit wound, this indicates the bullet probably hit with very much of a yaw. I mean, as this hole appeared in the velocity screen the bullet either tumbling or striking sideways, this would have made a larger entrance wound, lose considerable of its velocity in fracturing the bone, and coming out at a very low velocity, made a smaller hole.

Mr. SPECTER. So the crucial factor would be the analysis that the bullet was characterized with yaw at the time it struck?

Dr. OLIVIER. Yes.

Mr. SPECTER. Causing a larger wound of entry and a smaller wound of exit?

Dr. OLIVIER. Yes.

Mr. SPECTER. Now is there anything in the—

Dr. OLIVIER. Also at a reduced velocity because if it struck at considerable yaw at a high velocity as it could do if it hit something and deflected, it would have, it could make a larger wound of exit but it would have been even a more severe wound than we had here. It would have been very severe, could even amputate the wrist hitting at high velocity sideways. We have to say this bullet was characterized by an extreme amount of yaw and reduced velocity. How much reduced, I don't know, but considerably reduced.

Mr. SPECTER. Does the greater damage, inflicted on the wrist in 854 and 855 than that which was inflicted on Governor Connally's wrist, have any value as indicating whether Governor Connally's wrist was struck by a pristine bullet?

Dr. OLIVIER. No; because holding the velocity the same or similar the damage would be greater with a tumbling bullet than a pristine.

I think it reflects both instability and reduced velocity. You have to show the two. I mean, the size of the entrance and exit are very important. This shows that the thing was used when it struck. The fact that there was no more damage than was done by a tumbling bullet indicates the bullet at a reduced velocity. You have to put these two things together.

Mr. SPECTER. Had Governor Connally's wrist been struck with a pristine bullet without yaw, would more damage have been inflicted—

Dr. OLIVIER. Yes.

Mr. SPECTER. Than was inflicted on the Governor's wrist?

Dr. OLIVIER. Yes.

Mr. SPECTER. So then the lesser damage on the Governor's wrist in and of itself indicates in your opinion—

Dr. OLIVIER. That it wasn't struck by a pristine bullet; yes.

Mr. SPECTER. Are there any other conclusions which flow from the experiments which you conducted on the wrist?

Dr. OLIVIER. We concluded that it wasn't struck by a pristine bullet. Also drew the conclusion that it was struck by an unstable bullet, a bullet at a much

reduced velocity. The question that it brings up in my mind is if the same bullet that struck the wrist had passed through the Governor's chest, if the bullet that struck the Governor's chest had not hit anything else would it have been reduced low enough to do this, and I wonder, based on our work—it brings to mind the possibility the same bullet that struck the President striking the Governor would account for this more readily. I don't know, I don't think you can ever say this, but it is a very good possibility, I think more possible, more probable than not.

The CHAIRMAN. What is more probable than not, Doctor?

Dr. OLIVIER. In my mind at least, and I don't know the angles at which the things went or anything, it seems to me more probable that the bullet that hit the Governor's chest had already been slowed down somewhat, in order to lose enough velocity to strike his wrist and do no more damage than it did. I don't know how you would ever determine it exactly. I think the best approach is to find out the angles of flight, whether it is possible. But I have a feeling that it might have been.

The CHAIRMAN. It might have been?

Dr. OLIVIER. Yes.

The CHAIRMAN. The one that went through his chest went through his hand also.

Dr. OLIVIER. Yes; and also through the President.

The CHAIRMAN. The first shot?

Dr. OLIVIER. Well, I don't know whether the first or second. The first one could have missed. It could have been the second that hit both.

The CHAIRMAN. The one that went through his back and came out his trachea?

Dr. OLIVIER. It could have hit the Governor in the chest and went through because it had so little velocity after coming out of the wrist that it barely penetrated the thigh.

The CHAIRMAN. May I ask one more question? Would you think that the same bullet could have done all three of those things?

Dr. OLIVIER. That same bullet was capable.

The CHAIRMAN. Gone through the President's back as it did, gone through Governor Connally's chest as it did, and then through his hand as it did?

Dr. OLIVIER. It was certainly capable of doing all that.

The CHAIRMAN. It was capable?

Dr. OLIVIER. Yes.

The CHAIRMAN. The one shot?

Dr. OLIVIER. Yes.

Mr. SPECTER. Doctor Olivier, based on the descriptions of the wound on the Governor's back, what in your opinion was the characteristic of the bullet at the time it struck the Governor's back with respect to the course of its flight?

Dr. OLIVIER. Let's say from the size of the wound as described by the surgeon, it could have been tipped somewhat when it struck because that is a fairly large wound. Another thing that could have done it is the angle at which it hit. On the goat some of the wounds were larger than others. On the goat material some of the wounds were larger than others because of the angle at which it hit this material. The same thing could happen on the Governor's back.

Mr. SPECTER. And how was that wound described with respect to its size?

Dr. OLIVIER. The Governor's wound?

Mr. SPECTER. On the Governor's back?

Dr. OLIVIER. About 3 centimeters at its largest dimension.

Mr. SPECTER. And would you have any view as to which factor was more probable, as to whether it was a tangential strike on the Governor's back, or whether there was yaw in the bullet at the time it struck the Governor's back?

Dr. OLIVIER. I couldn't as far as being tangential. I couldn't answer that, not knowing the position of the Governor. But it could have been caused by a bullet yawing. I mean it would have made a larger wound, as that was.

Mr. SPECTER. Is there any other cause which could account for that type of a large wound on the Governor's back other than with the bullet yawing?

Dr. OLIVIER. With this particular bullet those would be the two probable causes of this wound of this size.

Mr. SPECTER. And those two probable causes are what?

Dr. OLIVIER. One, the bullet hitting not perpendicular to the surface of the Governor, in other words, hitting tangential at a slight angle on his back so that it came in cutting the skin. Another, the bullet hitting that wasn't perpendicular to the surface as it hit. The bullet did go along, the surgeon described the path as tangential but he is speaking of along the rib. It isn't clear it was, as it struck, whether it was a tangential shot or actually perpendicular to the Governor's back.

Mr. SPECTER. Permit me to add one additional factor which Dr. Shaw testified to during the course of the proceeding after he measured the angle of decline through the Governor; and Dr. Shaw testified that there was a 25° to 27° angle of declination measuring from front to back on the Governor, taking into account the position of the wound on the Governor's back and the position of the wound on the Governor's chest below the right nipple.

Now with that factor, added to those which you already know, would that enable you to form a conclusion as to whether the nature of the wound on the Governor's back was caused by yaw of the bullet or by a tangential strike?

Dr. OLIVIER. I don't think I would want to say. If I could have seen the Governor's wound, this would have been a help.

Mr. SPECTER. Would the damage done to the Governor's wrist indicate that a bullet which was fired approximately 160 to 250 feet away with the muzzle velocity of approximately 2,000 feet per second, would it indicate that the bullet was slowed up only by the passage through the Governor's body, in the way which you know, or would it indicate that there was some other factor which slowed up the bullet in addition?

Dr. OLIVIER. It would indicate there was some other factor that had slowed up the bullet in addition.

Mr. SPECTER. What is your reason for that conclusion, sir?

Dr. OLIVIER. The amount of damage alone; striking that end it would have caused more severe comminution as we found. You know—if it hadn't been slowed up in some other fashion. At that range it still had a striking velocity of 1,858 or in the vicinity of 1,800 feet per second, which is capable of doing more damage than was done to the Governor's wrist.

Mr. SPECTER. Had the same bullet which passed through the President, in the way heretofore described for the record, then struck the Governor as well, what effect would there have been in reducing its velocity as a result of that course?

Dr. OLIVIER. You say the bullet first struck the President. In coming out of the President's body it would have had a tendency to be slightly unstable. In striking the Governor it would have lost more velocity in his chest than if it had been a pristine bullet striking the Governor's chest, so it would have exited from the Governor's chest I would say at a considerably reduced velocity, probably with a good amount of yaw or tumbling, and this would account for the type of wound that the Governor did have in his wrist.

Mr. SPECTER. The approximate reduction in velocity on passage through the goat was what, Doctor?

Dr. OLIVIER. The average velocity loss in the seven cases we did was 82 feet per second.

Mr. SPECTER. If the bullet had passed through the President prior to the time it passed through the Governor, would you expect a larger loss than 82 feet per second resulting from the passage through the body of the Governor?

Dr. OLIVIER. I am not sure if I heard you correctly. This is if it hit the Governor without hitting the President or hitting the President first?

Mr. SPECTER. Let me rephrase it for you, Dr. Olivier.

Dr. OLIVIER. Yes; please.

Mr. SPECTER. You testified that the bullet lost 82 feet per second when it passed through the goat.

Dr. OLIVIER. Yes.

Mr. SPECTER. Now what would your expectations be as to the reduction in velocity on a bullet which passed through the Governor, assuming that it struck nothing first?

Dr. OLIVIER. It would be greater; the distance through the Governor's chest would have been greater.

Mr. SPECTER. Would that be an appreciable or approximately the same?

Dr. OLIVIER. Can I bring in any other figures? Dr. Dziemian has computed approximately what he thought it would have lost.

Mr. SPECTER. Yes, of course, if you have any other figure which would be helpful.

Dr. DZIEMIAN. I believe you misunderstood Mr. Specter. I think you gave the figure for the loss of velocity through the Governor's wrist instead of through his chest.

Dr. OLIVIER. I am sorry. We were on the wrist; okay.

Mr. SPECTER. Let me start again then. In an effort to draw some conclusion about the reduction in velocity through the Governor's chest, I am now going back and asking you what was the reduction in velocity of the bullet which passed through the goat?

Dr. OLIVIER. Yes; I did misunderstand you. I am sorry. The loss in velocity passing through the goat was 265 feet per second.

Mr. SPECTER. Now, would that be the approximate loss in velocity of a pristine bullet passing through the Governor?

Dr. OLIVIER. The loss would be somewhat greater.

Mr. SPECTER. How much greater in your opinion?

Dr. OLIVIER. Do you have that figure, Dr. Dziemian?

Dr. DZIEMIAN. I would say a pristine bullet of the Governor was about half again thicker. It would be about half again as great velocity, somewhere around 400.

Mr. SPECTER. Had the bullet passed through only the Governor, losing velocity of 400 feet per second, would you have expected that the damage inflicted on the Governor's wrist would have been about the same as that inflicted on Governor Connally or greater?

Dr. OLIVIER. My feeling is it would have been greater.

Mr. SPECTER. Had the bullet passed through the President and then struck Governor Connally, would it have lost velocity of 400 feet per second in passing through Governor Connally or more?

Dr. OLIVIER. It would have lost more.

Mr. SPECTER. What is the reason for that?

Dr. OLIVIER. The bullet after passing through, say a dense medium, then through air and then through another dense medium tends to be more unstable, based on our past work. It appears to be that it would have tumbled more readily and lost energy more rapidly. How much velocity it would have lost, I couldn't say, but it would have lost more.

Mr. SPECTER. Are there any indications from the internal wounds on Governor Connally as to whether or not the bullet which entered his body was an unstable bullet?

Dr. OLIVIER. The only thing that might give you an indication would be the skin wound of entrance, the type of rib fracture and all that I think could be accounted for by either type, because in our experiment we simulated, although not to as great a degree, the damage wasn't as severe, but I think it would be hard to say that.

One thing comes to my mind right now that might indicate it. There was a greater flattening of the bullet in our experiments than there was going through the Governor, which might indicate that it struck the rib which did the flattening at a lower velocity. This is only a thought.

Mr. SPECTER. It struck the rib of the Governor?

Dr. OLIVIER. It struck the rib of the Governor at a lower velocity because that bullet was less flattened than the bullet through the goat material.

Mr. SPECTER. Based on the nature of the wound inflicted on the Governor's wrist, and on the tests which you have conducted then, do you have an opinion as to which is more probable on whether the bullet passed through only the Governor's chest before striking his wrist, or passed through the President first and then the Governor's chest before striking the Governor's wrist?

Dr. OLIVIER. Will you say that again to make sure I have it?

Mr. SPECTER. [To the reporter.] Could you repeat that question, please? (The question was read by the reporter.)

Dr. OLIVIER. You couldn't say exactly at all. My feeling is that it would be

more probable that it passed through the President first. At least I think it is important to establish line of flight to try to determine it.

Mr. SPECTER. Aside from the lines of flight, based on the factors which were known to you from the medical point of view and from the tests which you conducted, what would be the reason for the feeling which you just expressed?

Dr. OLIVIER. Because I believe you would need that, I mean to account for the damage to the wrist, I don't think you would have gotten a low enough velocity upon reaching the wrist unless you had gone through the President's body first.

Mr. SPECTER. The President's body as well as the Governor's body?

Dr. OLIVIER. As well as the Governor's.

Mr. SPECTER. Does the nature of the wound which was inflicted on Governor Connally's thigh shed any light on this subject?

Dr. OLIVIER. This, to my mind, at least, merely indicates the bullet at this time was about spent. In talking with doctor, I believe it was Gregory, I don't think he did the operation on the thigh but at least he saw the wound, and he said it was about the size of an eraser on a lead pencil. This could be accounted for—and there was also this small fragment of bullet in this thigh wound—this, to me, indicates that this was a spent bullet that had gone through the wrist as the Governor was sitting there, went through the wrist into his thigh, just partly imbedded and then fell out and I believe this was the bullet that was found on the stretcher.

Mr. SPECTER. Would you have any opinion as to the velocity of that bullet at the time it struck the Governor's thigh?

Dr. OLIVIER. No. We didn't do any work to simulate this, but it would have been at a very low velocity just to have gone in that far and drop out again.

Mr. SPECTER. Dr. Olivier, in the regular course of your work for the U.S. Army, do you have occasion to perform tests on reconstructed human skulls to determine the effects of bullets on skulls?

Dr. OLIVIER. Yes; I do.

Mr. SPECTER. And did you have occasion to conduct such a test in connection with the series which you are now describing?

Dr. OLIVIER. Yes; I did.

Mr. SPECTER. And would you outline briefly the procedures for simulating the human skull?

Dr. OLIVIER. Human skulls, we take these human skulls and they are imbedded and filled with 20 percent gelatin. As I mentioned before, 20 percent gelatin is a pretty good simulant for body tissues.

They are in the moisture content. When I say 20 percent, it is 20 percent weight of the dry gelatin, 80 percent moisture.

The skull, the cranial cavity, is filled with this and the surface is coated with a gelatin and then it is trimmed down to approximate the thickness of the tissues overlying the skull, the soft tissues of the head.

Mr. SPECTER. And at what distance were these tests performed?

Dr. OLIVIER. These tests were performed at a distance of 90 yards.

Mr. SPECTER. And what gun was used?

Dr. OLIVIER. It was a 6.5 Mannlicher-Carcano that was marked Commission Exhibit 139.

Mr. SPECTER. What bullets were used?

Dr. OLIVIER. It was the 6.5 millimeter Mannlicher-Carcano Western ammunition lot 6,000.

Mr. SPECTER. What did that examination or test, rather, disclose?

Dr. OLIVIER. It disclosed that the type of head wounds that the President received could be done by this type of bullet. This surprised me very much, because this type of a stable bullet I didn't think would cause a massive head wound, I thought it would go through making a small entrance and exit, but the bones of the skull are enough to deform the end of this bullet causing it to expend a lot of energy and blowing out the side of the skull or blowing out fragments of the skull.

Mr. SPECTER. I now hand you a case containing bullet fragments marked Commission Exhibit 857 and ask if you have ever seen those fragments before.

Dr. OLIVIER. Yes, I have.

Mr. SPECTER. And under what circumstances have you viewed those before, please?

Dr. OLIVIER. There were, the two larger fragments were recovered outside of the skull in the cotton waste we were using to catch the fragments without deforming them. There are some smaller fragments in here that were obtained from the gelatin within the cranial cavity after the experiment. We melted the gelatin out and recovered the smallest fragments from within the cranial cavity.

Mr. SPECTER. Now, I show you two fragments designated as Commission Exhibits 567 and 579 heretofore identified as having been found on the front seat of the President's car on November 22, 1963, and ask you if you have had an opportunity to examine those before.

Dr. OLIVIER. Yes, I have.

Mr. SPECTER. And have you had an opportunity to compare those to the two fragments identified as Commission Exhibit 857?

Dr. OLIVIER. Yes, I have.

Mr. SPECTER. And what did that comparison show?

Dr. OLIVIER. They are quite similar. These two fragments on, what is the number?

Mr. SPECTER. 857.

Dr. OLIVIER. On 857 there isn't as much of the front part in this one, but in other respects they are very similar.

Mr. SPECTER. I now hand you a photograph marked Commission Exhibit 858 and ask you what that depicts.

Mr. DULLES. Could I see that other exhibit?

Dr. OLIVIER. These are the same fragments as marked 857.

Mr. SPECTER. That is a photograph of the fragments marked 857?

Dr. OLIVIER. 857.

Mr. SPECTER. I now hand you a photograph marked Commission Exhibit 859 and ask you what that depicts?

Dr. OLIVIER. These are the smaller fragments that have been labeled, also, Exhibit 857. This picture or some of the fragments labeled 857, these are the smaller fragments contained in the same box.

Mr. SPECTER. Are all of the fragments on 859 contained within 857?

Dr. OLIVIER. They are supposed to be, photographed and placed in the box. If they dropped out they are supposed to be all there.

(Discussion off the record.)

Mr. DULLES. Back on the record.

Mr. SPECTER. At what point on the skull did the bullet, which fragmented into Commission Exhibit 857, strike?

Dr. OLIVIER. I would have to see the picture. I mean I can't remember exactly what point. I can tell you the point we were aiming at and approximately where it hit.

Mr. SPECTER. Permit me to make available a photograph to you, then, for purposes of refreshing your recollection, and in testifying as to the point which was struck, for that purpose.

Dr. OLIVIER. We did 10 skulls so I can't remember offhand where everyone struck.

Mr. SPECTER. For that purpose I hand you Commission Exhibit 860 and ask you if that is designated in any way to identify it.

Mr. DULLES. This is the test we are talking about now, is it?

Mr. SPECTER. Yes, sir; where the bullet fragmented into pieces in 857.

Mr. DULLES. Are you introducing that into evidence?

Mr. SPECTER. Yes, sir.

Mr. DULLES. Have you already introduced it in the record?

Mr. SPECTER. May I at this point move for the admission into evidence of Commission Exhibits 844 through 860, and they have been identified in sequence as being the photographs, X-rays, and other tangible exhibits used in connection with these tests.

Mr. DULLES. They shall be admitted.

(The documents heretofore marked for identification as Commission Exhibits Nos. 844 through 860 were received in evidence.)

Dr. OLIVIER. This photograph is the skull that was shot with the bullet, the fragments which are marked 857.

Mr. SPECTER. At what point on the skull did the bullet strike?

Dr. OLIVIER. From this I couldn't tell you exactly the point. We were aiming, as described in the autopsy report if I remember correctly the point 2 centimeters to the right of the external occipital protuberance and slightly above it. We placed a mark on the skull at that point, according to the autopsy the bullet emerged through the superorbital process, so we drew a line to give us the line of flight, put unclipped goat hair over the back to simulate the scalp and put a mark on the area which we wished to shoot.

Now, every shot didn't strike exactly where we wanted, but they all struck in the back of the skull in the vicinity of our aiming point, some maybe slightly above the external occipital protuberance. In some cases very close to our aiming spot.

This particular skull blew out the right side in a manner very similar to the wounds of the President, and if I remember correctly, it was very close to the point at which we aimed.

In other words, a couple centimeters to the right.

Mr. SPECTER. Do you have any record which would be more specific on the point of entrance?

Dr. OLIVIER. Our notebook has all——

Mr. SPECTER. Will you refer to your notes, then?

Dr. OLIVIER. The notebook is in the safe in there in the briefcase.

Mr. SPECTER. Would you get the notebook and refer to it so we can be as specific as possible on this point.

Dr. OLIVIER. I have the location of that wound.

Mr. SPECTER. Would you give us then the precise location of the wound caused by bullet identified as 857?

Dr. OLIVIER. The entrance wound is 2.9 centimeters to the right and almost horizontal to the occipital protuberance. This is almost exactly where we were aiming. We were aiming 2 centimeters to the right.

Mr. SPECTER. I now hand you a photograph marked as Commission Exhibit 861, move its admission into evidence, and ask you to state what that depicts.

Dr. OLIVIER. This is the skull in question, the same one from which the fragments marked Exhibit 857 were recovered.

Mr. SPECTER. And what does that show as to damage done to the skull?

Dr. OLIVIER. It blew the whole side of the cranial cavity away.

Mr. SPECTER. How does that compare, then, with the damage inflicted on President Kennedy?

Dr. OLIVIER. Very similar. I think they stated the length of the defect, the missing skull was 13 centimeters if I remember correctly. This in this case it is greater, but you don't have the limiting scalp holding the pieces in so you would expect it to fly a little more but it is essentially a similar type wound.

Mr. SPECTER. Does the human scalp work to hold in the human skull in such circumstances to a greater extent than the simulated matters used?

Dr. OLIVIER. Yes; we take this into account.

Mr. SPECTER. I hand you Commission Exhibit 862, move its admission into evidence, and ask you what that depicts?

Dr. OLIVIER. This is the same skull. This is just looking at it from the front. You are looking at the exit. You can't see it here because the bone has been blown away, but the bullet exited somewhere around—we reconstructed the skull. In other words, it exited very close to the superorbital ridge, possibly below it.

Mr. SPECTER. Did you formulate any other conclusions or opinions based on the tests on firing at the skull?

Dr. OLIVIER. Well, let's see. We found that this bullet could do exactly—could make the type of wound that the President received.

Also, that the recovered fragments were very similar to the ones recovered on the front seat and on the floor of the car.

This, to me, indicates that those fragments did come from the bullet that wounded the President in the head.

Mr. SPECTER. And how do the two major fragments in 857 compare, then, with the fragments heretofore identified as 567 and 569?

Dr. OLIVIER. They are quite similar.

Mr. SPECTER. Do you have an opinion as to whether the wound on the Governor's wrist could have been caused by a fragment of a bullet coming off of the President's head?

Dr. OLIVIER. I don't believe so. Frankly, I don't know, but I don't believe so, because it expended so much energy in blowing the head apart and took a lot of energy that I doubt if they could have fractured the radius. The radius is a very strong, hard bone and I don't believe they could have done that much damage. I believe they could have caused a superficial laceration on someone or a mark on the windshield, but I don't believe they could have done that damage to the wrist.

Mr. DULLES. And it couldn't have then gone through the wrist into the thigh?

Dr. OLIVIER. I don't believe so.

Mr. SPECTER. Have you had an opportunity to examine a fragment identified as Commission Exhibit 842 which is the fragment taken from Governor Connally's wrist?

Dr. OLIVIER. Yes, I have.

Mr. SPECTER. Could that fragment have come from the bullet designated as Commission Exhibit 399?

Dr. OLIVIER. Yes, I believe it would have, I will add further I believe it could have because the core of the bullet extrudes through the back and would allow part of it to break off very readily.

Mr. SPECTER. Do you have an opinion as to whether, in fact, bullet 399 did cause the wound on the Governor's wrist, assuming if you will that it was the missile found on the Governor's stretcher at Parkland Hospital?

Dr. OLIVIER. I believe that it was. That is my feeling.

Mr. SPECTER. To be certain that the record is complete on the skull tests, would you again state the distance at which those tests were performed?

Dr. OLIVIER. Yes, the skulls—it was fired at the skulls at a range of 90 yards.

Mr. SPECTER. With what gun?

Dr. OLIVIER. The 6.5 mm. Carcano which was marked Commission Exhibit 139 and using Western ammunition lot 6,000, again the 6.5 mm. Mannlicher-Carcano.

Mr. SPECTER. Going to the results of the test on the cadavers, what was the average exit velocity?

Dr. OLIVIER. The average exit velocity on the wrist was 1,776 feet per second.

Mr. SPECTER. Had Governor Connally's wrist been struck with a pristine bullet and the bullet exited at that speed, what damage would have been inflicted had it then struck the area of the thigh which was struck on the Governor according to the Parkland Hospital records which you have said you have examined?

Dr. OLIVIER. It would have made a very severe wound.

Mr. SPECTER. Would it have been more severe than the one which was inflicted?

Dr. OLIVIER. Much more so.

Mr. SPECTER. Do you have anything to add, Dr. Olivier, which you think would be helpful to the Commission in any way?

Dr. OLIVIER. No; I don't believe so.

Mr. DULLES. I have no further questions.

Mr. SPECTER. That completes my questions, Mr. Dulles.

Mr. DULLES. Thank you very much. We appreciate very much your coming. (Discussion off the record.)

TESTIMONY OF DR. ARTHUR J. DZIEMIAN

Mr. SPECTER. Dr. Dziemian.

Mr. DULLES. Doctor, will you raise your right hand, please? Do you solemnly swear the testimony you give in this proceeding is the truth, the whole truth, and nothing but the truth, so help you God?

Dr. DZIEMIAN. Yes, sir.

Mr. SPECTER. Dr. Dziemian, as you know, the purpose of the proceeding is to question you concerning the experiments which were performed at Edgewood Arsenal which may shed light on the assassination of President Kennedy. With that brief statement of purpose, will you state your full name for the record, please?

Dr. DZIEMIAN. Arthur J. Dziemian.

Mr. SPECTER. What is your profession or occupation, sir?

Dr. DZIEMIAN. I am a physiologist at the U.S. Army Chemical Research and Development Laboratories, and am chief of the Biophysics Division.

Mr. SPECTER. Would you outline your educational background briefly, please?

Dr. DZIEMIAN. Yes; A.B. and Ph. D. from Princeton, Ph. D. in 1939. I was national research fellow at the University of Pennsylvania in the physiology department of the medical school and fellow in anatomy at Johns Hopkins University Medical School.

Mr. SPECTER. In a general way, what have your professional activities been since 1939?

Dr. DZIEMIAN. Since 1939?

Well, these fellowships that I had. Then I went to Edgewood Arsenal, was there for a few months and then went into the Army, was in the Army for 3 years, in the sanitary corps, officer in the sanitary corps, and then I returned to Edgewood Arsenal in 1947 and in 1947 I went into wound ballistics work and have been in it since 1947.

Mr. SPECTER. And how long have you been chief of the Biophysics Division?

Dr. DZIEMIAN. Since November of 1959.

Mr. DULLES. Where is this Biophysics Division?

Dr. DZIEMIAN. U.S. Army Chemical Research and Development Laboratories, Edgewood Arsenal, Md.

Mr. SPECTER. Would you describe in a general way the tests which are performed at the Edgewood Arsenal, please?

Dr. DZIEMIAN. Yes; well, our mission, the division's mission is to study the antipersonnel effects of munitions, including kinetic energy munitions, incendiary, and some chemical munitions.

Mr. SPECTER. Is it the regular function of your unit then to test the effects of bullet wounds on various parts of the human body?

Dr. DZIEMIAN. Yes; it is.

Mr. SPECTER. And does Dr. Olivier function under your direction in his capacity as chief of the Wounds Ballistics Branch?

Dr. DZIEMIAN. Yes; his branch is one of the branches of the Biophysics Division.

Mr. SPECTER. Have you been present today to hear the full testimony of Dr. Olivier?

Dr. DZIEMIAN. Yes; I have.

Mr. SPECTER. Were the tests which he described, performed under your general supervision and direction as his superior?

Dr. DZIEMIAN. Yes; they were.

Mr. SPECTER. As to the underlying facts which those tests disclosed, do you have any details to add as to results which you think would be helpful or significant for the Commission to know?

Dr. DZIEMIAN. Well, I think that Dr. Olivier described them pretty well on the whole, got all the details in.

Mr. SPECTER. Do you agree with the recitation of the detailed findings, then, as described by Dr. Olivier?

Dr. DZIEMIAN. I do, yes.

Mr. SPECTER. Then moving to the general topic of reconstructing the events in terms of what professional opinion you may have as to what actually occurred at Dallas, permit me to ask you some questions in terms of the known medical facts, and in the light of the results of this series of tests which you have performed. First of all, have you had access to the autopsy report on President Kennedy?

Dr. DZIEMIAN. Yes, I have.

Mr. SPECTER. And have you had access to the same general information described by Dr. Olivier on the wounds inflicted on Governor Connally?

Dr. DZIEMIAN. Yes, I have. I did not speak to the surgeons. I was not here at that time. My information on Dr. Connally's wounds—

Mr. DULLES. Governor Connally.

Dr. DZIEMIAN. Governor Connally, are from the reports and from discussions with Dr. Light or Dr. Olivier.

Mr. SPECTER. So that all of the information available to Dr. Light and Dr. Olivier obtained through consultations with Governor Connally's doctors, Dr. Shaw and Dr. Gregory, have been passed on to you? In addition, you have had access to the records of Parkland Hospital on Governor Connally's treatment there?

Dr. DZIEMIAN. That is right.

Mr. SPECTER. And have you had an opportunity to observe certain films known as the Zapruder films showing the assassination?

Dr. DZIEMIAN. No; I did not see those.

Mr. SPECTER. Have you had, then, brought to your attention the approximate distances involved from the situation here, to wit; that the shots were fired from a 6th floor window at a distance of approximately 160 to 250 feet at a moving vehicle, striking the Governor and the President at angles estimated from 25 to 45 degrees, the angle of impact on President Kennedy being given by the autopsy surgeon as a 45-degree angle of declination, and the angle on Governor Connally being described as 25 to 27 degrees?

Dr. DZIEMIAN. Yes, I did—

Mr. DULLES. You are speaking now of the first two wounds, aren't you?

Mr. SPECTER. Yes.

Mr. DULLES. You are not speaking now of the brain wound at all, are you?

Mr. SPECTER. Correct, Mr. Dulles. The wound that I am referring to on the President is the wound which entered the back of his neck and exited from the front part of his neck in accordance with the prior testimony of the doctors in the case.

Now, based on the tests which have been performed, and the other factors which I will ask you to assume, since you weren't present; for purposes of expressing an opinion, what is your opinion as to whether all of the wounds on Governor Connally were inflicted by one bullet?

Dr. DZIEMIAN. My opinion is that it is most probably so, that one bullet produced all the wounds on Governor Connally.

Mr. SPECTER. And what is your opinion as to whether the wound through President Kennedy's neck and all of the wounds on Governor Connally were produced by one bullet?

Dr. DZIEMIAN. I think the probability is very good that it is, that all the wounds were caused by one bullet.

Mr. SPECTER. When you say all the wounds, are you excluding from that the head wound on President Kennedy?

Dr. DZIEMIAN. I am excluding the head wound, yes.

Mr. SPECTER. And what is the reasoning behind your conclusion that one bullet caused the neck wound on President Kennedy and all of the other wounds on Governor Connally?

Dr. DZIEMIAN. I am saying that the probability is high that that was so.

Mr. SPECTER. What is the reason for your assessment of that high probability?

Dr. DZIEMIAN. The same reasons that Dr. Olivier gave, based on the same information, that especially the wound to the wrist. That higher velocity strike on the wrist would be caused by the bullet slowing down by going through all this tissue would cause more damage to the wrist and also more damage to the thigh.

Mr. SPECTER. Had the bullet only gone through Governor Connally's chest then, what is your opinion as to whether or not there would have been greater damage to the Governor's wrist?

Dr. DZIEMIAN. I think there would have been greater damage to the Governor's wrist, and also to the thigh from the information, from the experiments obtained by Dr. Olivier's group.

Mr. DULLES. Could I ask a question here? Does that take into account any

evidence as to the angle of fire and the relative positions of the two men, or excluding that?

Dr. DZIEMIAN. Excluding that. I do not know enough details about that to make an opinion on that. This is just on the basis of the velocities of the bullets.

Mr. SPECTER. Would the nature of the wounds on the Governor's wrist and thigh, then, be explained by the hypothesis that the bullet passed through the President first, then went through the Governor's chest before striking the wrist and in turn the thigh?

Dr. DZIEMIAN. I think that could be a good explanation.

Mr. SPECTER. What is your opinion as to whether or not a fragment of a bullet striking the President's head could have caused the wound to Governor Connally's wrist?

Dr. DZIEMIAN. I think it is unlikely.

Mr. SPECTER. What is your opinion as to whether or not Governor Connally's wrist wound could have been caused by a pristine bullet?

Dr. DZIEMIAN. That is unlikely, too. Our results with pristine bullets were very different from the wound that the Governor had.

Mr. SPECTER. Based on the description provided to you of the nature of the wound in the Governor's back, what is your opinion as to whether, or not, that was a pristine bullet or had yaw in it, just on the basis of the nature of the wound on the Governor's back?

Dr. DZIEMIAN. It could very well have yaw in it because of the rather large wound that was produced in the Governor's back. The wound from a nonyawing bullet could be considerably smaller.

Mr. SPECTER. For the record, would you define in lay terms what yaw means?

Dr. DZIEMIAN. It is the procession of the bullet. The bullet is wobbling on its axis, so that as it wobbles, it presents different presented areas to the target or to the air, and this changes the drag coefficient of the bullet. It will slow down the bullet more both in the air and in tissues, in the yawing.

Mr. SPECTER. What is the course of a bullet, then, which is a pristine bullet or the nature of the bullet immediately after coming out of the muzzle of a rifle before it strikes anything?

Dr. DZIEMIAN. A pristine bullet is normally stable. It does not wobble in the air. It presents the same presented area along most of its trajectory until it slows down, so that the drag coefficient in air or in the tissue of this type of bullet is less than the drag coefficient—

Mr. SPECTER. What do you mean by drag coefficient?

Dr. DZIEMIAN. It is a measurement of the resistance of the target material or the air to the bullet. The greater the drag coefficient, the more the resistance to the bullet, the more the bullet slows down within a given time.

Mr. SPECTER. So would a bullet with yaw cause a greater or lesser hole on the surface which it strikes than a bullet without yaw?

Dr. DZIEMIAN. It would normally cause a greater hole. It usually would have more presented area, that is more the surface of the bullet would hit the skin.

Mr. SPECTER. And would a bullet with yaw decrease in velocity to a greater, lesser, or the same extent as a bullet without yaw?

Dr. DZIEMIAN. It would decrease in velocity to a greater extent.

Mr. SPECTER. Whether it passed through air or—

Dr. DZIEMIAN. Or through tissue, and the important thing in tissue is that it transfers more energy to the target than would a nonyawing bullet.

Mr. SPECTER. Dr. Dziemian, Governor Connally testified that he experienced the sensation of a striking blow on his back which he described as being similar to a hard punch received from a doubled-up fist. Do you have an opinion as to whether that sensation would necessarily occur immediately upon impact of a wound such as that received by Governor Connally, or could there be a delayed reaction in sensing that feeling?

Dr. DZIEMIAN. I don't have too much of an opinion on that. All I can say is that some people are struck by bullets and do not even know they are hit. This happens in wartime. But I don't know about that.

Mr. SPECTER. So that it is possible in some situations there is some delay in reaction?

Dr. DZIEMIAN. I couldn't say.

Mr. SPECTER. Is it a highly individual matter as to the reaction of an individual on that subject?

Dr. DZIEMIAN. I don't know.

Mr. DULLES. But take a wound like the wrist wound of Governor Connally. He couldn't get that without knowing it, could he?

Dr. DZIEMIAN. I think he said that he didn't know he had a wrist wound until much later.

(Discussion off the record.)

Mr. SPECTER. I have no further questions of Dr. Dziemian, Commissioner Dulles.

Mr. DULLES. Thank you very much.

TESTIMONY OF DR. FREDERICK W. LIGHT, JR.

Mr. DULLES. Doctor, would you give your full name?

Dr. LIGHT. Frederick W. Light, Jr.

Mr. DULLES. Would you raise your right hand? Do you swear that the testimony that you will give before this Commission is the truth, the whole truth, so help you God?

Dr. LIGHT. I do.

Mr. SPECTER. Dr. Light, the purpose of asking you to appear today is to question you concerning the results of tests taken at the Edgewood Arsenal. With that brief statement of purpose, I will ask you to state your full name for the record, please.

Dr. LIGHT. Frederick W. Light, Jr.

Mr. SPECTER. What is your business or profession, sir?

Dr. LIGHT. I am a physician specializing in pathology.

Mr. SPECTER. What is your educational background?

Dr. LIGHT. I have an A.B. from Lafayette in 1926, M.D. from Johns Hopkins Medical School in 1930, and Ph. D. from Hopkins in 1948.

Mr. SPECTER. Would you outline your experience since 1933 in a very general way, please?

Dr. LIGHT. Well, in 1933 I was still at the Reading Hospital, resident in pathology. Between then and 1940 I was pathologist in Clarksburg, W. Va., and later in Springfield, Ill. In 1940 I returned to Johns Hopkins University to study mathematics for awhile.

Mr. DULLES. To study mathematics?

Dr. LIGHT. Yes. And then in 1952, or 1951, excuse me, I began working at Edgewood Arsenal where I am at the present time.

Mr. SPECTER. What have your duties consisted of while working at Edgewood Arsenal?

Dr. LIGHT. Primarily the study of pathology of wounding.

Mr. SPECTER. What is your formal title there now, Dr. Light?

Dr. LIGHT. I am chief of the Wound Assessment Branch and assistant chief of the Biophysics Division.

Mr. SPECTER. And what is your relationship to Dr. Olivier and Dr. Dziemian?

Dr. LIGHT. Dr. Dziemian is the chief of the division. Dr. Olivier is chief of one of the branches, and I am chief of one of the other branches.

Mr. SPECTER. Have you been present here today to hear the full testimony of Dr. Olivier?

Dr. LIGHT. Yes.

Mr. SPECTER. And were the tests which he described conducted under your joint supervision with Dr. Olivier?

Dr. LIGHT. Only a very general way. I wouldn't want to say I supervised him at all. We discussed what he was going to do.

Mr. SPECTER. Would it be more accurate to state that you coordinated with him in the tests which were under his general supervision?

Dr. LIGHT. Yes; that might be stretching it a bit even.

Mr. SPECTER. How would you characterize your participation?

Dr. LIGHT. Largely—originally Dr. Dziemian, as I recall, was ill, and by the

time we began to do these specific tests that you mention, Dr. Dziemian was back on the job again. So he took over whatever supervision was needed.

Mr. SPECTER. Were the tests which Dr. Olivier described made at the request of the President's Commission on the Assassination of President Kennedy?

Dr. LIGHT. Yes; they were.

Mr. SPECTER. Do you have anything to add by way of any detail to the findings reported by Dr. Olivier in his testimony here earlier today?

Dr. LIGHT. No; I think he covered it very thoroughly.

Mr. SPECTER. And as to the conclusions and opinions which he expressed, do you agree or disagree, to some extent, on his conclusions?

Dr. LIGHT. I agree in general at least. I am not quite so certain about some of the things, but generally I certainly agree with what he said.

Mr. DULLES. What are the things on which you are not quite so certain?

Dr. LIGHT. For example, I am not quite as sure in my mind as I believe he is that the bullet that struck the Governor was almost certainly one which had hit something else first. I believe it could have produced that wound even though it hadn't hit the President or any other person or object first.

Mr. DULLES. That is the wound, then, in the thigh?

Dr. LIGHT. No; in the chest.

Mr. DULLES. I was thinking that the wound in the thigh—let me start again. As I understand the previous testimony, Dr. Olivier would have expected the wound in the thigh to be more serious if it had not hit some object.

Dr. LIGHT. Yes.

Mr. DULLES. Prior to entering Governor Connally's body, but you feel that the wound in the thigh might be consistent?

Dr. LIGHT. The wound in the thigh is the terminal end, is the far end of the whole track. I don't believe that in passing through the tissue which was simulated by what Dr. Olivier described first, 13 or 14 centimeters of gelatin, I don't believe that the change in velocity introduced by the passage through that much tissue can be relied upon to make such a definite difference in the effect.

Mr. SPECTER. Do you believe that if the Governor had been struck by a pristine bullet which had gone through his chest, that it would have caused no more damage than which appeared on the Governor's chest?

Dr. LIGHT. I think that is possible; yes. I might say I think perhaps the best, the most likely thing is what everyone else has said so far, that the bullet did go through the President's neck and then through the chest and then through the wrist and then into the thigh.

Mr. SPECTER. You think that is the most likely possibility?

Dr. LIGHT. I think that is probably the most likely, but I base that not entirely on the anatomical findings but as much on the circumstances.

Mr. SPECTER. What are the circumstances which lead you to that conclusion?

Dr. LIGHT. The relative positions in the automobile of the President and the Governor.

Mr. SPECTER. Are there any other circumstances which contribute to that conclusion, other than the anatomical findings?

Dr. LIGHT. And the appearance of the bullet that was found and the place it was found, presumably, the bullet was the one which wounded the Governor.

Mr. SPECTER. The whole bullet?

Dr. LIGHT. The whole bullet.

Mr. SPECTER. Identified as Commission Exhibit No. 399?

Dr. LIGHT. Yes.

Mr. SPECTER. And what about that whole bullet leads you to believe that the one bullet caused the President's neck wound and all of the wounds on Governor Connally?

Dr. LIGHT. Nothing about that bullet. Mainly the position in which they are seated in the automobile.

Mr. SPECTER. So in addition to the—

Dr. LIGHT. And the fact that the bullet that passed through the President's body lost very little velocity since it passed through soft tissue, so that it would strike the Governor, if it did, with a velocity only, what was it, 100 feet per second, very little lower than it would have if it hadn't struck anything else

first. I am not sure, I didn't see, of course, none of us saw the wounds in the Governor in the fresh state or any other time, and I am not too convinced from the measurements and the descriptions that were given in the surgical reports and so on that the actual holes through the skin were unusually large.

Mr. SPECTER. Have you had access to the autopsy records?

Dr. LIGHT. Yes.

Mr. SPECTER. And have you had access to the reports of Parkland Hospital on the Governor's operations there?

Dr. LIGHT. Yes.

Mr. SPECTER. All three of them?

Dr. LIGHT. Yes.

Mr. SPECTER. And have you had an opportunity to view the films of the assassination commonly known as the Zapruder films?

Dr. LIGHT. Yes.

Mr. SPECTER. And the slides?

Dr. LIGHT. Yes.

Mr. SPECTER. And have you had an opportunity to talk to Dr. Shaw and Dr. Gregory who performed the thoracic and wrist operations on Governor Connally?

Dr. LIGHT. Yes.

Mr. SPECTER. And you heard Governor Connally's version yourself?

Dr. LIGHT. Yes; but not in—

Mr. SPECTER. Not in the Commission?

Dr. LIGHT. Not in the Commission session.

Mr. SPECTER. But at the time when the films were viewed by the Governor?

Dr. LIGHT. Yes; I did.

Mr. SPECTER. At the VFW building on the first floor?

Dr. LIGHT. Yes.

Mr. SPECTER. Focusing on a few of the specific considerations, do you believe that there would have been the same amount of damage done to the Governor's wrist had the pristine bullet only passed through the Governor's body without striking the President first?

Dr. LIGHT. I think that is possible; yes. It won't happen the same way twice in any case, so you have got a fairly wide range of things that can happen if a person is shot in more or less this way.

Mr. SPECTER. Do you think it is as likely that the damage would have been inflicted on the Governor's wrist as it was, with the bullet passing only through the Governor's chest as opposed to passing through the President's neck and the Governor's chest?

Dr. LIGHT. I think the difference in likelihood is negligible on that basis alone.

Mr. SPECTER. So the damage on the Governor's wrist would be equally consistent—

Dr. LIGHT. Equally consistent; yes.

Mr. SPECTER. With (A) passing only through the Governor's chest, or (B) passing through the President's neck and the Governor's chest?

Dr. LIGHT. Yes.

Mr. SPECTER. Now, as to the damage on the thigh, would the nature of that wound again be equally consistent with either going through (A) the President's neck, the Governor's chest, the Governor's wrist, and then into the thigh, or (B) only through the Governor's chest, the Governor's wrist and into the thigh?

Dr. LIGHT. I'd say equally consistent; yes.

Mr. SPECTER. And based on the descriptions which have been provided to you about the nature of the wound on the Governor's back, do you have an opinion as to whether the bullet was yawing or not at the time it struck the Governor's back?

Mr. LIGHT. No; I don't. That is really one of the points—

Mr. SPECTER. It would be either way?

Dr. LIGHT. Yes; I don't feel too certain that it was yawing. The measurements were not particularly precise as far as I could tell. You wouldn't expect them to be in an operating room. So I think it is difficult to be sure there that

the missile wasn't presenting nose on. It undoubtedly struck not at normal instance, that is to say it was a certain obliquity, just in the nature of the way the shoulder is built.

Mr. SPECTER. Then do you think based on only the anatomical findings and the results of the tests which Dr. Olivier has performed that the scales are in equipoise as to whether the bullet passed through the President first and then through the Governor or passed only through the Governor?

Dr. LIGHT. Yes; I would say I don't feel justified in drawing a conclusion one way or the other on that basis alone.

Mr. SPECTER. Do you have any preference of any sort?

Dr. LIGHT. Yes; I do, for other reasons.

Mr. SPECTER. But only for the other reasons?

Dr. LIGHT. As I mentioned, their positions in the automobile, the fact that if it wasn't the way—if one bullet didn't produce all of the wounds in both of the individuals, then that bullet ought to be somewhere, and hasn't been found. But those are not based on Dr. Olivier's tests nor are they based on the autopsy report or the surgeon's findings in my mind.

(Discussion off the record.)

Mr. DULLES. On the record.

Mr. SPECTER. Dr. Light, do you have an opinion as to whether or not the wound inflicted on Governor Connally's wrist could have been caused by a fragment which struck the President's head?

Dr. LIGHT. It is barely conceivable but I do not believe that that is the case.

Mr. SPECTER. You say barely?

Dr. LIGHT. Barely conceivable. I mean a fragment probably had enough velocity, it couldn't have produced that wound, in my mind, but it can't be ruled out with complete certainty.

Mr. SPECTER. Do you have anything to add which you think would be helpful to the Commission in any way?

Dr. LIGHT. I don't believe I do.

Mr. SPECTER. Those are all the questions I have, Commissioner Dulles.

Mr. DULLES. Thank you very much indeed. I express our appreciation. I didn't realize these tests were being carried out. I am very glad they have been. It is a very useful thing to do and very helpful to the Commission. Thank you very much. I want to thank all three of you doctors for having so fully cooperated in this matter, and I think that these tests that you have run have made a real contribution to the Commission's work.

(Whereupon, at 5:10 p.m., the President's Commission recessed.)

Thursday, May 14, 1964

TESTIMONY OF J. EDGAR HOOVER, JOHN A. McCONE, AND RICHARD M. HELMS

The President's Commission met at 9:15 a.m., on May 14, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Hale Boggs, Representative Gerald R. Ford, and Allen W. Dulles, members.

Also present were J. Lee Rankin, General Counsel; Norman Redlich, assistant counsel; Charles Murray and Walter Craig, observers; and Waggoner Carr, attorney general of Texas.

TESTIMONY OF J. EDGAR HOOVER

The CHAIRMAN. The Commission will be in order.

Director Hoover, will you please raise your right hand to be sworn, please. You solemnly swear the testimony you are about to give before the Commission

will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOOVER. I do.

The CHAIRMAN. Mr. Rankin will carry on the examination, Mr. Director.

Mr. RANKIN. Mr. Chief Justice, do you want to tell him briefly what our purpose is?

The CHAIRMAN. Oh, yes; it is our practice to make a brief statement before the testimony of each witness, and I will do it now.

Mr. Hoover will be asked to testify in regard to whether Lee H. Oswald was ever an agent, directly or indirectly, or an informer or acting on behalf of the Federal Bureau of Investigation in any capacity at any time, and whether he knows of any credible evidence of any conspiracy, either domestic or foreign, involved in the assassination of President Kennedy.

What he has to say about an article in the National Enquirer, Commission Exhibit No. 837, and concerning the failure to include the name and information concerning special agent Hosty in the initial report of the Oswald address book and any suggestions and recommendations he may have concerning improvements or changes in provisions for the protection of the President of the United States. Now, Mr. Rankin, you may proceed.

Mr. RANKIN. Mr. Hoover, will you state for the record your name and position?

Mr. HOOVER. J. Edgar Hoover, Director of the Federal Bureau of Investigation of the Department of Justice.

Mr. RANKIN. Where do you live, Mr. Hoover?

Mr. HOOVER. I live at 4936 30th Place, Northwest, Washington, D.C.

Mr. RANKIN. And you have been Director of the Bureau for some 40 years according to the newspapers?

Mr. HOOVER. That is correct; since 1924.

Mr. RANKIN. You have furnished us a considerable amount of information, Mr. Hoover, about whether or not Lee Harvey Oswald was ever an agent or acting for the Bureau in any capacity as informer or otherwise at any time. Are those statements correct?

Mr. HOOVER. They are correct. I can most emphatically say that at no time was he ever an employee of the Bureau in any capacity, either as an agent or as a special employee, or as an informant.

Mr. RANKIN. I call your particular attention to Exhibit 835, and suggest that you will find that that is your letter, together with your affidavit about this subject matter, and other matters that you furnished to us concerning this particular subject.

Mr. HOOVER. That is correct.

Mr. RANKIN. Do you wish to add anything?

Mr. HOOVER. No; there is nothing that I desire to add to what appears in this letter and my affidavit which accompanied it to the Commission.

Mr. RANKIN. You have provided many things to us in assisting the Commission in connection with this investigation and I assume, at least in a general way, you are familiar with the investigation of the assassination of President Kennedy, is that correct?

Mr. HOOVER. That is correct. When President Johnson returned to Washington he communicated with me within the first 24 hours, and asked the Bureau to pick up the investigation of the assassination because as you are aware, there is no Federal jurisdiction for such an investigation. It is not a Federal crime to kill or attack the President or the Vice President or any of the continuity of officers who would succeed to the Presidency.

However, the President has a right to request the Bureau to make special investigations, and in this instance he asked that this investigation be made. I immediately assigned a special force headed by the special agent in charge at Dallas, Tex., to initiate the investigation, and to get all details and facts concerning it, which we obtained, and then prepared a report which we submitted to the Attorney General for transmission to the President.

Mr. RANKIN. From your study of this entire matter of the assassination and work in connection with it, do you know of any credible evidence that has ever come to your attention that there was a conspiracy either foreign or domestic involved in the assassination?

Mr. HOOVER. I know of no substantial evidence of any type that would support any contention of that character. I have read all of the requests that have come to the Bureau from this Commission, and I have read and signed all the replies that have come to the Commission.

In addition, I have read many of the reports that our agents have made and I have been unable to find any scintilla of evidence showing any foreign conspiracy or any domestic conspiracy that culminated in the assassination of President Kennedy.

Representative FORD. May I ask this, Mr. Hoover. As I understand your testimony, it is based on the evidence that has been accumulated thus far?

Mr. HOOVER. That is correct, sir.

Representative FORD. Is the Federal Bureau of Investigation continuing its investigation of all possible ramifications of this assassination?

Mr. HOOVER. That is correct. We are receiving and we, I expect, will continue to receive for days or weeks to come, letters from individuals that normally would probably be in the category of what we would call crank letters in which various weird allegations are made or in which people have reported psychic vibrations. We are still running out letters of that character and in turn making a report to this Commission upon it, notwithstanding the fact that on the face of it the allegation is without any foundation. Individuals who could not have known any of the facts have made some very strange statements. There have been publications and books written, the contents of which have been absurd and without a scintilla of foundation of fact. I feel, from my experience in the Bureau, where we are in constant receipt over the years of these so-called crank letters, that such allegations will be going on possibly for some years to come.

I, personally, feel that any finding of the Commission will not be accepted by everybody, because there are bound to be some extremists who have very pronounced views, without any foundation for them, who will disagree violently with whatever findings the Commission makes. But I think it is essential that the FBI investigate the allegations that are received in the future so it can't be said that we had ignored them or that the case is closed and forgotten.

Representative FORD. Could you give us some idea of how many agents are currently working to one degree or another on any aspects of this case?

Mr. HOOVER. I would estimate, Congressman Ford, that there are at the present time at least 50 or 60 men giving their entire time to various aspects of the investigation, because while Dallas is the office of origin, investigation is required in auxiliary offices such as Los Angeles or San Francisco, and even in some foreign countries like Mexico. We have representatives in Mexico City.

At the outset of the investigation, following the assassination, it was the desire of the President to have this report completed by the Bureau just as quickly as possible, and as thoroughly as possible, and I would say we had about 150 men at that time working on the report in the field, and at Washington, D.C.

Now, all the reports that come in from the field are, of course, reviewed at Washington by the supervisor in charge of the case, and then in turn by the assistant director of the division, and then in turn by Mr. Belmont, who is the assistant to the Director.

Reports in which there is a controversial issue or where statements have been made of the existence of some particular thing that we have never heard of before, I myself, go over these to see that we haven't missed anything or haven't had any gap in the investigation so it can be tied down.

Recently the National Enquirer had a fantastic article in it as to the existence of a letter that had been written or a request that had been made by the Department of Justice to Chief Curry of the Dallas Police Department, to withhold arresting Rubinstein, or Ruby, and Oswald after the Oswald attempt on General Walker's life.

First, I had the agent in charge at Dallas interview Chief Curry and I have sent to the Commission a letter as to what Chief Curry had to say. He branded it as an entire lie—that he had never received any request of that kind. I had our files searched to be certain we had not written any such letter as that and found we had not. I requested the Department of Justice to advise me whether they had written any such letter and Mr. Katzenbach advises there is no ref-

erence in the Department files to the alleged letter from any Department of Justice official to Chief Curry nor any reference that an FBI official was asked to request the Dallas police not to arrest Oswald or Ruby. A letter is being sent to the Commission today setting forth this information.

Representative FORD. The point that I think ought to be made is that despite the magnitude of the effort that has been made by the FBI and by other agencies, and despite the tremendous effort that has been made, I believe, by the Commission to help and assist and to consolidate all of the evidence that we possibly could, that there is always the possibility at some future date that some evidence might come to the surface.

Mr. HOOVER. That is, of course, possible; yes.

Representative FORD. I want just to be sure that no leads, no evidence regardless of its credibility will be ignored, that it will be pursued by the Bureau or any other agency to make certain that it is good, bad or of no value.

Mr. HOOVER. Well, I can assure you so far as the FBI is concerned, the case will be continued in an open classification for all time. That is, any information coming to us or any report coming to us from any source will be thoroughly investigated, so that we will be able to either prove or disprove the allegation. We found in the course of our investigations that individuals have made statements. Yet, when we investigate they will frankly admit that the statement is an entire falsehood, or that they don't know why they wrote the letter or why they made the statement. But, nevertheless, we have the record and generally in those instances we try to get a signed statement from that individual so it can be made a part of the record.

Representative FORD. Under your authority from the President, the authority which gave you the FBI, the responsibility to conduct this investigation it is not an authority with a terminal point. It is an authority that goes on indefinitely?

Mr. HOOVER. Very definitely so. The President wanted a full and thorough investigation made of this matter, and we have tried to do so. As I have stated, I think we will continue to receive allegations. I think this will be a matter of controversy for years to come, just like the Lincoln assassination. There will be questions raised by individuals, either for publicity purposes or otherwise, that will raise some new angle or new aspect of it. I think we must, and certainly we intend in the FBI to continue to run down any such allegations or reports of that kind.

Representative BOGGS. Mr. Chairman.

The CHAIRMAN. Yes, Congressman Boggs.

Representative BOGGS. Mr. Hoover, I don't want any cover—to cover any ground which has been covered but I just have one or two questions. First, let me say that you and the Bureau have been very cooperative with this Commission.

Mr. HOOVER. Thank you.

Representative BOGGS. And tremendously helpful. I have been concerned about some of these wild press reports and concerned about what impact it may have ultimately on the history of this thing. For instance there is a man named Buchanan who has written a series of articles.

Mr. DULLES. A book now. A book is out; yes.

Representative BOGGS. A book now. I understand they have been widely circulated in the European press, and this man came here and was, as I got it from some other sources, he took in some people here, some American journalists, and I am told that this man has a Communist background, and in addition to that is a most unreliable person. He has made these allegations that the Dallas police force was involved in the assassination and so on.

Would you have any suggestions on how this Commission should deal with this sort of thing?

Mr. HOOVER. We have received a request from the Commission to review that book and to make a report upon any portions of it that can be contradicted or substantiated by actual facts or documents. I know Buchanan's background. He worked on the Washington Star and he was dismissed from the Washington Star because he was a member of the Communist Party. He spent much of his time in recent years in France writing for French newspapers. I have fol-

lowed the articles that he has written about this matter and they are what I would call "journalistic garbage." There is not a scintilla of truth to most of the things he has written in these articles and in his book which I have had a chance to scan but haven't actually reviewed yet. It is being reviewed by my research section. Some of the allegations are utterly fantastic. I often wonder where some of these individuals get such ideas and why they make such statements without foundation.

Now, he makes many wild charges there, and to read it, a person not knowing him, or his views, or his background, would be inclined to wonder. I think you are going to have that problem, as I say, for years to come. I don't know how you can handle individuals like him other than to have the record clear upon the facts of the case, and either substantiate or disprove his statements. I don't think too much time should be given to these individuals who have such unsavory backgrounds as Buchanan has and who makes statements that have been proved to be untrue. But, at the same time I think when a book like that comes out or an article of that type comes out that deals with the assassination of the late President, I think it should be gone into from an investigative point of view. We should then submit to this Commission, even after it has concluded its hearings, for record purposes, what we have found in each particular instance.

Representative Boggs. Now, on the other side of the fence——

Mr. DULLES. May I add one other thing just to interrupt. I wish you would add to your list a book called "The Red Roses of Dallas" by a man named Gun. He is a more reliable correspondent.

Mr. HOOVER. He is a Philadelphia correspondent.

Mr. DULLES. He has been living in this country since 1946. I have met him over here. Let's see, he was at Dallas at the time. He was then reporting, I think, for the Italian newspaper Epoca.

Mr. HOOVER. That is not the same one.

Mr. DULLES. He might have been lying. This book is full of lies. But I think it is a book that ought to be added, too, and I will see that a copy is sent to the Bureau.

Mr. HOOVER. I would appreciate that.

Representative Boggs. On the other side of the spectrum some professor out at the University of Illinois wrote a piece in which he alleged the President was a Communist agent, President Kennedy, and Buchanan's allegations are that the extreme right assassinated the President and this fellow's allegations are that the Communists assassinated the President. Would you care to comment? Have you read that piece?

Mr. HOOVER. I have read that piece. My comment on it is this in general: I think the extreme right is just as much a danger to the freedom of this country as the extreme left. There are groups, organizations, and individuals on the extreme right who make these very violent statements, allegations that General Eisenhower was a Communist, disparaging references to the Chief Justice and at the other end of the spectrum you have these leftists who make wild statements charging almost anybody with being a Fascist or belonging to some of these so-called extreme right societies. Now, I have felt, and I have said publicly in speeches, that they are just as much a danger, at either end of the spectrum. They don't deal with facts. Anybody who will allege that General Eisenhower was a Communist agent, has something wrong with him.

A lot of people read such allegations because I get some of the weirdest letters wanting to know whether we have inquired to find out whether that is true. I have known General Eisenhower quite well myself and I have found him to be a sound, level-headed man.

In New York City there is a woman by the name of Kraus who must be mentally deranged as she stands on a Broadway corner there handing out leaflets in which she charges me with being in the conspiracy with the Communists to overthrow this Government and so forth.

Well now, if any person has fought communism, I certainly have fought it. We have tried to fight it and expose it in democratic ways I think that is the thing we have to very definitely keep in mind in this whole problem in the

security of the President and the successor to office. Just how far you are going to go for his protection and his security. I don't think you can get absolute security without almost establishing a police state, and we don't want that. You can't put security in a black groove or a white groove. It is in a gray groove, and certain chances have to be taken. You are dealing with a human being when you are dealing with the President of the United States. President Johnson is a very down to earth human being, and it makes the security problem all the more difficult, but you can't bar him from the people.

There are certain things that can be done, and I submitted a memorandum to the Secret Service, and to the White House on certain security steps that might be taken and tightened up. But you are dealing with the general public and that is what has given me great concern in the recent expansion, of the criteria for dissemination that we adopted after the assassination.

Prior to that time we reported to the Secret Service all information that dealt with individuals who were potential killers or by whom acts of violence might be anticipated. The Secret Service would take that information and would do with it as they saw fit. I gave great consideration to it because I am not very happy with the criteria expansion, but I felt we had to include subversives of various character, and extremists. We have, in turn, furnished their names to the Secret Service. I think 5,000 names up to the present time already have been submitted and there are at least three or four thousand more that will be submitted within the next few months.

Then you come to the problem of what you are going to do when the Secret Service gets those names. They have to call upon the local authorities. Just recently, in the city of Chicago, when the President was there, the local authorities were asked to give assistance as they usually do to the Secret Service and they went to the homes of some of these people, and it resulted really almost in a house arrest.

Now, I don't think there is any place in this country for that kind of thing, but these people who belonged to extreme subversive organizations or organizations that advocated the overthrow of government by force and violence were told that they couldn't leave their house or if they did they would be accompanied by a police officer. That gives me great concern because in New York City alone, you run into maybe three or four thousand such individuals who would be members of subversive organizations, and then you get into the twilight zone of subversive fronts.

Now, there again, merely because a man belongs to a subversive front organization, in my estimation doesn't mean that he is blacklisted and is a menace to the country for life. If he belongs to 20 of them, it certainly shows either one of two things, he is either very gullible and dumb or he is a menace. That has been my attitude in regard to Government service where you find a Government employee who belonged to one or two, maybe in his early days. I don't believe this necessarily makes him a security risk. Rather, this would be dependent on the degree of his activity in the front group and his purpose and intent in associating himself with it. But where he has belonged to 15, 18, 20 of them, I don't think he has enough good judgment to be in the Government.

Some ministers get drawn into organizations, some of which are under the domination of the Communist Party. Now, those ministers don't know that. They are just as loyal and patriotic as you and I are, but they happen to belong. Now, that is where the question of human judgment has to be used. We try to use it in selecting these names. But I was startled when I learned of the incident in Chicago because there you come pretty close to a house arrest and we don't want that. We don't want a gestapo. We have to, I think, maintain an even balance.

I think it was very well expressed—

Mr. DULLES. May I ask you, Mr. Hoover, was this house arrest based on names you had furnished the Secret Service and they furnished the local authorities?

Mr. HOOVER. Yes, sir.

Representative BOGGS. That brings me back to the question I think I heard

Congressman Ford ask you as I came into the room, because I think this is the crux of our investigation.

I read the FBI report very carefully and the whole implication of the report is that, number one, Oswald shot the President; number two, that he was not connected with any conspiracy of any kind, nature or description.

Mr. HOOVER. Correct.

Representative BOGGS. Do you still subscribe to that?

Mr. HOOVER. I subscribe to it even more strongly today than I did at the time that the report was written. You see, the original idea was that there would be an investigation by the FBI and a report would be prepared in such form that it could be released to the public.

Representative BOGGS. Surely.

Mr. HOOVER. Then a few days later, after further consideration, the President decided to form a commission, which I think was very wise, because I feel that the report of any agency of Government investigating what might be some shortcomings on the part of other agencies of Government ought to be reviewed by an impartial group such as this Commission. And the more I have read these reports, the more I am convinced that Oswald was the man who fired the gun; and he fired three times, killed the President, and wounded Governor Connally.

And I also am further convinced that there is absolutely no association between Oswald or Ruby. There was no such evidence ever established.

Mr. DULLES. Or Oswald and anybody else? Would you go that far?

Mr. HOOVER. Anybody else who might be—

Mr. DULLES. In connection with the assassination?

Mr. HOOVER. Yes; I would certainly go that far. There was suspicion at first this might be a Castro act.

Representative BOGGS. Right.

Mr. HOOVER. We had information that had been obtained in Mexico City by another intelligence agency indicating there was a man who had seen a certain amount of money passed to Oswald at the Cuban Consulate. I think it was \$6,000 that was passed. We went into that very thoroughly. The man later retracted his statement and stated it was not true. He was asked whether he would take a lie detector test, and he did. The lie detector test showed that he was telling a lie.

As to the lie detector, I do want to make this comment on it. I have always held to the opinion that it is not a perfect piece of machinery. It is an interpretation made by human beings of what the machine, the polygraph, shows. I would never want to convict or to send to the penitentiary any person solely on the evidence of the lie detector. It is a contribution in an investigation, a more or less psychological contribution.

But I have seen individuals who have failed the lie detector test and who were just as innocent as they could be. That particular lead in Mexico City was completely disproved; there was no foundation for it.

We found no associations between Oswald and Ruby. There has been a story printed that Ruby and Oswald worked together and were close friends.

There was no evidence, there was never any indication that we could find that Oswald had ever been in Ruby's nightclub or had had any association with him.

Ruby comes from Chicago, he was on the fringe of what you might call the elements of the underworld there. He came to Dallas, opened up the nightclub and it was a place where, certainly not the better class of people went, but it wasn't any so-called "joint," to use the vernacular. It was just another nightclub. So far as we have been able to establish there was no relationship or contact between Oswald and Ruby or anyone else allegedly involved in this assassination.

Representative BOGGS. The FBI interviewed practically everybody who ever associated with Oswald?

Mr. HOOVER. It did.

Representative BOGGS. You didn't find any indication of why anyone should even suspect that Oswald would do this, did you?

Mr. HOOVER. We found no indication at all that Oswald was a man addicted to violence. The first indication of an act of violence came after he, Oswald, had been killed, and Mrs. Oswald told us about the attempt on General Walker's life by Oswald. No one had known a thing about that.

I think in the Enquirer article there is reference to the fact that the Dallas Police knew or suspected Oswald of possibly being a party to the shooting into the house of General Walker. Chief Curry specifically denies that. There was no connection of that kind and there was no evidence that Oswald had any streak of violence.

We went back into his Marine Corps record. He was a "loner." He didn't have many friends. He kept to himself, and when he went abroad, he defected to Russia. The first evidence we had of him in our file was a statement to the press in Moscow. And then later, about 22 months later, he returned to the Embassy there and according to the report of the Embassy we have and which the Commission has been furnished, the Embassy gave him a clean bill. He had seen the error of his ways and disliked the Soviet atmosphere, et cetera, and they, therefore, cleared him, paid his way and paid his wife's way to come back to this country.

At no time, other than the so-called street disturbance in New Orleans, was there any indication that he might be a fighter. Well, in that particular instance he was handing out leaflets that he printed for the Fair Play for Cuba Committee, and some of the anti-Castro forces, we have several thousand of them in New Orleans alone, happened to see him and they moved in on him and immediately the police moved in and arrested him. I believe they fined him \$10 for disorderly conduct. There was no evidence in the place where he was employed in Dallas of acts of violence or temper or anything of that kind on his part.

Representative Boggs. You have spent your life studying criminology and violence and subversion. Would you care to speculate on what may have motivated the man? I know it would be just speculation.

Mr. HOOVER. My speculation, Mr. Boggs, is that this man was no doubt a dedicated Communist. He prefers to call himself a Marxist, but there you get into the field of semantics. He was a Communist, he sympathized thoroughly with the Communist cause.

I don't believe now, as I look back on it, that he ever changed his views when he asked to come back to this country. I personally feel that when he went to the American Embassy in Moscow originally to renounce his citizenship he should have been able right then and there to sign the renouncement. He never could have gotten back here. I think that should apply to almost all defectors who want to defect and become a part of a system of government that is entirely foreign to ours. If they have that desire, they have that right, but if they indicate a desire for it, let them renounce their citizenship at once.

That was not done. He stayed in Moscow awhile and he went to Minsk where he worked. There was no indication of any difficulty, personally on his part there, but I haven't the slightest doubt that he was a dedicated Communist.

There has been some question raised which cannot be resolved, because Oswald is dead, as to whether he was trying to kill the President or trying to kill the Governor. He had had some correspondence with the Governor as to the form of his discharge from the Marine Corps. It was not a dishonorable discharge, but a discharge less than honorable after he defected.

Governor Connally had left the Navy Department, and was back in Texas as Governor. Oswald may have had his anger or his animosity against the Governor, but no one can say definitely—that is mere speculation, no one can tell that, because the gun and the sighting of the gun was directed at the car.

Now, first, it was thought that the President had been shot through the throat that is what the doctors at the Parkland Hospital felt when he was brought in.

If that had been true, the shot would have had to come from the overpass. But as soon as the body arrived in Washington, the doctors at Bethesda Hospital performed the autopsy and it was then determined definitely from their point of view that he had been shot from the rear, and that portions of the skull had been practically shot off. There was no question but that the gun and the telescopic lens could pinpoint the President perfectly. The car was moving

slowly. It wasn't going at a high rate of speed, so that he had perfect opportunity to do it.

Now, some people have raised the question: Why didn't he shoot the President as the car came toward the storehouse where he was working?

The reason for that is, I think, the fact there were some trees between his window on the sixth floor and the cars as they turned and went through the park. So he waited until the car got out from under the trees, and the limbs, and then he had a perfectly clear view of the occupants of the car, and I think he took aim, either on the President or Connally, and I personally believe it was the President in view of the twisted mentality the man had.

But he had given no indication of that—we had interviewed him, I think, three times. Of course, our interviews were predicated to find out whether he had been recruited by the Russian intelligence service, because they frequently do that.

Representative Boggs. And had he been?

Mr. Hoover. He had not been, so he said, and we have no proof that he was. He had been over there long enough but they never gave him citizenship in Russia at all. I think they probably looked upon him more as a kind of a queer sort of individual and they didn't trust him too strongly.

But just the day before yesterday information came to me indicating that there is an espionage training school outside of Minsk—I don't know whether it is true—and that he was trained at that school to come back to this country to become what they call a "sleeper," that is a man who will remain dormant for 3 or 4 years and in case of international hostilities rise up and be used.

I don't know of any espionage school at Minsk or near Minsk, and I don't know how you could find out if there ever was one because the Russians won't tell you if you asked them.

They do have espionage and sabotage schools in Russia and they do have an assassination squad that is used by them but there is no indication he had any association with anything of that kind.

Representative Boggs. Now we have some people, including this man's mother, talk about Oswald having been an agent of the Government of the United States. I think his mother mentioned the CIA; she has made these statements publicly for money, apparently.

Mr. Hoover. Yes; she has.

Representative Boggs. Just for the purpose of the record, I think it would be well if you would comment on that, Mr. Director.

Mr. Hoover. Of course, we have interviewed his mother and his wife, and all his relatives, and everybody that he is known to have associated with. His mother I would put in a category of being emotionally unstable. She has been around the country making speeches, and the first indication of her emotional instability was the retaining of a lawyer that anyone would not have retained if they really were serious in trying to get down to the facts. But she has been in New York City; she has been in Chicago; I think other parts of the country, always speaking for money.

Now, that kind of an individual is the type we have seen over the years, who will say almost anything to draw a crowd. Just to be able to say something sensational. Many times we have gone out to such people and asked them specifically, "Now, what is your basis for this?" And they will say, "Well, I just had a feeling that that was true, so I said it."

She has never made that statement to us, but we have many other instances where that kind of statement is made. They don't have the legal evidence that you must have if you are going to take any positive action. I would put very little credence in anything that his mother said.

I think his wife was a far more reliable person in statements that she made, so far as we were able to ascertain, than his mother. I think the mother had in mind, naturally, the fact she wanted to clear her son's name, which was a natural instinct, but more importantly she was going to see how much money she could make, and I believe she has made a substantial sum.

Representative Boggs. And the allegations she has made about this man being an agent either of the CIA or the FBI are false?

Mr. Hoover. Well, I can certainly speak for the FBI that it is false, and I

have discussed the matter, naturally, with Mr. McCone, the Director of CIA, and he, of course, will no doubt appear himself, but there is no indication at all that he was employed by them. We frequently get that kind of a story from individuals who, when they get into some kind of difficulty, will claim they were working for the CIA or they were working for the FBI.

Representative Boggs. Surely.

Mr. HOOVER. Now, no one can work for the FBI without the approval being given at Washington and a record kept of it, even of the confidential informants. That is very tightly controlled. We have no so-called lump sum that we can use to hire people. So there has to be a voucher and specific details of payment. And I know at no time was he an informant or agent or a special employee or working in any capacity for the FBI.

As to the interviews we had with him in which he gave us some information, some of it was not the truth, but this was not particularly significant. The interviews we had with him I would not term as talking with an informant. He was interviewed while under arrest by the New Orleans police, and then after he had committed this act of assassination we interviewed him in police headquarters in Dallas. But they were the only contacts we had, I think four contacts altogether, and he received no money of any kind, no promise of any kind, and there was no indication that he was rendering assistance to the U.S. Government. We looked upon him as a criminal after the assassination, of course, and prior to that time we looked upon him as an individual who we suspected might become an agent of the Soviet government. There was no proof of that, and we checked him carefully.

We knew of his contact with the Soviet Embassy here at Washington, his contact with the Fair Play for Cuba Committee in New York, and his contact with the Worker publication in New York. And none of those contacts gave any indication of any tendency to commit violence.

There are many people who read the Daily Worker, or what is now the Worker, and you certainly can't brand them as hazards to the security of the country or as potential assassins. It is in that area that I am particularly concerned that we don't become hysterical and go too far in restricting the citizens of our country from exercising their civil and constitutional rights. The mere fact a person disagrees with you in a matter on communism doesn't mean he should be arrested. Many Communists make very violent speeches, and we know them, but I don't feel that the time has come that they should be arrested. If they have violated the laws of the United States, we will, then, proceed with prosecution, and the cases can then go through the courts. Such cases last for years before they get to the Supreme Court, and even then such cases often start over on some legal angle. But, all in all, I think that the enforcement of security and the enforcement of laws dealing with subversion ought to be handled in the American manner.

I am criticized by the extreme right for that. They put me in the category, I guess, along with General Eisenhower. But the extreme left criticizes me, saying I believe that any person who has on a red necktie may be addicted to communism, and, therefore, is a great danger. That is why I say the extremists at both ends are bad, and I have repeated that several times publicly.

Representative Boggs. No doubt about the problem being a difficult one. I remember some years back when these fanatics started shooting up the House of Representatives.

Mr. HOOVER. I recall that.

Representative Boggs. I happened to be there on the occasion and there were many suggestions that we build a bulletproof glass enclosure around the Members of Congress and so on. Of course, all of us rejected those ideas because it would be totally incompatible with our democratic institutions and this, obviously, becomes a problem in the security of the President; that is what you are telling us, isn't it?

Mr. HOOVER. That is the great problem. We have participated in the protection of the President since the assassination. The Secret Service indicates how many agents it needs when the President is traveling somewhere or going somewhere in Washington, and then I assign that number of agents to the Secret Service. They are not under my direction. They are under the direction

of the Secret Service because under law they are charged with the protection of the President. We have never done that before, but I felt that it was something we must do if the Secret Service desired it. Sometimes, such as at the funeral of the late President Kennedy, the procession walked up Connecticut Avenue, which created a very, very grave security problem because they were walking with these tall buildings on either side. As I recall, we had the responsibility for the Cathedral, and we had 43 agents in the Cathedral during the services. I was more concerned about these tall buildings, because all the small buildings have been torn down along Connecticut Avenue, and there were about six or seven blocks to walk. Not only the high officials of this Government, including the President, but the Queen of Greece, General de Gaulle, Emperor Haile Selassie, and many Prime Ministers were present. They were a perfect target for someone in some window.

Now, you can't empty these buildings. It is impossible to do that, because you can't go to the Mayflower Hotel and say all front rooms must be vacated. Other office buildings are there, even taller than the Mayflower, and you can't make them keep everybody out of the front offices because then you get into a police state.

The Secret Service does try to check to find out who have these various offices. We also check so if there is anything in our files on those individuals the Secret Service is at once advised. When the President goes to a banquet or a social occasion, all of the employees in the hotel, the cooks, waiters, and busboys, and so forth, are all checked by Secret Service to be certain there is no one with a background that would indicate a hazard to the President. But that is as far as I think you can go. You can't put in a whole new staff of waiters and you can't make people move out. People going to a Presidential function are generally invited by card or by list, and that is very carefully checked at the entrance by the Secret Service.

We suggested a few more things that possibly could be done, and some of which I have doubts about. You speak about this matter of glass around the galleries in the House. One of the suggestions that we made was that there be bulletproof glass in front of the President's lectern. In my own mind, I question whether that is wise. Knowing this President as this President is, he wants to get close to the audience; he wants to reach over and shake hands with people. That concerns me because you never know when an emotionally unstable person may be in that crowd. As you noted, he has frequently brought groups into the White House gardens and walked around with people he didn't know. I know the Secret Service people are concerned about it. I am concerned about it.

President Truman last week expressed his concern that the President was taking unnecessary chances.

But the governmental agency having the responsibility for guarding him, the Secret Service, has a natural hesitancy to say, "You can't do this."

Representative Boggs. Of course, for the record, President Kennedy had the same difficulty.

Mr. Hoover. That is right. It was best expressed at Parkland Hospital. One of President Kennedy's staff made the statement that the whole fault in this matter was that, in the choice between politics and security, politics was chosen. That is exactly what happened. It was an open car. I am thoroughly opposed to the President riding in an open car.

They did not have any armored car in the Secret Service at that time. I have now sent one of our armored cars over for the President, but it is a closed limousine. But on occasion, such as at Gettysburg and Atlanta the other day, the President got out of the armored car which had been flown there for his use, and commandeered the car of the Secret Service which is wide open, so he could wave and see the people. Now, that is a great hazard. I think he should always be in an armored car that is closed, that can't have the top put down. But as you recall, President Kennedy had the bubble top off of the car that he was in. It was not armored and the bubble top was made of plastic so a bullet could have gone through it very easily.

Representative Ford. Mr. Hoover, you have categorically testified that the

FBI never at any time had Oswald as an agent, as an informant, or in any other way.

Mr. HOOVER. That is correct. I couldn't make it more emphatic.

Representative FORD. And Mr. Belmont testified to the same last week when he was before us.

Mr. HOOVER. Yes, sir.

Representative FORD. Both you and he would be fully familiar with all of the records of the FBI in this regard?

Mr. HOOVER. We would, and we would not only be fully familiar with it because while Mr. Belmont is in charge of the Investigative Branch of the Bureau—we have two assistants to the Director, one in charge of administrative work and the other in charge of investigative work—we have also checked the administrative records where vouchers or payments would have been made and there is no indication that any money was ever paid to Oswald. We have obtained, and they are on file with the Commission, the affidavits of the agents, who at various times were in contact with Oswald, to the effect that he was not an informant; that they had never paid him anything; that he was being questioned as to possible recruitment by the Soviet intelligence; so there was no evidence at any time indicating employment by the FBI.

Representative FORD. And you were not under any limitation or restriction from any other authority in this regard?

Mr. HOOVER. Absolutely not. I have the entire control of whether a man shall be an informant or shall not be an informant. That comes under my chain of command from the local office which has the matter at hand. They can't just put on an informant without our approval. The recommendation on security informants comes to the Bureau; it goes through the Assistant Director of the Domestic Intelligence Division, and, in significant cases, goes to Mr. Belmont, and then to my desk for my specific approval. So I, or my seat-of-government staff, have to approve every one of those who are used as informants in all classes of cases, not only in intelligence cases but in white-slave cases, automobile thefts, and all of these cases.

Representative FORD. There is no limitation on what you can tell us about this situation?

Mr. HOOVER. None whatsoever.

Representative FORD. No limitation; no restrictions?

Mr. HOOVER. No restriction. So far as the record of vouchers in the Bureau are concerned, they are open to the inspection of this Commission at any time going back as far as you may want to go.

Senator COOPER. May I ask just one question there? I think you have answered it, but in your examination of this aspect as to whether or not Oswald was an informer or employee or held any relationship to the FBI, you, yourself, have looked into all of the means you have of determining that fact when you make the statement to us?

Mr. HOOVER. I have personally looked into that for two reasons: Because the President asked me personally to take charge of this investigation and to direct it, and I knew that the report ultimately would be made to him. For that reason I became familiar with every step and every action that was taken. Then when the allegation was made by someone—I think it was the mother of Oswald first, if I recall correctly—that he was employed by some Government agency, the CIA, or FBI, and maybe both, I insisted upon a check being made and any record showing any indication of that being brought to me. When they could find none, I then asked for affidavits from the field force that had dealt with Oswald as to whether they had hired him or paid him anything or given him anything, and the affidavits are on file here that they had not.

Senator COOPER. I think you have said there is no sum available to the FBI which would enable these men, these agents, to employ him out of any funds that are made available to them.

Mr. HOOVER. Oh, no; it must be done by voucher, and those vouchers are examined by the General Accounting Office every year or so. We have no lump sum in the field offices for employment of informants as such which is not supported by vouchers.

Senator COOPER. I have just about two questions, I may have to go in a few

minutes to the Senate. I would like to direct your attention to that period of time when Oswald was a defector, beginning when he left the United States and when he returned.

Mr. HOOVER. Yes, sir.

Senator COOPER. During that period, did the FBI have any jurisdiction over intelligence regarding him, or any capacity to know?

Mr. HOOVER. While he was in Russia?

Senator COOPER. Yes.

Mr. HOOVER. No; we did not. We were interested in knowing what he might say in Russia that appeared in the press. That was our first intimation that this man had defected, when we read it in a newspaper article. We were, of course, interested in knowing when he would return or if he would return. We had no jurisdiction as to what he was doing in Russia after he had gone there.

Senator COOPER. As I understand it, you had no capacity at that time to follow his activities?

Mr. HOOVER. That is true. We have no agents in Russia. Foreign intelligence is handled by the Central Intelligence Agency, and our responsibility is domestic. We work very closely together.

Senator COOPER. Have you had the jurisdiction since the assassination or the occasion to examine persons connected with the State Department concerning the activities of Oswald in Russia?

Mr. HOOVER. Well—

Senator COOPER. Would that be a matter for some other agency?

Mr. HOOVER. That could be a matter for CIA or for us after Oswald had returned here.

Senator COOPER. Yes.

Mr. HOOVER. Then he becomes a civilian in the country here. Now, there is what we call a delimitation agreement among the Government intelligence agencies. For instance, the military branches of the Government have their own intelligence services and they handle all military deviations in regard to espionage or things of that kind. If they want our assistance and ask for it we, of course, will always cooperate. In regard to CIA, there are many cases which CIA and the FBI work jointly on, of individuals that may have been recruited over in Europe by the CIA, not by us, because we don't have authority to do that abroad, but when that man comes to this country, the best ends of intelligence are served by having the two agencies work very closely together, conduct joint interviews, and exchange information very, very freely. That has been going on ever since I can recall CIA being existence.

Mr. DULLES. I would like to testify to the fact that that cooperation existed during the whole period I was Director, and I am sure it has continued now with great cooperation on both sides.

Mr. HOOVER. It is a very necessary thing, because the intelligence agency of many of these foreign countries will cover the whole world and the country itself. Whereas in this country you have separate agencies covering espionage activities. CIA covers the foreign activity, and the FBI the domestic activities, and they must be interlocking. An espionage agent of the Soviet Government can arrive in New York today by plane from Paris and he can be in Mexico City tomorrow. Then, CIA would pick him up there. We would not pick him up there. We would watch him while in this country, but as soon as he takes that plane and leaves the United States CIA moves in on him. If he comes back to the United States, we move in on him. Therefore, we have a very close liaison.

As a matter of fact, what we have done in government agencies is to have a liaison agent in our Bureau assigned to contact CIA, the Pentagon, State Department, and various other agencies to cut out the red tape of writing letters back and forth. In order to orally relay information which has come to his attention, our representative can immediately phone it over to the FBI, and if there is need, for instance, to meet a plane coming in to New York or a boat that is docking at New York, it is all accomplished within a matter of 45 minutes or an hour.

If you went through this letter-writing process and the paper war that goes on so often in the Government it might take a week or 10 days.

The FBI does have 10 legal attaches attached to 10 embassies abroad. Their purpose is not operational. They don't investigate in those countries any matters that have to be investigated. That, if it is to be done, is handled by CIA. Our purpose in being there is to maintain liaison with our opposite number such as the Surete Nationale in France and with the national police in the Philippines, to exchange information that is vital to our internal security, and also vital to the internal security of the other country.

Senator COOPER. May I ask one other question?

Is there any, considering the number of defectors in the United States to Communist countries, which cannot be large, I would assume——

Mr. HOOVER. I think there are about 36.

Senator COOPER. Which would indicate, I would think either a lack of reliability on their part and stability or beyond that a dedicated purpose to become Communists, then upon their return, wouldn't it seem to you they should be given some special attention?

Mr. HOOVER. We have now——

Senator COOPER. To determine whether they are a risk to become Soviet or Communist espionage agents or in fact become dangerous?

Mr. HOOVER. We have taken steps to plug that gap.

Prior to the assassination of the President, a defector, before he came back was always cleared for return by a representative of the State Department or the military abroad. When he came back we immediately interviewed him if he was a civilian. It had to be done promptly to determine whether he could be a potential intelligence agent.

Now, in December of last year, following the assassination, we expanded the criteria of what should be furnished to the Secret Service, and all defectors automatically go on the list to be furnished to the Secret Service.

There are 36 defectors that we know of in this country who have been under investigation. Some of those men may have changed their views sincerely. Some of them may not have. But as a matter of general precaution, as a result of the Oswald situation, we are seeing that all go to the Secret Service.

Mr. DULLES. That includes military defectors, does it not?

Mr. HOOVER. Military defectors and defectors from any private agency, after they return to the U.S. and become civilians. Some have defected to China, to the satellite nations and to Russia.

Senator COOPER. Just one other question, because I have to go.

In the course of this investigation, as you know so well, there have been a number identified who were very close, at least to Mrs. Oswald, and a few, I can't say that were close to Oswald yet they had association with him, such as the man who drove him back and forth, Mrs. Paine, with whom Mrs. Oswald lived, and others, has there been any credible, I won't say credible because if you had you would have presented it to us in your report, has there been any claims by persons that these people are in any way related to the Communist Party?

Mr. HOOVER. We have had no credible evidence that they have been related to the Communist Party in this country.

Now, as to Mrs. Oswald, the wife of Oswald, there is no way of knowing whether she belonged to the Russian Communist Party in Russia. She is a rather intelligent woman, and notwithstanding that you have to talk with her through an interpreter, we have had no indication of her association with Communists in this country, nor have any of her close friends or relatives.

As to his mother, we found no indication she is associated or closely associated with the Communists. She is the only one of the group that we have come in contact with that I would say is somewhat emotionally unstable. Our agents have interviewed her. She sometimes gets very angry and she won't answer questions. As to the rest of the group who had been friends of his, or worked with him in the Texas School Book Depository, none of them have indicated any Communist associations of any kind.

Senator COOPER. Thank you.

Mr. HOOVER. Thank you.

Mr. RANKIN. Mr. Hoover, I hand you Exhibit 863 and ask you to examine that and state whether or not that is the letter that you referred to in which you answered questions of the Commission concerning the National Enquirer magazine or newspaper?

Mr. HOOVER. This letter of May 8 addressed to the Commission is the letter that dealt with our interview with Chief Curry and was predicated upon the article which appeared in the National Enquirer of May 17, 1964.

Mr. RANKIN. I ask you if you would care to add anything to that letter except what you have already testified to?

Mr. HOOVER. No; I have nothing to add to that. Chief Curry was very specific, I am told by my agent in charge at Dallas, that this article is an absolute lie; that none of these things set forth in the article occurred; that he received no phone call or any request of any kind oral or by phone or in writing from the Department of Justice or from the FBI. As I stated earlier, the report from the Department of Justice indicated that they made no request.

Mr. RANKIN. Mr. Chairman, I offer in evidence Exhibit 863, being the letter just referred to.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 863 for identification and received in evidence.)

Mr. RANKIN. Mr. Hoover, is Exhibit 837 the article that you referred to in the National Enquirer?

Mr. HOOVER. Yes; that is the one.

Mr. RANKIN. I call your attention to Exhibit 836 and ask you if that is the letter that you referred to which describes the criteria in the handling of the security of the President that you have described in your testimony.

Mr. HOOVER. This is the letter. It sets forth the criteria which were adopted, originally about 1942 and later incorporated in the manual of instructions in 1954. It also includes the amended instructions to our field offices, prepared in December of 1963, which extended the criteria.

Mr. RANKIN. Does that Exhibit correctly set forth the information you had in regard to those matters?

Mr. HOOVER. It does.

Mr. RANKIN. Do you care to add anything to it?

Mr. HOOVER. No; I have nothing to add to it at all.

Mr. RANKIN. Now, in light of what happened, Mr. Hoover, I think the Commission would desire to have your comments or whatever you care to tell them, concerning the reasons why you did not furnish the information you had concerning Lee Harvey Oswald to the Secret Service prior to the time of the President's assassination.

Mr. HOOVER. Well, I have gone into that very thoroughly because that was obviously one of the questions that I had in my mind when the tragedy occurred in Dallas.

In going back over the record, and I have read each one of the reports dealing with that and the reports of Mr. Hosty who had dealt with the Oswald situation largely in Dallas, we had the matter that I have previously referred to, the report of the State Department that indicated this man was a thoroughly safe risk, he had changed his views, he was a loyal man now and had seen the light of day, so to speak.

How intensive or how extensive that interview in Moscow was, I don't know. But, nevertheless, it was in a State Department document that was furnished to us.

Now, we interviewed Oswald a few days after he arrived. We did not interview him on arrival at the port of entry because that is always undesirable by reason of the fact it is heavily covered by press, and any relatives generally are there, so we prefer to do it after the man has settled down for two or three days and become composed. We do it in the privacy of our office or wherever he may be, or in his own home or apartment. We interviewed him twice in regard to that angle that we were looking for. We had no indication at this time of anything other than his so-called Marxist leanings, Marxist beliefs.

We wanted to know whether he had been recruited by the Soviet government as an intelligence agent, which is a frequent and constant practice. There is not a year goes by but that individuals and groups of individuals, sometimes on these cultural exchanges, go through Russia and recruits are enlisted by the Russian intelligence, usually through blackmail. The individual is threatened that if he doesn't come back to this country and work for them they will expose the fact that he is a homosexual or a degenerate or has been indiscrete.

Pictures are usually taken of individuals who become implicated in that sort of thing, so the individual is really desperate. Such blackmail has occurred year after year for some time.

In Oswald's case we had no suspicion that any pressure like that had been brought to bear on him because he had gone voluntarily and had obviously wanted to live in Russia and had married a Russian woman.

After those interviews had been completed, the next incident was the difficulty he had at New Orleans. We were concerned there as to whether he was functioning officially for the Fair Play for Cuba Committee which was financed and supported by Castro and Castro's government, and if he was, where he obtained money and with whom he had dealt.

He apparently had the leaflets printed himself on plain ordinary paper. There was no reason for us, then, to have any suspicion that he had any element of danger in him.

However, we did not ignore or forget the fact that he was still in the country. We kept track of him when he went from New Orleans to Dallas, and that was one of the reasons why Hosty went to the home of Mrs. Paine. She told us where Oswald was working, at the Texas book house. Hosty gave her his telephone number and his name so that if there was any information or any contact she wanted to make she could phone him at the Dallas office.

Mrs. Oswald, the wife, took down the license number of Hosty's car which was incorrect only in one digit. The name, the telephone number, and the automobile license were later found in Oswald's memorandum book.

However, that in itself was not significant because many times we will go to see a person and tell him now, "If you think of anything you want to tell us or you have any information you want to give us, here are my name and address, telephone number, and call me," and that is what was done with Mrs. Paine because Hosty wasn't there at the time. He was at work.

Incidentally, those items in Oswald's notebook requiring investigative attention were first set out in an investigative report of our Dallas Office dated December 23, 1963. This report was not prepared for this Commission but rather for investigative purposes of the FBI and, therefore, the information concerning Hosty's name, telephone number and license number was not included in the report as the circumstances under which Hosty's name, et cetera, appeared in Oswald's notebook were fully known to the FBI.

After our investigative report of December 23, 1963, was furnished to the Commission, we noted that Agent Hosty's name did not appear in the report. In order that there would be a complete reporting of all items in Oswald's notebook, this information was incorporated in another investigative report of our Dallas Office, dated February 11, 1964. Both of the above-mentioned reports were furnished to the Commission prior to any inquiry concerning this matter by the President's Commission.

There was nothing up to the time of the assassination that gave any indication that this man was a dangerous character who might do harm to the President or to the Vice President. Up to that time, as has been indicated.

Mr. RANKIN. Mr. Hoover, may I interrupt, you said Hosty was not there at the time, he was at work—did you mean Mr. Oswald?

Mr. HOOVER. That was my mistake. I meant Mr. Oswald. Hosty talked with Mrs. Paine and Mrs. Oswald. Mrs. Paine speaks Russian and she could interpret for her.

Oswald was at the Texas Book Co., and then, as I say, Hosty left his telephone number and name, and Mrs. Oswald for some reason took down the license number. I don't know whether she was convinced this was an agent of the FBI, or why she did it.

But, anyway, that was in the book that was later found, and which contained many other things that Oswald had entered in the book.

Now, as I say, up to that time, there had been no information that would have warranted our reporting him as a potential danger or hazard to the security or the safety of the President or the Vice President, so his name was not furnished at the time to Secret Service.

Under the new criteria which we have now put into force and effect, it would have been furnished because we now include all defectors. As to the original criteria, which we felt were sound and sufficient and which we felt no one, not even the most extreme civil rights proponent could take exception to, we limited the furnishing of names to S.S. to persons potentially dangerous to the physical well being of the President. We included emotionally unstable people who had threatened the President or Vice President.

At my office during the course of a week there are sometimes three or four callers who have to be taken to a Hospital because of their mental condition. They claim they are being persecuted by radio beams and they want to see me or the President to have those beams stopped. Now you never know what tangent they are going to take. If such a person is living in some part of the country where the President may be going his name would be furnished to the Secret Service.

One car last year, I think, crashed through the gates of the White House; the person driving wanted to see the President. The guard wouldn't let him in and so the car crashed through and got within 20 feet of the first door. The guards, by that time, had their revolvers out and took him into custody.

Last year a gentleman drove all the way from Arizona to see me. He drove up the marble steps of the Department of Justice, and by that time the guards had come out and took him into custody. I think he was incarcerated in Arizona.

People of this type are among those we would have furnished to the Secret Service. They have the potential to harm somebody.

We get names from members of Congress, of people who come to the Capitol and try to threaten them or harass them. They let us know about it, and we make the investigation or advise the police. If we can get the family to have the person put into an institution, we try to do so. If they don't, we may take steps to have him incarcerated through other legal means.

Mr. DULES. How many names, Mr. Director, in general, could the Secret Service process? Aren't their facilities limited as to dealing with vast numbers of names because of their limited personnel?

Mr. HOOVER. I think they are extremely limited. The Secret Service is a very small organization and that is why we are fortifying them, so to speak, or supplementing them by assigning agents of our Bureau which is, of course, quite a burden on us. Our agents are assigned about 24 to 25 cases per agent and cover such involved matters as bankruptcy and antitrust cases.

Now, the Secret Service has a very small group and I would estimate that the names we have sent over number some 5,000. I would guess there are about another 4,000 that will go over in the next month to them. Frankly, I don't see how they can go out and recheck those names. We keep the records up to date; if additional information comes in on these names we furnish it to the Secret Service. They will have to call upon the local authorities, unless the Secret Service force is enlarged considerably so that they can handle it entirely on their own. I think the Secret Service is entirely too small a force today to handle the duties that they are handling. The great crowds that are at the White House all the time, around the gates, that go to church where the President goes, all of those things, of course, have to be checked over by them. They always check in advance and just recently, a few Sundays ago, they found some individuals in the basement of St. Mark's church in Washington, where he was going to attend on Sunday morning. His arrival was held up until they could ascertain who they were. They were deaf mutes whose identity had not been cleared with the Secret Service.

Now, the Presidential party was delayed about 5 or 10 minutes in reaching the church by reason of the radio call to the White House to hold it up.

We are giving to Secret Service more and more names. The total, in addition to the names they already had, will reach 10,000. I don't see how they are

going to be able to handle the situation as they would want to handle it. They have to depend upon local police organizations. Many local police departments are capable and efficient; some are not. Many have good judgment and some have not. Wherever you have a police department of 10,000, 15,000, 20,000 men you are bound to find a few who will just barge in and do something which better judgment would dictate should not be done, as in the incident which occurred in the Midwest where they placed people practically under house arrest. I think it was very bad judgment and should not have been done but the Secret Service, of course, turned the names over to the local authorities, and the local authorities do what they think is right.

Now, I guess their attitude with all justice to them is, "Well, we will resolve the risk in our favor. If we keep these people under surveillance and keep them in the house until the President gets out of town nothing can happen from them." That is what you would call totalitarian security. I don't think you can have that kind of security in this country without having a great wave of criticism against it. There is a great tendency for people to expect the intelligence forces and the law enforcement agencies to be able to go out and arrest people and bring them in and hold them endlessly and talk to them. We can't arrest a person, without probable cause, or unless he commits a crime in our presence. We have to arraign him promptly and if not done promptly, the confession that he may have made generally cannot be used against him.

Just as a collateral matter we faced that problem in California in the case of the kidnapping of Frank Sinatra, Jr. One of the kidnapers we arrested near San Diego confessed but we didn't arraign him because the other kidnapers would have left California and it would have been difficult to find them. However, the next day after arraignment he made changes in the confession and signed it so the court held that it was admissible.

The Secret Service, of course, is faced with the same problem. They just can't arrest people because they may not like their looks. They have to have facts justifying detention but the public conception is that you have a full right to go out and do these things. We have stressed in the FBI that there must be full compliance with the laws of this country and with the decisions of the Supreme Court. That is the law of the country. Now, whether a person likes it or not and there are some groups that are very violent against the decisions of the court while others are very much in favor of them, it is not for the FBI to take sides. We have a job to do and we do it under the rulings of the courts and we have been able to do it effectively.

I know when the ruling came down on the prompt arraignment, there was great shouting and some strong editorials claiming that it was going to wreck law enforcement. It hasn't wrecked us. It has made it more difficult but I think we have to face up to the fact that law enforcement in a free country must abide by the laws of that country irrespective of how difficult it is. Some persons talk about putting handcuffs on the law enforcement officers and taking them off the criminals. That is a nice catch phrase to use in a speech or article but operating within the law has not interfered with our work.

Mr. RANKIN. Mr. Hoover, I ask you about Exhibit 825 which is first a letter and then encloses certain affidavits of your agents.

Mr. HOOVER. Yes, sir.

Mr. RANKIN. You are familiar with that?

Mr. HOOVER. I am familiar with that. I read all of that and signed it.

Mr. RANKIN. You know those are the affidavits in regard to whether Lee Harvey Oswald was an agent or connected in anyway with the Bureau that you have just testified to?

Mr. HOOVER. That is correct; and the affidavits of all agents, who had any contact with him.

Mr. RANKIN. I call your attention to Exhibits 864 and 865, and ask you if you have seen those before or, you have seen the original of 864 and 865 is a photostatic copy of your letter to us in answer to 864, is that correct?

Mr. HOOVER. That is correct; yes. I recall very distinctly.

Mr. RANKIN. Do you recall those letters involved an inquiry as to any connections of Lee Harvey Oswald with Communists or any criminal groups or others that might be conspiratorial?

Mr. HOOVER. That is correct; and my letter of April 30 states the facts as they are in our files.

Mr. RANKIN. Mr. Chairman, we offer in evidence Exhibits 864 and 865.

The CHAIRMAN. They may be admitted.

(Commission Exhibit Nos. 864 and 865 were marked for identification and received in evidence.)

Mr. RANKIN. Mr. Hoover, do you have any suggestions that you would like to tell the Commission about of your ideas that might improve the security of the President, and you might comment upon information the Commission has received. You have a special appropriation that is related to that area.

Mr. HOOVER. Well, I, at the request of—

The CHAIRMAN. Director, before you get into that question, and may I ask something that I would like to hear you discuss in this same connection?

Mr. HOOVER. Yes.

The CHAIRMAN. You have told us that you had no jurisdiction down there in Dallas over this crime.

Mr. HOOVER. That is correct.

The CHAIRMAN. Because there is no Federal crime committed. And I assume that that caused you some embarrassment and some confusion in doing your work?

Mr. HOOVER. It most certainly did.

The CHAIRMAN. Because of the likelihood of your being in conflict with other authorities. Do you believe there should be a Federal law?

Mr. HOOVER. I am very strongly in favor of that.

The CHAIRMAN. Against an attempt to assassinate the President?

Mr. HOOVER. I am very strongly in favor of legislation being enacted and enacted promptly that will make a Federal crime of attempts upon the life of the President and the Vice President, and possibly the next two persons in succession, the Speaker and the President pro tempore of the Senate. In the Oswald case, we could not take custody of him. If we had had jurisdiction we would have taken custody of him and I do not believe he would have been killed by Rubenstein. The failure to have jurisdiction was extremely embarrassing. I think the killing of Oswald has created a great fog of speculation that will go on for years, because of the things that Oswald might have been able to tell which would have been of assistance in pinning down various phases of this matter. This must be done now by collecting evidence from third parties, and not from Oswald himself.

Now, as to the publicity that took place in Dallas, I was very much concerned with that. We have in the FBI a crime laboratory that furnishes free service to all law enforcement agencies of the country. Any law enforcement agency can send to our laboratory here in Washington any evidence—blood, dirt, dust, guns, anything of that kind—and our laboratory examines it and then reports back to the contributing police department. This was being done in the early stages of the Oswald case, and almost as soon as the report would reach the Dallas Police Department, the chief of police or one of the representatives of the department would go on TV or radio and relate findings of the FBI, giving information such as the identification of the gun and other items of physical evidence.

Now, that concerned me for several reasons. In the first place, I don't think cases should be tried in the newspapers. I think a short and simple statement can be made when a person is arrested, but the details of the evidence should be retained until you go into court to try the case. Secondly, it creates a great deal of speculation on the part of the press. There was very aggressive press coverage at Dallas. I was so concerned that I asked my agent in charge at Dallas, Mr. Shanklin, to personally go to Chief Curry and tell him that I insisted that he not go on the air any more until this case was resolved. Until all the evidence had been examined, I did not want any statements made concerning the progress of the investigation. Because of the fact the President had asked me to take charge of the case I insisted that he and all members of his department refrain from public statements.

There was an officer in his department who was constantly on the radio or giving out interviews. The chief concurred in my request and thereafter

refrained from further comment but of course by that time the identification of the gun was known, the caliber of the gun, where it had come from, where it had been bought and the information we had run down in Chicago and had furnished to the Dallas Police Department.

If the case had been in the hands of the FBI none of that information would have been given out. Because of the publicity you had to face the charge that the prejudice of the community would require a change of venue. With the publicity, I don't know where you could have changed the venue to, since newspapers all over the State covered it. I think a Houston reporter was the first one who wrote that Oswald was an informant of the FBI. We went to the newspaper reporter. He refused to tell us his source. He said he had also heard it from other persons. We asked him the names of these persons and we interviewed them but none of them would provide the source. In other words, I was trying to nail down where this lie started. That, of course, is always the result where you are daily giving out press interviews because the press wants stories desperately. We have always adopted the policy in the Bureau of no comment until we have the warrant and make the arrest. Then a release is prepared briefly stating what the facts are, what the written complaint says, the fact. The complaint was filed with the Commissioner, and that ends it. We don't try to run it out for a week or 10 days, It is up to the U.S. attorney thereafter and the court to try the case.

I was concerned about the demand for change of venue, because all the evidence was being given out. At that time, of course, we didn't know that Oswald was going to be killed, and there was a possibility that he might be confronted with some of this evidence. If it had been kept secret and used in the interrogation of him, just confronting him with what was found, such as his picture with the gun might have been helpful.

A small thing can often make a man break and come forward with a full confession. If he knows in advance that you have certain evidence he will be on guard against answering questions. Of course, he is always advised of his rights and that he can have an attorney. We always make a point of this. We generally have a reputable physician of the community present in our office while the prisoner is there, to administer to him and be able to testify that he has not been subjected to third degree methods. He is examined when he comes in and he is examined before we take him to the commissioner. Taking him before the commissioner in a case like Oswald's would probably have been done within 4 or 5 hours. Generally we try to arraign a prisoner within an hour.

That makes it more difficult; you have to work faster. But again I say I am in favor of having the procedures of law enforcement officers as tightly bound down as we can, with due respect for the interests of society.

Of course, there must be an equal balance. For years we have had a rule against third degree methods, but years ago many police departments used the third degree. I think very few of them use it now because if they use it they violate the civil rights statutes and we investigate them for having brutally handled a prisoner. Many allegations are made unfairly against police officers that they have used third degree methods and we are able to prove they haven't in our investigations. That is particularly true where civil rights matters are involved. We have such cases in many areas where civil rights agitation is going on.

Mr. RANKIN. Mr. Hoover, to remind you of my question, any suggestions that you may have concerning the protection of the President, and the information that the Commission has that you have a special appropriation in that connection for the Bureau?

Mr. HOOVER. We do not have a special appropriation for the protection of the President. The Secret Service, of course, has that responsibility. On December 2, I prepared this memorandum for the President, and for the chief of the Secret Service at the request of the President, outlining suggestions that I felt should be considered to tighten up on the security of the President. If the Commission desires I will be glad to leave this or I will be glad to read it to the Commission.

Representative Boggs. Why don't you ask the Director just to summarize it.

Mr. RANKIN. Will you summarize it?

Mr. DULLES. Can we have a copy of it?

Mr. HOOVER. Oh, yes.

Representative FORD. Could the copy be put in the record as an exhibit?

Mr. HOOVER. Yes, sir; that is all right with me. I have no objection to it.

Regarding travel, first, advise the Secret Service as far in advance as possible of the President's travel plans and proposed itinerary. The reason for that is there have been Presidents who suddenly decide they are going somewhere and the Secret Service does not have the chance always to cover the area and check the neighborhood and check the hotel or place where it may be.

Representative Boggs. You have one like that right now, Mr. Director.

Mr. HOOVER. I know from experience.

Second, avoid publicizing exact routes of travel as long as possible. Again, it has been the practice in the past to announce the President is going along a certain route and, therefore, great crowds will gather along that route. And, therefore, I thought that was something that should not be given out and the President should be taken along some routes which are not announced. At the present time, he goes to cities and he wants to see people and the crowd wants to see him. In Dallas, the route was publicized at least 24 hours before so everybody knew where he would be driving.

Third, use a specially armored car with bulletproof glass and have such cars readily available in locations frequently visited. The President, as I observed earlier in my testimony, had no armored car. He has one now which I supplied to Secret Service and they will have one made no doubt in due time for the President's use. But if it had been armored, I believe President Kennedy would be alive today.

Fourth, avoid setting a specific pattern of travel or other activity such as visiting the same church at the same time each Sunday.

Regarding public appearances. First, use maximum feasible screening of persons in attendance including use of detection devices sensitive to the amount of metal required in a firearm or grenade.

Second, use a bulletproof shield in front of the entire rostrum in public appearances such as the swearing in ceremony at the Capitol on inauguration day, the presidential reviewing stand in front of the White House on the same day and on the rear of trains.

Third, keep to a minimum the President's movements within crowds, remain on the rostrum after the public addresses rather than mingling with the audience. Again, there is great difficulty in that field.

Fourth, in appearances at public sporting events such as football games, remain in one place rather than changing sides during half-time ceremonies.

(Discussion off the record.)

Mr. DULLES. About the armored car you said if Kennedy had an armored car that might have saved him. Would the back of the armored car have some protection to protect his head?

Mr. HOOVER. Oh, yes.

Mr. DULLES. Because if the armored car had been open—

Mr. HOOVER. He must never ride in an open car; that has been my recommendation.

Mr. DULLES. The back never comes down?

Mr. HOOVER. The back never comes down, and it is bulletproof. The top, sides, and underpart are all of bulletproof construction. So that except by opening a window and waving through the window the occupant is safe. A person can shoot through the window if the glass window is lowered.

Fifth, limit public appearances by use of television whenever possible.

Sixth, avoid walking in public except when absolutely necessary.

Now, on legislation. First, I recommended that the President and the Vice President be added to the list of Federal officers set out in section 1114, title 18 of the U.S. Code which deals with assaults which are punishable under Federal law.

Mr. RANKIN. You would add to that I understood from your prior remarks, the Speaker and the President Pro Tempore?

Mr. HOOVER. In view of the situation which prevails at the present time the

Speaker and President pro tempore, in other words, the line of succession under the Constitution but not below that.

(Discussion off the record.)

Mr. HOOVER. Second, furnish the Secret Service authority to request assistance and cooperation from other U.S. agencies including the military, particularly in connection with foreign travel.

Now, my reason for that is that sometimes requests for assistance have to clear through red-tape channels here at Washington through some high official of Government. If an emergency arises abroad, or even in this country, it may be of such character that you do not have time to telephone back to Washington or to telephone back to the Pentagon. Aid ought to be immediately available by calling on the local authorities and the nearest military authority.

Third, improve control of the sale of firearms requiring as a minimum registration of every firearm sold together with adequate identification of the purchaser. The problem of firearms control is under extensive debate, in both the House and Senate at the present time.

The gun that Oswald used was bought by mail order from a mail-order house in Chicago, no license for it, no permit for it, no checkup on it. The only way we were able to trace it was to find out where in this country that Italian-made gun was sold. We found the company in Chicago and later the mail-order slip that had been sent by Oswald to Chicago to get the gun. Now, there are arguments, of course—

Mr. DULLES. In a false name.

Mr. HOOVER. In a false name.

There is argument, of course, that by passing firearms legislation you are going to take the privilege of hunting away from the sportsmen of the country. I don't share that view with any great degree of sympathy because you have to get a license to drive an automobile and you have to get a license to have a dog, and I see no reason why a man shouldn't be willing, if he is a law-abiding citizen, to have a license to get a firearm whether it be a rifle or revolver or other firearm.

It is not going to curtail his exercise of shooting for sport because the police make a check of his background. If he is a man who is entitled to a gun, a law-abiding citizen, a permit will be granted.

Of course, today firearms control is practically negligible, and I think some steps should be taken along that line.

Fourth, a ban on picketing within the vicinity of the White House as is now done at the U.S. Capitol and Supreme Court. Some of these pickets are well-meaning and law-abiding individuals, some are for peace and some are more or less dedicated Communists.

Representative Boggs. It is illegal to picket a Federal court now, Mr. Director, I happen to be the author of that law.

Mr. HOOVER. Yes; I am glad you had that law passed. Of course, they picket public buildings, they march around the Department of Justice Building, now and then, but the principal places they prefer to go are the Supreme Court Building, the Capitol and its grounds and the White House.

I think such picketing at the White House, of large or small groups, should be forbidden. I think at the White House they tried to get the pickets to walk across the street along Lafayette Park. That at least takes them away from being close to the gates at the White House. I think there ought to be some control. Picketing, of course, is legitimate if it is orderly. Many times it doesn't continue to be orderly, and sometimes pickets, as in this city, have thrown themselves on the pavement and the police have to come and pick them up or drag them away. Then, of course, the charge is made of brutality right away.

Delegations of colored groups have visited me and asked why I don't arrest a police officer for hitting some Negro whom he is arresting in a sit-in strike, lay-in strike or demonstration in some southern cities.

We have no authority to make an arrest of that kind. Under the authority the Bureau has we have to submit those complaints to the Department of Justice and if they authorize us to make an arrest we will do it.

Those in general are the recommendations I made and I will furnish the committee with a copy of this memorandum.

Mr. RANKIN. Mr. Hoover, I would like to ask you in regard to your recommendations, do you think you have adequately taken into account that the President is not only the Chief Executive but also necessarily a politician under our system?

Mr. HOOPER. I have taken that into account, and I would like to say this off the record.

(Discussion off the record.)

Mr. RANKIN. That is all I have, Mr. Chairman.

The CHAIRMAN. Any other questions, gentlemen?

Representative BOGGS. I would just like to thank the Director again for all the help he has given us.

Mr. HOOPER. I am happy to.

The CHAIRMAN. I would, too, on behalf of the Commission, Mr. Director, I would not only like to thank you for your testimony but for your cooperation that your people have given us throughout this entire investigation.

Mr. HOOPER. Thank you very much.

The CHAIRMAN. I also want to add one other thing, having in mind the testimony you gave that this is still an open investigation, that should anything come to your attention that you believe this Commission has either overlooked or should look into you feel free to ask us to do it.

Mr. HOOPER. I would most certainly do that.

The CHAIRMAN. You do it.

Mr. HOOPER. I want to give all the cooperation I can to this most difficult task you have.

Representative FORD. One question. The other day when we had the State, Justice, Judiciary Appropriation bill before the full Committee on Appropriations—

Mr. HOOPER. Yes.

Representative FORD. And I am not a member of that subcommittee, I noticed a provision in the bill, as I recall, to the effect funds for or something of that content, of FBI responsibilities for the protection of the President.

Mr. HOOPER. There is a provision for funds that we can use for the apprehension of a man who has been declared a fugitive from justice, that is where a man has committed a crime, a warrant is out for him and he has fled or where he has escaped from a penitentiary. I don't recall offhand any specific appropriation for the protection of the President. I will look at the appropriation bill. I may be wrong there but I am quite certain that is so.

Representative FORD. It was my recollection as I was looking at the bill in committee there was a phrase to this effect in the language of the bill. I think it might be helpful for the record to get whatever the history is of that if it is still a matter of the bill or the law.

Mr. HOOPER. I remember that at the time Mr. Curtis was Vice President, he was Senator and then Vice President, at that time he insisted that he wanted FBI agents with him and nobody else. When Mr. Nixon took office as Vice President he was protected by the Secret Service and with Mr. Johnson, it was the same thing.

Secret Service asked us to let them have additional manpower, as a matter of assistance, and we have done so.

Representative FORD. I think it would be helpful if you would have a memorandum prepared.

Mr. HOOPER. I will be glad to.

Representative FORD. Showing the history of this provision from its inception and whether or not it is in the bill or the proposed law for fiscal 1965.

Mr. HOOPER. Yes, sir.

Representative FORD. And the justification you have indicated.

Mr. HOOPER. That was not taken up, I know, in the testimony before the Appropriations Committee. I gave the testimony before the committee in January, and the testimony wasn't released until 2 weeks ago when the bill was reported out. It was not discussed in the hearings.

Mr. RANKIN. Mr. Chairman, in order to complete the record, may I ask to

have the number 866 assigned to the memo that Mr. Hoover is going to send about protection of the President, and have it admitted to this record under that number.

The CHAIRMAN. Yes; it may be.

Representative FORD. Also a number for this letter Mr. Hoover is going to submit.

Mr. RANKIN. May I assign 867?

The CHAIRMAN. Yes.

(Commission Exhibit Nos. 866 and 867 were marked for identification and received in evidence.)

TESTIMONY OF JOHN A. McCONE AND RICHARD M. HELMS

The CHAIRMAN. The Commission will be in order.

Director McCone, it is customary for the Chairman to make a short statement to the witness as to the testimony that is expected to be given. I will read it at this time.

Mr. McCone will be asked to testify on whether Lee Harvey Oswald was ever an agent, directly or indirectly, or an informer or acting on behalf of the Central Intelligence Agency in any capacity at any time, and whether he knows of any credible evidence or of any conspiracy either domestic or foreign involved in the assassination of President Kennedy, also with regard to any suggestions and recommendations he may have concerning improvements or changes in provisions for the protection of the President of the United States.

Would you please rise and be sworn? Do you solemnly swear the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McCONE. I do.

The CHAIRMAN. Will you be seated, please? Mr. Rankin will conduct the examination.

Mr. RANKIN. Mr. McCone, will you state your name?

Mr. McCONE. My name is John Alex McCone.

Mr. RANKIN. Do you have an official position with the U.S. Government?

Mr. McCONE. Yes, sir; I am Director of Central Intelligence.

Mr. RANKIN. Have you been Director for some time?

Mr. McCONE. Yes; a little over 2½ years.

Mr. RANKIN. Where do you live, Mr. McCone?

Mr. McCONE. I live at 3025 Whitehaven Street in Washington.

Mr. RANKIN. Are you familiar with the records and how they are kept by the Central Intelligence Agency as to whether a man is acting as an informer, agent, employee, or in any other capacity for that Agency?

Mr. McCONE. Yes; I am generally familiar with the procedures and the records that are maintained by the Central Intelligence Agency. Quite naturally, I am not familiar with all of the records because they are very extensive.

Mr. RANKIN. Have you determined whether or not Lee Harvey Oswald, the suspect in connection with the assassination of President Kennedy, had any connection with the Central Intelligence Agency, informer or indirectly as an employee, or any other capacity?

Mr. McCONE. Yes; I have determined to my satisfaction that he had no such connection, and I would like to read for the record—

Mr. RANKIN. Will you tell us briefly the extent of your inquiry?

Mr. McCONE. In a form of affidavit, I have gone into the matter in considerable detail personally, in my inquiry with the appropriate people within the Agency, examined all records in our files relating to Lee Harvey Oswald. We had knowledge of him, of course, because of his having gone to the Soviet Union, as he did, putting him in a situation where his name would appear in our name file. However, my examination has resulted in the conclusion that Lee Harvey Oswald was not an agent, employee, or informant of the Central Intelligence Agency. The Agency never contacted him, interviewed him, talked with him, or received or solicited any reports or information from him, or communicated with him directly or in any other manner. The Agency never fur-

nished him with any funds or money or compensated him directly or indirectly in any fashion, and Lee Harvey Oswald was never associated or connected directly or indirectly in any way whatsoever with the Agency. When I use the term "Agency," I mean the Central Intelligence Agency, of course.

Representative FORD. Does that include whether or not he was in the United States, in the Soviet Union, or anyplace?

Mr. McCONE. Anyplace; the United States, Soviet Union, or anyplace.

Mr. RANKIN. Mr. McCONE, is that the affidavit you are going to supply the Commission in connection with our request for it?

Mr. McCONE. Yes; this is the substance of the affidavit which I will supply to you.

Mr. RANKIN. Mr. Chairman, I ask leave to mark that Exhibit 870 and have it introduced in evidence as soon as we receive it from Mr. McCONE as a part of this record.

The CHAIRMAN. It may be admitted.

(Commission Exhibit No. 870 was marked for identification and received in evidence.)

Mr. RANKIN. Would you tell us about your procedures in regard to having an agent or informer or any person acting in that type of capacity? Does that have to pass through your hands or come to your attention in the Agency?

Mr. McCONE. No; it does not have to come through my personal hands.

Mr. RANKIN. Without disclosing something that might be a security matter, could you tell us how that is handled in a general way in the Agency?

Mr. McCONE. Mr. Helms, who is directly responsible for that division of the Agency's activities as a Deputy Director, might explain. Would that be permissible?

Mr. RANKIN. Could we have him sworn then?

The CHAIRMAN. Yes.

The CHAIRMAN. Would you raise your right hand and be sworn. Do you solemnly swear the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HELMS. I do.

Mr. RANKIN. Mr. Helms, you heard the inquiry just directed to Mr. McCONE. Could you answer the question directly?

Mr. HELMS. Yes; we have a specific procedure which we follow in all cases where the Agency is in contact, for the purposes of acquiring intelligence or whatever the case may be, with an individual. We not only have a record of the individual's name, but we also usually get information of a biographical nature. We then check this individual's name against our record. At that point we make a determination as to whether we desire to use this man or not to use him. It varies from case to case as to how many officers may be involved in approving a specific recruitment. May I go off the record?

(Discussion off the record.)

Mr. RANKIN. Mr. Helms, did you have anything to do on behalf of your Agency with determining whether or not Lee Harvey Oswald was acting in any of the capacities I have described in my questions to Mr. McCONE?

Mr. HELMS. Yes; I did.

Mr. RANKIN. Will you tell us what you did in that regard?

Mr. HELMS. On Mr. McCONE's behalf, I had all of our records searched to see if there had been any contacts at any time prior to President Kennedy's assassination by anyone in the Central Intelligence Agency with Lee Harvey Oswald. We checked our card files and our personnel files and all our records.

Now, this check turned out to be negative. In addition I got in touch with those officers who were in positions of responsibility at the times in question to see if anybody had any recollection of any contact having even been suggested with this man. This also turned out to be negative, so there is no material in the Central Intelligence Agency, either in the records or in the mind of any of the individuals, that there was any contact had or even contemplated with him.

Mr. RANKIN. Mr. Helms—

Mr. DULLES. Could I ask one question there? Do you recall or do you know at what time the name of Lee Harvey Oswald was carded, first came to your attention so it became a matter of record, in the Agency?

Mr. HELMS. Sir, I would want to consult the record to be absolutely accurate, but it is my impression that the first time that his name showed up on any Agency records was when he went to the Soviet Union.

Mr. RANKIN. Mr. Helms, in connection with your work you have supplied information to the Commission and we have requested many things from your Agency. Can you tell the Commission as to whether or not you have supplied us all the information the Agency has, at least in substance, in regard to Lee Harvey Oswald?

Mr. HELMS. We have; all.

Representative FORD. Has a member of the Commission staff had full access to your files on Lee Harvey Oswald?

Mr. HELMS. He has, sir.

Representative FORD. They have had the opportunity to personally look at the entire file?

Mr. HELMS. We invited them to come out to our building in Langley and actually put the file on the table so that they could examine it.

The CHAIRMAN. I was personally out there, too, and was offered the same opportunity. I did not avail myself of it because of the time element, but I was offered the same opportunity.

Mr. RANKIN. Mr. Helms, can you explain, according to the limitations of security, the reasons why we examined materials but did not always take them, in a general way?

Mr. HELMS. Yes; I can.

In our communications between individuals working overseas and in Washington, we for security reasons have a method of hiding the identities of individuals in telegrams and dispatches by the use of pseudonyms and cryptonyms. For this reason, we never allow the original documents to leave our premises. However, on the occasion when the representatives of the Commission staff looked at these files, we sat there and identified these pseudonyms and cryptonyms and related them to the proper names of the individuals concerned, so that they would know exactly what the correspondence said.

Mr. RANKIN. By that you mean the representatives of the Commission were able to satisfy themselves that they had all of the information for the benefit of the Commission without disclosing matters that would be a threat to security; is that right?

Mr. HELMS. It is my understanding that they were satisfied.

Representative FORD. Mr. McCone, do you have full authority from higher authority to make full disclosure to this Commission of any information in the files of the Central Intelligence Agency?

Mr. McCONE. That is right. It is my understanding that it is the desire of higher authority that this Commission shall have access to all information of every nature in our files or in the minds of employees of Central Intelligence Agency.

Representative FORD. On the basis of that authority, you or the Agency have made a full disclosure?

Mr. McCONE. That is correct.

Mr. RANKIN. Mr. Helms, I have handed you Exhibits 868 and 869 directed to you acting for the Agency, the first one being from the Commission to you and the second one, 869, being your answer in regard to your full and complete disclosure in regard to your records; isn't that correct?

Mr. HELMS. That is correct. May I say, Mr. Rankin, that any information, though, subsequent to this correspondence which we may obtain we will certainly continue to forward to the Commission.

Mr. RANKIN. Thank you. Mr. Chief Justice, I ask leave to have those two exhibits, 868 and 869, received in evidence at this time.

The CHAIRMAN. They may be admitted under those numbers.

(Commission Exhibits Nos. 868 and 869 were marked for identification and received in evidence.)

Mr. RANKIN. Mr. McCone, if I may return to you, I will now ask you if you have any credible information that you know of or evidence causing you to believe that there is any or was any conspiracy either domestic or foreign in connection with the assassination of President Kennedy?

Mr. McCONE. No; I have no information, Mr. Rankin, that would lead me to believe or conclude that a conspiracy existed.

Representative FORD. Did the CIA make an investigation of this aspect of the assassination?

Mr. McCONE. We made an investigation of all developments after the assassination which came to our attention which might possibly have indicated a conspiracy, and we determined after these investigations, which were made promptly and immediately, that we had no evidence to support such an assumption.

Representative FORD. Did the Central Intelligence Agency have any contact with Oswald during the period of his life in the Soviet Union?

Mr. McCONE. No; not to my knowledge, nor to the knowledge of those who would have been in a position to have made such contact, nor according to any record we have.

Representative FORD. Did the Central Intelligence Agency have any personal contact with Oswald subsequent to his return to the United States?

Mr. McCONE. No.

Mr. RANKIN. Mr. McCone, your Agency made a particular investigation in connection with any allegations about a conspiracy involving the Soviet Union or people connected with Cuba, did you not?

Mr. McCONE. Yes, we did. We made a thorough, a very thorough, investigation of information that came to us concerning an alleged trip that Oswald made to Mexico City during which time he made contact with the Cuban Embassy in Mexico City in an attempt to gain transit privileges from Mexico City to the Soviet Union via Havana. We investigated that thoroughly.

Mr. RANKIN. Do you also include in your statement that you found no evidence of conspiracy in all of that investigation?

Mr. McCONE. That is correct.

Mr. RANKIN. And also the investigation you made of the period that Lee Harvey Oswald was in the Soviet Union?

Mr. McCONE. That is right.

Mr. RANKIN. Mr. McCone—

Mr. DULLES. Could I ask one question there? Does your answer, Mr. McCone, include a negation of any belief that Oswald was working for or on behalf of the Soviet Union at any time when you were in contact with him or knew about his activities?

Mr. McCONE. As I have already stated, we were never in contact with Oswald. We have no evidence that he was working for or on behalf of the Soviet Union at any time. According to his diary, Oswald did receive a subsidy from the Soviet Red Cross which we assume had the approval of the authorities. Such a payment does not indicate to us that he even worked for the Soviet intelligence services. Furthermore, we have no other evidence that he ever worked for Soviet intelligence.

Representative FORD. Is the Central Intelligence Agency continuing any investigation into this area?

Mr. McCONE. No, because, at the present time, we have no information in our files that we have not exhaustively investigated and disposed of to our satisfaction. Naturally, any new information that might come into our hands would be investigated promptly.

Mr. HELMS. I simply wanted to add that we obviously are interested in anything we can pick up applying to this case, and anything we get will be immediately sent to the Commission, so that we haven't stopped our inquiries or the picking up of any information we can from people who might have it. This is on a continuing basis.

Representative FORD. In other words, the case isn't closed.

Mr. HELMS. It is not closed as far as we are concerned.

Mr. RANKIN. Would that be true, Mr. Helms, even after the Commission completed its report, you would keep the matter open if there was anything new that developed in the future that could be properly presented to the authorities?

Mr. HELMS. Yes. I would assume the case will never be closed.

Mr. RANKIN. Mr. McCone, do you have any ideas about improving the security provisions for the President that you would like to relate to the Commission?

Mr. McCONE. Well, this is, in my opinion, a very important question which I am sure this Commission will—has and will—devote a considerable amount of thought to, and undoubtedly have some recommendations as part of its report.

Mr. RANKIN. Your Agency does have an important function in some aspects.

Mr. McCONE. We have a very important function in connection with the foreign travels of the President, and I would like to inform the Commission as to how we discharge that responsibility by quickly reviewing the chronology of the Central Intelligence Agency's support of President Kennedy's visit to Mexico City from the 29th of June to the 2d of July 1962.

Mr. RANKIN. Will you please do that.

The CHAIRMAN. Director, is that a security matter?

Mr. McCONE. No. I think I can handle this for the record.

The CHAIRMAN. Very well.

Mr. McCONE. If I have to make a remark or two off the record I will ask that privilege.

That visit, as I said, started on the 29th of June. On the 28th of April, in anticipation of the visit, instructions were transmitted to Mexico for the Ambassador to coordinate planning and informational guidance for the advance party of the Secret Service.

We asked that the Secret Service be given information on local groups and persons who would cause disturbances, embarrassments or physical harm, an estimate of the determination and ability of the Mexican government to prevent incidents, and preparation for special briefings to the Embassy officials and the Secret Service, and such additional support and communications personnel that might be required.

These instructions were given two months before the trip.

On the 15th of May, we received confirmed information that the President would visit Mexico on the specific dates. On the 1st of June the Secret Service was supplied by the Agency with the detailed survey of Mexican security forces that would be called upon to protect the President.

Friendly and allied governments were informed of the visit and their cooperation and pertinent informational support was solicited. From this date through the 2d of July daily information reports were furnished to the State Department, the Secret Service, the FBI and the military services.

That is from the 1st of June to the 2d of July, a period of 31, 32 days. On the 8th of June the Secret Service advance party was briefed in detail by a group of officers of the Agency on the Mexican government's plans for the protection of the President, including current information on the size, strength and capabilities of potential troublemakers.

Hazardous locations and times in the planned itinerary were identified, political and economic issues that might be invoked by hostile elements for demonstrations were specified.

On the 11th of June, the Secret Service advance party left for Mexico supported by additional security personnel to assist in coordinating an informational report and the followup activity required.

Especially prepared national intelligence estimates on the current security conditions in Mexico was approved by the United States Intelligence Board on the 13th of June.

On the 15th of June arrangements were completed to reenforce communications facilities. On the 24th of June a conference at the State Department was held at the request of the President for reviewing security measures, and this meeting I attended personally, and reported to the State Department on the essence of all that had gone before.

Emergency contingency plans were discussed and a consensus was reached that the President should make the visit as scheduled.

On the 27th of June, a final updated special national intelligence estimate was prepared, and this indicated no basic changes in the security assessment that Mexican government was prepared to cope with foreseeable security contingencies.

On the 28th of June, a final briefing report was prepared for the Director's use which indicated the security precautions of the Mexican government had effectively forestalled major organized incidents, and our informed estimate was that the President would receive a great welcome.

The report was presented to the President personally by the Director at noon in a final meeting prior to departure on this trip.

From the 29th of June to the 2d of July in Washington headquarters, headquarters components remained on a 24-hour alert for close support of the embassy and the Secret Service.

So, not only was the Central Intelligence Agency and its various components involved in this for a period of 2 months in close collaboration with the Secret Service, but by bringing in the United States Intelligence Board we brought in all of the intelligence assets of the United States Government in connection with this particular trip. I thought this procedure which is followed regularly on all trips that the President makes out of the country would be of interest to the Commission.

The CHAIRMAN. That is the normal format of your procedures?

Mr. McCONE. Yes.

The CHAIRMAN. When the President goes abroad?

Mr. McCONE. Yes, I selected this one. The same was true of his trip to Caracas or Paris or elsewhere.

Mr. RANKIN. Mr. McCONE, in your investigation of the Oswald matter did you use the same approach or a comparable approach to a liaison with the other intelligence agencies of government to try to discover anything that might involve your jurisdiction.

Mr. McCONE. Yes. We were in very close touch with the Federal Bureau of Investigation and with the Secret Service on a 24-hour basis at all points, both domestic and foreign, where information had been received which might have a bearing on this problem.

Mr. RANKIN. Assassination?

Mr. McCONE. Assassination.

Mr. RANKIN. Do you have an opinion, Mr. McCONE, as to whether or not the liaison between the intelligence agencies of the United States Government might be improved if they had better mechanical, computer or other facilities of that type, and also some other ideas or methods of dealing with each other?

Mr. McCONE. There is a great deal of improvement of information that might be of importance in a matter of this kind through the use of computers and mechanical means of handling files, and you, Mr. Chief Justice, saw some of our installations and that was only a beginning of what really can be done.

The CHAIRMAN. Yes; I did.

Mr. McCONE. I would certainly urge that all departments of government that are involved in this area adopt the most modern methods of automatic data processing with respect to the personnel files and other files relating to individuals. This would be helpful.

But I emphasize that a computer will not replace the man, and therefore, we must have at all levels a complete exchange of information and cooperation between agencies where they share this responsibility, and in going through this chronology, it points out the type of exchange and cooperation that the Central Intelligence Agency tries to afford both the Secret Service and the Federal Bureau of Investigation in matters where we have a common responsibility.

I would like to emphasize the very great importance of this exchange, which is not always easily accomplished because it is cumbersome.

Sometimes it becomes involved in distracting people from other duties, and so on and so forth.

I have given a good deal of thought to the matter of some incentives to bring out informers, thinking about the old informer statutes in which some of them are still on the books, in which people were rewarded for informing when others conducted themselves in a damaging way.

Mr. DULLES. Smuggling cases?

Mr. McCONE. Smuggling cases. But I believe that something could be done. I call to the attention of this Commission one of the laws relating to atomic energy, namely the Atomic Weapons Reward Act of 15 July 1955 wherein a substantial reward is offered for the apprehension of persons responsible for the clandestine introduction or manufacture in the United States of such nuclear material or atomic weapons. It is suggested that the Commission may wish to recommend that original but similar legislation be enacted which would induce individuals to furnish information bearing on Presidential security by offering a substantial reward and preferential treatment. Substantial reward could represent a significant inducement even to staff officers and personnel of secret associations and state security organs abroad who are charged with assassination and sabotage. We have information that such personnel and police state apparatuses have expressed and, in certain cases, acted upon their repugnance for such work and for the political system which requires such duties to be performed.

Mr. RANKIN. Is it your belief, Mr. McCone, that the methods for exchange of information between intelligence agencies of the Government could be materially improved.

Mr. McCONE. I think the exchange between the Central Intelligence Agency and the Federal Bureau of Investigation or the Secret Service is quite adequate. I am not informed as to whether the exchanges between the Secret Service and the FBI are equally adequate. I have not gone into that. I would have no means to know. Certainly it is most important that it be done.

Mr. DULLES. Looking back now that you have the full record, do you feel that you received from the State Department adequate information at the time that they were aware of Oswald's defection and later activities in the Soviet Union, did you get at the time full information from the State Department on those particular subjects?

Mr. McCONE. Well, I am not sure that we got full information, Mr. Dulles. The fact is we had very little information in our files.

Mr. HELMS. It was probably minimal.

Representative FORD. Why did that happen?

Mr. HELMS. I am not sure, Mr. Ford. I can only assume that the State Department had a limited amount. Interestingly enough, it is far enough back now so that it's very hard to find people who were in the Moscow Embassy at the time familiar with the case, so in trying to run this down one comes to a lot of dead ends and I, therefore, would not like to hazard any guess.

Representative FORD. Whose responsibility is it; is it CIA's responsibility to obtain the information or State Department's responsibility to supply it to Central Intelligence and to others.

Mr. McCONE. With respect to a U.S. citizen who goes abroad, it is the responsibility of the State Department through its various echelons, consular service and embassies and so forth.

For a foreigner coming into the United States, who might be of suspicious character, coming here for espionage, subversion, assassination and other acts of violence, we would, and we do exchange this information immediately with the FBI.

Representative FORD. But in this particular case, Oswald in the Soviet Union, whose responsibility was it to transmit the information, whatever it was, to the Central Intelligence Agency?

Mr. McCONE. Well, it would be the State Department's responsibility to do that. Whether there really exists an order or orders that information on an American citizen returning from a foreign country be transmitted to CIA, I don't believe there are such regulations which exist.

Mr. HELMS. I don't believe they do, either.

Mr. McCONE. I am not sure they should.

Representative FORD. It wouldn't be your recommendation that you, the head of Central Intelligence Agency, should have that information?

Mr. DULLES. In a case of an American defecting to a Communist country, shouldn't you have it?

Mr. McCONE. Certainly certain types of information. What we ought to be

careful of here, would be to rather clearly define the type of information which should be transmitted, because after all, there are hundreds of thousands or millions of Americans going back and forth every year, and those records are the records of the Immigration Service, the Passport Division.

Mr. DULLES. I was thinking of a person who having defected might, of course, have become an agent and then reinserted into the United States and if you were informed of the first steps to that you might help to prevent the second step.

Mr. McCONE. Well, certainly information on defectors or possible recruitments should be, and I have no question is being, transmitted.

Representative FORD. What I was getting at was whether the procedures were adequate or inadequate, whether the administration was proper or improper in this particular case, and if some files you have that started when he attempted to defect are inadequate why we ought to know, and we ought to know whether the basic regulations were right or wrong, whether the administration was proper or improper, that is what I am trying to find out.

I would like your comment on it.

Mr. McCONE. Well, I think the basic regulations should be examined very carefully to be sure that they are copper-riveted down and absolutely tight. What I am saying, however, is because of the vast number of Americans who go abroad and stay in foreign countries for indefinite periods of time, it would be an impossible task to transmit all information available in the State Department and Immigration Service as files to the Central Intelligence Agency. It would not be a productive exercise. What must be transmitted and is being transmitted, while I cannot recite the exact regulations is information that is, becomes, known to the various embassies of suspicious Americans that might have been recruited and defected, and then returned so that they would be agents in place.

Representative FORD. In this case, Oswald attempted to defect, he did not, he subsequently sought the right to return to the United States, he had contact with the Embassy. Was the Central Intelligence Agency informed of these steps, step by step, by the Department of State?

Mr. McCONE. You might answer that.

Mr. HELMS. Mr. Ford, in order to answer this question precisely I would have to have the file in front of me. I have not looked at it in some time so I don't have it all that clearly in mind. But it is my impression that we were not informed step by step. When I say that there is no requirement that I am aware of that the State Department should inform us and when I said a moment ago that we had minimal information from them, this was not in any sense a critical comment but a statement of fact.

But an American going to the American Embassy would be handled by the Embassy officials, either consular or otherwise. This would be a matter well within the purview of the State Department to keep all the way through, because we do not have responsibility in the Central Intelligence Agency for the conduct or behavior or anything else of American citizens when they are abroad unless there is some special consideration applying to an individual, or someone in higher authority requests assistance from us. So that the State Department, I think, quite properly would regard this matter as well within their purview to handle themselves within the Embassy or from the Embassy back to the Department of State without involving the Agency in it while these events were occurring.

Representative FORD. I think it could be argued, however, that the uniqueness of this individual case was such that the Department of State might well have contacted the Central Intelligence Agency to keep them abreast of the developments as they transpired. This is not—and when I say this, I mean the Oswald case—is not an ordinary run-of-the-mill-type of case. It is far from it. Even back in the time, well, from the time he went, and particularly as time progressed, and he made application to return, there is nothing ordinary about the whole situation.

Mr. McCONE. That is quite correct; there is no question about that.

Representative FORD. And I am only suggesting that if the regulations were not adequate at the time and are not now, maybe something ought to be done about it.

Mr. RANKIN. Mr. McCone, when you said that supplying all of the information about U.S. citizens who went abroad and came back to the country would not be a profitable exercise, did that comment include the thought that such an intrusion upon all citizens would be questionable?

Mr. McCONE. Such an intrusion?

Mr. RANKIN. Upon their right to travel.

Mr. McCONE. Well, I think this would have a bearing on it. I did not have that particular matter in mind when I made that statement, however. I was just thinking of the—

Mr. RANKIN. Burden?

Mr. McCONE. Of the burden of vast numbers involved.

Mr. RANKIN. Do you have any thought in regard to whether it would be an intrusion upon their rights?

Mr. McCONE. Well, that would be a matter of how it was handled. Certainly, if it was handled in a way that the counterpart of providing the information was to impose restrictions on them, then it would be an intrusion on their rights.

Mr. RANKIN. Yes.

Senator COOPER. May I inquire?

The CHAIRMAN. Senator Cooper.

Senator COOPER. I missed the first part of Mr. McCone's testimony; I went to answer a quorum call. Perhaps the question has been asked.

It has been brought into evidence that a number of people in the Embassy talked to Oswald when he first defected, and the various communications with the Embassy and, of course, when he left to come back to the United States. Have we been able to ascertain the names of officials in the Embassy or employees with whom Oswald talked on these various occasions?

Mr. McCONE. I am not familiar with them; no.

Mr. HELMS. Neither am I, sir.

Mr. McCONE. I presume that the Department's inquiries have covered it.

Senator COOPER. Is it possible to ascertain the names of those employees?

Mr. RANKIN. Senator Cooper, I can answer that. We have inquired of the State Department for that information, and are in the process of obtaining it all.

Senator COOPER. Taking into consideration your answers to the previous question, would it have been possible in your judgment to have secured more comprehensive information about the activities of Oswald in Russia?

Mr. McCONE. It would not have been possible for the Central Intelligence Agency to have secured such information because we do not have the resources to gain such information.

The CHAIRMAN. Anything more? Congressman Ford?

Representative FORD. Did the Central Intelligence Agency investigate any aspects of Oswald's trip to Mexico?

Mr. McCONE. Yes; we did.

Representative FORD. Can you give us any information on that?

Mr. McCONE. Yes; we were aware that Oswald did make a trip to Mexico City and it was our judgment that he was there in the interest of insuring transit privileges and that he made contact with the Cuban Embassy while he was there.

We do not know the precise results of his effort, but we assumed, because he returned to the United States, he was unsuccessful. We have examined to every extent we can, and using all resources available to us every aspect of his activity and we could not verify that he was there for any other purpose or that his trip to Mexico was in any way related to his later action in assassinating President Kennedy.

Representative FORD. Did the Central Intelligence Agency make any investigation of any alleged connection between Oswald and the Castro government?

Mr. McCONE. Yes; we investigated that in considerable detail, because information came to us through a third party that he had carried on a rather odd discussion with Cuban officials in the Cuban Embassy in Mexico City. The allegation was that he had received under rather odd circumstances a substantial amount of money in the Cuban Embassy, and the statement was made by one who claimed to have seen this transaction take place. After a very thorough

and detailed examination of the informer, it finally turned out by the informer's own admission that the information was entirely erroneous, and was made for the purpose of advancing the informer's own standing with the Central Intelligence Agency and the U.S. Government and it was subsequently retracted by the informer in its entirety.

Representative FORD. Was there any other evidence or alleged evidence—

Mr. McCONE. Parenthetically, I might add a word for the record that the date that the informer gave as to the date in time of this alleged transaction was impossible because through other, from other, information we determined that Oswald was in the United States at that particular time.

Representative FORD. Did the Central Intelligence Agency ever make an investigation or did it ever check on Mr. Ruby's trip to Cuba or any connections he might have had with the Castro government?

Mr. McCONE. Not to my knowledge.

Mr. HELMS. We had no information.

Mr. McCONE. We had no information.

Representative FORD. Central Intelligence Agency has no information of any connections of Ruby to the Castro government?

Mr. McCONE. That is right.

Representative FORD. Did you ever make a check of that?

Mr. HELMS. We checked our records to see if we had information and found we did not.

Representative FORD. What would that indicate, the fact that you checked your records?

Mr. HELMS. That would indicate that if we had received information from our own resources, that the Cubans were involved with Mr. Ruby in something which would be regarded as subversive, we would then have it in our files. But we received no such information, and I don't, by saying this, mean that he did not. I simply say we don't have any record of this.

Representative FORD. That is all.

The CHAIRMAN. Director, thank you very much, sir, for coming and being with us and we appreciate the help your department has given to us.

(Whereupon, at 12:30 p.m., the President's Commission recessed.)

Thursday, June 4, 1964

TESTIMONY OF THOMAS J. KELLEY, LEO J. GAUTHIER, LYNDAL L. SHANEYFELT, AND ROBERT A. FRAZIER

The President's Commission met at 2:10 p.m., on June 4, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald R. Ford, Allen W. Dulles, and John J. McCloy, members.

Also present were J. Lee Rankin, general counsel; Norman Redlich, assistant counsel; Arlen Specter, assistant counsel; Waggoner Carr, attorney general of Texas; and Charles Murray, observer.

TESTIMONY OF THOMAS J. KELLEY

(Members present at this point: The Chairman, Representative Ford, Mr. Dulles, and Mr. McCloy.)

Mr. SPECTER. Mr. Chief Justice, we have witnesses today who are Thomas J. Kelley of the Secret Service; Leo J. Gauthier, Lyndal L. Shaneyfelt, and Robert A. Frazier of the FBI. They are going to testify concerning certain

onsite tests made in Dallas at the scene of the assassination, and of preliminary studies which were made prior to the onsite tests at Dallas.

May we have them sworn in as a group?

The CHAIRMAN. Yes. Will you rise and raise your right hands, please?

Do you solemnly swear that the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KELLEY. I do.

Mr. GAUTHIER. I do.

Mr. SHANEYFELT. I do.

Mr. FRAZIER. I do.

The CHAIRMAN. You may be seated, gentlemen. Mr. Kelley, will you take the witness chair, please? Mr. Specter will conduct the examination.

Mr. SPECTER. Will you state your full name for the record, please?

Mr. KELLEY. Thomas J. Kelley.

Mr. SPECTER. By whom are you employed?

Mr. KELLEY. I am employed by the U.S. Secret Service.

Mr. SPECTER. In what capacity?

Mr. KELLEY. I am an inspector.

Mr. SPECTER. In a general way, of what do your duties consist, Mr. Kelley?

Mr. KELLEY. As an inspector, I am part of the chief's headquarters staff. I conduct office inspections of our field and protective installations, and report on their actions to the chief.

Mr. SPECTER. How long have you been with the Secret Service?

Mr. KELLEY. Twenty-two years.

Mr. SPECTER. Did you participate in the planning of the onsite tests at Dallas, Tex.?

Mr. KELLEY. I did.

Mr. SPECTER. And did you participate in the making of those tests?

Mr. KELLEY. Yes, sir.

Mr. SPECTER. On what date was the onsite testing made?

Mr. KELLEY. It was a week ago Sunday.

Mr. SPECTER. That would be May 24, 1964?

Mr. KELLEY. Yes, sir.

Mr. SPECTER. What car was used for testing purposes?

Mr. KELLEY. The car that was used was a 1956 specially built Cadillac, open, a convertible, seven-passenger Cadillac. It has a termination of 679-X, the Secret Service calls it. It is a car that is used as a followup car to the President's car when he is in a motorcade.

Mr. SPECTER. Was that car actually in the motorcade on November 22, 1963, in Dallas?

Mr. KELLEY. Yes; it was.

Mr. SPECTER. Was there any special reason why the car in which the President rode on November 22 was not used?

Mr. KELLEY. Yes; the car in which the President rode has been modified by a body builder in Cincinnati, the Hess & Eisenhardt Co. of Cincinnati.

Mr. SPECTER. And do you have a diagram showing the dimensions of the Secret Service followup car which was used during the onsite tests?

Mr. KELLEY. I have. It was felt that the best simulation of the test could be presented by having a car that was similar to the car in which the President was riding, which was also an open Lincoln convertible.

Mr. SPECTER. May it please the Commission, I would like to mark the diagram of the followup car as Commission Exhibit No. 871 and move its admission into evidence.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 871 for identification, and received in evidence.)

Mr. SPECTER. Do you have diagrams showing the dimensions of the Presidential car?

Mr. KELLEY. I have.

Mr. SPECTER. I would like to have that marked as Commission Exhibit No. 872 and move for its admission into evidence.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 872 for identification, and received in evidence.)

Mr. SPECTER. Without specifying all of the details, Inspector Kelley, are the followup car and the Presidential car generally similar in dimensions?

Mr. KELLEY. Yes; they are. There are very few, of course, seven-passenger convertible cars in existence, and these are specially—these cars are specially built for us by the Lincoln—the Ford Motor Co., and the followup car by the General Motors Co.

Mr. SPECTER. Would you describe what seating arrangements are present in each of those cars in between the permanent front seat and the permanent rear seat?

Mr. KELLEY. There are two jump seats that can be opened up for riders in each of the cars. In the Presidential followup car, these jump seats are usually occupied by Secret Service agents.

In the President's car, they are occupied by the President's guests.

On the day of the assassination, of course, the jump seats were occupied by Mrs. Connally and Governor Connally.

Mr. SPECTER. Mr. Kelley, have you brought with you two photographs depicting the interior of the President's car?

Mr. KELLEY. I have. These are photographs of the interior of the President's car which is known to us as 100-X.

Mr. SPECTER. May it please the Commission, I would like to mark one of these photographs as Commission Exhibit No. 873, and move its admission into evidence.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 873 for identification, and received in evidence.)

Mr. SPECTER. I would like to mark the second photograph as Commission Exhibit No. 874 and move, also, its admission into evidence.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 874 for identification, and received in evidence.)

Mr. SPECTER. Would you describe briefly what Exhibit No. 873 depicts, please?

Mr. KELLEY. Exhibit No. 873 is a photograph of the interior of the rear section of the 100-X, the President's car, showing the seating arrangement in the car and the jump seats are in an open position.

Mr. McCLOY. As of what time were these photographs taken?

Mr. KELLEY. I am sorry, Commissioner. I don't know just when those photographs were taken. They were taken some time in the last 2 years.

Mr. SPECTER. As to Exhibits Nos. 873 and 874, do they accurately depict the condition of the President's car as of November 22, 1963?

Mr. KELLEY. They do, sir.

Mr. SPECTER. Would you describe briefly what Exhibit No. 874 shows?

Mr. KELLEY. Exhibit No. 874 is another photograph of the car taken from the rear, and it shows the relative positions of the jump seats in an open position as they relate to the back seat of the car.

Mr. SPECTER. So that the record may be clear, which Commission number has been given to the diagram of the President's car?

Mr. KELLEY. The President's car is Exhibit No. 872.

Mr. SPECTER. And the followup car diagram is what?

Mr. KELLEY. Exhibit No. 871.

Mr. McCLOY. Do you know whether these photographs were taken before or after the assassination?

Mr. KELLEY. Before the assassination.

Mr. DULLES. Did the car that you used for this test—did that car have the seat lifting capacity that I understand the President's car had?

Mr. KELLEY. No; it did not, sir. I might say that there is in the Commission's records photographs of the President's car after the assassination, showing the condition of it after the assassination, at the garage.

Mr. SPECTER. On the President's car itself, what is the distance on the right

edge of the right jump seat, that is to say from the right edge of the right jump seat to the door on the right side?

Mr. KELLEY. There is 6 inches of clearance between the jump seat and the door.

Mr. SPECTER. And what is the relative position of the jump seat to the rear seat on the Presidential automobile?

Mr. KELLEY. There is 8½ inches between the back of the jump seat and the front of the back seat of the President's car, the rear seat.

Mr. SPECTER. And what is the relative height of the jump seat and the rear seat?

Mr. KELLEY. The jump seat is 3 inches lower than the back seat in its bottom position. That is, the back seat of the President's car had a mechanism which would raise it 10½ inches. But at the time of the assassination, the seat was in its lowest position.

Mr. SPECTER. And what is the differential between the jump seats and the rear seat on the Secret Service followup car?

Mr. KELLEY. The jump seat of the Secret Service car is a little closer to the right door.

However, the seating arrangement is not exactly the same in these cars, in that there is a portion of a padding that comes around on the rear seat.

But relatively, when two persons are seated in this car, one in the rear seat and one in the jump seat, they are in the same alinement as they were in the President's car.

Mr. DULLES. Could I ask one question in response to your statement that the back seat was in its lowest position at the time of the assassination? How do you know that?

Mr. KELLEY. That is a result of questioning of the people who took the car, the driver who took the car from the hospital to the plane. This was one of the drivers of the Presidential car. There was nobody who touched the car until it got back to the White House garage. It was in his custody all the time. And he did not move it.

When it was in the White House garage, it was at its lowest point.

Mr. DULLES. And there would be no opportunity to lower it from the time the President was shot?

Mr. KELLEY. No, sir. The President, of course, operates that thing himself. But when it was examined, at the time it was examined, and it was in the custody of this man all the time, it had not been touched.

Mr. SPECTER. What was the height of President Kennedy?

Mr. KELLEY. He was 72½ inches.

Mr. SPECTER. And were you present when a man was placed in the same position in the Secret Service followup car as that in which President Kennedy sat in the Presidential car when the tests were simulated on May 24th of this year?

Mr. KELLEY. I was.

Mr. SPECTER. Do you know the name of that individual?

Mr. KELLEY. He was an FBI agent by the name of James W. Anderton.

Mr. SPECTER. And what was the height of Mr. Anderton?

Mr. KELLEY. He was 72½ inches.

Mr. SPECTER. Do you know the height of Governor Connally?

Mr. KELLEY. Governor Connally was 6 foot 4.

Mr. SPECTER. Was that the height of the Governor himself or the Governor's stand-in?

Mr. KELLEY. It was my understanding that Governor Connally was—6 foot 2, I guess. The Governor's stand-in, Mr. Doyle Williams, was 6 foot 4.

Mr. SPECTER. Were you present when those two individuals were seated in the Secret Service followup car?

Mr. KELLEY. Yes, sir.

Mr. SPECTER. And what adjustment was made, if any, so that the relative positions of those two men were the same as the positioning of President Kennedy and Governor Connally on November 22, 1963?

Mr. KELLEY. The officials at Hess Eisenhardt, who have the original plans of the President's car, conducted a test to ascertain how high from the ground a person 72½ inches would be seated in this car before its modification. And

it was ascertained that the person would be 52.78 inches from the ground—that is, taking into consideration the flexion of the tires, the flexion of the cushions that were on the car at the time.

Mr. SPECTER. When you say 52.78 inches, which individual would that be?

Mr. KELLEY. That would be the President.

Mr. SPECTER. And what part of his body?

Mr. KELLEY. The top of the head would be 52.78 inches from the ground.

When Mr. Anderton was placed in the followup car, it was found that the top of his head was 62 inches from the ground. There was an adjustment made so that there would be—the stand-in for Governor Connally would be in relatively the same position, taking into consideration the 3-inch difference in the jump seat and the 2-inch difference in his height.

Mr. SPECTER. Considering the 3-inch difference in the jump seat—and I believe it would be an inch and a half difference in height between President Kennedy and Governor Connally—how much higher, then, approximately, was President Kennedy sitting than the Governor on November 22?

Mr. KELLEY. I am not—

Mr. SPECTER. Would the President have been about an inch and half higher than the Governor on the day of the assassination?

Mr. KELLEY. The day of the assassination, yes.

Mr. SPECTER. And were—

The CHAIRMAN. Wouldn't the height of these men depend upon the length of their torso?

Mr. KELLEY. Well, —

The CHAIRMAN. You have some people who are shortwaisted, some people who are longwaisted. I don't know which either of these men were who were of the same height. But I know there is a lot of difference in men. We sometimes see the—a man who looks large sitting down, when he stands up he is small, because he has a long torso, and vice versa.

Mr. KELLEY. Of course the relative positions are apparent from the films that were taken at the time of the assassination. It would be, of course, that judgment—and it would have to be a judgment. But I think the films indicate there was just about that much difference in their height when both were seated.

Mr. SPECTER. Inspector Kelley, I hand you a photograph marked as Commission Exhibit No. 697, which has heretofore been admitted into evidence, and identified by Governor Connally as depicting the President and the Governor as they rode in the motorcade on the day of the assassination, and I ask you if the stand-ins for the President and the Governor were seated in approximately the same relative positions on the reconstruction on May 24.

Mr. KELLEY. Yes, sir; in my judgment that is very close.

Mr. SPECTER. What marking, if any, was placed on the back of President Kennedy—the stand-in for President Kennedy?

Mr. KELLEY. There was a chalk mark placed on his coat, in this area here.

Mr. SPECTER. And what did that chalk mark represent?

Mr. KELLEY. That represented the entry point of the shot which wounded the President.

Mr. SPECTER. And how was the location for that mark fixed or determined?

Mr. KELLEY. That was fixed from the photographs of a medical drawing that was made by the physicians and the people at Parkland and an examination of the coat which the President was wearing at the time.

Mr. SPECTER. As to the drawing, was that not the drawing made by the autopsy surgeons from Bethesda Naval Hospital?

Mr. KELLEY. Bethesda Naval.

Mr. McCLOY. Not Parkland, as I understand it?

Mr. SPECTER. No, sir; not Parkland, because as the record will show, the President was not turned over at Parkland.

Mr. KELLEY. I was shown a drawing of—that was prepared by some medical technicians indicating the point of entry.

Mr. SPECTER. Permit me to show you Commission Exhibit No. 386, which has heretofore been marked and introduced into evidence, and I ask you if that is the drawing that you were shown as the basis for the marking of the wound on the back of the President's neck.

Mr. KELLEY. Yes.

Mr. SPECTER. And the record will show, may it please the Commission, that this was made by the autopsy surgeons at Bethesda.

And was there any marking placed on the back of Governor Connally?

Mr. KELLEY. Yes; there was a marking placed on the back of his coat in the area where the medical testimony had indicated the bullet had entered Governor Connally.

Mr. SPECTER. And what coat was worn by the stand-in for Governor Connally?

Mr. KELLEY. It was the coat that Governor Connally was wearing at the time he was injured.

Mr. SPECTER. And was the chalk circle placed around the hole which appeared on the back of that coat garment?

Mr. KELLEY. It was.

Mr. SPECTER. Were certain tests made by the Secret Service shortly after the day of the assassination?

Mr. KELLEY. Yes.

Mr. SPECTER. And were those tests reduced to photographs which were compiled in an album?

Mr. KELLEY. Yes; in Commission Document No. 88, we took some photographs of the scene of the assassination on December 5, 1963, from the window of the Texas Book Depository, and from the street.

Mr. SPECTER. The number which you refer to bears Commission No. 88, which is an index number which was given for internal Commission document filing, but it has not been marked as a Commission exhibit.

I would now like to mark it Commission Exhibit No. 875 and move for its admission into evidence.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 875 for identification, and received in evidence.)

Mr. SPECTER. Does a photograph in that group show the condition of the foliage of the trees in the vicinity where the assassination occurred?

Mr. KELLEY. Yes.

Mr. SPECTER. And is there—

Mr. DULLES. One question. This photograph was taken, though, several weeks later, wasn't it?

Mr. KELLEY. On December 5.

Mr. DULLES. That was 2 weeks later.

Mr. KELLEY. Two weeks later; yes, sir.

Mr. DULLES. So the foliage would presumably be somewhat less in that picture, would it not, than it was on November 22?

Mr. KELLEY. No; actually, the foliage hadn't changed very much even in the latest tests we are making.

The CHAIRMAN. It was an evergreen?

Mr. KELLEY. It was an oak tree, Mr. Chief Justice, I have been told the foliage doesn't change much during the year. They call it pine oak. Some people call it a life oak. But the people down there I talked to said it was called a pine oak.

Mr. SPECTER. And did you observe the foliage on the tree on May 24?

Mr. KELLEY. I did, sir.

Mr. SPECTER. And would you state the relative condition of that foliage, as contrasted with the photographs you have before you taken on December 5?

Mr. KELLEY. It was very similar, practically the same.

Mr. SPECTER. And the description which you have just given applies to a large oak tree which intervened between a point on the sixth floor of the Texas School Book Depository Building and any automobile which would have been driven down the center lane of Elm Street in a westerly direction?

Mr. KELLEY. Yes, sir.

Mr. SPECTER. Mr. Chief Justice, the purpose of having Inspector Kelley testify was just to set the scene. That completes our questioning of him.

The CHAIRMAN. Very well. Thank you, Inspector Kelley.

Mr. SPECTER. The next witness will be Inspector Gauthier.

TESTIMONY OF LEO J. GAUTHIER

Mr. SPECTER. Would you state your full name for the record, please?

Mr. GAUTHIER. Leo J. Gauthier.

Mr. SPECTER. And by whom are you employed, sir?

Mr. GAUTHIER. The Federal Bureau of Investigation.

Mr. SPECTER. And what is your rank with the Federal Bureau of Investigation?

Mr. GAUTHIER. Inspector. I am in charge of the Bureau's exhibit section, where we prepare investigative aids, consisting of diagrams, charts, maps, three-dimensional exhibits, in connection with the presentation of cases in court.

Mr. SPECTER. How long have you been employed by the Federal Bureau of Investigation?

Mr. GAUTHIER. Twenty-nine years.

Mr. SPECTER. Did you have occasion to reconstruct certain models to scale in connection with the investigation on the assassination of President Kennedy?

Mr. GAUTHIER. Yes; I did.

Mr. SPECTER. And what model reproduction, if any, did you make of the scene of the assassination itself?

Mr. GAUTHIER. The data, concerning the scene of the assassination, was developed by the Bureau's Exhibits Section, including myself, at the site on December 2, 3, and 4, of 1963. From this data we built a three-dimensional exhibit, one-quarter of an inch to the foot. It contained the pertinent details of the site, including street lights, catch basin, concrete structures in the area, including buildings, grades, scale models of the cars that comprised the motorcade, consisting of the police lead car, the Presidential car, the followup car, the Lincoln open car that the Vice President was riding in, and the followup car behind the Vice-Presidential car.

Mr. SPECTER. On the model of the scene itself, Mr. Gauthier, did you reproduce a portion of the scene which is depicted in Commission Exhibit No. 876?

Mr. GAUTHIER. Yes; I did.

Mr. SPECTER. Handing you that Commission Exhibit No. 876, I will ask you to describe what it represents in toto.

Mr. GAUTHIER. This is an aerial view of the site known as Dealey Plaza, in Dallas, Tex.

It indicates the large buildings that surround this area. They are numbered 1 through 11. It indicates the main streets—Commerce, Main, and Elm Streets, and the roadways through the plaza, including the triple underpass.

Mr. SPECTER. I now hand you a document which has been marked as Commission Exhibit No. 877 and ask you if that document was obtained by you in connection with the survey for the model which you prepared.

Mr. GAUTHIER. Yes; this is a description of Dealey Plaza stating the historical background and the physical description.

Mr. SPECTER. I move at this time for the admission into evidence of Commission Exhibits Nos. 876 and 877.

The CHAIRMAN. They may be admitted.

(The documents referred to were marked Commission Exhibits Nos. 876 and 877 for identification, and received in evidence.)

Mr. SPECTER. Inspector, I now hand you two photographs marked as Commission Exhibits Nos. 878 and 879 and ask you to state what those depict.

(The documents referred to were marked Commission Exhibits Nos. 878 and 879 for identification.)

Mr. GAUTHIER. Commission Exhibit No. 878 is a view of the scale model looking toward the northeast with the Texas School Book Depository Building in the background, together with the Daltex Building, and a portion of the Dallas County Courthouse. It includes the pergola to the left, and the pericycle structure on the right with the reflecting pool in the immediate background.

It also shows the roadway through the plaza, which is an extension of Elm Street, upon which appears miniature scale models of the vehicles in the motorcade.

Mr. DULLES. What motorcade is this?

Mr. GAUTHIER. We are depicting the Presidential motorcade at the time of the assassination, the motorcade that passed that area.

Mr. DULLES. And this was done on what day?

Mr. GAUTHIER. Our data to build this were compiled on December 2, 3, and 4. It took about 5 weeks to prepare this exhibit in Washington.

Mr. SPECTER. Would you now describe what is shown on the photograph?

Mr. GAUTHIER. Commission Exhibit No. 879 is a view of the scale model looking toward the southwest, in the direction of the Triple Underpass, from a position on the sixth floor in the southeast corner window.

Mr. SPECTER. I now hand you two additional photographs marked as Commission Exhibits Nos. 880 and 881, and ask you to state what they represent.

(The documents referred to were marked Commission Exhibits Nos. 880 and 881 for identification.)

Mr. GAUTHIER. Commission Exhibit No. 880 is a scale dimension view of the sixth floor looking toward the southeast corner of the Texas School Book Depository Building.

Mr. SPECTER. And in the corner of that photograph is the area depicted which has been described as the possible site of the rifleman?

Mr. GAUTHIER. That is correct.

Mr. SPECTER. Will you now describe what Exhibit No. 881 shows?

Mr. GAUTHIER. Commission Exhibit No. 881 is a three-dimensional view of leading down from Main Street and Commerce Street. Positioned on the ramps are scale models of an armored van and two police squad cars. There are also miniature mockups of individuals—representing position of people in this area of the basement garage.

Mr. SPECTER. And what event is depicted in that model, if any?

Mr. GAUTHIER. This represents the arrangement, physical arrangement, in the basement at the time Lee Harvey Oswald walked out from the elevator through the jail office onto the basement ramp.

Mr. SPECTER. And where have these models been maintained since the time they were prepared by the FBI?

Mr. GAUTHIER. The models were delivered to the Commission's building and installed in the exhibits room on the first floor, on January 20, 1964.

Mr. SPECTER. Mr. Chief Justice, I now move for the admission into evidence of the photographs 878, 879, 880, and 881.

The CHAIRMAN. They may be admitted.

(The documents heretofore marked for identification as Commission Exhibits Nos. 878, 879, 880, and 881, were received in evidence.)

Mr. SPECTER. Did you participate in the onsite tests made in Dallas?

Mr. GAUTHIER. I did.

Mr. SPECTER. Was a survey made of the scene used to record some of the results of that onsite testing?

Mr. GAUTHIER. Yes.

Mr. SPECTER. And by whom was the survey made?

Mr. GAUTHIER. The survey was made on May 24, 1964, by Robert H. West, county surveyor, a licensed State land surveyor, located at 160 County Courthouse, Dallas, Tex.

Mr. SPECTER. Have you brought the tracing of that survey with you today?

Mr. GAUTHIER. I have; yes.

Mr. SPECTER. And have you brought a cardboard reproduction of that?

Mr. GAUTHIER. A copy made from the tracing; yes.

Mr. SPECTER. Would you produce the cardboard copy made from the tracing for the inspection of the Commission at this time, please?

Mr. GAUTHIER. Yes.

Mr. SPECTER. Would you produce the tracing at this time, please?

Mr. GAUTHIER. Yes; the tracing is wrapped, and sealed in this container.

Mr. SPECTER. Without breaking the seal, I will ask you if the cardboard which has been set up here—may the record show it is a large cardboard. I will ask you for the dimensions in just a minute.

Does the printing on the cardboard represent an exact duplication of the tracing which you have in your hand?

Mr. GAUTHIER. Yes.

Mr. SPECTER. May it please the Commission, we will mark the tracing Commission Exhibit No. 882, and not take it out, since the cardboard represents it, and place Commission Exhibit No. 883 on the cardboard drawing itself, and I would like to move for the admission into evidence of both Exhibits Nos. 882 and 883.

The CHAIRMAN. They may be admitted.

(The documents referred to were marked Commission Exhibits Nos. 882 and 883 for identification, and received in evidence.)

Mr. SPECTER. Will you now describe what Exhibit No. 883 is, Inspector Gauthier, indicating, first of all, the approximate size of the cardboard?

Mr. GAUTHIER. This is a copy of the tracing measuring 40 inches in width, 72 inches in length. It is made to a scale of 1 inch equals 10 feet.

From the data compiled on that day by the surveyor, this tracing was prepared. The area is bounded on the north by the Texas School Book Depository Building, and on further here by railroad property.

Mr. SPECTER. Indicating a general westerly direction from the School Book Depository Building?

Mr. GAUTHIER. Yes; I am pointing towards the west.

On the east it is bounded by Houston Street.

On the south by Main, which is a roadway going through Dealey Plaza.

And on the west by the triple underpass.

Located on this plat map are street lights accurately located, a catch basin, certain trees, location of trees, the delineation of the concrete pergola, which you see here on the photograph, the outer boundaries of the pericycle, and the reflecting pool—locating exactly the window in the Texas School Book Depository Building, in the southeast corner, and also a tabulation of the measurements and angles that the surveyor has compiled from certain positions identified for him on the street by an observation from this window, an observation from the position of Mr. Zapruder—

Mr. SPECTER. When you say this window, which window did you mean?

Mr. GAUTHIER. The window on the sixth floor of the Texas School Book Depository Building, the one in the southeast corner, the farthest window.

Mr. SPECTER. And when you identify the Zapruder position, what did you mean by that?

Mr. GAUTHIER. This is a concrete abutment of the pergola, located in the area upon which Zapruder was standing at the time the movies were made.

(At this point, Senator Cooper entered the hearing room.)

(At this point, Representative Ford withdrew from the hearing room.)

Mr. SPECTER. Are there any other positions noted on the diagram that you have been describing showing where other movies were made?

Mr. GAUTHIER. Yes.

(At this point, Chief Justice Warren withdrew from the hearing room.)

Mr. GAUTHIER. We also locate the position of Mr. Nix, who also made movies of the motorcade at certain points on the roadway.

Mr. SPECTER. On what street was Mr. Nix standing?

Mr. GAUTHIER. I am pointing now to the south side of Main Street, approximately in front of the concrete pylon of the south pericycle structure. That is a short distance from the intersection of Main and Houston.

Mr. SPECTER. A short distance west of the intersection?

Mr. GAUTHIER. West.

Mr. SPECTER. And what other position is shown of the situs of a movie photographer?

Mr. GAUTHIER. We have another position here by Mrs. Mary Muchmore, who made movies of the motorcade movement along the Elm Street roadway on November 22, 1963.

Mr. SPECTER. I now hand you a schedule which I have marked as Commission Exhibit No. 884 and ask you what figures are contained thereon.

(The document referred to was marked Commission Exhibit No. 884 for identification.)

Mr. GAUTHIER. This is a copy of a tabulation which appears on the plat map.

It contains certain positions marked as frame numbers. It indicates elevations and a column dealing with angle of sight from the frame positions to the window and to a horizontal line.

It also contains angles of sight the degree of sight and distances from these positions to a point on the top of the bridge, handrail height.

Mr. SPECTER. May it please the Commission, that concludes the description of the general setting.

I would like to move now at this time for the admission into evidence of Exhibit No. 884, which completes all of the exhibits used heretofore.

Mr. McCLOY. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 884, was received in evidence.)

Mr. SPECTER. May it please the Commission, that completes the testimony of Inspector Gauthier.

I would like to call Mr. Shaneyfelt.

Mr. McCLOY. Mr. Shaneyfelt?

TESTIMONY OF LYNDAL L. SHANEYFELT

Mr. SPECTER. Would you state your full name for the record, please?

Mr. SHANEYFELT. Yes; Lyndal L. Shaneyfelt.

Mr. SPECTER. By whom are you employed?

Mr. SHANEYFELT. I am employed as a special agent of the Federal Bureau of Investigation.

Mr. SPECTER. And how long have you been so employed?

Mr. SHANEYFELT. Fourteen years.

Mr. SPECTER. What are your duties, in a general way?

Mr. SHANEYFELT. I am assigned to the FBI Laboratory, as a document examiner, and photographic expert.

Mr. SPECTER. During the course of those duties, have you had occasion to make an analysis of certain movies which purport to have been taken of the assassination?

Mr. SHANEYFELT. Yes; I have.

Mr. SPECTER. What movies have you examined?

Mr. SHANEYFELT. I have examined a roll of 8-mm. motion pictures made by Mr. Abraham Zapruder of Dallas, Tex., that he took on November 22, of the assassination of President Kennedy.

Mr. SPECTER. Can you outline in a general way how the movies taken by Mr. Zapruder came into your possession?

Mr. SHANEYFELT. Yes; Mr. Zapruder, on realizing what he had in his photographs, took them immediately to a local Dallas processing plant, had them processed, and had three copies made. He turned two copies of those movies over to representatives of the Secret Service.

The original and other copy he sold to Life magazine.

The FBI was given one of the copies by the Secret Service. The Secret Service loaned a copy to us long enough for us to make a copy for our use, which we did, and this copy is the one that I have been examining.

Mr. SPECTER. At any time in the course of the examination of the Zapruder film, was the original of that movie obtained?

Mr. SHANEYFELT. Yes; it was. On February 25, Mr. Herbert Orth, who is the assistant chief of the Life magazine photographic laboratory, provided the original of the Zapruder film for review by the Commission representatives and representatives of the FBI and Secret Service here in the Commission building.

Mr. SPECTER. And what was the reason for his making that original available?

Mr. SHANEYFELT. Life magazine was reluctant to release the original because of the value. So he brought it down personally and projected it for us and allowed us to run through it several times, studying the original.

Mr. SPECTER. Was that because the copies were not distinct on certain important particulars?

Mr. SHANEYFELT. That is correct. The original had considerably more detail

and more there to study than any of the copies, since in the photographic process each time you copy you lose some detail.

Mr. SPECTER. And subsequently, were slides made from the original of the Zapruder film?

Mr. SHANEYFELT. Yes. Since it was not practical to stop the projector when using the original of the Zapruder film, because of the possibility of damage to the film, Mr. Orth volunteered to prepare 35-mm. color slides directly from the original movie of all of the pertinent frames of the assassination which were determined to be frames 171 through 434.

Mr. SPECTER. Would you outline what you mean by frames, please?

Mr. SHANEYFELT. Yes. In motion picture films, the actual motion picture film consists of consecutive pictures that are made in rapid succession, each one being a separate exposure. And as the camera runs, it films these, and they are projected fast enough on the screen when you do not have the sensation of them being individual pictures, but you have the sensation of seeing the movement—even though they are individual little pictures on the film. So each one of those little pictures on the film is called a frame.

Mr. SPECTER. And how did you number the frames?

Mr. SHANEYFELT. I numbered the frames on the Zapruder film beginning with No. 1 at the assassination portion of his film.

He did have on his film some photographs of a personal nature that we disregarded, and started at the first frame of his motion picture that was made there on Elm Street of the assassination.

Mr. SPECTER. And what was happening at the time of frame 1?

Mr. SHANEYFELT. At the time of frame 1, the police motorcycle lead portion of the parade is in view, and that goes for several frames. Then he stopped his camera, feeling that it might be some time before the Presidential car came into view. Then when the Presidential car rounded the corner and came into view, he started his camera again, and kept it running throughout the route down Elm Street until the car went out of sight on his right.

Mr. SPECTER. What other movies have been examined by you in the course of this analysis?

Mr. SHANEYFELT. An amateur 8-mm. motion picture film made by a Mr. Orville Nix of Dallas, Tex., has been examined. Mr. Nix was standing on the corner of Houston and Main Streets, photographing the motorcade as it came down Main Street and turned right into Houston Street.

Mr. SPECTER. Would you explain briefly how you ascertained the location of Mr. Nix when he took those movies?

Mr. SHANEYFELT. Yes. At the time Mr. Nix took his movies of the motorcade coming down Main Street, he was standing on the corner, and photographed them turning the corner and going down Houston Street.

Mr. SPECTER. You are now indicating the southwest corner of Houston and Main?

Mr. SHANEYFELT. Yes; southwest corner. After he heard the shots, he hurried down along the curb of Main Street, but did not remember exactly where he was standing. On the basis of his motion pictures, we were able to analyze the pictures using his camera, and on the 23d of May of this year, during the survey, preparatory to the reenactment, we reestablished this point by viewing pictures taken from his motion picture camera, at varying angles across here, in order to reestablish the point where he was standing, based on the relationship of this street light to other items in the background of the photograph.

Mr. SPECTER. When you say this point, you mean the point of the Nix position?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. And when you say this street light, you are referring to a street lamp on the opposite side of Main Street?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Would you outline in a general way how you obtained the copy of the Nix film?

Mr. SHANEYFELT. Yes.

The Nix film was obtained as a result of a notice that the FBI gave to processing plants in the Dallas area, that the FBI would be interested in obtaining or knowing about any film they processed, that had anything on it, relating to the assassination.

And, as a result of this, we learned of the Nix film and arranged to obtain a copy of it.

Mr. SPECTER. Did you analyze any other film in connection with this inquiry?

Mr. SHANEYFELT. Yes. I analyzed a film that was 8-mm. motion picture film taken by Mrs. Mary Muchmore of Dallas, Tex.

Mr. SPECTER. How did you obtain a copy of that film?

Mr. SHANEYFELT. Our first knowledge of this came as a result of a review of the book "Four Days" which covers the assassination period, in which representatives of the FBI noted a colored picture taken from a motion picture film that did not match either the Nix film or the Zapruder film.

Once we established that, then we investigated and learned that it was made by Mrs. Mary Muchmore, and was at that time in the possession of United Press International in New York, and made arrangements for them to furnish us with a copy of the Muchmore film. That is the copy that I used for examination.

Mr. SPECTER. Where was Mrs. Muchmore standing at the time she took those movies?

Mr. SHANEYFELT. Mrs. Muchmore was standing along Houston Street, close to the corner of Main, on the west side of Houston Street, and photographed the motorcade as it came down Main, turned into Houston, and proceeded down Houston. She says that when she heard the shots, she panicked, and did not take any further pictures. But a review of her film shows pictures of the assassination route, the motorcade going down Elm Street, beginning just before the shot that hit the President in the head, and continuing a short period after that.

Since she did not remember taking the pictures, we then, in the same manner we established Mr. Nix's position, by checking the photograph in relation to objects in the background, established her position along this structure that is marked on the map and found that she had come from the curb over to this point—

Mr. SPECTER. Indicating a position on Exhibit No. 883 marked "Muchmore Position."

Mr. SHANEYFELT. That is correct.

And this we established as her position when she photographed a portion of the assassination—motorcade.

Mr. SPECTER. Would you elaborate just a bit more on how you ascertained that position from fixed points in the background of the movie?

Mr. SHANEYFELT. Yes; we took a frame of the motion picture that is close to the beginning and a picture that is close to the end, and made a still photograph of those. We then establish a position and try to line up the relationship of objects close to where we are standing with objects in the background, so that they are in relation to each other as they are in the picture.

Then we take the other picture from farther along the motion picture film, and do the same thing, and where those two lines intersect is where she had to be standing.

Mr. SPECTER. You draw two straight lines through two objects that you line up on each of those pictures, and the intersection point of those two lines is the calculated position of the camera.

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And was that same system used to ascertain the position of Mr. Nix?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And how did you ascertain the position of Mr. Zapruder?

Mr. SHANEYFELT. Mr. Zapruder's position was known, as he was on the top of the abutment along Elm Street—he stated that he was standing on the abutment. And there is relatively no room to move around there, other than to stand there. It is about 2 feet wide by 3 to 4 feet deep.

(At this point, Representative Ford entered the hearing room.)

Mr. SHANEYFELT. And aside from that, we checked that position against his photographs and determined that that was in fact correct.

Mr. SPECTER. Was the position of Mr. Zapruder confirmed through the use of any other film?

Mr. SHANEYFELT. Yes; in Mr. Nix's motion picture films you can see Mr. Zapruder standing on the abutment.

Senator COOPER. May I ask a question there?

After you had made those calculations to establish the position of Mrs. Muchmore and Mr. Nix and Mr. Zapruder, did you then identify those positions to the three and ask them whether or not it corresponded—your findings corresponded with their recollection as to where they were standing?

Mr. SHANEYFELT. We did not do that; no. Mr. Nix, I might say, did state that he went down along this side—the south side of Main Street, along the curb, and it generally conforms to where he stated he went, but he could not place the exact position. We did, by this study.

Senator COOPER. Mr. Zapruder's position was established by another photograph?

Mr. SHANEYFELT. That is correct.

Mr. DULLES. Do I understand you correctly that Mrs. Muchmore didn't realize she had taken the later pictures that appear?

Mr. SHANEYFELT. According to her statement, she said after hearing the shots, she panicked, and didn't take any more pictures.

Mr. DULLES. You think she did?

Mr. SHANEYFELT. On the film there are pictures.

Mr. SPECTER. Was the position of Mrs. Muchmore and Mr. Nix ascertained through a geometric calculation, lining up various points as you have just described?

Mr. SHANEYFELT. Well, it is actually a geometric calculation, although no strings were drawn or no lines were drawn. It is a matter of standing in a position out there with Mr. Nix's camera, and viewing the two different photographs we had selected, until we arrived at a point that matched.

Mr. SPECTER. Was there reasonable mathematical certainty in that alignment, within the limits of your observations of their pictures?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. Did Mr. Zapruder himself point out his location on the abutment as depicted on Exhibit No. 883?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Now, how many occasions were you a participant in an analysis of these various films which you have just described?

Mr. SHANEYFELT. Seven.

Mr. SPECTER. And when was the first time that you were a participant in such an analysis?

Mr. SHANEYFELT. On January 27, 1964.

Mr. SPECTER. And who else has been with you at the time you analyzed those films—just stating in a general way without identifying each person present on each of the occasions?

Mr. SHANEYFELT. On most occasions, Mr. Gauthier of the FBI was present. I was present, Mr. Malley of the FBI was present. Inspector Kelley from Secret Service, and Mr. John Howlett from Secret Service.

Representatives of the Commission were always present—normally Mr. Redlich, Mr. Specter, or Mr. Eisenberg were present.

On several occasions Mr. Ball and Mr. Belin were present. Mr. Rankin was present on some occasions.

I believe Mr. McCloy was present on one occasion.

Various representatives of the Commission were present.

Mr. SPECTER. And how long did those analysis sessions ordinarily last?

Mr. SHANEYFELT. They would normally last most of the day, about all day.

Mr. SPECTER. And what would be done during the course of those analytical sessions?

Mr. SHANEYFELT. In each case we would take the film and run it through regular speed, slow motion, we would stop it on individual frames and study it frame by frame, trying to see in the photographs anything that would give any indication of a shot hitting its mark, a reaction of the President, a reaction of Mr. Connally or Mrs. Connally, reaction of the Secret Service agents, reaction of people in the crowd, relating it to all the facts that we felt were important.

When we obtained the slides from Life magazine, we went through those very thoroughly, because they gave so much more detail and were so much clearer and analyzed again all these things about the reaction of the President and Mr. Connally, trying to ascertain where he was reacting—whether either one was reacting to being hit.

Of course the only shot that is readily apparent in any of the films, and it appears in the Zapruder, the Nix, and the Muchmore films, is the shot that hit the President in the head.

Mr. SPECTER. Why do you say that is readily apparent?

Mr. SHANEYFELT. Because on the film there is practically an explosion of his head and this is obviously the shot that hit the President in the head. It is very apparent from the photograph.

Mr. SPECTER. Now, were any others present at any time, such as witnesses who appeared before the Commission, during the analysis sessions on these films and slides?

Mr. SHANEYFELT. Yes.

On April 14, representatives of the Commission, FBI, and doctors—Dr. Hume of the Navy, who is at Bethesda, Commander Boswell from the U.S. Navy Medical School at Bethesda, Colonel Finck, Chief of the Wound Ballistics Pathology of the Armed Forces Institute of Pathology.

Mr. SPECTER. Are those the autopsy surgeons?

Mr. SHANEYFELT. Yes; that is my understanding. Dr. Olivier, from Edgewood Arsenal, Dr. Light, from Edgewood Arsenal, were present also with Dr. Humes and the others, on April 14.

Mr. SPECTER. Did any individuals who were present at the motorcade itself ever have an opportunity to view the films and slides?

Mr. SHANEYFELT. Yes; on April 21, films were again viewed by representatives of the Commission and the FBI, and at that time Drs. Gregory and Shaw, from Parkland Hospital in Dallas, were available, Drs. Light and Olivier, and a Dr. Dolce, and Governor and Mrs. Connally were present.

And at all of the viewings, they were again reviewed frame by frame, studied by the doctors to tie it in with their findings, studied by the Parkland doctors, and studied by the Connallys, to try to tie in where the shots occurred along the film.

Mr. SPECTER. I now hand you an album which has been marked as Commission Exhibit No. 885.

(The document referred to was marked Commission Exhibit No. 885 for identification.)

Mr. SPECTER. I ask you to state what that album depicts.

Mr. SHANEYFELT. This is an album that I prepared of black and white photographs made of the majority of the frames in the Zapruder film—

Mr. SPECTER. Starting with what frame number?

Mr. SHANEYFELT. Starting with frame 171, going through frame 334.

Mr. SPECTER. And why did you start with frame 171?

Mr. SHANEYFELT. This is the frame that the slides start from. This was an arbitrary frame number that was decided on as being far enough back to include the area that we wanted to study.

Mr. SPECTER. Is that a frame where President Kennedy comes into full view after the motorcade turns left off of Houston onto Elm Street?

Mr. SHANEYFELT. Yes, yes.

Mr. SPECTER. And how was the ending point of that frame sequence, being No. 334, fixed?

Mr. SHANEYFELT. It was fixed as several frames past the shot that hit the President in the head. Frame 313 is the frame showing the shot to the President's head, and it ends at 334.

Mr. SPECTER. Are there any other photographs in that album in addition to the Zapruder frames?

Mr. SHANEYFELT. Yes; there are. There are six photographs selected at random from the Nix film, including frame 24, which is a frame depicting the shot to the head of the President, and there are three photographs picked at random from the Muchmore film, including frame 42, which is the frame depicting the head shot. These are the pictures that were used in establishing the location of the Nix and Muchmore cameras on location in Dallas. Frame 10, which is the first one of the Nix series, is the one showing Mr. Zapruder standing on the projection.

Mr. SPECTER. And where was the viewing of the films and slides undertaken?

Mr. SHANEYFELT. They have been viewed here at the Commission—all those in addition to the ones I have made personally in the FBI Laboratory.

Mr. SPECTER. And was that down on the first floor of the VFW Building here?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And was there any model available adjacent to the area where the films were shown, for use in re-creating or reconstructing the assassination events?

Mr. SHANEYFELT. Yes; the model was available and used.

Mr. SPECTER. Is that the model which has been described earlier this afternoon by Inspector Gauthier?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Were you present on May 24 in Dallas, Tex.?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. And what, if anything, was done at the site of the assassination on that date?

Mr. SHANEYFELT. On May 24, 1964, representatives of the Commission, Secret Service, and FBI reenacted the assassination, relocated specific locations of the car on the street based on the motion pictures, and in general staged a reenactment.

Mr. SPECTER. Who was present at that time representing the Commission?

Mr. SHANEYFELT. The Commission was represented by Mr. Rankin, Mr. Spector, and Mr. Redlich.

Mr. SPECTER. And who was present at that time from the FBI?

Mr. SHANEYFELT. I was present, Inspector Gauthier was present, Inspector J. R. Malley was present, Special Agent R. A. Frazier was present, with some aids, assistants.

Mr. SPECTER. Other aids from the FBI were also present?

Mr. SHANEYFELT. Yes; in addition, there were several agents from the Dallas office of the Federal Bureau of Investigation who assisted.

Mr. SPECTER. And were there representatives of the Secret Service participating in that onsite testing?

Mr. SHANEYFELT. Yes; there were. Inspector Kelley was present, Agent John Howlett was present, the driver of the car, or the Secret Service agent whose name I do not recall—

Mr. SPECTER. George Hickey?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And at what time did the onsite test start?

Mr. SHANEYFELT. They started at 6 o'clock Sunday morning.

Mr. SPECTER. Why was that time selected?

Mr. SHANEYFELT. The time was selected because of the traffic in the area. The Dallas Police Department recommended that that would be the most logical time to do it, causing the least problem with traffic.

Mr. SPECTER. At what time did the onsite tests conclude?

Mr. SHANEYFELT. They concluded about 1 o'clock, 12:45 to 1 o'clock.

Mr. SPECTER. Was there any subsequent testing done in Dallas on that day?

Mr. SHANEYFELT. Yes; there was.

Mr. SPECTER. And where was that testing undertaken?

Mr. SHANEYFELT. There was some testing done in a railway express agency garage nearby the assassination site.

Mr. SPECTER. At what time did that start?

Mr. SHANEYFELT. That started at 3 p.m., and lasted until 5:30 p.m.

Mr. SPECTER. Where were the various individuals positioned who participated in these onsite tests at the outset, at, say, 6 a.m., on the 24th of May?

Mr. SHANEYFELT. At the very beginning, at 6 a.m., Mr. Rankin and Mr. Spector were in the sixth floor window of the Texas School Book Depository Building, which is the southeast corner of the building, sixth floor window, which was referred to as our control point, and where we had the master radio control for the other units.

Mr. Redlich was on the street with the car. At the car on the street were the occupants of the car, the Secret Service driver, Mr. Hickey, an agent from the FBI, who handled radio contact with control, Agents Anderton and Williams in the President's and Connally's seats, Mr. Gauthier and his aids, a surveyor, and I, were all on the ground in the vicinity of the car.

Agent Frazier was in the window of the Book Building at the control point with the rifle that was found at the window following the assassination.

Mr. SPECTER. Now, was that rifle found at the window or in another location on the sixth floor?

Mr. SHANEYFELT. In another location on the sixth floor.

Mr. SPECTER. And that is the Mannlicher-Carcano rifle which was heretofore identified as Commission Exhibit No. 139?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And where were you positioned on most of the occasions at the time of the onsite tests?

Mr. SHANEYFELT. For the first portion of them, I was at the car in the street, and at the position of Mr. Zapruder, the position from which he took his pictures.

Mr. SPECTER. What communications were available, if any, among the participants at the various locations heretofore described?

Mr. SHANEYFELT. We had radio contact between all points.

Mr. SPECTER. What was the starting position of the car at the most easterly position on Elm Street, immediately after turning off Houston Street?

Mr. SHANEYFELT. The first position we established that morning was frame 161.

Mr. SPECTER. Was there not a position established prior in sequence to frame 161, specifically that designated as position A?

Mr. SHANEYFELT. That was actually established later. But the first one to be actually located was 161. And we went back later and positioned point A.

Mr. SPECTER. Well, let's start with the position which is the most easterly point on Elm Street, which I believe would be position A, would it not?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. Have you a photographic exhibit depicting that position?

Mr. SHANEYFELT. Yes; in each of the positions that we established, we used, insofar as possible, the Zapruder pictures to establish the position, or we established it from the window, and made photographs from the position Mr. Zapruder was standing in.

Mr. SPECTER. This chart has been marked as Commission Exhibit No. 886.

(The document referred to was marked Commission Exhibit No. 886 for identification.)

Mr. SHANEYFELT. This shows the photograph that was made from the point where Zapruder was standing looking toward the car, and is a point that we have designated as position A because it is in a position that did not appear on the Zapruder film.

The Zapruder film does not start until the car gets farther down Elm Street.

Mr. SPECTER. What is that exhibit number?

Mr. SHANEYFELT. Exhibit No. 886.

Mr. SPECTER. And why was that location selected for the position of the car?

Mr. SHANEYFELT. This location was selected as the first point at which a person

in the sixth floor window of the Book Building at our control point could have gotten a shot at the President after the car had rounded the corner from Houston to Elm.

Mr. SPECTER. And what position is station C?

Mr. SHANEYFELT. Station C is on a line drawn along the west curb line of Houston Street in a direct line, and station C is at a point along that line that is in line with where the car would have turned coming around that corner. It is on a line which is an extension of the west curb line of Houston Street.

Mr. DULLES. Where is position A on that chart?

Mr. SHANEYFELT. Position A is here.

Mr. MCCLOY. That is before you get to the tree?

Mr. SHANEYFELT. Yes; he isn't under the tree yet.

Mr. SPECTER. And what occupant, if any, in the car is position A sighted on for measuring purposes?

Mr. SHANEYFELT. All of the photographs made through the rifle sight that are shown on the exhibit in the lower left-hand corner were sighted on the spot that was simulating the spot where the President was wounded in the neck. The chalk mark is on the back of the coat.

Mr. SPECTER. When you say that position A is the first position at which President Kennedy was in view of the marksman from the southeast window on the sixth floor of the School Book Depository Building, you mean by that the first position where the marksman saw the rear of the President's stand-in?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. So that would be the first position where the marksman could focus in on the circled point where the point of entry on the President was marked?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Could the marksman then have taken a shot at the President at any prior position and have struck him with the point of entry on that spot, on the base of the President's neck?

Mr. SHANEYFELT. I don't quite understand the question.

Mr. SPECTER. Was there any prior position, that is a position before position A, where the marksman from the sixth floor could have fired the weapon and have struck the President at the known point of entry at the base of the back of his neck?

Mr. SHANEYFELT. No; because as the car moves back, you lose sight of the chalk mark on the back of his coat.

Mr. SPECTER. And what is the distance between that point on the President and station C?

Mr. SHANEYFELT. That is 44 feet from station C—91.6 feet to the rifle in the window from the actual chalk mark on the coat. All measurements were made to the chalk mark on the coat.

Mr. SPECTER. On the coat of the President?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. The President's stand-in?

Mr. SHANEYFELT. Right. The angle to the rifle in the window was $40^{\circ}10'$.

Mr. SPECTER. And what is the other data?

Mr. SHANEYFELT. The distance to the overpass was 447 feet, and the angle to the overpass was minus $0^{\circ}27'$; that is, $27'$ below the horizontal.

Senator COOPER. May I ask a question there? How did you establish the location of the rifle in making those calculations?

Mr. SHANEYFELT. The location of the rifle was established on the basis of other testimony and information furnished to us by the Commission, photographs taken by the Dallas Police Department immediately after the assassination, and the known opening of the window.

It was an estimation of where the rifle most likely was based on the knowledge that the Commission has through testimony.

Mr. SPECTER. Senator Cooper, Mr. Frazier is present and has been sworn, and he is going to identify that. He could do it at this time, to pinpoint that issue.

Senator COOPER. I think we can just make a note of that, and go ahead with this witness.

Mr. SPECTER. Fine. We will proceed then with this witness and Mr. Frazier will testify in due course.

Mr. SHANEYFELT. I might say that this position was determined by Mr. Frazier in the window. We moved the car around until he told us from the window, viewing through the rifle, the point where he wanted the car to stop. And he was the one in the window that told us where the point A was. Once we established that, we then photographed it.

Mr. DULLES. Could he see the mark on the back of the coat from the window?

Mr. SHANEYFELT. Yes; through the rifle scope, he could see the mark.

Mr. SPECTER. Does the picture designated "photograph through rifle scope" depict the actual view of the rifleman through the actual Mannlicher-Carcano weapon?

Mr. SHANEYFELT. That is correct. At point A.

Senator COOPER. When Mr. Frazier testifies, then, will he correlate this photograph with a frame from photographs taken of the actual motorcade at the time of the assassination?

Mr. SHANEYFELT. No; we cannot correlate this with a frame from the motion picture because Mr. Zapruder didn't start taking pictures until the car had passed this point.

So we, therefore, on this frame and for the next two or three points, have no picture from Mr. Zapruder, since he wasn't taking pictures at that time.

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. DULLES. Back on the record.

Do I understand that you are not suggesting that a shot was necessarily fired at this point A, but this was the first point where this particular vision of the President's back could have been obtained?

Mr. SHANEYFELT. That is correct. It is only an arbitrary point showing the first possible shot that could have entered the President's coat at this chalk mark.

Representative FORD. What criteria did you use for determining that you could see the chalk mark? Was the criteria a part or the whole of the chalk mark?

Mr. SHANEYFELT. The actual manner in which it was set up—let me see if this answers your question. As we moved the car around, Mr. Frazier was in the window looking through the actual scope of the rifle, and could see very clearly the President or the man taking the President's place, as the car moved around.

And the instant that he could first see that chalk mark is the point where he radioed to us to stop the car, and is the first point at which a shot could be fired that would go in where the chalk mark is located.

Mr. DULLES. And that is point A?

Mr. SHANEYFELT. That is point A. Does that answer your question?

Representative FORD. I think it does. Is that picture in the lower left-hand corner of Exhibit No. 886 an actual photograph taken through the sight of the weapon that was allegedly used in the assassination?

Mr. SHANEYFELT. That is correct.

Representative FORD. And the chalk mark we see there is through that sight?

Mr. SHANEYFELT. That is correct. And that is exactly what an individual looking through the sight would see.

Mr. SPECTER. Then at point A, could the rifleman see the entire back of the President's stand-in as well as the specific chalk mark, as depicted on the exhibit?

Mr. SHANEYFELT. He could see only a portion of the back.

Mr. SPECTER. And the portion, which he could not see, is that which is below the seat level?

Mr. SHANEYFELT. Yes.

Mr. DULLES. You didn't say the President's stand-in, did you?

Mr. SPECTER. Yes; stand-in.

Mr. Shaneyfelt, for purposes of illustration would you produce the photograph

at this time showing the mounting of the motion picture camera on the weapon found on the sixth floor?

I now hand you a photograph which is being marked as Commission Exhibit No. 887 and ask you to state for the record who that is a picture of, and what else is in the photograph.

(The document referred to was marked Commission Exhibit No. 887 for identification.)

Mr. SHANEYFELT. Commission Exhibit No. 887 is a picture of me that was taken on May 24, 1964. My location was at the sixth floor window of the Texas School Book Depository that we have designated as our control point. I have the rifle that is the assassination rifle mounted on a tripod, and on the rifle is mounted an Arriflex 16-mm. motion picture camera, that is alined to take photographs through the telescopic sight.

This Arriflex motion picture camera is commonly known as a reflex camera in that as you view through the viewfinder a prism allows you to view directly through the lens system as you are taking your photographs so that as I took the photographs looking into the viewfinder I was also looking through the scope and seeing the actual image that was being recorded on the film.

Mr. SPECTER. Was the view recorded on the film as shown on Exhibit No. 886 the actual view which would have been seen had you been looking through the telescopic sight of the Mannlicher-Carcano itself?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. How did you determine the level and angle at which to hold the rifle?

Mr. SHANEYFELT. I placed the rifle in the approximate position based on prior knowledge of where the boxes were stacked and the elevation of the window and other information that was furnished to me by representatives of the Commission.

Mr. DULLES. You used the same boxes, did you, that the assassin had used?

Mr. SHANEYFELT. No; I did not.

Mr. SPECTER. Were those boxes used by Mr. Frazier.

Mr. SHANEYFELT. They were used by Mr. Frazier and used in making the measurements. I had to use a tripod because of the weight of the camera and placed the elevation of the rifle at an approximate height in a position as though the boxes were there.

Mr. SPECTER. Was Mr. Frazier present at the time you positioned the rifle on the tripod?

Mr. SHANEYFELT. Yes; he was.

Mr. SPECTER. Did he assist in describing for you or did you have an opportunity to observe the way he held a rifle to ascertain the approximate position of the rifle at that time?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. May it please the Commission, we will, with Mr. Frazier, indicate the reasons he held the rifle in the way he did to approximate the way we believe it was held at the time of the assassination.

What is the next position which has been depicted on one of your exhibits, please.

Mr. SHANEYFELT. The next position that we established during the reenactment is frame 161 of the Zapruder motion picture film.

Mr. SPECTER. Permit me to mark that if you would as Commission Exhibit No. 888.

(Commission Exhibit No. 888 was marked for identification.)

Mr. SHANEYFELT. This position which has been designated by us as frame 161 and as Commission Exhibit No. 888, was established as the last position that the car could be in where the rifleman in the window could get a clear shot of the President in the car before the car went under the covering of the tree.

Mr. SPECTER. How was that position located, from the ground or from the sixth floor?

Mr. SHANEYFELT. This was positioned by Mr. Frazier in the sixth floor window. In addition we knew from the Zapruder photographs the relative position of the car in the street as related to the curb and the guidelines or the lane lines.

Following those lane lines we then moved the car down to a point where Mr. Frazier radioed to us that it was the last point at which he could get a clear shot and we stopped the car there.

Mr. SPECTER. How did you then select the appropriate frame from the Zapruder film?

Mr. SHANEYFELT. After Mr. Frazier had stationed the car at this point, I then went to the position of Mr. Zapruder. Based on his motion pictures, a comparison of the photograph that we made with the photograph from the film, I was able to state that because of the relative position of the car in the street and in relation to other objects in the background, it corresponded to frame 161 of the motion picture.

Mr. SPECTER. Do you have on Exhibit No. 888 a reproduction of frame 161?

Mr. SHANEYFELT. Yes; the upper left-hand corner is a reproduction of the frame 161 of the Zapruder motion picture. The picture on the upper right is a photograph that I made with a speed graphic camera from Zapruder's position of the car reestablished in that location. The photograph in the lower left-hand corner, is a photograph of the view through the rifle scope that Mr. Frazier saw at the time he positioned the car there. This is the view that you would obtain from looking through the rifle scope from the sixth floor window.

Mr. SPECTER. Was the automobile in exactly the same position at the time of the taking of the "photograph through rifle scope" and the "photograph from reenactment"?

Mr. SHANEYFELT. Yes; approximately the same. We went through all stations with Mr. Frazier in the window and I took photographs from Mr. Zapruder's position, and once establishing a frame position, we marked it clearly in the street. After we had taken all of the photographs from Zapruder's position, we then took the car back, and went to the sixth floor window and mounted the motion picture camera on the rifle. These photographs were made by rolling the car in the same position based on the marks we had in the street so it was as accurate as could be done in the same position.

Mr. DULLES. There is no one sitting in that right-hand corner of the rear seat, is there in that picture?

Mr. SHANEYFELT. Yes; the person taking President Kennedy's place is sitting in the back seat.

Mr. DULLES. Yes; I see it. It is rather hard to see through the trees.

Mr. SHANEYFELT. Yes; we moved it up to a point where the chalk mark was just about to disappear on the street.

Mr. DULLES. I don't think I see the chalk mark maybe someone else can.

Mr. SHANEYFELT. It may be covered by the crosshair of the rifle scope.

Representative FORD. In that picture photographed through the rifle scope on Exhibit No. 888 a man standing in for Governor Connally is also in the car, is he not?

Mr. SHANEYFELT. That is correct. He is mostly hidden by the tree.

Mr. DULLES. Yes; I see.

Mr. SPECTER. Was there any difference between the position of President Kennedy's stand-in and the position of President Kennedy on the day of the assassination by virtue of any difference in the automobiles in which each rode?

Mr. SHANEYFELT. Yes; because of the difference in the automobiles there was a variation of 10 inches, a vertical distance of 10 inches that had to be considered. The stand-in for President Kennedy was sitting 10 inches higher and the stand-in for Governor Connally was sitting 10 inches higher than the President and Governor Connally were sitting and we took this into account in our calculations.

Mr. SPECTER. Was any allowance then made in the photographing of the first point or rather last point at which the spot was visible on the back of the coat of President Kennedy's stand-in before passing under the oak tree?

Mr. SHANEYFELT. Yes; there was. After establishing this position, represented by frame 161, where the chalk mark was about to disappear under the tree, we established a point 10 inches below that as the actual point where President Kennedy would have had a chalk mark on his back or where the wound would have been if the car was 10 inches lower. And we rolled the car then

sufficiently forward to reestablish the position that the chalk mark would be in at its last clear shot before going under the tree, based on this 10 inches, and this gave us frame 166 of the Zapruder film.

Mr. SPECTER. What Commission Exhibit number has been affixed to that?

Mr. SHANEYFELT. This is Commission Exhibit No. 889.

(Commission Exhibit No. 889 was marked for identification.)

Mr. DULLES. Is that 10 inches difference due to the difference in the two cars?

Mr. SHANEYFELT. That is correct.

Mr. DULLES. That is the President's—the car the President was in and the car you had to use for this particular test?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. On Exhibit No. 889, is the car in the same position on the "photograph through rifle scope" as it is on "photograph from reenactment"?

Mr. SHANEYFELT. That is correct, the same position.

Mr. SPECTER. And what is the comparison between the photograph from Zapruder film on that Exhibit No. 889 and the photograph from reenactment?

Mr. SHANEYFELT. The car is in the same position relative to the surrounding area in both the reenactment photograph and the Zapruder photograph.

Incidentally, the position that was used throughout all of the positioning of the car was the President's. His placement in the photograph, and this will be clearer in some of the later photographs, if the President's head was directly under a stop sign or a street sign or whatever, in the background, this was then the way we positioned the car with the person standing in for the President directly below or slightly to the side or directly below the stop sign and so on; so all of the calculations were based upon the position of the President.

Mr. SPECTER. Before leaving frame 161 finally, would you recite the distances which appear from the various points on that exhibit?

Mr. SHANEYFELT. Yes.

At the position that has been designated as frame 161, and appears on Commission Exhibit No. 888, the distance from the wound mark on a stand-in for President Kennedy to station C was 94.7 feet.

The distance to the rifle in the window was 137.4 feet, the angle to the window was $26^{\circ}58'$ based on the horizontal line, the distance to the overpass was 392.4 feet, and the angle to the overpass was minus $0^{\circ}7'$.

Mr. SPECTER. Are all angles calculated thereon based on the horizontal?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. Was there any street angle taken into consideration in the calculations here?

Mr. SHANEYFELT. Yes; there is a 3° street grade that has to be deducted from the angle to the window to determine the actual angle from the street to the window as opposed to the horizon.

Mr. SPECTER. Will you now—

Mr. DULLES. Frame 161 is 3° on 161?

Mr. SHANEYFELT. Three degrees all along Elm Street.

Mr. DULLES. All along. That applies to all of these different pictures, is that correct?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Would you now read the same statistical data from frame 166 on Exhibit No. 889, please?

Mr. SHANEYFELT. Yes.

From the chalk mark on the back of the stand-in for President Kennedy, to station C is 95.6 feet, the distance to rifle in window, 138.2 feet, the angle to rifle in window based on the horizontal, is minus $26^{\circ}52'$.

Distance to overpass is 391.5 feet. The angle to the overpass is $0^{\circ}7'$.

Mr. SPECTER. Did the back of President Kennedy ever come into view at any time while he was passing through the foliage of the oak tree?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. What frame number was ascertained with respect to that position?

Mr. SHANEYFELT. This was determined to be frame 185. There is a slight opening in the tree, where the car passed under the tree, where a shot could have

been fired that would have passed through this opening in the tree. This again was positioned on the basis of Mr. Frazier in the window looking through the rifle scope and telling us on the street where to stop the car at the point where he could get a shot through the trees.

Mr. SPECTER. What Commission Exhibit number has been assigned to frame 185?

Mr. SHANEYFELT. This is Commission Exhibit No. 890, frame 185.

Mr. SPECTER. Is the "photograph through rifle scope" taken with the position of the car at the same place as "photograph from reenactment"?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And is the "photograph from reenactment" in the same position, as close as you could make it to the "photograph from Zapruder's film"?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Will you read the statistical data from frame 185?

Mr. SHANEYFELT. Yes; from the point of the chalk on the back of the stand-in for the President at position 185 to station C is 114.8 feet, the distance to rifle on window is 154.9 feet.

The angle to rifle in window based on horizontal is $24^{\circ}14'$, distance to overpass is 372.5 feet. The angle to the overpass is $0^{\circ}3'$ above horizontal.

Mr. SPECTER. Was there any adjustment made for the difference in the height of the automobiles on the location where the back of the President's stand-in was visible through the tree?

Mr. SHANEYFELT. Yes; there was an adjustment made for the 10 inch differential in the heights because of the different cars, and this was established as frame 186.

Mr. SPECTER. What Commission Exhibit number is affixed to frame 186?

Mr. SHANEYFELT. Commission Exhibit No. 891.

Mr. SPECTER. On Exhibit No. 891 is the car in the same position in "photograph through rifle scope" and "photograph from reenactment"?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Are the cars on those two pictures in the same positions on all of the frames which you are going to show this afternoon?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. In the "photograph from Zapruder film", does that "photograph from Zapruder film" show the Presidential automobile to be in the same position or as close to the same position as you could make it as is the replica car in the "photograph from reenactment"?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Will you read the statistical data from frame 186, please?

Mr. SHANEYFELT. Yes.

At frame 186 position the distance from the chalk mark on the back of the stand-in for the President was 116.3 feet from the station C. It was 156.3 feet to the rifle in the window.

The angle to the rifle in the window was $24^{\circ}3'$ based on the horizontal. Distance to the overpass was 371.7 feet. The angle to the overpass is $0^{\circ}3'$.

Mr. SPECTER. Was that position ascertained where the chalk spot on the back of President Kennedy's coat was first visible from the sixth floor window through the telescopic sight?

Mr. SHANEYFELT. That is correct.

Mr. DULLES. This is after passing the tree.

Mr. SHANEYFELT. Yes.

Mr. SPECTER. After passing out from under the oak tree.

Mr. SHANEYFELT. Yes.

Mr. SPECTER. What frame did that turn out to be?

Mr. SHANEYFELT. That was frame 207.

Mr. SPECTER. Do you have an exhibit depicting the same photographic sequence on frame 207?

Mr. SHANEYFELT. Yes; I do.

Mr. SPECTER. What Commission Exhibit number has been affixed to that frame?

Mr. SHANEYFELT. Commission Exhibit No. 892.

Mr. SPECTER. Is the car in the same position on "photograph through rifle scope" and "photograph from reenactment" on that exhibit?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. Is the car in the same position, as closely as you could make it, on the "photograph from reenactment" and "photograph from Zapruder film"?

Mr. SHANEYFELT. That is correct.

Mr. SPENCER. Will you now read the statistical data from that exhibit?

Mr. SHANEYFELT. Yes. Distance from the chalk mark on the back of the stand-in for the President to the station C is 136.6 feet.

Distance to rifle in the window is 174.9 feet. The angle to the rifle in the window based on the horizontal is 21°50'. The distance to the overpass is 350.9 feet, and the angle to the overpass is 0°12'.

This is on frame 207, Commission Exhibit No. 892.

Mr. SPECTER. Was an adjustment made on that position for the heights of the automobiles?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. What was the adjusted frame for the first view that the marksman had of the President's stand-in coming out from under the tree?

Mr. SHANEYFELT. That is frame 210 and has been marked as Commission Exhibit No. 893 and represents the 10-inch adjustment for the difference in the height of the car as compared with frame 207.

Mr. SPECTER. Is the layout of frame 210 exactly the same as that for frames 207 and 185 that you have already testified about?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. In viewing the films on the frames preceding 210, what was President Kennedy doing?

Mr. SHANEYFELT. He is waving to the crowd, and in some frames it is obvious that he is smiling, you can actually see a happy expression on his face and his hand—

Mr. DULLES. Which way is he turning, to the left or to the right?

Mr. SHANEYFELT. He is looking toward the crowd to his right during most of that area, he is looking slightly to his right. His arm is up on the side of the car and his hand is in a wave, in approximately this position and he appears to be smiling.

Mr. SPECTER. What is the latest frame count where, to your eye, it appears that he is showing no reaction to any possible shot?

Mr. SHANEYFELT. Approximately—I would like to explain a little bit, that at frames in the vicinity of 200 to 210 he is obviously still waving, and there is no marked change.

In the area from approximately 200 to 205 he is still, his hand is still in a waving position, he is still turned slightly toward the crowd, and there has been no change in his position that would signify anything occurring unusual. I see nothing in the frames to arouse my suspicion about his movements, up through in the areas from 200 on and as he disappears behind the signboard, there is no change.

Now, 205 is the last frame, 205 and 206 are the last frames where we see any of his, where we see the cuff of his coat showing above the signboard indicating his hand is still up generally in a wave.

From there on the frames are too blurry as his head disappears you can't really see any expression on his face. You can't see any change. It is all consistent as he moves in behind the signboard.

Mr. SPECTER. When you say "signboard" what do you mean by that, Mr. Shaneyfelt?

Mr. SHANEYFELT. I refer to the sign that is between the photographer, Mr. Zapruder, and the Presidential car.

Representative FORD. Not any sign post between the rifleman and the President?

Mr. SHANEYFELT. No; this is a sign between the cameraman and the President. So that we are unable to see his reaction, if any.

Mr. SPECTER. What is the frame at which Governor Connally first emerges from behind the sign you just described?

Mr. SHANEYFELT. That is frame 222.

Mr. SPECTER. Have you prepared a model demonstration on frame 222?

Mr. SHANEYFELT. Yes; I have.

Mr. SPECTER. What Commission Exhibit number has just been affixed on that frame?

Mr. SHANEYFELT. Frame 222 has been given Commission Exhibit No. 894.

Mr. SPECTER. Was the location of the automobile fixed from the window or from the street on frame 222?

Mr. SHANEYFELT. On frame 222, the position of the automobile was fixed from the street, based on the photograph from the Zapruder film.

Mr. SPECTER. Are the various photographs on that frame and the various distances the same in terms of general layout as the prior exhibit you testified to?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. What is the first frame at which President Kennedy is visible coming out from behind that sign?

Mr. SHANEYFELT. This is frame 225.

Mr. SPECTER. What Commission Exhibit has been affixed to frame 225?

Mr. SHANEYFELT. Frame 225 has been assigned Commission Exhibit No. 895.

Mr. SPECTER. What, if anything, is detectable from a view of the Zapruder film frame 225 as to the positions or reaction of President Kennedy?

Mr. SHANEYFELT. Frame 225 there appears to be a reaction on the part of the President. This is—

Mr. SPECTER. Describe specifically what movement he is making in that picture or what his position is?

Mr. SHANEYFELT. At frame 225 his hand is down, his right hand that was waving is down, and has been brought down as though it were reaching for his lapel or his throat. The other hand, his left had is on his lapel but rather high, as though it were coming up, and he is beginning to go into a hunched position.

Mr. SPECTER. When you say beginning to go into a hunched position is that apparent to you from viewing the motion picture and slides from the frames which succeed frame 225?

Mr. SHANEYFELT. That is primarily apparent from the motion picture because of the two or three or four frames that show as he emerges from the sign; that is, in the motion picture, you see the President reaching for his coat lapels and going into a hunched position, leaning forward and lowering his head.

Mr. McCLOY. That doesn't exist in frame 225 yet, does it?

Mr. SHANEYFELT. It is just beginning in frame 225. That is frame 225 is the first view we have of the President.

Mr. McCLOY. Out past the sign.

Mr. SHANEYFELT. As he comes out from behind the sign that obstructs the cameraman from the President.

Mr. DULLES. But there is no obstruction from the sixth floor window?

Mr. SHANEYFELT. No; no obstruction at this point. There is no obstruction from the sixth floor window from the time they leave the tree until they disappear down toward the triple overpass.

Mr. SPECTER. Do the photographs on frame 225 depict the same circumstances as those depicted on the prior exhibits?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And do the measurements on frame 225 cover the same subjects as those covered on prior exhibits?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. What is the angle from the rifle to the spot on the President's back on frame 210, please?

Mr. SHANEYFELT. On frame 210, the angle from the rifle to the window, based on the horizon is 21°34'.

Mr. SPECTER. That is from the rifle to what, Mr. Shaneyfelt.

Mr. SHANEYFELT. From the rifle to the chalk mark on the back of the stand-in for the President.

Mr. SPECTER. What is the same angle at frame 225?

Mr. SHANEYFELT. It is 20°11'.

Mr. SPECTER. Those angles are computed to the horizontal?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. What is the range of distance from the position of the car in frame 210 to the position of the car in frame 225?

Mr. SHANEYFELT. That is 14.9 feet between frame 210 and frame 225.

Mr. SPECTER. What is the position of President Kennedy at frame 210 with respect to position C.

Mr. SHANEYFELT. President Kennedy is 138.9 feet from station C at frame 210.

Mr. SPECTER. Station C.

Mr. SHANEYFELT. Yes; station C to President Kennedy on frame 210 is 138.9 feet.

Mr. SPECTER. What is the distance between station C and President Kennedy at frame 225?

Mr. SHANEYFELT. That is 153.8 feet.

Mr. SPECTER. Was the car further positioned at frame 231?

Mr. SHANEYFELT. Yes; it was.

Mr. SPECTER. What Commission exhibit number are we affixing to that?

Mr. SHANEYFELT. That is Commission Exhibit No. 896.

Mr. SPECTER. Are the photographs and measurements on 896 the same layout as those affixed to prior exhibits?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Was the automobile stopped at frame 235 and similar photographs and measurements taken?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. What Commission exhibit number is affixed to frame 235.

Mr. SHANEYFELT. Exhibit No. 897.

Mr. SPECTER. Was the automobile again stopped at frame 240 with measurements and photographs taken similar to those in prior exhibits?

Mr. SHANEYFELT. Yes; it was. That is correct.

Mr. SPECTER. What Commission exhibit number is affixed to that frame?

Mr. SHANEYFELT. Exhibit No. 898.

Mr. SPECTER. Was the automobile again stopped at frame 249 with similar photographs and measurements taken?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And what Commission exhibit number is given to those calculations and photographs on frame 249?

Mr. SHANEYFELT. Commission Exhibit 899.

Mr. SPECTER. Now, as to frame 249, that is how many frames beyond the first point at which the spot on President Kennedy's back was visible after he passed out from under the oak tree?

Mr. SHANEYFELT. That is 249?

Mr. SPECTER. Yes.

Mr. SHANEYFELT. It is 42 frames.

Mr. SPECTER. And does a 42-frame count have any significance with respect to the firing time on the Mannlicher-Carcano rifle?

Mr. SHANEYFELT. Yes; we have established that the Zapruder motion picture camera operates at an average speed of 18.3 frames per second. And we have been advised that the minimum time for firing the rifle in successive shots is approximately two and a quarter seconds. So this gives us then a figure of two and a quarter seconds of frames; at 18.3, this gives us this figure of 41 to 42 frames.

Representative FORD. Would you repeat that again, please?

Mr. SHANEYFELT. The camera operates at a speed of 18.3 frames per second. So that in two and a quarter seconds it would run through about 42—41 to 42 frames.

Representative FORD. Then the firing of the rifle, repeat that again?

Mr. SHANEYFELT. As to the firing of the rifle—we have been advised that the minimum time for getting off two successive well-aimed shots on the rifle is approximately two and a quarter seconds. That is the basis for using this 41

to 42 frames to establish two points in the film where two successive quick shots could have been fired.

Representative FORD. That is with one shot and then the firing.

Mr. SHANEYFELT. Work the bolt and fire another one.

Mr. SPECTER. At frame 249 was Governor Connally in a position where he could have taken a shot with the bullet entering at the point immediately to the left under his right armpit with the bullet then going through and exiting at a point immediately under his right nipple?

Mr. SHANEYFELT. No; Governor Connally has begun to turn in his seat around in this manner, in such a way, turn to his right so that his body is in a position that a shot fired from the sixth floor window could not have passed through the path that it reportedly took through his body, if the bullet followed a straight, undeflected path.

Mr. DULLES. I don't quite get that. You mean because of his having turned this way, the shot that was then—had then been fired and apparently had hit the President could not have gone through him at that point?

Mr. SHANEYFELT. That is correct under the stated conditions. Even a shot, independent of the shot that hit the President, could not have gone through in that manner, coming from the sixth floor window, because the window was almost directly behind the automobile at that time and the Governor was in a position where the bullet couldn't have gone through his body in the manner that it reportedly did.

It would have come in through his shoulder and out through the other shoulder, in the way that he was lined up with the window.

Mr. SPECTER. So you say it could have gone through him, but it could not have passed through him with the angle of entry as disclosed in the Parkland Hospital records and described by Dr. Shaw?

Mr. SHANEYFELT. That is correct, if it followed a straight path.

Mr. SPECTER. And exiting immediately under his right nipple, again as described in the hospital records at Parkland and by Dr. Shaw.

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Have those points of entry and exit been made available to you in your analysis of this situation?

Mr. SHANEYFELT. Yes; they have.

Mr. SPECTER. Could you elaborate just a little further on the observations and reasoning which you have undertaken to come to the conclusion which you have just expressed?

Mr. SHANEYFELT. We are speaking of frame 249, are we?

Mr. SPECTER. Yes, sir, frame 249.

Mr. SHANEYFELT. Could I see that exhibit? The photograph in the lower left corner of Commission Exhibit No. 899 is the photograph taken through the scope of the rifle on the sixth floor window when the car was stationed in this frame number position. It is noted from this photograph that the rifle is not quite directly behind the car but very nearly directly behind the car.

Governor Connally's body is turned. We have duplicated the position in the Zapruder photographs of Governor Connally and the President in the reenactment photograph, as nearly as possible, duplicated the same body position, and from the sixth floor window then you can see from the photograph that the Governor's body is turned to the Governor's right in such a fashion that an undeflected shot would not go through in the path as described by the Parkland doctors.

Mr. McCLOY. I don't quite follow that yet. The President has been shot at frame 249, according to your theory.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. Might he not also have been shot at some earlier frames in—the indications are the reactions are shown considerably ahead of that frame.

Mr. SHANEYFELT. That is correct.

Mr. McCLOY. So, for example, at frame 237 and at frame 237 Governor Connally hasn't turned to the right.

Mr. DULLES. But a shot has been fired at this time.

Mr. McCLOY. But a shot has been fired at that time.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. So at that point he could have been hit; Governor Connally could have been hit.

Mr. SHANEYFELT. Yes; Governor Connally could have been hit by frame 238. Mr. McCLOY. But your point is when he gets farther along, he couldn't have been hit, let's say at frame 249 in the same spot where he was hit.

Mr. SHANEYFELT. That is correct.

Mr. McCLOY. Yes.

Mr. DULLES. He made the turn later than those frames you have been discussing at the time apparently of the first shot at the President.

Mr. McCLOY. Yes; the first shot, but according to these frames, the first shot hit the President considerably before this.

Mr. SHANEYFELT. Yes, sir.

Mr. McCLOY. And at a time again when Governor Connally's back was square to the window.

Mr. SHANEYFELT. Well, not exactly square. I believe he was turned slightly to the right as he went behind the sign.

Mr. McCLOY. Take frame 231.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. There the President has got his hands up as you put it to his throat.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. And here is Connally facing to the front.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. So at that point a bullet coming through the President's throat could have hit Connally in the spot where it did hit Connally.

Mr. SHANEYFELT. I am going to defer that question to Mr. Frazier who is in the window with the rifle scope and made a more thorough study of the possible path of the bullet. But he is straight in the car in frame 231.

Mr. McCLOY. But your testimony is in frame 248—frame 249 Connally couldn't have been hit from this window in the position where he was sitting.

Mr. SHANEYFELT. That is correct, on the basis stated.

Mr. DULLES. But you would have then the problem you would think if Connally had been hit at the same time, would have reacted in the same way, and not reacted much later as these pictures show.

Mr. McCLOY. That is right.

Mr. DULLES. Because the wounds would have been inflicted.

Mr. McCLOY. That is what puzzles me.

Mr. DULLES. That is what puzzles me.

Senator COOPER. Would you identify the frame in which Governor Connally started turning to the right?

Mr. SHANEYFELT. I might say that as—in the motion picture—as the car comes out from behind the signboard, the Governor is turned slightly to his right in this manner. This would be in the first frame, in frame 222, he is turned just slightly to his right, and from there on he turns almost square, straight on with the car momentarily, and there is a jerking motion there at one point in the film about there, at which time he starts to turn this way and continues to turn.

Mr. DULLES. Jerky motion in Connally in the film.

Mr. SHANEYFELT. There is—it may be merely where he stopped turning and started turning this way. It is hard to analyze.

Mr. DULLES. What I wanted to get at—whether it was Connally who made the jerky motion or there was something in the film that was jerky. You can't tell.

Mr. SHANEYFELT. You can't tell that.

Mr. McCLOY. Certainly the film is jerky at that point. I mean there is a big blur.

Mr. SHANEYFELT. He does turn.

Mr. McCLOY. Just before and after that.

Representative FORD. But isn't it apparent in those pictures that after a

slight hesitation Governor Connally's body turns more violently than the President's body?

Mr. SHANEYFELT. Yes.

Representative FORD. The President's only reaction is a motion to his throat or to his neck with his hands.

Mr. SHANEYFELT. That is correct.

Representative FORD. Whereas Governor Connally actually turns his body rather sharply?

Mr. SHANEYFELT. Yes; he turns as they go behind the signboard, he turns this way and he is turning a little bit this way and as he comes out of the signboard he is facing slightly to the right, comes around straight on and then he turns to his left straight on, and then he turns to his right, continues to turn around and falls over in Mrs. Connally's lap.

But in the motion picture it is a continuous movement as he goes around and falls.

Senator COOPER. Will you again answer my question which I asked and hasn't been answered and I say with all respect, in what frame did Governor Connally begin to turn to the right after he had placed his position straightforward as you have testified.

Mr. SHANEYFELT. I am sorry. That starts approximately at frames 233 to 234.

Senator COOPER. In what frame does the photograph show or in what frame is it shown that President Kennedy had moved his hands to his throat?

Mr. SHANEYFELT. That shows on frame—it is clearer on frame 226, 225 is the frame where you first see him, and frame 226.

Mr. DULLES. How many frames between those two?

Mr. SHANEYFELT. From 26 to 33, eight. That would be a fraction of a second in time.

That is less than half second.

Representative FORD. It can be contended that based on these photographs of films that the first shot apparently was fired in frames 220 to 224, in that area.

Mr. SHANEYFELT. Yes; I think you have to go back even to 210 because of reaction times; we don't know reaction times. But I would say between 210 and 225 because at 225 we have the President reacting.

So, in that 15 frames there it is behind the signboard, we can't see what is happening.

Mr. DULLES. What frame first shows him with his hands at his throat?

Mr. SHANEYFELT. 225, 226.

Mr. McCLOY. 225, it is not too clear. It is much more pronounced in the next frame is where he puts his both hands to his throat, such as that.

Mr., DULLES. And Mrs. Kennedy has apparently turned around and looking at him.

Mr. McCLOY. One hand may be coming down from waving in 225.

Mr. DULLES. That is his left hand there—no; it is his right hand, your right. His right hand.

Representative FORD. Then based on the mathematics of how quickly a second shot could be fired, the second shot would be fired in approximately what frame?

If you assume it, the first shot is from 210 to 224.

Mr. SHANEYFELT. It would be 252 to 266, down in there.

Representative FORD. That would be the elapsed time of what?

Mr. SHANEYFELT. Two and a quarter seconds.

Representative FORD. Two and a quarter seconds.

Mr. SHANEYFELT. That is the very quickest.

Mr. SPECTER. On fixing the range from frames 210 to 225, where the President was first struck, did you take frame 210 because that was the first point after the President had passed out from under the oak tree?

Mr. SHANEYFELT. Yes; that is the first point from this, and although we are able to see in the films that there is no apparent reaction from the President from 205 to 210, and as he disappears from behind the signboard, we cannot estimate the reaction time.

Mr. SPECTER. When you say reaction time you mean?

Mr. SHANEYFELT. Of the President?

Mr. SPECTER. Reaction time from 205—

Representative FORD. To 210?

Mr. SHANEYFELT. Yes.

Representative FORD. But there at frame 210, that is the first point at which the marksman had a clear shot after the President passed out from under the tree.

Mr. SHANEYFELT. That is correct.

Representative FORD. Then you select frame 225 as the outside limit of the shot which struck the President because that is where you first observe a reaction by the President when he comes out from behind the sign.

Mr. SHANEYFELT. That is correct.

Mr. DULLES. What frames are blanked out because of the sign?

Mr. SHANEYFELT. The President, the last we get any scene of him at all, and this is just the very top of his head is 210.

Mr. DULLES. 210 to what is blanked out?

Mr. SHANEYFELT. 225.

Mr. DULLES. To 225 is blanked out?

Mr. SHANEYFELT. Yes, that is 15 frames.

Mr. McCLOY. 224 he just begins to appear.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. I don't think if you assume the President was hit at 225 and I don't think that is clear at all. I think it begins to get clear about 227 that he had been hit, that the reaction really develops. But I think that 225 it may very well be that he has not been hit because his hand isn't at his throat, he may be just moving from the position of waving.

Mr. DULLES. But that is about a tenth of a second.

Mr. McCLOY. Yes; it is a very short time entirely, but I don't think the frame unequivocally shows the reaction to the bullet at 225. I think it does unequivocally show it at 226 and 227.

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Perhaps an additional question on the clarity of the slide itself as a point of reaction would be in order for Mr. Shaneyfelt, and then, may I say parenthetically, we want to have the Commission see these slides this afternoon.

We have prepared them to show to you so that you can observe for yourself what we are bringing to you through the witness to give you a frame of reference and an orientation.

Mr. Shaneyfelt, then what was your impression by frame 225, as you viewed it most recently this morning, with respect to a possible reaction on that frame made from the original Zapruder film?

Mr. SHANEYFELT. It is my feeling that at frames 225, 226 and 227 you are having a reaction. You have a split second there, and at 225 the reaction is barely discernible, more discernible on the film and the slides than the reproduction you have here but it has to be considered in the light of the motion picture you see as he starts this reaction, and the reaction is by frame—in either the slides or pictures—is clearly apparent in 226, and barely apparent in 225.

Mr. SPECTER. Now, was frame 249 selected as a situs for calculations on the possible construction that President Kennedy was struck in the back at the first point unadjusted at which he emerged from the tree, to wit: frame 207, with an additional calculation of 42 frames giving the approximately two and a quarter seconds for the firing of a second shot to determine through this one means whether there was time for the rifleman to have operated the bolt, assuming he made a shot at 207, and to have made another shot at the earliest possible time at 249.

Mr. SHANEYFELT. That was the basis for the selection of frame 249, yes.

Mr. SPECTER. Now, going back just a moment, was frame 231 selected as a basis for analysis as the first frame after 225 because Governor Connally expressed the opinion when he viewed the frames that he thought he was hit by or at frame 231.

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And was frame 235 selected as a basis of analysis because that was one point at which a number of the viewers, including staff and agents of the FBI and Secret Service thought that might be the last frame at which Governor Connally had turned enough to the right to still take a shot and have the bullet pass through his body from the sixth floor window at the angle described in the medical reports and by his doctors.

Mr. SHANEYFELT. That is correct on the basis of an undeflected path. That is the frame that the doctors selected as the frame beyond which he could not have received this shot and have it travel in the path that it reportedly traveled.

Mr. SPECTER. Was frame 240 selected for analysis as being the absolutely last time, based on the observations of those whom you have described as seeing the films, that the Governor could have conceivably taken a shot from the sixth floor window and have it pass through the body of the Governor in the way described in the medical reports and by the Governor's doctors?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Was the analysis, made on the ability of the Governor to take the shot at each of the positions, based on the position he had at that particular frame in accordance with the amount of turn to the right which he had made at that particular time?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. Was there a still photograph known as AP photograph, which was taken at the time of the assassination or a view seconds thereafter, studied by you and others in connection with the analysis that you have been describing?

Mr. SHANEYFELT. Yes; there was.

Mr. SPECTER. Was the simulated automobile placed in the same position that the Presidential automobile was in when the photograph was made by the AP photographer, as closely as it could be positioned at the time of the reenactment?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. What Commission exhibit number is attached to the photographs of that AP shot and the reenactment picture?

Mr. SHANEYFELT. That is Commission Exhibit No. 900.

Mr. SPECTER. Would you describe what photographs appear then on Commission Exhibit No. 900?

Mr. SHANEYFELT. On Commission Exhibit No. 900, the top photograph is a photograph purportedly made by an AP photographer shortly after one of the shots. It depicts the side of the Governor's head, the left side of the Governor's head, his ear is visible, he has turned considerably. It depicts the President's hand touching his lapels, and a portion of the President's face.

Secret Service agents on the followup car are seen also. The Texas School Book Building in the background.

The reenactment photograph was made after positioning the car by looking at the photograph, based on the position of the car as related to the lane line in the street, as related to the position of the building, the column of the building and so on to reestablish the location.

We also reestablish in reenactment the position of the agent taking Governor Connally's position in the car used in the reenactment and the position of President Kennedy to closely approximate the actual photograph made by the AP, Associated Press. This was then studied, the car in this position was then studied, from the Zapruder position, and was determined to be frame 255.

Mr. SPECTER. Was an exhibit prepared then on frame 255?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. What Commission exhibit number is affixed to frame 255?

Mr. SHANEYFELT. Exhibit No. 901.

Mr. SPECTER. Does that have the same layout of photographs and measurements as on frames 225, 222 and those which preceded them.

Mr. SHANEYFELT. Yes; it has. It has the Zapruder photographs, the matching reenactment photograph, and the photograph through the rifle scope along with the measurements and the angles.

Mr. SPECTER. On the AP photograph shown on Commission Exhibit No. 900, what reaction, if any, do you observe by the Secret Service agents on the followup car?

Mr. SHANEYFELT. The Secret Service agents on the right-hand side of the

followup car are looking back and to their right. The one to the front on the left-hand side of the car is looking generally toward the President.

The one in back of him on the left fender is looking slightly to his right.

Representative FORD. What is the distance on frame 255 between the President and the rifle?

Mr. SHANEYFELT. The distance to the rifle in the window is 218 feet. This is frame 255, which is well past the signboard, well past 249 which is the last frame we considered.

Mr. McCLOY. Well past the first evidence of reaction?

Mr. SHANEYFELT. Yes.

Mr. McCLOY. On the part of the President to a shot.

Mr. SHANEYFELT. Well past, and past the point in the film where Governor Connally states he has been hit.

Mr. SPECTER. Was that simulated car placed in any other position to duplicate still a subsequent frame?

Mr. SHANEYFELT. Yes; the frame No. 313, which is the frame that records the shot to the President's head, was recorded as frame 313 and was reestablished during reenactment.

Mr. SPECTER. What Commission number has been affixed to frame 313?

Mr. SHANEYFELT. This Commission Exhibit No. 902.

Mr. SPECTER. Is this exhibit organized in a somewhat different fashion from the prior frame exhibits?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Will you start with the photograph in the upper left-hand corner and describe for the Commissioners, please, each photograph or picture which appears thereon and what it represents?

Mr. SHANEYFELT. Yes; I might state first that all of the other photographs were reestablished on the basis of the Zapruder film using reference points in the background of the pictures.

As is apparent here from the photograph of the Zapruder frame 313 there are no reference points. There is just a grassy plot. So there is no reference point on which we can reestablish the position of the car in the roadway.

For this reason it was necessary to use the Nix film of the head shot and the Muchmore film of the head shot to establish this position in the road.

The right-hand photograph represents frame 24 from the Nix film, and is the frame that depicts the shot to the head. We used Mr. Nix's camera and a print of this picture and stood in the previously determined position of Mr. Nix when he took his photographs, and had them roll the car down to a position so that the President's head was directly under the point where Mr. Zapruder is standing on the projection.

Mr. SPECTER. You are describing the photograph on which side——

Mr. SHANEYFELT. On the——

Mr. SPECTER. Of the viewer.

Mr. SHANEYFELT. On the upper left-hand side.

Mr. McCLOY. I think you said right.

Mr. SHANEYFELT. The upper left-hand photograph is the photograph from the—— taken from the frame 24 of the Nix film.

The photograph on the right, upper right, is the photograph taken at the reenactment from the position where Mr. Nix was standing. We then proceeded over to the point that we had established as the position of Mrs. Muchmore, and using frame 42, which is a frame in her film depicting the shot to the head, and using the steps and their relation to the President and the objects in the background in relation to the President as shown in this lower left-hand photograph, which is the Muchmore frame 42, we reestablished, we checked the position we had placed the car in, based on the Nix photographs, and found that it conformed and checked out as being in a closely accurate position.

This is the basis used for establishing the position of the car. After we had established that, through the Nix and Muchmore films, we then checked it against the Zapruder photograph, which is the second from the top on the left of Commission Exhibit No. 902, frame 313, which shows the explosion from the top of the President's head. Just to the right of that second

picture down from the right, is the photograph made at the reenactment from Zapruder's position.

We know from studying the films that just two or three frames before frame 313 we can see a little bit of yellow along the curb, and this checks out because along this area of the photograph from the Zapruder position of the reenactment is a yellow strip.

Mr. SPECTER. When you say this area you are referring to the yellow area which appears on the left-hand curb immediately to the rear of the simulated car?

Mr. SHANEYFELT. That is correct, and this, therefore, checks out this as being a fairly accurate position for the car in frame 313.

This photograph then, the third down on the left, is a photograph through the telescope of the rifle of the car positioned in frame 313.

Mr. McCLOY. Would you read off those dimensions from that?

Mr. SHANEYFELT. The dimensions from the surveyor on frame 313 of the distance from the wound mark on the President's stand-in to station C is 230.8 feet.

Distance to the rifle in the window is 265.3 feet. The angle to rifle in window is $15^{\circ}21'$ and this is based on the horizontal.

Distance to the overpass is 260.6 feet, the angle to the overpass is $1^{\circ}28'$.

Mr. SPECTER. What would the angle be considering the adjustment on the angle of the street?

Mr. SHANEYFELT. It would be less 3° or $12^{\circ}21'$, approximately.

Mr. SPECTER. When you say approximately is that because the adjustment is somewhat greater than 3° ?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. How much is it exactly, if you know?

Mr. SHANEYFELT. It is 3.9. It is almost 4.

Mr. SPECTER. Three degrees nine minutes?

Mr. SHANEYFELT. Three degrees nine minutes, I am sorry.

Mr. DULLES. Would you have to make a similar adjustment to the overpass?

Mr. SHANEYFELT. Yes; because the angle to the overpass is based on the horizontal. The overpass, you would have to add the $3^{\circ}9'$.

Mr. DULLES. From the overpass, is this an angle up or angle down?

Mr. SHANEYFELT. This is an angle down.

Mr. DULLES. So it is an angle down in both cases?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. When you say that you are reducing the angle of $15^{\circ}21'$ by $3^{\circ}9'$ to an angle of $12^{\circ}12'$, is that as the shot passes through the body of the President?

Mr. SHANEYFELT. That is correct. It is at that point.

Mr. SPECTER. How was the speed of the camera ascertained, Mr. Shaneyfelt?

Mr. SHANEYFELT. We obtained from Mr. Zapruder, Mr. Nix, Mrs. Muchmore; their cameras for examination, and in the FBI laboratory exposed film in all three cameras, aiming, focusing the camera on a clock with a large sweep-second hand. We then ran the camera at the speed and conditions as described by the people who used the cameras. We ran through several tests of film, and then after the film was developed it was studied under magnification, and frames were counted for a period of 2 to 3 seconds or for the full running time, and averages were taken.

Mr. Zapruder has stated that his camera was fully wound. Most of the others have stated their cameras were fully wound, so we were able to more or less eliminate the very slow time that occurs when the cameras are approximately run down, and all of these things were taken into consideration and were averaged.

The Zapruder camera was found to run at an average speed of 18.3 frames per second.

The Nix and Muchmore cameras were both found around 18.5 frames per second.

Mr. SPECTER. Were you able to ascertain the speed of the Presidential limousine at the time of the assassination?

Mr. SHANEYFELT. Yes; because we were able to determine the speed of the camera, and thereby accurately determine the length of time it takes for a

specific number of frames to run through the camera at this 18.3 frames per second, and having located these frame positions in the street, we took the farthest distance point we had in the Zapruder film which was frame 161 through frame 313.

This was found to run elapsed time from the film standpoint which runs at 18.3 frames a second, runs for a total of 8.3 seconds.

This distance is 136.1 feet, and this can be calculated then to 11.2 miles per hour.

Mr. SPECTER. Is that a constant average speed or does that speed reflect any variations in the movement of the car?

Mr. SHANEYFELT. That is the overall average from 161 to 313. It does not mean that it was traveling constantly at 11.2, because it was more than likely going faster in some areas and slightly slower in some areas. It is only an average speed over the entire run.

Mr. DULLES. Over the entire run between what points?

Mr. SHANEYFELT. Between frame 161 and 313.

Mr. DULLES. Yes; but where, could you place that on that chart, for example?

Mr. SHANEYFELT. Yes.

Mr. DULLES. And describe the points?

Mr. SHANEYFELT. This is frame 161 which is the frame where they have just gone under the tree, to frame 313 which is the shot to the head. So that it is that distance there which is 136.1 feet.

Mr. SPECTER. In referring to those points, will you specify what exhibit number you are referring to there?

Mr. SHANEYFELT. That is—

Mr. DULLES. I wonder if we could mark those points on that exhibit?

Mr. SPECTER. Of course, Mr. Dulles.

That is Commission Exhibit No. 883, is it not, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. Will you take the first point Mr. Dulles has referred to and mark it as point X. I think we already have some letter designations in the early part of the alphabet.

Mr. McCLOY. Where is that point? What significance is that point? The first point?

Mr. SPECTER. This frame 161—

Mr. McCLOY. Yes.

Mr. SPECTER. Is the first frame we have on the Zapruder film.

Mr. DULLES. It is only to get the speed and distance here.

Mr. McCLOY. It has no relation to any shots.

Mr. DULLES. No relation to shots. Speed and distance.

Mr. SPECTER. It is the first frame we have where the marksman has his last clear shot of the back of the President's neck before it passes under the tree without adjustment. Is that correct, Mr. Shaneyfelt?

Mr. SHANEYFELT. That is correct. What letter designations did you want?

Mr. SPECTER. Mark 161, frame 161, with the letter designation X, if you will, please.

Mr. SHANEYFELT. And 313?

Mr. SPECTER. With the letter designation Y.

Mr. McCLOY. The record ought to show the two points are the point which you merely calculated the speed at which the car is going, isn't that right?

Mr. SHANEYFELT. That is correct.

Mr. McCLOY. Yes.

Mr. DULLES. Between those two points the car went at an average speed of 11.2 miles an hour?

Mr. SHANEYFELT. That is correct. Between point X and Y on Exhibit No. 883 the speed of the car was determined to be an average speed of 11.2 miles per hour.

Mr. DULLES. How long did the car take to go that distance, do you know, translated into time?

Mr. SHANEYFELT. 8.3 seconds.

Mr. DULLES. 8.3 seconds.

Mr. SPECTER. What motion pictures, if any, were taken during the reenactment?

Mr. SHANEYFELT. During the reenactment the black-and-white photographs were made from Zapruder's position with a Speedgraphic camera and we also took motion pictures with Mr. Zapruder's camera from Zapruder's position with the car in the fixed locations as they were established with the car just stationary in those locations.

After establishing all those points and making these film records of it, we then had the car proceed along that Elm Street route at approximately 11 miles per hour, and filmed it with Mr. Zapruder's camera loaded with color film from Mr. Zapruder's position and simultaneously photographed it with Mr. Nix's camera from Mr. Nix's position, and Mrs. Muchmore's camera from Mrs. Muchmore's position, and this was done twice.

(Off the record.)

Mr. SPECTER. The last question was about what movies and stills you took?

Mr. SHANEYFELT. We haven't discussed them all yet.

Mr. SPECTER. Were any other movies taken or photographs taken in addition to those which you heretofore described?

Mr. SHANEYFELT. Yes; after positioning the car in the street at the specific locations and making the movies with the Zapruder, Nix, and Muchmore cameras with the car running at 11 miles an hour on the route, I then went to the sixth-floor window and mounted the camera on the rifle, and photographs were made with black and white film motion pictures of the car in the fixed positions from frame 161 through frame positions 313. The car was stopped at each position. The individuals and the car were positioned by Mr. Gauthier on the street using the Zapruder pictures to reposition the individuals in the car, and motion pictures were made of the car sitting in those various positions. After this the car was driven at 11 miles an hour along the route and photographs were made through the rifle scope with a 16-mm. motion picture camera following the car as a target, as the car drove down the assassination route.

Following this, there were three runs made on black and white film. Then color film was loaded in the camera and it was again photographed on color film, 16 mm. with the car traveling at 11 miles an hour and the scope of the rifle following the car as the target.

This completed all the photographs that were made at the assassination site.

Mr. SPECTER. Was a subsequent photograph taken in the garage which you previously identified as the railway express garage?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. Will you repeat, even though you have heretofore mentioned them, the angles between the spot on the back of President Kennedy's neck which was marked with a white chalk mark and the muzzle of the rifle when the car was positioned at frame 210?

Mr. SHANEYFELT. The angle, based on the horizontal at frame 210, to the rifle in the window was $21^{\circ}34'$.

Mr. SPECTER. What was the comparable angle at frame 225?

Mr. SHANEYFELT. $20^{\circ}11'$.

Mr. SPECTER. So what would be the average angle then between those two points?

Mr. SHANEYFELT. The average angle, allowing for the $3^{\circ}9'$ street grade results in an average angle between frame 210 and frame 225 of $17^{\circ}43'30''$.

Mr. SPECTER. And that is the average angle from the muzzle to President Kennedy as he sat in the car or President Kennedy's stand-in as he sat in the car?

Mr. SHANEYFELT. That is correct. To the wound entrance.

Mr. SPECTER. Is the average angle of $17^{\circ}43'30''$ measured from the muzzle to the President's body as the President would be seated in the car?

Mr. SHANEYFELT. That is out on the street in those frame positions, yes. It is measured to the point of the wound on the back of the President.

Mr. SPECTER. I now hand you a photograph which has been marked as Commission Exhibit No. 903 and ask you if you know who the photographer was?

Mr. SHANEYFELT. Yes; I took this photograph.

Mr. SPECTER. When was that photograph taken?

Mr. SHANEYFELT. It was taken Sunday afternoon, May 24, 1964.

Mr. SPECTER. Is there a white string which is apparent in the background of that photograph?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. What is the angle of declination of that string?

Mr. SHANEYFELT. That string was placed along the wall by the surveyor at an angle of 17°43'30''.

Mr. SPECTER. Did the surveyor make that placement in your presence?

Mr. SHANEYFELT. He did.

Mr. SPECTER. Were the stand-ins for President Kennedy and Governor Connally positioned in the same relative positions as those occupied by President Kennedy and Governor Connally depicted in the Zapruder films?

Mr. SHANEYFELT. Yes; these positions were approximately the position of the President and Governor Connally in the Zapruder films in the area around frame 225 as they go behind the signboard and as they emerge from the signboard.

Mr. SPECTER. Was the rod which is held in that photograph positioned at an angle as closely parallel to the white string as it could be positioned?

Mr. SHANEYFELT. Yes.

Mr. SPECTER. And through what positions did that rod pass?

Mr. SHANEYFELT. The rod passed through a position on the back of the stand-in for the President at a point approximating that of the entrance wound, exited along about the knot of the tie or the button of the coat or button of the shirt, and the end of the rod was inserted in the entrance hole on the back of Governor Connally's coat which was being worn by the stand-in for Governor Connally.

Mr. SPECTER. And was Governor Connally's stand-in seated in the position where the point of exit would have been below the right nipple at the approximate point described by Governor Connally's doctors?

Mr. SHANEYFELT. That is correct.

Senator COOPER. May I ask a couple of questions?

Am I correct in assuming that you have made these determinations about the degree of the angle of the trajectory of the bullet at the time the President was struck, locating the position of the President in the car on the one hand, and the location of the rifle at the time the shots were fired?

Mr. SHANEYFELT. The location of the wound, you mean the angle of the wound?

Senator COOPER. Yes.

Mr. SHANEYFELT. The angle—

Senator COOPER. You had to establish the position of the President at the time the bullet struck him and the position of the rifle to make a determination about the degree of the angle of the direction?

Mr. SHANEYFELT. That is correct. The positions in the car, their positions in the car, were based on the Zapruder film.

Senator COOPER. And you were able to determine what you think very accurately the position of the President in the car by the films that you have examined?

Mr. SHANEYFELT. Yes.

Senator COOPER. Then the factor then, which is not determinable exactly, then is the location of the rifle, is that correct?

Mr. SHANEYFELT. That is correct.

Senator COOPER. Upon what did you determine the location of the rifle—upon what factors?

Mr. SHANEYFELT. The rifle was positioned in the sixth floor window of the Book Building where the cartridges were found, and was determined from information furnished by representatives of the Commission.

Senator COOPER. Did you have information about the location of certain boxes that were seen—were found—at the window after the shooting occurred?

Mr. SHANEYFELT. That is correct. Yes; we had photographs of the boxes and we were advised, of the approximate position in the window and how far down the window was, the fact that some observers noted the rifle sticking out the window.

Senator COOPER. I want to ask you—you did have information from the testimony of witnesses who said they saw the rifle protruding from the window?

Mr. SHANEYFELT. We had this information furnished to us by the Commission.

Senator COOPER. And those facts, those locations were made known to you, and upon that evidence did you locate the rifle in making these calculations?

Mr. SHANEYFELT. That was the basis for the location of the rifle in all of our calculations.

Senator COOPER. Just one other question. Assuming that there might have been some variation in the location of the rifle, length of the window, the breadth of the window, or that the rifle you used was held higher than the rifle might have been, would it have made—how much variation would it have made, in your judgement, in these calculations you made?

Mr. SHANEYFELT. I don't believe that any movement of the rifle in that specific window would alter our calculations to any appreciable degree if you stay within that window, because our reenactment and our repositioning of the bodies in the car based on the photographs is subject to some variation, too, so we have variations throughout.

And the variations from the position of the rifle at that particular window, I feel would be negligible.

Senator COOPER. At every point where you made it, hypothetically, at least, made the determination that at a particular point the President was struck by a bullet, at that point the car and the President could be seen from the window?

Mr. SHANEYFELT. That is correct.

Senator COOPER. That is all I want to ask.

Mr. SHANEYFELT. Even under the tree you still could see the car and the President through the tree.

Mr. SPECTER. Mr. Shaneyfelt, did the surveyors calculate the angle and distance from each position where the simulated car was stopped from the President to the triple underpass?

Mr. SHANEYFELT. That is correct.

Mr. SPECTER. And are those figures reproduced in terms of distance to overpass, and angle to overpass on every one of the exhibits which also depict distance to window, referring to the sixth floor window, and angle to rifle in window?

Mr. SHANEYFELT. Yes; they do. They are on all the exhibits.

Mr. SPECTER. Now; is there any point on the overpass where the angle to the President's car or the angle to the President's stand-in seated in the simulated car, would permit a shot to be fired and to create the wound in the President's neck, which has an angle of decline of approximately 17°, based on the information furnished to you by the medical evidence, which we have asked you to assume, where that wound could be inflicted on the President's neck without regard to the point of entry?

Mr. SHANEYFELT. No; none of the angles from the overpass are anywhere near 17°. They range from frame 161 at a minus 7', from horizontal, to frame 313 which is 1°28'. None of them are even close to 17°.

Senator COOPER. From the exhibit that has been introduced, showing the position of the car and the President at the time of the first shot—what was the distance from that point to the overpass?

Mr. SHANEYFELT. The approximate location of the first shot—

Senator COOPER. Frame what?

Mr. SHANEYFELT. Well, the exact frame has not been established, but it would be in the range from frames 207 to 225. At frame 207, the distance to the handrail on a line of sight vision to the wound on the President is 350.9 feet.

At frame 225 the line of sight distance from the handrail of the overpass to the wound on the President is 334 feet.

Senator COOPER. What is the distance at those points to the window in the Texas School Book Depository?

Mr. SHANEYFELT. Frame 207 line of sight distance from the wound to the window is 174.9 feet. This distance to the overpass from there is 350.9.

On frame 225, line of sight to the window is 190.8 feet as opposed to the distance to the handrail on the overpass of 334.0 feet.

Senator COOPER. Did you yourself stand at the handrail of the overpass?

Mr. SHANEYFELT. Did I?

Senator COOPER. Yes.

Mr. SHANEYFELT. No; I did not.

Mr. SPECTER. What do you mean, Mr. Shaneyfelt, by line of sight?

Mr. SHANEYFELT. Straight line distance.

Representative FORD. Is that what is calculated by the surveyor?

Mr. SHANEYFELT. That is correct; by Mr. West.

Mr. SPECTER. Were there members of the testing teams that did go to the hand-rail at the triple underpass to make observations?

Mr. SHANEYFELT. Yes; there were.

Mr. SPECTER. Who were they?

Mr. SHANEYFELT. I am not real sure.

Mr. SPECTER. Mr. Chairman, those conclude my questions for Mr. Shaneyfelt. If it please the Commission, I would like to call Mr. Frazier at this time.

Mr. McCLOY. Thank you very much, Mr. Shaneyfelt.

TESTIMONY OF ROBERT A. FRAZIER RESUMED

Mr. SPECTER. Would you state your full name for the record, please?

Mr. FRAZIER. Robert A. Frazier.

Mr. SPECTER. Mr. Frazier, you have appeared before to testify, but will you at this juncture again give us the outline of your occupation and experience?

Mr. FRAZIER. Yes; I am a special agent of the Federal Bureau of Investigation assigned to the FBI Laboratory, Washington, D.C.

I work in the firearms identification unit in the laboratory, making examinations of firearms, bullets, the effects of bullets, trajectories, firing tests, powder pattern tests, and various other types of examinations.

(At this point Senator Cooper left the hearing room.)

Mr. SPECTER. Have you appeared heretofore before the Commission to testify about examinations which you have conducted of the clothing worn by President Kennedy, the clothing worn by Governor Connally, the examination of the Presidential limousine and certain ballistics information?

Mr. FRAZIER. Yes; I have.

Mr. SPECTER. Did you participate in the onsite tests at Dallas on May 24, 1964?

Mr. FRAZIER. Yes.

Mr. SPECTER. What was your position during most of the time of those onsite tests?

Mr. FRAZIER. I was stationed at the window on the sixth floor of the Texas School Book Depository Building at the southeast corner of the building.

Mr. SPECTER. How far was that window open at the time the tests were being conducted?

Mr. FRAZIER. I estimated it as approximately one-third. It was somewhat less than halfway open.

Mr. SPECTER. Is that the distance depicted on Commission Exhibit No. 492, which has heretofore been introduced in evidence?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Is the distance open on that window about the same as that which you had it open at the time these tests were run?

Mr. FRAZIER. Yes; I would say that this is very close. The window was placed according to information already furnished to the Commission as to how much it had been opened at that time.

Mr. SPECTER. Did you handle the Mannlicher-Carcano rifle during the course of the onsite tests?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. The rifle previously identified as Commission Exhibit No. 139?

Mr. FRAZIER. Yes, sir; I did.

Mr. SPECTER. At what position—what was the basis for your positioning of that rifle during those tests?

Mr. FRAZIER. To position the rifle, we selected boxes of the same size and contour as boxes shown in a photograph or rather in two photographs, reportedly taken by the police department at Dallas shortly after the assassination.

We placed these boxes in their relative position in front of the window spacing them from left to right, according to the photographs which were furnished to us, and also placing them up against the window, with one of them resting on the window ledge as it was shown in the photographs.

Mr. SPECTER. In addition to the placement of the boxes, were there any other guides which you had for reconstructing the position of the rifle to the way which you believed it to have been held on November 22, 1963?

Mr. FRAZIER. Yes, sir; there was one physical obstruction in the building which could not be moved consisting of two vertical pipes located just at the left side of the sixth floor window. These prevented me or anyone who was shooting from that window from moving any further to the left.

The position of the rifle, of course, had to be such that it could be sighted out through the window, using the telescopic sight high enough above the window ledge so that the muzzle of the weapon would clear the window ledge, and low enough in position so that the bottom of the window, which was only partially raised, would not interfere with a view through the telescopic sight, which is approximately 2 inches higher than the actual bore of the weapon.

Mr. SPECTER. Did you position the rifle further, based on information provided to you concerning the testimony of certain eyewitnesses at the assassination scene concerning what they observed?

Mr. FRAZIER. Yes, sir; we attempted to put the muzzle of the weapon sufficiently far out the window so it would have been visible from below.

Mr. SPECTER. Mr. Frazier, referring to Commission Exhibit No. 886, did you view through the sight that depicted in "photograph through rifle scope" on the positioning of the Presidential limousine or the car to simulate the limousine at position A?

Mr. FRAZIER. Yes, sir; this would be the first position that an individual in that sixth floor window could sight at the car due to the interference of the window ledge of the building and the fact that the angle downward is limited by the partially lowered window.

Mr. SPECTER. I now hand you Commission Exhibit No. 888 and ask you if you had the view depicted on the "photograph through the rifle scope" shown on that exhibit?

Mr. FRAZIER. Yes, sir; this Exhibit No. 888 is frame 161, and is the position at which I had the car stopped just before the spot, indicating the entrance wound on the back of the President's stand-in, passed into the foliage of the tree.

Mr. SPECTER. I now hand you Exhibits Nos. 889, 890, and 891, and ask you if you had the view on each of those depicted in the "photograph through rifle scope"?

Mr. FRAZIER. Yes, sir; Commission No. 889 represented by frame 166 is the adjusted position to account for the fact that the Presidential stand-in on May 24 was actually 10 inches higher in the air above the street than the President would have been in the Presidential limousine.

Mr. DULLES. Would you explain to us simply how you made those adjustments?

Mr. FRAZIER. Yes, sir.

Mr. DULLES. I mean how did you get him down 10 inches as a practical matter.

Mr. FRAZIER. They had marked on the back of the President's coat the location of the wound, according to the distance from the top of his head down to the hole in his back as shown in the autopsy figures. They then held a ruler, a tape measure up against that, both the back of the Presidential stand-in and the back of the Governor's stand-in, and looking through the scope you could estimate the 10-inch distance down on the automobile.

You could not actually see it on the President's back. But could locate that 10-inch distance as a point which we marked with tape on the automobile itself, both for the Presidential and the Governor's stand-in.

Mr. DULLES. Thank you.

Mr. FRAZIER. Continuing with Commission Exhibit No. 890, represented by frame—

Mr. McCLOY. Hold that around so I can see it.

Mr. FRAZIER. Represented by frame 185, this is the first or rather the only position through the foliage of the tree at which a person from the sixth floor

could get a clear shot at the back of the President, and I had the car stopped at this position and then we determined that this was frame 185 from the Zapruder films.

Mr. DULLES. There are no heavy limbs in there of any kind, are there—

Mr. FRAZIER. No, sir.

Mr. DULLES. That would obstruct a bullet?

Mr. FRAZIER. No, sir. The tree—it is a live oak tree which retains its leaves all year around and the limbs at that point are relatively small.

Mr. DULLES. All right.

Mr. SPECTER. Did you compare the appearance of the foliage on the pictures taken by the Secret Service, about which Inspector Kelley earlier testified, with the appearance of the foliage on May 24?

Mr. FRAZIER. Yes; I did.

Mr. SPECTER. What was that comparison?

Mr. FRAZIER. They are so nearly identical that you could not really pick out any difference between the foliage and the photograph taken previously in November.

In Commission Exhibit No. 891, which is marked frame 186, this is the adjusted position to which the car was moved to accommodate the 10-inch distance at which the actual wound in the President would have been located had the car been the actual Presidential limousine rather than the stand-in car.

Mr. SPECTER. Were you standing, seated, or kneeling at the time when these photographs were taken and the sighting of the rifle was made by you.

Mr. FRAZIER. I was actually sitting on a carton with my left elbow resting on the boxes stacked in front of the window.

Mr. SPECTER. Did that position represent to you the most likely position which the rifleman assumed on November 22, 1963, based upon the positioning of the various boxes?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. And the eyewitness accounts as to how far the rifle protruded?

Mr. FRAZIER. Yes, sir; it was.

Mr. SPECTER. Now, in all of the frames that you have described up to now, did you position the automobile on the street or give instructions over the radio as to where the automobile ought to be stopped for those various sightings?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. I now hand you Commission Exhibits Nos. 892 and 893, and ask you if you observed the views depicted in the "photograph through rifle scope" on each of those exhibits?

Mr. FRAZIER. On Commission Exhibit No. 892, also marked frame No. 207, the car was moved forward under the tree to the point where the spot on the Presidential stand-in's back just became visible beyond the foliage of the tree. I had the car stopped at that point so that this photograph could be made there.

On Commission Exhibit No. 893, also marked frame 210, we have the photograph made at the adjusted position to accommodate the 10-inch difference in height between the stand-in and the actual position of the wound above the street and on the President's body.

Mr. SPECTER. What was the alinement of President Kennedy's stand-in with Governor Connally's stand-in at frames 207 and 210?

Mr. FRAZIER. They both are in direct alinement with the telescopic sight at the window. The Governor is immediately behind the President in the field of view. Was that your question?

Mr. SPECTER. Yes.

Mr. FRAZIER. Alinement of people?

Mr. SPECTER. Yes, sir.

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Could Governor Connally have taken a shot in the range of frames 207 to 210 which would have traversed his body with the entry and exit points being approximately what they were shown to be through the medical records?

Preliminarily, let me ask you if, for the record, you had seen or had made available to you the contents of the medical records showing the point of entry on the back of the Governor and the point of exit on the front side of his chest?

Mr. FRAZIER. No, sir; I don't recall having seen the medical testimony. However, information has been furnished to me by Commission members as to the relative positions on the back and the front of the Governor.

Mr. SPECTER. Have you in addition had an opportunity to examine personally the clothing worn by the Governor consisting of his jacket and shirt?

Mr. FRAZIER. Yes; I have.

Mr. SPECTER. Based on the Governor's position then in frames 207 and 210, was he lined up so that a bullet fired from the sixth floor would have passed through his body in about the way that the entry and exit holes were described to you?

Mr. FRAZIER. Yes; I would say that this could have happened at these two frames.

However, this would assume that the path of the bullet through the Governor's body was the same as the path of the bullet before it struck, that is, there was no appreciable deflection in the body itself. Since I have no actual technical evidence available to me that there was no deflection, I can only say that it is a possibility under the circumstances as set up in these photographs.

Mr. SPECTER. You would state that as a possibility based upon the observations you made and the facts provided to you?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. All right.

I now hand you Commission Exhibits Nos. 894 and 895 and ask you if you saw the photograph as depicted on the "photograph through rifle sight" on those exhibits?

Mr. FRAZIER. Yes, sir.

Commission Exhibit No. 894 is marked frame 222, and the photograph through the scope is the same field which I saw looking through the telescope on May 24, 1964.

This is similarly true of Commission Exhibit No. 895—895 being frame No. 225.

Mr. SPECTER. I now show you Exhibits Nos. 896 and 897 and ask you if the picture shown on "photograph through rifle scope" is that which you observed at the times those pictures were taken.

Mr. FRAZIER. Yes, sir. This Exhibit No. 896 is also marked frame No. 231, and represents the relative positions of the President's and Governor's stand-in on May 24.

Commission Exhibit No. 897, which is marked frame 235, also represents the positions of the Presidential and Governor's stand-in as I saw it from the sixth floor on that date.

Mr. SPECTER. I now hand you Exhibits Nos. 899, 898, and 901 and ask if you saw the pictures or if your view was the same as "photograph through rifle scope" depicted on those exhibits?

Mr. FRAZIER. Yes; they are. In each case Commission Exhibit No. 898, which is marked frame 240, Commission Exhibit No. 899, which is also marked frame 249, and Commission Exhibit No. 901, which is also marked frame 255.

In the "photographs through the scope" the individuals representing the President and the Governor are as they were positioned on May 24.

Mr. SPECTER. Now, assuming certain factors, Mr. Frazier, to wit: That the President and Governor Connally were seated in an open automobile in the approximate positions taken by the President's stand-in and the Governor's stand-in during the onsite tests, that a bullet passed through President Kennedy entering at a velocity of 1,900 feet per second striking 14 centimeters below the right mastoid process and 14 centimeters to the left of the right acromion process which is the tip of the right shoulder, that the bullet passed through a fascia channel, hitting no bones, and proceeded in a straight line, exiting through the lower one-third of his neck, passing out of his shirt at the position which you observed personally from your inspection of the President's shirt, nicking the knot on the President's tie in the way you observed from your examination of that tie; do you have an opinion as to whether it is probable, based on the fact which I have asked you to assume, that a bullet could have gone through the President and missed the interior of the limousine and all of its occupants between frames 207 and 225?

Mr. FRAZIER. I can give you my opinion based on this reconstruction, as I understand your question.

All of these things refer to the reconstruction and assuming particularly that the path of the projectile to the President was also the same path, the same angle as it went through his body and then on, and in that connection, yes.

In my opinion the bullet had to strike in the car, either the car itself or an occupant of the car.

Mr. SPECTER. And is that a probable opinion of yours based on what you saw during the tests and the facts I have asked you to assume?

Mr. FRAZIER. Yes; it is, and in fact, I think it is rather—it is obvious when you look at the photographs themselves that the crosshair of the telescopic sight actually would give you the point of impact of the bullet if the weapon is sighted in and if there is no change in the line of sight the bullet had to strike the cars shown in each of these photographs which is frame 225 on this end of this series, and frame 207 on the other end of the series.

It shows that there would be no chance for the bullet to miss the car at all if it had no deviation in its—if it had no deflection in its path.

Mr. SPECTER. Did you have an opportunity to examine the car shortly after the assassination?

Mr. FRAZIER. Yes; I did, on the early morning of November 23, 1963.

Mr. SPECTER. The record will show you have testified about it heretofore, but will you again state at this juncture whether or not you found any indication within the car that the interior of the car was struck by a missile proceeding at a high velocity such as 1,775 feet per second?

Mr. FRAZIER. No, sir; we found none.

We examined in particular the passenger's section, the rear seat area of the back of the automobile clear up to the back of the rear seat, the rear seat itself, the floorboards and the back of the front seat, the backs primarily of the jump seats, and other areas in the front of the car, the windshield and the chrome and the front hoods and fenders and sides of the automobile and we found no evidence of a bullet impact having those characteristics you mentioned.

Mr. SPECTER. Did you also examine the windshield of the car, interior and exterior?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. And the chrome of the car on the interior and the exterior?

Mr. FRAZIER. Yes, sir.

Mr. SPECTER. Did you also examine the front portion of the Presidential limousine?

Mr. FRAZIER. Yes; we did. That portion, the dashboard below the windshield and the dashboard in the area immediately under that were particularly examined, because the rest of it would have been shielded from a shot due to the height of the dashboard and the height of the back of the front seat.

Mr. SPECTER. Did any of that area examined disclose any impact of such a missile?

Mr. FRAZIER. No, sir; not of a high velocity. Only the lead area smeared on the inside of the windshield from a relatively light object which struck the inside, and did not even break the inside surface of the glass, and then there was a possible bullet impact area at the top of the chrome to the right of the rearview mirror. This was made by a projectile not having the weight or velocity of a whole bullet moving at, in the range of a thousand to 1,500 feet per second or more.

Mr. SPECTER. Based on the position of Governor Connally as depicted in the Zapruder slides at frames 222 and 225, could he have taken a shot, assuming the firing point to have been the sixth floor of the Texas School Book Depository Building, which entered and exited from his body in accordance with the known medical evidence?

Mr. FRAZIER. I have not made a very thorough study of the Zapruder film which I understand you mentioned in this particular question with reference to the Zapruder film itself.

Mr. SPECTER. We will take it with reference to the reconstructed positions of Governor Connally in frames 222 and 225, which you have testified you did observe at the time the measurements and photographs were taken.

Mr. FRAZIER. I would say, yes, under the conditions that I mentioned previously, that the reconstruction would represent the Governor as it was in November, then he could have been struck anywhere in that frame area of from 207 to 225.

Mr. SPECTER. How about the same question in frames 231, 235, 240 and thereafter?

Mr. FRAZIER. There is only one position beyond frame 225 at which the Governor could have been struck according to the information furnished to me and from my examination of his clothing that he was struck near the right sleeve seam and that the bullet came out through the inside pocket of his jacket.

At frame 231 the Governor is, as I saw it from the window on that date, turned to the front to such an extent that he could not have been hit at that particular frame.

Mr. SPECTER. Why not, Mr. Frazier?

Mr. FRAZIER. The angle through his body, as I measured it on the coat is approximately 20° from the right toward the left. On May 24 in our reconstruction I found that the Governor had turned farther to the front from a position slightly facing the right than he was in at frame 225. He had turned back to the front so that a shot which struck him in this shoulder in the back——

Mr. SPECTER. Indicating the right shoulder?

Mr. FRAZIER. Indicating the right shoulder near the seam would have come out much further to his right than the actual exit hole described to me as being just under the right nipple.

Mr. SPECTER. How would the bullet have passed through his body based on his position as shown in frame 235?

Mr. FRAZIER. In frame 235, which is Commission Exhibit No. 897, the Governor in our reconstruction, according to the Zapruder film was also facing too far, too much towards the front. The angle of the bullet through his body, assuming no deflection, would not have corresponded to the angle through his clothing or according to the information furnished from the medical examiners.

Mr. SPECTER. How about the Governor's position in frame 240?

Mr. FRAZIER. In frame 240 the Governor again could not have been shot, assuming no deflection of the bullet prior to its striking his body, from the window on the sixth floor because he is turned in this case too far to the right.

Now, this obviously indicates that the Governor in between frame 235 and frame 240 has turned from facing completely forward in the car around to the right to the point that a bullet entering his back on the right shoulder area would have exited in my opinion somewhere from his left chest area rather than from his right chest area.

Mr. SPECTER. How about the Governor's position at frame 249?

Mr. FRAZIER. In frame 249 a similar situation exists in that the Governor, as represented by his stand-in in our reconstruction, has turned too far to the right, even further than frame 240, so that in frame 249 represented by Commission Exhibit No. 899, he again could not have been hit by a bullet which came from the window on the sixth floor and struck him in an undeflected fashion and passed through his body undeflected.

Mr. SPECTER. How about frame 255?

Mr. FRAZIER. On frame 255 which is in Commission Exhibit No. 901 the Governor is turned again too far to the right, and the same situation would hold true as to what we saw in frame 249.

The bullet would have exited too far on his left side, provided there was no deflection between the window and the point of exit from the Governor's body.

Mr. SPECTER. Mr. Frazier, based on the angles, distances, and speeds of the car and bullet in this situation, what lead would a marksman have to give to strike the moving target, allowing for all of those factors?

Mr. FRAZIER. The lead would be approximately the same for all of these positions represented by your frame or rather your Commission Exhibit No. 888, which is frame 161, all the way up to frame 313 which I don't have, the Commission's Exhibit is No. 902 on frame 313, a lead of 6 inches above the point of

impact would be sufficient to account for the movement of the car during the flight of the bullet.

The fact that the same lead would be necessary at each place is because at the closer frame numbers, the lower frame numbers, 161, 166, 185, and so forth, there is a relatively steep downward angle beginning at 40°, whereas the last shot, the downward angle is approximately 17° or 20°, in that neighborhood.

Just one thing more, it would require less apparent elevation of the crosshair over the point of impact at the distant target to allow for a further movement of the car of approximately 2 feet at the point where the head shot occurred.

So the lead would be constant between 5.9 inches above the point of impact to 6.3 inches above the point of impact.

Mr. DULLES. Have you asked the witness—I was studying these frame pictures—at about what frame he thinks the body of Governor Connally would have been in a position to receive a bullet that would go through the body with this trajectory?

Mr. SPECTER. Yes; I believe I did.

Mr. DULLES. I wasn't quite clear.

Mr. FRAZIER. I testified that it would have been in position from anywhere from frames 207 to 225.

However, I cannot limit it to 207 because at that point the car goes back under the foliage and you can't actually see clearly enough.

Mr. DULLES. Between frames 207 and 225?

Mr. FRAZIER. Yes, sir; approximately frame 207 to approximately frame 225.

Mr. DULLES. Thank you.

Mr. SPECTER. Looking at Exhibit No. 902, frame 313, on the view shown on the "photograph through rifle scope," is that the way you saw it at the time of the reconstruction, when the car was in that position as shown in that exhibit?

Mr. FRAZIER. Yes; it is.

Mr. SPECTER. At this time I move for the admission into evidence of Commission Exhibits Nos. 885 through 903 which constitute all of the photographs referred to by Mr. Shaneyfelt and Mr. Frazier during their testimony.

(Commission Exhibits Nos. 885 through 903 were marked for identification, and received in evidence.)

Mr. McCLOY. They may be admitted.

Mr. SPECTER. That completes the questioning.

Mr. McCLOY. As I get it, Mr. Frazier, what you are saying is there is only a certain point at which the bullet could pass through the President, could have hit Mr. Connally, and that is at a point when he is not sitting full face forward and at a point when he is not too far turned around.

Mr. FRAZIER. That is exactly right.

Mr. McCLOY. Somewhere when he is turning to the right.

Mr. FRAZIER. He was placed approximately 20° to the right.

Mr. McCLOY. To the right.

Mr. FRAZIER. That is 20° according to my examination of his clothing but I don't know the exact figures of the angle through his body.

Mr. SPECTER. I have one additional question.

Mr. Frazier, assuming the factors which I have asked you to accept as true for the purposes of expressing an opinion before, as to the flight of the bullet and the straight line penetration through the President's body, considering the point of entry and exit, do you have an opinion as to what probably happened during the interval between frames 207 and 225 as to whether the bullet which passed through the neck of the President entered the Governor's back.

Mr. FRAZIER. There are a lot of probables in that. First, we have to assume there is absolutely no deflection in the bullet from the time it left the barrel until the time it exited from the Governor's body. That assumes that it has gone through the President's body and through the Governor's body.

I feel that physically this would have been possible because of the positions of the Presidential stand-in and the Governor's stand-in, it would be entirely possible for this to have occurred.

However, I myself don't have any technical evidence which would permit me to say one way or the other, in other words, which would support it as far as my rendering an opinion as an expert. I would certainly say it was possible but I don't say that it probably occurred because I don't have the evidence on which to base a statement like that.

Mr. SPECTER. What evidence is it that you would be missing to assess the probabilities?

Mr. FRAZIER. We are dealing with hypothetical situations here of placing people in cars from photographs which are not absolutely accurate. They are two dimensional. They don't give you the third dimension. They are as accurate as you can accurately place the people but it isn't absolute.

Secondly, we are dealing with the fact that we don't know whether, I don't know technically, whether there was any deviation in the bullet which struck the President in the back, and exited from his front. If there were a few degrees deviation then it may affect my opinion as to whether or not it would have struck the Governor.

We are dealing with an assumed fact that the Governor was in front of the President in such a position that he could have taken. So when you say would it probably have occurred, then you are asking me for an opinion, to base my opinion on a whole series of hypothetical facts which I can't substantiate.

Mr. McCLOY. Let me put it to you in another way—from your best judgment about what you know about this thing, what was the sequence of the shots, and who was hit, and when in relation to—

Mr. FRAZIER. I will say this—I have looked at the film and have seen evidence of one shot occurring which struck the President in the head. That was at frame 313.

Mr. SPECTER. Frame 313? Yes.

Mr. FRAZIER. Commission Exhibit No. 902. I have seen evidence in the film of the President with both arms up clutching at his throat, and having examined his clothing and having seen the hole in his shirt and his back, I might assume that he is clutching his throat because a bullet exited from his throat. I don't have the technical knowledge to substantiate that. There was no metal on this hole in front, and there is no way for me to say from my own examination that it actually was a bullet hole. Nowhere else in this film have I seen any indication of a bullet striking.

Mr. SPECTER. The President?

Mr. FRAZIER. Either the President or the Governor. Because I do not know the reaction time which would exist from the time a bullet struck until someone made a move. It may be a half second, it may be a full second. It may be a tenth of a second. It depends upon the intensity of the pain, and actually what happened.

And therefore, in looking at the film you can't say a bullet struck right here because he started to move his hands here. It may have been a full second, a half second behind that spot. I would say that two bullets at least struck in the automobile. I cannot say that three bullets did not strike in the automobile from my examination, but it appears and due to the reconstruction at Dallas, it appears that if the one bullet did strike the President, then it landed in the automobile, and if it landed in the automobile, and we found no evidence of it having hit the car itself, then I say it is possible that it struck the Governor.

Now, as to the sequence of the shots, that one obviously was before the head shot. If there was a third shot fired, I could not tell you from anything I know whether it was the first, the second, or the third.

Mr. McCLOY. It is possible, according to your analysis of it, that the first shot could have gone through the back of the President and exited through the front of his neck, and the second shot could have hit Connally, and the third shot could have hit the President.

Mr. DULLES. Where would the first shot have gone under that thesis?

Mr. McCLOY. I just say I don't know where it could have gone.

Mr. FRAZIER. From what I know from my examination that is true, because I have seen bullets strike small twigs, small objects, and ricochet for no apparent

reason except they hit and all the pressure is on one side and it turns the bullet and it goes off at an angle.

If there was no deviation from the time the bullet left the rifle barrel until the time it exited from the Governor's body, then the physical setup exists for it to have gone through the President, and through the Governor.

Mr. SPECTER. You mean from the time it exited through the Governor's body?

Mr. FRAZIER. That is right. Otherwise, you have nothing to base a conclusion upon. If you have deviation anywhere along the line then you both affect the position at which the Governor could have been shot—for instance—if the bullet entered the Governor's back and immediately took a 20° leftward angle, then the Governor could have been shot when he was facing straightforward in the automobile.

Now, I can't tell that, and therefore I can only say that my opinion must be based on your assumption that there was not a deviation of the bullet through the President's body and no deviation of the bullet through the Governor's body, no deflection. On that basis then you can say that it is possible for both of them to have been hit with one bullet.

Representative FORD. Does that opinion rule out the possibility or cast doubt on the possibility of a third shot?

Mr. FRAZIER. It does not rule out the possibility of a third shot. No, sir; because I can only base my opinion on what I saw and my own experience, and that is that a bullet could have struck the President, if it had deflection in the President's body it could have, and he happened to be in a certain position in the car which would affect the angle, the bullet may have exited from the automobile.

Representative FORD. As I understood your assumptions there was no deviation and no deflection, and I thought I phrased my question based on your opinion under those facts, it might rule out a third shot.

Mr. DULLES. Do you mean rule out a third shot entirely or just rule out a third shot hitting in the car?

Representative FORD. Rule out a third shot in one instance or establish the possibility of a third shot that missed everything.

Mr. FRAZIER. As I understand your question I am now assuming these various factors to exist, that there was no deviation, no change in the path of the bullet.

Representative FORD. The bullet went through the President and through the Governor.

Mr. FRAZIER. Yes; then under that premise and the reconstruction showing the position of the car with reference to the path of the bullet, then it is entirely possible that these two individuals were hit with one bullet and that there was not another bullet that struck in the car other than the one that struck the President in the back of the head and exited from his head.

Representative FORD. Under these assumptions there is a possibility there was not a third shot or there was a third shot that missed everything.

Mr. FRAZIER. That missed everything; yes, sir.

Mr. DULLES. Is there any way of correlating the time of the shot with the position of the car so as to know whether possibly the first shot was fired before the car was out from the tree and it might have hit a branch of the tree and be deflected so it didn't hit the car? If he had fired too soon. I guess it is impossible.

Mr. FRAZIER. It is possible, I don't have any evidence to support it one way or the other.

Mr. DULLES. Yes.

Mr. FRAZIER. As to whether or not a limb of the tree may have deflected one shot. However, I think it should be remembered that the frame 207 is just as he exits under the tree; from there to frame 225 to where the President shows a reaction is only a matter of 1 second. He is under the tree in frames 166 until frame 207, which is about 2 seconds. So somewhere in that 3-second interval there may have been a shot—which deflected from a limb or for some other reason and was never discovered.

Representative FORD. Mr. Chairman, may I return to questions that I was asking Mr. Frazier?

Mr. McCLOY. Yes.

Representative FORD. Again making those same assumptions we made a mo-

ment ago, is there any evidence that a third shot hit the car or any occupant of the car?

Mr. FRAZIER. Assuming all those assumptions we had before; no. I would say that, and again I have not the technical evidence to back this up one way or the other but you make these assumptions and I would say under those conditions only two shots hit the occupants or the car because the one through the President had to cause Connally's wound otherwise it would have struck somewhere else in the car and it did not strike somewhere else.

Therefore, it had to go through Governor Connally.

And the second shot had to strike the President in the head.

Mr. McCLOY. How about these shots you spoke of, one of the fragments, at least, hitting the glass, the windshield and one possibly hitting the chrome. Was there anything, could it have been any fragmentation of the first shot which didn't hit, the first shot that hit the President, let's say, but didn't hit Connally, might that again make the possibility of three shots, one of them hitting the President and fragmenting as you indicated, and a second one hitting Connally, and the third one hitting the President for the lethal shot.

Mr. FRAZIER. Under that circumstance the bullet exiting from the President would have had to strike something else in the car to break it up.

Mr. McCLOY. Break it up inasmuch as it was broken up?

Mr. FRAZIER. Yes, sir; there was no evidence that the bullet which exited from the President was in any but complete condition, that is there was only one hole through the shirt, there was only one hole through his coat or shirt actually and the testimony of the medical examiners was that it made a relatively straight path through the body.

Mr. SPECTER. That completes my questions of Mr. Frazier.

Mr. DULLES. Could I ask just one more question?

Mr. SPECTER. Yes, sir; Mr. Dulles.

Mr. DULLES. There has been a certain amount of testimony indicating there was a longer pause between the report of the first shot or what is believed to be the report, explosion of the first shot and the second and third shots, that is not absolutely unanimous but I would say it is something like 5 to 1 or something of that kind, what would you say, 2 to 1, 3 to 1?

(Discussion off the record.)

Mr. DULLES. Is it possible that the assassin attempted to fire when the car was behind the tree or going into the tree, that that shot went astray, and that that accounts for, if there was a longer delay between one and two, that would account for it, and then the lethal shots were fired or the wound, the one shot that was fired that hit the two and then the lethal shot was fired immediately after. It is speculation.

Mr. McCLOY. I think that must be speculation because there certainly is conflicting evidence as to the intervals between the first and the second shot and the second and the third shot.

Mr. DULLES. I think if you will read the testimony you will find it at least 2 to 1 except for the people in the car.

Mr. McCLOY. Maybe, but what weight do you give these, I don't know. I think that is quite possible that a bullet was deflected by that tree, but there is no evidence whatever of the bullet landing anywhere in the street or among the crowd.

And yet there seems to be no doubt at all that three shots were fired.

Mr. DULLES. That seems to be the evidence.

Mr. McCLOY. At least three shots were fired, and probably three shots were fired because of the three shells that were found.

Mr. DULLES. Three shells?

Mr. McCLOY. Yes.

Mr. DULLES. We probably won't settle that today.

Mr. FRAZIER. I don't know how to answer that question except possibly to go back to the frame numbers of the Zapruder film and you will find they are about equally spaced from frame 161 just before the tree to frame, say, 220, which is just a few frames after the tree, that is 59 or approximately 60 frames, from that point. But from frame 222 to the last shot of frame 313 is 78 and 13, 91 frames, so there is more time between the second and third than the first and

second, assuming that the second one actually occurred and that it occurred at about the middle of that interval.

Mr. McCLOY. In the middle of that frame, yes. I think that is pretty persuasive.

Mr. DULLES. I didn't quite follow that.

Mr. McCLOY. There seemed to be more frames between, going backwards, between the third shot, that is between the time that—

Mr. DULLES. The first shot went astray, you don't know whether it was fired. You have no way of getting at that.

(Discussion off the record.)

Mr. McCLOY. Thank you very much, Mr. Frazier.

Mr. SPECTER. I want to call Inspector Kelley for observations from the underpass.

May the record show that Inspector Thomas Kelley has returned to the witness chair.

TESTIMONY OF THOMAS J. KELLEY RESUMED

Mr. KELLEY. Yes, sir.

Mr. SPECTER. Before we conclude the testimony, Inspector Kelley, I want to ask you if on May 24 you had occasion to go over to the triple underpass and observe the simulated car and occupants drive down Elm Street from Houston Street?

Mr. KELLEY. Yes; I accompanied Mr. Redlich and Mr. Spector from the Commission on the point on the overpass.

Mr. SPECTER. From the Commission or from where to the overpass—pardon me. I understand your sequence there.

What did you observe as to the position of the President's stand-in concerning whether he could have been struck by a bullet which was fired from the top of the triple underpass?

Mr. KELLEY. I observed as the car came down Elm Street that the President's stand-in was in our view all the time as he was coming down the street from the right-hand side of the car. As the more you moved over to the left of the underpass, the longer the stand-in was in direct view of anybody standing on the overpass.

Mr. SPECTER. And was the stand-in obstructed by the windshield at anytime as the car drove down Elm Street?

Mr. KELLEY. No; he was not. However, never at any time was he in a position to take a wound in the throat which from the drawings that have been given me, that I have been shown by the Commission, would he take a wound in the throat which would have exited higher than the throat or in the shoulder.

From the evidence that has been shown previously, the wound in the throat was lower on the President's body than the wound in the shoulder, and—

Mr. SPECTER. By the wound in the shoulder do you mean the wound in the back of the President's neck, the base of his neck?

Mr. KELLEY. Yes.

Mr. SPECTER. So, could a shot have been fired from the top of the triple underpass which would have passed through the President's neck, disregarding the medical evidence on point of entry, which traveled in an upward direction from the front of his neck upward to the back of his neck?

Mr. KELLEY. In my judgment, no.

Representative FORD. If a person were standing where you have indicated you were on that triple overpass, on November 22, he would have been in full view of anybody in the immediate vicinity.

Mr. KELLEY. Yes; and there were people on the overpass. There was a policeman on the overpass, there were a number of railroad workmen on the overpass at that time.

Representative FORD. There would have been no place where such a person could have hidden himself and not been detected?

Mr. KELLEY. Not on the overpass.

Mr. DULLES. What were the railway workmen doing on the overpass, were they helping to guard the overpass or just spectators?

Mr. KELLEY. No; they were working. There are a great many tracks indicated here.

Mr. DULLES. Yes; I was up there and I remember it very well.

Mr. KELLEY. They were doing some repairs on the tracks.

Mr. DULLES. I see.

Mr. McCLOY. I had the impression there was more than one policeman also guarding up there, at least two, but maybe I am wrong. At least there is some testimony.

Mr. DULLES. Do you recall, Mr. Specter, what the testimony is on that—the number of policemen on the overpass?

Mr. SPECTER. I believe there were two officers on the overpass, who said that no shots came from that direction.

Mr. McCLOY. No shots came from that direction. Is that all you wanted?

Mr. SPECTER. That completes the testimony of Mr. Kelley and all of the individuals this afternoon.

Mr. McCLOY. Thank you very much, Mr. Kelley.

(Whereupon, at 6:40 p.m., the President's Commission recessed to view the films.)

TESTIMONY OF LYNDA L. SHANEYFELT RESUMED

(Present were Mr. McCloy, Mr. Dulles, and Representative Ford.)

Mr. SPECTER. May the record now show that the Commission has now reassembled on the first floor of the VFW Building where a motion picture projector and slide projector and screen have been set up for viewing of the films.

Mr. SHANEYFELT, what are you going to show us first of all?

Mr. SHANEYFELT. The first film will be of the color motion picture made through the rifle scope as the car drove down the assassination route at approximately 11 miles an hour. It will give the view the rifeman had as he aimed the rifle from the sixth floor window of the Book Building.

(Film)

Mr. DULLES. Is that going 11 miles per hour?

(Discussion off the record.)

Mr. SHANEYFELT. This film will be the black and white photographs of the car in the fixed still positions in each of the frame numbers described in previous testimony.

In addition the final portion of the film is a run through of the car at 11 miles an hour on three separate runs filmed as the rifeman would have seen the car looking through the rifle.

On the first run of the car going down the assassination route I have stained frames in the vicinity of frame 222 which is after the first clear shot after the tree, I have stained the frame at the location of shot 313, which is the second pink flash you will see.

I found, in examining the film, that this is a shorter span of time than in the actual film. It is a span on the reenactment of about three and a half seconds between the 222 and 313.

The second frame stained is 313 but since it is running at a faster speed I have also stained a spot that represents 5 seconds which is what the time lapse was between frame 222 and frame 313 in the actual assassination films.

That will be after the car driving scene.

(Film)

Mr. SHANEYFELT. This is the last clear shot and this is an adjusted last clear shot before going under the tree. This is the shot approximately 185. This is frame 186 which is the adjusted shots which would account for a 10-inch variance.

Shot of frame 207, and the adjusted frame which was 210. This is frame 222 and you can see the tree is still in the background.

This is 225 now. 231. At this point Governor Connally states he has been hit by now. This is 235. 240—249—255—and the shot to the head which is 313.

Mr. SPECTER. What is this? Describe this, Mr. Shaneyfelt.

Mr. SHANEYFELT. This is the run at 11 miles an hour containing the pink stain. This is another run at 11 miles an hour. It will give you some idea

of the difficulty of tracking a car with a heavy camera mounted on the rifle.

Mr. McCLOY. You have to sight that with a camera?

Mr. SHANEYFELT. Sighting through a camera.

(Film)

Mr. REDLICH. Just as a final thing, Mr. McCloy, would you like to see the Zapruder film?

Mr. McCLOY. I think we will take the original Zapruder again, I don't know whether we have anything that is more significant in the black and whites. I am talking about the particular movies of the frames, we have not seen those.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. I think we have seen all we need to see with regard to that. What have you got left?

Mr. SHANEYFELT. The original Zapruder film.

Mr. McCLOY. We will see that.

Mr. SHANEYFELT. We have the duplication of the Zapruder film reenactment. The first portion of the reel is the still shots and the last portion is the run through at 11 miles an hour.

Mr. SPECTER. I think you would find that worth while to see.

Mr. SHANEYFELT. Then we have Nix and Muchmore of the same run.

Mr. McCLOY. Let's do those, too.

Representative FORD. First is the original Zapruder.

Mr. SHANEYFELT. Original Zapruder. This is not the original. This is the first copy.

(Film)

Mr. SPECTER. Will you state for the record what film we just saw?

Mr. SHANEYFELT. This film we just viewed is a copy made directly from the original Zapruder film of the actual assassination.

Mr. SPECTER. Could you now show us the film which was taken at the reconstruction from the Zapruder position?

(Film)

Mr. SHANEYFELT. These films we made in Dallas have been developed and left intact and have not been edited in any way so there are a lot of blank spaces where we run the leader off and turn the film. This is position 161. This side-to-side jiggle is a camera malfunction.

Mr. McCLOY. This is 16 mm.?

Mr. SHANEYFELT. No; 8 mm.

Representative FORD. Is this from his camera?

Mr. SHANEYFELT. Yes; taken with his camera. Frame 222, frame 225. This is frame 231.

Representative FORD. He has a delayed reaction compared to what the President did.

Mr. SPECTER. What frame is this, Mr. Shaneyfelt?

Mr. SHANEYFELT. 313, the head shot.

Mr. McCLOY. The head shot.

Mr. SHANEYFELT. This is the position which is not duplicated on the Zapruder film. This is running the film out to reload it.

During that run at 11 miles an hour we made no effort to duplicate the body position because it would have been most difficult to know just when to turn. The only other films we have are the ones we shot with the Nix and Muchmore cameras of this same run from their positions.

Mr. McCLOY. Did Nix, Muchmore get a second shot of the head shot?

Mr. SHANEYFELT. Mrs. Muchmore got the head shot and Mr. Nix got the head shot.

Mr. McCLOY. They both got it.

Mr. SHANEYFELT. We have both those films.

Mr. McCLOY. We might take a look at it while we are here. I don't think I have ever seen those. Those are 88 mm., too.

Mr. SHANEYFELT. Yes.

(Film.)

Mr. SHANEYFELT. This film is the film that was taken by Mr. Orville Nix of the assassination. This is along Houston street going toward Elm. There

was the head shot. We will roll it back and run it at slow motion. The head shot shows just a very faint pink.

Mr. McCLOY. Very soon after this sequence begins. Just as the President is directly under the white abutment in the background. I will try to give you a clue about when it is going to happen, there.

The next film is the film that was exposed in Mr. Nix's camera standing in the position determined to be his camera position at the reenactment in Dallas, with the car traveling at approximately 11 miles an hour along Elm street.

These films were compared with each other and found to be consistent in the size of the car in the area of the picture and verified the position as being that of Mr. Nix.

(Film)

Mr. SPECTER. Have you now shown us, Mr. Shaneyfelt, all of the movies that we saw, we took in Dallas?

Mr. McCLOY. Mrs. Muchmore.

Mr. SPECTER. Mrs. Muchmore.

(Film)

Mr. SHANEYFELT. This is the motorcade coming down Main and turning into Houston street.

Mr. McCLOY. She didn't know she took that.

Mr. SHANEYFELT. No.

Mr. SPECTER. Have we now seen all the films from Dallas? That concludes the films.

Mr. McCLOY, for the record, I would like to have the films marked with Commission Exhibit No. 904 identifying the Zapruder copy. That is the copy of the original Zapruder film.

May I say here, parenthetically, that we do not intend to reproduce all of this in the published record of the Commission since we have extracted the key numbers on Exhibit 885 on the album which shows the frames of the Zapruder film after the President's automobile turns left off of Houston onto Elm, but for the permanent archives these films should be made a part of the permanent record.

I would like to have a copy of the original Nix film marked as Commission Exhibit No. 905. I would like to have the copy of the original Muchmore film marked as Commission Exhibit No. 906. I would like to have all of the movies which we took at Dallas marked in a group as Commission Exhibit No. 907.

Mr. McCLOY. That is all the movies that were taken on May 24 in Dallas by the test team, so to speak.

Mr. SPECTER. Right, Commissioner McCloy. They are marked as Commission Exhibit No. 907, and I would like to move formally for the admission into evidence of Commission Exhibits Nos. 904 through 907 at this time.

Mr. McCLOY. They may be admitted.

(Commission Exhibits Nos. 904, 905, 906, and 907 were marked for identification, and received in evidence.)

(Whereupon, at 7:20 p.m., the President's Commission recessed.)

Friday, June 5, 1964

TESTIMONY OF MRS. JOHN F. KENNEDY

The President's Commission met, at 4:20 p.m., on Friday, June 5, 1964, at 3017 N Street NW., Washington, D.C.

Present was Chief Justice Earl Warren, Chairman.

Also present were J. Lee Rankin, general counsel; and Robert F. Kennedy, Attorney General of the United States.

The CHAIRMAN. The Commission will be in order.

Mrs. Kennedy, the Commission would just like to have you say in your own

words, in your own way, what happened at the time of the assassination of the President. Mr. Rankin will ask you a few questions, just from the time you left the airport until the time you started for the hospital. And we want it to be brief. We want it to be in your own words and want you to say anything that you feel is appropriate to that occasion.

Would you be sworn, please, Mrs. Kennedy?

Do you solemnly swear that the testimony you give before the Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KENNEDY. I do.

The CHAIRMAN. Would you be seated.

Mr. RANKIN. State your name for the record.

Mrs. KENNEDY. Jacqueline Kennedy.

Mr. RANKIN. And you are the widow of the former President Kennedy?

Mrs. KENNEDY. That is right.

Mr. RANKIN. You live here in Washington?

Mrs. KENNEDY. Yes.

Mr. RANKIN. Can you go back to the time that you came to Love Field on November 22 and describe what happened there after you landed in the plane?

Mrs. KENNEDY. We got off the plane. The then Vice President and Mrs. Johnson were there. They gave us flowers. And then the car was waiting, but there was a big crowd there, all yelling, with banners and everything. And we went to shake hands with them. It was a very hot day. And you went all along a long line. I tried to stay close to my husband and lots of times you get pushed away, you know, people leaning over and pulling your hand. They were very friendly.

And, finally, I don't know how we got back to the car. I think Congressman Thomas somehow was helping me. There was lots of confusion.

Mr. RANKIN. Then you did get into the car. And you sat on the left side of the car, did you, and your husband on your right?

Mrs. KENNEDY. Yes.

Mr. RANKIN. And was Mrs. Connally—

Mrs. KENNEDY. In front of me.

Mr. RANKIN. And Governor Connally to your right in the jump seat?

Mrs. KENNEDY. Yes.

Mr. RANKIN. And Mrs. Connally was in the jump seat?

Mrs. KENNEDY. Yes.

Mr. RANKIN. And then did you start off on the parade route?

Mrs. KENNEDY. Yes.

Mr. RANKIN. And were there many people along the route that you waved to?

Mrs. KENNEDY. Yes. It was rather scattered going in.

Once there was a crowd of people with a sign saying something like "President Kennedy, please get out and shake our hands, our neighbors said you wouldn't."

Mr. RANKIN. Did you?

Mrs. KENNEDY. And he stopped and got out. That was, you know, like a little suburb and there were not many crowds. But then the crowds got bigger as you went in.

Mr. RANKIN. As you got into the main street of Dallas were there very large crowds on all the streets?

Mrs. KENNEDY. Yes.

Mr. RANKIN. And you waved to them and proceeded down the street with the motorcade?

Mrs. KENNEDY. Yes. And in the motorcade, you know, I usually would be waving mostly to the left side and he was waving mostly to the right, which is one reason you are not looking at each other very much. And it was terribly hot. Just blinding all of us.

Mr. RANKIN. Now, do you remember as you turned off of the main street onto Houston Street?

Mrs. KENNEDY. I don't know the name of the street.

Mr. RANKIN. That is that one block before you get to the Depository Building.

Mrs. KENNEDY. Well, I remember whenever it was, Mrs. Connally said, "We will soon be there." We could see a tunnel in front of us. Everything was really slow then. And I remember thinking it would be so cool under that tunnel.

Mr. RANKIN. And then do you remember as you turned off of Houston onto Elm right by the Depository Building?

Mrs. KENNEDY. Well, I don't know the names of the streets, but I suppose right by the Depository is what you are talking about?

Mr. RANKIN. Yes; that is the street that sort of curves as you go down under the underpass.

Mrs. KENNEDY. Yes; well, that is when she said to President Kennedy, "You certainly can't say that the people of Dallas haven't given you a nice welcome."

Mr. RANKIN. What did he say?

Mrs. KENNEDY. I think he said—I don't know if I remember it or I have read it, "No, you certainly can't," or something. And you know then the car was very slow and there weren't very many people around.

And then—do you want me to tell you what happened?

Mr. RANKIN. Yes; if you would, please.

Mrs. KENNEDY. You know, there is always noise in a motorcade and there are always motorcycles besides us, a lot of them backfiring. So I was looking to the left. I guess there was a noise, but it didn't seem like any different noise really because there is so much noise, motorcycles and things. But then suddenly Governor Connally was yelling, "Oh, no, no, no."

Mr. RANKIN. Did he turn toward you?

Mrs. KENNEDY. No; I was looking this way, to the left, and I heard these terrible noises. You know. And my husband never made any sound. So I turned to the right. And all I remember is seeing my husband, he had this sort of quizzical look on his face, and his hand was up, it must have been his left hand. And just as I turned and looked at him, I could see a piece of his skull and I remember it was flesh colored. I remember thinking he just looked as if he had a slight headache. And I just remember seeing that. No blood or anything.

And then he sort of did this [indicating], put his hand to his forehead and fell in my lap.

And then I just remember falling on him and saying, "Oh, no, no, no," I mean, "Oh, my God, they have shot my husband." And "I love you, Jack," I remember I was shouting. And just being down in the car with his head in my lap. And it just seemed an eternity.

You know, then, there were pictures later on of me climbing out the back. But I don't remember that at all.

Mr. RANKIN. Do you remember Mr. Hill coming to try to help on the car?

Mrs. KENNEDY. I don't remember anything. I was just down like that.

And finally I remember a voice behind me, or something, and then I remember the people in the front seat, or somebody, finally knew something was wrong, and a voice yelling, which must have been Mr. Hill, "Get to the hospital," or maybe it was Mr. Kellerman, in the front seat. But someone yelling. I was just down and holding him. [Reference to wounds deleted.]

Mr. RANKIN. Do you have any recollection of whether there were one or more shots?

Mrs. KENNEDY. Well, there must have been two because the one that made me turn around was Governor Connally yelling. And it used to confuse me because first I remembered there were three and I used to think my husband didn't make any sound when he was shot. And Governor Connally screamed. And then I read the other day that it was the same shot that hit them both. But I used to think if I only had been looking to the right I would have seen the first shot hit him, then I could have pulled him down, and then the second shot would not have hit him. But I heard Governor Connally yelling and that made me turn around, and as I turned to the right my husband was doing this [indicating with hand at neck]. He was receiving a bullet. And those are the only two I remember.

And I read there was a third shot. But I don't know.

Just those two.

Mr. RANKIN. Do you have any recollection generally of the speed that you were going, not any precise amount.

Mrs. KENNEDY. We were really slowing turning the corner. And there were very few people.

Mr. RANKIN. And did you stop at any time after the shots, or proceed about the same way?

Mrs. KENNEDY. I don't know, because—I don't think we stopped. But there was such confusion. And I was down in the car and everyone was yelling to get to the hospital and you could hear them on the radio, and then suddenly I remember a sensation of enormous speed, which must have been when we took off.

Mr. RANKIN. And then from there you proceeded as rapidly as possible to the hospital, is that right?

Mrs. KENNEDY. Yes.

Mr. RANKIN. Do you recall anyone saying anything else during the time of the shooting?

Mrs. KENNEDY. No; there weren't any words. There was just Governor Connally's. And then I suppose Mrs. Connally was sort of crying and covering her husband. But I don't remember any words.

And there was a big windshield between—you know—I think. Isn't there?

Mr. RANKIN. Between the seats.

Mrs. KENNEDY. So you know, those poor men in the front, you couldn't hear them.

Mr. RANKIN. Can you think of anything more?

The CHAIRMAN. No; I think not. I think that is the story and that is what we came for.

We thank you very much, Mrs. Kennedy.

Mr. RANKIN. I would just like to ask if you recall Special Agent Kellerman saying anything to you as you came down the street after you turned that corner that you referred to.

Mrs. KENNEDY. You mean before the shots?

Mr. RANKIN. Yes.

Mrs. KENNEDY. Well, I don't, because—you know, it is very hard for them to talk. But I do not remember, just as I don't recall climbing out on the back of the car.

Mr. RANKIN. Yes. You have told us what you remember about the entire period as far as you can recall, have you?

Mrs. KENNEDY. Yes.

The CHAIRMAN. Thank you very much, Mrs. Kennedy.

(Whereupon, at 4:30 p.m., the President's Commission recessed.)

Sunday, June 7, 1964

TESTIMONY OF MR. JACK RUBY

The President's Commission met at 11:45 a.m., on June 7, 1964, in the interrogation room of the Dallas County Jail, Main and Houston Streets, Dallas, Tex.

Present were Chief Justice Earl Warren, Chairman; and Representative Gerald R. Ford, member.

Also present were J. Lee Rankin, general counsel; Joseph A. Ball, assistant counsel; Arlen Specter, assistant counsel; Leon Jaworski and Robert G. Storey, special counsel to the attorney general of Texas; Jim Bowie, assistant district attorney; Joe H. Tonahill, attorney for Jack Ruby; Elmer W. Moore, special agent, U.S. Secret Service; and J. E. Decker, sheriff of Dallas County.

Mr. RUBY. Without a lie detector test on my testimony, my verbal statements to you, how do you know if I am tell the truth?

Mr. TONAHILL. Don't worry about that, Jack.

Mr. RUBY. Just a minute, gentlemen.

Chief Justice WARREN. You wanted to ask something, did you, Mr. Ruby?

Mr. RUBY. I would like to be able to get a lie detector test or truth serum of what motivated me to do what I did at that particular time, and it seems as you get further into something, even though you know what you did, it operates against you somehow, brainwashes you, that you are weak in what you want to tell the truth about and what you want to say which is the truth.

Now Mr. Warren, I don't know if you got any confidence in the lie detector test and the truth serum, and so on.

Chief Justice WARREN. I can't tell you just how much confidence I have in it, because it depends so much on who is taking it, and so forth.

But I will say this to you, that if you and your counsel want any kind of test, I will arrange it for you. I would be glad to do that, if you want it.

I wouldn't suggest a lie detector test to testify the truth. We will treat you just the same as we do any other witness, but if you want such a test, I will arrange for it.

Mr. RUBY. I do want it. Will you agree to that, Joe?

Mr. TONAHILL. I sure do, Jack.

Chief Justice WARREN. Any kind of a test you want to verify what you say, we will be glad to do.

Mr. RUBY. I want it even if you put me into a sort of drowsiness so you can question me as to anything pertaining to my involvement in this particular act.

Mr. TONAHILL. Jack, you have wanted to do that from the very beginning, haven't you?

Mr. RUBY. Yes; and the reason why I am asking for that is—are you limited for time?

Chief Justice WARREN. No; we have all the time you want.

Mr. RUBY. As it started to trial—I don't know if you realize my reasoning, how I happened to be involved—I was carried away tremendously emotionally, and all the time I tried to ask Mr. Belli, I wanted to get up and say the truth regarding the steps that led me to do what I have got involved in, but since I have a spotty background in the night club business, I should have been the last person to ever want to do something that I had been involved in.

In other words, I was carried away tremendously.

You want to ask me questions?

Chief Justice WARREN. You tell us what you want, and then we will ask you some questions.

Mr. RANKIN. I think he ought to be sworn.

Mr. RUBY. Am I boring you?

Chief Justice WARREN. Go ahead. All right, Mr. Ruby, tell us your story.

Mr. RUBY. That particular morning—where is Mr. Moore—I had to go down to the News Building, getting back to this—I don't want to interrupt.

Chief Justice WARREN. What morning do you mean?

Mr. RUBY. Friday morning, the starting of the tragedy.

Mr. Belli evidently did not go into my case thoroughly, circumstantially. If he had gone into it, he wouldn't have tried to vindicate me on an insanity plea to relieve me of all responsibility, because circumstantially everything looks so bad for me.

It can happen—it happens to many people who happen to be at the wrong place at the right time.

Had Mr. Belli spent more time with me, he would have realized not to try to get me out completely free; at the time we are talking, technically, how attorneys operate.

Chief Justice WARREN. I understand.

Mr. RUBY. Different things came up, flashed back into my mind, that it dirtied my background, that Mr. Belli and I decided—oh yes, when I went to say that I wanted to get on the stand and tell the truth what happened that morning, he said, "Jack, when they get you on the stand, you are actually speaking of a premeditated crime that you involved yourself in."

But I didn't care, because I wanted to tell the truth.

He said, "When the prosecution gets you on the stand, they will cut you to ribbons."

So naturally, I had to retract, and he fought his way to try to vindicate me out of this particular crime.

You follow that?

Chief Justice WARREN. Yes; I do indeed.

Mr. RUBY. I want you to question me and requestion me on anything you want, plus the fact I do want the tests when they are available.

Chief Justice WARREN. Yes.

Mr. RUBY. On Friday, the morning parade—this goes back to Thursday night, because it has something to do with it.

We were having dinner at the Egyptian Restaurant—

Chief Justice WARREN. Right now, Mr. Ruby, before we get started taking your testimony, would you mind being sworn?

(Chief Justice Warren and Jack Ruby stand and both raise their right hand.)

Chief Justice WARREN. Do you solemnly swear that the testimony you are about to give before the Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RUBY. I do.

Chief Justice WARREN. Now will you please state whether the things you have just told us are true under your oath?

Mr. RUBY. I do so state they are the truth.

Chief Justice WARREN. Now you complete whatever story you want to tell.

Mr. RUBY. All right. Thursday night I was having dinner at the Egyptian Restaurant on Mockingbird Lane, and a fellow comes over to the table. I was sitting with a guy by the name of Ralph Paul. He tried to invite me to the club a couple of doors down and I refused, because he had taken a band away from me that had been engaged for 7 years, and I felt it was a lost cause, that the club would be failing because of that, and I sort of excused myself and I refused to go over to the club.

We finished our dinner, and I went down to the club that I operated, the Carousel, and this particular master of ceremonies happened to be there at the time, and we discussed a few things.

And there is a columnist by the name of Tony Zoppi—and prior to that, I wrote out a full page copy of this build—I have the copies—as an emcee, and I brought a picture and brochure, and Tony said, "I will write a story."

This was done 2 days prior to this Thursday night.

So then I went down, so we discussed it and were very much disgusted with Tony because he only gave us a build of one or two lines.

Well, I retired that night after closing the club. Then I knew I wanted to go back to the Morning News Building to get the brochure I left, and also this complete page of longhand writing describing the various talents of this Bill DeMar.

I picked up the brochure that Friday morning, and I also had business at the News Building on Friday because that is the start of the weekend, which is very lucrative, the weekend.

I have ways of making my ads of where they have a way of selling the product I am producing or putting on on the show.

So I went down there Friday morning to Tony Zoppi's office, and they said he went to New Orleans for a couple of days.

I picked up the brochure. I believe I got downtown there at 10:30 or 11 o'clock that morning. And I took the brochure and then went into the main room where we compose our ads. That is the sales room where we placed our ads.

And I remained there for a while. I started to write the copy of my ad.

Now I go back to the same fellow that wanted me to come over to the club when we were having our dinner on Mockingbird at the Egyptian Lounge.

I came to the desk and I wanted to apologize and explain why I didn't accept his invitation last night. I wanted to explain, and that took about 20 or 25 minutes. All this is pertaining to everything prior to the terrible tragedy that happened.

I started to explain to him why I didn't want to go there, because this fellow mentioned—Tony, I think—I can't think of his last name—of me having his band so many years, and I felt at the moment I didn't want to go over to the club because I didn't care to meet this fellow.

And he started to apologize, "Jack, I am sorry, I did work for the fellow and

we have been advertising him for that club, and I am putting out a night club book."

I remained with him for 20 or 25 minutes talking there. I don't know whether my ad was completed or not. It was an ad on the Vegas and the Carousel.

My ads were completed, I believe, and after finishing my conversation with him, he left.

Suddenly the man that completes my ads for me, that helps me with it on occasion—but I usually make it up myself—but the person that takes the money for the ads—this is the reason it is so hard for me to meet a deadline when I get downtown to the News Building. And as a rule, I have to pay cash for my ads.

When you are in debt, it is necessary, and they will not put it in unless you pay cash.

And consequently, the weekend, I had been to town on that particular day. All this adds up later on, as I will state why I didn't go to the parade.

In the first place, I don't want to go where there is big crowds. I can't explain it to you. If I was interested, I would have seen it on television, our beloved President and all the parade that transpired.

But all that adds up why it is important for me to be in the News Building.

I owe the Government quite a bit of money, and it is doing business out of your pocket, supposedly, in the slang expression.

Well, John Newnam comes in, and evidently he took it for granted I finished my ad, and I don't recall if he paid for his ad, and suddenly there is some milling around. I think it was 12, or 15 minutes after 12, I don't recall what, but John Newnam said someone had been shot.

And I am sorry, I got carried away. It is the first time I got carried away, because I had been under pressure.

And someone else came running over and he said a Secret Service man was shot, or something to that effect.

And I am here in the middle with John Newnam, because Newnam isn't paying any attention to anyone else, and there is a lot of going back and forth.

So someone must have made a statement that Governor Connally was shot. I don't recall what was said. And I was in a state of hysteria, I mean.

You say, "Oh my God, it can't happen." You carry on crazy sayings.

There was a little television set in one office not far away from where I had been sitting at the desk. I ran over there and noticed a little boy and a little sister say, "I was standing right there when it happened." I mean, different things you hear on the television.

Then the phone started ringing off the desk and I heard John Newnam say people were complaining about the ad, why they accepted this ad.

(A tray of water and glasses was brought in.)

Thank you.

Has every witness been this hesitant in trying to explain their story?

Chief Justice WARREN. You are doing very well. I can understand why you have to reflect upon a story of that length.

Mr. RUBY. The phones were ringing off the desk calling various ads, and they were having a turmoil in that News Building because of a person by the name of Bernard Weissman placing that particular ad, a full page ad. I am sure you are familiar with the ad.

Chief Justice WARREN. Yes; I am.

Mr. RUBY. Criticizing a lot of things about our beloved President. Then John Newnam and I and another gentleman walked over to another part of the room, and I heard John Newnam say, "I told him not to take that ad." Something to that effect.

Then he said, "Well, you have seen him pay part cash and come back and pay the balance."

Now everything is very vague to me as to when this transpired; after they heard the President had been shot, or prior to that.

You know it's been a long time, and I am under a very bad mental strain here.

Chief Justice WARREN. Yes.

Mr. RUBY. From the time that we were told that the President was shot, 35 minutes later they said he had passed away. In the meantime, I became very emotional. I called my sister at home. She was carried away terribly bad. And John Newnam happened to be there, and I know it is a funny reaction you have, you want other people to feel that you feel emotionally disturbed the same way as other people, so I let John listen to the phone that my sister was crying hysterically.

And I said to John, I said, "John, I will have to leave Dallas." I don't know why I said that, but it is a funny reaction that you feel; the city is terribly let down by the tragedy that happened. And I said, "John, I am not opening up tonight."

And I don't know what else transpired there. I know people were just heartbroken.

I left the room. I may have left out a few things. Mr. Moore remembers probably more, but you come back and question me and maybe I can answer those questions.

I left the building and I went down and I got my car, and I couldn't stop crying, because naturally when I pulled up to a stoplight and other people would be adjacent to me, I wouldn't want them to see me crying, because it looked kind of artificial.

And I went to the club and I came up, and I may have made a couple of calls from there. I could have called my colored boy, Andy, down at the club. I could have—I don't know who else I would have called, but I could have, because it is so long now since my mind is very much warped now.

You think that literally?

I went up to the club, and I told Andy, I said, "Call everyone and tell them we are not opening."

We have a little girl in Fort Worth I wanted to make sure he called her.

And a fellow by the name of Bell called and wanted to know if we were open.

And Kathy Kay called, and I said, "Definitely not."

And I called Ralph Paul, that owns the Bull Pen. He said, "Jack, being as everyone else is open"—because he knows I was pressed for money—and I said, "No, Ralph, I can't open."

He said, "Okay, if that is why, that is the way it's got to be."

So in the meantime, I had gone with Alice Nichols for some time, and I called her on the phone but she wasn't there, but I left the number on the pay phone for her to return the call, because I didn't want to keep the business phone tied up. And I hadn't spoken to her in maybe 9 months or a year. I don't know what I said to her, not many words, but just what happened.

I still remained around the club there. I am sure I was crying pretty bad. I think I made a long-distance call to California. This fellow had just visited me, and I had known him in the days back in Chicago when we were very young, in the real tough part of Chicago. His name is Al Gruber.

He was a bad kid in those days, but he is quite reformed. He is married and has a family, and I am sure he makes a very legitimate livelihood at this time.

He happened to come through a couple of nights prior to that to try to interest me, or 4 or 5 days prior to that, to interest me in a new kind—you follow the story as I tell it?

Chief Justice WARREN. Yes.

Mr. RUBY. It is important, very important. It is on a new kind of machine that washes cars. You pay with tokens. It is a new thing. I don't know if it faded out or not. He tried to interest my brother, Sammy, because Sammy sold his washateria.

And my sister was in the hospital when he first came. I am going back a little bit. Sammy didn't go to the hospital, and we needed to tell Sammy about this particular thing, and that is the reason Al Gruber came into the picture, because he came to try to interest my brother, Sammy, in this new washateria deal to wash cars.

He left and went to California, but before he went to California I promised him my dachshund dog.

When this thing happened, I called him. He said, "Yes, we are just watching on television." And I couldn't carry on more conversation. I said, "Al, I have to hang up."

Then I must have called my sister, Eileen, in Chicago.

Then a fellow came over to deliver some merchandise I had ordered over the phone, or Andy ordered. And we said, "What is the use of purchasing any merchandise of any kind, we are not interested in business." And I don't recall what I said, but I told him whatever money he received, to keep the change. I am not a philanthropist, but nothing bothered me at the time. I wasn't interested in anything.

Then I kept calling my sister, Eva, because she wanted me to come be with her.

Eva and I have a very complex personality. Very rarely can I be with her, but on this particular occasion, since she was carrying on so, I felt that I wanted to be with someone that meant something to me. I wanted to be with her.

And I kept calling her back, "I will be there." And so on. But I never did get there until a couple of hours later.

I finally left the club. I am sure you gentlemen can brief in all the things that happened before. A kid by the name of Larry up there, I think I told him to send the dog they crated, to find out about the price—very impulsive about everything.

Then I left the club. And I had been dieting, but I felt I wanted some food. I can't explain it. It would be like getting intoxicated at that particular time. It is amusing, but it is true.

I went over to the Ritz Delicatessen a block and a half away. Must have bought out the store, for about \$10 worth of delicacies and so on. Went out to my sister's and stayed at her apartment.

Oh, I called from the apartment—my sister knew more of my calls than I did. I remember I think I called—I can't think of who I called.

Anyway, I am sure I made some calls of what had happened there. Somebody will have to piece me together from the time I got to my sister's apartment where I had partaken of the food.

Oh yes, I called Andy. This Andy Armstrong called me and said, "Don Safran wants you to call him."

This is rare for this gentleman, because he is a columnist for the Dallas Times Herald, because he never could get out any copy for my club. And he said, "Don Safran wants me to call him."

I called him, and he said, "Jack, are you going to be closed tonight?"

I said, "Yes."

He said, "Well, the Cabana and the Adolphus, the Century Room, are going to be closed."

I said, "Don, I am not asking you about any clubs that are going to be closed. I know I am going to be closed."

And he said, "Jack, that is what I want to know."

And I said, "You don't have to prompt me about who else is going to be closed."

I put the receiver down and talked to my sister, and I said, "Eva, what shall we do?"

And she said, "Jack, let's close for the 3 days." She said, "We don't have anything anyway, but we owe it to"—(chokes up).

So I called Don Safran back immediately and I said, "Don, we decided to close for Friday, Saturday, and Sunday."

And he said, "Okay."

Then I called the Morning News and I wanted to definitely make sure to change a copy of my ad to "Closed Friday, Saturday, and Sunday," something to that effect.

And it was a little late in the afternoon, but he said, "we will try to get the copy in."

Then I called Don back again but couldn't get him, and I spoke to one of his assistants, and I said, I forget what I told him. Anyway, that is one of the calls I had that had transpired.

I lie down and take a nap. I wake about 7 or 7:30. In the meantime, I think I called—the reason this comes back to me, I know I was going to go to the synagogue.

I called Coleman Jacobson and asked him what time services are tonight, and he said he didn't know.

And I said, "Are there going to be any special services?"

And he said he didn't know of any.

And I called the Congregation Shearith Israel and asked the girl, and she said, "Regular services at 8 o'clock."

And I said, "Aren't there going to be earlier services like 5:30 or 6?"

And about 7:30 I went to my apartment. I don't know if I went downtown to the club. I know I went to my apartment—either to the club or to the apartment.

And I changed, showered and shaved, and I think I drove—and as I drove down, there is a certain Thornton Freeway, and I saw the clubs were still open going full blast, a couple of clubs there.

Anyway, I went out to the synagogue and I went through the line and I spoke to Rabbi Silverman, and I thanked him for going to visit my sister at the hospital. She was in a week prior and had just gotten out. I don't remember the date.

Then he had a confirmation—this is the night prior to the confirmation. They serve little delicacies. So in spite of the fact of the mood I was in, I strolled into the place, and I think I had a little glass of punch. Nothing intoxicating, just a little punch they serve there. I didn't speak to anyone. One girl, Leona, said "Hello, Jack," and I wasn't in a conversational mood whatsoever.

I left the club—I left the synagogue and I drove by the Bali-Hai Restaurant. I noticed they were open. I took recognition of that.

I drove by another club called the Gay Nineties, and they were closed.

And I made it my business to drive down Preston Road. In my mind suddenly it mulled over me that the police department was working overtime. And this is the craziest thing that ever happened in a person's life. I have always been very close to the police department, I don't know why.

I felt I have always abided by the law—a few little infractions, but not serious—and I felt we have one of the greatest police forces in the world here, and I have always been close to them, and I visited in the office.

And over the radio I heard they were working overtime.

I stopped at the delicatessen called Phil's on Oak Lawn Avenue, and suddenly I decided—I told the clerk there I wanted him to make me some real good sandwiches, about 10 or 12, and he had already started on the sandwiches and I got on the phone.

I called an officer by the name of Sims and I said, "Sims, I hear you guys are working," and so on. I said, "I want to bring some sandwiches."

And he said, "Jack, we wound up our work already. We wound up what we were doing. We are finished what we were doing. I will tell the boys about your thoughtfulness, and I will thank them for you."

In the meantime, there is a fellow in town that has been very good to me named Gordon McLendon. Do you know him, Mr. Warren?

Chief Justice WARREN. I think I do not.

Mr. RUBY. He had been giving me a lot of free plugs. And all the while listening to the radio, I heard about a certain diskjockey, Joe Long, that is down at the station, giving firsthand information—I want to describe him—of Oswald.

Very rarely do I use the name Oswald. I don't know why. I don't know how to explain it—of the person that committed the act. [Pause to compose self.]

So before going down to the police station, I try to call KLIF but can't get their number.

I wanted to bring the sandwiches to KLIF so they would have the sandwiches, since they already started to make them up.

And I remember Russ Knight, a diskjockey—these names aren't familiar to you, but I have to mention them in order to refresh my memory.

His name was Moore, or something, and I tried to get information on the telephone, but they couldn't give me the phone number of his home.

I probably thought I could get the phone number, but after 6 p.m., you

cannot get into the premises unless you have a "hot" number that is right to the diskjockey room.

So I couldn't get a hold of that.

But in the meantime, I called Gordon McLendon's home, because I know he lives near the synagogue out there, and I got a little girl on the phone, and I knew they had children, and I asked for the number for KLIF.

I said, "Anyone home?"

She said, "No."

I said, "Is your daddy or mommy home?" I forget what transpired. I said, "I would like to get the number of the station so I can get in the building at this time."

She said she would go and see, and gave me a Riverside exchange.

Mind you, this is 6 or 7 months back, gentlemen.

And I asked her name. Her name was Christine, I think. I said, "I wanted to bring some sandwiches."

She said, "My mother already brought sandwiches."

And I said, "I wanted to go there too." And that was the end of this little girl's conversation with myself.

I called that number, as I am repeating myself. There was no such number. It was an obsolete number.

I go down to the—I drive by—I leave the delicatessen—the clerk helped me with the sandwiches out to my car, and I thanked him. I told him, "These were going to KLIF, and I want you to make them real good."

He helped me with the sandwiches in the car. I got in the car and drove down toward town. I imagine it is about 4 or 5 miles to the downtown section from this delicatessen.

But prior to going into the station, I drove up McKinney Avenue to look over a couple of clubs to see if they were activating. I knew the club across from the Phil's Delicatessen and I knew the B. & B. Restaurant was open. That is a restaurant and I know the necessity for food, but I can't understand some of the clubs remaining open. It struck me funny at such a tragic time as that happening.

I drove down to Commerce and Harwood and parked my car with my dog—incidentally, I always have my dog with me—on the lot there, left the sandwiches in the car, went into the building of the police station, took the elevator up to the second floor, and there was a police officer there.

This is the first time I ever entered the building, gentlemen. The first time of that Friday. This time it must have been about—I mean the time, the time of my entering the building, I guess, was approximately 11:15 p.m.

The officer was there, and I said, "Where is Joe Long?"

I said, "Can I go and look for him?"

Evidently I took a little domineering part about me, and I was able to be admitted. I asked different reporters and various personalities there, "Are you Joe Long?" and I couldn't locate him.

I even had a police officer try to page him and he couldn't locate him.

I recognized a couple of police officers, Cal Jones and a few others, and I said "hello" to them.

And I am still looking for Joe Long, but I am carried away with the excitement of history.

And one fellow then—I am in the hallway there—there is a narrow hallway, and I don't recall if Captain Fritz or Chief Curry brings the prisoner out, and I am standing about 2 or 3 feet away from him, and there is some reporters that didn't know the various police officers, and I don't know whether they asked me or I volunteered to tell them, because I knew they were looking to find out who that was, and I said, "That was Chief Curry" or "That is Captain Fritz," or whoever it was.

I don't recall Henry Wade coming out in the hallway. He probably did. I don't recall what happened.

(To Joe Tonahill) Is that for me, Joe?

Then suddenly someone asked, either the Chief or Captain Fritz, "Isn't there a larger room we can go into?"

They said, "Well, let's go down to the assembly room downstairs."

I don't know what transpired in between from the time that I had the officer page Joe Long up to the time I was standing about 3 feet away from Oswald. All the things—I don't recall if I am telling you everything that happened from that time, from the time I entered the building to the time I went down to the assembly room.

I went down to the assembly room down in the basement. I felt perfectly free walking in there. No one asked me or anything. I got up on a little table there where I knew I wasn't blocking anyone's view, because there was an abutment sticking out, and I had my back to the abutment, and I was standing there.

Then they brought the prisoner out and various questions were being shouted.

I noticed there was a chief county judge—Davidson, I can't think of his name, one of these precinct court judges, and they brought the prisoner out.

I don't recall if Chief Fritz, Captain Fritz was there, or Chief Curry. I know Henry Wade was there. And they started shouting questions and he said, "Is he the one?" And the question about the gun.

And they questioned Henry Wade, "what organization did he belong to," or something. And if I recall, I think Henry Wade answered, "Free Cuba."

And I corrected Henry Wade, because listening to the radio or KLIF, it stood out in my mind that it was "Fair Play Cuba." There was a difference.

So he said, "Oh yes, Fair Play Cuba," and he corrected that.

I don't know how long we remained there. There was a lot of questions thrown back and forth, and this District Attorney Henry Wade was answering them to the best he could.

From the way he stated, he let the reporters know that this was the guilty one that committed the crime.

He specifically stated that in that room, that he was the one.

It didn't have any effect in my mind, because whether the person had come out, whether he come out openly and publicly stated didn't have any bearing in my mind, because I wasn't interested in anything. All I knew, they had the prisoner. But the reporters like to know where they stand, "is he the one?"

We left out in the hallway, and I saw Henry Wade standing there, and I went over to him and said, "Henry, I want you to know I was the one that corrected you." I think it is a childish thing, but I met Henry Wade sometime back, and I knew he would recognize me.

By the way, it was "Fair Play Cuba," or something to that effect.

In the meantime, as I leave Henry Wade, two gentlemen pass by and I said, "Are you Joe Long?" He said, "No, why do you want Joe Long?"

And I said, "I got to get into KLIF. I have got some sandwiches."

And he said, "What about us?"

And I said, "Some other time."

And it so happened I found out Jerry Cunkle and Sam Pease, I found out they were the names, so I did get the number, because these fellows work for a rival radio station, and he gave me the number of KLIF.

And in the testimony of John Rutledge, if I recall now—this is the only time I had ever seen this person. When I went out the railing where the phone was at, people felt free to walk in.

In other words, I felt that I was deputized as a reporter momentarily, you might say.

So I called one of the boys at KLIF and I said to them, "I have sandwiches for you. I want to get over there." I said, "By the way, I see Henry Wade talking on the phone to someone. Do you want me to get him over here?"

And he said, "Yes, do that."

That is when everyone was beckoning Henry Wade, and I called him over and he talked on the phone to this boy.

And after he finished; I didn't even tell him what station it was. I said, "Here is somebody that wants to talk to you." And I felt he wouldn't turn it down.

And this fellow was very much elated that I brought him over there.

And I said, "Now, will you let me in?"

He said, "I will only leave the door open for 5 minutes." That was after the conversation was finished with Henry Wade.

I got ready to leave the building and I got up to the next floor and there was another diskjockey at KLIF, Russ Knight. He said, "Jack, where is everything happening?" And he had a tape recorder.

And I said, "Come on downstairs", and led him downstairs. And there was Henry Wade sitting there. And I said, "Henry, this is Russ Knight." And I left him there with Henry Wade, and I went to my car and drove over to KLIF, which is a block away from there.

And it was a little chilly that night, as I recall, but by bringing Russ Knight over to Henry Wade, I delayed too long to get to KLIF, and I had to wait 15 minutes until Russ Knight came from finishing his interview with Henry Wade.

I had the sandwiches with me and some soda pop and various things, and Russ Knight opened the door and we went upstairs.

(Mr. Arlen Specter, a staff counsel, entered the room.)

Chief Justice WARREN. This is another man on my staff, Mr. Specter. Would you mind if he came in?

(Chief Justice Warren introduced the men around the room.)

Mr. RUBY. Is there any way to get me to Washington?

Chief Justice WARREN. I beg your pardon?

Mr. RUBY. Is there any way of you getting me to Washington?

Chief Justice WARREN. I don't know of any. I will be glad to talk to your counsel about what the situation is, Mr. Ruby, when we get an opportunity to talk.

Mr. RUBY. I don't think I will get a fair representation with my counsel, Joe Tonahill. I don't think so. I would like to request that I go to Washington and you take all the tests that I have to take. It is very important.

Mr. TONAHILL. Jack, will you tell him why you don't think you will get a fair representation?

Mr. RUBY. Because I have been over this for the longest time to get the lie detector test. Somebody has been holding it back from me.

Chief Justice WARREN. Mr. Ruby, I might say to you that the lateness of this thing is not due to your counsel. He wrote me, I think, close to 2 months ago and told me that you would be glad to testify and take, I believe he said, any test. I am not sure of that, but he said you would be glad to testify before the Commission.

And I thanked him for the letter. But we have been so busy that this is the first time we have had an opportunity to do it.

But there has been no delay, as far as I know, on the part of Mr. Tonahill in bringing about this meeting. It was our own delay due to the pressures we had on us at the time.

Mr. RUBY. What State are you from, Congressman?

Representative FORD. Michigan. Grand Rapids, Mich.

Chief Justice WARREN. I will be glad to talk that over, if we can. You might go right ahead, if you wish, with the rest of your statement.

Mr. RUBY. All right. I remained at KLIF from that moment on, from the time I got into the building, with Russ Knight. We talked about various things. I brought out the thought of this ad that Bernard Weissman had placed in the newspaper, and I also told Russ the one I admired by Gordon McLendon.

He came out with an editorial about the incident with Adlai Stevenson and all those things. He is one person that will immediately go to bat if anything is wrong. He will clarify it.

And I told Russ Knight there were some other things that were occurring at the time. So I remained there until about 2 a.m., and we all partook of the sandwiches and had a feast there.

And they spliced the various comments they got back and forth of Henry Wade, of Russ Knight's copy—of Russ Knight's items of Henry Wade.

Chief Justice WARREN. Mr. Ruby, this is the young man, Mr. Specter. He is a member of our staff, and he comes from Philadelphia.

(Ruby shakes hands with Mr. Specter.)

Mr. RUBY. I am at a disadvantage, gentlemen, telling my story.

Chief Justice WARREN. You were right at the point where you had it about

2 o'clock in the morning, and you had had your feast, as you mentioned, and had talked to these men, and so forth. That was the last that you had told us.

Mr. RUBY. Well, lots of things occurred up to that. They talked pro and con about the tragedy.

At 2 a.m., I left the building. I drove—I was going to go toward the Times Herald Building, because as a result—I very rarely go there for my weekend ad, because once I get the ad into the Morning News, which is the earlier issue, all I have to do is call the newspaper and they transpire the same ad that I had into the newspaper—into the Morning News.

And I promised one of the boys working in the Times Herald Building there—I was in the act, in the business of a twist-board deal I was promoting as a sales item by advertisement and mail order, and I had been evading him, or didn't have time to go out there because it was very late when I left the club, and I didn't want to stop, but because this was an early morning, I thought this would be the right time to go over there, plus the fact of changing my ad I had in the Morning News to the closing of 3 days, that I would go over there and maybe add a little more effectiveness to it in the way I wanted the ad placed.

As I was driving toward the Times Herald with the intention of doing these things, I heard someone honk a horn very loudly, and I stopped. There was a police officer sitting in a car. He was sitting with this young lady that works in my club, Kathy Kay, and they were very much carried away.

And I was carried away; and he had a few beers, and it is so bad about those places open, and I was a great guy to close; and I remained with them—did I tell you this part of it?

Mr. MOORE. I don't recall this part; no.

Mr. RUBY. I didn't tell you this part because at the time I thought a lot of Harry Carlson as a police officer, and either it slipped my mind in telling this, or it was more or less a reason for leaving it out, because I felt I didn't want to involve them in anything, because it was supposed to be a secret that he was going with this young lady. He had marital problems.

I don't know if that is why I didn't tell you that. Anyway, I did leave it out. His name is Harry Carlson. Her name is Kathy Kay.

And they talked and they carried on, and they thought I was the greatest guy in the world, and he stated they should cut this guy inch by inch into ribbons, and so on.

And she said, "Well, if he was in England, they would drag him through the streets and would have hung him." I forget what she said.

I left them after a long delay. They kept me from leaving. They were constantly talking and were in a pretty dramatic mood. They were crying and carrying on.

I went to the building of the Times Herald. I went to the Times Herald—may I read that, Joe? May I please?

(Joe Tonahill hands paper to Jack Ruby.)

Mr. TONAHILL. Sam ever get your glasses?

Mr. RUBY. Not yet. [Reading.] "This is the girl that"—what?—"that started Jack off." What is this other word?

Mr. TONAHILL. Culminated?

Mr. RUBY. That is untrue. That is what I wanted to read. (Throwing pad on table.)

Gentlemen, unless you get me to Washington, you can't get a fair shake out of me.

If you understand my way of talking, you have got to bring me to Washington to get the tests.

Do I sound dramatic? Off the beam?

Chief Justice WARREN. No; you are speaking very, very rationally, and I am really surprised that you can remember as much as you have remembered up to the present time.

You have given it to us in detail.

Mr. RUBY. Unless you can get me to Washington, and I am not a crackpot, I have all my senses—I don't want to evade any crime I am guilty of. But Mr. Moore, have I spoken this way when we have talked?

Mr. MOORE. Yes.

Mr. RUBY. Unless you get me to Washington immediately, I am afraid after what Mr. Tonahill has written there, which is unfair to me regarding my testimony here—you all want to hear what he wrote?

Chief Justice WARREN. Yes; you might read it. If you need glasses again, try mine this time (handing glasses to Mr. Ruby).

Mr. RUBY (putting on glasses). "This is the girl"—

Mr. TONAHILL. "Thing," isn't it?

Mr. RUBY. "This is the thing that started Jack in the shooting."

Mr. TONAHILL. Kathy Kay was talking about Oswald.

Mr. RUBY. You are lying, Joe Tonahill. You are lying.

Mr. TONAHILL. No; I am not.

Mr. RUBY. You are lying, because you know what motivated me. You want to make it that it was a premeditation.

Mr. TONAHILL. No.

Mr. RUBY. Yes; you do.

Mr. TONAHILL. I don't think there was any premeditation, but you go ahead and tell it your way. That is what we want you to do. That is what the Chief Justice wants.

Mr. RUBY. Not when you specify this.

You are Senator Rankin?

Mr. RANKIN. No; I am the general counsel for our Commission, Mr. Ruby.

Mr. TONAHILL. You go on and keep telling it down to Caroline and the truth.

Chief Justice WARREN. Mr. Ruby, may I suggest this, that if we are to have any tests, either a lie detector or, as you suggest, maybe a truth serum—I don't know anything about truth serum, but if we are to have it, we have to have something to check against, and we would like to have the rest of your story as you started to tell us, because you are now getting down to the crucial part of it, and it wouldn't be fair to you to have this much of it and then not have the rest.

Mr. RUBY. Because the reason why, Joe knows from the time that I told Attorney Belli, and the story I wanted to tell on the stand, and Mr. Tonahill knows this isn't the time. The thought never entered my mind. He knows it.

Mr. TONAHILL. I didn't say the thought entered your mind. I didn't say that.

Mr. RUBY. You are inferring that.

Mr. TONAHILL. Unconsciously, maybe, is what I meant to say.

Mr. RUBY. Why go back to Friday, Joe?

Mr. TONAHILL. You are going to come right down—

Mr. RUBY. Why go back to Friday? That set me off.

Then it is a greater premeditation than you know is true.

Mr. TONAHILL. I don't say it is premeditation. I never have. I don't think it is.

Mr. RUBY. Because it never entered my mind when they talked about, the officer, cutting him into bits. You would like to have built it up for my defense, but that is not it. I am here to tell the truth.

Mr. TONAHILL. The psychiatrist said that to me.

Mr. RUBY. You want to put that into my thoughts, but it never happened. I took it with a grain of salt what he said at that particular time.

Well, it is too bad, Chief Warren, that you didn't get me to your headquarters 6 months ago.

Chief Justice WARREN. Well, Mr. Ruby, I will tell you why we didn't. Because you were then about to be tried and I didn't want to do anything that would prejudice you in your trial. And for that reason, I wouldn't even consider asking you to testify until your trial was over. That is the only reason that we didn't talk to you sooner.

And I wish we had gotten here a little sooner after your trial was over, but I know you had other things on your mind, and we had other work, and it got to this late date.

But I assure you, there is no desire on our part to let this matter go to any late date for any ulterior purpose. I assure you of that.

And as I told you at the beginning, if you want a test of some kind made, I will undertake to see that it is done.

Mr. RUBY. You have power to do it, even though the district attorney objects to me getting the tests?

Chief Justice WARREN. Yes; I do.

Mr. RUBY. How soon can it be done?

Chief Justice WARREN. Well, I am not familiar with those things, but we will try to do it expeditiously, you may be sure, because we are trying to wind up the work of this Commission. And I assure you we won't delay it.

Mr. RUBY. Are you staying overnight here, Chief Warren?

Chief Justice WARREN. No; I have to be back, because we have an early session of the Court tomorrow morning.

Mr. RUBY. Is there any way of getting a polygraph here?

Mr. DECKER. May I make a suggestion?

Jack, listen, you and I have had a lot of dealings. Do you want my officers removed from the room while you talk to this Commission?

Mr. RUBY. That wouldn't prove any truth.

Mr. DECKER. These people came several thousand miles to interview you. You have wanted to tell me your story and I have refused to let you tell me. Now be a man with a bunch of men that have come a long way to give you an opportunity to.

You asked me for permission to tell your story, and I told you "No."

This is a supreme investigating committee at this particular time. Now give them your story and be a man, if you want them to deal with you and deal fairly with you.

Mr. RUBY. It is unfair to me unless I get all the facilities to back up what I say.

Mr. DECKER. You tell him your story. Nobody is denying it. You tell this man. He has come a thousand or more miles to listen to you. Now be a man about it.

Mr. MOORE. What I suggest—Jack, at one time I was a polygraph operator, and you would not be able to go through the entire story the way you have here.

So, seriously, you should tell the story and the things you want checked, you can be asked directly. Because you can only answer yes or no on the polygraph examination. So I think in view of what you want, you should tell your story first, and then the points that you want verified, you can be questioned on.

As the sheriff mentioned, the Commission has come a long way to have the opportunity to listen to your story, and I am sure that they know you are telling the truth, in any case.

Mr. RUBY. I wish the President were right here now. It is a terrible ordeal, I tell you that.

Chief Justice WARREN. I am sure it is an ordeal for you, and we want to make it just as easy as we can. That is the reason that we have let you tell your story in your own way without being interrupted.

If you will just proceed with the rest of your statement, I think it would make it a lot easier for us to verify it in the way that you want it to be done.

Mr. RUBY. I don't know how to answer you.

Chief Justice WARREN. Well, you have told us most of what happened up to the time of the incident, and you are almost within, you are just within a few hours of it now.

Mr. RUBY. There is a Saturday.

Chief Justice WARREN. Beg your pardon?

Mr. RUBY. There is a Saturday night. There is a Friday night. This is still only Friday night, Chief.

Chief Justice WARREN. Yes; that is true.

Mr. RUBY. Well, I will go into a certain point, and if I stop, you will have to understand if I stop to get my bearings together.

Chief Justice WARREN. Yes.

Mr. RUBY. I am in the Times Herald Building. I go upstairs, naturally.

Chief Justice WARREN. This is about what time?

Mr. RUBY. This, I imagine, is—I left the KLIF at 2 a.m., and I spent an hour with the officer and his girl friend, so it must have been about 3:15 approximately. No; it wasn't. When you are not concerned with time, it could have been 4 o'clock.

Chief Justice WARREN. It doesn't make any difference.

Mr. RUBY. Forty-five minutes difference.

I am up there in the composing room talking to a guy by the name of Pat Gadash. He was so elated that I brought him this twist board, and I had it sealed in a polyethylene bag, but he wanted to see how it is demonstrated, how it was worked.

It is a board that is on a pivot, a ball bearing, and it has a tendency to give you certain exercises in twisting your body. So not that I wanted to get in with the hilarity of frolicking, but he asked me to show him, and the other men gathered around.

When you get into the movement of a ball bearing disk, your body is free to move. I know you look like you are having a gay time, because naturally if your body is so free of moving, it is going to look that way.

I am stating this in that even with my emotional feeling for our beloved President, even to demonstrate the twist board, I did it because someone asked me to.

You follow me, gentlemen, as I describe it?

Chief Justice WARREN. Yes; I do.

Mr. RUBY. Then we placed the ad in, and if I recall, I requested from Pat to put a black border around to show that the ad was in mourning, or something, because we were, everything was in mourning.

Bill, will you do that for me that you asked a minute ago? You said you wanted to leave the room.

Mr. DECKER. I will have everyone leave the room, including myself, if you want to talk about it. You name it, and out we will go.

Mr. RUBY. All right.

Mr. DECKER. You want all of us outside?

Mr. RUBY. Yes.

Mr. DECKER. I will leave Tonahill and Moore. I am not going to have Joe leave.

Mr. RUBY. If you are not going to have Joe leave——

Mr. DECKER. Moore, his body is responsible to you. His body is responsible to you.

Mr. RUBY. Bill, I am not accomplishing anything if they are here, and Joe Tonahill is here. You asked me anybody I wanted out.

Mr. DECKER. Jack, this is your attorney. That is your lawyer.

Mr. RUBY. He is not my lawyer.

(Sheriff Decker and law enforcement officers left room.)

Gentleman, if you want to hear any further testimony, you will have to get me to Washington soon, because it has something to do with you, Chief Warren.

Do I sound sober enough to tell you this?

Chief Justice WARREN. Yes; go right ahead.

Mr. RUBY. I want to tell the truth, and I can't tell it here. I can't tell it here. Does that make sense to you?

Chief Justice WARREN. Well, let's not talk about sense. But I really can't see why you can't tell this Commission.

Mr. RUBY. What is your name?

Mr. BALL. Joe Ball.

Chief Justice WARREN. Mr. Joe Ball. He is an attorney from Los Angeles who has been working for me.

Mr. RUBY. Do you know Belli too?

Mr. BALL. I know of him.

Mr. RUBY. Ball was working with him. He knows Belli. You know Melvin Belli?

Mr. BALL. I am not acquainted with him.

Chief Justice WARREN. No association of any kind.

Mr. BALL. We practice in different cities.

Chief Justice WARREN. Five hundred miles away. Mr. Ball practices in Long Beach, and Mr. Belli practices in San Francisco. There is positively no connection between anybody in this room, as far as I know, with Mr. Belli. I can assure you of that.

Mr. RUBY. Where do you stand, Moore?

Mr. MOORE. Well, I am assigned to the Commission, Jack.

Mr. RUBY. The President assigned you?

Mr. MOORE. No; my chief did. And I am not involved in the investigation. I am more of a security officer.

Mr. RUBY. Boys, I am in a tough spot, I tell you that.

Mr. MOORE. You recall when I talked to you, there were certain things I asked you not to tell me at the time, for certain reasons, that you were probably going to trial at that time, and I respected your position on that and asked you not to tell me certain things.

Mr. RUBY. But this isn't the place for me to tell what I want to tell.

Mr. MOORE. The Commission is looking into the entire matter, and you are part of it, should be.

Mr. RUBY. Chief Warren, your life is in danger in this city, do you know that?

Chief Justice WARREN. No; I don't know that. If that is the thing that you don't want to talk about, you can tell me, if you wish, when this is all over, just between you and me.

Mr. RUBY. No; I would like to talk to you in private.

Chief Justice WARREN. You may do that when you finish your story. You may tell me that phase of it.

Mr. RUBY. I bet you haven't had a witness like me in your whole investigation, is that correct?

Chief Justice WARREN. There are many witnesses whose memory has not been as good as yours. I tell you that, honestly.

Mr. RUBY. My reluctance to talk—you haven't had any witness in telling the story, in finding so many problems?

Chief Justice WARREN. You have a greater problem than any witness we have had.

Mr. RUBY. I have a lot of reasons for having those problems.

Chief Justice WARREN. I know that, and we want to respect your rights, whatever they may be. And I only want to hear what you are willing to tell us, because I realize that you still have a great problem before you, and I am not trying to press you.

I came here because I thought you wanted to tell us the story, and I think the story should be told for the public, and it will eventually be made public. If you want to do that, you are entitled to do that, and if you want to have it verified as the thing can be verified by a polygraph test, you may have that, too.

I will undertake to do that for you, but at all events we must first have the story that we are going to check it against.

Mr. RUBY. When are you going back to Washington?

Chief Justice WARREN. I am going back very shortly after we finish this hearing—I am going to have some lunch.

Mr. RUBY. Can I make a statement?

Chief Justice WARREN. Yes.

Mr. RUBY. If you request me to go back to Washington with you right now, that couldn't be done, could it?

Chief Justice WARREN. No; it could not be done. It could not be done. There are a good many things involved in that, Mr. Ruby.

Mr. RUBY. What are they?

Chief Justice WARREN. Well, the public attention that it would attract, and the people who would be around. We have no place there for you to be safe when we take you out, and we are not law enforcement officers, and it isn't our responsibility to go into anything of that kind.

And certainly it couldn't be done on a moment's notice this way.

Mr. RUBY. Well, from what I read in the paper, they made certain precautions for you coming here, but you got here.

Chief Justice WARREN. There are no precautions taken at all.

Mr. RUBY. There were some remarks in the paper about some crackpots.

Chief Justice WARREN. I don't believe everything I read in the paper.

Mr. MOORE. In that respect, the Chief Justice is in public life. People in public life are well aware they don't please everyone, and they get these threats.

Incidentally, if it is the part about George Senator talking about the Earl

Warren Society, the Chief Justice is aware of that phase, and I am sure he would like to hear anything that you have to say if it affects the security.

Chief Justice WARREN. Before you finish the rest of your statement, may I ask you this question, and this is one of the questions we came here to ask you.

Did you know Lee Harvey Oswald prior to this shooting?

Mr. RUBY. That is why I want to take the lie detector test. Just saying no isn't sufficient.

Chief Justice WARREN. I will afford you that opportunity.

Mr. RUBY. All right.

Chief Justice WARREN. I will afford you that opportunity. You can't do both of them at one time.

Mr. RUBY. Gentlemen, my life is in danger here. Not with my guilty plea of execution.

Do I sound sober enough to you as I say this?

Chief Justice WARREN. You do. You sound entirely sober.

Mr. RUBY. From the moment I started my testimony, have I sounded as though, with the exception of becoming emotional, have I sounded as though I made sense, what I was speaking about?

Chief Justice WARREN. You have indeed. I understood everything you have said. If I haven't, it is my fault.

Mr. RUBY. Then I follow this up. I may not live tomorrow to give any further testimony. The reason why I add this to this, since you assure me that I have been speaking sense by then, I might be speaking sense by following what I have said, and the only thing I want to get out to the public, and I can't say it here, is with authenticity, with sincerity of the truth of everything and why my act was committed, but it can't be said here.

It can be said, it's got to be said amongst people of the highest authority that would give me the benefit of doubt. And following that, immediately give me the lie detector test after I do make the statement.

Chairman Warren, if you felt that your life was in danger at the moment, how would you feel? Wouldn't you be reluctant to go on speaking, even though you request me to do so?

Chief Justice WARREN. I think I might have some reluctance if I was in your position, yes; I think I would. I think I would figure it out very carefully as to whether it would endanger me or not.

If you think that anything that I am doing or anything that I am asking you is endangering you in any way, shape, or form, I want you to feel absolutely free to say that the interview is over.

Mr. RUBY. What happens then? I didn't accomplish anything.

Chief Justice WARREN. No; nothing has been accomplished.

Mr. RUBY. Well, then you won't follow up with anything further?

Chief Justice WARREN. There wouldn't be anything to follow up if you hadn't completed your statement.

Mr. RUBY. You said you have the power to do what you want to do, is that correct?

Chief Justice WARREN. Exactly.

Mr. RUBY. Without any limitations?

Chief Justice WARREN. Within the purview of the Executive order which established the Commission. We have the right to take testimony of anyone we want in this whole situation, and we have the right, if we so choose to do it, to verify that statement in any way that we wish to do it.

Mr. RUBY. But you don't have a right to take a prisoner back with you when you want to?

Chief Justice WARREN. No; we have the power to subpoena witnesses to Washington if we want to do it, but we have taken the testimony of 200 or 300 people, I would imagine, here in Dallas without going to Washington.

Mr. RUBY. Yes; but those people aren't Jack Ruby.

Chief Justice WARREN. No; they weren't.

Mr. RUBY. They weren't.

Chief Justice WARREN. Now I want you to feel that we are not here to take any advantage of you, because I know that you are in a delicate position, and unless you had indicated not only through your lawyers but also through your

sister, who wrote a letter addressed either to me or to Mr. Rankin saying that you wanted to testify before the Commission, unless she had told us that, I wouldn't have bothered you.

Because I know you do have this case that is not yet finished, and I wouldn't jeopardize your position by trying to insist that you testify.

So I want you to feel that you are free to refrain from testifying any time you wish.

But I will also be frank with you and say that I don't think it would be to your advantage to tell us as much as you have and then to stop and not tell us the rest. I can't see what advantage that would give you.

Mr. RUBY. The thing is this, that with your power that you have, Chief Justice Warren, and all these gentlemen, too much time has gone by for me to give you any benefit of what I may say now.

Chief Justice WARREN. No; that isn't a fact, because until we make our findings for the Commission, and until we make our report on the case, it is not too late.

And there are other witnesses we have who are yet to be examined. So from our standpoint, it is timely. We are not handicapped at all by the lateness of your examination.

Mr. RUBY. Well, it is too tragic to talk about.

Mr. RANKIN. Isn't it true that we waited until very late in our proceedings to talk to Mrs. Kennedy?

Chief Justice WARREN. Yes; I might say to you that we didn't take Mrs. Kennedy's statement until day before yesterday. Mr. Rankin and I took her testimony then.

So we are not treating you different from any other witness.

Mr. RUBY. I tell you, gentlemen, my whole family is in jeopardy. My sisters, as to their lives.

Chief Justice WARREN. Yes?

Mr. RUBY. Naturally, I am a foregone conclusion. My sisters Eva, Eileen, and Mary, I lost my sisters.

My brothers Sam, Earl, Hyman, and myself naturally—my in-laws, Harold Kaminsky, Marge Ruby, the wife of Earl, and Phyllis, the wife of Sam Ruby, they are in jeopardy of loss of their lives. Yet they have, just because they are blood related to myself—does that sound serious enough to you, Chief Justice Warren?

Chief Justice WARREN. Nothing could be more serious, if that is the fact. But your sister, I don't know whether it was your sister Eva or your other sister—

Mr. RUBY. Eileen wrote you a letter.

Chief Justice WARREN. Wrote the letter to me and told us that you would like to testify, and that is one of the reasons that we came down here.

Mr. RUBY. But unfortunately, when did you get the letter, Chief Justice Warren?

Chief Justice WARREN. It was a long time ago, I admit. I think it was, let's see, roughly between 2 and 3 months ago.

Mr. RUBY. Yes.

Chief Justice WARREN. I think it was; yes.

Mr. RUBY. At that time when you first got the letter and I was begging Joe Tonahill and the other lawyers to know the truth about me, certain things that are happening now wouldn't be happening at this particular time.

Chief Justice WARREN. Yes?

Mr. RUBY. Because then they would have known the truth about Jack Ruby and his emotional breakdown.

Chief Justice WARREN. Yes?

Mr. RUBY. Of why that Sunday morning—that thought never entered my mind prior to that Sunday morning when I took it upon myself to try to be a martyr or some screwball, you might say.

But I felt very emotional and very carried away for Mrs. Kennedy, that with all the strife she had gone through—I had been following it pretty well—that someone owed it to our beloved President that she shouldn't be expected to come back to face trial of this heinous crime.

And I have never had the chance to tell that, to back it up, to prove it.

Consequently, right at this moment I am being victimized as a part of a plot in the world's worst tragedy and crime at this moment.

Months back had I been given a chance—I take that back. Sometime back a police officer of the Dallas Police Department wanted to know how I got into the building. And I don't know whether I requested a lie detector test or not, but my attorney wasn't available.

When you are a defendant in the case, you say "speak to your attorney," you know. But that was a different time. It was after the trial, whenever it happened.

At this moment, Lee Harvey Oswald isn't guilty of committing the crime of assassinating President Kennedy. Jack Ruby is.

How can I fight that, Chief Justice Warren?

Chief Justice WARREN. Well now, I want to say, Mr. Ruby, that as far as this Commission is concerned, there is no implication of that in what we are doing.

Mr. RUBY. All right, there is a certain organization here—

Chief Justice WARREN. That I can assure you.

Mr. RUBY. There is an organization here, Chief Justice Warren, if it takes my life at this moment to say it, and Bill Decker said be a man and say it, there is a John Birch Society right now in activity, and Edwin Walker is one of the top men of this organization—take it for what it is worth, Chief Justice Warren.

Unfortunately for me, for me giving the people the opportunity to get in power, because of the act I committed, has put a lot of people in jeopardy with their lives.

Don't register with you, does it?

Chief Justice WARREN. No; I don't understand that.

Mr. RUBY. Would you rather I just delete what I said and just pretend that nothing is going on?

Chief Justice WARREN. I would not indeed. I am only interested in what you want to tell this Commission. That is all I am interested in.

Mr. RUBY. Well, I said my life, I won't be living long now. I know that. My family's lives will be gone. When I left my apartment that morning—

Chief Justice WARREN. What morning?

Mr. RUBY. Sunday morning.

Chief Justice WARREN. Sunday morning.

Mr. RUBY. Let's go back. Saturday I watched Rabbi Seligman. Any of you watch it that Saturday morning?

Chief Justice WARREN. No; I didn't happen to hear it.

Mr. RUBY. He went ahead and eulogized that here is a man that fought in every battle, went to every country, and had to come back to his own country to be shot in the back [starts crying].

I must be a great actor, I tell you that.

Chief Justice WARREN. No.

Mr. RUBY. That created a tremendous emotional feeling for me, the way he said that. Prior to all the other times, I was carried away.

Then that Saturday night, I didn't do anything but visit a little club over here and had a Coca-Cola, because I was sort of depressed. A fellow that owns the Pogo Club, Bob Norton, and he knew something was wrong with me in the certain mood I was in.

And I went home and that weekend, the Sunday morning, and saw a letter to Caroline, two columns about a 16-inch area. Someone had written a letter to Caroline. The most heartbreaking letter. I don't remember the contents. Do you remember that?

Mr. MOORE. I think I saw it.

Mr. RUBY. Yes; and alongside that letter on the same sheet of paper was a small comment in the newspaper that, I don't know how it was stated, that Mrs. Kennedy may have to come back for the trial of Lee Harvey Oswald.

That caused me to go like I did; that caused me to go like I did.

I don't know, Chief Justice, but I got so carried away. And I remember prior to that thought, there has never been another thought in my mind; I was never malicious toward this person. No one else requested me to do anything.

I never spoke to anyone about attempting to do anything. No subversive

organization gave me any idea. No underworld person made any effort to contact me. It all happened that Sunday morning.

The last thing I read was that Mrs. Kennedy may have to come back to Dallas for trial for Lee Harvey Oswald, and I don't know what bug got ahold of me. I don't know what it is, but I am going to tell the truth word for word.

I am taking a pill called Preludin. It is a harmless pill, and it is very easy to get in the drugstore. It isn't a highly prescribed pill. I use it for dieting.

I don't partake of that much food. I think that was a stimulus to give me an emotional feeling that suddenly I felt, which was so stupid, that I wanted to show my love for our faith, being of the Jewish faith, and I never used the term and I don't want to go into that—suddenly the feeling, the emotional feeling came within me that someone owed this debt to our beloved President to save her the ordeal of coming back. I don't know why that came through my mind.

And I drove past Main Street, past the County Building, and there was a crowd already gathered there. And I guess I thought I knew he was going to be moved at 10 o'clock, I don't know. I listened to the radio; and I passed a crowd and it looked—I am repeating myself—and I took it for granted he had already been moved.

And I parked my car in the lot across from the Western Union. Prior to that, I got a call from a little girl—she wanted some money—that worked for me, and I said, "Can't you wait till payday?" And she said, "Jack, you are going to be closed."

So my purpose was to go to the Western Union—my double purpose—but the thought of doing, committing the act wasn't until I left my apartment.

Sending the wire was when I had the phone call—or the money order.

I drove down Main Street—there was a little incident I left out, that I started to go down a driveway, but I wanted to go by the wreaths, and I saw them and started to cry again.

Then I drove, parked the car across from the Western Union, went into the Western Union, sent the money order, whatever it was, walked the distance from the Western Union to the ramp—I didn't sneak in. I didn't linger in there.

I didn't crouch or hide behind anyone, unless the television camera can make it seem that way.

There was an officer talking—I don't know what rank he had—talking to a Sam Pease in a car parked up on the curb.

I walked down those few steps, and there was the person that—I wouldn't say I saw red—it was a feeling I had for our beloved President and Mrs. Kennedy, that he was insignificant to what my purpose was.

And when I walked down the ramp—I would say there was an 8-foot clearance—not that I wanted to be a hero, or I didn't realize that even if the officer would have observed me, the klieg lights, but I can't take that.

I did not mingle with the crowd. There was no one near me when I walked down that ramp, because if you will time the time I sent the money order, I think it was 10:17 Sunday morning.

I think the actual act was committed—I take that back—was it 11 o'clock? You should know this.

Mr. MOORE. 11:21.

Mr. RUBY. No; when Oswald was shot.

Mr. MOORE. I understood it to be 11:22.

Mr. RUBY. The clock stopped and said 11:21. I was watching on that thing; yes. Then it must have been 11:17, closer to 18. That is the timing when I left the Western Union to the time of the bottom of the ramp.

You wouldn't have time enough to have any conspiracy, to be self-saving, to mingle with the crowd, as it was told about me.

I realize it is a terrible thing I have done, and it was a stupid thing, but I just was carried away emotionally. Do you follow that?

Chief Justice WARREN. Yes; I do indeed, every word.

Mr. RUBY. I had the gun in my right hip pocket, and impulsively, if that is the correct word here, I saw him, and that is all I can say. And I didn't care what happened to me.

I think I used the words, "You killed my President, you rat." The next thing, I was down on the floor.

I said, "I am Jack Ruby. You all know me."

I never used anything malicious, nothing like s.o.b. I never said that I wanted to get three more off, as they stated.

The only words, and I was highly emotional; to Ray Hall—he interrogated more than any other person down there—all I believe I said to him was, "I didn't want Mrs. Kennedy to come back to trial."

And I forget what else. And I used a little expression like being of the Jewish faith, I wanted to show that we love our President, even though we are not of the same faith.

And I have a friend of mine—do you mind if it is a slipshod story?

Chief Justice WARREN. No; you tell us in your own way.

Mr. RUBY. A fellow whom I sort of idolized is of the Catholic faith, and a gambler. Naturally in my business you meet people of various backgrounds.

And the thought came, we were very close, and I always thought a lot of him, and I knew that Kennedy, being Catholic, I knew how heartbroken he was, and even his picture—of this Mr. McWillie—flashed across me, because I have a great fondness for him.

All that blended into the thing that, like a screwball, the way it turned out, that I thought that I would sacrifice myself for the few moments of saving Mrs. Kennedy the discomfiture of coming back to trial.

Now all these things of my background, I should have been the last person in the world to want to be a martyr. It happens, doesn't it, Chief Warren?

I mean, for instance, I have been in the night club business, a burlesque house. It was a means of a livelihood. I knew persons of notorious backgrounds years ago in Chicago. I was with the union back in Chicago, and I left the union when I found out the notorious organization had moved in there. It was in 1940.

Then recently, I had to make so many numerous calls that I am sure you know of. Am I right? Because of trying to survive in my business.

My unfair competition had been running certain shows that we were restricted to run by regulation of the union, but they violated all the rules of the union, and I didn't violate it, and consequently I was becoming insolvent because of it.

All those calls were made with only, in relation to seeing if they can help out, with the American Guild of Variety Artists. Does that confirm a lot of things you have heard?

Every person I have called, and sometimes you may not even know a person intimately, you sort of tell them, well, you are stranded down here and you want some help—if they know of any official of the American Guild of Variety Artists to help me. Because my competitors were putting me out of business.

I even flew to New York to see Joe Glazer, and he called Bobby Faye. He was the national president. That didn't help. He called Barney Ross and Joey Adams. All these phone calls were related not in anyway involved with the underworld, because I have been away from Chicago 17 years down in Dallas.

As a matter of fact, I even called a Mr.—hold it before I say it—headed the American Federation of Labor—I can't think—in the State of Texas—Miller.

Chief Justice WARREN. I don't know.

Mr. RUBY. Is there a Deutsch I. Maylor? I called a Mr. Maylor here in Texas to see if he could help me out.

I want to set you gentlemen straight on all the telephone calls I had. This was a long time prior to what has happened. And the only association I had with those calls, the only questions that I inquired about, was if they could help me with the American Guild of Variety Artists, to see that they abolished it, because it was unfair to professional talent, abolish them from putting on their shows in Dallas. That is the only reason I made those calls. Where do we go from there?

Chief Justice WARREN. Well, I will go back to the original question that I asked you. Did you ever know Oswald?

Mr. RUBY. No; let me add—you are refreshing my mind about a few things.

Can I ask one thing? Did you all talk to Mr. McWillie? I am sure you have.

VOICE. Yes.

MR. RUBY. He always wanted me to come down to Havana, Cuba; invited me down there, and I didn't want to leave my business because I had to watch over it.

He was a key man over the Tropicana down there. That was during our good times. Was in harmony with our enemy of our present time.

Chief Justice WARREN. Yes?

MR. RUBY. I refused. I couldn't make it. Finally he sent me tickets to come down, airplane tickets.

I made the trip down there via New Orleans, and so I stayed at the Volk's Apartments, and I was with him constantly.

And I was bored with the gambling, because I don't gamble, and there is nothing exciting unless you can speak their language, which is Spanish, I believe.

And that was the only environment. That was in August of 1959.

Any thought of ever being close to Havana, Cuba, I called him frequently because he was down there, and he was the last person to leave, if I recall, when they had to leave, when he left the casino.

As a matter of fact, on the plane, if I recall, I had an article he sent me, and I wanted to get it published because I idolized McWillie. He is a pretty nice boy, and I happened to be idolizing him.

When the plane left Havana and landed in the United States, some school-teacher remarked that the United States is not treating Castro right. When they landed in the United States, this Mr. Louis McWillie slugged this guy for making that comment.

So I want you to know, as far as him having any subversive thoughts, and I wanted Tony to put it in the paper here. That is how much I thought of Mr. McWillie. And that is my only association.

The only other association with him was, there was a gentleman here that sells guns. He has a hardware store on Singleton Avenue.

Have I told this to you gentlemen? It is Ray's Hardware. His name is Ray Brantley.

This was—I don't recall when he called me, but he was a little worried of the new regime coming in, and evidently he wanted some protection.

He called me or sent me a letter that I should call Ray Brantley. He wanted some four little Cobra guns—big shipment.

So me, I should say myself rather, feeling no harm, I didn't realize, because he wasn't sending them to me, and I thought there was no crime, the man wanted protection, he is earning a livelihood.

I called Ray Brantley and I said, "Ray, McWillie called me." I don't remember if he sent me a letter or he called. He said he wants four little Cobras, or something like that.

He said "I know Mac. I have been doing business with him for a long time." Meaning with reference to when he was living in Texas. He did a lot of hunting and things like that.

Chief Justice WARREN. Yes?

MR. RUBY. That was the only relationship I had of any mention, outside of phone calls, to Mr. McWillie, or any person from Havana, Cuba.

Chief Justice WARREN. When was that?

MR. RUBY. Now the guns—am I correct? Did you ever go to check on it? On Ray Brantley?

MR. MOORE. No.

MR. RUBY. He denies I ever called. Evidently he feels, maybe he feels it would be illegal to send guns out of the country. I don't know if you gentlemen know the law. I don't know the law.

Chief Justice WARREN. I don't know.

MR. RUBY. I kept—did I tell you this, Joe, about this?

MR. TONAHILL. Yes; you did.

MR. RUBY. That I wanted someone to go to Ray Brantley?

MR. TONAHILL. Yes.

MR. RUBY. When Phil Bursleson came back with a letter signed, an affidavit

that Ray Brantley said he never did receive a call from me, and the only gun he sent to McWillie was to the Vegas, but it came back that they didn't pick it up because it was a c.o.d. order.

This definitely would do me more harm, because if I tell my story that I called Ray Brantley, and he denies that he ever got a call from me, definitely that makes it look like I am hiding something.

Haven't I felt that right along, Joe?

Mr. TONAHILL. You sure have, Jack.

Mr. RUBY. Now, the reason I am telling you these things, I never knew Lee Harvey Oswald. The first time I ever have seen him was the time in the assembly room when they brought him out, when he had some sort of a shiner on his eye.

Chief Justice WARREN. When was that little incident about the Cobras? About what year? That is all I am interested in.

Mr. RUBY. Could have been prior to the early part of 1959.

Chief Justice WARREN. Yes; all right.

Mr. RUBY. That is the only call I made. And as a matter of fact, I didn't even follow up to inquire of this Mr. Brantley, whether he received it or what the recourse was. That is why I tell you, Chief Justice Warren—who is this new gentleman, may I ask?

Mr. RANKIN. This is Mr. Storey from your community, a lawyer who is working with the attorney general, and Mr. Jaworski, in connection with watching the work of the Commission so that they will be satisfied as to the quality of the work done insofar as the State of Texas is concerned.

(Pause for reporter to change paper, and Ruby asked about one of the gentlemen, to which Chief Justice Warren replied as follows):

Chief Justice WARREN (referring to Mr. Specter). He has been working with us on the Commission since very close to the beginning now.

Mr. RANKIN. How long did you spend in Cuba on this trip?

Mr. RUBY. Eight days. A lot of your tourists were there. As a matter of fact, a lot of group tourists were going down, students of schools.

I mean, he had a way of purchasing tickets from Havana that I think he purchased them at a lesser price. He bought them from the travel agent in the Capri Hotel.

He bought them—did you meet McWillie?

Mr. MOORE. I didn't.

Mr. RANKIN. He was checked by the Commission in connection with this work.

Chief Justice WARREN. There was some story in one of the papers that you had been interested in shipping jeeps down to Cuba. Was there anything to that at all?

Mr. RUBY. No; but this was the earlier part, when the first time Castro had ever invaded Cuba. There was even a Government article that they would need jeeps. I don't recall what it was, but I never had the facilities or the capabilities of knowing where to get jeeps.

But probably in conversation with other persons—you see, it is a new land, and they have to have a lot of things. As a matter of fact, the U.S. Government was wanting persons to help them at that particular time when they threw out the dictator, Batista.

And one particular time there was a gentleman that smuggled guns to Castro. I think I told you that, Mr. Moore; I don't remember.

Mr. MOORE. I don't recall that.

Mr. RUBY. I think his name was Longley out of Bay—something—Texas, on the Bayshore. And somehow he was, I read the article about him, that he was given a jail term for smuggling guns to Castro. This is the early part of their revolution.

Chief Justice WARREN. Before the Batista government fell?

Mr. RUBY. Yes; I think he had a boat, and he lived somewhere in Bay something, Bayshore, in the center part of Texas. Do you know him, Mr. Storey? Do you know this man?

Mr. STOREY. No; I don't know him.

Mr. RUBY. How can I prove my authenticity of what I have stated here today?

Chief Justice WARREN. Well, you have testified under oath, and I don't even know that there is anything to disprove what you have said.

Mr. RUBY. No; because I will say this. You don't know if there is anything to disprove, but at this moment, there is a certain organization in this area that has been indoctrinated, that I am the one that was in the plot to assassinate our President.

Mr. RANKIN. Would you tell us what that is?

Mr. RUBY. The John Birch Society.

Mr. RANKIN. Can you tell us what basis you have for that, Mr. Ruby?

Mr. RUBY. Just a feeling of it. Mr. Warren, you don't recall when I—Friday night after leaving the Times Herald, I went to my apartment and very impatiently awakened George Senator. As a matter of fact, used the words, as I state, "You will have to get up, George. I want you to go with me."

And he had been in bed for a couple of hours, which was about, I imagine, about 4:30 or a quarter to 5 in the morning.

And I called the club and I asked this kid Larry if he knew how to pack a Polaroid, and he said "Yes."

And I said, "Get up." And we went down and picked up Larry. And in the meantime, I don't recall if I stopped at the post office to find out his box number of this Bernard Weissman. I think the box number was 1792, or something to that; and then there was, it came to my mind when I left the Times Herald—I am skipping back—why I had awakened George.

I recall seeing a sign on a certain billboard "Impeach Earl Warren." You have heard something about that?

Chief Justice WARREN. I read something in the paper, yes; that is all.

Mr. RUBY. And it came from New Bedford, or Massachusetts; I don't recall what the town was.

And there was a similar number to that, but I thought at the time it would be the same number of 1792, but it was 1757.

That is the reason I went down there to take the Polaroid picture of it, because of that remaining in the city at the time.

What happened to the picture, I don't know. I asked Jim Bowie or Alexander to tell you.

Mr. RANKIN. Did you know Weissman before that?

Mr. RUBY. Never knew him. When I said Jim Bowie, no one says a word.

Mr. BOWIE. We never have seen them.

Mr. RUBY. They were in my person.

Mr. BOWIE. But no evidence came?

Mr. RUBY. No; it did not, never. As a matter of fact, I went to the post office to check on box 1792. I even inquired with the man in charge of where you purchase the boxes, and I said to him, "Who bought this box?"

And he said, "I can't give you the information. All I know is, it is a legitimate business box purchase."

And I checked the various contents of mail there.

Mr. RANKIN. Did you know Officer Tippit?

Mr. RUBY. I knew there was three Tippits on the force. The only one I knew used to work for the special services, and I am certain this wasn't the Tippit, this wasn't the man.

Mr. RANKIN. The man that was murdered. There was a story that you were seen sitting in your Carousel Club with Mr. Weissman, Officer Tippit, and another who has been called a rich oil man, at one time shortly before the assassination. Can you tell us anything about that?

Mr. RUBY. Who was the rich oil man?

Mr. RANKIN. Can you remember? We haven't been told. We are just trying to find out anything that you know about him.

Mr. RUBY. I am the one that made such a big issue of Bernard Weissman's ad. Maybe you do things to cover up, if you are capable of doing it.

As a matter of fact, Saturday afternoon we went over to the Turf Bar lounge, and it was a whole hullabaloo, and I showed the pictures "Impeach Earl Warren" to Bellocchio, and he saw the pictures and got very emotional.

And Bellocchio said, "Why did the newspaper take this ad of Weissman?" And Bellocchio said, "I have got to leave Dallas."

And suddenly after making that statement, I realized it is his incapability, and suddenly you do things impulsively, and suddenly you realize if you love the city, you stay here and you make the best of it. And there were witnesses.

I said, "The city was good enough for you all before this. Now you feel that way about it." And that was Bellocchio.

As far as Tippit, it is not Tippitts, it is not Tippitts it is Tippit.

Mr. RANKIN. This Weissman and the rich oil man, did you ever have a conversation with them?

Mr. RUBY. There was only a few. Bill Rudman from the YMCA, and I haven't seen him in years.

And there is a Bill Howard, but he is not a rich oil man. He owns the Stork Club now. He used to dabble in oil.

Chief Justice WARREN. This story was given by a lawyer by the name of Mark Lane, who is representing Mrs. Marguerite Oswald, the mother of Lee Harvey Oswald, and it was in the paper, so we subpoenaed him, and he testified that someone had given him information to the effect that a week or two before President Kennedy was assassinated, that in your Carousel Club you and Weissman and Tippit, Officer Tippit, the one who was killed, and a rich oil man had an interview or conversation for an hour or two.

And we asked him who it was that told him, and he said that it was confidential and he couldn't tell at the moment, but that he would find out for us if whether he could be released or not from his confidential relationship.

He has never done it, and we have written him several letters asking him to disclose the name of that person, and he has never complied.

Mr. RUBY. Isn't that foolish? If a man is patriotic enough in the first place, who am I to be concerned if he wasn't an informer.

I am incarcerated, nothing to be worried about anyone hurting me.

Chief Justice WARREN. Mr. Ruby, I am not questioning your story at all. I wanted you to know the background of this thing, and to know that it was with us only hearsay. But I did feel that our record should show that we would ask you the question and that you would answer it, and you have answered it.

Mr. RUBY. How many days prior to the assassination was that?

Chief Justice WARREN. My recollection is that it was a week or two. Is that correct?

Mr. RUBY. Did anyone have any knowledge that their beloved President was going to visit here prior to that time, or what is the definite time that they knew he was coming to Dallas?

Chief Justice WARREN. Well, I don't know just what those dates are.

Mr. RUBY. I see.

Chief Justice WARREN. I just don't know. Well, we wanted to ask you that question, because this man had so testified, and we have been trying ever since to get him to give the source of his information, but he will not do it, so we will leave that matter as it is.

Mr. RUBY. No; I am as innocent regarding any conspiracy as any of you gentlemen in the room, and I don't want anything to be run over lightly. I want you to dig into it with any biting, any question that might embarrass me, or anything that might bring up my background, which isn't so terribly spotted—I have never been a criminal—I have never been in jail—I know when you live in the city of Chicago and you are in the livelihood of selling tickets to sporting events, your lucrative patrons are some of these people, but you don't mean anything to those people. You may know them as you get acquainted with them at the sporting events or the ball park.

Chief Justice WARREN. The prizefights?

Mr. RUBY. The prizefights. If that was your means of livelihood, yet you don't have no other affiliation with them, so when I say I know them, or what I have read from stories of personalities that are notorious, that is the extent of my involvement in any criminal activity.

I have never been a bookmaker. I have never stolen for a living. I am not a gangster. I have never used a goon squad for union activities.

All I was was a representative to sound out applications for the American

Federation of Labor, and if the employees would sign it, we would accept them as members.

I never knew what a goon looked like in Chicago, with the exception when I went to the service.

I never belonged to any subversive organization. I don't know any subversive people that are against my beloved country.

Mr. RANKIN. You have never been connected with the Communist Party?

Mr. RUBY. Never have. All I have ever done in my life—I had a very rough start in life, but anything I have done, I at least try to do it in good taste, whatever I have been active in.

Mr. RANKIN. There was a story that you had a gun with you during the showup that you described in the large room there.

Mr. RUBY. I will be honest with you. I lied about it. It isn't so. I didn't have a gun. But in order to make my defense more accurate, to save your life, that is the reason that statement was made.

Mr. RANKIN. It would be quite helpful to the Commission if you could—in the first place, I want to get the trip to Cuba. Was that in 1959?

Mr. RUBY. Yes; because I had to buy a \$2 ticket, a pass to get through Florida.

Mr. RANKIN. Did you have any other trip to Cuba?

Mr. RUBY. Never; that is the only one that I made.

I stayed at the Volk's Apartments with Mr. McWillie, lived in his apartment. Ate directly in a place called Wolf's, downstairs. Wouldn't know how to speak their language. I wouldn't know how to communicate with them.

I probably had two dates from meeting some young ladies I got to dancing with, because my dinners were served in the Tropicana.

One thing I forgot to tell you—you are bringing my mind back to a few things—the owners, the greatest that have been expelled from Cuba, are the Fox brothers. They own the Tropicana.

Mr. RANKIN. Who are the Fox brothers?

Mr. RUBY. Martin Fox and I can't think of the other name.

Mr. RANKIN. Do you know where they are located now?

Mr. RUBY. They are in Miami, Fla. They know everything about McWillie. I heard; and know the officials.

I met McWillie because he came to the club, and he came to the club to look over the show. And you get to talk to people and meet a lot of different types of people.

The Fox brothers came to Dallas—I don't know which one it was—to collect a debt that some man owed the Cotton Gin Co. here.

Do you know their name, Mr. Bowie?

Mr. BOWIE. Murray, or something.

Mr. RUBY. He gave some bad checks on a gambling debt, and they came to visit me. The lawyer, I think, is Mark Lane. That is the attorney that was killed in New York?

Chief Justice WARREN. That is the fellow who represents, or did represent Mrs. Marguerite Oswald. I think I read in the paper where he no longer represents her.

Mr. RANKIN. He is still alive though.

Chief Justice WARREN. Oh, yes.

Mr. RUBY. There was one Lane that was killed in a taxicab. I thought he was an attorney in Dallas.

Chief Justice WARREN. That was a Dave Lane.

Mr. RUBY. There is a very prominent attorney in Dallas, McCord. McCord represents the Fox brothers here. They called me because the Fox brothers wanted to see me, and I came down to the hotel.

And Mrs. McWillie—Mr. McWillie was married to her at that time—and if I recall, I didn't show them off to the airport at that time.

This is when they were still living in Havana, the Fox brothers. We had dinner at—how do you pronounce that restaurant at Love Field? Luau? That serves this Chinese food.

Dave McCord, I was in his presence, and I was invited out to dinner, and there was an attorney by the name of Leon. Is he associated with McCord?

And there was a McClain.

Chief Justice WARREN. Alfred was killed in a taxi in New York.

Mr. RUBY. He was at this dinner meeting I had with McCord. I don't know if Mrs. McWillie was along. And one of the Fox brothers, because they had just been awarded the case that this person owns, this Gin Co., that was compelled to pay off.

Mr. RANKIN. I think, Mr. Ruby, it would be quite helpful to the Commission if you could tell, as you recall it, just what you said to Mr. Sorrels and the others after the shooting of Lee Harvey Oswald. Can you recall that?

Mr. RUBY. The only one I recall Mr. Sorrels in, there were some incorrect statements made at this time.

Mr. RANKIN. Can you tell us what you said?

Congressman FORD. First, tell us when this took place.

Mr. RANKIN. How soon after the shooting occurred?

Mr. RUBY. Well, Ray Hall was the first one that interrogated me. Wanted to know my whole background.

Mr. RANKIN. Can you tell us how soon it was? Within a few minutes after the shooting?

Mr. RUBY. No; I waited in a little room there somewhere upstairs in—I don't know what floor it was. I don't recall.

Mr. RANKIN. Where did this occur, on the third floor?

Mr. RUBY. One of those floors. I don't know whether it was the third or second. If you are up on an elevator—

Mr. RANKIN. Can you give us any idea of the time after the shooting?

Mr. RUBY. I spent an hour with Mr. Hall, Ray Hall. And I was very much, I was very much broken up emotionally, and I constantly repeated that I didn't want Mrs. Kennedy to come back to trial, and those were my words, constantly repeated to Mr. Hall.

And I heard there was a statement made—now I am skipping—and then I gave Mr. Hall my complete background about things he wanted to know, my earlier background going back from the years, and I guess there was nothing else to say to Hall because as long as I stated why I did it—it is not like planning a crime and you are confessing something. I already confessed, and all it took is one sentence why I did it.

Now what else could I have said that you think I could have said? Refresh my memory a little bit.

Mr. RANKIN. There was a conversation with Mr. Sorrels in which you told him about the matter. Do you remember that?

Mr. RUBY. The only thing I ever recall I said to Mr. Ray Hall and Sorrels was, I said, "Being of Jewish faith, I wanted to show my love for my President and his lovely wife."

After I said whatever I said, then a statement came out that someone introduced Mr. Sorrels to me and I said, "What are you, a newsman?" Or something to that effect. Which is really—what I am trying to say is, the way it sounded is like I was looking for publicity and inquiring if you are a newsman, I wanted to see you.

But I am certain—I don't recall definitely, but I know in my right mind, because I know my motive for doing it, and certainly to gain publicity to take a chance of being mortally wounded, as I said before, and who else could have timed it so perfectly by seconds.

If it were timed that way, then someone in the police department is guilty of giving the information as to when Lee Harvey Oswald was coming down.

I never made a statement. I never inquired from the television man what time is Lee Harvey Oswald coming down. Because really, a man in his right mind would never ask that question. I never made the statement "I wanted to get three more off. Someone had to do it. You wouldn't do it." I never made those statements.

I never called the man by any obscene name, because as I stated earlier, there was no malice in me. He was insignificant, to my feelings for my love for Mrs. Kennedy and our beloved President. He was nothing comparable to them, so I can't explain it.

I never used any words—as a matter of fact, there were questions at the hearing with Roy Pryor and a few others—I may have used one word "a little

weasel" or something, but I didn't use it, I don't remember, because Roy said it. If he said I did, I may have said it.

I never made the statement to anyone that I intended to get him. I never used the obscene words that were stated.

Anything I said was with emotional feeling of I didn't want Mrs. Kennedy to come back to trial.

Representative FORD. It has been alleged that you went out to Parkland Hospital.

Mr. RUBY. No; I didn't go there. They tried to ask me. My sisters asked me. Some people told my sister that you were there. I am of sound mind. I never went there. Everything that transpired during the tragedy, I was at the Morning News Building.

Congressman FORD. You didn't go out there subsequent to the assassination?

Mr. RUBY. No; in other words, like somebody is trying to make me something of a martyr in that case. No; I never did.

Does this conflict with my story and yours in great length?

Mr. MOORE. Substantially the same, Jack, as well as I remember.

Mr. RANKIN. Did you say anything about people of your religion have guts, or something like that?

Mr. RUBY. I said it. I never said it up there. I said, I could have said, "Weren't you afraid of getting your head blown off?" I said, "Well, to be truthful, I have a little nerve." I could have said that.

Now I could have said to the doctor that was sent to me, Bromberg, because there is a certain familiarity you have, because it is like you have an attorney representing you, it is there. I mean, it is there.

But I did say this. McWillie made a statement about me, something to the effect that "he is considered a pretty rough guy," this McWillie. He said, "One thing about Jack Ruby, he runs this club and no one runs over him."

And you have a different type of entertainment here than any other part of the country, our type of entertainment.

But I don't recall that. I could have said the sentimental feeling that I may have used.

Representative FORD. When you flew to Cuba, where did you go from Dallas en route? What was the step-by-step process by which you arrived at Havana?

Mr. RUBY. I think I told Mr. Moore I stopped in New Orleans. Sometime I stopped in New Orleans, and I don't remember if I stopped in Florida or New Orleans, but I know I did stop in New Orleans, because I bought some Carioca rum coming back.

I know I was to Miami on a stopover. It could have been on the way back. I only went to Cuba once, so naturally, when I bought the Carioca rum, there was a couple of fellows that sell tickets for Delta Airlines, and they know me like I know you, and I am sure you gentlemen have spoken to them, and they were to tell me where to go in Havana, and have a ball, and I told them why I was going there, and who I was going to look up, and everything else.

Representative FORD. They were Delta Airlines employees in New Orleans or Dallas?

Mr. RUBY. No; in New Orleans. Evidently I went out to the Delta Airlines at Love Field and caught the plane. I may have taken the flight—here is what could have happened. I could have made a double stop from Havana on the way back in taking in Miami, and then taking another plane to New Orleans, I am not certain.

But I only made one trip to Havana. Yet I know I was in Miami, Fla. and I was in New Orleans.

And the next time I went to New Orleans, when I tried to look up some show-girl by the name of Jada, I stopped in to see the same fellows at Delta Airlines.

Mr. RANKIN. Do you recall going up the elevator after the shooting of Oswald?

Mr. RUBY. That is so small to remember, I guess it is automatic, you know.

Mr. RANKIN. Did you have this gun a long while that you did the shooting with?

Mr. RUBY. Yes.

Mr. RANKIN. You didn't carry it all the time?

Mr. RUBY. I did. I had it in a little bag with money constantly. I carry my money.

Chief Justice WARREN. Congressman, do you have anything further?

Mr. RUBY. You can get more out of me. Let's not break up too soon.

Representative FORD. When you got to Havana, who met you in Havana?

Mr. RUBY. McWillie. Now here is what happened. One of the Fox brothers came to visit me in Dallas with his wife. They came to the Vegas Club with Mrs. McWillie, and we had taken some pictures, 8 x 10's.

Evidently the Foxes were in exile at that time, because when I went to visit McWillie, when he sent me the plane tickets, they looked through my luggage and they saw a photograph of Mr. Fox and his wife. They didn't interrogate, but they went through everything and held me up for hours.

Representative FORD. Castro employees?

Mr. RUBY. Yes; because evidently, in my ignorance, I didn't realize I was bringing a picture that they knew was a bitter enemy. At that time they knew that the Fox brothers weren't going to jail, or something was going to happen.

Whether it was they were in exile at that time, I don't know.

But they came to my club, the Vegas Club, and we had taken pictures.

Mr. McWillie was waiting for me, and he saw me go through the customs line for a couple of hours, and he said, "Jack, they never did this to anyone before." Evidently, they had me pretty well lined up as to where I come in the picture of Mr. Rivera Fox. I can't think of his name.

Representative FORD. You spent 8 days there in Havana?

Mr. RUBY. Yes; approximately.

Representative FORD. And you stayed at the apartment of Mr.—

Mr. RUBY. Volk's Apartments. I never used the phone. I wouldn't know how to use the phone. Probably to call back to Dallas. And the only time, Mr. McWillie had to be at the club early, so I remained a little later in town—not often—because I saved money when I rode with him, because they charge you quite a bit. But I didn't want to get there too early, because to get there at 7 o'clock wasn't very lively.

Because I would always be with him for the complete evening.

We leave the place and stop somewhere to get coffee, a little dugout—I saw Ava Gardner down there at the time when I was there. She was visiting there.

Representative FORD. What prompted you to leave at the end of 8 days?

Mr. RUBY. I was bored because gambling isn't my profession, and when you have a business to run, and there weren't many tourists I could get acquainted with there.

I went to the Capri rooftop to go swimming, and went to the Nacional to go swimming once.

Representative FORD. Did you ever go to Mexico? Have you ever been to Mexico?

Mr. RUBY. The only time, 30 or 40 years ago, 1934.

Representative FORD. This trip to Cuba was the only time you left the country other than military service?

Mr. RUBY. Actually I didn't leave in the military. I was stationed three and a half years here in the States. Let's see, never out of the United States except at one time to Havana, Cuba.

Chief Justice WARREN. Now you said there were some other things. Would you mind telling us anything you have on your mind?

Mr. RUBY. No; because as I said earlier, you seem to have gotten the juicy part of the story up to now in the various spasmodic way of my telling it.

How valuable am I to you to give you all this information?

Chief Justice WARREN. Well, how valuable is rather an indefinite term, but I think it is very helpful to our Commission report. I think the report would have been deficient if it had not been for this interview we have had with you.

So we are interested in anything that you would like to tell us, in your own language.

Mr. RUBY. The only thing is this. If I cannot get these tests you give, it is pretty haphazard to tell you the things I should tell you.

Mr. Moore, you seem to have known more about my interrogation than anybody else, right?

Mr. MOORE. I think you have told us about everything you told me.

Mr. RANKIN. It isn't entirely clear how you feel that your family and you yourself are threatened by your telling what you have to the Commission.

How do you come to the conclusion that they might be killed? Will you tell us a little bit more about that, if you can?

Mr. RUBY. Well, assuming that, as I stated before, some persons are accusing me falsely of being part of the plot—naturally, in all the time from over 6 months ago, my family has been so interested in helping me.

Mr. RANKIN. By that, you mean a party to the plot of Oswald?

Mr. RUBY. That I was party to a plot to silence Oswald.

All right now, when your family believes you and knows your mannerisms and your thoughts, and knows your sincerity, they have lived with you all your life and know your emotional feelings and your patriotism—on the surface, they see me only as the guilty assailant of Oswald, and by helping me like they have, going all out.

My brother who has a successful business, I know he is going to be killed. And I haven't seen him in years. And suddenly he feels that he wants to help me, because he believes that I couldn't be any further involved than the actual—

When I told him I did it because of Mrs. Kennedy, that is all he had to hear because I would never involve my family or involve him in a conspiracy.

Everyone haven't let me down. Because they read the newspapers away from Dallas that stated certain facts about me, but they are untrue, because they wouldn't come out and put those things in the newspapers that they should be putting in; and people outside of Dallas read the Dallas newspapers and are all in sympathy with me, as far as the country itself.

That they felt, well, Jack did it. They probably felt they would do the same thing.

That sympathy isn't going to help me, because the people that have the power here, they have a different verdict. They already have me as the accused assassin of our beloved President.

Now if I sound screwy telling you this, then I must be screwy.

Chief Justice WARREN. Mr. Ruby, I think you are entitled to a statement to this effect, because you have been frank with us and have told us your story.

I think I can say to you that there has been no witness before this Commission out of the hundreds we have questioned who has claimed to have any personal knowledge that you were a party to any conspiracy to kill our President.

Mr. RUBY. Yes; but you don't know this area here.

Chief Justice WARREN. No; I don't vouch for anything except that I think I am correct in that, am I not?

Mr. RANKIN. That is correct.

Chief Justice WARREN. I just wanted to tell you before our own Commission, and I might say to you also that we have explored the situation.

Mr. RUBY. I know, but I want to say this to you. If certain people have the means and want to gain something by propagandizing something to their own use, they will make ways to present certain things that I do look guilty.

Chief Justice WARREN. Well, I will make this additional statement to you, that if any witness should testify before the Commission that you were, to their knowledge, a party to any conspiracy to assassinate the President, I assure you that we will give you the opportunity to deny it and to take any tests that you may desire to so disprove it.

I don't anticipate that there will be any such testimony, but should there be, we will give you that opportunity.

Does that seem fair?

Mr. RUBY. No; that isn't going to save my family.

Chief Justice WARREN. Well, we can't do everything at once.

Mr. RUBY. I am in a tough spot, and I don't know what the solution can be to save me.

And I know our wonderful President, Lyndon Johnson, as soon as he was the

President of his country, he appointed you as head of this group. But through certain falsehoods that have been said about me to other people, the John Birch Society, I am as good as guilty as the accused assassin of President Kennedy.

How can you remedy that, Mr. Warren? Do any of you men have any ways of remedying that?

Mr. Bill Decker said he a man and speak up. I am making a statement now that I may not live the next hour when I walk out of this room.

Now it is the most fantastic story you have ever heard in a lifetime. I did something out of the goodness of my heart. Unfortunately, Chief Earl Warren, had you been around 5 or 6 months ago, and I know your hands were tied, you couldn't do it, and immediately the President would have gotten ahold of my true story, or whatever would have been said about me, a certain organization wouldn't have so completely formed now, so powerfully, to use me because I am of the Jewish extraction, Jewish faith, to commit the most dastardly crime that has ever been committed.

Can you understand now in visualizing what happened, what powers, what momentum has been carried on to create this feeling of mass feeling against my people, against certain people that were against them prior to their power?

That goes over your head, doesn't it?

Chief Justice WARREN. Well, I don't quite get the full significance of it, Mr. Ruby. I know what you feel about the John Birch Society.

Mr. RUBY. Very powerful.

Chief Justice WARREN. I think it is powerful, yes I do. Of course, I don't have all the information that you feel you have on that subject.

Mr. RUBY. Unfortunately, you don't have, because it is too late. And I wish that our beloved President, Lyndon Johnson, would have delved deeper into the situation, hear me, not to accept just circumstantial facts about my guilt or innocence, and would have questioned to find out the truth about me before he relinquished certain powers to these certain people.

Chief Justice WARREN. Well, I am afraid I don't know what power you believe he relinquished to them. I think that it is difficult to understand what you have to say.

Mr. RUBY. I want to say this to you. The Jewish people are being exterminated at this moment. Consequently, a whole new form of government is going to take over our country, and I know I won't live to see you another time.

Do I sound sort of screwy in telling you these things?

Chief Justice WARREN. No; I think that is what you believe, or you wouldn't tell it under your oath.

Mr. RUBY. But it is a very serious situation. I guess it is too late to stop it, isn't it?

All right, I want to ask you this. All you men have been chosen by the President for this committee, is that correct?

Chief Justice WARREN. Representative Ford and I are the only members of the Commission that are here.

Mr. Rankin of the Commission is employed as our chief counsel.

Mr. Rankin employed Mr. Specter and Mr. Ball as members of the staff.

You know who the other gentlemen here are.

You know that Mr. Moore is a member of the Secret Service, and he has been a liaison officer with our staff since the Commission was formed.

Representative FORD. Are there any questions that ought to be asked to help clarify the situation that you described?

Mr. RUBY. There is only one thing. If you don't take me back to Washington tonight to give me a chance to prove to the President that I am not guilty, then you will see the most tragic thing that will ever happen.

And if you don't have the power to take me back, I won't be around to be able to prove my innocence or guilt.

Now up to this moment, I have been talking with you for how long?

Chief Justice WARREN. I would say for the better part of 3 hours.

Mr. RUBY. All right, wouldn't it be ridiculous for me to speak sensibly all this time and give you this climactic talk that I have?

Maybe something can be saved, something can be done.

What have you got to answer to that, Chief Justice Warren?

Chief Justice WARREN. Well, I don't know what can be done, Mr. Ruby, because I don't know what you anticipate we will encounter.

Representative FORD. Is there anything more you can tell us if you went back to Washington?

Mr. RUBY. Yes; are you sincere in wanting to take me back?

Representative FORD. We are most interested in all the information you have.

Mr. RUBY. All I know is maybe something can be saved. Because right now, I want to tell you this, I am used as a scapegoat, and there is no greater weapon that you can use to create some falsehood about some of the Jewish faith, especially at the terrible heinous crime such as the killing of President Kennedy.

Now maybe something can be saved. It may not be too late, whatever happens, if our President, Lyndon Johnson, knew the truth from me.

But if I am eliminated, there won't be any way of knowing.

Right now, when I leave your presence now, I am the only one that can bring out the truth to our President, who believes in righteousness and justice.

But he has been told, I am certain, that I was part of a plot to assassinate the President.

I know your hands are tied; you are helpless.

Chief Justice WARREN. Mr. Ruby, I think I can say this to you, that if he has been told any such thing, there is no indication of any kind that he believes it.

Mr. RUBY. I am sorry, Chief Justice Warren, I thought I would be very effective in telling you what I have said here. But in all fairness to everyone, maybe all I want to do is beg that if they found out I was telling the truth, maybe they can succeed in what their motives are, but maybe my people won't be tortured and mutilated.

Chief Justice WARREN. Well, you may be sure that the President and his whole Commission will do anything that is necessary to see that your people are not tortured.

Mr. RUBY. No.

Chief Justice WARREN. You may be sure of that.

Mr. RUBY. No; the only way you can do it is if he knows the truth, that I am telling the truth, and why I was down in that basement Sunday morning, and maybe some sense of decency will come out and they can still fulfill their plan, as I stated before, without my people going through torture and mutilation.

Chief Justice WARREN. The President will know everything that you have said, everything that you have said.

Mr. RUBY. But I won't be around, Chief Justice. I won't be around to verify these things you are going to tell the President.

Mr. TONAHILL. Who do you think is going to eliminate you, Jack?

Mr. RUBY. I have been used for a purpose, and there will be a certain tragic occurrence happening if you don't take my testimony and somehow vindicate me so my people don't suffer because of what I have done.

Chief Justice WARREN. But we have taken your testimony. We have it here. It will be in permanent form for the President of the United States and for the Congress of the United States, and for the courts of the United States, and for the people of the entire world.

It is there. It will be recorded for all to see. That is the purpose of our coming here today. We feel that you are entitled to have your story told.

Mr. RUBY. You have lost me though. You have lost me, Chief Justice Warren.

Chief Justice WARREN. Lost you in what sense?

Mr. RUBY. I won't be around for you to come and question me again.

Chief Justice WARREN. Well, it is very hard for me to believe that. I am sure that everybody would want to protect you to the very limit.

Mr. RUBY. All I want is a lie detector test, and you refuse to give it to me.

Because as it stands now—and the truth serum, and any other—Pentothal—how do you pronounce it, whatever it is. And they will not give it to me, because I want to tell the truth.

And then I want to leave this world. But I don't want my people to be blamed for something that is untrue, that they claim has happened.

Chief Justice WARREN. Mr. Ruby, I promise you that you will be able to take such a test.

Mr. RUBY. When?

Chief Justice WARREN. You will have to let me see when we can figure that out. But I assure you, it won't be delayed, because our desire is to terminate the work of the Commission and make our report to the public just as soon as possible, so there won't be any misunderstanding caused by all of these rumors or stories that have been put out that are not consistent with the evidence in the case.

But it will not be unnecessarily delayed, and we will do it on behalf of the Commission, I promise you.

Mr. RUBY. All I want, and I beg you—when are you going to see the President?

Chief Justice WARREN. Well, I have no date with the President. I don't know just when. But as soon as I do see him, I will be glad to tell him what you have said.

Mr. RUBY. All I want is to take a polygraph to tell the truth. That is all I want to do.

Chief Justice WARREN. Yes; that, I promise you you can do.

Mr. RUBY. Because my people are going to suffer about things that will be said about me.

Chief Justice WARREN. Yes; well, I promise.

Mr. RUBY. Hold on another minute.

Chief Justice WARREN. All right.

Mr. RUBY. How do you know if the facts I stated about everything I said, statements with reference to, are the truth or not?

Chief Justice WARREN. Well, if you want a test made to test those principal questions, we will work them out so they can be tested.

As I understand it, you can't use the polygraph to say now this is the story.

Mr. RUBY. I know that.

Chief Justice WARREN. To say you have the story of Jack Ruby. You can't do that.

Mr. RUBY. I know that. You can clarify by questioning me when I conceived the idea and what my answer would naturally be that Sunday morning.

Chief Justice WARREN. Maybe I can help the situation this way. Suppose you list for us, if you can, the questions that you would like to have asked of you on the polygraph to establish the truth of your testimony.

What things do you consider vital in it, and what would you like to have verified?

Mr. RUBY. Yes; but you are telling me to do these things—these things are going to be promised, but you see they aren't going to let me do these things.

Because when you leave here, I am finished. My family is finished.

Representative FORD. Isn't it true, Mr. Chief Justice, that the same maximum protection and security Mr. Ruby has been given in the past will be continued?

Mr. RUBY. But now that I have divulged certain information because I want to be honest, all I want to take is a polygraph test and tell the truth about things and combat the lies that have been told about me.

Now maybe certain people don't want to know the truth that may come out of me. Is that plausible?

Representative FORD. In other words, the Chief Justice has agreed, and I on the Commission wholeheartedly concur, that you will be given a polygraph test as expeditiously as possible.

And I am sure you can rely on what has been stated here by the Chairman.

Mr. RUBY. How are we going to communicate and so on?

Chief Justice WARREN. We will communicate directly with you.

Mr. RUBY. You have a lost cause, Earl Warren. You don't stand a chance. They feel about you like they do about me, Chief Justice Warren.

I shouldn't hurt your feelings in telling you that.

Chief Justice WARREN. That won't hurt my feelings, because I have had some evidence of the feeling that some people have concerning me.

Mr. RUBY. But you are the only one that can save me. I think you can.

Chief Justice WARREN. Yes?

Mr. RUBY. But by delaying minutes, you lose the chance. And all I want to do is tell the truth, and that is all.

There was no conspiracy. But by you telling them what you are going to do and how you are going to do it is too late as of this moment.

Chief Justice WARREN. You take my word for it and the word of Representative Ford, that we will do this thing at the earliest possible moment, and that it will be done in time. It will be done in time.

Mr. RUBY. Well, you won't ever see me again, I tell you that. And I have lost my family.

Chief Justice WARREN. Yes?

Mr. RUBY. No, no; you don't believe me, do you?

Chief Justice WARREN. To be frank with you, I believe that you are not stating now what is the fact.

I don't say you don't believe it, but I believe that I will be able to see you again and that we will be able to take this test that you are speaking of.

Well, I think we have tired Mr. Ruby. We have had him here for close to 4 hours now, and I am sure our reporter must be equally tired, but we appreciate your patience and your willingness to testify in this manner for us.

Mr. RUBY. All I want to do is tell the truth, and the only way you can know it is by the polygraph, as that is the only way you can know it.

Chief Justice WARREN. That we will do for you.

(Whereupon, at 2:50 p.m., the President's Commission recessed.)

Monday, June 8, 1964

TESTIMONY OF HENRY WADE, PATRICK D. DEAN, AND WAGGONER CARR

The President's Commission met at 9:25 a.m., on June 8, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; Norman Redlich, assistant counsel; Dr. Alfred Goldberg, historian; Waggoner Carr, attorney general of Texas, and Charles Murray, observers.

TESTIMONY OF HENRY WADE

Senator COOPER. Will you raise your hand?

Do you solemnly swear the testimony you are about to give this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WADE. I do.

Senator COOPER. You are informed about the purposes of this investigation.

Mr. WADE. I know it, generally.

Senator COOPER. Do you desire a lawyer?

Mr. WADE. No, sir.

Senator COOPER. Thank you very much.

Mr. RANKIN. Mr. Wade, we are going to ask you generally about the time of Mr. Oswald's, Lee Harvey Oswald's, arrest, what you had to do in connection with the entire matter, and the press being there at the jail, and the scene and seeing what happened there, and the various things in regard to Mr. Dean and other witnesses in connection with the matter.

Will you state your name?

Mr. WADE. Henry Wade.

Mr. RANKIN. Where do you live?

Mr. WADE. I am district attorney, or criminal district attorney of Dallas, Tex.; my home is in Dallas.

Mr. RANKIN. Will you tell us briefly your qualifications for your position and profession?

Mr. WADE. Well, I am a graduate of the University of Texas Law School, 1938, with highest honors. I was county attorney at Rock Wall, Tex., another county for 1 year. I resigned on December 4, 1939, and became a special agent of the FBI. As a special agent of the FBI—I was there until August of 1943, these were rough months—when I resigned and became an apprentice seaman in the Navy.

Later I became a lieutenant, junior grade, served in the Pacific 2 years, about 2 years.

Then after the war I got out of the Navy on the 6th of February 1946, ran for district attorney in Dallas and was not elected at that time. I hadn't ever lived in Dallas prior to that. You see there was another county. I was assistant district attorney and then was Federal prosecutor from January 1, 1947, up until December 1949, when I resigned and ran for district attorney.

I was elected district attorney in 1950 and have been criminal district attorney of Dallas County since January 1, 1951.

Mr. RANKIN. Have you handled many of the prosecutions of that county since that time?

Mr. WADE. Well, my office or I have handled all of them since that time. I have had quite a bit of experience myself. I have a staff of 41 lawyers and, of course, I don't try all the cases but I have tried quite a few, I would say 40, 50 anyhow since I have been district attorney.

Mr. RANKIN. Do you have any particular policy about which cases you would try generally?

Mr. WADE. Well, it varies according to who my first assistant has been. It is varied. If I have a first assistant who likes to try cases, I usually let him try a lot and I do the administrative. At the present time I have a very fine administrative assistant, Jim Bowie, whom you met and I try a few more cases.

I guess I have tried four in the last year probably but two to five a year are about all the cases I try myself personally.

Mr. RANKIN. Do you have any policy about capital cases as to whether you should try them or somebody else?

Mr. WADE. I don't try all of them. I try all the cases that are very aggravated and receive probably some publicity to some extent, and I don't try all the capital cases. I think we have had quite a few death penalties but I don't imagine I have been in over half of them, probably half of them.

Mr. RANKIN. Do you remember where you were at the time you learned of the assassination of President Kennedy?

Mr. WADE. Well, they were having a party for President Kennedy at Market Hall and I was out at Market Hall waiting for the President to arrive.

Mr. RANKIN. How did you learn about the assassination?

Mr. WADE. Well, one of the reporters for one of the newspapers told me there had been a shooting or something, of course, one of those things we were getting all kinds of rumors spreading through a crowd of 3,000-5,000 people, and then they got the radio on and the first report was they had killed two Secret Service agents, that was on the radio, and then the press all came running in there and then ran out, no one knew for sure what was going on until finally they announced that President had been shot and from the rostrum there the chairman of the—

Mr. DULLES. Who was the chairman of that meeting, do you recall?

Mr. WADE. Eric Johnson. Eric Johnson.

Mr. RANKIN. Was he mayor then?

Mr. WADE. No; he wasn't mayor, he was the president of Texas Industries and I believe was president of the Dallas Chamber of Commerce. I may have been wrong on that but he has been president of the chamber of commerce. He is president of Texas Industries, and this is not particularly important but he is—that was sort of a bipartisan deal, in that he is one of the leading Republicans of Dallas and he was chairman of the meeting.

Mr. RANKIN. What did you do after you heard of the assassination?

Mr. WADE. Well, the first thing, we were set up in a bus to go from there to Austin to another party that night for President Kennedy, a group of us, 30 or 40. We got on a bus and went. I went back to the office and sent my wife home, my wife was with me.

And the first thing that I did was go check the law to see whether it was a Federal offense or mine. I thought it was a Federal offense when I first heard about it. We checked the law, and were satisfied that was no serious Federal offense, or not a capital case, anyhow.

There might be some lesser offense. I talked to the U.S. attorney.

Mr. RANKIN. Who was that?

Mr. WADE. Barefoot Sanders and he was in agreement it was going to be our case rather than his and he had been doing the same thing.

Mr. RANKIN. Where did you talk to him?

Mr. WADE. On the telephone as I recall, in his office from my office. I am not even sure I talked with him, somebody from my office talked to him, because I think you can realize things were a little confused and that took us, say, until 3:30 or 4.

I let everybody in the office go home, but some of my key personnel who stayed there. I let the girls or told them they could go home, because they did close all the offices down there. The next thing I did—do you want me to tell you?

Mr. RANKIN. Yes.

Mr. WADE. I will tell you what I can.

The next thing I did was to go by the sheriff's office who is next door to me and talked to Decker, who is the sheriff. Bill Decker, and they were interviewing witnesses who were on the streets at the time, and I asked him and he said they have got a good prospect.

This must have been 3 o'clock roughly.

Mr. RANKIN. The witnesses that were on the street near the Depository Building?

Mr. WADE. Yes, sir; and in the building, I am not sure who they were, they had two court reporters there taking statements.

Mr. RANKIN. Did they tell you anything about a suspect at that point?

Mr. WADE. The Sheriff told me, he said, "Don't say nothing about it, but they have got a good suspect," talking about the Dallas Police.

He didn't have him there. John Connally, you know, was shot also—and he was, he used to be a roommate of mine in the Navy and we were good friends, and are now—and the first thing I did then was went out to the hospital to see how he was getting along.

I must have stayed out there until about 5 o'clock, and in case you all don't know or understand one thing, it has never been my policy to make any investigations out of my office of murders or anything else for that matter. We leave that entirely to the police agency.

Mr. RANKIN. Do you have a reason for that?

Mr. WADE. That is the way it is set up down there. We have more than we can do actually in trying the cases. The only time we investigate them is after they are filed on, indicted, and then we have investigators who get them ready for trial and then lawyers.

Mr. DULLES. Have you any personnel for that?

Mr. WADE. No, sir; I have in my office 11 investigators but that is just 1 for each court, and they primarily, or at least about all they do is line up the witnesses for trial and help with jury picking and things of that kind.

Mr. RANKIN. At this point that you are describing, had you learned of any arrest?

Mr. WADE. No, sir; Mr. Decker says they have a good suspect. He said that sometime around 3 o'clock. You see, I didn't have the benefit of all that was on the air. I didn't even know Oswald had been arrested at this time. As a matter of fact, I didn't know it at 5 o'clock when I left the hospital.

When I left the hospital, I went home, watched television a while, had dinner, and a couple, some friends of ours came over there. They were going to Austin with us on the bus, and we had dinner and started out somewhere but I said we had better go by the police station.

At that time they kept announcing they had Oswald or I believe they named a name.

Mr. RANKIN. Had you learned about the Tippit murder yet?

Mr. WADE. Yes, sir; of course, it had been on the air that Tippit had been killed.

I went by the Dallas police, just to let us see what was kind of going on. Mr. RANKIN. Was that unusual for you to do that?

Mr. WADE. It was unusual because I hadn't been in the Dallas Police Department, I won't be there on the average of once a year actually, I mean on anything. I went by there and I went to Chief Curry's office.

Mr. RANKIN. How did you happen to do that this time?

Mr. WADE. Of course, this is not really, this was not an ordinary case, this was a little bit different, and I mostly wanted to know how he was coming along on the investigation is the main reason I went by.

As I went in, and this is roughly 6:30, 7 at night—I said we ate dinner at home, I believe the couple were out in the car with my wife were waiting for me to go to dinner with them.

Mr. DULLES. Did you go down to the airfield when President Johnson left?

Mr. WADE. No, sir; no, sir.

Mr. DULLES. You did not.

Mr. WADE. I didn't go anywhere but to my office, then to Parkland Hospital and then home, and then I was there a while and then I went by the police station, mostly to see how they were coming along. Papers were announcing, the radios, I mean, were announcing, television, that they had a suspect and was even telling them what some of the evidence was against him.

Mr. RANKIN. About what time was this at the police station?

Mr. WADE. I would say around 7 o'clock. This can vary 30 minutes either way.

Mr. RANKIN. Who did you see there?

Mr. WADE. Chief Curry.

Mr. RANKIN. Did you talk to him?

Mr. WADE. I talked to him.

Mr. RANKIN. What did you say to him and what did he say to you?

Mr. WADE. Well, it is hard to remember. I know the first thing he did was pull out a memorandum that you all were interested in, signed by Jack Revill, and showed it to me and I read it, and said, "What do you think about that?"

And I said—

Mr. DULLES. I wonder if you would identify this for the record?

Mr. WADE. You can get it. Let me tell you the story. I read that thing there hurriedly and I remember it mentioned that Agency Hosty had talked to Revill—

Senator COOPER. Who was that?

Mr. WADE. Hosty.

Senator COOPER. Can you identify him as to what he does?

Mr. WADE. He is a special agent of the FBI, but I don't think I would know him if he walked in here actually.

But that is his business. He showed me that, and I read it. Now, as far as identifying it, I have seen—I have a copy of it in my files.

You see, when they turned the records over to me and I read it and looked it over and to the best of my knowledge was the same memorandum he showed me, although all I did was glance at it and it said generally they knew something about him and knew he was in town or something like that.

Senator COOPER. Who said that?

Mr. WADE. This memorandum said that.

Senator COOPER. Who is reported to be quoting the memorandum?

Mr. WADE. Special Agent Hosty. Now, I have since looked at the memorandum. So far as I know it is the same memorandum, but like I say I read it there and I don't know whether it is the—I don't know whether it said word for word to be the same thing but it appears to me to my best knowledge to be the same memorandum.

Mr. RANKIN. Do you know when you first got the memorandum in your files that you are referring to?

Mr. WADE. It was a month later. You see the police gave me a record of everything on the Ruby case, I would say some time about Christmas.

Mr. RANKIN. I will hand you Commission Exhibit No. 709 and ask you if that is the memorandum you just referred to?

Mr. WADE. Yes; to the best of my knowledge that is the memorandum he showed me there at 7 p.m. on the 22d day of November 1963.

Jack Revill incidentally, you all have talked with him, but he is one of the brightest, to my mind, of the young Dallas police officers.

As a matter of fact, when we got into the Ruby trial, I asked that they assign Jack Revill to assist us in the investigation and he assisted with picking of the jury and getting the witnesses all through the Ruby trial.

Mr. RANKIN. Would your records show when you received a copy of this document, Commission Exhibit No. 709?

Mr. WADE. Well, I am sure it would. It would be the day—you can trace it back to when the newspapers said he had turned all the files over to me and it was around Christmas as I recall, and I believe actually it was after Christmas, but probably 30 days, but you see they turned over a file that thick to me, I imagine. It was of all of that, the same thing they turned over to you, everything the police had on Jack Ruby.

Mr. RANKIN. You put a receipt stamp on anything like that?

Mr. WADE. I don't think it will show a date or anything like that on it because they just hauled it in there and laid it on my desk. But this was—it is in our files, and I am rather sure it is the same time. You all got the same thing.

Mr. RANKIN. We didn't receive anything like that until the time that Chief Curry came to testify, just for your information.

Mr. WADE. Well, I didn't know that, but now on this, this is the Ruby matter—

Mr. DULLES. Could I ask one question there?

Mr. WADE. Yes, sir.

Mr. DULLES. Just to refresh my recollection of your testimony, did you see this that afternoon around 5 or 6 o'clock?

Mr. WADE. Around 7 o'clock I would say it was on Chief Curry's desk.

Mr. DULLES. Of the 22d?

Mr. WADE. Of the 22d.

Senator COOPER. I don't want to interrupt too much, but looking at this exhibit, I note it is written, you have seen this Commission, Commission Exhibit No. 709 signed by Jack Revill?

Mr. WADE. Yes; let me see it; yes.

Senator COOPER. Is your recollection, was the memorandum that was shown to you by—first, who did show you the memorandum on the 22d?

Mr. WADE. Chief Curry of the Dallas police.

Senator COOPER. Was the memorandum shown to you on the 22d by Chief Curry in this same form?

Mr. WADE. To the best of my knowledge that was it now.

Now, like I said I read this memorandum, and I read the memorandum, and asked the chief what he was going to do with it and he said, "I don't know."

And then the next morning I heard on television Chief Curry, I don't know whether I heard him or not, he made some kind of statement concerning this memorandum on television, and then later came back and said that wasn't to his personal knowledge, and I think that was—he said that what he said about it he retracted to some extent but I guess you all have got records of those television broadcasts or at least can get them.

Mr. RANKIN. Do you remember whether he said just what was in this Exhibit No. 709 or something less than that or more or what?

Mr. WADE. I don't remember. You see, things were moving fast, and it is hard, there are so many things going on. I will go on to my story.

Mr. RANKIN. Yes.

Mr. WADE. I will answer anything, of course.

Mr. RANKIN. You can tell us the rest that you said to Chief Curry and he said to you at that time, first.

Mr. WADE. I asked him how the case was coming along and as a practical matter he didn't know. You probably have run into this, but there is really a lack of communication between the chief's office and the captain of detective's office there in Dallas.

Mr. RANKIN. You found that to be true.

Mr. WADE. For every year I have been in the office down there. And I assume you have taken their depositions. I don't know what the relations—the relations are better between Curry and Fritz than between Hanson and Fritz, who was his predecessor. But Fritz runs a kind of a one-man operation there where nobody else knows what he is doing. Even me, for instance, he is reluctant to tell me, either, but I don't mean that disparagingly. I will say Captain Fritz is about as good a man at solving a crime as I ever saw, to find out who did it but he is poorest in the getting evidence that I know, and I am more interested in getting evidence, and there is where our major conflict comes in.

I talked to him a minute there and I don't believe I talked to Captain Fritz. One of my assistants was in Fritz's office. I believe I did walk down the hall and talk briefly, and they had filed, they had filed on Oswald for killing Tippit.

Mr. DULLES. Which assistant was that?

Mr. WADE. Bill Alexander. There was another one of—another man there, Jim Allen, who was my former first assistant who is practicing law there in Dallas and frankly I was a little surprised of seeing him there, he is a real capable boy but he was there in homicide with Captain Fritz. They were good friends.

And I know there is no question about his intentions and everything was good, but he was just a lawyer there, but he had tried many death penalty cases with Fritz—of Fritz's cases.

But he was there. Your FBI was there, your Secret Service were there in the homicide.

Mr. RANKIN. Who from the FBI, do you recall?

Mr. WADE. Well, I saw Vince Drain, a special agent that I knew, and Jim Bookhout, I believe, and there was Mr. Kelley and Mr. Sorrels—Inspector Kelley of the Secret Service, Sorrels, Forest Sorrels.

I might tell you that also, to give you a proper perspective on this thing, there were probably 300 people then out in that hall.

You could hardly walk down the hall. You just had to fight your way down through the hall, through the press up there.

Mr. RANKIN. Who were they?

Mr. WADE. The television and newsmen. I say 300, that was all that could get into that hall and to get into homicide it was a strain to get the door open hard enough to get into the office.

Mr. RANKIN. Did you say anything to Chief Curry about that?

Mr. WADE. No, sir; I probably mentioned it but I assume you want—whether I meant he ought to clean them out or not. I didn't tell him he should or shouldn't because I have absolutely no control over the police. They are a separate entity. They have a municipality, and they work under a city manager.

Mr. RANKIN. Did you say anything to Chief Curry about what should be told the press about investigation, how it was progressing or anything of that kind?

Mr. WADE. Yes; I think that is the brief conversation, that is the last I talked to Curry that night. I may have talked to—but that is all I recall. I left thereafter, and went on out to dinner.

Mr. RANKIN. About what time did you leave?

Mr. WADE. 7, 7:30, something like that. I got home, say, 9:30 or 10, after eating dinner, and I believe I talked to the U.S. attorney or at least I saw it come on the radio that they are going to file on Oswald as part of an international conspiracy in murdering the U.S. President, and I think I talked to Barefoot Sanders. He called me or I called him.

Mr. RANKIN. I wanted to get for the record, Mr. Wade, who would be trying to file like that.

Mr. WADE. I don't know. All I know it wasn't me. It was told to me at one time that the justice of the peace said something about it and another one, one of my assistants, Alexander had said something about it and I have talked to both of them since and both of them deny so I don't know who suggested it or anything but it was on the radio and I think on television.

I know I heard it and I am not sure where.

Mr. RANKIN. Can you tell us whether it was from your office or from a Federal office that such an idea was developing as far as you know?

Mr. WADE. Well, on that score it doesn't make any sense at all to me because there is no such crime in Texas, being part of an international conspiracy, it is just murder with malice in Texas, and if you allege anything else in an indictment you have to prove it and it is all surplusage in an indictment to allege anything, whether a man is a John Birchler or a Communist or anything, if you allege it you have to prove it.

So, when I heard it I went down to the police station and took the charge on him, just a case of simple murder.

Mr. DULLES. Is that of Tippit or of the President?

Mr. WADE. No; of the President, and the radio announced Johnston was down there, and Alexander, and of course other things, and so I saw immediately that if somebody was going to take a complaint that he is part of an international conspiracy it had to be a publicity deal rather—somebody was interested in something other than the law because there is no such charge in Texas as part of—I don't care what you belong to, you don't have to allege that in an indictment.

Mr. RANKIN. What do you mean by the radio saying that Johnson was there? Do you mean President Johnson?

Mr. WADE. No; that is the justice of the peace whose name is Johnston.

Mr. RANKIN. I see.

Mr. WADE. Yes; Justice of the Peace David L. Johnston was the justice of the peace there.

So, I went down there not knowing—also at that time I had a lengthy conversation with Captain Fritz and with Jim Alexander who was in the office, Bill Alexander, Bookhout because another reason I thought maybe they were going to want to file without the evidence, and then that put everything on me, you know.

If they didn't have the evidence and they said, "We file on him, we have got the assassin" I was afraid somebody might take the complaint and I went down to be sure they had some evidence on him.

Mr. RANKIN. Have you told us all that you said to the U.S. attorney when you talked to him at that time?

Mr. WADE. So far as I know. I know that concerned that point, you know.

Mr. RANKIN. Well, did he say anything to you about that point?

Mr. WADE. Well, I think he asked me was that—I don't think Barefoot was real conversant, I guess is the word with what the law is in a murder charge.

I told him that it had no place in it and he said he had heard it on the radio and didn't know whether it would be—thought it might because some—if it was not necessary, he did not think it ought to be done, something to that effect so I went down there to be sure they didn't.

I went over the evidence which they—when I saw the evidence, it was the evidence as told to me by Captain Fritz.

Mr. RANKIN. This conversation you have described you had when Jim Alexander was there and the others?

Mr. WADE. Yes; I first asked Jim Allen, a man whom I have a lot of confidence in, do they have a case and he said it looks like a case, you can try.

Mr. RANKIN. Is that the case about the assassination?

Mr. WADE. Yes; we are talking entirely about the assassination.

On the Tippit thing, I didn't take the charge on that and I think they had some witnesses who had identified him there at the scene, but I was more worried about the assassination of them filing on somebody that we couldn't prove was guilty.

Mr. RANKIN. Did you discuss the evidence that they did have at that time with Captain Fritz?

Mr. WADE. Yes, sir.

Mr. RANKIN. Will you tell us what evidence you recall?

Mr. WADE. I have made no notes but roughly he gave the story about him bringing the gun to work, saying it was window rods from the neighbor, someone who had brought him to work. He also said there were three employees of the company that left him on the sixth floor. He told about, the part about,

the young officer running in there right after the assassination and Oswald leaving after the manager said that he was employed there. Told about his arrest and said that there was a scuffle there, and that he tried to shoot the officer.

I don't know—I think I am giving you all this because I think a little of it may vary from the facts but all I know is what Fritz told me.

He said the Dallas police had found a palmprint on the underside of the gun of Oswald. At that time, the FBI was standing by to fly the gun to the laboratory here in Washington which incidentally, they didn't find, but I assume the Commission has interviewed Senator—not Senator—Day, the fingerprint man of the Dallas police but I have learned since that he probably can't identify the palmprint under there but at that time they told me they had one on it.

They said they had a palmprint on the wrapping paper, and on the box, I believe there by the scene. They did at least put Oswald there at the scene.

Mr. RANKIN. Will you clarify the palmprint that you are referring to on the rifle?

Was it on the underside of the rifle, was it between the rifle and the stock or where was it as you recall?

Mr. WADE. Specifically, I couldn't say because—but he said they had a palmprint or a fingerprint of Oswald on the underside of the rifle and I don't know whether it was on the trigger guard or where it was but I knew that was important, I mean, to put the gun in his possession.

I thought we had that all the time when I took the complaint on the thing.

Let me see what else they had that night. Well, they had a lot of the things they found in his possession. They had the map, you know, that marked the route of the parade. They had statements from the bus driver and the taxicab driver that hauled him somewhere.

I think they varied a little as to where they picked him up but generally they had some type of statement from them.

That is generally what they gave me now.

Mr. RANKIN. That is all you recall as of that time?

Mr. WADE. Yes, sir.

Mr. RANKIN. Did you give any report to the press then about—

Mr. WADE. No; I will tell you what happened then.

Mr. RANKIN. Yes, sir.

Mr. WADE. As we walked out of the thing they started yelling, I started home, and they started yelling they wanted to see Oswald, the press.

And Perry said that he had put him in the showup room downstairs. Of course, they were yelling all over the world they wanted a picture of Oswald. And I don't know the mob and everybody ended up in the showup room. It is three floors below there.

Mr. RANKIN. Still Friday night?

Mr. WADE. Yes, sir.

Mr. RANKIN. About what time?

Mr. WADE. I would say around midnight roughly. It would—it could be either way an hour because I went down there around 11 o'clock, 10:30 or 11, some roughly and I don't know what the time element was but I would say around midnight.

So, they started interviewing Fritz and Curry, and I started to leave and Fritz said, "Well, we will get —" either Fritz or Curry said, "We will show him up down there," he said, "This is Mr. Wade, the district attorney."

He kind of introduced me to the press. I didn't say anything at that time but down in the basement they started to put Oswald—I went down there with them. They started to put Oswald in the lineup down there.

Mr. RANKIN. Will you describe that briefly to the Commission?

Mr. WADE. Well, I don't know whether you have seen—it is a room larger than this and you have a glass here on this side. Behind that glass they have a place out here where they walk prisoners in through there and you can see through this side but you can't see through that side. I think that is the way it is set up.

Senator COOPER. You mean observers can see?

Mr. WADE. Observers can see, but the defendants or suspects can't see through or at least can't identify.

Mr. RANKIN. Do you remember who else besides Lee Harvey Oswald was in the showup?

Mr. WADE. No; I am just telling you about the showup room. Now, they had had showups on him but I wasn't there at any of those, but this was, the purpose of this, was to let the press see Oswald, if I understand it.

And the police were yelling, "Everybody wants to see him, wants a picture of him." They started in the screened-in portion and a howl went up that you can't take a picture through that screen. Then they had a conference with, among some of them, and the next thing I knew I was just sitting there upon a little, I guess, elevated, you might say a speaker's stand, although there were 300 people in the room, you couldn't even actually get out, you know.

Mr. RANKIN. Did they ask you whether they should do this?

Mr. WADE. I don't think I said yea or nay to the thing so far as I know, because it was—and I actually didn't know what they were doing until, the next thing I knew they said they were going to have to bring him in there.

Well, I think I did say, "You'd better get some officers in here or something for some protection on him."

I thought a little about, and I got a little worried at that stage.

So about 12 officers came in and they were standing around Oswald, and at this time I looked out in the audience and saw a man out there, later, who turned out to be Jack Ruby. He was there at that scene.

Mr. RANKIN. How did you happen to pick him out?

Mr. WADE. Well, I don't know. He had—I had seen the fellow somewhere before, but I didn't know his name, but he had a pad, and the reason I remember him mostly—

Mr. RANKIN. You mean a scratch pad?

Mr. WADE. He had some kind of scratch pad. The reason I mentioned him mostly, I will get into him in a minute and tell you everything about him. He was out there about 1 minute, I would say, and they took pictures and everything else and Oswald was here and the cameras were in a ring around him, and as they left—

Mr. RANKIN. Excuse me. Where was Ruby from where you told us where Oswald was?

Mr. WADE. Well, he was, I would say, about 12 feet. I am giving a rough—

Mr. RANKIN. When you saw him—

Mr. WADE. We went all through this at the trial, and it varied on where Ruby was, but when I saw him he was about four rows back in the aisle seat, standing up in the seat.

Mr. RANKIN. Were there press men around him?

Mr. WADE. All kinds of press men around him, and also press men 10 deep between him and Oswald.

Now, one of their—you mentioned the gun awhile ago—one of their defenses in the trial was if he had a gun, he had a gun there, he could have killed him if he wanted to. It is the first I heard him say that he didn't have a gun that you mentioned awhile ago. So when I got—when they got through, they started asking him questions, the press.

Senator COOPER. Wait a minute. How close were the nearest people in the audience to Oswald?

Mr. WADE. I would say they were that far from him.

Senator COOPER. How far is that?

Mr. WADE. Three feet.

Senator COOPER. You mean some of the reporters and photographers were within 3 feet of him?

Mr. WADE. They were on the ground, they were on the ground, and they were standing on top of each other, and on top of tables, and I assume in that room there were 250 people. It was just a mob scene.

Senator COOPER. I believe I have seen the room. Isn't it correct that at the end where the showup is held that is an elevated platform?

Mr. WADE. There is a platform up there where the microphone is.

Senator COOPER. Was he standing up on the platform?

Mr. WADE. No; he was not at the platform.

Senator COOPER. Was he on the floor level?

Mr. WADE. He was in the floor level in the middle. If I understand, that was the first or second time I had ever been in the room.

Senator COOPER. Were there people around him, surrounding him?

Mr. WADE. People were on the floor in front of those desks.

Senator COOPER. But I mean, were they, were people on all sides of him?

Mr. WADE. No; they were all in front of him. They were all in front of him, and you had a ring of policemen behind him, policemen on all sides of him. It was just the front where they were, and that is the way I recall it, but I knew they had a line of policemen behind him, and the place was full of policemen, because they went up and it turns out later they got all the police who were on duty that night. They were plain clothes police, most of them, maybe they had a uniform or two, a few of them.

So they started—

Senator COOPER. Excuse me one moment.

Mr. WADE. Yes, sir.

Senator COOPER. Can I make a statement? I will have to go to my office for a few minutes. I hope to return in about 20 minutes, and I will ask Mr. Dulles to preside in my place, and I will return.

Mr. WADE. Thank you, sir.

(At this point, Senator Cooper withdrew from the hearing room.)

Mr. DULLES. Proceed.

Mr. RANKIN. Will you proceed?

Mr. WADE. Yes, sir; so they said, "Have you filed on him?" At that stage, started yelling has he been filed on, and I said yes, and filed on for murder with malice, and they asked Judge Johnston, is there—they asked him something.

Then they started asking me questions everywhere, from all angles.

Mr. RANKIN. Under your practice, what do you mean by file on him? Is that something different than an arraignment?

Mr. WADE. Well, of course, it is according to the terminology and what you mean by arraignment. In Texas the only arraignment is when you get ready to try him. Like we arraigned Ruby just before we started putting on evidence. That is the only arraignment we have, actually.

Mr. RANKIN. I see. You don't bring him before a magistrate?

Mr. WADE. Well, that is called—you can have an examining trial before the magistrate to see whether it is aailable matter. At that time, I don't believe he had been brought before the magistrate, because I told David Johnston as we left there, I said, "You ought to go up before the jail and have him brought before you and advise him of his rights and his right to counsel and this and that," which, so far as I know, he did.

But at that meeting you had two attorneys from American Civil Liberties Union.

Mr. RANKIN. Which meeting?

Mr. WADE. That Friday night meeting, or Friday night showup we had better call it, midnight on Friday night. I believe it was Greer Ragio and Professor Webster from SMU. I saw them there in the hall, and Chief Curry told me that they had been given an opportunity or had talked with Oswald. I am not sure. I was under the impression that they had talked with them but, of course, I didn't see them talking with him.

Mr. RANKIN. Did you talk to them about it?

Mr. WADE. Yes; I told them that he is entitled to counsel, that is what they are interested in on the counsel situation, and anybody, either them or anybody else could see him that wanted to.

Mr. RANKIN. What did they say then?

Mr. WADE. Mr. Rankin, I will tell you what, there was so much going on I don't remember exactly. The only thing was I got the impression they had already talked with them somewhere, but I don't know whether they told me or the chief told me or what. Like I say, it was a mob scene there, practically, and they were standing in the door when I—they were in the meeting there.

Let me get a little further and go back to—I don't know whether I answered your question and if I don't it is because I can't, because I don't know—I will tell you what happened the next day.

Mr. RANKIN. Let's finish with the showup now.

Mr. WADE. Yes. They asked a bunch of questions there. I think if you get a record of my interview that you will find that any of the evidence—

Mr. DULLES. Which interview is that?

Mr. WADE. With the press, midnight, radio, television, and everything else. I think if you will get a copy of that you will find they asked me lots of questions about fingerprints and evidence. I refused to answer them because I said it was evidence in the case. The only thing that I told them that you might get the impression was evidence but is really not evidence, I told them that the man's wife said the man had a gun or something to that effect. The reason, maybe good or bad, but that isn't admissible in Texas. You see a wife can't testify. It is not evidence, but it is evidence but it is inadmissible evidence actually is what it was. So I think if you find anything in that interview that deals with the evidence you are going to feel that it dealt only with that piece of testimony of Marina Oswald, which someone had told me she said about the gun was missing from the house, which I think later was corroborated.

Mr. RANKIN. At that time, had you filed on the assassination?

Mr. WADE. Yes, sir; we had filed upstairs prior to this. He had been filed on for murder with malice.

Mr. RANKIN. But he hadn't been brought before the justice of the peace or magistrate yet on that complaint, had he?

Mr. WADE. The justice of the peace was there in the office and took it in the homicide. Oswald was in homicide, also, but he is in a separate office.

Like I told you, I never did see Oswald except in that lineup downstairs. That was the first time I had seen him.

Mr. RANKIN. Was that when you told the justice of the peace that he ought to have him before him to tell him his rights and so forth?

Mr. WADE. Yes; it was some time during that hour, this went on for about an hour down there, everything.

Well, during that interview somebody said, and the thing—Oswald belonged to, was he a Communist, something generally to that effect.

Mr. RANKIN. They asked you that?

Mr. WADE. I was asked that. And I said, well, now, I don't know about that but they found some literature, I understand, some literature dealing with Free Cuba Movement. Following this—and so I looked up and Jack Ruby is in the audience and he said, no, it is the Fair Play for Cuba Committee. Well, he corrected me, you see, to show you why I got attracted to his attention, why someone in the audience would speak up and answer a question.

Mr. DULLES. You hadn't known him before?

Mr. WADE. I had never known him, to my knowledge. He is a man about town, and I had seen him before, because when I saw him in there, and I actually thought he was a part of the press corps at the time.

Mr. RANKIN. Were any of your assistants or people working for you there at that showup?

Mr. WADE. I don't believe there were any of them there now. If there is any of them, it is Alexander, because he is the only one down there, but I think he is still up in homicide.

I will go further on that, some of my assistants know him, but he was in my office 2 days before this with a hot check or something where he was trying to collect a hot check or pay someone. I think he was trying to pay someone else's hot check off, I don't know what it was, I didn't see him. He talked to my check section. I found this out later.

Mr. RANKIN. By "he" you mean—

Mr. WADE. Ruby, Jack Ruby.

Mr. RANKIN. Yes.

Mr. WADE. He was in another office of mine, since this all came out, he was in there with a bunch of the police, we were trying a case on pornography, some of my assistants were, and my assistant came in his office during the noon hour after coming from the court, this was 2 or 3 days before the assassination and Ruby was sitting there in his office with five or six Dallas police officers. In fact, he was sitting in my assistant's desk and he started to sit down and asked who he was and the officer said, "Well, that is Jacky Ruby who runs the Carousel Club," so he had been down there.

I don't know him personally—I mean I didn't know who he was. It was one of these things I had seen the man, I imagine, but I had no idea who he was, and I will even go further, after it was over, this didn't come out in the trial, as they left down there, Ruby ran up to me and he said, "Hi Henry" he yelled real loud. he yelled, "Hi, Henry," and put his hand to shake hands with me and I shook hands with him. And he said, "Don't you know me?" And I am trying to figure out whether I did or not. And he said, "I am Jack Ruby, I run the Vegas Club." And I said, "What are you doing in here?" It was in the basement of the city hall. He said, "I know all these fellows." Just shook his hand and said, "I know all these fellows." I still didn't know whether he was talking about the press or police all the time, but he shook his hands kind of like that and left me and I was trying to get out of the place which was rather crowded, and if you are familiar with that basement, and I was trying to get out of that hall. And here I heard someone call "Henry Wade wanted on the phone," this was about 1 o'clock in the morning or about 1 o'clock in the morning, and I gradually get around to the phone there, one of the police phones, and as I get there it is Jack Ruby, and station KLIF in Dallas on the phone. You see, he had gone there, this came out in the trial, that he had gone over there and called KLIF and said Henry Wade is down there, I will get you an interview with him.

Mr. RANKIN. Who is this?

Mr. WADE. KLIF is the name of the radio station.

You see, I didn't know a thing, and I just picked up the phone and they said this is so and so at KLIF and started asking questions.

But that came out in the trial.

But to show that he was trying to be kind of the type of person who was wanting to think he was important, you know.

Mr. RANKIN. Did you give him an interview over the telephone to KLIF?

Mr. WADE. Ruby?

Mr. RANKIN. No.

Mr. WADE. I answered about two questions and hung up, but they had a man down there who later interviewed me before I got out of the building. But they just asked me had he been filed and one or two things.

Mr. DULLES. It was a KLIF reporter that you gave this to, not Ruby?

Mr. WADE. Not Ruby. Ruby was not on the phone, he had just gone out and called him and handed the phone to me. I thought I got a call from somebody, and picked it up and it was KLIF on the phone.

Mr. RANKIN. On the pornography charge, was Ruby involved in that?

Mr. WADE. No, sir; I don't know why he was down there, actually. But there were six or seven police officers, special services of the Dallas police were officers in the thing and I don't know whether he was just interested in it or what he was down there for but he was down there, and I didn't know him. He has tried to leave the impression that he had known me a long time but it is one of those things, I have been in politics and sometimes there are a lot of faces I know that I don't know actually who they are, but I didn't know who he was and he actually introduced himself to me that night.

Well, that is about all I can recall of that night.

I went home then.

Mr. RANKIN. You have told us all you remember about the showup?

Mr. WADE. I told you all, and, of course, all I know about it as far as my interview with the press. You can get more accurate, actually, by getting a transcript of it because I don't remember what all was asked, but I do remember the incident with Ruby and I know I told them that there would be no evidence given out in the case.

At that time, most of it had already been given out, however, by someone. I think by the police.

Now, the next morning, I don't know of anything else until the next morning. I went to the office about 9 o'clock.

Mr. DULLES. Could I ask a question?

Mr. WADE. Yes, sir.

(Discussion off the record.)

Mr. RANKIN. Do you have any particular transcript that you are speaking about?

Mr. WADE. No; I don't have anything. The thing about it is this was taken, this was on television and radio and all the networks. They had everything there set up and that is the only—that is the first of, I think, three times I was interviewed, but it was Friday night around between 12 and 1 o'clock. It was actually Saturday morning between 12 and 1.

Mr. RANKIN. So there were a number of networks, possibly, and a number of the radio stations and television stations from the whole area?

Mr. WADE. The whole area and it actually wasn't set up for an interview with me. It was an interview, what I thought, with Fritz and Curry, and I thought I would stay for it, but when they got into the interviewing, I don't know what happened to them but they weren't there. They had left, or I was the one who was answering the questions about things I didn't know much about, to tell you the truth.

Has that got it cleared? Can I go to the next morning?

I will try to go a little and not forget anything.

The next morning I went to my office, probably, say, 9 o'clock Saturday morning. Waiting there for me was Robert Oswald, who was the brother of Lee Harvey Oswald. You probably have met him, but I believe his name is Robert is his brother.

I talked to him about an hour.

Mr. RANKIN. What did you say to him and what did he say to you?

Mr. WADE. Well, we discussed the history of Lee Harvey Oswald and the— one of the purposes he came to me, he wanted his mother, Oswald's mother, and wife and him to see Oswald.

Mr. RANKIN. Did he say this to you?

Mr. WADE. Yes; but we had already set it up, somebody, I don't know whether my office or the police, but he was set up to see him that morning at 11 o'clock, I believe, or 12 o'clock, some time.

Mr. RANKIN. Did you do anything about it?

Mr. WADE. Yes, sir; I checked to see if it was arranged. I called Captain Fritz and told him that he wanted to see him, and he said they were going to let him see him. I don't know. I don't know the name, but it was either 11 o'clock or 12 o'clock Saturday morning.

I don't know whether he had requested or not, but that was the first time I had seen him. I don't know why he came to my office, but I used it to try to go into Lee Harvey Oswald's background some, and I also told him that there is a lot involved in this thing from a national point of view, and I said, "You appear to be a good citizen," which he did appear to me, "and I think you will render your country a great service if you will go up and tell Oswald to tell us all about the thing." That was part of the deal of my working for a statement from Oswald which didn't pan out, of course. Because I was going to interview Oswald Sunday afternoon when we got him into the county jail and I was going to attempt to get a statement from him.

Mr. RANKIN. Did Robert tell you anything about Lee Harvey Oswald's background at that time?

Mr. WADE. He told me about in Europe, how in Russia, how they had had very little correspondence with them and he wrote to them renouncing or telling them he wanted to renounce his American citizenship and didn't want to have anything else to do with him. He said later that one of the letters changed some, I mean back, and then he said he was coming home, coming back and he had married and kind of his general history of the thing and he came back and I believe stayed with this Robert in Fort Worth for 2, 3, or 4 months. Now I say this is from memory, like I don't have—and they had helped him some, and said that Marina, the thing that impressed her was most your supermarkets, I think, more than anything else in this country, your A. & P. and the big, I guess you call them, supermarkets or whatever they are.

And he told me something about him going to New Orleans, but I gathered that they were not too close. I believe he told me this, that he hadn't seen him in close to a year prior to this, or a good while.

Now, it seemed to me like it was a year, and he said their families, they didn't have anything in common much, and he said, of course—I said "Do you think"—

I said, "the evidence is pretty strong against your brother, what do you think about it?" He said, "Well, he is my brother and I hate to think he would do this." He said, "I want to talk to him and ask him about it."

Now, I never did see him. Roughly, that is about all I remember from that conversation. We rambled around for quite a bit.

I know I was impressed because he got out and walked out the front of my office and in front of my office there were 15 or 20 press men wanting to ask him something, and he wouldn't say a word to them, he just walked off.

I told him they would be out there, and he said, "I won't have anything to say."

Mr. DULLES. Was this the morning after the assassination?

Mr. WADE. Yes, sir; Saturday morning.

Mr. DULLES. About what time?

Mr. WADE. I would say between 9 and 10 is when I talked with him.

And so the main purpose in the office, we believed, the main purpose of me and the lawyers in the office were briefing the law on whether to try Oswald for the murder of the President, whether you could prove the flight and the killing of Officer Tippit, which we became satisfied that we could, I mean from an evidentiary point of view.

Mr. RANKIN. By "we" who do you mean, in your office?

Mr. WADE. Well, I think I had seven or eight in there, Bowie, and Alexander, and Dan Ellis, Jim Williamson, but there was a legal point.

My office was open, but that, with reference to this case, there were other things going on, but in reference to this case, this is what we spent our time trying to establish whether that would be admissible or not.

Mr. RANKIN. Did you consult with any Federal officers in regard to how you should handle the case or what you should say about it at any time?

Mr. WADE. No; I didn't discuss, consult with any of them. I did talk to some of the FBI boys and I believe there was an inspector.

Mr. RANKIN. Secret Service?

Mr. WADE. No.

Mr. RANKIN. FBI?

Mr. WADE. There was an inspector of the FBI who called me two or three times. I don't remember.

Mr. RANKIN. Did they tell you how to handle the case in any way?

Mr. WADE. I don't think so. I mean it wasn't really up to them.

Mr. RANKIN. The only time you ever talked to Barefoot Sanders about it was in regard to this conspiracy, possibility of, that you have already described?

Mr. WADE. Frankly, that is hard to say. I think we talked off and on every day or two about developments in it, because, you see, well, I don't know whether we talked any more but before the killing by Ruby, but we had nearly a daily conversation about the files in the Oswald case, what we were going to do with them. You see, they were going to give them all to me, and at that stage we didn't know whether it was going to be a President's Commission or a congressional investigation or what. After the President's Commission was set up, I arranged through him and Miller here in the Justice Department that rather than give the files to me, to get the police to turn them over to the FBI and send them to you all, or photostat them and send them to you all.

Barefoot and I talked frequently, but I don't know of anything significant of the Oswald angle that we discussed, and we spent the last 2 months trying to get some of the FBI files to read on the Ruby trial. I mean we talked a lot but I don't know anything further about Oswald into it or anything on Ruby of any particular significance.

Mr. RANKIN. Was Barefoot Sanders suggesting how you should handle the Oswald case except the time you already related?

Mr. WADE. I don't recall him doing, suggesting that.

Mr. RANKIN. Any other Federal officers suggesting anything like that to you?

Mr. WADE. The only thing I remember is the inspector of the FBI whom I don't think I ever met. I was there in the police one time during this shuffle, and I think it was some time Saturday morning, and he said they should have nothing, no publicity on the thing, no statements.

Now, I don't know whether that was after Ruby shot Oswald or before,

I don't know when it was, but I did talk with him and I know his concern which was that there was too much publicity.

Mr. RANKIN. And he told you that, did he?

Mr. WADE. At some stage in it. I am thinking it was Sunday night which I know I talked with him Sunday night, but we are not that far along with it yet. But I don't know whether I talked to him previously or not.

Mr. RANKIN. That is the only conversation of that type that you recall with any Federal officer?

Mr. WADE. That is all I recall. I am sure Barefoot and I discussed the publicity angle on it some, but I don't remember Barefoot suggesting how we handle it, but neither one of us knew whether it was his offense or mine, to begin with, for 2 or 3 hours because we had to select it.

Mr. RANKIN. Do you know what Barefoot said about publicity when you did discuss it with him?

Mr. WADE. I don't recall anything.

Mr. RANKIN. All right.

What happened next, as you recall?

Mr. WADE. I was going home. I went by the police station to talk to Chief Curry.

Mr. RANKIN. Did you discuss the evidence then?

Mr. WADE. Well, at that time—you see, Chief Curry knew very little of the evidence at that stage. He should have known, but he didn't. But I discussed the thing with him and I told him there was too much evidence being put out in the case from his department, that I wish he would talk to Fritz and have no further statements on it.

Mr. RANKIN. What did he say about that?

Mr. WADE. He said, "That is fine. I think that is so."

Mr. RANKIN. Now, going back just a moment, you spoke out about a map earlier that you had been told they had as evidence, do you recall, of the parade route. Did you look at the map at the time?

Mr. WADE. I don't think I ever saw the map.

Mr. RANKIN. You don't know what it contained in regard to the parade route?

Mr. WADE. I was told by Fritz that it had the parade route and it had an X where the assassination took place and it had an X out on Stemmons Freeway and an X at Inwood Road and Lemon, is all I know, a circle or some mark there.

Mr. RANKIN. But you have never seen the map?

Mr. WADE. So far as I know, I have never seen the map. I don't know even where it was found, but I think it was found in his home, probably. But that is my recollection. But I don't even know that. I told Chief Curry this.

Then I walked out, and Tom Pettit of NBC said, "We are all confused on the law, where we are really on this thing."

Mr. RANKIN. What did you say?

Mr. WADE. At that time I said, "Well, I will explain the procedure, Texas procedure in a criminal case," and I had about a 10-minute interview there as I was leaving the chief's office, dealing entirely with the procedure, I mean your examining trial and grand jury and jury trial, I mean as to what takes place. You see, they had all kinds of statements and other countries represented and they were all curious to ask legal questions, when bond would be set and when it would be done.

Mr. RANKIN. Did you discuss the evidence at that time?

Mr. WADE. No, sir; I refused. You will find that I refused to answer questions. They all asked questions on it, but I would tell them that is evidence and that deals with evidence in the matter.

Mr. RANKIN. Did you tell them why you wouldn't answer those questions?

Mr. WADE. I told them we had to try the case, here, and we would have to try the case and we wouldn't be able to get a jury if they knew all the evidence in the case.

You will find that in those interviews most, I think. I haven't seen them. As a matter of fact, didn't see them myself even. But I went home that day, and—

Mr. DULLES. That day is Saturday?

Mr. WADE. Saturday; yes, sir.

Mr. RANKIN. About what time? Do you recall?

Mr. WADE. I guess I got home 2:30 probably. I must have eaten on the way home or somewhere.

Mr. RANKIN. In the afternoon?

Mr. WADE. Yes, sir; and I know I was amazed as I walked through the television room there and saw Chief Curry with that gun. You see, at that time they had not identified the gun as his gun, but he was telling about the FBI report on it.

Mr. RANKIN. Will you just describe what you saw there at that time?

Mr. WADE. Well, I know he was in a crowd, and it seems to me like he had the gun, but on second thought I am not even sure whether he had the gun, but he was tracing the history of how that the gun was bought under the name, under an assumed name from a mail-order house in Chicago and mailed there to Dallas, and that the serial number and everything that had been identified, that the FBI had done that, something else.

I believe they said they had a post office box here, a blind post office box that the recipients of that had identified as Oswald as the guy or something that received it.

In other words, he went directly over the evidence connecting him with the gun.

Mr. RANKIN. You say there was a crowd there. Who was the crowd around him?

Mr. WADE. Newsmen. You see, I was at home. I was watching it on television.

Mr. RANKIN. I see. Did you do anything about that, then? Did you call him and ask him to quit that?

Mr. WADE. No; I felt like nearly it was a hopeless case. I know now why it happened. That was the first piece of evidence he got his hands on before Fritz did.

Mr. RANKIN. Will you explain what you mean by that?

Mr. WADE. Well, this went to the FBI and came to him rather than to Captain Fritz, and I feel in my own mind that this was something new, that he really had been receiving none of the original evidence, that it was coming through Fritz to him and so this went from him to Fritz, you know, and I think that is the reason he did it.

So I stayed home that afternoon. I was trying to think, it seems like I went back by the police station some time that night, late at night.

Mr. RANKIN. This way of giving evidence to the press and all of the news media, is that standard practice in your area?

Mr. WADE. Yes; it is, unfortunately. I don't think it is good. We have just, even since this happened we have had a similar incident with the police giving all the evidence out or giving out an oral confession of a defendant that is not admissible in court. You know, oral admissions are not generally admissible in Texas. And they gave all the evidence out in it.

Mr. RANKIN. Have you done anything about it, tried to stop it in any way?

Mr. WADE. Well, in this actually, in the same story they quoted me as saying, I mean the news quoted me as saying they shouldn't give the information out, that is the evidence, we have got to try the case, we will get a jury, it is improper to do this, or something to that effect. So far as taking it up with—I have mentioned many times that they shouldn't give out evidence, in talking to the police officers, I mean in there in training things, but it is something I have no control over whatever. It is a separate entity, the city of Dallas is, and I do a little fussing with the police, but by the same token it is not a situation where—I think it is one of your major problems that are going to have to be looked into not only here but it is a sidelight, I think, to your investigation to some extent, but I think you prejudice us, the state, more than you do the defense by giving out our testimony.

You may think that giving out will help you to convict him. I think it works the other way, your jurors that read, the good type of jurors, get an opinion one way or another from what they read, and you end up with poor jurors. If they haven't read or heard anything of the case—well, not generally the same type of juror.

The only thing I make a practice of saying is that I reviewed the evidence in

this case in which the State will ask the death penalty, which may be going too far, but I tell them we plan to ask the death penalty or plan to ask life or plan to ask maximum jail sentence or something of that kind.

Mr. RANKIN. Did you say that at any time about the Oswald case?

Mr. WADE. Oh, yes, sir; I have said that about both Oswald and Ruby.

Mr. RANKIN. When did you say it about the Oswald case?

Mr. WADE. I guess it was Friday night probably. I was asked what penalty we would ask for.

Mr. RANKIN. When the police made these releases about the evidence, did they ever ask you whether they should make them?

Mr. WADE. No, sir; like I told you, I talked Saturday morning around between 11 and 12, some time, I told him there was entirely too much publicity on this thing, that with the pressure going to be on us to try it and there may not be a place in the United States you can try it with all the publicity you are getting. Chief Curry said he agreed with me, but, like I said about 2 hours later, I saw him releasing this testimony.

Mr. RANKIN. Did you consult any State officials about how you should handle either the Oswald or the Ruby case?

Mr. WADE. I don't know. It seems like I talked to Waggoner Carr that night, but I don't remember.

Didn't we talk some time about it?

I don't know whether it was consulting about how to try it or anything. But I know I talked to Waggoner's office some time within 2 or 3 days, but I don't know whether it was before the Ruby assault or not. But he doesn't actually—

Mr. RANKIN. Does the Texas attorney general have any jurisdiction to tell you how to try such cases?

Mr. WADE. No, sir; I think Waggoner will agree with that. They don't have any jurisdiction to try criminal cases other than antitrust, but I assume we would ask for their assistance if we wanted it. We don't generally, and I don't, the law doesn't contemplate that.

Mr. RANKIN. Mr. Carr didn't try to tell you in any way how to handle either case?

Mr. WADE. Not that I know of.

Mr. CARR. Off the record.

(Discussion off the record.)

Mr. DULLES. May we proceed.

Mr. RANKIN. Mr. Wade, will you give us the substance of what Mr. Carr said to you and what you said to him at that time?

Mr. WADE. All I remember—I don't actually remember or know what night it was I talked to him but I assume it was that night because he did mention that the rumor was out that we were getting ready to file a charge of Oswald being part of an international conspiracy, and I told him that that was not going to be done.

It was late at night and I believe that is—

Mr. DULLES. It must have been Saturday night, wasn't it?

Mr. WADE. No; that was Friday night.

Mr. DULLES. Friday night.

Mr. WADE. And I told him, and then I got a call, since this happened, I talked to Jim Bowie, my first assistant who had talked to, somebody had called him, my phone had been busy and Barefoot Sanders, I talked to him, and he—they all told that they were concerned about their having received calls from Washington and somewhere else, and I told them that there wasn't any such crime in Texas, I didn't know where it came from, and that is what prompted me to go down and take the complaint, otherwise I never would have gone down to the police station.

Mr. RANKIN. Did you say anything about whether you had evidence to support such a complaint of a conspiracy?

Mr. WADE. Mr. Rankin, I don't know what evidence we have, we had at that time and actually don't know yet what all the evidence was.

I never did see, I was told they had a lot of Fair Play for Cuba propaganda or correspondence on Oswald, and letters from the Communist Party, and it was probably exaggerated to me.

I was told this. I have never seen any of that personally. Never saw any of it that night. But whether he was a Communist or whether he wasn't, had nothing to do with solving the problem at hand, the filing of the charge.

I also was very, I wasn't sure I was going to take a complaint, and a justice of the peace will take a complaint lots of times because he doesn't have to try it. I knew I would have to try this case and that prompted me to go down and see what kind of evidence they had.

Mr. RANKIN. Will you tell us what you mean by taking a complaint under your law.

Mr. WADE. Well, a complaint is a blank form that you fill out in the name, by the authority of the State of Texas, and so forth, which I don't have here, but it charged, it charges a certain person with committing a crime, and it is filed in the justice court.

The law permits the district attorney or any of his assistants to swear the witness to the charge. The only place we sign it is over on the left, I believe sworn to and subscribed to before me, this is the blank day of blank, Henry Wade, district attorney.

Over on the right the complainant signs the complaint. We mean when we say take or accept a complaint is when we swear the witness and we draw it up ourselves and word it and take it.

Mr. RANKIN. Is that what you did in the Oswald-Ruby case?

Mr. WADE. Yes, sir; we did that. Now, as a practical matter that is not really filing the complaints. The complaint is not really legally filed until a justice of the peace takes it and records it on his docket.

Now, it goes to the justice of the peace court to clear the whole thing up and his purpose, he has—the law says you shall take him immediately before a magistrate, which is the justice of the peace.

The courts have held that it is not necessary in Texas, but there is a statute that says that, and then he—his purpose is to hold an examining trial to see whether it is a bailable case or not.

Then he sends it to the grand jury and the grand jury hears it and returns an indictment or a no bill and then it is in a certain court set with a docket number and then it is ours to try.

Does that answer some of the questions?

(At this point, Senator Cooper returned to the hearing room.)

Mr. RANKIN. Which route did you follow in regard to the Oswald case?

Mr. WADE. The same route. I accepted the complaint on him in the homicide department, and gave it to David Johnston, the justice of the peace who was there incidentally, or there in the homicide department.

But I didn't actually type it up. I don't know who actually typed it up, somebody typed it up, but we file about a 100 a year, murders "did with malice aforethought."

It was a straight murder indictment, murder with malice charge, and that was the procedure we followed in the Oswald case.

Mr. RANKIN. Why did you not include in that complaint a charge of an international conspiracy?

Mr. WADE. Well, it is just like I said, it is surplusage to begin with. You don't need it. If you allege it you have to prove it. The U.S. attorney and the attorney general had called me and said that if it wasn't absolutely necessary they thought it shouldn't be done, and—

Mr. RANKIN. By the "attorney general" who do you mean?

Mr. WADE. Mr. Carr. And actually it is never done. I mean, you see that got clear, apparently you had the press writing that up, radio or whoever was saying that was—had no idea about what murder was.

Now, to write in there, assume he was, assume we could prove he was a Communist, which I wasn't able to prove because all I heard was he had some literature there on him and had been in Russia, but assume I knew he was a Communist, can I prove it, I still wouldn't have alleged it because it is subject actually to be removed from the indictment because it is surplusage, you know, and all a murder indictment, the only thing that a murder indictment varies on is the method of what they used, did kill John Doe by shooting him with a gun or by stabbing him or by drowning him in water or how, the manner

and means is the only thing that varies in a murder indictment, all other wordage is the same. Does that clear that up?

(Discussion off the record.)

Senator COOPER. As I understand it, under Texas law there is no crime which is denominated under the term "international conspiracy."

Mr. WADE. No, sir.

Senator COOPER. I assume that conspiracy is a crime in Texas, isn't it, conspiracy to commit a crime?

Mr. WADE. Conspiracy is a crime. It is a joining together of a group, your conspiracy where they enter into an agreement to commit a crime, and that is usually the one is indicted as a conspirator, the one who doesn't participate in the crime.

Senator COOPER. My point is, though, that conspiracy is a crime under Texas law?

Mr. WADE. Yes, sir; conspiracy to commit murder is a crime.

Senator COOPER. Yes.

Let me ask this question.

Mr. WADE. Yes, sir.

Senator COOPER. As I understand it then, one of the reasons that no warrant of indictment was rendered upon, touching upon an international conspiracy is that there is just no such crime in Texas as an international conspiracy?

Mr. WADE. There was no such crime. If it was any such crime it would be a Federal rather than a State offense. If there is such crime as being a part of an international conspiracy it would deal with treason rather than murder, I would think.

But there is no such thing as being a part of any organization that makes that it is a crime to commit murder. This was a straight murder charge.

If we would have had four or five co-conspirators who conspired with him, planned the thing and could prove it we would have. That would have been a conspiracy to, conspiracy to commit murder.

Senator COOPER. But conspiracy is not essential to the crime, to describe the person accused as belonging to any organization?

Mr. WADE. No, sir; it is not necessary and it is entirely what they call surplusage.

Senator COOPER. Now the last question, was there any evidence brought to you or any evidence of which you had knowledge upon which you could base an indictment or a warrant for conspiracy to commit murder in this case?

Mr. WADE. No, sir; you mean parties other than Oswald?

Senator COOPER. Yes.

Mr. WADE. No. I might say on that score, to clear that up, I haven't seen any evidence along that line. I haven't even seen any of the correspondence that they had, allegedly had with the Communist Party here in New York or the Fair Play for Cuba, I haven't seen his little black book where he is supposed to have had the Russian Embassy's telephone numbers in it which I am sure you all have gone into it.

I never did see the book, none of that.

Of course, I have been told by a lot of people and undoubtedly a lot of it was exaggerated that he was a Communist, and you have had people say he was a Communist who might say I was a Communist, you know, if they didn't agree with me on something, so I have absolutely no evidence that he was a Communist of my own knowledge, I have heard a lot, of course.

Mr. DULLES. What you are saying in this last answer relates to the present time, not only the way your knowledge has—

Mr. WADE. At that time and up to the present.

Mr. DULLES. Rather than the day of assassination.

Mr. WADE. I have no evidence myself now that he was a Communist, or ever was a Communist, and I never did see what evidence that they had on him there gathered on him. I never saw any of the physical evidence in the Oswald case other than one or two statements, and I think I saw the gun while they were taking it out of there bringing it to Washington, because I told them at that stage, they didn't want to take it out, didn't want to let the FBI have it and I

told them I thought they ought to let them bring it on up here that night and get it back the next night.

There was arguing over that. I am getting off, rambling around, but their argument over that was they were still trying to identify the gun through a pawn broker or something like that and the police wanted to keep it but I said, "Let it go up there and they said they would have it back the next afternoon."

Mr. RANKIN. Have you ever had any evidence that Oswald was involved with anyone else in actually shooting the President?

Mr. WADE. Well, I will answer that the same way, I have absolutely no evidence myself.

Now, of course, I might have some type of opinion or some connection with reference to the Fair Play for Cuba and these letters that they told me about. If that was so there may have been some connection or may not, but I have no evidence myself on it.

Mr. RANKIN. Do you have any evidence as to whether Jack Ruby was involved with anyone else in the killing of Oswald?

Mr. WADE. No, sir; I have no evidence on that. We have some and I think you have them all, some 8 or 10 witnesses who have said they had seen Ruby and Oswald together at various times.

Some of them were, I know one of them during the trial was a lawyer there in Dallas, which I presume you all got his four-page statement, said he heard them discussing killing Connally a week before then, came out to my house and that had been sent to the FBI, and that was during the trial, and I gave him a lie detector which showed that he didn't have, this was a fanciful thing.

That, I can't think of his name, some of you all may know it, but he is a lawyer there in Dallas.

Mr. RANKIN. You found that was not anything you could rely on.

Mr. WADE. I didn't use him as a witness and after giving him the polygraph I was satisfied that he was imagining it. I think he was sincere, I don't think he was trying—I don't think he was trying to be a hero or anything. I think he really thought about it so much I think he thought that it happened, but the polygraph indicated otherwise.

Mr. DULLES. Did you have any other evidence than the polygraph on this point that he was not telling the truth or that this was a fiction?

Mr. WADE. No, but I didn't—but I did see a report where the FBI interviewed the girl that was allegedly with him in Ruby's place in October, and she didn't corroborate all of it. I think she did say he was in there but I am not even sure of that. I didn't interview her but I just read a report on it.

I read where they checked with the Department of Public Safety and they did not, were not able to—he said he reported all this to the Department of Public Safety, and I don't think they found any record of him reporting it. It is very difficult to get him to come in to see me. He didn't just walk in, this went on for a month, I kept hearing that there was a certain person knew about it and I kept telling him to come on and talk to me and he finally came out to my house late one night.

The reason I think he actually must have thought it was so, but—I wasn't too interested in that theory of the case on this thing because I had a theory on this Ruby case from the start because I, even before you are going to get into some of these officers' testimony in a minute, but when this happened I was going home from church, and my own mind I said I believe that was Jack Ruby who shot him because from that Friday night, and from my theory has been from that Friday night, when he saw him there he made up his mind to kill him if he got a chance and I have had that—I didn't even know about Dean's testimony which you are going to hear today, I didn't know about his testimony until the day before I put him on the stand because I had not been preparing the evidence, I had been picking a jury for 2 weeks but that was my theory from the start.

We had a waitress that I think you are all familiar with that was out at B&B Cafe at 3 a.m. on the 22d who said she served Ruby and Oswald there.

B&B Cafe on Oak Lane, I know you have got that, I have seen it somewhere.

I don't think she was ever given a polygraph test. You have about four homosexuals, I think that is probably the word, that have said they have seen them

together places. There was some indication that Ruby was either bisexual or homosexual, but at least, I think they testified to that in the trial, I think by mistake.

Belli asked the man, meant to ask him another word and says, he meant to say homicidal tendencies and he said homosexual tendencies and his one witness said yes, sir.

That is in the record which you will get of the trial, I guess.

Mr. RANKIN. I understood you to say when you came home from church, after the killing of Oswald that you thought it was Ruby before you had heard that it was Ruby.

Mr. WADE. You see, they announced Dallas businessman kills him.

Mr. RANKIN. Yes.

Mr. WADE. I took my family, I was in church with the family. I took them on home and on the way down there they kept—they didn't say who it was but this ran through my mind, a businessman.

I said that must be Jack Ruby the way he looked. He looked kind of wild to me down there Friday night the way he was running everywhere, you know, and I said to myself that must be him. I didn't tell my wife. You can't prove that. It is one of those things, that was my theory that he was likely the one. I couldn't, you know, out of a million people I couldn't say he was the one but when they announced his name I will say it didn't surprise me.

Mr. RANKIN. Mr. Chairman, what do you want to do about Mr. Carr?

Senator COOPER. Mr. Wade, can you name to the Commission the names of the persons who told you or who stated in your presence that they had seen Lee Oswald and Jack Ruby together?

Mr. WADE. Well—

Senator COOPER. Start out with the first one, his name.

Mr. WADE. If anybody would mention the lawyer's name, I know him—he has run for the legislature a number of times.

Senator COOPER. A lawyer who lives in Dallas?

Mr. WADE. A lawyer in Dallas, and he has—we have, he made a four-page affidavit about this thing, and mailed it to J. Edgar Hoover.

Senator COOPER. You can supply his name.

Mr. WADE. We can supply his name and I would supply you with copies of his affidavit which I think you have.

Don't you have it, isn't that up here?

Senator COOPER. Without going into that in a moment, you can refresh your recollection and supply to the Commission the name of this lawyer.

Mr. WADE. Yes, sir.

Senator COOPER. Had he talked to you?

Mr. WADE. Yes, sir.

Senator COOPER. What did he say? Did he make a written statement to you or just talk to you?

Mr. WADE. He handed me a written statement. He said, "The day after this happened I made this," it was a copy of a written statement, he said, "I sent this to J. Edgar Hoover in Washington." I am talking to him, we will say, the 10th to the 20th of February, the first time I talked with him.

He said, "I sent this to the FBI, to J. Edgar Hoover, special delivery air mail within a day or two after the assassination," and he left that and as far as I know I have got a copy of that, he left it with me.

He talked to me at length there at my house, just us, and I would say at 11 o'clock at night, it was on a Sunday night I know, but what Sunday night I don't know. It was on a Sunday night in February. I read that statement over. It is a rather startling thing. It didn't ring true to me. It all deals with a conversation between Oswald and Ruby about killing John Connally, the Governor of Texas, over, he says, they can't get syndicated crime in Texas without they kill the Governor.

I know enough about the situation, the Governor has practically nothing to do with syndicated crime. It has to be on a local, your district attorney and your police are the ones on the firing line on that, and they discussed at length killing him, how much they are going to pay him, "He wants five thousand, I believe or half of it now, and half of it when it is done."

Don't you have this memorandum?

Mr. RANKIN. Yes.

Mr. WADE. There is no use of me trying to give it to you.

Senator COOPER. I was just personally trying to get your recollection about it.

Mr. WADE. He told me this is what happened, and I said, "I can't put you on the stand without I am satisfied you are telling the truth because," I said, "We have got a good case here, and if they prove we are putting a lying witness on the stand, we might hurt us," and I said, "The only thing I know to do I won't put you on the stand but to take a polygraph to see if you are telling the truth or not."

He said, "I would be glad to." And I set it up and I later ran into him in the lawyers' club there and he handed me another memorandum which amplified on the other one, which all have been furnished to the attorney general or if we didn't lose it in the shuffle.

This was during the trial actually, and then when the man called me he took a lie detector. There was no truth in it.

That he was in the place. He was in the place, in Ruby's Carousel, but that none of this conversation took place. He said he was in one booth and Ruby was in another booth.

Senator COOPER. Did anyone else tell you that they had seen Ruby and Oswald talking together?

Mr. WADE. No one else personally has told me this.

Senator COOPER. You mentioned a girl.

Mr. WADE. No, I never talked to her but we had the Dallas Police take an affidavit from her and so did the FBI of that which is in all your files. What her name is, I just know it is a waitress out at the B&B Cafe. She lived in Mesquite, Tex., and some of my people interviewed her and she told them the same thing she told the FBI.

The other information was in your FBI reports of where people or somebody who claimed he had seen them together in a YMCA, if I recall correctly, and another one in a store.

The report indicated these, all these people were homosexuals as I believe, or there was an indication of that.

I have an interview, in answering your question, in Lynn's first, but this is the only one I have talked personally about it. But the rest of them I got from reading the FBI and police files.

Senator COOPER. Lynn?

Mr. WADE. I believe that is his first name, and he is a lawyer there.

Senator COOPER. He is the lawyer?

Mr. WADE. That is the lawyer I am thinking about, I am trying to think of his name while I sit here.

Senator COOPER. Have you ever talked to anyone or has anyone ever talked to you or in your presence about Oswald and named any other person, other than Ruby, who they claimed were connected with Oswald in the assassination of President Kennedy?

Mr. WADE. Senator, I don't believe anyone has talked to me. I have received, I guess 5,000 letters about this thing from all over the country, which I have down there. I remember somebody wrote me from West Virginia and said that in West Virginia that Oswald was in a used car business and Ruby was across the street from him.

Well, I furnished this information to the investigative agencies but as far as personally, I don't know of any. I have had a lot of letters that said they were connected but not based on anything.

Senator COOPER. But leave Ruby out now for a moment, did anyone ever tell you that Oswald was connected with persons other than Ruby in the assassination of President Kennedy?

Have you heard the names of any other persons who it is claimed had something to do with the assassination of President Kennedy?

Mr. WADE. I don't know of any names. Of course, like I said there was the head of the Fair Play for Cuba, whatever his name was, was mentioned. Everything I know on that score was from the police. When I went up there Friday night and again I believe it was Saturday night or Sunday, they told

me that they just talked like he was the biggest Communist, they had all kinds of evidence that he was a Communist, and that he was working with other people.

I believe Captain Fritz told me once that he showed at the time that Oswald bristled most was when they would talk about Castro. Apparently he was more friendly to Castro than he was for instance to Khrushchev, I am using those in broad terms.

Senator COOPER. Of course, once Oswald was killed, then your duties were connected with the prosecution of Ruby.

Mr. WADE. Yes, sir.

Senator COOPER. And there wasn't any occasion for you then to search out—

Mr. WADE. I had this, Senator.

Senator COOPER. Other persons.

Mr. WADE. I had this, Senator, I had this, when he was killed and they tried to give me the files, I told them no, to give them to the FBI because we couldn't try him, and I went to work on Ruby and actually wouldn't know it.

From what I picked up it appeared to me there was no question that he received his inspiration on this and maybe other help from somewhere.

Senator COOPER. That is what I am driving at here. You know there have been statements made that other persons could have been connected with Oswald in the assassination of President Kennedy.

Do you have any facts to give the Commission which would bear upon that question that any person other than Oswald was in any way connected with the assassination of President Kennedy?

Mr. WADE. I have no facts that I can give you on it. It is one of these things, and the reason I gave you what my opinion on the thing was, I have read what the U.S. World News and Report said the Commission is going to say, and also this deal out in Japan, you know, where they said that he was not instantaneous, impulsive, I believe, killer of the President, which sounded silly to me.

I mean he planned the thing. He practiced shooting, and he had his inspiration from somebody else. Whether he had a—was working with someone, I don't know. I never did know, it was rumored all over town that they had an airplane there to carry him out of town. I am sure you all have checked into that but I never know whether they did or not.

There seemed to have been something misfired in the thing if there was anybody tried to get it. I don't think there was anybody with him in the shooting but what you are getting at is if there was anyone back of him.

I always felt that the minimum was an inspiration from some cause, and the maximum was actual pay, but like you asked for evidence, I don't have any.

Senator COOPER. Did you ever hear about any evidence that there was an airplane stationed any place there?

Mr. WADE. They ran it in the newspapers that an airplane was supposedly to pick him up but nobody ever found the airplane, so far as I know. You have had every kind of rumor, this has been a thing that has been, that the press has been most inaccurate in a lot of things they have reported, and it is because of the pressure from their offices to get a Ruby story.

We have reporters down there coming down and said, "My office said to write something on Ruby today, what are we going to write."

And it has been so very irresponsible.

Like I said, I have no evidence and the only thing where I get my impression is reading and hearing people talking but I haven't actually figured it wasn't any of my business on Oswald, that I had a problem, a big one of trying Ruby and I have concentrated all of my efforts on that and when we had anybody of this nature we would refer them to the FBI or some other agency.

Senator COOPER. Thank you.

Mr. DULLES. You referred, Mr. Wade, to some testimony or some evidence that Oswald was at one time in the Carousel when Ruby was there.

Was that solely from this lawyer whose testimony you have mentioned?

Mr. WADE. The only one of my personal knowledge that I talked with was from the lawyer. He told me he was there with a certain girl, a stripper, and

Ruby and Oswald were in an adjoining booth. There is lots of other people, I think your master of ceremonies, they had him on television and said he had seen them there but later on said he hadn't when they got to interviewing him. But my own personal knowledge that you are all interested in was that one man who told me that.

Mr. RANKIN. Was there anyone either from the State or Federal Government that urged you not to state a crime of international conspiracy if you found one was present?

Mr. WADE. No; not in that light. It is like I mentioned to you what Mr. Carr and Mr. Sanders both inquired, said they had heard on the radio about this or talked with someone in Washington about it, and I told them right off that whether it was so or not doesn't make any difference. It wouldn't be alleged. I mean if I had known he was a Communist I wouldn't have alleged it. I mean, suppose I knew he was a Communist, and signed a statement he was a Communist. That was a time when the press blew up when they had nothing else to talk about at the time, actually.

The answer to your question is "No."

Mr. RANKIN. Was any statement made by you as to whether or not there was any international conspiracy, conspiracy with Oswald about the assassination?

Mr. WADE. No, sir; I don't think there was. I think in one of those interviews you will find that I said they found some literature or something from the Fair Play for Cuba at his home, something to that effect. If I did anything, that was all that was said, in one of those interviews.

Mr. RANKIN. Did anybody ask you to say anything one way or another about that?

Mr. WADE. If they did I don't remember it. I am sure they asked that, but I am talking about, I mean in all these interviews, that was the thing where they were trying to prove a connection or something, you know, and I told them I knew nothing about it.

Mr. RANKIN. But no officials asked you to say anything about it publicly or otherwise?

Mr. WADE. No, sir; not that I recall.

Mr. RANKIN. Did anybody ask you at any time not to say that a foreign government was involved if you found it was or anything about that?

Mr. WADE. Your FBI man may have. I don't know. I talked to him two or three times. I wish I could think of his name because I don't think I ever met him. He was an inspector out of Washington.

Mr. DULLES. He is not our FBI man, he is the FBI. We are an independent commission.

Mr. WADE. I see. But he had talked with me something, I think his conversation, as I recall, largely dealt with the giving out of information. He was concerned about it and so was I, and where we had the longest conversation was, I will run through Sunday, and get me up to it real fast because I talked to him Sunday night. We haven't covered one of my television interviews.

After I went down to the police station and I will take this real fast if it is all right with you all, they told me that Oswald had been shot and I was there in the Chief's office when he died, when Oswald died and the Chief says I have got to go out here and announce it.

So as he went out for a press conference, I went down the back door, went home and went to bed because I was tired and disappointed actually because we got even interested in trying Oswald, and I didn't mean to have anything else further to say.

I woke up about 5 o'clock and a national commentator was giving the Dallas police hell, me hell, and just about everybody hell, and saying that I had said that the case, there would be nothing further on the case, it would be closed, in which I had never even had a television interview, I don't know where they got it.

Somebody might have said that. I don't know but it wasn't me because I hadn't talked to anybody.

And then I went out to dinner and got to thinking, I said, well now, the Dallas police did have a breakdown in security here, and they are taking a beating and

I am taking a beating, but they did have the right man according to my thinking, so I went down to the police station and got all the brass in there but Chief Curry and I said this stuff, people are saying on there you had the wrong man and you all were the one who killed him or let him out here to have him killed intentionally, I said somebody ought to go out in television and lay out the evidence that you had on Oswald, and tell them everything.

It had been most of it laid out but not in chronological order.

Mr. RANKIN. When was this now?

Mr. WADE. This was 8 o'clock roughly on the 24th, Sunday night. I sat down with Captain Fritz and took a pencil and pad and listed about seven pieces of evidence from my own knowledge and I was going to write it down. They got hold of Chief Curry and he said no, that he had told this inspector of the FBI that there would be nothing further said about it.

I asked Chief Batchelor and Lumpkin, they were all there, I said you all are the ones who know something about it, I said if you have at least got the right man in my opinion the American people ought to know.

This is evidence you can't use actually, because he is dead. You can't try him. And the upshot of that was the police wouldn't say a word and refused actually to furnish me any more of the details on this.

I mean what the seven points. I went on out there in from front of the cameras and ran them through those points. Actually my purpose in it was, good or bad was, because the Dallas police were taking a beating because they had solved the crime and had good evidence and I told them it was good but I did leave out some things and I was a little inaccurate in one or two things but it was because of the communications with the police.

I didn't have the map, incidentally. I wanted the map at that time but forgot all about it, and I ran through just what I knew, which probably was worse than nothing.

It probably would have been better off without giving anything, because we didn't give what all we had.

Mr. DULLES. Do you remember the elements of inaccuracy that got into this statement of yours?

Mr. WADE. I think I told them about the palmprint on the bottom of the gun, that Lane has made a great issue of and I still think I was right on it but he has made an issue. I think Oswald snapped the pistol over there in the jail or at least in the theater where they arrested him. There was a question of whether the gun had been snapped or not and I was told it was, you all may have seen the gun; I never have seen the gun. You had—I might have at that stage said what bullets are supposed to hit whom. That might have been somewhat inaccurate then but that is all I can think of.

I don't think there is any basic thing. But my purpose in that, and I know the minute I got off that television, inspection called me and said please say nothing further about this case.

Well, you see, at that stage—

Mr. DULLES. Who was it that called you?

Mr. WADE. The inspector at FBI called me in the police station. He was the one the police had talked to. He was the man from Dallas down there. It wasn't Shanklin, Shanklin was in charge of the office.

But I told him what my purpose was but apparently someone told him. I gathered since he had delivered a message, apparently someone had told him to have me quit talking about it. But my purpose on that was, I never did think that the people or the television were giving the right facts on the thing and they were making believe that probably they didn't have the right one, that the Dallas police had him in there to kill him, they even had commentators saying practically that, don't you know.

So, I did that entirely—not anything for me. You may think I wanted to be on television. I didn't care a thing about being because I don't run for office in New York and Washington and other places, but I thought the police needed, because their morale was awfully low and they were at fault in Ruby killing him.

There was undoubtedly a breakdown on security there in the basement.

Mr. RANKIN. On the seven points were any of them that were new that hadn't already been told to the public?

Mr. WADE. To tell you the truth, I don't know. I think there were some of them that hadn't been but I think most of them had. But I couldn't see at this stage the evidence on this thing, nobody, the situation where you had an assassination, and a dead person and another case pending, and it was against my interest actually, to trying Ruby, it would be a whole lot better trying Ruby if he killed the wrong man than if he killed the assassin of the President, but I was trying to establish that this was the assassin of the President.

And I didn't give all the evidence, and I don't know whether there was anything new or not because I didn't see much of television during all this time. I don't actually know everything that was given out, and there was so much in the papers that I didn't have time to read them, so I didn't know for sure what all the police had given out.

Senator COOPER. Substantially then, you were laying out to the public the facts which had led you to issue a warrant for Oswald as the killer of President Kennedy?

Mr. WADE. That was the purpose of that interview.

You also have to—I don't know where you gentlemen were, but you have to get a picture of what was going on. You had, of course, there in Dallas, you had threats on people's lives everywhere.

As a matter of fact, it ran over the radio that I had been assassinated, for 2 hours, on Monday morning. I wasn't listening to the radio. My wife called me up—called me up and I denied it. [Laughter.]

Mr. WADE. But you had lots of things of that kind. And I thought you needed some type of, somebody—and your whole thing was wrong with this whole deal, you had no one in charge of the thing. You had the police, the FBI, the Secret Service, the Department of Justice, my Department, Waggoner Carr's department, but no one had any say to offer the rest of them.

Mr. RANKIN. Tell us how that affected it. You had the jurisdiction of the crime itself.

Mr. WADE. Of the trial of the case.

Mr. RANKIN. And the police department, what jurisdiction did they have?

Mr. WADE. They had the jurisdiction, the primary responsibility for the investigation of the assassination, and—they had the primary job of finding out who did it and getting the evidence. They were assisted, the Secret Service, of course, had the job of protecting the President. The FBI, they have criminal, pretty general, investigation, I am not sure, but they were in on it, they were all there, and assisting. It was a deal where nobody had any actual control over another person.

Mr. RANKIN. Had the State authorities any jurisdiction or effect on the operation?

Mr. WADE. You mean the State?

Mr. RANKIN. Of Texas.

Mr. WADE. They actually had none. They had no authority. The Governor has no authority in a situation like this nor the attorney general other than in a vague sort of way, as the police, I guess they had the police powers to some extent of maintaining order but you didn't need the National Guard or anything. I mean this was more dealing with a situation of information. I think this situation is true in many States, in practically all of them.

Mr. RANKIN. Was that confusing, did that make it harder to try to solve the crime and handle the problems?

Mr. WADE. It did; very much so. Your press was the most confusing thing. I mean you couldn't get in the police station. I mean I just barely could get into the police station myself for stomping over the press and you had a lot of reporters, not like the reporters we usually deal with down there. I mean we don't have trouble usually with the local press, people we pretty well know.

We would tell them what is going on, and they will go on, but these people just followed everybody everywhere they went, and they were throwing policemen on the corner, if he made a statement about he saw someone running that way dressed maybe like the killer—they ran all that on. They were just running everybody. There was no control over your public media. It made it

worse since all television networks were on the assassination all—24 hours, I mean all day. And there was no central thing from—there was no central person who had any control of handling the thing that information was given out. You see they interviewed some of your patrolmen who were giving out evidence, you know, some of your foot patrolmen on the corner, they were interviewing anybody.

Mr. RANKIN. Would it help or hinder the handling of such a crime of the killing of the President if it was a Federal crime, in your opinion?

Mr. WADE. Well, offhand, I think probably it would, but—

Mr. RANKIN. It would help?

Mr. WADE. I think it would help, but you are going to have the same situation. I am thinking if you had, if it is a Federal crime, for instance, it is still murder in Texas. If Captain Fritz and the Dallas police had arrested this man, the FBI wouldn't have had him. I don't care if it was a Federal crime. We have bank robberies where there is joint jurisdiction. The one that gets him, if it is the State police or the city police gets them, they file with me and if the FBI gets them they file with the Federal.

Mr. RANKIN. You need more control over the police investigation in order to carry out your duties, is that—

Mr. WADE. Of course; my idea if you had it to do over, it is easy to do that, but I think you need someone where all the information is channeled through one person. If anything is given out and getting an intelligent person, not just a police officer, you know. Now, your city manager of Dallas is a newspaper man, Elgin Crull, he would have been an ideal person and he was there but I don't think he ever said anything in any way. He was there in the middle of all that thing.

Mr. RANKIN. Is the lawyer that you referred to in answer to Senator Cooper's questions Carroll Jarnegan?

Mr. WADE. Carroll Jarnegan is his name; yes, sir. Let me mention another thing for the record here, I don't know whether it is mentioned. Saturday, most of my day was spent in talking to Dean R. G. Storey, and the dean of the Harvard Law School, raising, wondering what the situation was with reference to attorneys for Oswald.

Mr. RANKIN. What Saturday are you talking about?

Mr. WADE. Saturday the 23d, 1963; November 23. I told them that, all of them, we had calls from various people, and most of them was from people here in the East calling lawyers there in Dallas rather than me, and them calling me.

Mr. RANKIN. What were they saying to you about that?

Mr. WADE. Well, they were very upset, one, in looking at American justice where the man didn't have an attorney, as apparently, and two, that too much information was being given to the press too, by the police and by me, some of them had said, and that is what prompted me probably to talk to Chief Curry about the thing, because I had received some of those calls.

I told them they ought to appoint the president of the bar association and the president of the Criminal Bar Association to represent him.

Mr. RANKIN. Who did you tell that to?

Mr. WADE. Told that to Mr. Paul Carrington and also to Mr. Storey, I believe. I believe they are the two that discussed it more at length with me.

Mr. RANKIN. Do you know whether anything was done about that?

Mr. WADE. Yes.

Mr. RANKIN. What?

Mr. WADE. They got ahold of Louis Nichols who is the president of the Dallas Bar Association. They got ahold of the president of the Criminal Bar Association, but they had started a Tippit fund in the meantime, and practically every lawyer was scared they were going to be appointed, you know, and they had gone and subscribed to that fund so they were having much trouble getting a lawyer appointed.

Now, I must go a little further and tell you that under Texas law that is an improper time to appoint them. The only one who can actually appoint him is the judge after indictment under the Texas law, no one else has really authority.

Louis Nichols, I talked to him, the president of the bar, and he was trying

to get some criminal lawyer to go down there with him, and I said, "Go down there yourself and talk to him because they are raising just so much Cain about it and see what they want and tell him you will get him a lawyer."

Senator COOPER. You are speaking now about a lawyer for Oswald?

Mr. WADE. Yes; for Oswald.

This was around noon or some time on Saturday, noon, early afternoon. This went on all day. He called me back and said, "I have talked to him and told him I would get him a lawyer, that I would represent him or get him a lawyer." Louis Nichols is a civil lawyer, not actually a criminal lawyer.

He says, "He doesn't want but one lawyer, John Abt, in New York."

Mr. RANKIN. Who is he?

Mr. WADE. He is an attorney in New York.

Mr. RANKIN. You said he didn't want any attorney?

Mr. WADE. Lee Harvey Oswald told Nichols and Nichols told me this. He said that. Nichols then said he told him, along with the police they would try to get hold of Mr. Abt, which they did. I think, I think maybe the press found him before the lawyers found him. But he says something that he didn't have time or something, as I understand it. This was all reported in the press. He had said the second person he wanted, Lee Harvey Oswald told Nichols the second person he wanted, was some lawyer out in Chicago with the American Civil Liberties Union, his name I don't know what it was, but Nichols would know.

He said, "If I can't get either one of those I will help get a local lawyer," because that was all done Saturday, with reference to his obtaining a lawyer.

I wanted to get that because I think you probably knew it and get it in the record anyhow.

Mr. RANKIN. Now going back to this telephone conversation with Mr. Carr that you referred to, do you remember anything else that Mr. Carr said to you at that time?

Mr. WADE. I don't actually even remember, you know, he said that he had had a call from Washington, I don't actually remember anything about that. I remember he said that about this charge that this is going. "This would be a bad situation, if you allege it as part of a Russian, the Russian conspiracy, and it may affect your international relations, a lot of things, of the country," and I said it was silly because I don't know where the rumor started but I will see even if it was so we could prove it, I wouldn't allege it. Isn't that about it, the way you recall it, Mr. Carr?

Senator COOPER. We will call him in a minute.

Mr. WADE. O.K.

Mr. RANKIN. Was he during that conversation saying anything to you about not alleging it if it were true?

Mr. WADE. No, sir; it was a question of, he had heard we were going to allege it and he asked me about it and I said it is silly. I had heard something, I think, about it, about the same time.

And to no one, if it was part of it, no one said they necessarily wanted to hush the thing up, but it was a situation where the minute they mentioned what their problem was, it sounded silly to me, I said whether he is a member of the Communist Party or not is not important in this charge.

Senator COOPER. Was there any official, anyone on your staff or any persons charged with law enforcement in Dallas, or any U.S. district attorney in Dallas or anyone connected with his office, to your knowledge ever suggest that there should be a charge of conspiracy?

Mr. WADE. None to my knowledge.

Now, I will say in some of these conversations, like I said, I don't know whether it was with Waggoner Carr or Barefoot Sanders, they said, one said, "Well, David Johnston, the J. P. has said this," and the other one has said, "Bill Alexander, one of your assistants who was up at the police department said it."

I asked them both about it and they both denied it.

Senator COOPER. Did anyone ever say to you in the event there was a charge of conspiracy who would be named other than Oswald?

Mr. WADE. No; there is no other names, there is no other name that I know of that has ever been mentioned to me as being part of the conspiracy.

The question we are talking about here, if I understand it, being that Oswald,

as a part of an international conspiracy, did murder John Fitzgerald Kennedy. And there is no other names of co-conspirators, we have had lots of leads run down upon it. Somebody at the penitentiary down there, a colored person, at least the word to us, that he had told the guard he had hauled Oswald away from there, you all probably got this, but we interviewed him down there.

He was just talking and wanting to come back to Dallas. But there had been lots of things of that kind but to my knowledge none of them have actually been proven out.

Mr. RANKIN. Mr. Wade, I don't think you have quite finished the—all of your—hour-by-hour description of what happened up through the killing of Mr. Oswald.

Mr. WADE. I thought I had hit it. The only thing I can't remember now is the Saturday night.

It seemed like I was down at the police station Saturday night. Why I don't know and maybe for a short while and don't recall everything that happened. That was Saturday, 23d of November, and there is nothing, the charge had already been taken, and I think probably I was on my way home and just stopped by to see what was going on.

At that time there wasn't anything going on and I went home.

Mr. RANKIN. Did you do anything more about the press and TV and radio people crowding into the police station than you have already described?

Mr. WADE. No; you see—I have been in that building probably once every 2 years.

It is the other end of town from my building. I never go up there and I don't think it is my business what goes on up there. Maybe it should be, but I have never been considering it. I think I have enough problems down at my end of the street.

Mr. RANKIN. In any event you didn't do anything.

Mr. WADE. I didn't tell them anything, I could see the confusion they were getting into but I don't know of anything that I told about, but what if I did. I had no control over it. It was one of those things I just figured I was the one who didn't have the say in it.

Mr. RANKIN. What did you do on Sunday, the 25th?

Mr. WADE. Well, went to church.

Mr. RANKIN. The 24th.

Mr. WADE. I went to church, my family and I went to Dr. W. J. Martin's nondenominational church. It has 27 different denominations, very bright fellow, if you are in Dallas you ought to go and hear him.

And as I walked out somebody said they shot Oswald. So I took—turned on the radio and took my wife and kids home, and went down to the police station.

There were still fragments of the story coming in, and we would still get every kind of story out of them, and we got down there at I guess 1:30. He died and then like I said, I think all I told the press, they asked me as I left there, a few of them what we would do on Ruby and I said we would ask the death penalty on him, and then I left and I went home and then I followed it that night and giving them what evidence I had.

Mr. RANKIN. Did you have anything to do with a lawyer by the name of Tom Howard in connection with that?

Mr. WADE. No, sir; Tom Howard had filed some kind of writ of habeas corpus, assault to murder, and I never did see him. I saw Bob Stinson, another lawyer on a corner and he said he and Robey were going to represent him, which, I don't think they did, but they said they were and so I went on home, and then when he died, we had a murder case, and we took it to the grand jury the next morning, I believe, on Monday morning and indicted him, turned it into Judge Joe Brown's court and I was there, and as the grand jury walked in he said, "When are you going to hear Ruby?"

And I said, "I already have got the indictment here," and I said, then I went right back and asked the judge to transfer it over to Judge Henry King's court or Frank Wilson's court.

Mr. RANKIN. Do you know what happened to that habeas corpus of Tom Howard's?

Mr. WADE. No.

Mr. RANKIN. You didn't have anything to do with it?

Mr. WADE. I understand from hearsay it disappeared or somewhere down there but we don't have anything to do with writs. But they don't come through our office. You see that is directed by the judge. I heard or at least Decker or somebody told me they never could find the writ but there was some writ for assault to murder originally issued.

And then, of course, after he died and the murder charge was filed, well, that would actually be out of date.

Senator COOPER. Was it a writ of habeas corpus to bring Oswald before a court?

Mr. WADE. No. Jack Ruby.

Senator COOPER. Jack Ruby.

Mr. WADE. It was actually, they have two kinds of writs, one of them is where they set a bond on it and another one is what they have called a dry writ, which says, "You file on him or bring him before me at such and such a time."

Which one it was I don't know. As a matter of fact, I thought there was a bond set on it, but I told the chief, I said, "You can hold him, we don't want to release him until you know whether the person dies or not because then he wouldn't be aailable case," assault to murder isailable.

I never saw the writ or anything. I just heard somebody say there is a writ on him.

(At this point, Chairman Warren entered the hearing room.)

Mr. RANKIN. Did you ever help Ruby about any of his troubles of any kind?

Mr. WADE. Not that I know of.

Mr. RANKIN. Prior to this occasion?

Mr. WADE. No; I think we have had him for a liquor violation or something, but if we have—like I say, I never knew him. I think that they have had some charges against him.

As a matter of fact, they had two pistol charges against him but I don't think they ever reached my office.

Mr. RANKIN. Do you know what charges they were about pistols?

Mr. WADE. Carrying a concealed weapon and if I understand the record I think we checked it out and they dismissed them up in the police force.

There was one liquor case that was dismissed in my office by an assistant who is no longer there which I have read the reports on and don't have any recollection of it either way.

Mr. RANKIN. Did you know Eva Grant?

Mr. WADE. No, sir.

Mr. RANKIN. Ruby's sister. Do you know Sam Ruby?

Mr. WADE. I knew none of them, none of the Ruby family, and didn't know Jack Ruby. I think he claims that he had known me or something or other but if he had, it is one of those things where you see somebody and I didn't know his name or anything when I saw him that night or didn't know who he was. I thought he was a member of the press, actually.

Mr. RANKIN. Did it come to your attention that there was some claim that Oswald was an agent of one of the intelligence agencies of Government?

Mr. WADE. I heard that talk down there. It was talk some—

Mr. RANKIN. Do you know who was talking that?

Mr. WADE. I don't know. I have been up here once before, and some of the press were—I don't remember, some of the press mentioned that they had two voucher numbers in his book there that indicated he was working for the FBI or the CIA. I know nothing about them, don't think anybody in my office does. I think maybe Alexander mentioned it some, but Alexander is not a great lover of the FBI. They fuss all the time openly, so I don't know. I know nothing about it myself because I never have seen the book and I don't know whether they have even got any numbers in there but they were supposed to have two numbers in there as a voucher number of \$200 from some Government agency but like I say, supposed to.

I never saw it and heard it, talk, but I am sure you all know more about it than I do.

Mr. DULLES. By voucher you mean an entry or something of that kind, what kind of a voucher?

Mr. WADE. I think it was called a voucher number, it was voucher 209, which doesn't make sense. I believe it was a low number. It doesn't make sense for a government to have a voucher number that low.

Mr. RANKIN. What book are you referring to?

Mr. WADE. The little black book that Oswald had in his possession at the time he was arrested.

Mr. RANKIN. That was his memorandum book, in which he had a list of numbers of various people and addresses and so forth, is that what you referring to?

Mr. WADE. Yes; and I never have seen the book myself. As a matter of fact, I am trying to get some photos of it, trying to but I haven't gotten them yet.

Mr. RANKIN. Now, what agency was it rumored he was a member of?

Mr. WADE. It was rumored he worked first for the FBI and then for the CIA.

Mr. RANKIN. Is that all you have heard?

Mr. WADE. As a matter of fact, I don't think I had ever heard that until Waggoner Carr called me and told me—I don't think I ever heard that. I did check into it a little, and they were talking it some, and they have actually written it up in the newspapers by rumors or a story or two—rumors of the thing.

Mr. RANKIN. Is that the report by the reporter Hudkins?

Mr. WADE. I believe it is. On the Houston paper, Hudkins. I believe we got that introduced in the Ruby trial on the change of venue motion.

Mr. RANKIN. Is there anything more that you know about that matter?

Mr. WADE. I know absolutely nothing about it. I might say, I was under the impression, I think when I talked to you and the Chief Justice before, that, you see I was in the FBI, and I was under the impression and I think maybe I told you all that we didn't list our informant by name. The FBI have been kind enough to send down some of my old vouchers on paying informants back in, down in South America, and I see that we did list them by name which I—probably may, if I said otherwise it was just my recollection on the thing but in that case I was listing informants from South America that we were paying when I was there.

Mr. RANKIN. There was one other report by Goulden, reporter of the Philadelphia Inquirer. Did that ever come to your attention in regard to this matter?

Mr. WADE. No; but I know him. He used to be a reporter in Dallas, but I don't know what it was, if you will tell me about it.

Mr. RANKIN. Apparently it was the same thing.

Mr. WADE. Different angle.

Mr. RANKIN. From Hudkins' report that had been picked up.

Mr. WADE. He is more reliable than Hudkins but I know absolutely nothing about that. Like I say, I have heard rumors and conversation and I will even put it further, I don't think Alexander knows anything about it, my assistant, although he doesn't fully admit all that. I think he would like to talk a little about it but I don't think he knows anything of his own knowledge.

Mr. RANKIN. Have you inquired of him?

Mr. WADE. I have asked him about it and he gives me nothing in the way of evidence.

Mr. RANKIN. Did you prepare the complaint in regard to Jack Ruby yourself?

Mr. WADE. I don't believe I did. I don't believe I had anything to do with it. If I did, my name will show on it but I don't think I had anything to do with it.

Mr. RANKIN. Did you give any information to the press about what you had in regard to that prosecution, and the nature of the evidence?

Mr. WADE. No; not that I know of. Of course, they all saw it on television, you know. We have got in—to bring you through the whole story, I said practically nothing about this thing for about 3 weeks or a month, but we had a lawyer on the other side who came into town, and every time he was met at the airport he would make statements.

Mr. RANKIN. Who was that?

Mr. WADE. Mr. Melvin Belli, and he had his psychiatrist on the television, all his witnesses, said what he was going to prove and it got to a situation where

I had to do a little talking in self-defense, and so we did later on have some statements more or less in answer to his. It was entirely too much trying of that in the newspapers but a situation where we couldn't let his psychiatrist go on there and prove he had been insane on the jury without at least our saying we had some evidence that he was sane.

Mr. RANKIN. Did you have anything to do with the preparation of the case for trial?

Mr. WADE. Yes; to some extent. You see, I had four assistants to assist me in the trial.

Mr. RANKIN. Who were they?

Mr. WADE. Jim Bowie, Frank Watt, and Bill Alexander. I read most of the reports on it. I mean I had most of what I did was read things on it because my main job in the trial as we started out, was for me to pick the jury, which I did, I think I have some ability along that line, and do a great deal of the cross-examination and the final argument. That is what I do in the cases I participate in usually.

Mr. RANKIN. Yes.

Mr. WADE. Alexander spent the 2 weeks we were picking a jury in viewing the witnesses. I never talked to any of the witnesses. After the first half a day of testimony, I was very disappointed in the way the witnesses were being put on the stand; if this is of interest to you.

Mr. RANKIN. Tell us what happened.

Mr. WADE. I told him, I said, on this case we are going on this theory, I want everybody who saw Ruby from the time of the assassination of President Kennedy down to the time he killed Oswald, I want to prove where he was every minute of the time that I can, and then we will take it from there and put the films on there and show what happened there and then afterward. We are going on the theory that he is a glory seeker and a hero because I was convinced that was the motive of the killing.

I put on seven witnesses, and about six of them testified against us. I think, or made poor witnesses saying if, they saw him down in the Dallas News where he was 2 minutes in a stare, that never made any sense.

Some of them said they thought there was something wrong with him and none of them were the type of witnesses that I wanted testifying for the State.

Mr. RANKIN. Who were they?

Mr. WADE. Well, you can check the first seven witnesses in the case. You had three from the Dallas News who testified, and so during that noon hour, I was convinced, whether right or wrong, that Alexander had been more interested in talking to the press.

In my office, our biggest problem was keeping the press out of the office, and so I just would have to bar them from my office, I mean personal property. He wouldn't do it. He liked to talk to them.

So, I said, "Get all these witnesses in during the noon hour and let me talk to them."

I put all the witnesses on the next morning. I talked to all the officers, I talked to Officers Dean, McMillon, Archer, King, never had talked with them about the case before and I talked with them then and I put all of them on next morning.

Mr. RANKIN. Tell us what, starting with—which one did you talk to first, Archer, Dean, or McMillon.

Mr. WADE. I think I talked to all of them at first in a body. I talked to—

Mr. RANKIN. I see.

Mr. WADE. I had them all in there and said, "Now what do you know about the case?" because a lot of them I didn't know what they knew.

Mr. RANKIN. What did they say?

Mr. WADE. As a matter of fact, I wasn't familiar with Dean's testimony until he told me right there a day before he testified. Then he showed me the memorandum that he had made on the thing. I talked with him there and I put Archer on the next morning and McMillon on, who stayed all day. They cross-examined him from 11:30 until 5:30. Then I put King on, and then Dean, I believe the next morning, and we rested. But they told me just what they testi-

fied to in the trial which I don't know whether I can give all of it but I can tell you roughly that McMillon and Archer were partners and heard Ruby say some things, "I hope I killed the sonofabitch."

Mr. RANKIN. When?

Mr. WADE. Within about a few seconds after the killing and then upstairs then, "I meant to shoot three times but you all got me before I did."

Incidentally, you may not know it but their psychiatrist corroborated that statement.

Mr. RANKIN. Who was that?

Mr. WADE. Dr. Guttmacher on cross-examination. We asked Dr. Guttmacher, "Well, didn't Ruby tell you that he meant to shoot three times?"

He said, "Yes; and he told me that."

He said, "One time he told me that." He also said at one time he told him otherwise but he corroborated that portion of it. Then it seemed like there was something else said. Archer said to him as he got up in the jail, "I believe he is going to die, Jack." I may be getting these wrong, but they are roughly—he said something about, "You fellows couldn't do it," or talking about the police, and I believe that was Archer and McMillon.

Maybe you all being lawyers, in Texas this is not admissible unless it is part of the res gestae. Mr. Belli sent into McMillon all conversations in the jail that happened 4 hours later.

Under our law if one side goes into a conversation we can bring out anything in the conversation, the rest of the conversation. That is a rule of law in Texas, I don't know whether it is that way everywhere else, and so that was the theory that made Dean's testimony admissible because had been in the jail—time varies from 20 minutes to an hour, depending on who you are listening to.

Senator COOPER. I have to go to a quorum call.

(At this point, Senator Cooper left the hearing room.)

Mr. RANKIN. Mr. Wade, could you tell us a little more clearly what was involved in regard to this testimony? Did the defense start introducing testimony concerning these conversations, is that what you are telling us?

Mr. WADE. The defense cross-examined McMillon—you see McMillon and Archer stayed with Ruby until 4 o'clock that afternoon when he was turned over to Captain Fritz or roughly. I am giving a rough hour of 4 o'clock.

Mr. RANKIN. Where did they stay with him?

Mr. WADE. In the jail. They were—I don't say both of them were there but they were assigned there and another person. The three of them or two of them were there at all times, along with your jailers, they were inside the jail.

During this time he went into conversations, for instance he said, "Didn't I tell you that he left his dog out in the car?" He said, "Yes, they did," but this is something that happened an hour and a half after they had been in jail.

Mr. RANKIN. By "he" there you mean Ruby?

Mr. WADE. Ruby.

And they said also, "Didn't he tell you about going to the Western Union," and he said, "Weren't you there when Sorrels and Dean came up there, and what was the first thing that Sorrels asked him."

Mr. RANKIN. Did they say when that was?

Mr. WADE. Well, you are going to find your time varies from 20 minutes to an hour, depending on whether it is a defense theory or our theory, but—

Mr. RANKIN. After what?

Mr. WADE. After the killing of Oswald.

Mr. RANKIN. Yes.

Mr. WADE. I think Dean, I would rather you get the record, and you can get it accurate, but I think he said it was some time before 20 minutes to 12 or some time before 12. Well, the killing happened at 11:21, I think. That seems to be the best time, 11:21.

Mr. RANKIN. Did they describe what the conversation was with Ruby when Sorrels and Dean were there?

Mr. WADE. They told, if I recall, what Sorrels asked him and he asked him "What did you do it for, Jack?" or something; they knew that part of it but they weren't present during that conversation between—they were in the room

but I may say not within hearing distance. They heard part of what was said but not all of the conversation.

Mr. RANKIN. By "they" who do you mean?

Mr. WADE. I am talking about McMillon and Archer.

Mr. RANKIN. What did they hear?

Mr. WADE. Well, that is all I know that was testified to. Now, whether they heard anything else I don't know. But that is all I know, the beginning of the conversation.

They had heard previous to this coming up there the conversation about Jack, "I think he is going to die," and Jack answered some question, I believe he said, "You couldn't do it, somebody had to," or something like that. Jack Ruby, I am referring to.

Mr. RANKIN. Where did that occur?

Mr. WADE. That occurred as they arrived on the floor where the jail is, the fifth floor, I believe, of the jail.

Mr. RANKIN. Then what else could they testify to?

Mr. WADE. That was about all we used them for, actually, that was the last that we put on, but they asked them some questions of what happened. Didn't he tell Captain Fritz something at 4 o'clock that afternoon, but our testimony from them actually that amounted to anything quit when they came on to the floor there of the jail. That is McMillon and Archer.

Shortly thereafter, Dean's testimony came on and only—I am kind of anticipating your questions on this.

Mr. RANKIN. Where was Dean then?

Mr. WADE. They were in the jail. Dean—

Mr. RANKIN. Who else?

Mr. WADE. Sorrels, Forest Sorrels. I am not testifying as a fact but this was all told to me, of course, by Dean and Sorrels.

Mr. RANKIN. Yes.

Mr. WADE. The following day during the noon hour I found for the first time that Sorrels was present in the jail. I told the sheriff there I would like to talk to Sorrels and he came down there and he and Dean and I talked in my office.

Mr. RANKIN. That is the following day?

Mr. WADE. That is Thursday before we rested the case on Friday.

Mr. RANKIN. Will you tell us the approximate date that you talked to him?

Mr. WADE. It seems like we started on the 17th, and this was 2 weeks—

Mr. RANKIN. 17th of what month?

Mr. WADE. Of February.

Maybe we started on the 10th, because they ended on the 14th, 17th to the 14th, I would say this was around the 6th of March roughly, a day or two either way.

I sat down there to talk to Dean and Sorrels because we was going to put—and Sorrels showed me a copy of his report made on that incident which I didn't keep a copy but I am sure you all have a copy of it or it will be available to you.

I read it over, and essentially from what Dean said, and him were the same with other than the, I think the only variance was the part which was strong testimony where Dean said that Ruby said, "The first time I thought of killing him was Friday night or thought about killing him was Friday night in the lineup."

Mr. RANKIN. Sorrels didn't have that in his statement, did he?

Mr. WADE. He didn't have that in his statement, and I, to go back a little bit, I asked Sorrels how he got up in the jail and he said he didn't know, and he said he didn't actually know Dean there sitting in my office.

I think he finally decided Dean was the one but he didn't know him. I think it is pretty obvious that Dean, because they went in an unusual entrance to the jail from the third floor, from the chief's office, and he says there are two guards standing on each side of him which none of the others corroborate, unless they are talking about jail guards in the building, but there was no police in uniform supposed to be up on that floor but Sorrels said that he saw two police guards on each side of him.

But I asked Sorrels, I said, "How can you account for it?" I had already talked to Dean. I said, "I am getting ready to put him on the stand."

I said, "How are you going to—what are you going to say if you go on the stand on this?"

He said, "Well, I called my office in Washington and they wanted me to find out two things: One, whether there was any connection between Oswald and Ruby from Ruby, and two, whether Ruby had any confederates or co-conspirators."

He said, "Those were the two things I went to find out and I dwelled on those entirely."

He said, "These other officers were there and when I left they were still questioning," and he said, "I couldn't say whether that happened, I don't remember hearing it, I just can't say that I heard it," and so the defense lawyers talked to Sorrels that night about testifying and didn't use him.

Of course, I thought probably they were going to use him on this one thing, but there were so many other things in the statement that were the same as what Dean has testified to about, something about being a hero, Jew hero, or something in the statement, which Sorrels had that in his statement.

He had practically everything in the statement, but this is one thing that he didn't have in there, as I recall.

I couldn't find it and asked him about it and he said he couldn't say it. He said there were a lot of things in there but he was interested in knowing only two things.

Mr. RANKIN. Did you examine Dean's statement in regard to this matter?

Mr. WADE. Well, I read it there that day. It is a very short one, you know. Of course, there is more than one statement.

Mr. RANKIN. Yes: did you look at his prior statements at that time?

Mr. WADE. I think I had all of his statements. He was in charge of security in the basement. All statements, this all came out on cross-examination, dealt entirely with the matter of security, what was done to secure the basement.

Mr. RANKIN. Did he say anything in regard to this premeditation in the prior statement?

Mr. WADE. I don't think he did, and I don't think he actually said anything about how Ruby got in in that prior statement. I may be wrong, I don't remember even going into the conversation with Ruby.

Mr. RANKIN. What did Dean tell you at the time that you asked him about the later statement?

Mr. WADE. He told me that he had been asked to submit a report dealing with the security of the basement, and that that first report was the security problem.

Mr. RANKIN. What did he say about that, the security?

Mr. WADE. Well, he said that, he told me, that when he heard the shot that he thought a policeman had shot him because he didn't think there was anybody else in the basement. He said he thought a policeman had shot him, just got mad and the cop shot him for killing Officer Tippit.

I don't know whether that was in the statement or not but he told me that. I actually read that, that security, we were not too interested in that because from our point of view, because there is no question the security wasn't good. Something happened somewhere.

Mr. RANKIN. Did you learn from Dean how Ruby got into the basement?

Mr. WADE. I learned the way he told him he got in.

Mr. RANKIN. How was that?

Mr. WADE. On walking in on Main Street, the ramp down on Main Street. And I was under the impression he told a lot of other people that. But if he had been in that basement a long time it would have helped us a lot to know it. It would have shown more premeditation, but I don't think he actually had been in long from what I know about the case.

But Ruby told Dean in his statement that he got in by going to the Western Union and walking there and the cop was helping a car go out into it. I don't know whether that is Dean, that is somebody's statement, that he went in that ramp and was there maybe a minute or two before they brought him out.

Mr. RANKIN. Did Dean tell you why he left out of his prior statements the statement about premeditation or prior thinking about killing Oswald?

Mr. WADE. Well, he was cross-examined about that, and told me also that

he wasn't asked about it. That that wasn't part of what his report concerned. I mean, you have to keep in mind Dean is a uniformed officer. He is a sergeant, had nothing to do with the investigation of the crime. He just happened to be the one who was sent up there to show Sorrels how to get in the jail and out, you know. He wasn't an investigative officer.

Now, McMillon and Archer are detectives, you know, but he is not. He is a uniformed man.

Mr. RANKIN. What did McMillon tell you about his statement?

Mr. WADE. He just told me what his testimony was. I didn't actually talk to him over 30 minutes, I don't guess, during the noon hour and I was talking to all of them. I had the various statements he made, some of what he said was in the statements and some wasn't, so I don't remember—but the same story was where he was and what he was supposed to do and one dealt with security and the other dealt with statement that he had made. Dean and McMillon and any of them didn't think these statements were admissible while he was in the jail.

Mr. RANKIN. Did McMillon make a statement about premeditation?

Mr. WADE. He had in his statement that he meant to shoot three times, which was premeditation, but I don't think he thought about it Friday night.

Mr. RANKIN. What about Archer, did he have anything in his statement about Friday night in his prior statements?

Mr. WADE. No, sir; I don't think he did. He did have about the intending to shoot three times.

Mr. RANKIN. When Dean was telling you about this statement about planning to shoot Oswald on Friday night, was he telling you that Ruby had told him that?

Mr. WADE. Yes.

Mr. RANKIN. He didn't tell that to Sorrels?

Mr. WADE. I think he said he told it to both of them. I think that the question on that, he said when he saw the snarl on his face he first thought about killing him. Now the snarl on his face could have been Friday night or Saturday night.

Mr. DULLES. That is on Oswald's face?

Mr. WADE. On Oswald's face.

And I think that, I am not sure of this, but I think that Sorrels remembers saying something about the snarl on his face. But I think the question was whether they were talking before the time of the shooting of Oswald or whether they was talking about Friday night and it is Dean's impression that when he saw the snarl on his face is when he first thought about killing him.

I don't think he ever testified he planned to kill him or anything. I think he said that is the first time he thought about killing him.

Mr. RANKIN. What I wanted to get clear for the Commission was whether Ruby was telling this in answer to questions from Dean or in answer to questions from Sorrels?

Mr. WADE. I think largely Sorrels. I think at the end Dean asked him one or two questions, mostly about how he got in, I think. I think that is what Dean was asking him about. But I think actually that this came out in the conversation while Sorrels was at least taking the lead in questioning him.

And I think, my recollection is at the end, as Sorrels got through and walked on over to the elevator, he asked him how he got in the jail or something on that score rather than on this subject.

Now, Dean is under the impression that all this came out while Sorrels was there. But I don't think Sorrels, at least, didn't have it in his notes and I don't think he would say it didn't happen but he didn't remember it, you know.

Mr. RANKIN. Did you make any further investigation of this addition or change in the statements of Dean and these other people?

Mr. WADE. I don't think there is any change in the statement. I think you are asking a kind of a misleading question.

I think that first report dealt entirely with the security in the basement of the thing.

Mr. RANKIN. You don't think that purported to relate what the conversation was?

Mr. WADE. Up in the jail, I don't think, you may have it there, and I may be wrong. I never questioned him any more because like I said from the time of

the killing of Lee Harvey Oswald I thought that Friday night was the time, in my own mind, that is what I thought, he had thought about killing him. I don't say he said he would go arm himself, but in my own mind I had that feeling all along and I thought it was the first time he had thought about it, that is where I discounted all the other theories there was a connection between them because I saw him there and talked to him, and saw his excited demeanor, and so you asked me did I question him any more, he finally told me, what I actually thought were the facts and I do now incidentally.

Mr. RANKIN. You have already testified that you thought it was Jack Ruby before you even knew the name.

Mr. WADE. Well, you may—I may have stressed a little saying thought. When I was driving down there they said Dallas businessman kills him, without his name.

But in my own mind I said it must have been that Jack Ruby that was down there the night before. I mean I was just talking to myself, there wasn't nobody there. But like I say, one of those things, I might be more truthful to say it ran through my mind rather than to say I thought.

Mr. DULLES. You didn't say that to your wife?

Mr. WADE. I didn't say it to a soul. I went down there alone. I took her home. We don't live four or five blocks and I drove downtown myself, and it entered my mind and I will say when they announced it I wasn't too surprised. I mean I had or thought about him as a possibility.

Mr. RANKIN. Now, did you get any assistance from the FBI, Secret Service, and other agencies in the handling of these cases?

Mr. WADE. Practically none. I never have seen the Secret Service file. This Sorrels is the only one I talked with and I saw his report although I never did get a copy of it. The FBI let us examine, I believe all their files, I am not sure, but we couldn't take possession of them and we had to send somebody up there to run through them and dictate on them, and undoubtedly they helped us some in the trial.

They helped us in this way. If you had a witness on the stand—I was cross-examining and I would say, well now, you talked to the FBI and he would say yes, sir, and they really picked up when they knew they had talked to the FBI and then I would say didn't you tell them this and they would usually admit it.

Mr. RANKIN. Do you know whether the files of the—of either of these agencies or both of them were made available to the police in connection with the two cases?

Mr. WADE. It is a one-way deal usually with the FBI, you know. They don't usually tell you anything about their files but I say they did show us their files on this, and whether they showed them to the police I have no idea.

I will say they turned their files to the U.S. attorney and let me send somebody up there to look at it, 4,500 pages of it.

But that was about a week before the trial, and during the picking of the jury when we were still going through them.

Mr. RANKIN. Did you learn anything during your investigation of the Ruby case about the billfold and the ignition case in the car?

Mr. WADE. Of Ruby's car?

Mr. RANKIN. Yes.

Mr. WADE. No.

Mr. RANKIN. That didn't come to your attention?

Mr. WADE. You know they found a lot of stuff in his car and a lot of stuff on his person. I might say this—there are only two pieces of evidence found on him I wanted to introduce during the trial and until this day I never have found either one of them.

I don't know where they are. The police say they gave them to us, and I know they didn't. One was the receipt from the Western Union which we never, can't find the original of that or a copy, which I think you all have a copy of it.

The second one was he had in his possession a "Lifeline Deal on Heroism," telling about everybody had to take things into their own hands and be a hero.

We later got a copy of that because the night before the killing he gave

that to the Weird Beard up at KLIF, radio station, and told him that we had to have some heroes, that was the night before the killing.

We got a copy of what the article was but one of them, two or three copies were in his possession but I never could find one to introduce.

I never did know for sure whether to introduce it because there was a lot of good American patriotism in the thing and, of course, there is a lot of other that is complete hogwash, you know, and you don't know how a jury is going to read part of it and like it and the other part not, but the title of it was "Heroism" and he talked to the Weird Beard, this was in testimony, that somebody had to be a hero.

This was the night before the killing.

This was in before, this was before the jury, and said he gave him an article, the title of it was "Heroism," that he never did read.

Mr. RANKIN. Have you supplied to the Commission all the information that you have or has come to your attention with regard to the assassination of the President?

Mr. WADE. I don't know of anything. As far as I know, I have. I never did get any information on the assassination of the President. I requested them to send it up here to begin with.

Mr. RANKIN. And all you have in regard to Jack Ruby, too.

Mr. WADE. Everything I know of.

Like I said I let them take those pictures of the physical evidence last week, and there are supposed to be some things that I don't know where it is. It is not in my office, I think the police have lost them actually or at least they are up there and I don't think anybody is trying to hide anything but it is just a situation there is so much that it just got lost in the shuffle.

Mr. RANKIN. So, far as you know it has all been supplied then?

Mr. WADE. As far as I know it has. I don't know—I know of nothing in my files that you don't have, and if there is you sure are entitled to have it. I am not sure about this letter you mentioned from the lawyer, the affidavit but I am pretty sure you all have that but I know I got that during the trial and stuck it in my desk somewhere and I don't even know where it is but it will be available.

Mr. RANKIN. In any of these press conferences that you have described did you ever say anything about the type of rifle that was thought to be involved in the killing of the President?

Mr. WADE. I think that was one of the inaccuracies that Sunday night on the thing.

Mr. RANKIN. What did you say about it?

Mr. WADE. I think I said I thought it was a Mauser or I thought—was one of those things I didn't know what it was. It was an Italian gun, I think and I really thought I was giving them Italian but Mauser is a German gun, isn't it?

But I think you have that—it was a situation, I don't contend I was right on that because it was a situation somebody asked me that and that is what I thought I was telling them and I never—all my information came from the police and actually somebody said originally it was a Mauser but it turned out it was not.

Mr. RANKIN. You learned it was not.

Mr. WADE. Oh, yes; there was no question, I am not contending whatever I said was so on that because I got it all secondhand from someone else.

Mr. RANKIN. Did you learn that the Mauser-type rifle was similar in the type of action to the gun that was involved. Did that ever come to your attention?

Mr. WADE. I think someone told me that but I am not an expert on guns. I don't believe I ever saw this gun except from a distance. I think that Saturday night—Friday night, the 22d when they were taking it to Washington, I saw somebody take it through homicide and give it to the FBI and from a distance, I never did examine it.

Mr. RANKIN. In your testimony you were not entirely sure as to whether Chief Curry had the gun during the press conference?

Mr. WADE. No; I am not. I remember seeing some officer wave that gun around. I was tying it into Chief Curry but it could have been the day before, because that gun actually should have still been in Washington on the 23d.

Mr. RANKIN. Yes.

Mr. WADE. I am deducting, I think probably that I saw someone else with the gun, rather than Chief Curry.

Mr. RANKIN. Did you in any press conference describe anything about paraffin tests?

Mr. WADE. I told them they gave him paraffin tests. I believe that—I am not positive what I told them, but what I was told, they found paraffin on one hand—powder showed positive on one hand. I don't know which one, but I remember the police told me the paraffin test was positive on one hand. I don't know which hand.

Mr. RANKIN. Did you indicate what that meant in terms of the effect on crime or its investigation?

Mr. WADE. Well, of course, it meant that a man had fired a gun if they find powder on his hands. I assume I have told them that. I think that was Sunday night when we were laying out the evidence, so far as I know. I don't think that was prior to his being killed. It was, it shouldn't have been done, but I think that was Friday night.

Mr. RANKIN. That is all I have, Mr. Chief Justice. Mr. Dulles has a few questions.

The CHAIRMAN. Mr. Dulles, do you have some questions you would like to ask Mr. Wade?

Mr. DULLES. Mr. Chief Justice, Mr. Ford, believing I was the only one going to be here during the interrogation—during the entire session this morning—gave me a few questions and asked me to tell you he was very sorry he could not be here today, but he will be here tomorrow.

The CHAIRMAN. Yes.

Mr. DULLES. A great many of these questions have already been covered. I will just run over them briefly.

You have testified as to a telephone call that the attorney general received from Washington, what he told you about that. Did you have anything further to add to that?

Mr. WADE. No, sir; I believe we have covered that all right. I was trying to think. In the course of this thing, during all this investigation, I have talked to Cliff Carter in the White House, or at least he used to be, but I don't think we talked then on it. I think it was later, the next day, and then 2 or 3 days later, as I recall, but I believe right after they got back to Washington, I got a call from Cliff Carter wondering whether they had the person, or something, but Cliff was one of President Johnson's aides.

Mr. DULLES. Yes.

Mr. WADE. And I have talked with him later. I think, on, I don't know, I don't think it concerned any of these problems, but I am just talking out loud with you, but we have covered that fully and, I believe, the attorney general told you that he had talked to somebody in the White House about it and called me, I think that is where he told me where he had—

Mr. DULLES. There were no other messages other than these messages that you mentioned with Cliff Carter, is that right?

Mr. WADE. Yes; I talked to him, but I don't think it concerned this problem. I think it was on a—as a matter of fact, I think it was after Ruby had shot Oswald when I talked to him, but it is one of those things I can't remember. I hope you don't think I am trying not to tell you, I don't mind telling you anything, but talking to you that I got a call every 5 minutes, and so I don't know, mostly the press calling, you know.

Mr. DULLES. Was the conduct of the investigation of the assassination hindered by any possible overlapping of jurisdiction between Federal, State, and local authorities? You have dealt with that in a general way. Do you have anything more to say on that point?

Mr. WADE. Well, I think the investigation of the assassination was carried on in a rather cooperative manner between all the agencies concerned. I think this cooperation was more than generally you would have. It was born out

of a feeling that all the agencies were to some extent on the spot, I think, your FBI, your Secret Service. I think that bred cooperation rather than antagonism. I don't know of any antagonism. I think the biggest fault with the investigation was your press and television.

I don't think there is any question that you people up here deal with it. But you take a chief of police, a little chief of police, or a little district attorney down there who is not used to having all, everybody, calling you all hours of the night and asking you questions, and then if you sneeze, write a front page story about what you said, with no way to deny it, you know, and I think the press was the biggest thing that caused—I don't think they ever ought to have been in the police department to begin with. I would have liked to have kept them out of the courtroom. The judge announced that he was going to have them in the courtroom, but I was instrumental in keeping them out.

Mr. DULLES. When we were in Dallas, it was suggested to us that the press, radio, and news media kind of took possession of city hall there, and it was a question of throwing them out by force of arms or leaving them there. Do you have any comment on that?

Mr. WADE. I don't know how they got in. I don't see how they could run those big cables right through the chief of police's office there without somebody giving them permission. However, I have no way of knowing how they got in.

Mr. DULLES. It was suggested to us that the chief of police was out at the airport and did not get back, and found them in there when he got back at 3 o'clock.

Mr. WADE. How they got in I have no idea, but the whole mechanics of the thing—for instance, in the homicide office, the whole office—you probably have seen it—I don't imagine it is as big as this room. It is cut up into little offices.

Mr. DULLES. I was in there; yes.

Mr. WADE. If you know, when I went into the office, went into that office there Friday night, you had to push people back to open the door to get out. You had police having to move the crowd, and they were just stacked down that corridor, and it was a situation that should not have developed.

Of course, you have a situation where the press yell that the American people have a right to know their President had been assassinated. I don't say there are not two sides to the situation, but I think when they get to interfering with the processes of law there is bound to be a middle ground or some way to work it out. I can't solve it.

Mr. DULLES. So far as you know, have all documents of any evidence, of any kind whatsoever, collected by State and local authorities in Texas been turned over to the Federal authorities and the President's Commission?

Mr. WADE. So far as I know they have. We have either sent it to the Commission or to Mr. Waggoner Carr, and I assume whatever he gets he sends to you all. I don't know of any documents; I don't know whether—you don't have a transcript of the trial, but that will be testimony.

The CHAIRMAN. How long was the transcript, Mr. Wade?

Mr. WADE. I don't know how many pages. I don't think—we don't have our copy of it. We ordered a copy, and so—he filed a pauper's oath, so I don't have any idea how long it will be. It was about 2 weeks of testimony, an argument, and also 2 weeks of picking the jury. They took all that down, all questioning of prospective jurors, so all that will be in the transcript.

The CHAIRMAN. Will that all be in the record on appeal?

Mr. WADE. Yes, sir.

The CHAIRMAN. Have they made any extra copies, do you know?

Mr. WADE. I know they are making some extra copies that have been bought by individuals, I believe Life magazine, some of those magazines have ordered a copy.

The CHAIRMAN. I see; yes.

Mr. WADE. We are having to pay for ours. We are having to pay for ours, and, of course, we will handle that, we will use that when briefing our case on appeal.

The CHAIRMAN. Do you know what it will cost? You don't know that yet?

Mr. WADE. I think—we think—our copy will be \$3,000. I mean I have got that figure in my mind, because the Commissioners' Court kicked about us having

to pay court reporters who are working for the county, but I think the court reporters wrote the law, but I have got in mind \$3,000, but that is a copy. The original usually is twice that much, but of course, a copy is all you would want. But you can write Mr. Jimmy Muleady. He is the official court reporter of that court.

Mr. DULLES. You have testified with regard to the Hudkins and Goulden rumors that the FBI or CIA or some other Federal agency might have employed Oswald. One or the other of those correspondents indicated that he got his information from some high official that he refused to identify—he or they—refused to identify. Do you know anything about that?

Mr. WADE. No; Hudkins, as I recall, wrote in his article—I don't know who the high official is, but I imagine they are basing it on me or the police or someone—Hudkins put in his article, you know he wrote all this stuff, he is a wild writer, and he said, "Henry Wade said he doubted whether it would be public information" or something.

Well, he came running into me one day there and said, "Now, I have got all kinds of evidence that he is working for the FBI."

And I said, "Well, fine, I have none myself," and he said, "What would you think about it?"

I said, "Well, you are getting onto a situation that I don't know whether it ought to be public information or not." I mean, I asked, suppose he did, I don't know whether it would be something that ought to be written or not, well, more or less trying to get him not to write the article, and I said, "Assuming it is so, I don't see you are doing any good writing it."

So he quoted from that. That is all the conversation I had with Hudkins, and you can get that—I haven't seen the Goulden article, and didn't talk with him. I haven't seen Joe Goulden—I assume it is Joe Goulden. He left Dallas and went with a Philadelphia paper. So if it is the situation, if I have seen it I don't remember anything about it, if he wrote a story.

But the high official, all I can tell you anything on that, I have absolutely no evidence myself or any personal knowledge that he worked for the FBI or any Federal agency, and the only thing I have heard are rumors on the subject, and none of them that has got anything to base it on that I know of.

Does that cover that?

Mr. DULLES. That covers that.

You referred to the statement attributed to you made prior to Oswald's killing that the case against him was closed. I understand you say that was not correct, you did not make that statement.

Mr. WADE. That is right. To the best of my knowledge, I never said that. I mean that is what burned me up more than anything, more than any other statement on television when I saw it. I had not been on television. They have written this in the Dallas papers and some woman wrote in and said she saw me say it on television. But I would like to see a picture of it because the case never had actually been opened as far as—I mean, we weren't investigating the case. I think that night I told them, of course he is dead, there is no way of trying him. But the purpose, one other purpose in that interview Sunday night was to point out that I am sure the agencies will go on investigating it for the benefit of posterity, and I actually, if not in that interview, the following day, said I agreed with some Congressmen who said they thought they ought to have a Federal investigation on a national level of this thing.

Mr. DULLES. Do you know whether any other Texas officials made any such statement?

Mr. WADE. I don't know whether anybody did. They quoted the chief of police. They quoted Fritz on it, and then they started quoting me on it, which is all saying that. But so far, to the best of my knowledge, I never told anybody the case was closed, and I really think that Fritz must have said something about it, and then people think the captain of detectives and the district attorney and the chief are all about the same, and it finally drifted over to me because I left the police station and never had a word to say until that night when I was on television.

Mr. DULLES. Do you know whether there were any official transcripts made of

the various interrogations of Oswald from the time he was captured to the time of his killing?

Mr. WADE. If there are any, I have never seen them. I have asked for them, but you are dealing with a man who not only doesn't make transcripts, but doesn't even make notes. Captain Fritz is the one who interrogated him most of the time, and if you—if there is any written evidence of what he said it must be from the FBI or the Secret Service or someone who interviewed him. I assume they make a record of what he said to them.

Mr. DULLES. If any transcript was made we would have had it, would we not? So far as you know?

Mr. WADE. The only thing I know I never have seen one, and I don't have one of an interview, and I don't know of any—you should have it, but you are dealing with Fritz there who interviewed Ruby, and Melvin Belli went right into the conversation with Ruby, and Belli at 4 o'clock that afternoon made everything admissible, and we couldn't get a thing, couldn't put Fritz on the stand because he couldn't remember anything that was helpful. I mean, he could remember Ruby rambling around the situation, but I don't know of any transcript like that that I have that you don't have.

Mr. DULLES. In your talks, going back to your talks, with Mr. Carter at the White House—

Mr. WADE. Carter; yes.

Mr. DULLES. Carter—did any questions come up in these conversations about not raising the issue that he was a Communist or that there might be a conspiracy or something of that kind?

Mr. WADE. No, sir; that conversation, I'm rather sure sometime Friday afternoon, and he called me and said, "Are they making any progress on the case?" You see, Cliff Carter and I are close personal friends. I have known him, and they were all upset, and I said, "I don't know. I have heard they have got some pretty good evidence." I think that is the only conversation I had with him.

Somebody told me, Mr. Carr, I believe, or Barefoot Sanders, that they had had some conversations with some Washington officials, and I have got an impression it was the State Department, but it might have been—that they—concerning the international conspiracy angle. I didn't discuss it because it was silly, I mean the whole thing was a silly deal.

I mean, if you would prove he was a Communist, suppose he gave a statement he was a Communist, I wouldn't have put that in a murder charge because I had to prove it.

Mr. DULLES. That is all I have, Mr. Chief Justice.

The CHAIRMAN. I think that is all, Mr. Wade. Thank you very much for your cooperation.

Mr. WADE. I appreciate what you all are doing and your problems you have got up here. I know if I were in your place I would hate to listen to somebody like me talk 5 hours.

The CHAIRMAN. All right. We will recess until 2 o'clock.

(Whereupon, at 12:50 p.m., the President's Commission recessed.)

Afternoon Session

TESTIMONY OF PATRICK T. DEAN

The President's Commission reconvened at 2 p.m.
(Chairman Warren presiding and Mr. Dulles present.)

The CHAIRMAN. All right, gentlemen.
Do you have a statement?

Mr. RANKIN. Sergeant Dean asked if he couldn't appear before the Commission and testify. We took his deposition in Dallas, and he asked, when he signed his

deposition, whether he couldn't appear personally, so we are permitting him to do this.

The CHAIRMAN. We are very happy to have you, Sergeant. Will you raise your right hand and be sworn, please?

You solemnly swear the testimony you are about to give before the Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEAN. I do.

The CHAIRMAN. Be seated, please.

Mr. Rankin, you may examine the witness.

Mr. RANKIN. Sergeant, will you give us your name, your address, please?

Mr. DEAN. Patrick T. Dean. I live at 2822 Nicholson Drive in Dallas.

Mr. RANKIN. Are you connected with the police department in Dallas?

Mr. DEAN. Yes, sir.

Mr. RANKIN. What is your position?

Mr. DEAN. I am a sergeant on patrol.

Mr. RANKIN. How long have you been an official in the police department?

Mr. DEAN. Eleven and a half years.

Mr. RANKIN. Will you tell us briefly any training or experience you have had?

Mr. DEAN. Well, I worked as a patrolman for 5 years. Then I was promoted to sergeant and remained in the patrol division. I have since been in the patrol division the rest of the time.

Mr. RANKIN. You have given us your deposition, have you not, Sergeant?

Mr. DEAN. Yes, sir.

Mr. RANKIN. And is that correct and true as far as anything you know?

Mr. DEAN. Yes, sir.

Mr. RANKIN. Is there any part of it that you want to change or correct or modify?

Mr. DEAN. No, sir; I feel the main reason I wanted to appear before the Commission was about the 20 or 25 minutes that was off the record that I feel I would like the Commission to have on the record, and this is between Mr. Griffin and I. He was the original one who started my deposition.

Mr. RANKIN. Well, do you want to tell that at this time?

First, is there anything about what you said on the record that was not correct?

Mr. DEAN. No, sir.

Mr. RANKIN. And the truth?

Mr. DEAN. No, sir.

Well, Mr. Griffin had questioned me about 2 hours, or maybe a little longer. There was no problems at all, no difficulties. And after that length of time, a little over 2 hours, Mr. Griffin desired to get off the record, and he advised the court reporter that he would be off the record and he could go smoke a cigarette or get a Coke, and he would let him know when he wanted him to get back on the record.

Well, after the court reporter left, Mr. Griffin started talking to me in a manner of gaining my confidence in that he would help me and that he felt I would probably need some help in the future.

My not knowing what he was building up to, I asked Mr. Griffin to go ahead and ask me what he was going to ask me. He continued to advise me that he wanted me to listen to what he had to say before he asked me whatever question he was going to ask me. I finally told him that whatever he wanted to ask me he could just ask me, and if I knew I would tell him the truth or if I didn't know, I would tell him I didn't know.

Mr. Griffin took my reports, one dated February 18, the subject of it was an interview with Jack Ruby, and one dated November 26, which was my assignment in the basement.

He said there were things in these statements which were not true and, in fact, he said both these statements, he said there were particular things in there that were not true, and I asked him what portions did he consider not true, and then very dogmatically he said that, "Jack Ruby didn't tell you that he entered the basement via the Main Street ramp."

And, of course, I was shocked at this. This is what I testified to, in fact, I was cross-examined on this, and he, Mr. Griffin, further said, "Jack Ruby

did not tell you that he had thought or planned to kill Oswald two nights prior." And he said, "Your testimony was false, and these reports to your chief of police are false."

So this, of course, all this was off the record. I told Mr. Griffin then this shocked me, and I told him it shocked me; that I couldn't imagine what he was getting at or why he would accuse me of this, and I asked him, and Mr. Griffin replied he didn't or he wasn't at liberty to discuss that particular part of it with me, and that he wasn't trying to cross-examine me here, but that under cross-examination he could prove that my testimony was false, and that is when I told Mr. Griffin that these are the facts and I can't change them. This is what I know about it.

I quoted Ruby just about verbatim, and since he didn't believe me, and I was saying they were true, we might as well terminate the interview.

Mr. Griffin then got back on the record, or before he did get back on the record, he said, "Well now, Sergeant Dean, I respect you as a witness, I respect you in your profession, but I have offered my help and assistance, and I again will offer you my assistance, and that I don't feel you will be subjecting yourself to loss of your job," or some words to that effect, "If you will go ahead and tell me the truth about it."

I again told Mr. Griffin that these were the facts and I couldn't change them, so with that we got back on the record.

Mr. RANKIN. Did you ask Mr. Griffin to ever put this part that was off the record on the record?

Mr. DEAN. No, sir; I didn't.

Mr. RANKIN. Why didn't you at that time?

Mr. DEAN. Well, now the discussion was, I said, "Mr. Griffin, I have waived my rights for an attorney, of which I don't feel like I need one." I still don't feel like I need one.

The CHAIRMAN. And you do not need one either Sergeant.

Mr. DEAN. True.

The CHAIRMAN. You will get along all right.

Mr. DEAN. Thank you.

I said, "I have come over here with the idea of giving you all the information that I have." In fact, I had some additional information that I had gotten the night before, and it was a call that I had received from some man in Victoria, Canada, who said he had a reel of movie film that he had taken of the assassination.

I got this man's name, where he called from, had the police department in Victoria check to crisscross the number, and I gave him the name—well, all the information as to where the call had originated from, his name, also this man's attorney, he had given me his name, and I told him that the reason the man had called, had called especially for me at the police department, was that he had a reel of movie film that he had taken the day of the assassination and that these—or the camera was on the President at the time of the assassination, and he described to me the position as to where he was, which was across and in trajectory of the line of fire, and that he felt that in addition to the assassination that he had gotten the School Book Depository.

I told Mr. Griffin at the time that I had told this man—I can't remember his name, the FBI has gotten it, and at the time I gave it to Mr. Griffin, I told this man on the telephone from Victoria that night that he should send these things, this film, that he said wasn't developed, to the Warren Commission.

He said, that is when he told me that he had contacted his attorney in Victoria and that his attorney's name was Batter, and he spelled it for me, B-a-t-t-e-r, and his attorney had advised him not to send this information to the Warren Commission but to contact someone in Dallas and send it to them.

This man told me that he had read something about my testimony and that he asked me would it be all right for him to send it to me, and I told him, "Yes," and I said I was supposed to go back to the Warren Commission and he could send it to me, and I would make it available for them.

This was just additional information that I told Mr. Griffin that I was—this is an example—I was there to help them in any way I could.

Mr. RANKIN. Now, the differences in your testimony that Mr. Griffin was dis-

cussing with you off the record, you have gone into that in detail on the record, haven't you, in your deposition?

Mr. DEAN. Yes; I believe I have, about how Ruby entered the basement or how he told me how he entered the basement. Also that he had thought two nights prior when he saw Lee Oswald on a showup stand with a sarcastic sneer on his face is when he decided if he got the chance he would kill him. This was the thing that I testified in court about. I was cross-examined in court.

Mr. RANKIN. And you have explained all that in your deposition, haven't you?

Mr. DEAN. I believe so; I am not certain.

Mr. RANKIN. And did he ask you about why you didn't have your—this information about his planning to shoot Oswald the night before, or on the Friday—

Mr. DEAN. Now, are you asking did Mr. Griffin ask me why I didn't—

Mr. RANKIN. Why you didn't put it in your February—in your statement before the February 18 one?

Mr. DEAN. Yes, sir; I believe he did, and I explained to him this wasn't the subject—the subject of that November 26 report was my assignment. I didn't put any of the conversation as to what Mr. Sorrels and I talked to Mr. Ruby about. I did put at the closing paragraph, I think, and I have a copy of it here, that my main concern was how he got into the basement and how long he had been there because I was in charge of the security of the basement.

Mr. RANKIN. So you didn't put it in your prior reports?

Mr. DEAN. No, sir; this was later on. Chief Curry—I think probably it was February 18—and I think I probably wrote it that day, called me to his office and asked me had I heard all the interview of Ruby and Sorrels, and I told him that I did, and he asked me could I remember it pretty well, and I said, "Yes, I believe I can remember most all of it," and that is when Chief Curry told me that, he said, "Well, you are going to have to testify to it because Mr. Sorrels can't because he says he didn't warn Mr. Ruby when he was questioning him.

Well, this was fine with me. I wrote the report. This was February 18.

Mr. RANKIN. Did you tell Mr. Griffin at that time that you thought it was unimportant or had some other reason for not including it?

Mr. DEAN. I believe that I told him that the investigation, the focal point, was as to how he got into the basement. There was an officer, and I knew who the officer was, I assigned him there myself, and I felt this was more of a part of the investigation in which it was investigated—Officer R. E. Vaughan was investigated as to whether or not he let Ruby into the basement or saw him in the basement, and, of course, he was cleared of this. I know of no—the only information I passed on about that was when Jack Ruby told me how he entered. I told my superiors and then they carried it on from there as far as the investigation.

Mr. RANKIN. And about his planning to shoot him prior to the day that—

Mr. DEAN. Now, this wasn't—the only time that I put that in the report was February 18.

Mr. RANKIN. Yes; did you explain to Mr. Griffin in your prior testimony why you didn't put it in?

Mr. DEAN. I believe that I did; I am not sure.

Mr. RANKIN. Do you want to add anything to that, just anything that you wanted, to the Commission?

The CHAIRMAN. Do you recall whether you were asked that specific question or not, Sergeant? May I ask, Mr. Rankin, was he asked that question, and did he answer it?

Mr. RANKIN. I have to look at the record to be sure.

Mr. Chief Justice, in answer to your question, he was asked about what was the first time that he had given this information and if this was the date. He was not asked for any explanation as to why he didn't give it at any earlier time.

The CHAIRMAN. Then we can't blame him if he didn't answer why.

Mr. RANKIN. No; I just wanted to find out if he wanted to add anything at this time that would complete the record.

The CHAIRMAN. Yes; all right.

Mr. DEAN. Well, my main concern has been in some way this got out to the papers. The only thing I told the papers was that I can't give any statement. I said I have no comment, and I feel that the accusation started with my denial because I haven't had an opportunity to deny it. The story came out in the papers and it has been on the radio several times, and, in fact, several times since the original, some weeks or so after the paper learned of it of the so-called rift, as they put it.

They had the one side of it that he accused me of lying. He didn't use the word "lie," he just said, "These are false statements, and when you testified in court you testified falsely." He didn't use the word "lying," and a lot of papers have since then used the word "lying."

I feel like the accusation is a lot stronger than my denial because I haven't denied it. I haven't made any statement at all to press or radio or any news media. I just told them it will have to come from the Warren Commission or some other source.

Mr. RANKIN. What I was asking, Sergeant, was whether there is anything that you would like to tell the Commission or add to your testimony about why it wasn't in the earlier statement prior to February 18 that you haven't already told us.

Mr. DEAN. Well, I don't think I would like—if I could, I would like to know why Mr. Griffin had accused me of perjury. Of course, this is something for you people to know, but I just—he wouldn't discuss it with me.

The CHAIRMAN. Well, Sergeant, I want to say to you that, of course, without knowing what your conversation was with Mr. Griffin, I have never talked to Mr. Griffin about this. I didn't know that you had this altercation with him, but I want to say this: That so far as the jurisdiction of this Commission is concerned and its procedures, no member of our staff has a right to tell any witness that he is lying or that he is testifying falsely. That is not his business. It is the business of this Commission to appraise the testimony of all the witnesses, and, at the time you are talking about, and up to the present time, this Commission has never appraised your testimony or fully appraised the testimony of any other witness, and furthermore, I want to say to you that no member of our staff has any power to help or injure any witness.

So, so far as that conversation is concerned, there is nothing that will be binding upon this Commission.

Mr. DEAN. Yes, sir.

The CHAIRMAN. But, as I say, I don't know what your conversation was with Griffin, but I am just telling you as to what the limitations of the members of our staff are.

Mr. DEAN. Yes, sir; thank you. That is about all I had.

Mr. RANKIN. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Well, thank you, Sergeant, for coming and feeling as you do, I am glad you had the frankness to come and talk to the Commission, and offer to testify concerning it.

Mr. DEAN. Thank you. I appreciate the opportunity.

The CHAIRMAN. All right, Sergeant.

Mr. DEAN. Thank you. It is nice to have met you.

Mr. RANKIN. Waggoner, do you want to take the stand for a minute about that conversation?

The CHAIRMAN. You are going to ask the General about it?

Have you been sworn?

TESTIMONY OF WAGGONER CARR

Do you solemnly swear the testimony you are about to give before the Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CARR. I do.

The CHAIRMAN. Be seated, please.

Proceed, Mr. Rankin.

Mr. RANKIN. Mr. Carr, will you state your name and position for the record?

Mr. CARR. I am Waggoner Carr, attorney general of the State of Texas.

Mr. RANKIN. And you are a practicing lawyer, are you?

Mr. CARR. Yes, sir; before I was elected, I was practicing law in Lubbock, Tex. Now, of course, being attorney general, this has taken me out of the private practice. Prior to that I graduated from law school at the University of Texas, had my pre-law with a BBA degree from Texas Tech. I have been an assistant district attorney for the 72d judicial district in Texas; county attorney of Lubbock County for 2 years; served in the Texas House of Representatives for 10 years, the last 4 of those years being as Speaker of the House, and was elected attorney general in 1960.

Mr. RANKIN. You are the same Waggoner Carr who has participated from time to time in observing these hearings and cooperating with the Commission regarding its work?

Mr. CARR. Yes.

Mr. RANKIN. Insofar as the State of Texas is concerned?

Mr. CARR. Yes.

Mr. RANKIN. Were you here when Henry Wade was testifying with regard to a conversation between himself and yourself, this morning?

Mr. CARR. Yes, sir.

Mr. RANKIN. Would you relate to us that conversation as you recall it, both what you said and what he said?

Mr. CARR. As I recall, it was around 8 or 9 o'clock at night on November 22, 1963, when I received a long-distance telephone call from Washington from someone in the White House. I can't for the life of me remember who it was.

A rumor had been heard here that there was going to be an allegation in the indictment against Oswald connecting the assassination with an international conspiracy, and the inquiry was made whether I had any knowledge of it, and I told him I had no knowledge of it.

As a matter of fact, I hadn't been in Dallas since the assassination and was not there at the time of the assassination.

So the request was made of me to contact Mr. Wade to find out if that allegation was in the indictment.

I received the definite impression that the concern of the caller was that because of the emotion or the high tension that existed at that time that someone might thoughtlessly place in the indictment such an allegation without having the proof of such a conspiracy. So I did call Mr. Wade from my home, when I received the call, and he told me very much what he repeated to you today, as I recall, that he had no knowledge of anyone desiring to have that or planning to have that in the indictment; that it would be surplusage, it was not necessary to allege it, and that it would not be in there, but that he would doublecheck it to be sure.

And then I called back, and—as I recall I did—and informed the White House participant in the conversation of what Mr. Wade had said, and that was all of it.

Mr. RANKIN. Was there anything said to you at any time by anybody from Washington that if there was any evidence that was credible to support such an international conspiracy it should not be included in the indictment or complaint or any action?

Mr. CARR. Oh, no; absolutely not. There was no direct talk or indirect talk or insinuation that the facts, whatever they might be, should be suppressed. It was simply that in the tension someone might put something in an indictment for an advantage here or disadvantage there, that could not be proved, which would have very serious reaction, which the local person might not anticipate since he might not have the entire picture of what the reaction might be.

Mr. RANKIN. Thank you. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Mr. Attorney General, I don't know whether you will be testifying on any other subject before the Commission or not, but in the event that you do not, and both of us are not here in the Commission again at the same time, I want to say to you for the record that from the very beginning of our investigation your cooperation has been complete, it has been enthusiastic, and it has been most helpful to the Commission.

The Commission and I all appreciate it very much indeed.

Mr. CARR. Well, thank you, sir. I will say this, that it has been a very pleasant experience for us, and I think set a good example of how a State government and a Federal Government can cooperate together where we have common objectives such as this, where we are trying to determine the facts and nothing else.

Mr. DULLES. May I add my voice to that, Mr. Chief Justice?

The CHAIRMAN. Yes; indeed, you may.

Mr. DULLES. I know that has been true as far as I am personally concerned, and during our trip to Dallas, Mr. Carr was of great help to us.

Could I ask just one question?

The CHAIRMAN. Yes, indeed.

Mr. DULLES. Was there any indication in the call from the White House as to whether this was a leftist, rightist, or any other type of conspiracy or, as far as you recall, was just the word "conspiracy" used?

Mr. CARR. As far as I recall, it was an international conspiracy. This was the idea, but I don't know whether the word "Communist" was used or not, Mr. Dulles. It could have been, or maybe I just assumed that if there was a conspiracy it would only be a Communist conspiracy. I don't know which it was, but it was a perfectly natural call.

The circumstances that existed at the time, knowing them as I did, and the tension and the high emotion that was running rampant there, it was not inconceivable that something like that could have been done, you understand, without any thought of harming anyone or any thought of having to prove it, as long as you didn't know that under our Texas law you have to prove every allegation made in an indictment. If you didn't know that, it might seem logical that someone might put something like that into an indictment, factual or not.

Mr. DULLES. Thank you very much.

Mr. CARR. But there was no such thing going on.

The CHAIRMAN. Well, General, I think that will be all then. Thank you very much.

Mr. CARR. Yes, sir.

The CHAIRMAN. The Commission is adjourned.

(Whereupon, at 2:50 p.m., the President's Commission recessed.)

Tuesday, June 9, 1964

TESTIMONY OF RICHARD EDWARD SNYDER, JOHN A. McVICKAR, AND ABRAM CHAYES

The President's Commission met at 10 a.m., on June 9, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald Ford, and Allen W. Dulles, members.

Also present were William T. Coleman, Jr., assistant counsel; W. David Slawson, assistant counsel; Charles Murray, observer; and Dean Robert G. Storey, special counsel to the attorney general of Texas.

TESTIMONY OF RICHARD EDWARD SNYDER

(Members present at this point: Chief Justice Warren, and Mr. Dulles.)

The CHAIRMAN. Gentlemen, the Commission will come to order. Mr. Coleman, would you make a statement as to the purpose of the meeting this morning?

Mr. COLEMAN. Mr. Chief Justice, the first witness is Mr. Richard E. Snyder, who is presently first secretary in the American Embassy in Tokyo, Japan, and

was second secretary and consul, American Embassy, Moscow, U.S.S.R., in 1959, and remained in that post in Moscow through at least the middle of 1961.

Mr. Snyder will be asked to testify concerning Lee Harvey Oswald's actions when he came into the American Embassy in Moscow on October 31, 1959, and stated that he desired to renounce his U.S. citizenship, the actions which the Embassy took at that time, and the information which it gave to the State Department.

Mr. Snyder also handled the interview of Oswald when he appeared at the Embassy in July of 1961, and had his passport returned to him, and will be asked to testify about the return of the passport.

Mr. Snyder will also be asked to identify for the record the various Embassy dispatches and State Department instructions which were exchanged concerning Oswald in 1959, 1960, and to the middle of 1961.

The CHAIRMAN. Mr. Snyder, it is customary for us to read a statement of that kind to the witness, so you will be apprised of what we are going to interview you about.

Will you please rise and raise your right hand and be sworn?

Do you solemnly swear that the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SNYDER. I do, sir.

The CHAIRMAN. You may be seated.

Mr. Coleman will conduct the examination.

Mr. COLEMAN. Mr. Snyder, will you state your name for the record.

Mr. SNYDER. Richard Edward Snyder.

Mr. COLEMAN. And what is your present address?

Mr. SNYDER. 118 Geary Drive, South Plainfield, N.J.

Mr. COLEMAN. Are you presently employed by the Federal Government?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. In what capacity?

Mr. SNYDER. As a Foreign Service officer of the Department of State.

Mr. COLEMAN. Where are you presently stationed?

Mr. SNYDER. In Tokyo, American Embassy.

Mr. COLEMAN. Directing your attention to the fall of 1959, were you employed by the Federal Government at that time?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Where were you stationed?

Mr. SNYDER. At the Embassy in Moscow.

Mr. COLEMAN. What was your title?

Mr. SNYDER. Second secretary and consul, sir.

Mr. COLEMAN. I take it that you have had called to your attention a copy of the joint resolution which was adopted by Congress with respect to the Commission.

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. And I also take it that since you have been back in the country that you have had an opportunity to look at the various State Department files dealing with Oswald.

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Calling your attention to the date of October 31—

Mr. DULLES. Could I ask one question, Mr. Coleman, about that? What previous posts had you had before going to Moscow?

Mr. SNYDER. Well, my first post in the Foreign Service—

Mr. DULLES. I am interested as an old Foreign Service officer.

Mr. SNYDER. I see. I served for a brief time in HICOG in Frankfurt, Germany and then for about 2 years in Munich, in the consulate general, which was my first post in the Foreign Service.

My second post, I spent 1 year in the boondocks of Japan, in Niigata, on the Sea of Japan, in a one-man cultural center.

Mr. DULLES. As a Foreign Service officer?

Mr. SNYDER. As a Foreign Service officer; yes, sir. I was assigned to this duty at a time when USIS was still part of the State Department, and when I reached my post it had already been separated, so I was on loan to them. And

then a year and a half in Tokyo. Then a summer and an academic year at Harvard, in Russian area studies.

Mr. DULLES. In what school there?

Mr. SNYDER. In Littauer.

Mr. DULLES. Did you learn Russian at that time?

Mr. SNYDER. No; I had had Russian in college before.

Mr. DULLES. So you speak Russian fairly fluently?

Mr. SNYDER. Fairly fluently; yes, sir.

Mr. DULLES. And then Moscow was your next post?

Mr. SNYDER. And then Moscow for 2 years; yes, sir.

Mr. DULLES. What 2 years?

Mr. SNYDER. July of 1959 to July of 1961. I arrived there just before the Vice President.

Mr. COLEMAN. Directing your attention, sir, to October 31, 1959, did you have occasion to see Lee Harvey Oswald on that day?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Had you ever seen him before?

Mr. SNYDER. No, sir.

(At this point, Representative Ford entered the hearing room.)

Mr. COLEMAN. Had you ever heard about him before?

Mr. SNYDER. No.

Mr. COLEMAN. Could you state for the Commission just what happened when you saw Mr. Oswald on October 31, 1959, indicating the time of day, what he said, and what you did?

The CHAIRMAN. Before you answer that question, may I say that this is Congressman Ford, a member of the Commission.

This is Mr. Snyder of the State Department now stationed in Tokyo, and who was stationed at the Embassy in Moscow when Oswald attempted to defect.

Representative FORD. Thank you.

Mr. SNYDER. Well, as for the time of day, I am afraid I draw a blank. I can make some assumptions as to the time of day, for what they are worth.

But since I told Oswald—and you will come to this, I think, a little later on—that the Embassy was closed theoretically at the time, I presume this was a Wednesday afternoon or perhaps a Saturday afternoon, but I just don't recall.

Mr. COLEMAN. For the record, I think it was a Saturday, sir.

Mr. SNYDER. Was it a Saturday?

So, at any rate—if it had been a morning, I could not have used this particular approach with him. So I presume it was an afternoon.

Oswald came into the Embassy without prior announcement. He didn't call or in any other way communicate with us, to the best of my knowledge.

Mr. DULLES. You had no way of knowing he was in Russia?

Mr. SNYDER. I had no previous knowledge of his presence; no, sir.

At any rate, he came in to me cold, so to speak. I was told that an American wanted to see me, wanted to see the consul. And I am not sure whether I went out and brought him in or whether he was taken into my office by someone else. At any rate, this was my first meeting with Oswald.

I will be glad to give you such recollections as I have as to his general demeanor and this sort of thing, if you would like.

Mr. COLEMAN. Yes, sir.

Mr. SNYDER. And I might inject at this point something which I mentioned to Mr. Slawson before our session began, and that is that I reviewed the files, our own files, on Oswald, enough to refresh my memory as to the basic facts and the chronology of events and this sort of thing, but I have attempted not to go too deeply into details with the thought that what the Commission is interested in, presumably, is what I honestly remember at the time and not so much what may have been planted in my mind by reviews since that time.

As to his general appearance, I do recall that he was neatly and very presentably dressed. I couldn't say offhand whether he was dressed in a suit and shirt, though I think probably he was. At any rate, he presented a nice physical appearance.

I presume that he was well shaven. Otherwise, I would not have had this feeling about him—that he, in general, was competent looking.

He was extremely sure of himself. He seemed to know what his mission was. He took charge, in a sense, of the conversation right from the beginning. He told me in effect that he was there to give up his American citizenship. I believe he put his passport on my desk, but I am not sure. I may have asked for it. In general, his attitude was quite arrogant.

Mr. DULLES. Could I ask one question there? When you say you presume you asked for it, you mean you asked to see it—you didn't ask to take it from him?

Mr. SNYDER. No, I asked to see it. If he didn't put it on the desk, then I asked for it early in the game—one way or the other.

He told me, among other things, that he had come to the Soviet Union to live, that he did not intend to go back to the United States, that this was a well thought out idea on his part. He said, again in effect, "Don't bother wasting my time asking me questions or trying to talk me out of my position."

He said, "I am well aware"—either he said, "I am well aware" or "I have been told exactly the kind of thing you will ask me, and I am not interested, so let's get down to business"—words to that effect.

Well, he was a very cocksure young man at that time.

I am not sure that he sat at all throughout the interview, but certainly in the early part of it he did not.

I asked him—I recall asking him to take a seat, and he said, no, he wanted to stand. He may have relented later on.

At any rate, I did nevertheless probe about and elicited a bit of information about him which was in my report to the Department of State.

Mr. COLEMAN. Sir, was anyone else present at the time you were talking to Mr. Oswald?

Mr. SNYDER. No; I believe Mr. McVickar was in the next room. But there was no one in the room with us at that time.

Mr. COLEMAN. How long did the interview with Mr. Oswald last, approximately?

Mr. SNYDER. Well, I would have to pull it out of the air, really. It would be on the order of magnitude of half an hour. It might have extended to three-quarters of an hour, something of this sort.

Mr. COLEMAN. Other than the passport, did he give you any other piece of paper?

Mr. SNYDER. Yes, yes; he did. He gave me a written statement saying something along the line of what I have said he mentioned to me orally. That is, that he had come to the Soviet Union to live, that he desired to renounce his citizenship, that he was going to become a citizen of the Soviet Union, words to that effect.

Mr. DULLES. We have that written statement, do we not?

Mr. COLEMAN. I have marked as Commission Exhibit No. 913 a photostatic copy of a handwritten letter which is signed by Lee H. Oswald, and ask you whether that is a copy of the letter that Oswald gave you on October 31, when he appeared at the Embassy?

(The document referred to was marked Commission Exhibit No. 913 for identification.)

Mr. SNYDER. Yes; I would say it is, sir.

Mr. COLEMAN. After he gave you the letter and the passport, did he do anything else?

Mr. SNYDER. No; after his initial statement of purpose and intent, and after giving me this statement, the interview was then pretty much in my hands. He was, I would say, a reluctant interviewee from there on.

He had announced initially his desire not to discuss the matter with me, but simply to get on with the business for which he had come and, therefore, anything else that was to be said was up to me to get said.

Mr. COLEMAN. Did you at that time go through whatever formalities are required for a person to renounce his citizenship?

Mr. SNYDER. No; I did not.

Mr. COLEMAN. What does an American citizen have to do at the Embassy to renounce his citizenship?

Mr. SNYDER. Well, the law requires, in general, that an American citizen, to renounce his citizenship, must appear before—I am not sure whether the law

confines it to a consular officer—but at any rate must appear, in the case of the Foreign Service, appear before a consular officer, and swear to an affidavit in the proper form, something of this order. In practical terms, it means that the consul draws up a statement, the content of which—the exact wording of which is contained in our regulations, and has the person swear to it in his presence.

Mr. COLEMAN. Well, did Mr. Oswald ask for such an affidavit?

Mr. SNYDER. I don't think he asked for such an affidavit in those terms. I am not sure that he understood that completely, what the procedure was. But he did ask to renounce his citizenship.

Mr. COLEMAN. Well, did you provide him with the affidavit?

Mr. SNYDER. No, sir; I did not.

Mr. COLEMAN. Why didn't you provide him with the affidavit at that time?

Mr. SNYDER. Well, as the consul and, of course, the responsible person at the time, it didn't seem to me the sensible thing to do—in the sense that—I can't, I suppose, speak for all consuls, but it is sort of axiomatic, I think, in the consular service that when a man, a citizen comes in and asks to renounce his citizenship, you don't whip out a piece of paper and have him sign it. This is a very serious step, of course, an irrevocable step, really, and if nothing else you attempt to provide enough time for—to make sure that the person knows what he is doing. You explain, for one thing, what the meaning of the act is; and, secondly, again speaking for myself—I cannot speak for the Foreign Service in this—provide a little breather, if possible make the man leave your office and come back to it at a later time, just to make sure—for what value there is in making sure—that the man's action is not something completely off the top of his head.

Representative FORD. Mr. Chairman, would it be helpful for the record to have put in the record at this point whatever the law is in this regard, and whatever the Department regulations are on this point?

The CHAIRMAN. That may be done; yes.

Mr. COLEMAN. I would like to say, sir, at 2 o'clock the Legal Adviser to the State Department is coming in, and he is going to put it in at that time.

Mr. DULLES. May I ask a question at this point?

Mr. COLEMAN. If you want it in now, we can indicate the sections which are applicable.

Representative FORD. I think there ought to be some citation at this point, because the witness is talking specifically about the process of the law and the regulations.

The CHAIRMAN. Do you have the law there, Mr. Snyder—is that the law?

Mr. SNYDER. I brought nothing with me, myself.

The CHAIRMAN. I saw a book there that you were looking at, and I thought that would suffice.

Mr. SNYDER. Shall I read the section of law, sir?

This is the Immigration and Nationality Act, section 349(a) (6).

Section 349(a) states, "From and after the effective date of this Act, a person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by"—then section 6 under that, subsection, states, "making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state in such form as may be prescribed by the Secretary of State."

Mr. COLEMAN. Sir, the Secretary of State has promulgated regulations which are found in 22 Code of Federal Regulations, sections 50.1 and 50.2 and they are also reproduced in 8 Foreign Affairs Manual, section 225.6.

Basically, as I understand it, those regulations provide the form in which the citizen is to make the renunciation, and it is to be done in four copies, and then one copy is to be given to the person who makes the renunciation. Is that your understanding?

Mr. SNYDER. This is my understanding; yes, sir.

Representative FORD. Are those forms available? Are they printed up, or do you have to draft them? What is the circumstance?

Mr. SNYDER. They are not printed forms, to my knowledge, Mr. Ford—at

least I have never seen a printed form. The only time that I have used them in my Foreign Service experience I have had them typed up on the spot.

The CHAIRMAN. You may continue, Mr. Coleman.

Mr. DULLES. We ought to have in the record, Mr. Chief Justice, a copy of that form—either here or later.

The CHAIRMAN. As I understood, someone from the State Department is coming here to testify on the procedures, and the witness did not bring anything with him, he says.

Mr. SNYDER. That is right, sir.

Mr. COLEMAN. Mr. Snyder, when you were talking to Mr. Oswald on October 31, 1959, did he say anything with respect to applying for Soviet citizenship?

Mr. SNYDER. Yes; this was contained in his written statement, for one thing, and I believe that he also stated this to me orally.

Mr. COLEMAN. Did he say anything with respect to having any information since he had been in the Marine Corps that he would be willing to make available to the Soviet Union?

Mr. SNYDER. Yes; he did. He stated again, in effect, that he would make available to the Soviet authorities or to the Soviet Union what he had learned concerning his speciality—he was an electronics specialist of some sort, a radar technician—at any rate, he would make available to the Soviet Union such knowledge as he had acquired while in the Marine Corps concerning his speciality.

He volunteered this statement. It was rather peculiar.

Mr. COLEMAN. You say that the interview lasted about a half an hour. I take it he then left. Did he say he was going to return?

Mr. SNYDER. No; I don't believe he did. He gave no particular indication of when he would return, if he would return, or this sort of thing.

Mr. COLEMAN. Do you recall just what he said when he left your office?

Mr. SNYDER. No, sir.

Mr. COLEMAN. I show you a document—

Mr. DULLES. Could I ask one question there? Did he take his passport or did he leave it?

Mr. SNYDER. No; I kept it.

Mr. DULLES. You kept the passport?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. I show you a document which has been marked Commission Exhibit No. 908, and it is a Foreign Service dispatch dated November 2, 1959. This is from Embassy, Moscow, to the Department of State, Washington. It is signed by Edward L. Freers, but on the first page there is an indication it was actually drafted by you. Do you recall drafting the original of that document?

Mr. SNYDER. Yes, sir.

(The document referred to was marked Commission Exhibit No. 908 for identification.)

Mr. COLEMAN. That statement was drafted within a day or two after you had the interview with Mr. Oswald. I take it it reflects what happened at that time.

Mr. SNYDER. Yes, sir.

Mr. DULLES. Was there any cabled report of this incident?

Mr. SNYDER. Yes; I cabled a report on the 31st, Mr. Dulles. Commission Exhibit No. 908 is a somewhat fuller report, 2 days later.

Mr. COLEMAN. To answer Mr. Dulles' question, I show you a document which has been marked Commission Exhibit No. 910, which purports to be a copy of a cable from Moscow to the Secretary of State, and ask you whether that is the cable which was sent off on October 31, 1959.

(The document referred to was marked Commission Exhibit No. 910 for identification.)

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. I also had marked, and I would like to show you, Commission Exhibit No. 909, which is a copy of a telegram from American Embassy, Tokyo, to Secretary of State, dated November 27, 1963. This telegram purports

to be an interview which the Ambassador in Tokyo had with you immediately after the assassination in which you attempted to recall what happened on October 31, 1959, when Mr. Oswald appeared at the Embassy.

(The document referred to was marked Commission Exhibit No. 909 for identification.)

Mr. COLEMAN. I ask you if you can identify that telegram?

Mr. SNYDER. Might I just inject something? I notice in my reports, on my first interview with Oswald, that I mention the Petrulli case. You might at this time or later on wish to refer to the Petrulli case.

Mr. DULLES. Mr. Chairman, this cable is very short and quite significant. I wonder if it could not be read into the record at this point, just for the continuity of the record.

Mr. SNYDER. There is a slight problem of classification on these, Mr. Dulles. I don't know how public the records are.

Mr. DULLES. Maybe you could paraphrase it, then. You mean it is a question of codes?

Mr. SNYDER. It is a question of code security; yes, sir.

The CHAIRMAN. If this is in the record, it will be published.

Mr. COLEMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Mr. COLEMAN. Would you be kind enough to read Commission Exhibit No. 910 into the record?

Mr. SNYDER. In paraphrase?

The CHAIRMAN. Paraphrase, yes; in your own way.

Representative FORD. Of course keeping the intent of what was said precisely as it was sent.

Mr. SNYDER. Yes, sir.

A person appeared at the Embassy today, October 31, identified himself as Lee Harvey Oswald, and stated that he had come to renounce his American citizenship. He was the bearer of U.S. passport No. 1733242, date of issuance September 10, 1959, which showed him to be unmarried and gave his age as 20, or which showed him to be 20—it gives his date of birth. Mr. Oswald stated that he had applied for Soviet citizenship in Moscow. He stated that he had entered the Soviet Union from Helsinki, Finland, on October 15. He said that he had contemplated this action for the previous 2 years. The main reason given was that "I am a Marxist." He has a mother living at 4936 Collinwood Street, Fort Worth, Tex., which was also his last address.

His attitude was arrogant and aggressive. He stated that he had recently been discharged from the Marine Corps. He also volunteered the information that he had offered to the Soviet authorities any information which he had acquired as an enlisted radar operator in the Marines.

In view of the Petrulli case, the Embassy proposes to delay completing the renunciation procedure until the action of the Soviet authorities on his request for Soviet citizenship is known or the Department advises.

A dispatch follows.

The press has been informed.

The CHAIRMAN. Would the Commissioners like to see the document itself?

Mr. COLEMAN. Mr. Snyder, could you tell the Commission what the Petrulli case was?

Mr. SNYDER. Yes. The Petrulli case I remember quite well.

Mr. Petrulli was an American citizen who came into the Embassy some weeks before, I believe, asking to renounce his American citizenship. Mr. Petrulli hung around Moscow for quite some time, again a number of weeks, and perhaps as long as 3 weeks or a month. He had entered the Soviet Union as a tourist, I believe.

It is not clear what intent he had when he arrived.

But, at any rate, he did apply for Soviet citizenship while in Moscow, and he did come into the Embassy, and was interviewed by me to renounce his American citizenship. I did not, in accordance with the thinking which I outlined to you earlier—I did not accept his renunciation the first time he came in, but did

accept it when he subsequently appeared, and insisted that is what he wanted to do.

The case had a—I might skip over the minor details, but it had a rather rapid denouncement, when the Soviet authorities, after having looked him over for a number of weeks, decided they did not want him as a citizen or resident of the Soviet Union. And when we subsequently learned, that is I learned, from my reporting to the Department, and correspondence with them, that Mr. Petrulli had been discharged from the Armed Forces some time earlier on, I believe, a 100-percent mental disability—the Soviet, I think it was the head of the consular section of the Soviet Foreign Ministry, called me into the Foreign Ministry one day and said words to the effect that an American citizen Mr. Petrulli, has overstayed his visa in the Soviet Union, he is living here illegally, and “We request that you take steps to see that he leaves the country immediately.”

I told the Soviet official that to the best of my knowledge Mr. Petrulli was not then an American citizen, he having executed a renunciation of citizenship before me.

The Soviet official said in effect, “As far as we are concerned, he came here on an American passport, and we ask that you get him out of here.”

Well, again to end what was a long, involved and terribly time-consuming story at the time, it was determined by the Department that Mr. Petrulli’s renunciation was null and void because he was not competent, and therefore he was an American citizen, and we shipped him home.

The Petrulli case, as I say, was very much in my mind when Mr. Oswald showed up.

Mr. COLEMAN. After you sent the telegram, which is Commission Exhibit No. 910, to the State Department, I take it that the first word that you received from the State Department is a telegram which I have marked as Commission Exhibit No. 916.

(The document referred to was marked Commission Exhibit No. 916 for identification.)

Mr. SNYDER. Yes.

Mr. COLEMAN. Now, by paraphrasing, could you read the second paragraph of that telegram into the record?

Mr. SNYDER. “For your information, in the event that Mr. Oswald insists on completing a renunciation of his United States citizenship, the Embassy is precluded by the provisions of section 1999 of the Revised Statutes from withholding the right to do so without regard to the status of his application for citizenship which is pending before the Soviet government and without regard to the Petrulli case.”

Mr. COLEMAN. At the same time that you were notifying the State Department that Oswald had appeared, someone in the Embassy also sent a telegram to the Navy Department, didn’t he, advising that Oswald, a former Marine, had appeared at the Embassy and stated that he was a radar operator in the Marine Corps, and that he had offered to furnish the Soviets the information he possessed on radar.

I have marked as Commission Exhibit No. 917 this telegram and ask you whether that is the telegram that went forth to the Navy Department.

(The document referred to was marked Commission Exhibit No. 917 for identification.)

Mr. SNYDER. I don’t recall that I saw this telegram at the time. But I would say from the content of it, and the form, that it is clearly a telegram sent by the naval attaché of the Embassy to his home office.

Mr. COLEMAN. We also have had marked as Commission Exhibit No. 918 the telegram which the Navy sent in reply to Commission Exhibit No. 917.

(The document referred to was marked Commission Exhibit No. 918 for identification.)

Mr. COLEMAN. Have you seen that before and can you identify that?

Mr. SNYDER. I do not recall having seen this telegram before; no, sir.

Mr. COLEMAN. Now, sir; the next contact that you had with Oswald was by a letter dated November 3, 1959, which has been marked as Commission Exhibit No. 912, is that correct?

(The document referred to was marked Commission Exhibit No. 912 for identification.)

Mr. SNYDER. Yes—to the best of my knowledge, this was the next thing that I heard of Oswald—the next thing I heard from Oswald.

Mr. COLEMAN. How did the original of Commission Exhibit No. 912 come into your possession?

Mr. SNYDER. I believe it came through the mail.

Mr. COLEMAN. And after you received Commission Exhibit No. 912, what did you do?

Mr. SNYDER. I wrote Mr. Oswald a reply, I believe, the same day.

The CHAIRMAN. Exhibit No. 912 was a request to revoke his application to renounce citizenship, was it not?

Mr. COLEMAN. No, Mr. Chief Justice; Commission Exhibit No. 912 is a letter from Mr. Oswald complaining that the Embassy had not permitted him to renounce.

The CHAIRMAN. I misread it. Yes; that is right. Excuse me.

Mr. COLEMAN. You say you wrote Mr. Oswald a letter the same day?

We have had marked as Commission Exhibit No. 919 a letter from Richard E. Snyder, to Lee Harvey Oswald, dated November 6, 1959.

(The document referred to was marked Commission Exhibit No. 919 for identification.)

Mr. COLEMAN. I show it to you and ask you is this a copy of the letter which you wrote to Mr. Oswald?

Mr. SNYDER. Yes, sir.

Representative FORD. Mr. Chairman—

Mr. DULLES. Could we have some indication of what that letter is, for the record.

The CHAIRMAN. Referring back to Exhibit No. 912, where I was acting apparently under some misapprehension I read the first three lines and it said "Nov. 3, 1959. I, Lee Harvey Oswald, do hereby request that my present United States citizenship be revoked." Well, that is consistent with what was said.

Representative FORD. I think that is a pretty categorical statement.

The CHAIRMAN. Yes; it is.

Representative FORD. He subsequently, in Exhibit No. 912, makes a protest about the fact that he was not accorded that right previously. But I don't see how we could come to any other conclusion but the first three lines are a specific request for the right to revoke his American citizenship.

The CHAIRMAN. Yes; but I had misread that first sentence, and I had asked if it wasn't a revocation of his original request. I was in error when I said that. You are correct, absolutely, on your interpretation of it.

Mr. COLEMAN. As a result of receiving Commission Exhibit No. 912, you wrote Mr. Oswald a letter which has been—a copy of which has been marked and identified as Commission Exhibit No. 919, is that correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Earlier in your testimony, when asked about what a citizen has to do to renounce his citizenship, you referred to section 349(a) (6).

I would like to call your attention to the fact there is also another provision—section 349(a) (2)—which provides that an American citizen shall lose his nationality by "taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof."

Did you consider whether the Oswald letter, marked as Commission Exhibit No. 912, was such an affirmation or other formal declaration?

Mr. SNYDER. There is a considerable body of law, I believe, interpreting this provision of law as to what constitutes an affirmation or other formal declaration. I believe that I was quite aware at the time that a mere statement did not constitute a formal declaration within the meaning of the law.

Mr. COLEMAN. Did—

Mr. DULLES. May I ask one question about Exhibit No. 912?

In the second paragraph of this letter, Exhibit No. 912, Oswald says, "I appeared [sic] in person at the consulate office of the United States Embassy, Moscow on Oct. 31st, for the purpose of signing the formal papers to this effect. This legal right I was refused at that time."

Do you know how he learned about his legal rights? Did you tell him his legal rights in your conversation with him? Or where did he get the information about his legal rights, if you know about that?

Mr. SNYDER. Well, to the best of my knowledge, Mr. Dulles, I did discuss with Oswald both the significance of his act and the legal basis of it, and so forth. And I believe that in the letter which I wrote to him—

Mr. DULLES. Which was subsequent to Exhibit No. 912, was it not, in answer to 912?

Mr. SNYDER. In answer to Exhibit No. 912—in the letter which I wrote, replying to this, I purposely used the word, I think, “again”, or words to that effect, and I put that word in there at the time, indicating that he had been told this before, and that I was repeating it to him.

Mr. COLEMAN. You are talking about Commission Exhibit No. 919, the third paragraph, is that correct, where you use the word “again”?

Mr. SNYDER. Yes; that is correct.

In other words, at the time Oswald was there, the reason which I gave him for not taking his renunciation at the time was not that he was not legally entitled to have it, but that the office was closed at the time. In matter of fact, I don't think I had a secretary there to type out the form and so forth. But this is really quite beside the point.

But the reason which I gave him was not that I had any legal right to refuse him—that is, it wasn't based on a provision of law, as it was based on simply the fact that the Embassy was closed at the time.

Mr. COLEMAN. You will recall in Commission Exhibit No. 913, which was the first letter that Oswald gave you, that the last paragraph states, “I affirm that my allegiance is to the Union of Soviet Socialist Republics,” and once again I take it that you didn't think that that was the type of oath or affirmation which is set forth in section 349(a)(2)?

Mr. SNYDER. Yes, sir; that is right.

Mr. SLAWSON. Mr. Snyder, in reference to the same document, Commission Exhibit No. 913, do you think that Mr. Oswald, when he appeared before you and gave this to you, believed in his mind that this was sufficient to renounce his citizenship?

The CHAIRMAN. How could he tell what was in his mind?

Mr. SNYDER. I really don't know.

Mr. SLAWSON. Do you believe that if you had given Mr. Oswald the opportunity to carry through with the procedures, that he would have renounced his citizenship at that first appearance?

Mr. SNYDER. Yes; I have every reason to believe he would have.

Mr. COLEMAN. Sir, I also would like to show you a copy of a passport issued by the United States, which has been marked as Commission Exhibit No. 946, and ask you whether that is the passport that Mr. Oswald gave to you when he came into the Embassy on October 31, 1959.

Mr. DULLES. May I ask a preliminary question about Exhibit No. 913?

This is undated. Do we know the date of the receipt of this by the Embassy?

Mr. COLEMAN. Yes, Mr. Dulles; the testimony is that when Mr. Oswald came into the Embassy, sir, he handed this document to Mr. Snyder.

Mr. DULLES. That is the first time he came in, he handed this document to you?

Mr. SNYDER. Yes, sir.

This is undoubtedly his passport; yes, sir.

Mr. COLEMAN. After you received Commission Exhibit No. 919, which is the second letter from Oswald, the letter dated November 3, 1959, you then prepared and sent to the Secretary of State in Washington an airgram which the Commission has had marked as Commission Exhibit No. 920.

(The document referred to was marked Commission Exhibit No. 920 for identification.)

Mr. COLEMAN. I show you the document and ask you whether you prepared the original thereof and sent it to the State Department?

Mr. SNYDER. Yes, sir.

Representative FORD. May I ask a question here?

When Oswald first came in, and either placed his passport on the desk or the

table, or you asked for it, did you note that he had overstayed his visa by 5 days?

Mr. SNYDER. I can't recall that I did or did not, Mr. Ford.

Representative FORD. Is that something that you would normally examine and determine under circumstances like this?

Mr. SNYDER. Oh, I might if there were some reason to look at it—if it were particularly relevant to something I was thinking at the time or asking about at the time.

In terms of Soviet practice, it is not really too relevant. That is, if the Soviet authorities find it to their interest to keep a person around, then there is no problem. And if they do not, one does not overstay one's visa in the Soviet Union.

Representative FORD. But if it is, for some Soviet reason, a good reason to keep somebody around beyond the time of their visa, wouldn't that be of some interest to us—I mean to the United States officials?

Mr. SNYDER. Oh, yes; but, of course, that assumption was already strongly made in the Oswald case by other circumstances in this case. There was no question in my mind that Mr. Oswald was there in Moscow for the purposes for which he stated he was in Moscow, and that this was known to the Soviet authorities, for he said he had applied for Soviet citizenship.

Representative FORD. Is it the usual thing for them to let an individual stay beyond their visa termination date?

Mr. SNYDER. Well, I would say it is not usual. Again, one can never cite a list of specific instances in these things, but I think that when you are working as a consul in Moscow for a couple of years, you have a considerable feel for these things, and that I would say it is not usual—people simply do not overstay their visas in the Soviet Union without the knowledge, by and large, of the Soviet authorities.

And this is because of the nature of the passport registration system at your hotel, and all of this sort of thing. It simply is not normally done by oversight or by lapse either on the part of the individual or on the part of the Soviet State.

Representative FORD. When he presented the passport, or when you were given the passport by him, did you examine it?

Mr. SNYDER. I undoubtedly examined it.

Representative FORD. Where in the passport would this fact be noted that he had overstayed his visa by 5 days?

(At this point, Senator Cooper entered the hearing room.)

Mr. SNYDER. It may either be on the original visa or on the police stamp placed in his passport at the time. This is to the best of my recollection.

Mr. COLEMAN. Congressman Ford, as I understand it, one of the stamps in the passport, which would be in Russian, indicates the visa that he got in Helsinki, and also indicates the length of time he was permitted to stay.

Representative FORD. So it is clearly a Soviet document in the passport?

Mr. COLEMAN. Yes.

Mr. SNYDER. I could probably find these for you, if you would like.

Representative FORD. When Oswald came in, did you notice anything peculiar about his physical appearance—any bruises, any injuries of any kind?

Mr. SNYDER. No, no; as I said—you may not have been here, Mr. Ford, at the time I made my original comments on his appearance.

He was very neatly dressed, very well composed, and to all outward appearances a respectable-looking young man.

Representative FORD. I was there then, and I was interested because I think we have testimony to the effect, or we have documentation to the effect, that he had tried to commit suicide prior to his coming to the American Embassy for the purpose of renouncing his citizenship. In other words, he had cut his wrist and had been in a Soviet hospital or medical facility. And I was wondering whether you had noticed that.

Mr. SNYDER. No, sir; I did not.

Representative FORD. You did not.

Mr. COLEMAN. Mr. Snyder, on November 2 you sent forward Commission

Exhibit No. 908, which is the Foreign Service dispatch. You had also sent forth 2 days earlier a telegram advising them about Oswald.

And on November 12 you had sent forth Commission Exhibit No. 920. Now, according to the files that we have, except for Commission Exhibit No. 916, which is the telegram asking where the dispatch was, we have no other communication during this period from the Department to the Embassy giving you advice on what to do in the Oswald case.

Was there any messages that went back to the Embassy, other than Commission Exhibit No. 916, during that period?

Mr. SNYDER. I can't really say, Mr. Coleman, that I have personal recollection. But I have no reason to believe that there was anything else came in, other than what is now in our files.

Mr. COLEMAN. Well, would you expect to get some answers to those dispatches that you were sending forward to Washington?

Mr. SNYDER. Not really—not really. The thrust of information in something like this is from the field to the Department. The Department really answered the only thing which I asked them. That is, I told the Department what I intended to do concerning his request for renunciation, and the Department responded to that. And this was really all I would have expected from them at the time.

I would have expected—if the Department had had any information concerning Oswald in its files—I would have expected them to let me know if they had indication, for instance, that Oswald was mentally unbalanced or emotionally unstable or anything else of this sort, anything which might look like a repeat of the Petrulli pattern, I would have expected them to let me know this, so I would know how to handle the case.

Mr. COLEMAN. Sir, 3 days before Mr. Oswald came into the Embassy, did you have occasion to write a letter to Mr. Boster in Washington, asking him how you should handle these matters of attempted renunciation of American citizenship?

Mr. SNYDER. Well—

Mr. DULLES. Is this the first time he came into the Embassy?

Mr. COLEMAN. This is 3 days before he came.

Mr. DULLES. The first time?

Mr. COLEMAN. Yes, sir.

Mr. SNYDER. I recall writing. I think probably the letter you have in mind—

Mr. COLEMAN. I show you Commission Exhibit No. 914 which is a letter dated October 28, 1959, from Mr. Snyder to Mr. Boster, and ask you whether that is a letter you sent.

(The document referred to was marked Commission Exhibit No. 914 for identification.)

Mr. COLEMAN. Is that a copy of the letter that you sent to Mr. Boster?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Doesn't that letter, at the bottom, indicate that you were attempting to get advice on how to handle an attempted renunciation of American citizenship? At the bottom of the first page.

Mr. SNYDER. Yes; this is a letter which I wrote to Gene Boster. This letter, I might add, did not refer to any particular case, but was a letter in which I had put down ideas which had been circulating in my mind for some time, based on my initial handling of cases in Moscow. And it was by way of putting down, as I say, some general ideas on the subject, and asking Gene what the Department felt about this general area of notions. It wasn't directed at any particular case.

Representative FORD. Do you feel that the regulations then, as well as now, and the law as well, are archaic in this regard?

Mr. SNYDER. Oh, no; it is simply that—not the law, and certainly not the regulations—and certainly not the law, can ever take the place of the judgment of the officer on the spot.

Mr. DULLES. Was this motivated by the Petrulli case?

Mr. SNYDER. No; I don't think it was. The Petrulli case was a clear-cut case, there was no problem with the Petrulli case, legal or otherwise.

It was motivated, as best I can recall, by my experience with a few other

cases. Well, let's say—let's go back a little bit further, in a more general vein. The kind of people, the kind of Americans, and I suppose not only Americans but Frenchmen, Englishmen, and otherwise, who occasionally drift into the Soviet Union and state that they want to roll up their sleeves and go to work for socialism for the rest of their lives, or something of this sort, are usually quite a peculiar kind of person.

In the first place, they are rarely Marxists in any meaningful sense of the term. That is, they don't really know what it is all about. They probably don't know two words about Marxist theories, or Marxism, Leninism, Stalinism, or anything else. Even less do they know anything about the country that they have chosen to spend their lives in, theoretically.

Almost universally they have never been to the country before. They speak no Russian. And they are rebounding from something—in some cases, such as the Petrulli case, the man is simply incompetent. In other cases, as in the Webster case, he appears to have been fleeing from his wife and the general responsibilities of his prior position, and finding that he could not escape from them in the Soviet Union either.

In the case of Oswald, a man who, for one reason or another, seemed to have been uncomfortable in his own society, unable to accommodate himself to it, and hoping he will make out better some place else.

At any rate, almost universally, the pattern is of a person who is not acting out of any ideological grounds. He simply doesn't—and I think this is essentially true probably of Oswald—this was my feeling in speaking with him—that Oswald really knew nothing about Marxism and Leninism, that he professed to be modeling his life after.

Mr. DULLES. Isn't it possible, though, from this discussion—maybe this should be asked to your legal adviser—that our procedure under law about renunciation may be in conflict with general international law, because if he comes into the country with an American passport, as an American citizen, I gather under ordinary international law we have to take him back. We are responsible for him. And no renunciation he makes changes that, as the Petrulli case shows.

Now, in the Petrulli case you had a situation where he was incompetent, and you could throw the thing out on the ground he didn't know what he was doing. But in these other cases, maybe you can't.

Mr. SNYDER. Well, in the specific instance and circumstances of the Soviet Union, you obviously have a major problem, there is a major state problem.

Mr. DULLES. That might arise in other cases. Isn't that true in any case—If an American citizen arrives with an American passport, the country where he arrives doesn't have to keep him, does it? Isn't it our responsibility to take him back?

Mr. SNYDER. Well, this is a point—

Mr. DULLES. That is a question of law.

Mr. SNYDER. This is a question of law which I really cannot answer.

And where we have an extradition treaty, I think there is no great problem, perhaps, or at least the problem is somewhat different from where we do not have an extradition treaty, as in the case of the Soviet Union.

And I just don't know whether we are in the last analysis required to take back a person who is no longer one of our citizens, and under circumstances where we do not have an extradition treaty with the nation, where that person now resides.

Representative FORD. Do we have an extradition treaty with the Soviet Union?

Mr. SNYDER. No, sir.

Well, we did not at that time, and I don't think we have subsequently. But we did not at that time.

Representative FORD. Do the legal advisers to the Department know whether we have an extradition treaty now?

Mr. CHAYES. We do not have an extradition treaty with the Soviet Union.

The only bilateral treaty we have with the Soviet Union, the Senate has not yet given advice and consent—but the only bilateral agreement is the consular agreement.

But so long as I am on the record here, I don't see how the extradition treaty has any bearing at all on the requirement of taking back a former American

citizen who may get into trouble in the other country. That would be a matter governed by general principles of international law, and also one's own humanitarian outlook on the particular circumstance, rather than—or there could be treaty provisions perhaps, commerce and navigation, that might bear on it. But in the usual case, I think not.

Senator COOPER. May I ask a question here? It might save time.

Is there any statutory—any statute bearing on this question of renunciation?

The CHAIRMAN. Senator Cooper, we just went through that, and it has been put in evidence here, and the statute has been read and it is very simple. All he has to do is go there and renounce before a consul or State officer to satisfy the regulations and requirements of the State Department, and he is out.

Isn't that correct, generally speaking?

Mr. CHAYES. Yes, sir.

Senator COOPER. Is there any other statute bearing upon the effect of that renunciation with respect to any application or petition he might make later to renew his citizenship in the United States? Is there any?

Mr. COLEMAN. I would assume, sir, if he has made a valid renunciation, he is then just like any other non-American that wants to come into the United States. He has to go through one of the immigration quotas.

Mr. SNYDER. He must get an immigration visa.

Senator COOPER. I remember during the war and after the war we had problems with persons who had become naturalized citizens, and were returned to their countries, and in effect renounced their citizenship in various ways. As I remember, under certain circumstances they could renew their citizenship with the United States. But, as I understand it, there is no provision of law respecting a citizen of the United States who actually renounces his citizenship.

Mr. CHAYES. The issues in all those cases, I believe, were whether the purported expatriating act was actually an expatriating act. Whether they had voted voluntarily or served in a foreign army voluntarily, or something like that.

Senator COOPER. All this matter, the legal side of it, will be put into the record?

Mr. COLEMAN. At 2 o'clock, sir.

Now, Mr. Snyder, after you wrote that letter to Mr. Boster, which is Commission Exhibit No. 914, you received a reply to your letter which was signed by Nathaniel Davis, acting officer in charge, Soviet affairs, dated December 10, 1959, which has been marked Commission Exhibit No. 915.

(The document referred to was marked Commission Exhibit No. 915 for identification.)

Mr. SNYDER. Yes.

Mr. COLEMAN. Sir, also on December 1, 1959, you sent an airgram to the State Department indicating that you had been informed that Oswald had left the hotel at which he had been staying in Moscow, is that correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. I show you a document which has been identified as Commission Exhibit No. 921, and ask you whether that is a copy of the airgram you sent forward to the Department.

(The document referred to was marked Commission Exhibit No. 921 for identification.)

Mr. SNYDER. Yes.

Mr. COLEMAN. In Exhibit No. 921, you stated that you felt that he had not carried through with his original intent to renounce American citizenship in order to leave a crack open. Now, what information did you have which led you to put that in the airgram?

Mr. SNYDER. I am not sure whether this was my statement or—

Mr. COLEMAN. Well, would you look at that, sir?

Mr. SNYDER. Yes; this was the statement of the correspondent. The correspondent states that.

Mr. COLEMAN. Oh, you were informing the Department that the correspondent told you that she felt that Oswald may have been leaving a crack open?

Mr. SNYDER. That is right. This crack part here is part of the sentence "correspondent states."

Mr. COLEMAN. Who was the correspondent?

Mr. SNYDER. This was Priscilla Johnson.

Mr. COLEMAN. And I take it you were the one that prepared Commission Exhibit No. 921?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. You also state that no known Soviet publicity on case. I take it you meant by that there had been no mentioning in the Soviet press about Oswald.

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Are you saying from the time he came into your Embassy office until the time you wrote that airgram, that there was nothing in the Soviet press about Oswald?

Mr. SNYDER. Not to my knowledge.

Mr. COLEMAN. Is that usual in these cases, where Americans attempt to renounce their citizenship?

Mr. SNYDER. I think if there is a usual pattern—and, again, this is difficult to use words like “usual” because there are never two cases alike in this sort of thing—but if there is a usual pattern, it is that there is some exploitation of the defector in Soviet public media, usually after the details of his defection have been settled, particularly the detail as to whether the Soviet Union desires to have him.

Up to that point, publicity in the Soviet press probably is not to be expected.

Mr. COLEMAN. After you sent the airgram dated December 1, 1959, to the Department of State, which is Commission Exhibit No. 921, you didn't have any more contact with Oswald until some time in February 1961, is that correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. In the meantime, however, there was correspondence between the Embassy in Moscow and the State Department, is that correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Did——

Mr. SNYDER. Well, let me see.

Mr. COLEMAN. I will mark——

Mr. SNYDER. I guess there was. There was one or more welfare and whereabouts inquiries concerning him from his mother, which I think was the bulk, if not all, of the correspondence which we were engaged in between those two periods.

Mr. COLEMAN. Well, one such memorandum which went from the State Department to Moscow was a memorandum dated March 21, 1960, which has been marked as Commission Exhibit No. 922, which indicates that Representative Wright of Texas had made inquiry with respect to the whereabouts of Oswald.

(The document referred to was marked Commission Exhibit No. 922 for identification.)

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. And attached to the operations memorandum which was marked as Commission Exhibit No. 922 is the letter sent to Congressman Wright, which has been marked as Exhibit 923.

(The document referred to was marked Commission Exhibit No. 923 for identification.)

Mr. COLEMAN. And also a letter sent to Mrs. Marguerite Oswald, which has been marked as Commission Exhibit No. 924.

(The document referred to was marked Commission Exhibit No. 924 for identification.)

Mr. COLEMAN. In reply to Commission Exhibit No. 922, you prepared and sent to the Department of State an operations memorandum under date of March 28, 1960, which we have marked as Commission Exhibit No. 927.

(The document referred to was marked Commission Exhibit No. 927 for identification.)

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. In Commission Exhibit No. 927, you make the statement that the Embassy has no evidence that Oswald has expatriated himself other than his announced intention to do so “and the Embassy is, therefore, technically in a position to institute an inquiry concerning his whereabouts through a note to the Foreign Office.”

Do you recall that statement in the operations memorandum?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Was it your thought, then, that based upon all the documents you had and what transpired on October 31, 1959, and the subsequent letter that Oswald sent, that in your judgment he had not renounced his American citizenship?

Mr. SNYDER. The statement which I made in that letter—to be quite accurate, as to its content—was made not for the—that is, the statement wasn't directing itself to the question has Oswald lost his citizenship or not, but rather to the question would we have the right in Soviet eyes to ask about the whereabouts of this man. The Soviet authorities took a very strict line that no foreign government had the right to inquire about any resident of the Soviet Union unless he was their citizen. So that my statement was merely—was meant there to support my conclusion that the Embassy, as far as we could see, would have the right in Soviet eyes to ask about the whereabouts of Oswald—because we had no reason to believe he was not our citizen, and, therefore, we had a perfect right to ask about where he might be.

Representative FORD. In other words, in your own mind, at that point, he had not renounced his citizenship?

Mr. SNYDER. There is no question he had not renounced his citizenship; yes, sir.

Mr. COLEMAN. You considered that he was still an American citizen as of March 28—

Mr. SNYDER. No evidence to the contrary.

Mr. DULLES. That is, he hadn't taken the procedures required under the law to renounce his citizenship?

Mr. SNYDER. He had not renounced his citizenship, and there was no evidence that he had acquired Soviet citizenship. These were the two things under which I think he could possibly have lost his citizenship at that time.

So, for lack of evidence to the contrary, he was an American citizen.

Mr. COLEMAN. On April 5, 1960—you received an operations memorandum from the Department of State, dated March 28, 1960, which we have had marked as Commission Exhibit No. 929. Do you recall receiving that?

Mr. SNYDER. Yes, sir.

(The document referred to was marked Commission Exhibit No. 929 for identification.)

Mr. COLEMAN. The second paragraph of that memorandum indicates that a lookout card or file has been opened or prepared.

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. What does that mean?

Mr. SNYDER. Never having worked in this end of the Department of State, I can say only what it would mean in general terms—when one says a lookout card has been prepared, it means that an entry has been made in the file in such fashion that should someone look in the file for—under this name or this category, that there would be—that their attention would be flagged by this entry, and their attention would be called to the fact that there is something that they ought to look into. In other words, it is kind of a red flag placed—perhaps red flag is not the word to use here—but it is a flag placed in the file to attract the attention of anyone looking in the file under that.

Mr. COLEMAN. Then on May 10, 1960, and again on June 22, 1960, you received two operations memorandums from the State Department making inquiries with respect to Mr. Oswald. Can you identify those?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. You remember receiving those?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. The operations memorandum dated May 10, 1960, was given Commission Exhibit No. 928, and the operations memorandum dated June 22, 1960, has been given Commission Exhibit No. 925.

(The documents referred to were marked Commission Exhibits Nos. 925 and 928, respectively, for identification.)

Mr. COLEMAN. In response to those two operations memorandums, you, then, on July 6, 1960, sent forth an operations memorandum which has been given Commission Exhibit No. 926, which states that until you get other instructions,

you are not going to make any further inquiry or do anything further in connection with Oswald, is that correct?

(The document referred to was marked Commission Exhibit No. 926 for identification.)

Mr. SNYDER. That is correct.

Mr. COLEMAN. Then, sir, on February 1, 1961, you received a Department of State instruction which was marked as Commission Exhibit No. 930, which requested the Embassy to ask the Ministry of Foreign Affairs—to inform the Ministry of Foreign Affairs that Mr. Oswald's mother was worried about his personal safety, and was anxious to hear from him.

(The document referred to was marked Commission Exhibit No. 930 for identification.)

Mr. COLEMAN. Did you ever make such an inquiry of the Ministry of Foreign Affairs?

Mr. SNYDER. No, I think I did not.

Mr. COLEMAN. Do you know just when that Department instruction reached the Embassy in Moscow?

Mr. SNYDER. The date should be stamped on the document.

Mr. COLEMAN. Well, on the copy we have, sir, there is no date. I take it you have no independent recollection?

Mr. SNYDER. No; it should have been within a week, though.

Mr. COLEMAN. I take it, though, you would say that Commission Exhibit No. 930 went by diplomatic pouch.

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. This didn't go by cable?

Mr. SNYDER. No, that is not a telegraphic form.

Mr. COLEMAN. On February 13, 1961, you received a letter from Mr. Oswald, did you not?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. I show you a copy of a letter which has been marked as Commission Exhibit No. 931, and I ask you whether that is a copy of a letter you received from Mr. Oswald.

(The document referred to was marked Commission Exhibit No. 931 for identification.)

Mr. SNYDER. Yes, sir.

Representative FORD. Mr. Chairman, it would be helpful, I think, if we would pass these around, or if copies would be available to us at the time. Otherwise—at least I am not able to know what is transpiring between the counsel and the witness.

Are there extra copies of these we could have to examine as the exhibit is submitted to the witness?

Mr. SLAWSON. We could have them made up, Mr. Ford. I don't think there are any extra ones right now.

The CHAIRMAN. Well, suppose before you pass it to the witness you pass it to me, and I will pass it to Congressman Ford, and then over to Commissioner Dulles.

Mr. SNYDER. This letter is presumably the reason why no action was taken on the previous operations memorandum. It was overtaken, presumably, by Oswald's letter.

Mr. COLEMAN. Could you indicate for the record what Oswald said in his letter which has been marked as Commission Exhibit No. 931?

Mr. SNYDER. Perhaps I might just read the letter into the record.

The letter is dated February, no date.

"Dear sirs"—

Mr. DULLES. What year?

Mr. SNYDER. 1961.

"Since I have not received a reply to my letter of December 1960, I am writing again asking that you consider my request for the return of my American passport.

"I desire to return to the United States, that is if we could come to some agreement concernig [sic] the dropping of any legal proceedings against me. If so, then I would be free to ask the Russian authorities to allow me to leave.

If I could show them my American passport, I am of the opinion they would give me an exit visa.

"They have at no time insisted that I take Russian citizenship. I am living here with non-permanent type papers for a foreigner.

"I cannot leave Minsk without permission, therefore I am writing rather than calling in person.

"I hope that in recalling the responsibility I have to America that you remember your's in doing everything you can to help me since I am an American citizen.

"Sincerely Lee Harvey Oswald."

Mr. DULLES. That is addressed to the American Embassy in Moscow?

Mr. SNYDER. It is simply "Dear sirs:" As near as I can recall, it came by mail, through the Soviet mail, addressed to the Embassy.

Mr. COLEMAN. Had you received a letter from Mr. Oswald at a date of December 1960, the way he mentioned in the first paragraph of his letter?

Mr. SNYDER. No, sir; we did not.

Mr. COLEMAN. This is the first letter you received?

Mr. SNYDER. This is the first communication since he left Moscow.

Mr. COLEMAN. I would next like to mark as Commission Exhibit No. 933 the reply which you made to Mr. Oswald, which is dated February 28, 1961.

(The document referred to was marked Commission Exhibit No. 933 for identification.)

Mr. DULLES. When you say since he left Moscow, that was in—

Mr. SNYDER. November 1959, sir.

Mr. DULLES. November 1959?

Mr. SNYDER. This is what we presume was the date.

Mr. COLEMAN. Mr. Dulles, we have other evidence that he didn't leave until January 7, 1960.

Mr. DULLES. The last the Embassy heard from him was in November 1959?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. You have been shown Commission Exhibit No. 933. Is that a copy of a letter which you sent to Mr. Oswald?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. At the same time did you inform the State Department that you had received a letter from Mr. Oswald?

Mr. SNYDER. I presume that I did.

Mr. COLEMAN. I have had marked as Commission Exhibit No. 932 a Foreign Service Despatch under date of February 28, 1961, from the Embassy in Moscow to the State Department in Washington. I would like to ask you whether this is the despatch which you sent forth to the Department.

(The document referred to was marked Commission Exhibit No. 932 for identification.)

Representative FORD. Do the records show the date that the letter from Oswald was written—yes; February 5—and received February 13. This communication is dated February 28. Is that a long or a short time in communicating with Washington?

Mr. SNYDER. I would say it is a long time.

Representative FORD. Is there any explanation why it is a long time?

Mr. SNYDER. The only thing I could think of is simply that Moscow is a very busy office, and Mr. Oswald's case was no longer the top of my docket.

Representative FORD. Had there been any communication with the State Department in Washington concerning the inquiries of the mother, other than this?

Mr. SNYDER. I don't know, Mr. Ford. The only knowledge I had at the time of inquiries is what I was informed of by the Department. I presume that they informed me of all inquiries—since they could hardly act upon them themselves.

Representative FORD. What is the date of the last inquiry by the mother as to Oswald's—

Mr. COLEMAN. Sir, I think the record will show that on January 26, 1961, the mother came to the State Department and as a result of that visit, that

inquiry of February 1, 1961, went forward, making the inquiry. It has already been put in as an exhibit.

Representative FORD. This is the trouble not keeping copies available. It is a little difficult to follow the sequence.

Mr. COLEMAN. It is Commission Exhibit No. 930.

Representative FORD. This document, Commission Exhibit No. 930, shows what, as far as you are concerned, Mr. Snyder?

Mr. SNYDER. Well, it shows an interest by Oswald's mother in his whereabouts.

Representative FORD. As of what date, and where?

Mr. SNYDER. It says that Mrs. Oswald called at the Department of State on January 26, 1961; she personally called at the Department to inquire about her son.

Representative FORD. And that was communicated to the Embassy in Moscow?

Mr. SNYDER. Yes, sir.

Representative FORD. When was it received in the Embassy in Moscow?

Mr. SNYDER. Well, this doesn't show the date of receipt, but it was sent on February 1, and was received within a week of that time.

Representative FORD. And according to the records, the letter written by Oswald on February 5, 1961, which was received—was received February 13, 1961.

Mr. SNYDER. Yes.

Representative FORD. And this document, Commission Exhibit No. 933, shows a reply was given February 28, is that correct?

Mr. SNYDER. I think that is correct, sir.

Mr. DULLES. Does that mean it took 8 days to go from Minsk to Moscow?

Mr. SNYDER. Yes, sir.

Mr. DULLES. Isn't that an unusually long time?

Mr. SNYDER. Well, not too much of that time is transit time.

Mr. DULLES. That is what I was getting at.

Representative FORD. It also shows it took 15 days to get out of the American Embassy.

Mr. SNYDER. You must remember that in my eyes, as the officer on the spot, Mr. Oswald had no claim to prior action from the Embassy among other cases. And although the consular officer attempts to be as impersonal as he can about these things, in matter of fact it is very difficult to be entirely impersonal.

Mr. Oswald had no claim to any unusual attentions of mine, I must say.

I think that the letter from Oswald from the Metropole Hotel to the Embassy took something like 3 days or 4 days.

Representative FORD. What does that mean to you? Does that mean that his correspondence was intercepted?

Mr. SNYDER. There was no question about that, Mr. Ford?

Representative FORD. Intercepted by Soviet authorities?

Mr. SNYDER. Oh, yes; this has been known for years.

Representative FORD. Common practice?

Mr. SNYDER. Oh, yes; every embassy there knows the system, and operates within it. All mail from or to a foreign embassy in Moscow goes to a separate section of the Moscow Post Office, called the international section, and this is the screening office for all mail to and from any embassy.

Representative FORD. As far as you know, is that still the process today?

Mr. SNYDER. I am sure it is, sir. The essentials of the Soviet State haven't changed.

Senator COOPER. May I ask a few questions?

I have been examining these exhibits which have been introduced. The first one I have looked at is Exhibit No. 908, which refers to Lee Harvey Oswald's call at the Embassy and your interview with him.

Mr. DULLES. Is that from Moscow to Washington, the State Department?

Senator COOPER. Yes; it is your interview with Oswald.

Mr. SNYDER. Yes, sir; that is right.

Senator COOPER. In this he states that he applied for a Soviet tourist visa in Helsinki on October 14. He applied for citizenship by letter to the Supreme Soviet on October 16, in Moscow. And your report to the State Department

said that he appeared at the Embassy on October 31, and presented his request for renunciation in writing.

I assume that you have had other cases of this kind, have you not?

Mr. SNYDER. Well, particularly the Petrulli case, yes; a few weeks earlier.

Senator COOPER. Would it be normal in your judgment that this period of time, from the time he applied to the Soviet for citizenship, the Supreme Soviet, which was on October 16, as he said, it would not be acted upon in 2 weeks?

Mr. SNYDER. I would think it would be highly unusual if it were acted upon in 2 weeks; yes, sir.

Senator COOPER. Did others talk to him in the Embassy beside you?

Mr. SNYDER. Not to my knowledge; no, sir.

Senator COOPER. Did you know whether or not newspaper people, American newspaper people were talking to him?

Mr. SNYDER. I know that Priscilla Johnson talked to him. Whether others got to him, I don't know. He wasn't terribly communicative.

Senator COOPER. Did she tell you she talked to him?

Mr. SNYDER. Oh, yes.

Senator COOPER. But you do not know whether or not other members of the Embassy staff talked to him?

Mr. SNYDER. I have no reason to believe that anyone else talked to him, other than myself, Senator Cooper. That is, at this time. I mean at a later time. Mr. McVickar, I presume, talked to Oswald. He talked to his wife, I am quite sure. I presume that Oswald was with her. But up until the time that I left Moscow, Oswald was my baby, and I don't think anyone else talked to him in the Embassy.

Mr. DULLES. Were there other cases, other than the Petrulli and the Oswald case, where Americans attempted to or did renounce their citizenship while you were in Moscow in this period?

Mr. SNYDER. No, sir.

Senator COOPER. To whom were you directly responsible in the Embassy?

Mr. SNYDER. My immediate superior was Mr. Freers, Edward Freers, who was the Deputy Chief of Mission.

Senator COOPER. Was he informed about this case?

Mr. SNYDER. Yes, sir.

Senator COOPER. Who was the American ambassador at that time?

Mr. SNYDER. Ambassador Thompson.

Senator COOPER. Did he know about it?

Mr. SNYDER. I presume he did. Ambassador Thompson knew everything that went on in his shop. If through no other means, both the Ambassador and the DCM, the Deputy Chief of Mission, read the correspondence coming in and out, and this is their basic line of information.

Senator COOPER. In your report, Commission Exhibit No. 908, you stated that he knew the provisions of U.S. law on loss of citizenship, and declined to have them reviewed by the interviewing officer. Is that correct? He said he knew how he could renounce his citizenship?

Mr. SNYDER. Yes; I attempted to explain to him at the time the seriousness of his move, the meaning of it, the irrevocability of it and the section of law applying. He was quite curt in his manner, and apparently among other things, declined to have me read the law to him.

Senator COOPER. Exhibit No. 920 refers to the letter received by the Embassy from Lee Oswald, who was residing in the Metropole Hotel. It does show that it was dated November 3, and received, according to this, on November 12, no, date sent November 7.

This could be a speculation. It appears to me, though, it is a very well written letter. "I, Lee Harvey Oswald, do hereby request that my present United States citizenship be revoked. I appeared [sic] in person, at the consulate office of the U.S. Embassy, Moscow, on Oct. 31st for the purpose of signing the formal papers to this effect. This legal right I was refused at that time. I wish to protest against this action and against the conduct of the official of the United States consular service who acted on behalf of the United States Government. My application requesting that I be considered for citizenship in the Soviet Union is now pending before the Supreme Soviet of the U.S.S.R. In the event of

acceptance, I will request my government to lodge a formal protest regarding this incident."

Signed "Lee Harvey Oswald."

I would assume that the last sentence referred to the Soviet Union.

Mr. SNYDER. Yes, sir.

Senator COOPER. From your examination and interview with Lee Harvey Oswald, your talks with him, does that letter appear to be one which he had the capacity to write in that language and form?

Mr. SNYDER. That is a difficult thing to speculate on, Senator Cooper. I would say this—

Senator COOPER. It is a very good letter.

Mr. SNYDER. At first blush, I would not say that it was beyond his capacity. He did strike me as an intelligent man. He was certainly very articulate. Actually still a boy, I suppose, in a sense—he was 20 at the time I saw him. He was a very articulate person, and quite intelligent. I don't think from what I saw of him that the letter is beyond his capacity to have written.

There is also an element of it which is very much Oswaldish, and that is the last paragraph, the rather strident tones of it. One finds this in his other correspondence with the Embassy, and in the tone which he took when he first spoke with me—extremely strident tone. It is almost comical in a sense, this last paragraph, in its pomposity, its sonorosity. I am quite prepared to believe that the last part at least is Oswald's.

Senator COOPER. One other question.

In your report you noted that he had made statements about the United States, derogatory statements.

Did he ever direct his statements toward any individual in the United States, any official?

Mr. SNYDER. No; I have no recollection that he directed his statements against anyone, Senator Cooper. I think that if he had, I would likely have reported this matter. As a matter of fact, on the general subject of the molding of his attitudes, he was not very communicative.

Mr. DULLES. Was he technically correct there in his statement—I believe he said that his application was pending before the Supreme Soviet. Is that technically correct?

Mr. SNYDER. That is technically correct; yes, sir.

The CHAIRMAN. You may continue, Mr. Coleman.

Mr. COLEMAN. Now, Mr. Snyder, on March 24, 1961, you sent a Foreign Service Despatch to the Department indicating that you had received a second letter from Mr. Oswald on March 20, 1961, and you said that the letter was postmarked Minsk, March 5, and Moscow March 17. I would like to show you a Commission document which has been marked as Commission Exhibit No. 940, and ask you whether that is a copy of the Foreign Service Despatch which you sent forth to the Department.

(The document referred to was marked Commission Exhibit No. 940 for identification.)

Mr. DULLES. Could this be very briefly summarized for the record while it is being read?

Mr. COLEMAN. In this despatch, he sets forth the letter which Mr. Oswald sent, which basically said that it would be hard for him to get to the Embassy in Moscow, and why can't they send the papers to Minsk?

Mr. DULLES. These are the papers about his return?

Mr. COLEMAN. Yes, papers that he would have to fill out to see if he was entitled to get his passport back.

Would the witness identify the despatch? Is that the one you sent?

Mr. SNYDER. Yes; it is.

Mr. COLEMAN. I take it that the first answer you got from the Department to your despatch of February 28, 1961, which is marked as Commission Exhibit No. 932, indicating the first letter you received from Oswald, and then the second despatch marked Commission Exhibit No. 940, was a State Department instruction dated April 13, 1961, which was marked as Commission Exhibit No. 934.

(The document referred to was marked Commission Exhibit No. 934 for identification.)

Mr. COLEMAN. Is that the despatch which you received?

Mr. SNYDER. Yes, sir.

Senator COOPER. And then again on May 26, 1961, you sent another despatch to the State Department indicating that you received another letter from Oswald, and stating that you thought you would return to Oswald his passport, and that has been marked as Commission Exhibit No. 936.

(The document referred to was marked Commission Exhibit No. 936 for identification.)

Mr. DULLES. Mr. Chairman, I note a reference in the margin here, in Commission Exhibit No. 934.

Do you know whose handwriting that is in, Mr. Snyder?

Mr. SNYDER. Yes, sir; that is my handwriting.

Mr. DULLES. What does that say?

Mr. SNYDER. It says, "May be necessary give him before he can arrange depart."

Mr. COLEMAN. Now, Mr. Snyder, on or about July 10 or 11, 1961, Mr. Oswald physically appeared at the American Embassy again, did he not?

Mr. SNYDER. Yes; I saw him once more—I believe once more—possibly twice.

Mr. COLEMAN. Actually he came in on a Saturday, did he not, which was July 8, and then you saw him again on the following Monday, isn't that correct? Didn't you actually see him twice during that period?

Mr. SNYDER. I think that I must have. As I say, I think I must have, because of my review of the record at the time indicates that I think I saw him on the 8th, and the application was taken on the 10th, which means, I presumably saw him twice.

Mr. COLEMAN. Do you recall when he came into the Embassy on the 8th and what he said, and what you did?

Mr. SNYDER. No; in fact, I have no recollection of his having come in at that time, Mr. Coleman.

Mr. COLEMAN. In the course of these two interviews on the 8th and on the 10th, he actually filled out an application for renewal of his passport, did he not?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. And you handled that application? That is correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. I next have marked as Commission Exhibit No. 938, a six page document which purports to be an application for renewal of passport, together with a questionnaire which was attached thereto, and ask you whether that is a copy of the application for renewal which you filled out at that time.

(The document referred to was marked Commission Exhibit No. 938 for identification.)

Mr. SNYDER. With reference to his visit on the 8th, it is possible that he telephoned. Again, I don't know quite what our record shows on that.

Mr. COLEMAN. Well, to help you refresh your recollection, sir, there has been marked as Commission Exhibit No. 935 a Foreign Service Despatch dated July 11, 1961, in which you described the meeting with Oswald. Perhaps you would want to be reading that.

(The document referred to was marked Commission Exhibit No. 935 for identification.)

Mr. SNYDER. This is the interview which I thought I had on the 10th.

Representative FORD. What does it mean in this questionnaire [Commission Exhibit No. 938] where Oswald says, and I quote, "I received [sic] a document for residence in the U.S.S.R. but I am described as being 'Without Citizenship'?"

Mr. SNYDER. This undoubtedly refers to his so-called internal Soviet passport, Mr. Ford. Every Soviet citizen living in urban areas, and also in the border areas, bears an internal passport which identifies him, has certain other information about him, and bears a notation of nationality. There are, as I recall, three varieties of this. One is for Soviet citizens, one is for citizens of foreign countries, I believe, and another is for stateless persons.

The CHAIRMAN. What is the last category?

Mr. SNYDER. Stateless persons. My mind is not clear at this stage as to whether the passports for foreigners and stateless persons is the same or not.

I don't quite recall. At any rate, there is an entry in there which asks to state his nationality. No, it is a separate passport. As I recall the title of it, it is called—it is a separate passport.

Mr. DULLES. Did the Soviet Union ever indicate to the Embassy, as far as you know, that they considered Oswald as stateless, or is that Oswald's own statement?

Mr. SNYDER. The only indication is the internal passport which he had, which was made out by local officials, and which may have been based upon a statement that Oswald himself made to them. He may have regarded himself as being stateless, I don't know, at the time he applied for that document.

Mr. DULLES. And that did not necessarily require, as far as you know, reference to Moscow?

Mr. SNYDER. No.

Mr. DULLES. You think the local authorities could have done that on their own, and on the information they got from Oswald?

Mr. SNYDER. Yes; the term "stateless," I might interject here, is used rather loosely by Soviet authorities, because, in the first place, they have clearly no authority and no basis upon which to determine whether a person is a citizen of a foreign state. I mean only the foreign state can determine that.

So that the Soviet authorities had no basis on which to determine whether Oswald was or was not a citizen of the United States or of six other countries.

Mr. DULLES. Except the fact that they had seen his passport and knew of the existence of his American passport.

Mr. SNYDER. On that basis, they would—well, he was certainly an American citizen when he entered as far as they were concerned; yes, sir.

Representative FORD. Is a person who is stateless the same as a person who is "without citizenship"?

Mr. SNYDER. Yes, sir; this distinction is only in translation, Mr. Ford.

Mr. COLEMAN. Mr. Snyder, in the passport application, at the bottom there is a place where you have to cross out "have" or "have not" in connection with four questions. Could you read into the record the printed part at the bottom of the application?

Mr. DULLES. Would you just clarify for us what application this is?

Mr. COLEMAN. This is the application for the passport renewal which Oswald signed—

Mr. DULLES. For the American passport to return to the United States?

Mr. COLEMAN. Well, this is a renewal of the passport.

Mr. DULLES. A renewal of the passport to return to the United States?

Mr. SNYDER. It says, "I have—have not—been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in, the armed forces of a foreign state; accepted, served in, or performed the duties of, any office, post or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality, either in the United States or before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military, air or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States; or departed from or remained outside the jurisdiction of the United States for the purpose of evading or avoiding training and service in the military, air or naval forces of the United States.

"If any of the above-mentioned acts or conditions are applicable to the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof."

Mr. COLEMAN. Mr. Snyder, as I read the application, what you did was to cross out the "have not" which means that Oswald was stating that he had done one of those acts which you have read, is that correct?

Mr. SNYDER. This is what it would mean.

Mr. COLEMAN. Which one of the various acts that you have read was it your impression that Oswald was admitting that he had done?

Mr. SNYDER. Well, there are two possibilities here. One possibility is that the crossing out of "have not" is a clerical error, and that he did not intend to do this.

Mr. COLEMAN. How could that be a possibility. Don't you pretty much negate that possibility by the fact that you did require him to fill out the questionnaire which only has to be filled out if he admits that he has done one of the various acts?

Mr. SNYDER. No; the questionnaire is filled out routinely in Moscow in any kind of problem case.

Mr. COLEMAN. Even though the citizen has done none of the acts which are set forth in the passport renewal application?

Mr. SNYDER. Yes; well, I say in a problem case. I don't mean an American tourist coming in to get his passport renewed, on whom there is no presumption of any problem at all. But a person who has resided in the Soviet Union—

Mr. COLEMAN. Is it your testimony this is only a typographical error?

Mr. SNYDER. This is one possibility. The other possibility is that he may have said, "I have taken an oath or made an affirmation or formal declaration of allegiance to a foreign state."

He had, on several occasions, you know, stated that his allegiance was to the Soviet Union.

He may have put this down—that is, he may have said "have", having that act in mind, knowing that I knew it, and that there was no need to attempt to hide the fact. This is possible.

Mr. COLEMAN. Do you recall just what you had in mind on July 10 when he gave you that application filled out in the manner it was?

Mr. SNYDER. I am sorry, I don't think I understand the question.

Mr. COLEMAN. Then I will withdraw it and rephrase it. Do you now recall what reaction you had in mind when you received the application which had been crossed out in such a way that indicated that he was admitting that he had done one of the various acts which are set forth on the form?

Mr. SNYDER. No; I don't. Of course what I would have been concerned with at the time in more detail really is the questionnaire, which is an expansion of this paragraph, and is much more meaningful. So I would have been concerned both with what he said on the questionnaire and with the facts of his case—whether he thought he committed one of these acts is not material to the fact of whether he had committed it or whether he lost his citizenship thereby.

At any rate, my attention would have been directed to the expanded questionnaire in which he had to fill out individual paragraphs concerning each one of these things, and to a determination of the facts in the case.

Mr. DULLES. Do you recall whether or not that striking out was noted at the time the passport application or extension was considered?

Mr. SNYDER. I do not, Mr. Dulles; no.

Representative FORD. Did you have his file out and looking at it, reading it, studying at the time he was there and this came up?

Mr. SNYDER. I presume I did, Mr. Ford, but—I am sure his file was there. But in any event, I was the officer handling his case. Having written virtually everything in the file from the outgoing point of view, I was very well familiar with it.

Mr. COLEMAN. In any event, having received the questionnaire and the application, you determined that Mr. Oswald was entitled to an American passport, is that correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. And you sent forward the application and the questionnaire in the Foreign Service Despatch of July 11, 1961, which has been marked Exhibit No. 935, is that correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. And your recommendation was that the passport should issue—the passport office should issue a new passport, is that correct?

Mr. SNYDER. I would issue the passport; yes.

Mr. COLEMAN. And also on the same day, at the end of the interview on July 10, 1961, you returned to Mr. Oswald the American passport which he had given you in 1959. Is that correct?

Mr. SNYDER. Yes.

Mr. COLEMAN. Didn't you stamp that passport before you returned it to him? I show you Commission Exhibit No. 946 and ask you would you indicate to the Commission—

Mr. DULLES. Could I ask one question before the witness answers this question? Was that application and questionnaire considered in the State Department before the passport was issued, or was the passport issued on general instructions before they received this application?

Mr. SNYDER. I will have to correct a word we used before. It is renewal, and not issuance.

His passport was good for another 2 years if we renewed, and he was applying for renewal of his passport, not issuance of a new one.

In either event, the issuance or renewal would have been done by the Embassy, by me.

Mr. COLEMAN. The problem, Mr. Dulles, is the existing passport he had, by its term, would expire September 1961, is that correct?

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. And you felt he would not be able to get out of the Soviet Union prior to September 1961, and therefore his existing passport would have to be renewed?

Mr. SNYDER. I don't recall offhand what the purpose of renewing the passport at that time was. There was no prospect of his leaving the Soviet Union at that time, and probably not for quite some time to come, in my estimation, and based upon my experience with other cases he would have required his passport, and I presume this is why I was returning it to him.

Mr. COLEMAN. On July 10, 1961, you did two things with respect to the passport. First, you returned to him his old passport, isn't that correct?

Mr. SNYDER. I think I did. I might reread my despatch and see.

Mr. COLEMAN. And, second, you accepted his application for renewal of the passport.

Mr. SNYDER. Yes; my mind is clear on that. Yes; I recall now.

Mr. COLEMAN. When you returned to him his old passport, you first stamped the old passport.

Mr. SNYDER. Yes.

Mr. COLEMAN. Will you indicate for the record how you stamped the old passport?

Mr. SNYDER. The passport was marked "This passport is valid only for direct travel to the United States." (Commission Exhibit No. 946, p. 6.)

Mr. DULLES. Are you quite clear you returned the passport to him before he made his final plans to return?

Mr. SNYDER. I am not entirely—

Mr. COLEMAN. Sir, before you answer the question, I suggest if you look at the Foreign Office Despatch dated July 11, 1961, you will find that you told the Department what you did at the time.

Mr. SNYDER. Oh, yes.

Mr. DULLES. Could that be read into the record—just what he did say about the handling of the passport at that time—that is July what?

Mr. SNYDER. July 8, 1961.

This was July 8. "Oswald intends to institute an application"—

Mr. COLEMAN. Pardon me. Wasn't it really July 10? July 8 was the day he came over to the Embassy just for a few moments. Then he came back on the 10th.

Mr. SNYDER. I don't know. It isn't clear from my despatch, I would say.

Mr. COLEMAN. Would you read—

Mr. SNYDER. Actually, if we knew what day of the week the 8th was—

Mr. COLEMAN. Subject to check, it was a Saturday.

Mr. SNYDER. "Oswald intends to institute an application for an exit visa immediately upon his return to Minsk within the next few days. His American passport was returned to him for this purpose after having been amended to be valid for direct travel—for direct return to the United States only."

Mr. COLEMAN. In that same Foreign Service Despatch you indicated at the end

that you were sending to the Passport Office in Washington the application for renewal, isn't that correct?

Mr. SNYDER. Yes; that is right.

Representative FORD. May I ask Mr. Snyder—on Commission Exhibit No. 938, where Oswald said, "I have been naturalized as a citizen of a foreign state," and so forth—if that was the only statement that was made, what effect would that have had on his application either for a renewal or a new passport?

Mr. SNYDER. Well, it would have the effect of flagging the consular officer to ask some questions, Mr. Ford.

Representative FORD. Would it have automatically disqualified him for renewal or the issuance of a new passport?

Mr. SNYDER. No, sir.

Representative FORD. Not under the law or the regulations?

Mr. SNYDER. Not to the best of my knowledge. In other words, what he says, to my knowledge, is immaterial to a finding of his loss of nationality. It is the act which counts.

Mr. COLEMAN. I don't think that is quite the Congressman's question. His question is if he had actually naturalized himself, could he be entitled to get an American passport?

Mr. SNYDER. Oh, no; of course, if he had committed the act of accepting naturalization in a foreign state, he could not have. He would have lost his American citizenship.

Representative FORD. But limiting your knowledge to what he said in this paragraph, this in and of itself would have precluded either the issuance of a new passport or renewal?

Mr. SNYDER. No; I don't think we can say that, Mr. Ford, because no matter what he says in there, this does not affect his right—does not affect his American citizenship. It is the determination of facts which determines it. And the only thing this does, really—well, the first thing it does is to alert the consular officer to start asking him some questions.

The CHAIRMAN. Gentlemen, I have a call from the Court. I must go over there now. We have the Court conference at 2 o'clock. Will someone be here to preside at 2 o'clock?

Representative FORD. Mr. Chairman, I have to leave, too. We have a quorum call over on the floor of the House. I can be back at 2. But I do have to leave at the present time.

The CHAIRMAN. Would you be back at 2 to preside until I return from the Court?

Representative FORD. I would be very glad to, Mr. Chairman.

Senator COOPER. Mr. Chairman, I will be able to be here part of the time this afternoon. But we are voting this afternoon. I don't know exactly what time.

Mr. DULLES. I will be here at 2:30, Mr. Chairman.

The CHAIRMAN. All right, fine.

Representative FORD. May I ask how much longer you intend to go on?

Mr. COLEMAN. I think I can finish in about 4 minutes with Mr. Snyder.

Representative FORD. Off the record.

(Discussion off the record.)

Representative FORD. Back on the record.

We will recess now until 2 o'clock.

(Whereupon, at 12:25 p.m., the President's Commission recessed.)

Afternoon Session

TESTIMONY OF RICHARD EDWARD SNYDER RESUMED

The President's Commission reconvened at 2 p.m.

Representative FORD. The Commission will come to order. Will you proceed.

Mr. COLEMAN. Mr. Snyder, we have marked as Commission Exhibit No. 947,

which is a covering airgram and another copy of the application for renewal of passport, which is a copy which remained in the Embassy at Moscow until May 29, 1964, when it was sent to the Staté Department.

(The document referred to was marked Commission Exhibit No. 947 for identification.)

Mr. COLEMAN. I show it to you, sir, to call your attention that on this copy the "X" is over the "have" rather than the "have not."

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. I had originally shown you Exhibit No. 938, which was the other copy of the application for renewal of passport.

I take it when you compare those two copies, you note that one is not a direct offset of the other.

Mr. SNYDER. Yes, sir.

Mr. COLEMAN. Do you have an explanation of why on July 10, two separate typings were made of the application for renewal?

Mr. SNYDER. No, sir; I do not.

Mr. COLEMAN. Also on or about July 11, 1961, at the same time you were interviewing Oswald, the State Department was sending instructions, answering your earlier despatch of May 26, 1961, is that correct?

I show you Commission Exhibit No. 937.

(The document referred to was marked Commission Exhibit No. 937 for identification.)

Mr. SNYDER. This communication would have been received after my departure from Moscow.

Mr. COLEMAN. You never saw that communication?

Mr. SNYDER. No, sir.

Mr. COLEMAN. That communication does indicate, doesn't it, that the State Department was saying, that based upon its records, that Oswald had not expatriated himself, or was still technically an American citizen?

Mr. SNYDER. Yes; the one operative sentence there in the communications states, "In any event in the absence of evidence showing that Mr. Oswald had definitely lost United States citizenship he apparently maintains that technical status."

Mr. COLEMAN. But you say you never saw that document?

Mr. SNYDER. No; this arrived after I departed from the post.

Mr. COLEMAN. I show you Commission Exhibit No. 939, the State Department operations memorandum dated August 18, 1961, and ask you if you saw it?

Mr. SNYDER. No; it arrived after I left.

(The document referred to was marked Commission Exhibit No. 939 for identification.)

Mr. COLEMAN. On July 8 and July 10, when Oswald was at the Embassy, did you see his wife, Marina?

Mr. SNYDER. Not to the best of my knowledge, Mr. Coleman.

Mr. COLEMAN. Did you have any knowledge that she was also in Moscow?

Mr. SNYDER. I don't really know. I can't say whether at that time I had knowledge that she was or not. I don't ever recall having seen her, no.

Mr. COLEMAN. When you spoke to Oswald on the 8th or on the 10th of July, did he indicate that his wife was in Moscow?

Mr. SNYDER. I am sorry, I don't know.

Mr. COLEMAN. In connection with the various decisions you have made in this matter, did you consult with anyone?

Mr. SNYDER. I think perhaps the word "consult" isn't quite the word. I kept my superiors informed of what I was doing, and, of course, they did see my communications, and in most cases countersigned them before they went out. But in the sense of asking their opinion of what I ought to do, I don't think so.

Mr. COLEMAN. Did anyone instruct you as to what particular decision you should make in connection with any requests made by Mr. Oswald?

Mr. SNYDER. No; this was my responsibility, really. There was no one who was presumed to know more about it at the post than I did. I mean in the sense that I was the officer in charge of that activity.

Mr. COLEMAN. There is one other question, sir.

We have some information that Oswald stated that in 1959, when he was in

the hospital, that he was in the same ward with an elderly American. Do you have any idea who the elderly American could have been?

Mr. SNYDER. No; I am afraid not.

Mr. COLEMAN. Would there be any record in the Embassy which would indicate what Americans were in Moscow at that time, and whether there was an elderly American who had been hospitalized?

Mr. SNYDER. We kept an informal file of all information relating to the presence of Americans any place in the Soviet Union.

In other words, any time we had a report of any kind, of any level of credibility, we kept some kind of a record. It was known that there were Americans in the Soviet Union under various circumstances against their own will, or persons who might be Americans, or might have had a claim to American citizenship, who might have been dual nationals—one doesn't know. But we would get reports occasionally from a state camp, a labor camp, of a sighting of an American, or a person who claimed to be an American. This sort of thing.

Mr. COLEMAN. Would that information be in a special file in the Embassy, or would it be spread throughout various files?

Mr. SNYDER. No; it was in, as I recall, a separate informal listing. In other words, they were also reported to the Department of State. The chances are that the Department also maintained—

Mr. COLEMAN. Have you any idea what that file might be called, if we were going to ask for it by name—what name we would give so that the people in Moscow would know what we are trying to take a look at?

Mr. SNYDER. No; I don't. But it would most likely have been under "Welfare and Whereabouts." The files in Moscow, I might say, the classified files are not that extensive. I mean they were one-drawer files for the most part that we officers worked on ourselves, physically.

Mr. COLEMAN. When Oswald came in to see you in 1959, did you have any feeling that somebody was coaching him, or had instructed him what to say or do?

Mr. SNYDER. Well, I think I am accurate in saying at that time I assumed he had been in contact with some level of Soviet representative or official and had discussed his intended actions, and perhaps had had some advice from them as to what to do or how to approach things—in the sense that his words were somebody else's, I don't think I could say, because he gave me the impression, the times I saw him, of an intelligent person who spoke in a manner, and on a level, which seemed to befit his apparent level of intelligence.

However, he did say in my first interview with him either "I have been told what you are going to tell me," or "I am very familiar with the arguments you are going to use on me," or words to this effect, which would be the most direct evidence, shall we say, that he had discussed what he intended to say, and how he intended to handle himself, before he came in to me.

But, in any event, I think it is a foregone conclusion, from what I know of the procedures and things like this, that he was in contact with a Soviet official, he was under somebody's charge in a sense during the time he was there. This was certainly the pattern in the Petrulli case. My whole knowledge of the system and the way it works, the whole internal consistency of it, would lead me to believe that this were the case, unless I had firm evidence to believe otherwise.

Mr. COLEMAN. How about when he reappeared on July 8 and 10, 1961? Did you feel he was being coached at that time in connection with his attempt to get his passport returned to him?

Mr. SNYDER. No; I don't have any direct evidence that he was coached. I think, in the terms in which you mean. For one thing, his manner of speech and his general approach to the degree that I recall it was, well, less stiff, less formal, and certainly less haughty than it had been on the first occasion. He also didn't use with me the kind of Marxist sloganeering which I got from him on the first interview, which also, I think, is in a sense an evidence of his having been well briefed on his talk with me.

The second time around this was pretty much absent from his conversation.

Mr. COLEMAN. You say you felt he was well briefed on his first conversation with you in 1959, but not in connection with his second?

Mr. SNYDER. Well, again, I cannot say that he was well briefed. I just don't

know. But I say, it seemed to me evident at the time that he had discussed with, presumably, a Soviet person or persons what he intended to do at the Embassy, and perhaps the line he should take at the Embassy.

Mr. COLEMAN. Well, how do you feel or do you think there is any special significance to the way he entered the Soviet Union from Helsinki in October of 1959?

Mr. SNYDER. Well, there is some significance perhaps, but not a great amount of significance. As most travelers, most tourist travelers come into the Soviet Union on a prearranged tour—many do come from Helsinki. Many of them do not come to Moscow. They go only to Leningrad, spend a day or two, and go back again across the border. It is the shortest entry onto Soviet territory from non-Communist territory.

It was at least one other case, when I was in Moscow, of a person—that is with possible defecting intent, who came into the Soviet Union through Helsinki, and who got his visa apparently directly at the Soviet Embassy, which I think is what Oswald did, although I cannot be sure. But it was my impression at the time that he did not have a prepared tourist tour sort of thing. But I cannot be sure on this point.

Mr. COLEMAN. Do you draw any significance from the fact that he was able to come from Minsk into Moscow on July 8, apparently without any difficulty?

Mr. SNYDER. No; I cannot say that he came without any difficulty. He may have had considerable difficulty. It was my feeling that he would have some difficulty in coming to Moscow.

Representative FORD. Did you make any inquiry about that? Did that rouse your curiosity, that he was able to come?

Mr. SNYDER. No; because I expected that he would be able to come, Mr. Ford. As a matter of fact, the letter which I wrote to him in reply to the first letter to me which I received was very carefully worded with this in mind. It was written, for one thing, partly addressed to the Soviet authorities who would read it. And partly to Oswald—which could be used by him in a sense should he run up against real difficulties in getting permission to come to Moscow.

At any rate, I think it was my feeling at the time that he probably could come to the Embassy, although it might cost him considerable difficulty. But I saw no reason to spare him this difficulty.

Mr. COLEMAN. Is there any other information you have which you think the Commission would be interested in in connection with its work and its investigation?

Mr. SNYDER. I can't really—well, let me say that I don't know of any other facts pertinent to the investigation, or pertinent to Oswald in any way which I have not presented, at least not knowingly.

There may well be—there is much that I could elaborate on, on what I have said, relating to Oswald. There are a good deal of small things which perhaps under further questioning might be elicited.

But I am not aware of anything which I have not mentioned and which is in any way pertinent, and which ought to be mentioned.

There are other observations about Oswald and this sort of thing I suppose I could elaborate on to some extent.

Representative FORD. Earlier in the interrogation, Mr. Coleman had you outline what transpired the day that Oswald walked into the Embassy, in the first instance?

Mr. SNYDER. Yes, sir.

Representative FORD. The Commission has in the various papers picked up following Oswald's apprehension and murder, what purports to be his observations or his diary during his stay in the Soviet Union. Have you read any of those?

Mr. SNYDER. No, sir.

Representative FORD. He describes in one of these documents his experience that day he came into the Embassy. Would you in some detail relate that again, as you understand what transpired? What time of day it was, where you were, in what office, and so forth. Who was with you, if anybody.

Mr. SNYDER. I might begin, I think, as I began originally, by stating that I don't recall the time of day. But from my knowledge of the facts of the case, and the fact that I told him the Embassy was closed and so forth, it had to have

been either a Wednesday or a Saturday afternoon, if not a Sunday. I am told that the date on which he came actually was a Saturday, so I presume it was a Saturday afternoon that he came.

Representative FORD. Don't spare of the detail, because it would be interesting to get your version and his as he purportedly related it in a document of his own subsequently.

Mr. SNYDER. I am not sure whether he was brought in to me or whether I went out and met him at the door and brought him in. I don't recall whether one of my secretaries might have been on duty that afternoon. Normally, she would not have been.

I believe that Mr. McVickar was working in the office adjoining mine. The offices in Moscow are quite small and the door between our offices is usually open. And I think that Mr. McVickar told me he was in the next office.

There was no one in the office with me at the time I saw him.

Oswald was well dressed and very neat appearing when he came in. I don't recall whether he was wearing a suit and shirt and tie. But at any rate, his appearance impressed me at the time. And I recall that he looked very presentable.

He was very curt, very proper. At no time did he insult me or anything of that sort personally. He was just proper, but extremely curt.

Representative FORD. Did he just walk in the door and you were seated at your desk? What was the way in which you first spoke to one another?

Mr. SNYDER. I don't recall whether he was ushered into my office by the secretary or one of the employees, or whether I was told that there was someone waiting for me outside, and I went and got him. It is unlikely that he walked into the offices, because he would have had to walk through two other offices to get to mine.

Well, he stated—he gave me a written statement, which is in the record, almost immediately upon his arrival, I believe.

Representative FORD. That is Commission Exhibit No. 913.

Mr. SNYDER. He stated in effect that he had come to the Soviet Union to live in the Soviet Union, that he desired to renounce his American citizenship, though I don't think he used the word "renounce"—I think he used another word—but that he desired to renounce his American citizenship. That his allegiance was to the Soviet Union.

I think initially this was pretty much what his statement was. And would I please do what was necessary to get this over with.

Well, during this period of the interview, as far as I recall, he was standing. And he may have seated himself some time later in it. But I think for the initial part of the interview, he remained standing and declined to take a seat.

When I began to question him, he then rejoined with words to the effect, "I know what" or "I have been told what you are going to ask me, you are going to try to talk me out of this, and don't waste your time, please let's get on with the business."

I then asked him—I continued to probe and see where I could find a chink in his armor some place.

And I think that the initial chink which I found was regarding his relatives and place of residence in the United States.

I had his passport. I don't recall whether he handed it to me, though he probably did, or whether I asked him for it.

I noted that on the inside of the cover page of his passport his home address had been crossed out.

When I asked him where he lived, he declined to tell me. When I asked him about his relatives—I had noted from his passport that he was 20 years old. When I asked him about his relatives, he also said this was none of my business, and would I please get on with the business.

Well, I told him at that time, or fairly early in the interview, having found this kind of chink I could work on, I told him that I would have to know certainly where he lived in the United States in order to do anything else with his case.

At that stage, he kind of hemmed and hawed a bit and said—well, I live at so and so. And from there on it opened the crack a little bit, and I found his

mother also lived at that—that this was the address of his mother, and probing further I found out about his Marine background, and that he had been recently discharged.

I questioned him a bit about where he had applied for his passport, and how he had come to the Soviet Union, and had he gone home to see his mother, and things of this sort.

Some of these questions he answered, and some he didn't. However, he did not seem quite, as I recall—quite so adamant about refusing this kind of question as he did about questions closer to the bone. That is, what knowledge do you have of Marxism, or where did you first come across this, or did you meet someone in the Marines?

Representative FORD. Did you go into those questions in your probing with him?

Mr. SNYDER. Oh, yes; this sort of question he parried. I won't say he parried them—he simply refused to answer them. The only thing which he did say in the interview was "I am a Marxist." And I recall telling him then in a jocular vein, which evoked no response, that he was going to be a very lonesome man in the Soviet Union.

But I found at that point, and from there on, that for all I could determine he was completely humorless. And this was my impression of him on the other occasions on which I saw him. He was intense and humorless.

Representative FORD. What prompted the breakup of the interview, or the meeting?

Mr. SNYDER. Well, the interview finally broke up when I couldn't get any more out of him.

Representative FORD. Was he satisfied or dissatisfied with the result of his conference with you?

Mr. SNYDER. I think he was dissatisfied, if anything. I think he had come in there to renounce his citizenship, and had found himself thwarted. It is quite possible, though, this is reading into it things which were not necessarily evident to me at the time. It is quite possible that this was to be his big moment on the stage of history as far as he was concerned. He may have contemplated this for some time, as he said—and thus my refusal at that time to complete his renunciation may have been a hurdle which he had been totally unprepared for.

Representative FORD. Did he demand at any time that this was a right he had to renounce his citizenship, and demand why you would not permit him to proceed?

Mr. SNYDER. Well, I cannot really reconstruct our conversations on that line. But I clearly pointed out to him his right. And he did decline, as I recall, to have me read the law to him. He said he was familiar with it, or something, so that I need not read the law to him. So I pointed out, I believe, at that time he had a right, as any citizen has a right to give up his citizenship if he so desires.

That other consideration is that the consul has a certain obligation towards the individual, and also towards his family, to see that a person—or that the consul at least does not aid and encourage an individual, and particularly a 20-year-old individual, to commit an irrevocable act on the spur of the moment or without adequate thought.

But I told him in any event that the consulate was closed that afternoon, that I had no secretary there to prepare the papers, and that if he would come back during normal business hours I would, of course, go through with it.

So I don't think that he left the room happy—if I can use that term—in his attitude towards me.

I recall probing a bit on the subject of the formation of his attitudes towards Marxism. I developed at this time the impression that he really had no knowledgeable background at all of Marxism. I think I asked him if he could tell me a little bit about the theory of labor value, or something like that, and he hadn't the faintest notion of what I was talking about—I mean something basic to Marxism. And I probed around a bit as to the sources of his attitudes. And I think the only thing he told me at the time was that he had

been doing some reading, and that is about as far as I got. On that subject, he simply would not be drawn out.

Representative FORD. Did you ask him anything about his knowledge of the Russian language? Did he volunteer anything?

Mr. SNYDER. Yes; I did ask him a bit about that. He said he had been studying Russian. And, again, I had the impression—I don't recall—I may have spoken some Russian to him—but I at least formed the impression that he did not know very much Russian. I don't think he could have gotten along on his own in Russian society. I don't think he could have done more than buy a piece of bread, maybe.

Representative FORD. Did he converse with any other member of the staff at the Embassy, to your knowledge, during the time of this first visit?

Mr. SNYDER. No, no; at this time he definitely did not. And I don't think that he did during the time I was there—unless it was simply a passing word with the receptionist, or something of this sort.

But as far as I know, he had no knowledgeable conversation with anyone there.

Actually, there were only—well, when he first came there were only two officers, McVickar and myself, and at the time I left, three officers, with whom he might have talked. And it is inconceivable that either of the other two officers would have talked to him, knowing my interest in the case, or if I were not there somebody would have done so without making a memo for the file and for me of the conversation.

Representative FORD. In retrospect, assuming the tragic events that did transpire last year didn't take place, and this circumstance was presented to you again in the Embassy in Moscow, would you handle the case any differently?

Mr. SNYDER. No; I don't think so, Mr. Ford. You mean in terms of would I have taken his renunciation? No; I think not.

Representative FORD. In other words, you would have put him off, or stalled him off, in this first interview, make him come back again?

Mr. SNYDER. Yes; I would have.

(At this point, Mr. Dulles entered the hearing room.)

Mr. SNYDER. Particularly, since he was a minor. Normally, it would have been, I think, my practice to do this in any event, though. Obviously no two cases are alike, and the consul must decide. But particularly in the case of a minor, I could not imagine myself writing out the renunciation form, and having him sign it, on the spot, without making him leave my office and come back at some other time, even if it is only a few hours intervening.

Representative FORD. In one of the despatches I believe you sent to Washington, you indicated that you had informed the press—I don't recall what exhibit that is.

Mr. SNYDER. I think I said, "Press informed."

Mr. COLEMAN. Commission Exhibit No. 910, sir.

Representative FORD. You say, "Press informed." Is that the same as informing the press?

Mr. SNYDER. No; this simply—

Representative FORD. What is the difference?

Mr. SNYDER. This simply tells the Department that the press is onto the case, and that they can expect something from Moscow on it. The Department hates to be caught by surprise, they hate to read something in the newspapers before they have gotten it back home. And I am simply telling them that the Moscow press corps is aware of Oswald's presence, and that there would likely be some dispatches from the press from Moscow on the case.

Representative FORD. That doesn't mean the Embassy informed the press?

Mr. SNYDER. Oh, no.

Representative FORD. How did you know the press had been informed?

Mr. SNYDER. Again right at the moment, I cannot say. At what stage—Priscilla Johnson, I think, was one of the first to be aware of Oswald. Just how she became aware of him, and just where I became aware of her knowledge of him, I don't quite know. But this, I think, was quite early in the game.

Representative FORD. Was he given much attention by the press in Moscow?

Mr. SNYDER. I cannot really speak with great authority on the point. I don't think so. This is based on several things.

One, there was very little about Oswald, I think, at the time other than what was sent in by Priscilla Johnson.

Secondly, I believe that Oswald himself had declined to talk to some other press persons of the American press corps.

Priscilla, as I recall, was the only one who seemed to have an entree to him.

Representative FORD. But you did not inform the American press in Moscow of Oswald?

Mr. SNYDER. No.

Representative FORD. Did you ever talk to any of the American press or any other of the press, about Oswald at this time?

Mr. SNYDER. No; not that I recall, Mr. Ford. It was my normal practice not to discuss cases of this kind. They were occurring all the time in Moscow. If it wasn't one kind it was another. And it was my practice not to discuss the details of such cases with the press simply because the cases—each one being different in any event—the cases were always ticklish. And every little bit helped or hurt in a case of this kind. And the consul needed, to the extent possible, to minimize the forces acting on the case, so that—and the press understood this very well.

Representative FORD. Were you familiar with his interview with Miss Mosby?

Mr. SNYDER. I don't recall that I was. I knew that Priscilla Johnson had seen him and had been seeing him.

But I don't recall that I was aware that Ellie Mosby had seen him.

Representative FORD. You were acquainted with Miss Mosby as well as Priscilla Johnson?

Mr. SNYDER. Oh, yes; very well.

Representative FORD. Are any of these stories that these correspondents write on these defector cases ever checked out with your office, or people, in corresponding position?

Mr. SNYDER. Normally not, I would say.

Representative FORD. Were you at all aware of the 5,000 rubles that Oswald was given by Soviet authorities or by an agency of the Soviet Union which is sometimes called, I guess, the Red Cross? Are you at all aware of that?

Mr. SNYDER. No.

Representative FORD. Are you aware of that organization in the Soviet Union?

Mr. SNYDER. Oh, yes.

Representative FORD. Would you describe it for us, as far as you know what it is?

Mr. SNYDER. Well——

Representative FORD. 5,000 rubles—excuse me.

Mr. SNYDER. This was the old rubles at that time. No; I don't——

Mr. DULLES. For the record, what was the date of the change in the value of the ruble? I think I remember it. It was around 1960—May—June of 1960, I think. When it went into effect, I don't remember.

Mr. SNYDER. I am sorry, I don't either, Mr. Dulles. It was during my term there. It seemed to me it was in the second half of my tour in Moscow. But I cannot really recall.

Mr. DULLES. I think somewhere in the record that ought to appear. I have an idea it was May of 1960.

Mr. EHRlich. January 1, 1961.

Mr. DULLES. That is when it went into effect?

Mr. EHRlich. It was officially revalued.

Mr. DULLES. January 1, 1961—let the record show that—the ruble was revalued, so that it took about 10 rubles to make 1 new ruble.

Representative FORD. So 5,000 rubles in 1959 was not an inconsequential amount.

Mr. SNYDER. Oh, no.

Mr. DULLES. It wasn't very much.

Mr. SNYDER. No; but 5,000 rubles at that time was probably two-thirds to three-quarters of the monthly salary of an average Soviet worker.

Representative FORD. Could you describe——

Mr. DULLES. About \$500, isn't it, roughly—10 to 1 in those days?

Mr. SNYDER. Wait a minute; yes.

Mr. DULLES. It was a considerable sum.

Representative FORD. It would be more than a month's salary, then.

Mr. SNYDER. Yes; an average month's salary at the time was about 750 rubles, something around there.

Mr. DULLES. I think the legal rate was 20 cents, but the sort of going rate was around 10, I think. I think you could buy tourist rubles around 10, as I recall—10 to the dollar. The legal rate, I think, was 5 to the dollar.

Mr. SNYDER. No; I think the legal rate was 10 to a dollar, Mr. Dulles.

Mr. CHAYES. In the same letter that states the date, which we supplied to the Commission at the Commission's request, it states that the legal rate was 4 to 1 until January 1961. But that was the official rate.

Mr. DULLES. I understand.

Mr. SNYDER. There were different rates. The official rate was not the rate which was used for all things. For instance, we got 10 to 1 for our rubles. The so-called official rate was used, for instance, in clearing foreign trade accounts and this sort of thing.

Representative FORD. Can you tell us your impression of this so-called Red Cross in the Soviet Union?

Mr. SNYDER. Well, again, I cannot speak of—about the Soviet Red Cross with any great personal knowledge. It is not a Red Cross organization in quite the sense in which we know it. It is clearly an organ of the State in a totalitarian state, which means it is not an independent organization, and its policies flow from the policy of the state, and of the central committee.

I don't think that the Soviet Red Cross conducts public fund-raising campaigns, for instance, in the way ours does.

It also is not an organization to which an individual might turn routinely for assistance as he might in our society.

Since the Soviet State does not admit that there is need in the Soviet Union, that there can be poverty or difficulty for which there are not organizations already in existence who are fully competent to deal with such problems, since they don't admit this kind of a situation—they also do not admit of public welfare organs in a sense such as the Red Cross.

Representative FORD. Do you know of any other cases during your period of service there where there were payments by this organization to American citizens, or Americans, those who had given up or tried to give up or failed to give up their citizenship?

Mr. SNYDER. No, sir; as a matter of fact, the only way in which the Soviet Red Cross impinged upon my experience in Moscow was that they were the organ for handling whereabouts inquiries of persons living in the Soviet Union. If an American citizen wrote to the Embassy asking our assistance in locating a relative in the Soviet Union, this inquiry would go from us to the Soviet Red Cross, who was charged under the Soviet system of things with actually checking into it and letting us know if they felt that was in their interest. This was the only way in which the Soviet Red Cross impinged upon us.

I do recall on a few occasions advising persons who had come into the Embassy in one way or another and who were in dire need that they go to the Soviet Red Cross.

But the reaction of such persons indicated to me that they felt the Soviet Red Cross was not the place to go.

Mr. COLEMAN. Mr. Snyder, had you ever heard, while you were in the Embassy in Moscow, the secret police referred to as the Red Cross?

Mr. SNYDER. No.

Mr. COLEMAN. You never heard the MVD, for example, referred to in that way?

Mr. SNYDER. No; to my knowledge—I mean there is an organization called the Soviet Red Cross, which carries on at least in the international sphere some of the normal activities of international Red Cross organizations.

The big point of departure is that they on the one hand are not independent organizations as they are in free societies, but they are an organ of the state.

And, secondly, I do not think they have the same role internally that our Red Cross organizations do.

Mr. DULLES. Have you heard of it being used in other instances for what might be called extraneous payments—that is, payments not related to Red Cross work?

Mr. SNYDER. No, sir.

Representative FORD. Is there a policy that you were familiar with, as far as the Soviet Union was concerned, for permitting a person to apply for and be given Soviet citizenship?

Mr. SNYDER. Oh, yes; there is a well-defined way of acquiring Soviet citizenship under Soviet law.

Representative FORD. Was Oswald familiar with that, as you could tell from your conversation with him?

Mr. SNYDER. Well, he obviously was familiar with what one does. That is, he had made application to the Supreme Soviet, which is what one does.

Representative FORD. Did he tell you that?

Mr. SNYDER. Oh, yes.

Representative FORD. He did?

Mr. SNYDER. Yes, sir; this is not something which is common knowledge. One would have to have inquired and found out, and had someone show you or give you the proper form on which to make application, and tell you where to address it, and this sort of thing.

Representative FORD. What did he tell you had happened when he did that?

Mr. SNYDER. All he said was that he had made application.

Representative FORD. He didn't indicate the application had been processed and approved?

Mr. SNYDER. No; I cannot recall what our conversation was on that score. It was quite clear that he had not received Soviet citizenship.

But, also, I would not have expected him to receive it that early in the game. I mean, for one thing the Supreme Soviet does not act on these things on a continuing basis, but acts upon them periodically.

Representative FORD. En masse, so to speak?

Mr. SNYDER. That is right. It has them on its calendar. So many times a year it acts on petitions for Soviet citizenship, presumably.

Presumably before it is sent to the Supreme Soviet with a favorable recommendation by the various Government organs, a thorough investigation is made by MVD and other organs, and various officials presumably at different levels have got to stick their necks out and recommend he be accepted—that sort of thing.

Representative FORD. If you had known that Oswald was in Minsk, what would your reaction have been?

Mr. SNYDER. Serves him right.

Representative FORD. Why do you say that?

Mr. SNYDER. You have never been in Minsk.

Well, in the first place, my own feeling is that there is no better medicine for someone who imagines he likes the Soviet Union than to live there awhile.

Representative FORD. In Minsk?

Mr. SNYDER. Any place.

Representative FORD. I am more particularly interested in Minsk.

Mr. SNYDER. But provincial towns in the Soviet Union are a very large step below the capital, and the capital, believe me, is a fairly good-sized step down from any American populated place.

But the difference between large cities and minor cities, and between minor cities and villages, is a tremendous step backward in time. And to live in Minsk, or any other provincial city in the Soviet Union, is a pretty grim experience to someone who has lived in our society—not necessarily American, but simply in western society. It might be just the same if he lived in Denmark, or some place. I mean to land up in Minsk, working in a grubby little factory is quite a comedown.

Representative FORD. Have you ever been in Minsk?

Mr. SNYDER. I spent about an hour walking around Minsk, between trains, one time.

Representative FORD. Is there anything significant about him being sent to Minsk, as far as you are concerned?

Mr. SNYDER. No, no; the only pattern that I would discern is that it is in all cases to my knowledge—all cases of which I have had knowledge, the invariable pattern of the Soviets is to send defectors somewhere outside of the capital city—to settle them in some city other than Moscow. There have been some minor exceptions to this.

What is the name—the British defector, and the two foreign office men Burgess and McLean. McLean lives or did live, until his death, just on the outskirts of Moscow.

Mr. DULLES. McLean is still alive.

Mr. SNYDER. Pardon me—Burgess. Is Burgess the one married to an American?

Mr. DULLES. Philby is married to an American.

Mr. SNYDER. One of the two, Burgess or McLean, is married to an American.

Mr. DULLES. McLean is.

Mr. SNYDER. I had an interview with McLean's mother-in-law at the Embassy. At any rate, this was one exception.

Representative FORD. It has been alleged that in Minsk there are certain training schools for foreigners, or possibly for citizens of the Soviet Union. Are you at all familiar with that? Is there any information you have on it?

Mr. SNYDER. No; I have not, Mr. Ford.

Representative FORD. Did you ever contact any Soviet officials about Oswald at the time of this first interview?

Mr. SNYDER. No.

Representative FORD. Is that unusual or is that usual?

Mr. SNYDER. It is usual.

Representative FORD. In other words, you, in your capacity, would not normally contact a Soviet official about someone such as Oswald?

Mr. SNYDER. That is right; yes, sir. In other words, there is nothing at that stage of the game which—for which I would have any reason to go to the Soviet authorities.

Representative FORD. Even the fact that he had a visa 5 days overdue?

Mr. SNYDER. Well, of course, I am already aware in a sense and am acting under my awareness that he is living under controlled circumstances. He is not simply living in a hotel and nobody knows about it. That he is in contact with Soviet authorities, and is there with their knowledge and consent. So that—

Representative FORD. It is implied consent, even though it may not be official as far as the documents are concerned?

Mr. SNYDER. Well, actually, the document itself is quite eloquent on this subject, I think. There is the very negative fact that his visa is 5 days overdue, and he is still there—that speaks pretty loudly for the fact that he is living there without a valid visa, at least without a valid visa in his passport, with the knowledge and consent of the Soviet authorities. It could hardly be otherwise.

Representative FORD. Mr. Dulles, we have a quorum call over on the floor of the House. I will have to leave. Will you take over as Chairman? I will be back shortly.

Mr. DULLES. Very gladly. I have one or two questions.

(At this point, Representative Ford withdrew from the hearing room.)

Mr. DULLES. Is there any question as to whether a minor can renounce his nationality?

Mr. SNYDER. To my knowledge, there is not. To my knowledge—

Mr. DULLES. I will withdraw that question and ask Mr. Chayes that when it comes, because that probably is a matter for him rather than for you.

Does the Embassy in Moscow have any facility for learning about or finding out about errant American citizens, or any American citizens that are wandering around Russia? Do they register at the Embassy?

Mr. SNYDER. They may.

Mr. DULLES. There is not a requirement?

Mr. SNYDER. No; as a matter of fact, most do. Most that are in Moscow do stop in.

Mr. DULLES. There is a book in the Embassy that they can come in and sign?

Mr. SNYDER. Yes.

Mr. DULLES. Oswald did not sign in the book, I gather.

Mr. SNYDER. I don't think he would; no. There would be no need for him to. He came into the Embassy and spoke to an officer, which is a higher form of registration in a sense.

Mr. DULLES. For the record, how long was it after his arrival in Moscow that he reported to the Embassy?

Mr. COLEMAN. He arrived on October 16, and he didn't go into the Embassy until October 31.

Mr. DULLES. That was about the time his visa—his permission to stay was going to expire?

Mr. COLEMAN. His permission to stay as designated on his visa had already expired.

Mr. DULLES. Was that a 12-day?

Mr. COLEMAN. He was in the Soviet Union 15 days before he went to the American Embassy.

Mr. DULLES. How long was his permit good for?

Mr. COLEMAN. His permit was good for 6 days.

Mr. DULLES. Only 6 days? You, of course, get no word from the Soviet Union when they give visas to Americans to come into the country.

Mr. SNYDER. Oh, no, no; we get no cooperation from the Soviet authorities on anything concerning American citizens—excepting in circumstances where they desire the Embassy's help. A citizen gets sick while he is traveling in the Soviet Union, and they want the Embassy assistance in some way or other. But even in such cases, surprisingly often, we do not hear from the Soviet authorities. We hear from the traveler himself, somehow, but not from the authorities.

Mr. DULLES. Am I correct in my understanding that the State Department, having issued a valid passport for travel abroad, had no way of knowing whether the owner of that passport is going to the Soviet Union or not?

Mr. SNYDER. Well, no.

Mr. DULLES. They have no way of knowing? So they have no way of informing you about it?

Mr. SNYDER. No.

Mr. DULLES. I think there is a misunderstanding by a great many American people that there are certain countries that are named on the passport, which at one time I think was the case, but no longer is. As I recall it now an American passport was only stamped "Not good for Hungary," as I believe Oswald's passport was stamped. That has been changed, has it not.

Mr. SNYDER. These stamps are changed a little from time to time.

Mr. DULLES. I will ask Mr. Chayes that question.

Mr. SNYDER. Hungary, North Korea, North Vietnam, and China—

Mr. COLEMAN. Now Cuba.

Mr. DULLES. Could I see that passport for a moment? I think at this particular time this passport was issued, I thought the only stamp was Hungary.

Mr. SNYDER. I think there must have been others, and Hungary was added after 1946.

Mr. DULLES. I will just read this.

"This passport is not valid for travel to the following areas under the control of authorities with which the United States does not have diplomatic relations: Albania, Bulgaria, and those portions of China, Korea, and Vietnam under Communist control."

Now, that speaks as of—this is a printed notice in the passport, and that speaks as of the date of issue of the passport, September 10, 1959. And then there is a stamp—I guess that is printed on the passport—also printed, in a special box, "This passport is not valid for travel in Hungary."

Mr. CHAYES. And then that is superimposed with a void stamp when we took Hungary off the list of restricted areas.

Mr. DULLES. Right. I don't know whether that void stamp was put on in 1959—but it is not important as far as we are concerned.

In any event, this passport, as I understand, is perfectly good to travel to Russia without any notification to the State Department, is that correct?

Mr. SNYDER. Oh, yes.

Mr. COLEMAN. I should state for the record, sir, actually the application which Oswald filed on September 4, 1959, included Russia as a place where he intended to visit.

Mr. CHAYES. On the other hand, the State Department has no mechanism for notifying posts abroad of ordinary travel to those countries.

Mr. DULLES. I wonder if it would not be a convenience to you if in the case, let's say, of the Soviet Union, or possibly other Communist countries, just as a routine matter they took off this note from the passport so you would have some record there if anything turned up that this fellow had said he was going to Russia. Maybe that would involve administrative work.

Mr. SNYDER. I can't see what value this would be to a consul.

Mr. DULLES. Well, if a fellow got into trouble you would turn to his records alphabetically and you would find Lee Harvey Oswald in his application said he was going to go to Russia.

Mr. SNYDER. You mean if he gets in trouble in Russia?

Mr. DULLES. Yes.

Mr. SNYDER. If he gets in trouble in Russia, we know he is there.

Mr. DULLES. You might; you might not. They don't always tell you. You don't think that would be of any particular value, though?

Mr. SNYDER. No; I don't, Mr. Dulles. Under any circumstances under which it was useful to the Embassy to know whether a person had said he was coming there, we can have the information by cable within 24 hours. So to attempt—it would seem to me—to attempt to notify embassies abroad—

Mr. DULLES. I am not saying embassies abroad. I am saying the Soviet Union.

Mr. SNYDER. But why the Soviet Union and not Poland, Czechoslovakia, Bulgaria?

Mr. DULLES. I said the Communist countries, I think, before. I certainly would not do it for Britain, France, and friendly countries. There is no point.

Mr. SNYDER. This would involve a clerical job of major magnitude which from the Embassy's point of view I don't see that it would serve any purpose.

Mr. DULLES. Well, if a young man 20 years old just out of the Marines says he is going to the Soviet Union, isn't that of some significance?

Mr. SNYDER. Not necessarily. I mean in terms of the thousands of people—thousands of Americans who flutter back and forth across the face of the earth—

Mr. DULLES. I am not talking about people floating back and forth across the earth. I am talking about people going to the Soviet Union.

Mr. SNYDER. In other words, if I had looked at Oswald's application at the time he made it, knowing nothing else about it than he had just gotten out of the Marines, I would not think it was so terribly unusual, or of great interest to me that this young boy is taking a trip to a number of western European countries, including the Soviet Union. Nor would there be anything in such knowledge which would in any way I think trigger any action on my part.

Mr. DULLES. Do you have any special instructions other than the ones that you have referred to about the handling of those that renounce their citizenship, or have you covered that, do you think, quite fully? Are there any special instructions that the Embassy in Moscow prescribed?

Mr. SNYDER. No.

Mr. DULLES. There are none?

Mr. SNYDER. No; there are none; no, sir. This sort of thing is down to the meat of the consular officer's job. That is, he is out on his own pretty much on something of this sort. He has got to use his judgment, and such experience as he has, and such commonsense as he has.

Mr. DULLES. He has got to know the law, too—he has to know the law and regulations.

Mr. SNYDER. Oh, yes; if you don't know, the first thing you do is look up the regulation and the law and see what your basic requirement is.

In renunciation cases, it is a fairly simple matter—that is, for the consular officer, as far as the law is concerned. He doesn't have a large body of law. He has a specific law which tells him exactly what the conditions are for renouncing citizenship, and that is it.

Mr. DULLES. I differ from you a little bit, in the sense that I don't think if a young fellow 20 years old came in to me and wanted to renounce his citizenship, and if I were doing consular work, as I was at one time—I think I would feel that that was a pretty—rather a tough one to handle.

Mr. SNYDER. I don't say it is not tough to handle. What I meant to say was that the legal basis under which the consul, or within which the consul has to operate—

Mr. DULLES. I will talk to Mr. Chayes about the problem of a minor doing that.

Mr. SNYDER. From the consular's point of view it is a fairly simple one. It doesn't require a lot of legal research.

Mr. CHAYES. Just to have that in the record at this point the statute provides very clearly on the age problem, section 351(b) of the act provides that below 18 years the act specified—the citizen shall not be deemed to have expatriated himself by the commission prior to his 18th birthday of any of the acts specified in paragraphs 2, 3, 4, 5, and 6.

Mr. DULLES. That includes renunciation?

Mr. CHAYES. Yes, 6 is renunciation. But he has to assert—within 6 months after obtaining the age of 18 years—he has to assert his claim to U.S. nationality, in order to get this automatically. But I would think the courts would go further and hold that, especially where volunteerism is involved, as in renunciation, below 18 years is the cutoff point—not 21. It used to be 21, but the Congress reduced the age limit to 18.

Mr. DULLES. Well, that covers the point here. Was there anything about the Oswald case in the Soviet press at any time to your knowledge?

Mr. SNYDER. To my knowledge, there was not, Mr. Dulles.

Mr. DULLES. And the Soviet authorities have given you no information about Oswald that hasn't been communicated to us? You have no other information at all from the Soviet authorities about Oswald?

Mr. SNYDER. No, sir; I never communicated with the Soviet authorities about Oswald in any form, nor did they ever ask me anything about him.

Mr. DULLES. And you don't know any of the other circumstances under which his case was reconsidered after his attempted cutting of his wrists and suicide? You don't know what channels that went through in the Soviet Union?

Mr. SNYDER. I was not aware of this element of the case.

Mr. DULLES. You were not aware, of course, at that time of this element of the case. Do you know what intourist guides were in charge of him?

Mr. SNYDER. No.

Mr. DULLES. Do you know any other case during the period when you were in Moscow of an American who had married a Soviet wife and was given an exist visa as quickly and as easily as Oswald and Marina were given theirs?

Mr. SNYDER. I don't know offhand whether Marina Oswald got her visa, her exit visa, that quickly and easily.

Mr. DULLES. Well, I think that is a matter of record—when she applied and when she got it.

Mr. COLEMAN. The American visa—

Mr. DULLES. This is the Soviet exit visa.

Mr. COLEMAN. You are talking about the Soviet passport? She applied for her passport—

Mr. DULLES. It is a visa to get out.

Mr. SNYDER. It is both. She needs a Soviet passport. They are issued at the same time.

Mr. DULLES. That is correct.

Mr. COLEMAN. She applied for her Soviet passport in July 1961, and she was informed that it would be issued to her approximately on December 25, 1961.

Mr. DULLES. About 6 months. Do you know of any case where that has been accomplished in 6 months, other than this case, during your period there? I

don't think I ought to ask you about any period other than the period you were in the Soviet Union.

Mr. SNYDER. I think that a review perhaps of a few other of the cases of American citizens marrying Soviet girls during the time I was there might show that 6 months is not a terribly short period. There isn't, again, any standard for things like this. In the first place, so much depends upon the local officials in the beginning of the thing, and whether they drag their feet or don't, and how much pressure they put on the girl to talk her out of it, and all of this sort of business.

My offhand feeling is that 6 months is not an unusually short period of time, but it certainly is getting down to about probably the minimum of our experience with such things.

Mr. DULLES. That is all I have, Mr. Witness.

Mr. COLEMAN. Mr. Chairman, at this time I would like to offer for the record Commission Exhibits 908 through 940 except for Exhibit 911, which we didn't identify.

Mr. DULLES. Let me take these one at a time.

Exhibits Nos. 908 through 940, except for Exhibit No. 911, shall be admitted,

(The documents heretofore marked for identification as Commission Exhibits Nos. 908-910, and 912-940 were received in evidence.)

Mr. DULLES. Now, for the record, what about these two numbers that are omitted?

Mr. COLEMAN. When Mr. McVickar testifies he will be able to identify the documents.

Mr. DULLES. You will have these admitted at a later date?

Mr. COLEMAN. Yes.

Mr. DULLES. Now, the second category you wanted to have admitted.

Mr. COLEMAN. I would like to also offer into evidence Commission Exhibit 946 which is the Oswald passport.

Mr. DULLES. It shall be admitted.

(The document referred, to heretofore identified as Commission Exhibit No. 946 for identification, was admitted into evidence.)

Mr. COLEMAN. I offer for the record Commission Exhibit No. 947 which is the second copy of the passport renewal application, which has been identified after lunch.

Mr. DULLES. And Exhibit No. 947, the passport application, shall be admitted.

(The document referred to, heretofore identified as Commission Exhibit No. 947 for identification, was admitted into evidence.)

Mr. COLEMAN. I have no further questions, sir.

Mr. DULLES. We are just starting with a new witness. Won't you go ahead.

(Discussion off the record.)

Mr. DULLES. I want to thank you very much, Mr. Snyder. It has been very helpful to us.

Mr. SNYDER. I hope it has.

(Discussion off the record.)

TESTIMONY OF JOHN A. McVICKAR

Mr. COLEMAN. Mr. John A. McVickar, who is presently principal officer, American Consulate in Cochabamba, Bolivia, was consul in the American Embassy in Moscow in 1959, until at least the middle of 1961.

Mr. McVickar will be asked to testify concerning Oswald's appearance at the Embassy in October 1959, when Oswald announced his intention to renounce his American citizenship.

Mr. McVickar will also be asked to testify concerning his interview of Marina Oswald when she applied for a visa in July of 1961, and his actions in connection with securing a waiver of section 243(g) of the Immigration and Nationality Act of 1952, with respect to Marina Oswald.

Mr. McVickar will also be examined on two memoranda which he has provided the State Department since the assassination of President Kennedy.

At this time I would ask the Chairman to swear Mr. McVickar.

Representative FORD. Mr. McVickar, will you stand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth.

Mr. McVICKAR. I do, so help me God.

Mr. COLEMAN. Mr. McVickar, will you state your full name for the record?

Mr. McVICKAR. John Anthony McVickar.

Mr. COLEMAN. That is spelled M-c-V-i-c-k-a-r?

Mr. McVICKAR. I have given the court reporter here my card.

Mr. COLEMAN. And what is your present address?

Mr. McVICKAR. American consulate, Cochabamba, Bolivia.

Mr. COLEMAN. What was your position with the American Embassy in Moscow in the fall of 1959?

Mr. McVICKAR. I was one of two officers in the consular section of the Embassy.

Mr. COLEMAN. How long did you remain in Moscow?

Mr. McVICKAR. I was there from June of 1959, until September of 1961.

Mr. COLEMAN. I take it you have been shown a copy of the Congressional resolution with respect to the formation of this Committee?

Mr. McVICKAR. I am not sure but I think so. With respect to this Commission?

Mr. COLEMAN. Yes.

Mr. McVICKAR. Do you want me to read it now?

Mr. COLEMAN. No, just generally have it available.

Directing your attention to the fall of 1959, did you have occasion to see or to talk to Lee Harvey Oswald?

Mr. McVICKAR. I had occasion to see him and to talk briefly to him. I was present in the office at the time he was interviewed by Mr. Snyder. We had an office about the size of this room with two desks in it, and Mr. Snyder's desk was at one end and mine was at the other, and we did our business in effect in the same room separately, but this was an unusual case, and I recall the man coming in and I recall parts of the conversation.

Mr. COLEMAN. Was the day he came in October 31, 1959?

Mr. McVICKAR. I couldn't say exactly but that sounds just about right.

Mr. COLEMAN. Was it a Saturday?

Mr. McVICKAR. I don't know.

Mr. COLEMAN. Do you recall what time of the day it was?

Mr. McVICKAR. I don't know. It might have been in the morning but I am not sure. I don't know for sure.

Mr. COLEMAN. Did Oswald speak to you at all or was all of his conversation with Mr. Snyder?

Mr. McVICKAR. I think all of his conversation, subsequent conversation, was with Mr. Snyder. As I recall, he said a few words to those of us who were in the office, myself and the secretary, on his way out of the office probably, but I don't really remember very much about that, if he said anything at all.

Mr. COLEMAN. Could you tell the Commission to the best of your recollection what he said to Mr. Snyder that you overheard during the conversation of October 31, 1959?

Mr. McVICKAR. In an effort to be helpful I have already, in the form of this memorandum, put everything I could remember down.

Mr. COLEMAN. Sir, are you referring to the memorandum you prepared on November 27, 1963?

Mr. McVICKAR. Yes; the two memoranda, the one of November 27, 1963, and of April 7, 1964, but, of course, I will try to recall again. As I recall, he came into the office, and in a rather truculent fashion gave Mr. Snyder his passport and said that he wanted to renounce his American citizenship, and he was unusually nasty about it, and he then—Mr. Snyder talked with him for about I would say maybe an hour, in an effort to draw him out I think. The reasons that he gave were that he was very angry at the United States and that he was no longer under the illusion that we had a good system in the United States. He had seen capitalism and imperialism in operation, and I think that he referred to his tour in the Marine Corps, and I think that—possibly he was stationed in Okinawa.

I think that he did seem to know something about the renunciation process,

and it was almost as though he was trying to bait the consul into taking an adverse action against him.

He mentioned that he knew certain classified things in connection with having been I think a radar operator in the Marine Corps, and that he was going to turn this information over to the Soviet authorities. And, of course, we didn't know how much he knew or anything like that, but this obviously provoked a rather negative reaction among us Americans in the consulate section. I don't think I probably can recall anything more than that for sure.

Mr. COLEMAN. Sir, I take it at the time that Mr. Oswald was in the Embassy in 1959 that you did not prepare a memorandum at that time?

Mr. McVICKAR. No; because it was not my responsibility. I did prepare a memorandum which I have a copy of here, some time later with respect to a conversation I had with the correspondent, Priscilla Johnson, who had been at that time, as of November 17, 1959, in contact with Oswald, and I think she sought my guidance as to how she should handle her contacts with him, and also I think to inform the Embassy through me as to these contacts that she had had.

Mr. COLEMAN. I take it the memorandum you refer to is dated November 17, 1959?

Mr. McVICKAR. That is right.

Mr. COLEMAN. We have marked it Commission Exhibit No. 911. I will ask you whether that is a copy of the memorandum?

Mr. McVICKAR. Yes; that is a copy of the memorandum. Is it 911 or 9—excuse me—I would like to call attention to the fact that it seems to me there is an error in the date there in the second paragraph of that memorandum. It says "She told me that on Sunday May 15."

I am almost certain that would have been Sunday, November 15.

Mr. COLEMAN. Sir, in that memorandum on the second page you have a P.S., and you state that Priscilla J. told you that Oswald has been told he will be leaving the hotel at the end of this week.

Did Miss Johnson tell you that?

Mr. McVICKAR. I feel sure I wouldn't have written that if she hadn't.

Mr. COLEMAN. Do you know whether Oswald actually left the hotel the end of the week?

Mr. McVICKAR. I am not sure of the time that he left the hotel, but from what I gather from the record, that must have been about the time that he did leave the hotel and go to Minsk. As reflected in the other memorandum it was rather unclear exactly how long Oswald spent in Moscow, but I think that the record is approximately accurate here, and that this would have been about the time he would have left the hotel.

Mr. COLEMAN. According to other information which the Commission has, which happens to be Oswald's diary so we don't know how accurate it is, it is stated that he didn't leave Moscow until January 4, 1960.

Mr. McVICKAR. That is new to me.

Mr. COLEMAN. You had no such information?

Mr. McVICKAR. I had no such—this is the first time I heard that.

Mr. DULLES. He left the hotel, however, for a period, did he not? He was in the hospital for a period.

Mr. COLEMAN. No, sir; he was in the hospital before he came into the Embassy.

Mr. DULLES. That is correct.

Mr. COLEMAN. His suicide attempt was before October 31.

Mr. McVICKAR. Now it says leaving the hotel, but it doesn't say—and I think that would be all the information that would have been available at the time that I wrote that, I think the implication was that he was going to leave town as well, but that doesn't necessarily mean that he wouldn't have spent the ensuing weeks in some other place in the city of Moscow.

Mr. COLEMAN. In the P.S. you also indicated that "he will be trained in electronics." Did you get that information from Miss Johnson?

Mr. McVICKAR. Well, yes; I think so, according to this.

Mr. COLEMAN. Did she say any more than just he would be trained in electronics? Did she say what type of training he would get?

Mr. McVICKAR. I am afraid I have no more memory than what is written

here. In fact, I didn't even remember that I had written this memorandum until I saw it the other day.

Mr. DULLES. Is the language "he will be trained" or "he had been trained"?

Mr. McVICKAR. "He will be," that is what I wrote.

Mr. DULLES. Is it possible that could have been a reference to past training during the Marines when he was trained in electronics?

Mr. McVICKAR. No; I suspect, that what I meant was, that he would be trained in electronics by the Soviets, but I think that this was a rather sketchy note of the conversation, and I suspect that what she would have said, was that he would be trained in or used in the field of electronics, in such a way probably that they would get the greatest benefit from his knowledge.

Mr. COLEMAN. Sir, immediately prior to the time that you had the conversation with Miss Johnson, you had had occasion, hadn't you, on November 9, 1959, to attempt to deliver a message from Oswald's half brother to Oswald?

Mr. McVICKAR. Yes; there is a note in the file to that effect, and I don't really remember that incident very well, just very vaguely. I think that I was given the assignment to attempt to deliver a message. I think the idea was that we would try to see what we could do to get this fellow to change his mind and go back to the United States.

The attitude that we took toward him was, I think, a normal one, as one might toward a very mixed up young person, probably misinformed, and so I think this was an effort to put him back in communication with his family.

Mr. COLEMAN. I would like to show you a note from the Oswald file dated November 9, 1959, which has been given Commission Exhibit No. 942, and a copy of a telegram to Oswald from John E. Pic, which has been given Commission Exhibit No. 943, and ask you, is that the telegram you attempted to deliver, and is that the note you wrote at the time when you were unable to deliver the telegram to Oswald?

Mr. McVICKAR. Yes; that is the note, and I don't necessarily recollect this telegram. It may be that it was in a sealed envelope. I cannot say that I recollect the telegram, but it certainly looks like the probable telegram that would have been delivered, that I would have attempted to deliver at that time.

Mr. COLEMAN. I take it that after October 31 of 1959, until Oswald left Moscow, that you had no further contact with Oswald?

Mr. McVICKAR. That is my recollection, yes, that I had no further contact with Oswald. I must say that a great many things did take place in that 2 years.

I, for example, did not recollect, until just the other day when I saw the file, that I had interviewed his wife. But to the best of my recollection I never laid eyes on Oswald again.

Mr. COLEMAN. I think earlier in your testimony you said that you had prepared a memorandum on November 27, 1963, in which you attempted to recall what happened when you were in the American Embassy in 1959, 1960, and 1961, is that correct?

Mr. McVICKAR. Yes.

Mr. COLEMAN. A copy of the memorandum has been marked Commission Exhibit No. 941. I want to ask you whether that is a copy of the memorandum which you prepared, and sent to Mr. Thomas Ehrlich?

Mr. McVICKAR. Yes; that is a copy of it.

Mr. COLEMAN. Now in that memorandum, on the last page, page 3, the second paragraph, you say: "In short, it seemed to me that there was a possibility that he had been in contact with others before or during his Marine Corps tour who had guided him and encouraged him in his actions."

Could you indicate to the Commission the basis for making that statement?

Mr. McVICKAR. Well, I think it is clear here, and if it isn't I should certainly say, that this last page is in the nature of speculation and an attempt to be helpful.

Now in answer to your question, he gave me the impression, and this was supported by the impressions other people seemed to have at the time through conversation, that he was a very young person to have so many ideas in his head, and to have done so much about them, in effect, in such a relatively short time, and so it occurred to some of us that it may be that he had had

some coaching from somebody; but also, I must say, he was an unusual person and apparently sort of an ingrown person, and so it may be that he had conceived and carried out all these things by himself.

But I think that that paragraph in a way sums up that same idea, that it seemed that there was a possibility that he had had some guidance in carrying out this line of action.

Mr. COLEMAN. Does that also explain the sentence in the same paragraph where you say: "On the other hand, there also seemed to me to be the possibility that he was following a pattern of behavior in which he had been tutored by person or persons unknown"?

Mr. McVICKAR. Yes; the same applies.

Mr. COLEMAN. You had no independent evidence of this at all, did you?

Mr. McVICKAR. I was asked to explain this attitude I had as best I could, and I wrote another memorandum dated April 7, 1964, in which I described to go into this line of thought.

Mr. COLEMAN. Could we have marked as Commission Exhibit No. 958 a three-page memorandum from Mr. McVickar to Mr. Ehrlich, dated April 7, 1964?

(The document referred to was marked Commission Exhibit No. 958 for identification.)

Mr. COLEMAN. Is that the memorandum you just referred to?

Mr. McVICKAR. Yes; that is the same memorandum.

Mr. COLEMAN. You say this memorandum, Commission Exhibit No. 958, was written in April 7, 1964, after you had been asked to explain your earlier statement concerning following a pattern of behavior in which he had been tutored by person or persons unknown?

Mr. McVICKAR. Yes; that is correct. I believe that the Commission asked for this clarification from the Department of State, and it was relayed out to me in Bolivia.

Mr. COLEMAN. In that memorandum you first indicated that you felt that Oswald probably would not know that Helsinki would be a good place to go to try to get a visa into Russia.

Mr. McVICKAR. Yes; I think so. It is a well enough known fact among people who are working in the Soviet Union and undoubtedly people who are associated with Soviet matters.

But I would say that it was not a commonly known fact among the ordinary run of people in the United States.

Mr. COLEMAN. You also placed some reliance upon the fact that he didn't come in under a \$30 per day individual tour or he didn't join a group, is that correct?

Mr. McVICKAR. Well, now, when you say that he did not do these things, I don't know that he did not do these things. I was merely discussing the fact that the particular type of visa that he obtained might have some significance, and I went into a little bit maybe not in complete detail and maybe not knowing all of the factors, but I tried to go into a little bit of the different kinds of possibilities there might have been.

Mr. COLEMAN. Well, if it is established that Oswald got a tourist visa, then I take it that paragraph 2 of your memorandum pretty much disappears because the assumption is that he didn't get a tourist visa, is that correct?

Mr. McVICKAR. No; I don't think entirely so. I think you would have to take a look at the amount of time that it would take him to get a tourist visa or any kind of a visa.

But as I say, I can't be sure that it would be very significant. But I think it is a point, however.

Mr. DULLES. How long is the ordinary tourist visa good for?

Mr. McVICKAR. Tourist visas are usually issued for specific periods of time, specific tours. That might be a week or might be a month, and they vary in price with the length of time and where they are going, and also how many people are in the group. If you are going by yourself it is very expensive. If you are going with larger and larger groups it becomes less expensive.

Mr. COLEMAN. You also indicated in the memorandum in paragraph No. 4 that according to your experience Oswald's application to remain in the Soviet Union was relatively quickly accepted by the Soviet authorities?

Mr. McVICKAR. I think item 4 is more or less canceled out by the fact that my memory was inaccurate as to how long he had stayed in Moscow. I think that my paragraph 4 is based on my inaccurate memory that he was there for only about a week, but if he was there for much longer than that, I think that is vitiated.

Mr. COLEMAN. Assuming that he did stay the longer length of time then, I take it you don't think there is any particular significance in the fact that he was able to remain in the Soviet Union?

Mr. McVICKAR. No; I think that the length of time that he apparently was in Moscow was sufficient for them to make any bureaucratic decision.

Mr. COLEMAN. And in paragraph No. 5 you indicated that he seemed to be surprisingly competent and determined about what he was doing, considering his age and experience.

Could you indicate for the Commission just what he did which led you to that conclusion?

Mr. McVICKAR. Well, that goes back to my comment of a few minutes ago. I think his bearing and attitude was unusually confident in a very far away country where the way of doing things is very different from what it is in the United States, and considering presumably he hadn't traveled very much before, and he was very young. I think the word "competent" refers to what seems to be a rather efficiently organized chain of events which began, as I understand it, when he first applied for a passport in the United States in Los Angeles, on September 4, until his apparent appearance in Moscow about October 16, where he applied for Soviet citizenship. And it seems to me, just offhand I would say, that is a fairly well organized movement considering also that apparently he went by ship from New Orleans to Helsinki—that is what I understand—and was determined, as was very evident in everything he said when he was in the office, was determined to do what he was doing.

Mr. COLEMAN. In paragraph No. 8 of the memorandum you place some significance in the fact that he was permitted to belong to a rifle club and practice target shooting while in Minsk.

First, from where did you get that information?

Mr. McVICKAR. I apologize for that in a way. That is complete speculation, and the rifle club was something I read about in the newspaper. I cannot be very accurate about the rifle club business, and I point out in that note that it is not related to my contact with him.

Mr. COLEMAN. Do you think it would be unusual from your knowledge of life in the Soviet Union that people would belong to a rifle club and that they could practice target shooting?

Mr. McVICKAR. Yes; I would say so; yes.

Representative FORD. In other words, if it was a fact?

Mr. McVICKAR. If it was a fact.

Representative FORD. That he belonged to a rifle club and did shooting it would be unusual?

Mr. McVICKAR. It would seem to me, yes, particularly for a foreigner, but unusual in any case, I think.

Mr. DULLES. But you did not hear that either from Oswald or from his wife whom you saw later, I believe.

Mr. McVICKAR. No; I did not. It is unrelated to anything except what I heard about the case, and I don't know really about this. I just remember reading about it in the paper, that is all.

Mr. COLEMAN. After November 17, 1959, you had no more contact with Oswald until some time in July 1961, is that correct?

Mr. McVICKAR. Yes; that is right, and I believe that I didn't have any contact with him in July of 1961. I believe I only had contact with his wife.

Mr. COLEMAN. Do you speak Russian?

Mr. McVICKAR. Yes; or I did.

Mr. COLEMAN. When did his wife come in in July of 1961?

Mr. McVICKAR. Well, as I recall, and as I say, my memory here was completely refreshed by the record, and I see that I have some notes in the file that are undated, but that they were used evidently to write a communication to the

Department of State which was dated on August 28, 1961, and so I am confident that this interview must have taken place in say the week before that.

I departed from the Soviet Union about the 1st of September, and things were pretty busy, and I can't remember very much more about it than I can see here in the record.

I do not really remember this interview, and I can only speak about it on the basis of the record.

Mr. COLEMAN. Isn't it possible that you saw her on July 11, 1961?

Mr. McVICKAR. No; because I think what happened, and I think this is reflected in the record. I think what happened was that Oswald himself came into Moscow and was interviewed by Mr. Snyder on July 10, and that he did not have his wife with him, and that he said that he was going to try to get his wife to come to Moscow in the next few days, so that she could be interviewed in connection with the visa, but that in fact she did not appear until several weeks later, some time in August.

Mr. COLEMAN. Are you certain about this, sir?

Mr. McVICKAR. This is the best of my recollection, and I am pretty sure that I read something in the record yesterday that indicates that she was not in Moscow at the time he was interviewed by Mr. Snyder in July of 1961.

Mr. COLEMAN. Wasn't it possible that Mr. Snyder talked to Mr. Oswald on July 8, which was a Saturday, and that Mrs. Oswald appeared at the Embassy with Oswald on July the 10th, or on July 11th, 2 or 3 days later?

Mr. McVICKAR. I won't say that it is not possible, and as I say, I don't remember this. But I very much doubt that I would have interviewed somebody in the middle of July and have not written to the State Department about it until the end of August, and I say that honestly. That was not the way we operated.

Mr. COLEMAN. You referred to some handwritten notes you saw in the file. I would like to show you Commission Exhibit No. 945 and ask you whether that is the copy of the notes that you were referring to?

Mr. McVICKAR. That is the copy of them. I do not believe they are dated, and it was with a ballpoint pen. I made this copy for myself from the copy that is in the file.

Mr. CHAYES. Would it be appropriate to point out that there seems to be more on your copy than on his copy?

Mr. McVICKAR. No, these are my own notes. This is exactly what it is here.

Mr. COLEMAN. Sir, I take it that Commission Exhibit No. 945 is some notes you took at a time when you had an interview with Marina Oswald, is that correct?

Mr. McVICKAR. Yes.

Mr. COLEMAN. Now you have a notation "was not Komsomol." What does that mean?

Mr. McVICKAR. That I am confident means that I asked her whether she was a member of the Komsomol, which is the Communist youth organization, and this would have been an ordinary question for me to ask a visa applicant because this had some bearing on her admissibility to the United States under the immigration law, and I was apparently satisfied from what she said she was not. There is no other way of really establishing it under such circumstances.

Mr. DULLES. Did she say whether she had at anytime been a member of the Komsomol?

Mr. McVICKAR. I would have undoubtedly phrased my question in such a way as to cover that point, I think.

Mr. COLEMAN. Did you ask her whether she was a member of any particular Communist organization?

Mr. McVICKAR. Yes; and I believe that, as I stated in this report to the Department of State, and I think it appears a little bit in here, that she was a member of a Profcoes, which is probably a combination of English and Russian, but this would have been a labor union, and she apparently was a member of the medical workers labor union when she was in the technical school, and then later in her work since 1957, it says here.

Mr. COLEMAN. When you had this interview wouldn't she then have

to fill out or you would have to fill out a form or some type of petition to get her classified as an alien eligible for an immigration visa?

Mr. McVICKAR. This was not the procedure. There is a form of application for a visa, the number of which I forget. But that, under the procedure, was filled out by the applicant at a later date. This initial interview was to obtain in effect the approval of the Department of State from the security point of view for the issuance of the visa, and the interview was in connection with preparing a report covering the points that are of concern to the Department in that connection, and this report was prepared by me, sent in on August 28, 1961.

Mr. COLEMAN. Sir, I have marked as Commission Exhibit No. 959 a copy of a petition to classify status of alien for issuance of immigrant visa, and it shows it was signed by Lee Harvey Oswald, and that the beneficiary was Marina N. Oswald, and that it was sworn to and subscribed before you on July 11, 1961. I ask you, have you seen that before?

Mr. McVICKAR. Well, this is something that I did not recall. But I see that it was also an enclosure to my document which I sent in on August 28, 1961.

Undoubtedly I must then have taken Mr. Oswald's oath on this document on the date specified. This would not have required the presence of his wife, but I am sure then on the basis of what I see here that this must have occurred, but I did not remember it.

Mr. COLEMAN. Since you have that document before you, could you then say that there is a possibility that Commission Exhibit No. 945 was written on July 10 or July 11, 1961, rather than in August as you earlier testified?

Mr. McVICKAR. I would say there is a possibility, but again I doubt it because for one thing I do recall this item in the record which said that she was not present when he came in to the Embassy in July, and I am confident that there would have been no reason to hold up the type of report made here unless it was that she wasn't available for an interview.

But as I say, I couldn't say for sure, but I don't remember, I don't think of any reason that would have caused a delay of this kind unless it had been that she didn't come in. I think it is too bad that I didn't date this note, but I guess I didn't.

Mr. COLEMAN. Can we infer from Commission Exhibit No. 959 that you must have seen Mr. Oswald on July 11, 1961?

Mr. McVICKAR. Yes; I think this would be a safe assumption, but I don't remember anything about it, and it could have been a very routine thing you see, because the way the work was arranged was that Consul Snyder as the officer in charge handled our matters relating to citizenship, and I handled matters relating to visas, and this was a visa matter and he could very well have asked that I take Mr. Oswald's oath on this petition in behalf of his wife, and it might have a very pro forma thing. But I honestly don't remember this incident; but this sort of thing is never done unless the person is present, unless both signing parties are present.

So it would seem to me that this man must have appeared to me and signed this thing and said that it was his legal act, and then I certified to that.

Mr. DULLES. By both signing parties you only mean Oswald and the notary or whoever certifies to it?

Mr. McVICKAR. I being the notary in this case you see. But the beneficiary, Mrs. Oswald, did not have to be present for this thing.

Mr. COLEMAN. There is a possibility she was present?

Mr. McVICKAR. Well, I think it is possible; but I rather doubt it frankly, and I doubt it on the basis of what I have said before, that I think I recall seeing in the record that she was not present, and that I don't see why this whole procedure would't have gone through much more quickly if she had been, that is all.

Mr. COLEMAN. You keep on referring to the fact that you recall seeing this in the record. Could you tell me where you saw it, please?

Mr. McVICKAR. Well, I can try to find it. I think the best thing would be if I looked at the Moscow official file. Is that right here? Okay; well, maybe I can find it. Is that all right if I take a minute to look through these papers?

Mr. COLEMAN. Yes.

(Discussion off the record.)

TESTIMONY OF ABRAM CHAYES

Representative FORD. Mr. Chayes, will you take the following oath. Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHAYES. I do.

Mr. COLEMAN. The Honorable Abram Chayes is the Legal Adviser to the Department of State. Mr. Chayes will be asked to testify with respect to the files and other information and documents supplied the Commission by the Department of State dealing with Mr. Oswald.

Mr. Chayes will also be asked about the legal correctness of certain decisions made by various offices of the State Department with regard to Oswald, including whether Oswald had lost his American citizenship by his actions in 1959, whether his passport should have been returned to him in July 1961, whether his passport should have been renewed based upon the July 10, 1961, application, whether he should have been issued his 1963 passport, and whether action should have been taken to revoke it in October 1963 as a result of information received by the Passport Office, and whether the Department and the Immigration and Naturalization Service acted properly in connection with section 243(g) of the Immigration and Nationality Act with respect to Marina. Mr. Chayes will also be asked about the lookout card system in the Passport Office.

Mr. COLEMAN. Mr. Chayes, will you state for the record your full name?

Mr. CHAYES. My name is Abram Chayes. There is a middle name that I don't use. It is Joseph.

Mr. COLEMAN. Where do you presently reside?

Mr. CHAYES. At 3520 Edmonds Street NW., Washington, D.C.

Mr. COLEMAN. When did you become Legal Adviser to the State Department?

Mr. CHAYES. I think I was sworn in on February 7, 1961.

Mr. COLEMAN. So, therefore, anything that happened with respect to Mr. Oswald prior to that time you had nothing to do with and knew nothing about?

Mr. CHAYES. Well, I should say that I never heard the name Lee Harvey Oswald until November 22, 1963, so that neither before nor after the time I became Legal Adviser, before the assassination, did I have any direct knowledge about Oswald, nor do I believe I passed directly on any matters in the case, although there may have been some matters that were considered in my office. I am not sure about that, but I took no personal action in the case.

Mr. COLEMAN. Since the assassination your office has had occasion to review the various files which were in the State Department dealing with Lee Harvey Oswald, is that correct?

Mr. CHAYES. Yes; on November 22, Mr. Ball, the Under Secretary of State, directed me to take in personal charge all the files in the Department that I could find, and to review those files and be prepared with a report for the Secretary the following morning on the general relations of Mr. Oswald and the State Department.

I did take some files, the basic files into my custody at that time, and retained them in my custody, I think, until we sent them to the Commission at the Commission's request. And others than who were working on the matter in the Department had access to the files but had to work in my office on them.

Mr. COLEMAN. On or about May 28, 1964, you had occasion to reassemble the files and deliver another set to the Commission, is that correct?

Mr. CHAYES. Yes; from time to time between the first delivery, which was probably last December sometime, and just last week we have made other papers available to the Commission as they have come to our own notice. A file search of this kind in a place like the Department of State is a pretty elaborate business.

Only last week we got a whole new shipment from the Moscow Embassy in which they said, "We have sent you before everything that you didn't have duplicates of, but here is a whole bunch of duplicates."

And it turned out that some of them weren't duplicates as appeared just this morning. We made those available as soon as they came in.

Mr. COLEMAN. I take it with the covering letter of May 28, 1964, and the description you made of the file together with the other files that you delivered

to us just yesterday, that they constitute all of the files that the State Department has?

Mr. CHAYES. As I say, they constitute all that we have been able to find, all the documents we have been able to find after a most diligent search.

I myself did not personally conduct the search, but we directed responsible officers in all the various places where documents might be to give us all the documents they had, and I think we made a very intensive search, and to my knowledge there are no other documents in the Department relating to this matter in any way.

Mr. COLEMAN. Shortly after the Commission was appointed, you had prepared under your direction, and submitted to the Commission a document entitled "Report of the Department of State Lee Harvey Oswald," is that correct?

Mr. CHAYES. That is correct, sir.

Mr. COLEMAN. And this document is an examination of the various actions taken by people in the State Department, and your judgment as to the legal correctness of the various actions?

Mr. CHAYES. Well, as you see, the document consists of five subparts. It is an analysis and summary of the documents in the files. We went through the files, looked at all the documents, tried to summarize them for the Commission so as to give the Commission the fullest possible appreciation of the contacts between Oswald and the Department. Where it was necessary to elucidate policies or matters of law in order to give the Commission that appreciation, we have done so, yes.

Mr. COLEMAN. The Report has been given a number of Commission Document No. 2. (Commission Exhibit No. 950.) After that you, on May 8, 1964, sent a letter to the general counsel for the Commission in which you answered certain questions which had been proposed by the general counsel?

Mr. CHAYES. Yes; the general counsel sent us a questionnaire with two attachments, attachment A and attachment B. Attachment A referred to matters mostly concerning Russia and the Embassy in Moscow. Attachment B raised questions about matters within the Department, passport and visa offices within the Department. Each attachment contained a series of questions.

Again I think it is more accurate to state that the responses were prepared under my supervision and direction. I, of course, reviewed every response and and none were sent out without my approval. But I was not the draftsman or didn't do all of the work.

Mr. COLEMAN. The first question that the Commission would like to know about and be given some advice on is the question of whether the acts which Oswald performed in October 1959, and shortly thereafter, would in your opinion result in his loss of citizenship.

Mr. CHAYES. In my judgment they would not amount to expatriating acts. The basic analysis is covered in the third part of Commission Document No. 2, entitled "Lee Harvey Oswald—Expatriation."

Representative FORD. On what page is that, Mr. Chayes?

Mr. CHAYES. Well, I am sorry, each of the parts begin at No. 1, so it is not very convenient, but it is about halfway through. There is a memorandum entitled "Memorandum Lee Harvey Oswald—Expatriation."

Now, in that memorandum we analyze three sections of the act under which it might be argued that an expatriation took place.

Mr. COLEMAN. Yes?

Mr. CHAYES. I say in that memorandum we analyzed the three possible sections of the act under which it might be argued that an expatriation took place, and in each case we conclude, and I think properly, that there was no expatriation. The first section is section—

Mr. DULLES. May I ask one question? This is a formal opinion of your office as Legal Adviser to the State Department?

Mr. CHAYES. I take responsibility for this as my present opinion, yes, sir, and it goes out over my signature. We are not quite like the Attorney General. We don't have opinions that get bound up in volumes.

Mr. DULLES. I realize that it is not a formalized opinion from that angle. Was this ever submitted to the Department of Justice for consideration?

Mr. CHAYES. No; it was not.

Mr. EHRLICH. Actually this report did go to the Department of Justice because it was submitted before the Commission was formed.

Mr. CHAYES. Yes; but it wasn't submitted to the Department of Justice for consideration.

Mr. DULLES. For concurrence or anything of that kind.

Mr. CHAYES. For concurrence, no.

Mr. COLEMAN. Now, the first section which I assume you address your attention to was section 349(a) (1).

Mr. CHAYES. We could do it that way.

Mr. COLEMAN. Do you want to start with 349(a) (6) ?

Mr. CHAYES. We started with (a) (6) in the memorandum because there was likely to be a better case under (a) (6) than almost anything else. The reason why one might argue more about (a) (6) than anything else, is that there were written statements by Oswald saying, "I renounce my citizenship" or words to that effect, and they were made in writing, and in a way that appeared to be intended as a formal, considered statement.

But (a) (6) says that a U.S. national may lose his nationality by "making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State."

Now, even if you resolve every other issue in favor of expatriation, that is if you say handing a fellow a letter of the kind that Oswald handed to Mr. Snyder was a formal renunciation of nationality before a diplomatic or consular officer, it was clearly not on the form prescribed by the Secretary of State, and the courts have been very precise on that.

Representative FORB. Do you have those citations, Mr. Chayes?

Mr. CHAYES. The form we have here, it is called "Form of Oath of Renunciation." It is volume 8 of the Foreign Affairs Manual of the Department of State, and it is an exhibit to section 225.6, and you can see here that it is a fully prescribed form.

Mr. COLEMAN. Do you have any case where (a) it was a written statement, and (b) it was given to a consul and yet because it was not on the form prescribed by the Secretary of State, a court has held that it was not a renunciation?

Mr. CHAYES. No case has been decided under 349(a) (6), but the general line of cases under 349 is to resolve every doubt in favor of the citizen, and there are innumerable citations to that effect. I feel quite confident when the statute itself prescribes that the form should be one established by the Secretary, and where the Secretary has in fact prescribed such a form, that one cannot bring himself under (a) (6) unless he uses the form.

Mr. COLEMAN. Wouldn't the two letters that Oswald delivered be considered as making an affirmation or other formal declaration of allegiance to a foreign state or political subdivision thereof, which is an act under (a) (2) ?

Mr. CHAYES. That would be (a) (2), and we consider that at page 7 of the memorandum, subsection C.

Mr. DULLES. Are we through with all pages up to 7?

Mr. CHAYES. No; we probably go back to 1. But there we do have cases, and the cases are clear, that the oath or affirmation or formal declaration under section (a) (2) has to be to an official entitled to receive it on behalf of the foreign state, and even then the courts have been very sticky about holding people to that.

For example, there is one case where a dual national, a Philippine and U.S. national, made an oath of allegiance to the Philippines in the usual form in order to get a Philippine passport, and it was asserted that this was an expatriating act, and the court held no, it wasn't. In *re Bautista's Petition*, 183 F. Supp. 271 (D.C. Guam, 1960). There is a case where a man took an oath of allegiance to the British Crown, but the recipient of the oath was his employer, private employer, and it was held that that was not the kind of oath that is involved. In *The Matter of L*, 1 I. & N. Dec. 317 (B.I.A. 1942).

The courts have said that this is a reciprocal relationship in which in order

to come under this section, the citizen or the U.S. citizen must offer his allegiance to the foreign state and the foreign state must accept it.

Mr. DULLES. There has to be action on both sides. Unilateral action is not enough if the affirmation is not accepted.

Mr. CHAYES. That is the way I read the cases. Now, of course, if it comes before, if the oath is taken before an official of the foreign state that is authorized to take oaths of allegiance, why then nothing more is needed than that. But making an oath or statement of allegiance to another American or to a private party, whatever his nationality, has been held not to fall within 349 (a) (2).

Mr. COLEMAN. Do you know whether Oswald had to make any statement or take any oath when he got employment in the Soviet Union?

Mr. CHAYES. I don't personally, but it may have been inquired into by the consul when Oswald came back for a renewal passport.

I think the record shows that it was concluded that there was no evidence that he became a naturalized Soviet citizen, and so far as I know, there is no evidence that he in any other way took an oath of allegiance of the kind that would bring him under 349 (a) (2).

Even if he had had to do so, for example, in connection with his employment, there are cases which may say that that is not a voluntary oath if it is done out of economic necessity and it will not, therefore, serve to expatriate. See *Insogna v. Dulles*, 116 F. Supp. 473 (D.D.C. 1953); *Stipa v. Dulles*, 233 F. 2d 551 (3d Cir. 1956); and *Bruni v. Dulles*, 235 F. 2d 855 (D.C. Cir. 1956). In at least one other case, *Mendelsohn v. Dulles*, 207 F. 2d 37 (D.D.C. 1953), a court held that the plaintiff had not expatriated himself by residing abroad for more than 5 years since he had remained abroad to care for his sick wife, who was too ill to travel.

Representative FORD. I think it would be helpful wherever you say, Mr. Chayes, there are cases, that the record show the citation of the cases.

Mr. CHAYES. I think most of the cases that I am relying on are cited in the memorandum to which I am referring. But there may be others that I am recollecting. If I could have a chance to review the transcript, I will submit exact citations in each case.

Representative FORD. I think that would be very helpful. Otherwise I think the record is—

Mr. CHAYES. Yes; I agree.

Representative FORD. Is not clear or not complete, and as far as I am concerned, and I think the Commission would agree, that you should review the transcript to supply those citations for those particular categories of cases.

Mr. CHAYES. I will be very glad to do so, Mr. Chairman.

Mr. COLEMAN. Now do you want to address yourself to section 349 (a) (1)?

Mr. CHAYES. Well (a) (1) is obtaining naturalization, and there just wasn't any indication, there wasn't any evidence at all that he had become a naturalized Soviet citizen.

We knew that he applied for naturalization, but even on the basis of his Soviet documents he had not been given Soviet citizenship.

Mr. COLEMAN. I take it your testimony is that after reviewing all of the files, your office has determined that Oswald committed no act which would justify the Department stating that he had expatriated himself.

Mr. CHAYES. I think that is right. I more than think that is right. I know that is right. We have reached the conclusion, and I personally have reached the conclusion, that Oswald's actions in the Soviet Union, although he may very well have wanted to expatriate himself at one time or another, did not succeed in doing that.

I think for the record I would like to read here a citation from the case of *Stipa v. Dulles* decided by the Court of Appeals for the Third Circuit—the citation is at 233 F. 2d. 551—which gives some idea of the general attitude with which the courts approach expatriation cases. In that case it said:

The burden of proving expatriation generally is upon the defendant who affirmatively alleges it [that is the Secretary of State] and the burden is a heavy one. Factual doubts are to be resolved in favor of citizenship. The burden of proof on the Government in an expatriation case is like that in denaturalization. The evidence must be clear, unequivocal and convinc-

ing. The rule prevailing in denaturalization cases that the facts and the law should be construed as far as is reasonably possible in favor of the citizen equally applies to expatriation cases. American citizenship is not to be lightly taken away.

This is the dominating attitude of the courts in all of these cases. We find, for example, that a group of Japanese Americans, who during the war under the stress of the relocation program, did all of the business of renouncing their citizenship and did it in the most formal kind of a way, and it was clear that they had done it and they had meant to do it and all that sort of thing. When after the war they raised the question of their citizenship status, the court held well, that the emotional stress and strain of the relocation and shock under those circumstances was such that this shouldn't be held against them. *Acheson v. Murakami*, 176 F. 2d 953 (9th Cir. 1949).

So the courts have gone very, very far to uphold the notion that American citizenship is not to be lightly taken away, see e.g., *Schneiderman v. United States*, 320 U.S. 118 (1943), and that has affected not only our legal judgment in the particular case, but our general policy which you have heard explained by Mr. Snyder and Mr. McVicker.

Mr. COLEMAN. Could you describe for the record what the policy of the Department is when a person appears at a foreign embassy and attempts to expatriate himself?

Mr. DULLES. Before you answer that question may I ask a question. In your memorandum here, relating to the paragraph we have been discussing, there is a footnote that interests me. It says:

"After the assassination of President Kennedy, an official of the Soviet Ministry of Foreign Affairs stated to an officer of the American Embassy in Moscow that Soviet authorities had considered Oswald's application for Soviet citizenship but had decided not to approve it because Oswald seemed unstable."

Mr. Coleman, do we have that in our files?

Mr. COLEMAN. Yes.

Mr. CHAYES. Yes; I think also the American Embassy officer was Ambassador Kohler?

Mr. COLEMAN. It was Stoessel.

Mr. CHAYES. Oh, Stoessel, Deputy Chief of Mission.

Mr. DULLES. The statement was made to him by an official of the Foreign Office?

Mr. CHAYES. I think he is identified in the telegram; yes.

Mr. COLEMAN. Also when the Secretary appears tomorrow I think he will impart some information on what the Soviet Ambassador told him as to the reason why they refused Oswald citizenship.

Mr. DULLES. Yes; I would rather like to put that in the record unless there is some similar reason to the one we had before.

Mr. CHAYES. Could I go off the record for just a moment?

(Discussion off the record.)

(Mr. Coleman's last question was read back by the reporter.)

Mr. CHAYES. Well, I think the basic policy of the Department is a recognition that this is a very grave and serious and irrevocable act that can affect a person's life and does affect a person's life very fundamentally. And so the policy of the Department is to make sure that the person making the renunciation does so with full recognition of the consequences of his action, of the fact that it is a very grave act, and in such a way as to make sure that it is a completely voluntary act in every sense of the word, so that it can be shown not only to be free of any physical duress or coercion, but mental stress and things of that kind.

This is not only true because of the recognition of what it means to the individual, but also because in order to support the denaturalization in court. You have got to be able to show those things under the standards and the general attitude that I have set forth.

Mr. COLEMAN. I take it your testimony is that you reviewed all of the files and looked at all of the memorandums or had it done under your direction, and your judgment is that Oswald had not expatriated himself in 1959?

Mr. CHAYES. Yes; on the basis of the record that I have in the file.

Mr. COLEMAN. And with that determination made, then I take it that when Oswald appeared at the Embassy in July 1961, and requested that his passport be returned to him, that Mr. Snyder had no other alternative but to return his passport to him, is that correct?

Mr. CHAYES. In the absence of any other disqualifying ground, and there wasn't any other disqualifying ground either known to the Embassy in Moscow or available in our own files back home. If Mr. Oswald was a citizen, and was not disqualified in some other way, he was entitled to the passport.

Mr. DULLES. Do you know from studying the records, or otherwise, whether when that request was made by Lee Harvey Oswald, it was referred back to the State Department and reconsidered again?

Mr. CHAYES. Oh, yes; it was. In the first place, the expatriation issue wasn't decided until that time. That is the expatriation issue was open until he came back in and applied for the passport.

The expatriation issue was decided in the first instance by the officer in the field, and then the tentative decision was reported by him back to the Passport Office and the expatriation decision was reviewed in the Passport Office at that time. The file was reviewed for other possible disqualifications, and an instruction went out with respect to the return of the passport.

The field was instructed that when the passport was returned, it should be marked for travel to the United States only, and then when the passport was finally renewed some weeks later, that was also pursuant to a departmental instruction.

Mr. DULLES. Was that reviewed in your office at that time?

Mr. CHAYES. No; it wasn't.

Mr. DULLES. Shouldn't it have been?

Mr. CHAYES. I don't think so, Mr. Dulles. The Passport Office has to make nationality determinations on thousands and thousands of people.

Mr. DULLES. But this is a legal question, isn't it?

Mr. CHAYES. But they have adjudicators in the Passport Office.

Mr. DULLES. They have legal officers.

Mr. CHAYES. Thirty lawyers or something.

Mr. DULLES. They have?

Mr. CHAYES. And two lawyers reviewed this case. There are just thousands of nationality or loss of nationality determinations.

Mr. DULLES. And those are generally all settled in the Passport Office?

Mr. CHAYES. In almost every case.

Mr. DULLES. Some of them may be presented to your office.

Mr. CHAYES. Where they present especially difficult questions of law or general policy of administration; yes, sir.

Mr. DULLES. And this wasn't considered as a case involving particularly difficult questions of law?

Mr. CHAYES. No; I don't think it did then or does now.

Representative FORB. Did the people in Washington who made this review know that on this one particular form, I don't recall the Commission Exhibit, that Oswald said, "I have done this, that," one or the other?

Mr. CHAYES. They would have had that before them. I think that is the form that was sent back to the Department, the one that had "have not" crossed out and "have" was left standing. So they made the determination on the basis of a form—

Mr. COLEMAN. Commission Exhibit No. 938, for the record.

Mr. CHAYES. Commission Exhibit No. 938, in which Oswald indicated that he had done one of these acts, and then supplied a supplementary questionnaire explaining in fuller detail what he meant.

Mr. DULLES. Do you happen to know who the lawyers were who did this in the Passport Office, and whether they would be available if we should want to see them?

Mr. CHAYES. I think they are on the list to testify.

Mr. COLEMAN. Mr. Chayes, those lawyers didn't review the file in 1961. They are the two lawyers that reviewed it in October 1963.

Mr. CHAYES. I see. Well, I can find out if we haven't supplied the names already.

Mr. COLEMAN. I don't think any lawyer reviewed the file in 1961.

Mr. CHAYES. Well, an adjudicator did.

Mr. COLEMAN. It was Miss Waterman. She is not a lawyer.

Mr. CHAYES. I see.

Mr. DULLES. She is coming before us?

Mr. COLEMAN. Yes.

Mr. CHAYES. She is a passport adjudicator.

Mr. COLEMAN. Now, were have marked as Commission Exhibit No. 929 an Operations Memorandum from the Department of State to the Embassy in Moscow, dated March 28, 1960, which stated that:

"An appropriate notice had been placed in the Lookout Card Section of the Passport Office in the event that Mr. Oswald should apply for documentation at a point outside the Soviet Union."

I would like to show you this Commission exhibit and ask you are you familiar with that memorandum?

Mr. CHAYES. I have seen this, but only since the assassination in my general review of the files.

Mr. COLEMAN. Now, has your office made a check to determine whether a lookout card was prepared?

Mr. CHAYES. Yes; Mr. Coleman. In connection with the preparation of this memorandum, and the responses to the supplemental questions for the Commission, we did examine the question of whether a lookout card was prepared. I should say again that the matter of preparation of lookout cards is not under my jurisdiction, and my knowledge of this is only from a subsequent investigation.

Mr. COLEMAN. Your examination revealed that a lookout card actually was never prepared, is that correct?

Mr. CHAYES. I think we have to say that our examination does not reveal that a lookout card was prepared, and that on balance examining all the relevant considerations, it appears more likely than not that no lookout card was prepared.

Representative FORD. But there was none in the file.

Mr. CHAYES. There was none in the file, but there wouldn't have been anyway, because this lookout card was ordered prepared because there was a doubt as to whether Oswald had expatriated himself. Once that doubt had been removed by an adjudication as it was in July of 1961, the lookout card based on the possibility of expatriation would have been removed.

It might be worth a moment if I could give you some general picture of the lookout card system. Miss Knight will be able to testify in much greater detail than I as to the actual operating—

Mr. DULLES. So that when 1963 came around and there was a further application for a passport, there was no lookout card then found in 1963?

Mr. CHAYES. Nor should there have been.

Mr. DULLES. That is the issue under your procedure.

Mr. COLEMAN. Let me refer back to 1961 when you determined or the Department determined to renew the passport. Now, as I understand it, there was a search made of the Lookout Card Section, and the records that we have reveal that no lookout card was found.

Mr. DULLES. Even in 1961?

Mr. COLEMAN. In 1961.

Mr. CHAYES. I don't think that that can be said that categorically. I think it appears probable that there was no lookout card in 1961 at that time, yes; that is correct.

Mr. DULLES. But in 1961 all of these facts with regard to Oswald were before you, were they not?

Mr. CHAYES. If I could just give some notion of what this system is like.

Mr. DULLES. Yes.

Mr. CHAYES. The lookout card is an IBM card, an ordinary IBM card, and it should be prepared on anyone as to whom some evidence of disqualification for a passport exists in our files. If the system worked perfectly, anytime there was an unresolved question about the eligibility of a person for a passport—

Representative FORD. Does a defector or an attempted defector fall in that category?

Mr. CHAYES. No; the problem here was that this man had attempted to expatriate himself, and said he was going to naturalize himself as a Soviet citizen, and if he had done either of those things effectively, he would have disqualified himself for a passport.

So there was an unresolved question on the facts known in 1959, or January 1960, whenever it was. And at that point a lookout card should have been prepared for him.

Then in July of 1961, when he came back in in Moscow, and asked for the renewal of his passport, that question of expatriation was then determined, both in Moscow and at home, and it was determined in favor of the applicant. So that the outstanding question was then removed, and if the procedures had gone right, the lookout card also, if it had been prepared, would have been taken out of the lookout file and torn up and thrown away.

Representative FORD. Don't you keep records of what you put in and what you take out?

Mr. CHAYES. Yes, the refusal slip which formed the basis on which this memorandum that we are talking about was made. There was a refusal slip which was a direction to the person in the lookout card office to make a lookout card, and also probably whoever made the refusal slip also sent this memorandum to Moscow saying that a lookout card had been prepared.

If you look at the refusal slip, which is retained in the main passport file of Oswald, it doesn't have the notations that it would have had or should have had if a card had been made. So that on the general basis of the evidence, we conclude that it is probable that no card was made. But you can't say that for sure because even if one had been made, it would have been removed when the issue was resolved.

Representative FORD. If it is probable one wasn't made, but there is a possibility, remote as it might be, don't you have some means of recording when a lookout card is removed?

Mr. CHAYES. That notation also does not appear.

Representative FORD. So the probability is increased.

Mr. CHAYES. That is correct.

Representative FORD. That there was no lookout card ever made and put into the file.

Mr. CHAYES. That is correct, sir. All of this is covered in some detail in our response, our written response to the questionnaire, and comes to the same conclusion, and all of these points are enumerated.

Mr. COLEMAN. There is a Commission Exhibit No. 948 where Mr. Chayes under date of May 8, 1964, addressed himself to these problems.

Representative FORD. Is this that which I have here?

Mr. COLEMAN. Yes.

Representative FORD. And that is to be in the record?

Mr. CHAYES. Yes.

Mr. COLEMAN. We will give it an exhibit number.

(Discussion off the record.)

Mr. COLEMAN. Back on the record.

I would like to mark as Commission Exhibit No. 948 a letter from the Legal Adviser to the Department of State to Mr. Rankin dated May 8, 1964.

(The document referred to was marked Commission Exhibit No. 948 for identification.)

Mr. COLEMAN. I would like to ask the witness whether this letter was prepared under his direction together with the attachments.

Mr. CHAYES. Yes; the letter and attachments are those which were prepared—I haven't had a chance to examine each right now, but appear to be those which were prepared in my office and under my personal supervision in response to the request of the Commission.

Mr. COLEMAN. In Commission Exhibit No. 948 you explain the lookout card situation.

Mr. CHAYES. Yes.

Mr. COLEMAN. You treat with the question of whether a lookout card was in the State Department file on Oswald in 1961.

Mr. CHAYES. Yes, sir; I think it is covered in the answers to questions 12 and

13. In particular the answer to question 13 shows the evaluation on which we reached the conclusion that it is probable that a lookout card was not prepared.

Mr. COLEMAN. Was there any other occasion as a result of acts by Oswald that you felt that a lookout card should have been prepared?

Mr. CHAYES. Yes.

Mr. COLEMAN. What were those?

Mr. CHAYES. Under the procedures of the Department, once Oswald was given a repatriation loan, as he was on his return to this country in, what was it, May of 1962, a lookout card should have been prepared and should have been maintained in the lookout file during the period when there was an unpaid balance on his repatriation loan, and in that case it appears pretty certainly that no card was prepared. We don't even have in that case a refusal slip indicating a direction to prepare a card.

Mr. DULLES. Can you refuse issuance of a passport when there is an unpaid balance due?

Mr. CHAYES. I don't know what the courts would say, but a person who accepts a repatriation loan now signs an agreement that he will not apply for a passport until he has paid the loan.

At the time that Oswald got his loan, the form was a little different, but even then he signed a statement saying that he understood that passport facilities would not be furnished to him while an outstanding balance was—

Representative FORD. Could we have in the record the form that was in existence before and that which is now the form?

Mr. CHAYES. I think you do have it in the report. Again it is in the answer to question 13, page 3 of that answer, if you see there it says, "In the promissory note"—it is about the middle of the page—"which he signed for the loan he stated, section 423.6-5 that 'I further understand and agree that after my repatriation I will not be furnished a passport for travel abroad until my obligation to reimburse the Treasurer of the United States is liquidated.'"

Mr. COLEMAN. You testified that you made a search of the records or you had a search made of the records of the Department, and you conclude that no lookout card was ever prepared.

Mr. CHAYES. Yes; we can't find any evidence that a lookout card might have been prepared.

Mr. COLEMAN. Do you know why one was not prepared?

Mr. CHAYES. There could have been more than one reason. It could have been simply a bureaucratic oversight. It could have been that they didn't have date and place of birth information on Oswald.

Because of the possibility of identical names, the practice of the Passport Office is not to prepare a lookout card on any individual on the basis of his name alone. They need both name and date and place of birth.

Now, it may have been either that the Finance Office failed to notify the Passport Office because it did not have date and place of birth information, or that it did notify the Passport Office, and because there was no date and place of birth information, the Passport Office did not make a card.

Mr. DULLES. But the Passport Office had that information.

Mr. CHAYES. The Passport Office had the date and place of birth information on Lee Harvey Oswald; yes.

Mr. DULLES. But not on Marina?

Mr. CHAYES. Marina wouldn't have gotten into the Passport Office at all. She is an alien. But they didn't know whether the Lee Harvey Oswald, or they might not have known that the Lee Harvey Oswald that came down from the Finance Office, if indeed it did come down, was the same Lee Harvey Oswald as to whom they had date and place of birth information.

That is the problem. The problem is avoiding the difficulties that would arise if duplicated names put you into the lookout card system.

Mr. COLEMAN. Once the loan had been repaid, would the card have been taken out?

Mr. CHAYES. Yes.

Mr. COLEMAN. So, therefore, by the time he applied for the passport in June 1963, the loan had been paid so there wouldn't have been a lookout card in any event.

Mr. CHAYES. That is correct. The lookout card would have been removed, had it been made, on January 29, 1963, 6 months before the passport application, when Oswald finally paid the last of his outstanding loan balance.

Mr. DULLES. Can I ask a question there? Is the lookout card then only prepared in those cases where a passport should be refused irrespective of the moral turpitude or idiosyncracies or whatever else may be the case with regard to the individual?

Mr. CHAYES. There are three cases in which a lookout card is prepared. One is the case you have just mentioned, where a passport should be refused or there is evidence that might warrant refusal that you have to look into further.

The second is if you are a very important person and your passport is supposed to be given specially expeditious treatment.

And the third, if another agency, for example, your old agency or the FBI or any other agency has asked the Department to inform them in case of the passport application by a particular individual, a lookout card will be made. So those are the three categories.

Now, the first category is by far the biggest. There are 250,000 lookout cards, and by far the overwhelming majority of those is in the first category, that is people as to whom there is evidence which would warrant a determination that they should not be issued a passport.

Mr. COLEMAN. Does the State Department have any regulations which set forth the circumstances under which they will refuse a person a passport?

Mr. CHAYES. Yes; we have regulations which are set forth, a copy of which is attached to question 17. They appear in volume 22 of the Federal Register.

Mr. COLEMAN. Volume 22, title 22?

Mr. CHAYES. Yes; title 22, part 51 of the Code of Federal Regulations.

Mr. COLEMAN. I take it then that in 51.135 you have the regulation which says that you can deny a passport to a member of a Communist organization, is that correct?

Mr. CHAYES. Well, I think you have to be careful how you read that. It is a member of a Communist organization registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, as amended.

This 51.135 is a regulation which implements section 6 of the Subversive Activities Control Act, which denies passports to members of organizations required to register.

The only such organization so far against which a final order of registration is outstanding, is the Communist Party of the United States. So, not only technically but actually, membership in the Communist Party of the Soviet Union would not bring you within this paragraph of the regulation.

Mr. DULLES. Or the Communist Party of any other country.

Mr. CHAYES. Of any other country.

Mr. COLEMAN. Is there any other regulation, which the State Department has, dealing with the circumstances under which they can refuse to issue a passport?

Mr. CHAYES. The other regulation covering substantive grounds of refusal is 51.136.

Mr. COLEMAN. Could you read into the record the regulation?

Mr. CHAYES. Yes; the regulation says:

"In order to promote"—

Well, it is entitled "Limitations on Issuance of Passports to Certain Other Persons."

It reads:

"In order to promote and safeguard the interests of the United States, passport facilities except for direct and immediate return to the United States shall be refused to a person when it appears to the satisfaction of the Secretary of State that the person's activities abroad would (a) violate the laws of the United States, and (b) be prejudicial to the orderly conduct of foreign relations, or (c) otherwise be prejudicial to the interests of the United States."

Mr. COLEMAN. In 1963, on June 24 when Oswald applied for a passport, he was issued the passport within 24 hours after the application; is that correct?

Mr. CHAYES. Yes, sir.

Mr. COLEMAN. Is there any record in the Department that anyone ever

examined Oswald's file to make a determination of whether he should have been issued a passport?

Mr. CHAYES. In 1963?

Mr. COLEMAN. 1963.

Mr. CHAYES. In 1963 the passport was issued on the basis of a simple check of the lookout file under the normal procedures of the Department.

What happens is that when a field office, in this case it was the New Orleans field office, get a series of passport applications, they Telex the names of the applicants and their place and date of birth to the Department, and the Department makes a name check through the lookout card file. That is all. And if there isn't a lookout card in the lookout card file, they authorize the issuance of the passport by the field agency. The field agency has to make a determination of citizenship, of course. But no further action is taken in Washington unless for some reason or other the field agency would wish to send a particular case forward.

Mr. COLEMAN. Since there was no lookout card, I take it we can assume that the June 25, 1963, passport was issued without any—

Mr. CHAYES. Without any examination.

Mr. COLEMAN. Without any consultation of the files on Oswald—

Mr. CHAYES. Exactly.

Mr. COLEMAN. That were in the Department.

Mr. CHAYES. I am confident that that was the case.

Mr. DULLES. May I ask whether there are any lookout cards to your knowledge that are filed under that third section there?

Mr. CHAYES. "Violate the laws or be prejudicial"?

Mr. DULLES. That is it; yes.

Mr. CHAYES. Well, I don't know for a fact that there are, but if we would make such a determination with respect to some person or group, I suppose lookout cards would be prepared for such a group.

And I would go further and say that probably the authority, you don't need authority to do it, but the theory of preparing cards for defectors which we are now doing under the Schwartz to Knight memorandum, that we referred to a moment ago, is that it is possible that a defector, upon examination of his file, will be shown to fall within one of these categories.

Mr. DULLES. Would Oswald now be considered a defector, or should he have been at that time if the regulations that you now have in effect were then in effect?

Mr. CHAYES. If we had the instruction in the Schwartz to Knight memorandum, yes; there would have been a lookout card on Oswald.

Mr. COLEMAN. Mr. Chayes, assuming on June 25, 1963, a person in the Passport Office had examined all of the files that the State Department had on Oswald from 1959 through June 25, 1963, in your opinion could the Department have refused Oswald a passport based upon section 51.136 of the regulation?

Mr. CHAYES. In my opinion, they could not. They could not have refused a passport based on the information in the Oswald file.

Representative FORD. If that is true, how could you have a lookout card now that would have resulted, that would result in a passport being refused?

Mr. CHAYES. I don't think we could. What the lookout card would do would be to refer you to the file. You would look into the file. You might then want some further investigation as to this fellow.

You might, having seen that you were dealing with this kind of a person, want to examine him more fully on his travel plans and so on and so on. That further investigation might turn up some information which would warrant a determination under one of these subsections. But if it turned up nothing but what was in the file, you would have to issue the passport, in my judgment.

Mr. DULLES. That is, lookout cards might well be put in in borderline cases, but when you came to consider the case on all the facts, you would decide in favor of issuance of the passport rather than refusal?

Mr. CHAYES. Yes; that is the same thing with the expatriation card which should have been made out for Oswald in 1960. It should have been made out because there was a possibility that he had expatriated himself. But then when he came to apply for the passport, all the lookout card would do is say, "Investigate this carefully and determine this issue."

And as you say, when you got all the facts as in the expatriation situation, you might determine that he had not expatriated himself.

Representative FORD. At least in this case if there had been a lookout card, there would have been a delay.

Mr. CHAYES. Yes.

Representative FORD. That is the very least that would have happened.

Mr. CHAYES. There would have been a delay of a couple of days probably.

Representative FORD. And in this case time might have been important.

Mr. CHAYES. No; if you are talking about this case as it actually happened, time wasn't important at all. He applied for the passport in June of 1963. He got it in June of 1963, and he made no effort to use the passport, nor did he have any occasion to use it, until he died.

Mr. DULLES. It would have been a blessing for us if he had used it, say, in the sense that the assassination might not have taken place, if he had taken the passport and gone to China as he may have contemplated.

Mr. COLEMAN. Mr. Chayes, is it your testimony that when the Department knows a person went abroad in 1959, attempted to defect to the Soviet Union, stated that he had information on radar which he was going to turn over to the Soviet, and the difficulty that we had to get him back, it is your opinion that it would not be prejudicial to the interests of the United States for him to be given a passport to go abroad the second time?

Mr. CHAYES. Well, I think that is correct without knowing any more about what he intended to do this time on his travels abroad.

You have got to remember that the discretion that the Secretary can exercise under 51.136, is as the Supreme Court said in the Kent case, a limited discretion, although it is phrased in very broad terms.

For example, we have people who are going abroad all the time and making the nastiest kinds of speeches about the United States, or who go abroad for political activity that is completely at odds with the policy of the United States, and may be even directed against our policy. But we could not deny a passport on the grounds of political activities, political associations, speech, things of that kind. So the Kent case says, as I read it and as most others do. I think you have to, in order to apply this section, there are some fairly regular categories, fugitives from justice.

Mr. DULLES. Just one question. If there had been a lookout card in, and then you would reconsider the case in June 1963, when he applied, would you not then normally have notified the FBI and the CIA that here was a returned defector?

Mr. CHAYES. No.

Mr. DULLES. Who was going abroad again?

Mr. CHAYES. No; not unless the FBI and the CIA had asked us to notify them. However, what we might have done would be to use FBI facilities to make a further investigation of the situation. That is possible.

Mr. COLEMAN. Mr. Chayes informed us prior to the commencement of his testimony that he would have to leave at 4 p.m., but would return tomorrow morning to complete it. He will now be excused. Thank you, sir.

Mr. DULLES. Thank you very much.

TESTIMONY OF JOHN A. McVICKAR RESUMED

Mr. COLEMAN. Do you recall, Mr. McVickar, we were trying to determine whether Mrs. Oswald came into the Embassy in July or in August 1961, and you said that if you had an opportunity to look at the State Department file that you might find something which would aid you in recollecting.

Have you had such opportunity.

Mr. McVICKAR. Yes; I have. I observe two items in here. There is a despatch prepared by Mr. Snyder which says that Mrs. Oswald was expected to come in very shortly. This despatch was prepared I believe on the same day that Mr. Oswald was in the office.

Mr. COLEMAN. Is that despatch dated July 11, 1961?

Mr. McVICKAR. Yes.

Mr. COLEMAN. The record shows it is Commission Exhibit No. 935.

Mr. McVICKAR. And the item is on page 2, and it says, "He is attempting to arrange for his wife to join him in Moscow so she can appear at the Embassy for a visa interview in the next day or two."

And then there is a later despatch dated October 12, 1961, which encloses the text of certain letters addressed to the Embassy by Oswald, and one of them is a letter dated July 15, 1961.

Mr. DULLES. Moscow?

Mr. McVICKAR. No; apparently from Minsk after he had returned.

Mr. DULLES. Oh, Minsk.

Mr. McVICKAR. And it says that: "While we were still in Moscow the foreman at her place of work was notified that she and I went to the Embassy for the purpose of visas."

Well now, it seems clear that she did in fact go to the Embassy in early July, and that this interview that I had with her undoubtedly took place then approximately the 12th or 13th of July.

Mr. COLEMAN. Wouldn't you say that it took place, sir, on the 11th of July?

Mr. McVICKAR. It probably took place then on the 11th of July, except that this despatch here, which was dated the 11th, said that she was coming in, in the next couple of days.

No, no; this says that he appeared at the Embassy on July 8, and so this was probably prepared on the 8th of July.

I would say then it must have taken place on the 11th of July.

Mr. COLEMAN. It is your testimony, therefore, that Commission Exhibit No. 959, which is the petition to classify status of alien for issuance of immigrant visa, was prepared on July 11, 1961?

Mr. McVICKAR. Oh, yes; that is correct.

Mr. COLEMAN. That was probably the day that Marina came into the Embassy?

Mr. McVICKAR. Probably the day she came into the Embassy, and probably the day on which I interviewed her.

Mr. COLEMAN. And, therefore, the notes, Commission Exhibit No. 945, were apparently made on July 11?

Mr. McVICKAR. Yes; apparently made then on July 11. They formed the basis of this later communication of August 28, and I now think that the reason that this was not done sooner, was because it was not an urgent matter, because they had not yet received exit visas, and we were in the process of processing cases that had received exit visas, and were ready to go, and no one could tell when they might get Soviet exit visas.

Mr. DULLES. Which is the chicken and which is the egg here? I mean, do you get your exit visas before you know whether you are going to get into the country of destination, or do you get your permission to go to the United States before you get your exit visa?

Mr. McVICKAR. In an ordinary country you would apply for your American visa, and then apply for your exit visa, or permission to depart from the country, after you had your American visa.

But in this case, in the Soviet Union, it was reversed because it was so difficult to get exit visas.

The American Government never bothered with any of its papers other than to just take record of the interest of the people, until after they had received permission to depart from the Soviet Union at which point we processed their papers expeditiously.

But usually there was very little done in the American documentation until after they had received an exit visa from the Soviet Union.

Mr. COLEMAN. Sir, you then on August 28, 1961, prepared the Operations Memorandum which has been given Commission Exhibit No. 944; is that correct?

Mr. McVICKAR. Yes; that was the date of the memorandum.

Mr. COLEMAN. Now in that memorandum you indicated that Marina had been in to see you; is that correct?

Mr. McVICKAR. The memorandum does not specifically state that. It merely gives data necessary to the determination by the Department of State of the legal status of this individual.

Mr. COLEMAN. Now as the wife of an American citizen, I take it Marina would have the right to come into the country under a nonquota status?

Mr. McVICKAR. Yes; that is correct.

Mr. COLEMAN. What were the sanctions imposed by section 243(g), which you referred to in the memorandum?

Mr. McVICKAR. There is a provision 243(g), section 243(g) of the Immigration and Nationality Act, which provides that countries which—and I am just taking this from memory now—which do not accept either at all or readily, I suppose, deportees from the United States may not be granted, the nationals of those countries may not be granted immigration visas.

There is, however, a procedure for waiving these sanctions in individual cases, and as I recall the regulations, there was a procedure for waiving these sanctions in the cases of relatives of American citizens, and in the case of Soviet citizens who wanted to go to the United States.

So Soviet citizens who were relatives of American citizens could receive a waiver of these sanctions.

Is that clear?

Mr. COLEMAN. If the sanctions had not been waived, what would be the effect of refusing to waive the sanctions?

Mr. McVICKAR. If the sanction was not waived, the effect would be a denial, in effect, by the Immigration and Naturalization Service of the Department of Justice, of authority to issue the visa.

The exact legality of this I am not sure, but I know that we couldn't issue the immigration visa because she would not be admitted at the port of entry.

Mr. COLEMAN. Would that mean that Marina could not have come to the United States?

Mr. McVICKAR. It would mean that she could not enter the United States, but it would not mean that she could not depart from the Soviet Union if she had a Soviet visa. And, presumably, maybe at some later time this—

Mr. COLEMAN. Couldn't she have gone to say, Brussels, for example, in Belgium?

Mr. McVICKAR. And then applied for a visa there? This may be.

Mr. COLEMAN. Did you have any discussions when you were in the Embassy as to whether if the sanctions imposed by section 243(g) were not waived, that you should send her to Brussels and let her get a visa there?

Mr. McVICKAR. I think that the record shows that there were such discussions, but they did not take place during the time I was there.

Mr. COLEMAN. When did you leave?

Mr. McVICKAR. I left on September the 1st of 1961.

Mr. COLEMAN. In this memorandum which is Commission Exhibit No. 944, you indicated that you thought a favorable advisory opinion and approval of the petition is recommended, together with a waiver of the sanctions.

Mr. McVICKAR. Imposed by section 243(g) of the act, yes. This was a routine request which would have been made in any similar case using almost exactly that type of language.

In short, this was the two actions that we had to receive from Washington in order to be in a position to issue this visa.

Mr. COLEMAN. The first action to get the petition granted, that depended upon whether she was ineligible, because she belonged to a Communist organization, didn't it?

Mr. McVICKAR. Yes; that is exactly right.

Mr. COLEMAN. As to that in your memorandum you indicated that since she belonged to the Soviet trade union for medical workers, because she had to belong to that to get a job, that you would recommend that the membership be considered involuntary.

Mr. McVICKAR. Yes.

Mr. COLEMAN. Under section 212(A) (28) (i) of the act?

Mr. McVICKAR. Yes; that is correct.

Mr. COLEMAN. Is it the general practice to indicate that such membership is involuntary when it is connected with employment?

Mr. McVICKAR. Yes; there are instructions from the Department giving guidance to officers in general terms, that indicate that membership in mass orga-

nizations, such as a membership in a trade union, in connection with one's work, that this membership is ordinarily considered to be involuntary, may be considered involuntary.

However, the instructions are also that all of these cases must be referred to Washington with the facts for a determination to be made, and, of course, it might well be that under some unusual circumstances if there was some indication of voluntariness, that, you know, such a membership would render the person excludable.

Mr. COLEMAN. Now you referred to Department instructions. Are those instructions found in the confidential appendix, appendix A to the visa regulations of the Department in 22 CFR 42.91A2S note 3, last issued on December 9, 1960?

Mr. McVICKAR. Yes; I believe so.

Mr. COLEMAN. Would you be kind enough to read into the record the instruction referred to?

Mr. McVICKAR. I am reading here from the Department of State's report to the Commission, and it cites the text of that. Do you wish me to read it over?

Mr. COLEMAN. Yes.

Mr. McVICKAR. All right, it says this looks like it is "Note 3.3. Membership in mass organizations rank and file membership in proscribed mass organizations, in Communist and Communist controlled countries may in general, if police repression or political or economic discrimination is or was the coercive factor bringing about such membership, be considered involuntary within the meaning of section 212(a)2SI(i) of the act unless the alien actively participated in the organization's activities or joined or remained connected with it because of political or ideological conviction. When an alien is refused a visa because of voluntary membership in a proscribed organization of this type the report submitted to the Department pursuant to appendix A22 CFR 42.13 on note 1 should show the circumstances leading to the decision."

I should note that the text of that is confidential, as a part of confidential appendix A.

Mr. COLEMAN. After you interviewed Marina and took the facts, that you determined that her membership in the Soviet Trade Union for Medical Workers was involuntary?

Mr. McVICKAR. It appeared to be involuntary.

Mr. COLEMAN. Suppose Marina had told you that she was a member of the Komsomol, what would you have done then?

Mr. McVICKAR. That comes under a more complicated type of instruction. The membership in the Komsomol may be found to be involuntary and is on occasion found involuntary. But you have to investigate more carefully under the regulations into the nature of the membership, because whereas if a person is a member, works in a factory, everybody in the factory belongs to the trade union.

But if you are going to the university, not everybody is a member of the Komsomol, although a high percentage of them are.

If you are going to say high school, why their membership in the Komsomol is even more in the nature of a minority, and so I had experience in this same matter considering visas for a number of different wives of American citizens, and when the Komsomol was involved, why the results varied considerably.

In some cases it was found that membership in the Komsomol was completely routine and merely because the people really were hoping to get a decent education and a good job and didn't participate in it actively.

In another case I recall, particularly a girl who had been one of the leaders in the Komsomol, and this was clearly beyond the definition of involuntary, and this was part of, was a consideration which entered into the denial of her visa in Washington.

Representative FORD. In that case, the latter one, there was a denial?

Mr. McVICKAR. There was a denial, yes, but this was because—and it is a difficult thing to be in a position to say that somebody's wife shouldn't go with him to the States, but this was the law and the question was looked into with a great deal of detail, and based largely upon this particular other person's statements in a number of interviews, why it is clear, the facts.

Mr. COLEMAN. Sir, after the memorandum of August 28, 1961, which is Commission Exhibit No. 944, did you have anything else to do with Lee Oswald or his wife Marina?

Mr. McVICKAR. No; I don't think so, because I left almost immediately afterward, and I had nothing more to do with the case.

Mr. COLEMAN. When you made the decision: (1) That Marina's petition for immigration should be granted, and (2) recommended that there should be a waiver of the sanction provided by section 243(g), did anyone tell you or request that you make this decision?

Mr. McVICKAR. Now one thing. I want to be sure we are accurate on my function. I was merely recommending these things. I was not making a decision. I was recommending a favorable advisory opinion from the security point of view from the Department of State. I was recommending the approval of the visa petition to grant her the status under the quota system of the wife of an American citizen, and I was recommending that the immigration service waive the sanctions imposed by 243(g), principally because she was the wife of an American citizen.

But this was my responsibility to make these recommendations, and I did so of my own free will as the officer-in-charge of this particular aspect of the case.

Mr. COLEMAN. No one called you and asked you to do it?

Mr. McVICKAR. No, no; it was my responsibility to look into the matter and make the recommendation and I did.

Mr. COLEMAN. And did you have any other facts in your possession or in your knowledge other than those which were set forth in the memorandum dated August 28, 1961, concerning whether Marina was eligible for admission as a nonquota immigrant?

Mr. McVICKAR. No; as far as I know the facts are as stated right there, and these facts were obtained from here on the basis of an interview with her, a personal interview.

Mr. COLEMAN. I have no other questions.

Representative FORD. Mr. McVickar, in your memorandum dated April 7, 1964, in the first paragraph you say: "Although I now regret that I made no notes on this even then unusual case, the following points seem to me to lend weight to my suggestion especially considering the youth and relative inexperience of the subject."

Was the Oswald case in October of 1959 a then unusual case?

Mr. McVICKAR. Yes; because we had had only a few people in the category of defectors, and at that point I think we might have had—this was the third one that had come up since I had been there, and the other two were much less aggressive, much less determined, and much less self-possessed people.

One of them turned out to be suffering from various mental diseases, and another one was a very weak individual who had been sort of lead astray by some Russian female agent, but this was a man who had, you know, he came directly and walked in, slammed his passport down. It was an unusual case from the very beginning.

Representative FORD. In the next paragraph you discuss in this memorandum the entry of Oswald into the Soviet Union through Helsinki. Is there any other port of entry into the Soviet Union that is comparable to Helsinki in the context you are using it here?

Mr. McVICKAR. Well, yes; there are a number of other ways to get into the Soviet Union. I would think by far the most used one is to arrive at the airport in Moscow. And then frequently used by people who have not very much means, would be to come by rail from Western Europe by way of Warsaw and the port of entry in that case is Brest. One could also come by sea into Odessa. It would not be unusual to arrive by air in Leningrad.

Representative FORD. But in this memorandum in that paragraph you say, "He would have to have known the not too obvious fact that Helsinki is an unusual and relatively uncomplicated point of entry to the Soviet Union (one that the Soviets might well choose, for example, if arranging the passage themselves)."

Mr. McVICKAR. Yes.

Representative FORD. Is there any other port such as Helsinki, in the context you are using it?

Mr. McVICKAR. I am sorry, I hope I haven't confused the record. Of course, when you are actually talking about a port of entry, Helsinki is not a port of entry. It is a point of departure for the Soviet Union, and you could come in and land at the Moscow airport from Helsinki.

What I think—what I was referring to is a point of departure for the Soviet Union which would then be more likely to be Copenhagen, for example, or Warsaw or Vienna. Helsinki is a frequently used one, but it is way up north and it is—

Mr. DULLES. Wasn't he traveling by boat, however?

Mr. McVICKAR. He traveled by boat to Helsinki.

Mr. DULLES. That is where the boat went?

Mr. McVICKAR. That is right.

Mr. COLEMAN. No; he traveled by boat to Le Havre, France. He then went by boat from there to London but then he flew by plane from London to Helsinki.

Mr. DULLES. He did? He went by plane?

Mr. McVICKAR. I didn't realize that. But he flew from London to Helsinki and then entered the Soviet Union from Helsinki.

Mr. COLEMAN. By rail?

Mr. McVICKAR. By rail.

Representative FORD. What is so unusual and relatively uncomplicated about Helsinki as a point of entry?

Mr. McVICKAR. Well, I was thinking of this in the terms of a person who didn't know the situation and wasn't very familiar with it, and I think that it might be more logical to try to fly into the Soviet Union from Copenhagen or directly from London.

It might be more logical for some people to take the train into the Soviet Union through Warsaw.

Mr. DULLES. Where did he get his visa?

Mr. McVICKAR. He got his visa in Helsinki.

Mr. DULLES. That is it then. I think that is the answer to the thing. It is much easier to get a visa right there than go through the mill of a great place like London or Paris or any of the other places.

Representative FORD. So it is the ease of getting the visa.

Mr. DULLES. I would think the ease of getting a visa there. If you could get it at all, you could get somebody to pay some attention to you. There, in London, you would have a much bigger problem, I think.

Mr. McVICKAR. And it may be that the Soviet Embassy in Helsinki is accustomed to processing unusual cases or something. But my point is that if a completely ignorant person might well apply for his visa in Paris or in London, and then go in from there, but you have to know a little bit about what you are doing if you go straight to Helsinki and get your visa there. I am afraid this is a rather marginal point, but I thought it was worth mentioning.

Mr. DULLES. Had he made any attempt to get a visa or to announce that he was going to try to pick up a visa in Helsinki? Do you know if he took any steps at all with the Soviet authorities prior to arriving in Helsinki?

Mr. McVICKAR. This I do not know what is known about that. It did seem to me that he moved very quickly, if he could arrive in Helsinki and then get his visa and go right into the Soviet Union.

Mr. COLEMAN. Sir, the fact that he didn't go by ship from New Orleans to Helsinki but he went to Le Havre by boat and then to London but then flew to Helsinki, doesn't that change somewhat the thrust of your paragraph?

Mr. McVICKAR. Yes; I must say that it explains a little bit more clearly how he was able to get all this done in such a relatively short time, because he would have saved himself, oh, at least a week of time, I should think, if he got off in France and flew from there on.

Mr. DULLES. Can any ordinary tourist, unknown tourist, just go to Helsinki and get a visa there and pick it up and get into Russia?

Mr. McVICKAR. Yes; I think an ordinary tourist can go to any one of their Embassies and get a visa.

Mr. DULLES. Do they have authority, do you know, to do that without referring back to Moscow?

Mr. McVICKAR. Yes; for tourist visas they do, and in fact they can go and get their visas at travel agencies. But it still takes a little time ordinarily to arrange it.

Representative FORD. On page 3 of your memorandum of April 7, 1964, paragraph 8, you say:

"My impression was that in the Soviet Union such a privilege would not have been usual."

You are referring, of course, to the allegations made that he had been a member of a rifle club and did target shooting?

Mr. McVICKAR. Yes.

Representative FORD. Why do you have that impression?

Mr. McVICKAR. Well, I was thinking particularly in terms of his having been a foreigner, and of course strictly on the assumption that he did belong to a rifle club, and I don't know that to be a fact.

Representative FORD. Let's assume the fact that he did.

Mr. McVICKAR. Yes; and this again is only based on the impression that I gathered from such contacts as I may have had while I was there, and I had the impression that sporting activities in the Soviet Union are organized as a part of the state effort, and that there might have to be some good purpose to be served by the state for a person to participate in such a club.

And that the usual purpose would be international competition, and that people who are sportsmen in the Soviet Union generally do this, they are given time off from their work to do this kind of thing.

I have heard it said that sometimes they are really almost full time engaged in whatever the sport is, and that they only have another job to be able to say that they have amateur status.

Representative FORD. Have you ever been to Minsk?

Mr. McVICKAR. I have only passed through Minsk on the train several times going back and forth to Poland.

Representative FORD. Do you feel from your experiences in the Soviet Union it was unusual for Oswald to be sent or permitted to go to Minsk?

Mr. McVICKAR. No; I don't think that is particularly unusual. I have a feeling that what they were trying to do probably was, at least a part of what they were trying to do, was to take advantage of his competence and knowledge in the electronic field, and so they probably sent him to a place where they would have technicians qualified to learn from him.

The same thing was done in the case of the immediately previous defector, Mr. Webster, who was a glass expert—what do they call that kind of glass, foam glass?

No, fiber glass. At any rate, he was employed at the fair that we had in the Soviet Union in the summer of 1959, and he more or less defected and he was sent to a glass factory, to work at a glass factory in Leningrad, and it was logical for them to send him there because he could do that kind of work and he could teach them something about how it was done in the United States.

Representative FORD. Do you know of any special kind of schools that might be in Minsk, any particular schools that they might send a person like Oswald to?

Mr. McVICKAR. I only had the impression without being sure of my facts, that he went to a factory where they manufactured electronic equipment. I don't know of any particular school that he might have been going to.

Mr. DULLES. I want to straighten out if I can this question of the delay in the issuance of an exit visa for Mrs. Oswald.

Representative FORD. Mr. Dulles, I do have to leave. Would you take over and preside as chairman.

Mr. DULLES. I want to raise this question. Now the record here in this memorandum indicates that the exit visa to Marina was issued at least 2 months before the State Department gave the entry permit. It seems to me to be contrary to the testimony we have previously had, because in a letter dated March 16—what is this exhibit number?

Mr. COLEMAN. That is Commission Document No. 2. It hasn't been marked as an exhibit yet.

Mr. DULLES. Oh, it has not been marked. I don't understand what that number can be.

Mr. COLEMAN. That is the number, Commission Document No. 2.

Mr. DULLES. Commission Document No. 2 prepared by the State Department. It is stated here that on March 16th the Soviet Affairs Office of the State Department advised the Visa Office of the Department of State, and in that it said that the Soviet had already issued an exit visa. So Marina had the exit visa some time before March 16, 1962.

Do you know the date when the exit visa was granted?

Mr. McVICKAR. Well, sir, I left in September of 1961, and so I don't know the details of this part of the case, but I think it is consistent because—in fact, I did see in the record that the exit visa was received by the Embassy on about January the 12th, as I recall it.

Mr. COLEMAN. 1962?

Mr. McVICKAR. Of 1962, and that, therefore, the Embassy would then have proceeded with the documentation and the processing, some of which had already been initiated to get them out.

Mr. DULLES. So that 5 months of the delay in their getting out was American regulations?

Mr. McVICKAR. Sir, I cannot speak for that part of it because I don't know about that personally. I think it is possible that it may have had something to do with Oswald's personal arrangements and that sort of thing, or maybe the Soviet—I just don't know. I do know that it was our policy to expedite these operations as quickly as possible after these exit visas took place.

Mr. DULLES. I only know that this exhibit that I referred to states, if I can take your date of January 12, 1962, for the date that the exit visa was issued to Mrs. Oswald, the Immigration and Naturalization Service did not agree to the waiver of section 243(g) until May 9, 1962.

Mr. McVICKAR. That would have been something that had been going on in Washington then, and I just don't know. It may be. I don't know what considerations would have taken place.

Mr. DULLES. So that if we take the time it took them to get their exit visas, you have got to subtract really 5 months for American regulations.

I am not criticizing the regulations or the study that was given to it or whether they did or did not grant it. I am just referring to the question of the time, so that in considering the remarkably short time it took these two to get out, 5 months were American regulations, or approximately 5 months, if the January 12 date is correct. No; it would be 4 months, wouldn't it, February, March, April, May, 4 months were American regulations.

Mr. McVICKAR. It does look as though at that time there was a certain amount of consideration.

Mr. DULLES. I am not blaming anyone for giving this the fullest possible consideration. That is all I have.

Representative FORD. Do you have some exhibits?

Mr. COLEMAN. For the record, Commission Exhibit No. 911 which is the McVickar memorandum of November 17, 1959.

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 911 for identification, was received in evidence.)

Mr. COLEMAN. Commission Exhibit No. 941, which is the McVickar memorandum of November 27, 1963.

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 941 for identification, was received in evidence.)

Mr. COLEMAN. Commission Exhibit No. 942, which is the note which Mr. McVickar wrote for the Oswald file on November 9, 1959.

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 942 for identification, was received in evidence.)

Mr. COLEMAN. Commission Exhibit No. 943, which is a copy of the telegram from John E. Pic to Lee Oswald in care of the American Embassy in Moscow. Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 943 for identification, was received in evidence.)

Mr. COLEMAN. Commission Exhibit No. 944, which is the Operations Memorandum, dated August 28, 1961.

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 944 for identification, was received in evidence.)

Mr. COLEMAN. Commission Exhibit No. 945, which is a photostatic copy of the handwritten notes which Mr. McVickar made when he interviewed Marina Oswald in the Embassy on July 10 or July 11, 1961.

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 945 for identification, was received in evidence.)

Mr. COLEMAN. Commission Exhibit No. 959, which is a copy of the petition to classify status of alien for issuance of immigrant visa filled out by Lee Oswald on behalf of Marina Oswald in July 1961.

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 959 for identification, was received in evidence.)

Mr. COLEMAN. And also Commission Exhibit No. 958, which is the memorandum of Mr. McVickar, dated April 7, 1964.

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 958 for identification, was received in evidence.)

Representative FORD. Are we going to admit as exhibits this State Department answer?

Mr. COLEMAN. Yes; I thought when we finished with Mr. Chayes then we will offer all the exhibits, and during that time I was going to identify the State Department earlier memorandum and the other documents.

Mr. DULLES. All this will then go in.

Mr. COLEMAN. Oh, yes; that is all going in.

Representative FORD. I think it is well to get that one document paraphrased, but I think from what Mr. Chayes said the other one, there shouldn't be any problem.

Unless there is something else the Commission will recess until 9 o'clock tomorrow morning.

(Whereupon, at 6:20 p.m., the President's Commission recessed.)

Wednesday, June 10, 1964

TESTIMONY OF ABRAM CHAYES, BERNICE WATERMAN, HON. DEAN RUSK, SECRETARY OF STATE, AND FRANCES G. KNIGHT

The President's Commission met at 9:10 a.m., on June 10, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald Ford, and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; William T. Coleman, Jr., assistant counsel; W. David Slawson, assistant counsel; Thomas Ehrlich, special assistant, Department of State; Leon Jaworski, special counsel to the attorney general of Texas; Robert D. Johnson, Legal Department, Passport Division, Department of State; and Charles Murray, observer.

TESTIMONY OF ABRAM CHAYES RESUMED

The CHAIRMAN. The Commission will come to order. Mr. Chayes is on the stand. Mr. Coleman, you may continue the examination.

Mr. COLEMAN. Mr. Chayes, at the adjournment of your testimony yesterday, we were talking about section 51.136, State Department regulations dealing with the issuance of passports.

Mr. CHAYES. Yes; Mr. Coleman.

Mr. COLEMAN. Could you tell us the circumstances in which the State Department feels it can refuse a passport based upon the regulations?

Mr. CHAYES. Yes; there are some fairly regular categories of refusals under that section. The first is a violation of a travel restriction. As you know, the section has from time to time placed certain areas out of bounds for travel by U.S. citizens without a specially validated passport.

I think, yesterday, Mr. Dulles read into the record, from the Oswald passport, the then applicable area restrictions. And if a person having a passport violates these restrictions, let's say travels to Communist China without a specifically validated passport, we regard that as warranting the withdrawal of the passport under section 51.136.

Now I have to say that I think in one case, the case of William Worthy, a withdrawal of a passport under those circumstances was sustained. However, when he later traveled without a passport, and then reentered the country without a passport, which is a violation of the passport laws as they read on the books, he was indicted and prosecuted in the district court, convicted, and on appeal the conviction was reversed on the ground that it was unconstitutional to make reentry, without a passport, an offense. That case has not been appealed to the Supreme Court.

Mr. COLEMAN. Is that the case that was in the Fifth Circuit?

Mr. CHAYES. I think so.

Mr. COLEMAN. It came up from the Federal District Court in Florida?

Mr. CHAYES. New Orleans, it came up from New Orleans.

Mr. DULLES. This applies to American citizens of course?

Mr. CHAYES. American citizens. Only American citizens can get passports. When we are dealing with aliens, we are in the visa area.

Mr. DULLES. Yes.

Mr. CHAYES. Now the travel restrictions, the area restrictions are under attack in a number of other cases, that come up in different procedural ways. But we have in the past, and will continue to do so until we are told otherwise, withdrawn passports under 51.136 from people who have violated travel restrictions.

The next category is fugitives from justice. There if a person is under indictment or even if there is a warrant for his arrest, certainly if he has been convicted, we will not issue a passport to him to permit him to depart. In the Kent case, the Supreme Court recognized this as one of the well-defined categories in which the Secretary's discretion to withhold a passport was confirmed by practice and experience.

As I say, the fugitive from justice category is one that operates on the whole within the United States. If a man is abroad and is indicted, we will not ordinarily withdraw his passport abroad or mark his passport good only for direct return to the United States. We never articulated the rationale for that, but essentially it doesn't really fall within our notion of (a), (b), or (c) of 51.136, and our motion is that the remedy against persons abroad who are charged with crime is extradition rather than the use of the passport power to get them returned.

Now, a third category is passport fraud, where someone has in fact acted in one way or another to make fraudulent use of the passport itself. We have withdrawn passports under those circumstances.

Then there is a miscellaneous category, which doesn't include too many. For instance, in one case a man was convicted in the Federal Republic of Germany for attempting to acquire knowledge of state secrets. Another man had been involved in a number of fraudulent schemes in various countries, issued worth-

less checks. He was arrested in Australia for fraud and subsequently convicted and sentenced to jail there.

Another one paid for his passport renewal with a worthless check. That in itself is perhaps in the passport fraud category. Left the United States paying for his passage with a worthless check. He represented himself to be an employee of the U.S. Government on leave and continued to put out worthless checks, using his passport for identification. We have summarized these actions under these categories in a letter which I sent to Mr. Rankin, on June 6. It contains a list of the actions in these categories in the years 1962-64—through March of 1964.

Mr. COLEMAN. Can the record note that the original of that letter has been given Commission Exhibit No. 949?

Mr. CHAYES. Very good. Now it should be said that there is one category here that does not appear in the list that we have attached to the letter, although it is explained in a paragraph, the third paragraph of the letter, and that is in fact the category that Oswald himself was in, in 1961, when he wanted to come back. That is where there is a person abroad who is in some kind of trouble at the time, or who is anxious to leave where he is and come right back to the United States, as Oswald did.

We issue a passport as the regulation says, for direct and immediate return to the United States. And that action is taken under section 136. But since it is taken abroad, heretofore there has been no central list of the actions of that kind in the Department's files. As a result of the Commission's inquiry a list is being maintained from here on out, but it is not possible without going through a million passport files, to find when action of that kind was taken in the past. I know of a number of cases of my own knowledge where this happened.

For example, one or two, a man and his wife, of the students who went to Cuba last year went on to Morocco, and got into trouble with the Moroccan police and so on, and we marked their passport for immediate return. I am told that the names of those two students are listed under category (a), in 1963 on the list. Their passports were withdrawn because they had violated the travel restrictions, but also, for most of the students we didn't do anything about the passports until they got back to the United States when we withdrew them, but in their particular case, because they got in trouble with the Moroccan authorities and were pretty obstreperous about it, we marked their passport good only for direct and immediate return.

Another case that I remember, in my own experience, was a case of a notorious gun runner in the Congo, who was running guns to the Katangese rebels during the Congo operation, and he was apprehended by the Congolese authorities. We didn't want him to be tried, and the Congolese didn't want to try him if we didn't want him to be tried. On the other hand they didn't want him around there either.

So we marked his passport good for direct and immediate return. In other words, those cases are cases where you can find either some form of trouble which makes the applicant, the passport holder want to go directly home, and us want to make him go directly home, or some very immediate and direct relation to our relations with that particular country. And as I said yesterday, we have taken the view that it can never be done solely, because of political activities or political associations or the exercise of speech. It has to be something beyond that.

Mr. COLEMAN. I take it that judgment is effected in part by the holding of the Supreme Court in the *Kent v. Dulles* case.

Mr. CHAYES. Yes; it derives from that. The Kent case said that the Secretary was not entitled without statutory authorization, at least as we have read the case, was not entitled in the absence of statute, to withhold a passport on grounds related to political association and beliefs.

Mr. COLEMAN. Yesterday you testified that you had reviewed all of the State Department files dealing with Oswald, and you paid attention to those files as they existed as of June 1963, and that it was your judgment that the Passport Office could not have refused to issue a passport to Oswald in June 1963.

Mr. CHAYES. It is my judgment that the passport was properly issued in June of 1963; yes, sir.

Mr. COLEMAN. You know that in October 1963, the Passport Office received information that Mr. Oswald had been at the Russian Embassy in Mexico. Would that information have changed the result at all, in your judgment?

Mr. CHAYES. No, sir; that information by itself could not have affected the result. As a matter of fact, as you know, the passport application itself indicated that Oswald wanted to travel to Russia, and the mere fact that he had gone to the Russian Embassy in Mexico, would not of itself have been a disqualifying event.

Representative FORD. Even despite the past history?

Mr. CHAYES. I think that is correct. In other words, by itself it doesn't disqualify the applicant because there is no suggestion here that even—first of all could I review the message that came in on October 16, to the Department. I think I may have it in my own document here.

(Discussion off the record.)

Mr. CHAYES. All that is suggested here is that he was in the Embassy and he contacted the Soviet Embassy about a telegram which had been sent. Now, there is nothing from that, I don't think, that adds anything or permits us to infer in any way that his travel abroad would be inimical to the foreign policy of the United States or otherwise harmful to the national interest, or that he was going abroad to violate U.S. law.

I think this can be said, and I don't think it should be said in criticism of the people who made the decision at the time, because I think the decision at the time and on the basis of our procedures and on the basis of our experience was proper.

Mr. DULLES. May I ask at that point—

The CHAIRMAN. May he finish? He hadn't finished that statement.

Mr. CHAYES. I was going to say looking at it in retrospect and knowing what we now know, it seems to me it would have been desirable to have had some means for triggering off a further investigation of this kind, of a passport applicant, or a passport holder, on the basis of that kind of information. If the further investigation had turned nothing else up, it seems to me clear that he was entitled to a passport on the state of the file as it then existed.

The only issue is whether the state of the file showed enough to start or to instigate a further investigation of the purpose and plans for his travel abroad. What you could have done is hard to speculate about. You might have called him in and asked him about his travel plans. You might have made inquiries among friends and relatives about his plans, and so on, and that might have turned up evidence that would have suggested that his proposed travel abroad fell within one of these categories and it would have warranted the withdrawal of his passport.

Because of our review of these procedures, in the light of what happened, as we said yesterday, we now have established a defector category in the lookout card file, and people of this kind who apply for passports now won't get them routinely, even though the state of the file as it then exists would warrant the issuance of a passport. But there will be a review of the file and any necessary further or any indicated further investigatory steps, if a defector does apply for a passport. You say why didn't you have those procedures before?

Why did it take this kind of a thing to do it? To stimulate a new procedure? The answer is simply that nothing in our past experience at all suggested anything like this kind of trouble. Of course the ultimate result, the ultimate assassination wasn't related in any way to the passport decisions. But it has drawn our attention more closely to the problem of defectors in this connection.

I should add one general point, and that is when we talk about passports in this context, we tend to emphasize the very, very few bad apples of one kind or another, and they are very few, who are not entitled to passports. But the fact is that the function of the Passport Office is not to deny passports to people. It is to get passports to people. The Passport Office puts out 1 million passports a year. The great overwhelming majority of those people are ordinary American citizens who want to get abroad for business or pleasure, and the

ability of the Passport Office to furnish them with passport facilities, in very short order, is of tremendous service, and tremendous convenience to them.

That is the primary function of the Passport Office. It has of course the duty of administering these denial and withdrawal statutes. But that is not its primary function. Its primary function is to get passport facilities to the great bulk of Americans who have legitimate business abroad. It is dealing with a million or more applications a year, and millions of bits of information, like this piece we have just been talking about. I think when you see things in that perspective it is perhaps easier to evaluate some of the decisions and some of the actions taken here.

Representative FORD. But I think you have to turn the coin over. There are millions of passport applications, or a million plus. But there are only very few such as Mr. Oswald, or people in the defector category. So the problem there I don't think is as serious an administrative one as you would tend to imply.

Mr. CHAYES. No; I am not suggesting it is, and in fact I think we have by a relatively simple administrative action taken the steps which will assure that in the future applications from this kind of person will receive a more elaborate review.

All I am saying is that if you ask why that wasn't done before, it is because the experience didn't indicate that there was a problem, and that is because that isn't the main business of the Passport Office. Its main business is not the business of a security agency which goes around focusing or is supposed to be focusing on security problems. Its main business is that of a processing agency.

Representative FORD. But we have vast resources of people in the Government who are, or who do have security as a main business, and it seems to me that it is vitally important that those people and those vast resources somehow tie into the administrative process of denying or refusing passports under unique circumstances.

Mr. CHAYES. They do. That is any of those agencies can levy a request on the Passport Office for notification when a passport is issued to any person. If the FBI or the CIA or the Secret Service or any other security or law enforcement agency is interested, or the U.S. court, the Federal district court or the district attorney's office, any agency of that kind which is interested in knowing whether a particular person has applied for passport facilities may levy a request. That request would be serviced by placing a lookout card in the file which would then automatically involve notification of that agency when that person applied for a passport.

Mr. DULLES. Isn't there a broader point than that though, because the security agencies don't know in all cases what requirements to levy. Now if in this case, for example, in the Oswald case, if there had been this lookout card, and you had notified let's say the FBI and the CIA that the former defector had applied for a passport and might be going abroad, then they can put in a card, and then they can be helpful in following that situation abroad. But they don't know, if they don't know that Oswald is going to apply, they have no way of putting in their requirements.

In certain cases they can. But in a great many cases they cannot.

Mr. CHAYES. Well, let me make two points. First, now under the new memorandum as to defectors, the FBI and CIA and other security agencies will automatically be notified whether they have made a request or not.

Second, as to most people who have lookout cards, the FBI and the other security agencies couldn't care less about whether they apply for passports. Most of the lookout cards relate to loss of nationality, not security issues at all. So that there is a problem both ways. We can't, the Department can't—it could notify the security agencies whenever a lookout card, a person as to whom there was a lookout card applied for a passport.

But in 9 out of 10 cases that would be so much waste paper for the security agency. There has to be a reciprocal effort at cooperation. There is a reciprocal effort at cooperation, and by and large it works very well. By and large when the FBI is interested in somebody, it tells the Passport Office it is interested in them and they want to know if he comes for a passport.

By and large the Passport Office knows people whom the FBI is interested in, and when they apply for a passport or something like that, there is an exchange of information. It is interesting that this CIA report got to the Passport Office. It is a matter of routine. All security reports of this kind that originate in the security agencies, copies go to the Passport Office and are put in the passport file. So that there is a great deal of coordination. But in the nature of things it can't be a perfect system when the two kinds of responsibilities are differently allocated, the security responsibility in one case and the other responsibility in another.

Representative FORD. When did the CIA report of the Mexican trip get into the passport file?

Mr. CHAYES. It is not clear to me here. It is probably about 10-11-63 is what it looks like to me from the date, October 11, 1963. But on the other hand, note that this report—we pay a great deal of attention to the fact that it got into the passport file. But the report itself originated in the CIA.

Copy of it went to the FBI. In other words, all the security agencies themselves knew of this fact. As I say, myself, I think it did not change the character of the file so as to warrant the withdrawal of a passport from the passport administration point of view. But even if we had taken steps to withdraw the passport, it is hard to see how it had any impact on the result at all.

Representative FORD. Leave aside the tragic result. Under your current procedures if such a situation developed, would there be an administrative step taken to try and retrieve the passport?

Mr. CHAYES. Under current procedures what would have happened in June, when he first made application, was that there would have been a lookout card in the file, and before automatically issuing a passport there would have been a review of the file and some further investigative steps. Now that investigation would have inquired into the purpose of travel abroad, and a determination would then have been made whether the purpose of travel on the basis of the file—and remember when we do deny a passport we are then subject to hearing, administrative hearing and judicial review, and we have got to make the denial and the evidence on which it is based stand up in those circumstances—but if we determined that there was a basis then for denial we would have denied it then. So the question wouldn't have arisen later in October. If at the time in June we had determined after investigation that there was no basis for denial, then the passport would have been issued, and if a matter of this kind had come in, there would have been, I suppose, an administrative determination to decide whether, in the light of the earlier investigation, whether this new information warranted any further action or further investigation.

Representative FORD. Would it be your judgment that the June determination, using your new criteria, would have resulted in a refusal of this passport?

Mr. CHAYES. Not on the basis of the file as then existed. It is hard to answer your hypothetical question because under our new procedures there would have been a further investigation that would either have turned up some additional material, or would have left the file in its present state. If there was no additional material suggesting the evil purposes or improper purposes for travel, the decision to give a passport would have been the same as it was on the file. On the basis of the file, the decision was properly made.

Representative FORD. Would you in the June determination have had the files from the Department of State which showed that on October 31 Oswald walked into the American Embassy.

Mr. CHAYES. Oh, yes.

Representative FORD. And said "I, Lee Harvey Oswald, do hereby request that my present citizenship in the United States of America be revoked."

Mr. CHAYES. Oh, yes; the entire file.

Representative FORD. And would it also have had the one of November 3d where he said "I, Lee Harvey Oswald, do hereby request that my present United States citizenship be revoked"?

Mr. CHAYES. Yes; it would have had all of that.

Representative FORD. It would have had all of that?

Mr. CHAYES. Yes.

Representative FORD. And it would have had the—

Mr. CHAYES. But it would also have had the determination that he had failed to expatriate himself and that he was an American citizen. I, myself, doubt that an abortive attempt at expatriation would, certainly without more, warrant the denial of a passport to a person who was in fact a citizen.

Representative FORD. And a person who in his application in June of 1963, indicated he wanted to return to the Soviet Union?

Mr. CHAYES. One of the places he wanted to travel to was Russia. I think if you add those two together, and all you have is his intention to travel to Russia, and the fact that he made an abortive attempt to expatriate himself in Russia sometime before, I don't think you have the basis for a finding in terms of the regulation that persons, activities abroad would "violate the laws of the United States, be prejudicial to the orderly conduct of foreign relations or otherwise be prejudicial to the interests of the United States."

I think you have got the basis for a finding that this is not a very attractive fellow, but I don't see how you can bring him within any of those categories on the basis of the evidence in the file.

Mr. DULLES. Is it not correct though that when you were trying to get the visa for Mrs. Oswald, you made a very strong case that his continued residence in the Soviet Union was harmful to the foreign policy of the United States, or words to that effect?

Mr. CHAYES. Well, we were very anxious to get him back and I think that is right. In a sense we had him on our hands then. We were in discussion with him. He was in the Embassy and he was very directly our responsibility, so that anything that he did or that went wrong during that period, he was under our protection and we were necessarily involved.

If he went back as a tourist and got into some trouble of some kind or another, we would then have the choice I think to get involved, and we might or might not. The situation it seems to me is different when a fellow is already in trouble and you have taken steps to put the U.S. Embassy in the picture. Then you have a special responsibility if anything goes off the track and you want to take whatever steps you can to shorten the time in which you are bearing that special responsibility.

Representative FORD. I think, Mr. Chayes, however, you are saying or you are inferring that it was a clear-cut decision back when it was determined that he had not given up his United States citizenship.

Mr. CHAYES. It was in July of 1961, when his passport was renewed. We couldn't have had a passport renewal if there weren't such a determination, and in fact there was such a determination.

Representative FORD. There was such a determination?

Mr. CHAYES. Yes, sir.

Representative FORD. That is correct, but it was not a clear-cut case when you look at the steps that he, Lee Harvey Oswald, tried to take.

Mr. CHAYES. Well, I don't know—

Representative FORD. It was a determination, but it was not one that was absolutely all black or white.

Mr. CHAYES. No, but once you make the decision on the basis of whatever is before you, he is either a citizen or he is not a citizen, and I think he is a citizen, or was a citizen.

Representative FORD. But the fact that the matter was administratively investigated ought to, I would think under your new regulations, when he applies to go back to the country where he originally sought citizenship, there ought to be some real investigation, and I am surprised that you say that under those regulations, under these facts, he probably would still be given a passport.

Mr. CHAYES. I agree with the first part of your statement, that under the new regulations, as we have developed them in the light of hindsight, there would be a further investigation.

Representative FORD. But you also said—

Mr. CHAYES. And I think there should.

Representative FORD. He would then be given his passport again despite the new regulation.

Mr. CHAYES. But if the investigation turned up no more than what was in the file with respect to his purposes for travel abroad, if we didn't have some hard

factual evidence to support a finding that his travel would fall within one of these three categories in 51.136, then the passport would be issued. We have to start from the proposition that the Supreme Court has said that the right to travel is a part of the liberty protected by the fifth amendment, and that the Secretary cannot withhold a passport arbitrarily. Now we have taken the position, I think properly so, that in order to justify withholding under one of these three subsections of 51.136, there has to be a real and concrete showing that the travel either would violate the laws of the United States, be prejudicial to the orderly conduct of foreign relations, or otherwise be prejudicial to the interests of the United States.

Add to that that you can't make that finding on the basis of, let's say, political activity abroad. Suppose we could show, for example, that Oswald was going to the Soviet Union to make a speech before the Supreme Soviet telling how terrible things were in the United States and how bad the U.S. policies toward Cuba were, for example.

Representative FORD. Would that preclude him from getting a passport?

Mr. CHAYES. No. We have people abroad who are doing that all the time. We have got Malcolm X traveling across Africa making one speech after the other about how terrible our policies on the race question are. And it is perfectly clear to me on the basis of the cases—although we might get a little more information in the next couple of weeks, we have a case before the Chief Justice now—but it is clear to me on the basis of the cases so far that if what is involved is speech, no matter how hostile it is to our policies or our objectives, you can't deny a passport for that.

Representative FORD. What about Oswald's statements to either Mr. Snyder or Mr. McVickar that he as a former Marine was going to give information he had acquired as a former Marine to the Soviet authorities.

Mr. CHAYES. That is, of course, a more difficult one. Of course we know he didn't have very much information.

Representative FORD. No, but he was a Marine and he had been trained as an electronics radar specialist. He said he was going to give this information.

Mr. CHAYES. But the second point is that on the whole these criteria look to the future. They look to the purpose of this travel. Now if he had committed an offense against the espionage laws or whatever it was abroad on his past performance—

Representative FORD. This isn't a question of freedom of speech.

Mr. CHAYES. No; I understand.

Representative FORD. This is a question of giving away Government secrets.

Mr. CHAYES. No, no; I don't equate the two at all. But that kind of thing I think would have been the subject of investigation under our new procedures, and might have turned up something. I think if you could have found, for example, that he did in the past give information of this kind, you might be in a different position.

Representative FORD. Was any investigation of that aspect made at the time?

Mr. CHAYES. Yes.

Representative FORD. When he came back and asked for the renewal of his passport?

Mr. CHAYES. No; but what happened was when he returned to the United States—first of all the FBI was kept constantly informed, and as you know kept looking into the Oswald situation periodically from the time he came back.

Mr. COLEMAN. And those reports were in the passport file.

Mr. CHAYES. They were in the passport file, and immediately after he came back, he was interviewed very fully by the FBI, and I think as I recall the file—I haven't reviewed it recently—I think he was questioned on this very point by the FBI, and he said he hadn't given any and they weren't very much interested in it. And the FBI apparently was satisfied with that. They made no further move against him on that basis.

So that we did have whatever information there was.

As I say, although this regulation looks to the purpose of the forthcoming travel and not to the past travel, nonetheless I think it is perfectly appropriate to make inferences on the basis of what he did before. We refused to issue a passport to Worthy when he would not give us assurances that he would observe

the restrictions, because on the basis of his past conduct, we were prepared to infer that in the absence of such assurances, he might well disobey the restrictions.

Mr. Ehrlich points out to me that on May 16, 1962—this is one of several such memorandums—our security office sent to the FBI with copies to the other security agencies a memorandum on the subject of American defectors, and their status in the U.S.S.R., and there is a summary of that which covers Oswald. This was just before he came home, I guess.

Mr. COLEMAN. Will you indicate what file that is by the number?

Mr. CHAYES. This is the folder II in the numbering that we gave you, and it is document No. II-6(4), in our number system.

Mr. DULLES. Could you read or indicate what that says about Oswald?

Mr. CHAYES. Oh, yes; it just summarizes his status as of that date and it says:

"Lee Oswald: It has been determined that Oswald the ex-Marine is still an American citizen. Both he and his Soviet wife now have exit permits and the Department has given approval for their travel with their infant child to the U.S.A. There is a problem with his wife, however, in that SOV in the Department is trying to get a waiver of 243(g), which requires that Oswald's wife pick up her visa for entry into the U.S.A. in Western Europe. As soon as this question has been settled, they will be free to travel."

Mr. DULLES. May I clarify one other point?

Mr. COLEMAN. May I ask him a question about that? In that file Mr. Chayes isn't there also another FBI report dated August 30, 1962, which indicates that Lee Harvey Oswald was reinterviewed by the Bureau agents on August 16, 1962, with respect to contacts he had made at the Soviet Embassy in Washington?

Mr. CHAYES. I would have to review the file itself, for the specific details as to dates and so on. I do remember that the FBI in its subsequent inquiries talked to him about his contacts with the Soviet Embassy. He had some, of course, in connection with his wife. They asked him whether he had had any other contacts with the Soviets and so on.

Mr. COLEMAN. Mr. Dulles, you had a question.

Mr. DULLES. This apparently just went to the Bureau, did it not? Did it go to the other agencies?

Mr. CHAYES. I think the—

Mr. DULLES. Yes; it went to the CIA. Copy went to the CIA. I would like to clarify one point. It is not quite clear to me what information about Oswald was in the passport files as distinct from the Department files. I didn't realize that there was much about Oswald in the passport file itself in the absence of, what do you call it, a check—

Mr. COLEMAN. A lookout card.

Mr. DULLES. A lookout card.

Mr. CHAYES. No; the passport file, I am holding it up.

Mr. DULLES. It is a big file.

Mr. CHAYES. It is roman numeral X and it contains in our numbering system 80 documents or something like that.

Mr. DULLES. That was in the passport file itself?

Mr. CHAYES. In the passport file itself. A large amount of the security material is there, and of course the security file would have been pulled too whenever the passport file was reviewed.

Mr. DULLES. Do you know whether that file was reviewed before the issuance of the passport in June 1930 or not?

Mr. CHAYES. 1963.

Mr. DULLES. I mean 1963?

Mr. CHAYES. It was not.

Mr. DULLES. It was not?

Mr. CHAYES. It was not, because what happened then was that the Telex came in from New Orleans. The only thing that you do is go to the lookout card file. There was no lookout card. In the absence of a lookout card, routine approval goes out and the passport was issued from the New Orleans office. If there had been a lookout card, then the lookout card would have sent them back to the file. There was no lookout card because the file as it then stood didn't have anything in it that warranted the denial of a passport, and under our then

procedures we didn't have a flag for people of this kind to stimulate a further inquiry or investigation.

Mr. DULLES. Isn't it usual in issuing a passport though to look, in addition to the lookout card, to look at the file you have on the individual?

Mr. CHAYES. No, sir; unless there is a lookout card, the passport is issued automatically on the basis of the local agency's determination of citizenship. There has to be evidence of citizenship.

Now let me say there are different ways in which this can come up, because for example a man may apply for a passport before a clerk of the court and that application would be forwarded to the Department. But even then the Department adjudicator would first look at the lookout file. If there is no card in the lookout file, all he would do is determine whether the application was complete, and whether satisfactory evidence of citizenship was presented, and whether on the face of it, you know, the oath was properly taken or any supplementary questionnaire resolved doubts.

And then would issue the passport. If there were a supplemental questionnaire or something like that, then he would probably go to the file.

In our agency there are special passport issuing offices, New Orleans is one of the big ones, we have one in New York, we have some others, there the system is very routinized.

Daily, and sometimes more than once daily, the agency will telegraph by Telex the name, date, and place of birth of its applicants, the people who have come in that day to make an application.

Mr. COLEMAN. Could we mark as Exhibit No. 952 the teletype that came in on Oswald. I think that would help the Commission to indicate how it comes in.

(Commission Exhibit No. 952 was marked for identification and received in evidence.)

Mr. CHAYES. Yes.

Mr. COLEMAN. You had better explain the "NO" which is beside Oswald's name, name.

Mr. CHAYES. Yes; well here you see the Telex coming in from New Orleans, and there are 25 names on it with date of birth beside each name, and it is interesting that opposite Lee Harvey Oswald is capital letters "NO" which might be rather interesting except that it stands for New Orleans, and every Telex that comes from New Orleans has that mark on it. It is covered by our abbreviations manual, and one of your investigators made, of course with our knowledge in our office, but not in the Passport Office, a surprise visit to the Passport Office to make sure that they were, in fact, putting NO on these things, and they are.

That is the designation of the office.

What happens is when these 25 names come in, the lookout file is searched for those names, and if there is no lookout card, then a responding Telex is sent back. It says here 561, OW561. That is this one, "All okay." OW is office to Washington. WO is Washington to office. So the control number of the outgoing from Washington is WO38, and it says that on your OW561, all the names were okay.

Now it is interesting, the Telex came in and it is stamped June 24, 4:19 p.m.— June 24, 1963. It went out June 25, 10:57 a.m. and these 25 people all got the passports.

Now it is only on the basis of that kind of a system that you can get out a million passports in a way that really provides first class service to the American people. Miss Knight in her administration of the office, which extends back into the previous administration, has cut down the time from something like 2 weeks to 24 hours in most of the cases.

Mr. DULLES. Could the Passport Office itself prepare a lookout card on its own initiative on the basis let's say of a file like the Oswald file?

Mr. CHAYES. It would have prepared a lookout card on any person as to whom the file suggested that there were grounds for withdrawal, or denial of the passport.

Mr. COLEMAN. Mr. Chayes, at this point could we mark as Commission Exhibit No. 951 the existing standard operating notice which was in effect on February 28, 1962, of the Department with respect to the lookout card system?

(Commission Exhibit No. 951 was marked for identification and received in evidence.)

Mr. CHAYES. Yes.

Mr. COLEMAN. Would you describe Commission Exhibit No. 951?

Mr. CHAYES. This is the standard operating notice which covers the categories, and if you look at them they relate each category to a ground of potential disqualification.

Mr. DULLES. As of what date does this read?

Mr. COLEMAN. February 1962.

Mr. CHAYES. Now we have added by the Schwartz to Knight memorandum of recent date a defector category which differs slightly from the others in that in all of the other categories something in the file already suggests that the person may be ineligible for a passport. The defector category would simply stimulate further investigation in the case of application by such a person, and would automatically trigger notification of the other security agencies.

Mr. DULLES. How do you define the defector category, do you know?

Mr. CHAYES. I think we have the——

Mr. DULLES. Would that have covered Oswald? That is what I am interested in.

Mr. CHAYES. Yes; well, it was in fact designed to cover Oswald, so that——

Mr. DULLES. It probably would have.

Mr. CHAYES. It would, but defector is not a statutory term or one that has real technical significance. I have said in my own discussions with people who have asked for guidance in administering this memorandum and others that it is not necessarily related to an attempted renunciation of citizenship or anything else. It involves the kind of thing that if there were a war on would be treason.

In other words, it involves something like aid and comfort to the enemy or attempted aid and comfort to the enemy. The only thing is the enemy isn't technically an enemy because we are not at war. But that requires some judgment to decide which ones you put in and which ones you wouldn't.

Mr. DULLES. There is a definition we could get though and put it in the record.

Mr. CHAYES. No, no.

Mr. DULLES. There is no definition?

Mr. CHAYES. If you look at the Schwartz memorandum, it says that the Oswald case highlights the necessity of maintaining up-to-date lookout cards in the files of the Passport Office, "for persons who may have defected to Communist countries or areas or redefected. Subsequent to the Oswald incident, I requested the Department of Defense to furnish this office with identifying information on military personnel in this category. Information with respect to these military personnel has now been received from all three services and copies are attached.

"On the basis of the attached information, please bring up to date the lookout cards of the Passport Office."

And then it simply lists the names of the people that came over from the military.

Mr. COLEMAN. Mr. Chayes, is the document we have marked Exhibit No. 951, the standard operating notice as of February 28, 1962?

Mr. CHAYES. Yes.

Mr. COLEMAN. In the attachment in category K you have "Known or suspected Communists or subversives" as a category on which there should be a lookout card.

Mr. CHAYES. Yes.

Mr. COLEMAN. Wouldn't Mr. Oswald have fallen in that category, based upon the passport file?

Mr. CHAYES. I don't think so. There is nothing to indicate that he had ever been a member of the Communist Party. Maybe you would have regarded his Fair Play for Cuba activities as falling within the notion subversive. I have to say that I think K dates from an earlier period before the Kent case, in which we were denying passports very broadly to a category of people who might be called subversive. Rockwell Kent himself, Brehl, the other defendant, people as to whom there was no real membership information, but who had generally, what had been thought of as having subversive views or connections.

With the Kent and Brehl cases, it may well have been that that category fell into some desuetude. I think it is worth inquiring of Miss Knight whether that category was maintained after the Kent case, or whether we simply took those out.

Mr. COLEMAN. In the Commission Exhibit No. 951 you also have another category, category R, which reads: "Individual's actions do not reflect to credit of U.S. abroad." Would you say that based upon the Oswald file as it existed in the Passport Office as of June 1963, that he would not fall in that category?

Mr. CHAYES. I don't think so when you are thinking about what this means. I don't think one person in a billion abroad knew Oswald or had any such experience with him or anything else. This isn't really a reflection on the United States. I suppose if you construed it that way, if somebody got drunk on the Champs Elysees he ought to be in that category. I don't think you can really construe it that broadly. It has to mean I am sure someone who has a really notorious course of conduct like the kind of thing that I summarized for you on the three people in the so-called other category when we were talking to earlier—my letter of June 6.

Representative FORD. If you really are equating someone who is intoxicated in Paris with Oswald—

Mr. CHAYES. No; I am not equating them in the quality of their conduct, but for the purposes of this category "Do not reflect credit on the United States abroad" I think what that must involve is some very notorious course of conduct which a lot of people have had a chance to see, which has somewhat serious consequences of the kind that I summarized here "convicted for attempting to acquire knowledge of state secrets in Germany, fraudulent schemes, convicted for fraud," that kind of thing.

Here is a fellow who left a trail of bad checks, using his passport as identification and claiming to be a U.S. employee. All I am saying is that category R, although it is a catchall category, I would conceive is construed or should be construed narrowly.

Let me say further, I probably should not be testifying to this so much anyway because these categories are guidelines, are operational guidelines. They don't have legal consequences. And I think you ought to ask Miss Knight, who has the operational responsibility, whether the way I conceive this is correct. I may misconceive it, but I think in essence these categories are related to grounds of disqualification, and unless the conduct specified comes within the range of being a ground, a basis for disqualification, I don't think the lookout card would be made up.

Mr. COLEMAN. Don't you have a category X, which is called "catch card," denotes limited lookout validity, not necessarily refusal situation?

Mr. CHAYES. Yes.

Mr. COLEMAN. So perhaps Oswald could have been put in there, couldn't he, in that category, based upon the file?

Mr. CHAYES. It is possible, and I suppose that is exactly what we are now doing with defectors.

Mr. COLEMAN. Do you know what category—

Mr. CHAYES. I think you ought to inquire from Miss Knight about that.

Mr. COLEMAN. I also take it you wouldn't know what goes in categories O and P, O being "orange card, includes recent master list" and P being "project Carry."

Mr. CHAYES. I don't personally know at all.

(Discussion off the record.)

Representative FORD. Let me ask you this, Mr. Chayes. Were Oswald's various applications and various approvals ever handled as a special case as far as you know?

Mr. CHAYES. The only applications that were handled as a special case were the ones made in Russia for the return of his passport in the first instance, and then the renewal of his passport. Those were handled as a special case, both in the Embassy and in the Department.

Although I don't think very high ranking officers passed on them in the sense of Assistant Secretaries or something like that, nonetheless they were handled at very responsible levels in the Department. The political desk was consulted

as well as the Bureau of Security and Consular Affairs, and a very deliberate and special decision was made.

The subsequent application, the June 1963 application, was handled as a matter of routine.

Representative FORD. The application in the Embassy for renewal or reissuance, was that handled more expeditiously or less expeditiously than other defector or attempted defector cases?

Mr. CHAYES. I couldn't say. I couldn't say because I don't have any experience in it against which to measure it. As I reviewed the file it seemed to me to be a fairly normal kind of a file for a matter of this kind. When I say "this kind" I don't mean other defectors because I have never seen any of that.

But the reporting seemed full enough, and the response came back in time. But they didn't seem to be accelerated. There were always adequate supporting memorandums indicating consultation within the Department on broad enough basis.

Representative FORD. How long did it take from the actual time that he made the application in Moscow until it was finally approved?

Mr. CHAYES. He made the application on—

Mr. COLEMAN. This is the passport?

Representative FORD. Yes; in Moscow.

Mr. COLEMAN. He made it July 11, 1961. At that time Mr. Snyder returned to him his existing passport. The new passport, namely the one he got to travel back to the United States, was not issued until May 1962.

Mr. CHAYES. Yes.

Mr. COLEMAN. Though the instruction that it could be issued was submitted, sent forward to the Embassy, certainly by the end of 1961.

Mr. CHAYES. Yes; they were submitted subject to the Embassy being satisfied on certain points.

It ought to be stated also that, according to the record at least, the passport was returned to him, in July, July 11. It was marked at that time "good for travel only for direct return to the United States." But the purpose of returning it to him was so that he could apply to the Soviet authorities for an exit document, because he believed and our people in Moscow concurred, that he couldn't get an exit document unless he had a U.S. passport.

Representative FORD. An exit document for himself?

Mr. CHAYES. For himself.

Mr. DULLES. I note in this file, looking at your passport file which is very complete, that in his passport application of June 1963 he gives as his approximate date of departure, I assume departure from the United States, as October-December 1963. Is it the practice of the Department to issue passports for persons who are not leaving for 3 or 4 months?

Mr. CHAYES. Oh, yes.

Mr. DULLES. Anytime?

Mr. CHAYES. Anytime you want a passport, if you are entitled to one, you get it. And you keep it even after you return. I mean if he had used it, gone out of the country and returned, if it is still within what is it, the 3-year period now, the passport is a valid passport and he can depart again in the absence of some action taken looking towards withdrawal. So that these are ambulatory documents, and there are many people who just automatically—I don't say Oswald did this, obviously he didn't, but there are many people who automatically renew their passport when it runs out so that they always have travel documentation.

Representative FORD. Are there any other defector or attempted defector cases where the person came back and tried to get his passport? How long did it take in those cases to go through this process?

Mr. CHAYES. You mean comparable to the June application?

Representative FORD. No; I am talking of the Moscow application.

Mr. CHAYES. I think we did submit a report on that. Well, I am sorry, we didn't. We did inquire whether there were any defectors who were in the situation of the June application. We found that there was one, and he

was also issued a passport routinely. But I can supply for the record the information as to the others.

Representative FORD. I think it would be helpful.

Mr. CHAYES. You would like to know the time from application to grant of passport in the Soviet Union for defectors or attempted defectors who were trying to get back then to the United States?

Representative FORD. Yes; if we could have that for the record.

Mr. CHAYES. We will be very glad to submit it.

Mr. COLEMAN. Mr. Chayes, turning your attention to the question of the admission of Marina Oswald to the United States as a nonquota immigrant, I take it that since she was the wife of an American citizen, she would be entitled to nonquota immigrant status unless she was disqualified because she was a member of a Communist organization, is that correct?

Mr. CHAYES. Yes; unless she was subject to one of those disqualifications in 212(a) (28).

Mr. COLEMAN. Now the first decision that was made by the Embassy was that her membership in the particular trade union was involuntary, and therefore she was not disqualified?

Mr. CHAYES. That is correct.

Mr. COLEMAN. I take it you reviewed the record and you concur in that judgment?

Mr. CHAYES. That is correct. It would also be made, and be made automatically in the case of persons belonging to trade unions not in leadership positions in the trade union, and where there is no external evidence of active participation, because membership in the union is a condition of employment in those places in the Soviet Union, and our regulations cover the point precisely.

Mr. COLEMAN. Now the other decision that was made was that the Department and the Immigration and Naturalization Service would waive the provisions of section 243(g) of the Immigration and Nationality Act which provision says that a visa could not be issued from Moscow because the Attorney General in 1953 had placed Russia among those countries that refused to accept Russian citizens that we wanted to send back to Russia.

Mr. CHAYES. Yes; 243(g) is a sanction which the act provides against countries, not against people. It is not a disqualification for a person. If 243(g) had not been waived, Mrs. Oswald would simply have gone to Rotterdam and gotten the same visa from our consulate in Rotterdam. It is a sanction against the country which is levied when, as you say, the Attorney General determines that the country refuses to accept people whom we deport who are their nationals. It gets back a little to the point you were making yesterday about what obligation one has to accept his own nationals back from another country.

Mr. DULLES. That is a general rule of international law, isn't it, you are supposed to do it.

Mr. CHAYES. Yes; as a general rule of international law I suppose one should accept his own nationals, but people who have expatriated themselves wouldn't be nationals and therefore we wouldn't have to take them back.

In any event—that is a little digression—but this sanction is a sanction designed to penalize a country which has refused to receive back its own nationals when they are deported from the United States. That sanction was brought into play by the determination of the Attorney General made on May 26, 1953.

Mr. DULLES. I wonder whether in addition to the information that Mr. Ford has requested, you could give us information, oh, say covering the last 5 or 10 years—

Mr. CHAYES. I think we have already.

Mr. DULLES. I haven't said what I want it on. With regard to the time that has elapsed between the application of a Soviet woman married to an American citizen, the time that is taken from her application to the time that that application has been favorably acted upon by the Soviet Union. In this case as far as I understand it, the Soviet Union gave permission for Mrs. Oswald to come either in December 1961 or January 1962, and that because of this particular

sanction you have just been discussing, it wasn't really cleared up until May. And therefore that the delay was in part a delay due to American regulations rather than to Soviet regulations.

Mr. CHAYES. Well, her processing in the Soviet Union from the time she first started to try to get back—

Mr. DULLES. That is it.

Mr. CHAYES. Until she got an exit visa was about 6 months. It was just under 6 months.

Mr. DULLES. Yes.

Mr. CHAYES. We have answered in our answers to your—

Mr. COLEMAN. It is a Commission Exhibit No. 960 which was just marked, where Mr. Chayes, under date of May 26, 1964, answered various questions which were asked, to determine whether there was anything unusual in the way that Marina and the Oswald applications were handled by the Soviet Union and we will make that part of the record.

(Commission Exhibit No. 960 was marked for identification and received in evidence.)

Mr. DULLES. Does that cover this particular point?

Mr. COLEMAN. It covers the point not for 10 years but for 3 or 4 years.

Mr. CHAYES. If I can read into the record this answer, it says—

Mr. DULLES. Which answer is that?

Mr. CHAYES. Question 3, attachment A.

The relevant part is "In the immediate post-war period there were about 15 marriages in which the wife had been waiting for many years for a Soviet exit permit. After the death of Stalin the Soviet Government showed a disposition to settle these cases. In the summer of 1953 permission was given for all of this group of Soviet citizen wives to accompany their American citizen husbands to the United States. Since this group was given permission to leave the Soviet Union, there have been from time to time marriages in the Soviet Union of American citizens and Soviet citizens.

"With one exception it is our understanding that all of the Soviet citizens involved have been given permission to immigrate to the United States after waiting periods which were in some cases from 3 to 6 months and in others much longer."

So that I think what Mr. Snyder said yesterday was that 6 months was par for the course. It wasn't an unusual delay, and it was fairly low as those things went, but not something that would give you any surprise. There were a number of other 6-month ones and there were some less.

Mr. DULLES. For our records I wonder if it would be possible to be a little more specific, I mean to furnish us information that would be a little more specific on this point, because it is very hard for us to tell of the numbers how many had less than 6 months and how many had more than 6 months.

That is the point that has been raised often you know in the press, and the charge has been made that this is very suspicious, that this was done so soon. I think our records ought to show a good deal of specification what that record is. I mean this is very helpful in a general way but it is not very specific.

Mr. CHAYES. We can do that. The further answer farther down on the next page, page 2, says for example that "In a most recent case of this type a Soviet woman married an American citizen in December of 1963 and received an exit visa about 2 months later."

Mr. DULLES. That is very helpful.

Mr. CHAYES. But we will get a detailed account for the Commission.

Mr. COLEMAN. Mr. Chayes, as I understand it, section 243(g) itself says nothing about the power of the State Department or Immigration and Naturalization Service to waive its provisions.

Mr. CHAYES. The State Department doesn't waive the provisions. I should start by saying that 243(g) is a section administered by the Justice Department and the Attorney General has primary responsibility for interpretation and administration. The Attorney General has from the beginning interpreted 243(g) as involving waiver power. I had never had occasion to examine the question at all until this matter came up, and I have made only a cursory examination, but I think the judgment is sound that there is waiver power under 243(g).

Mr. DULLES. May I just ask one question there. Our file that I have before me, and your very helpful paper—

Mr. COLEMAN. Commission Document No. 2.

Mr. DULLES. Commission Document No. 2 doesn't indicate really the basis on which the Texas authorities were holding up the visa. Does that appear anywhere in the record?

Mr. CHAYES. I don't know. It may appear in our attachment B answers. In essence it was that they thought this fellow had behaved pretty badly and he wasn't entitled to any special consideration.

Mr. COLEMAN. That is why at this time I would like to read into the record part of the regulation under which they will waive. It says:

"If substantial adverse security information related to the petitioner is developed, the visa petition shall be processed on its merits and certified to the regional commissioner for determination whether the sanction should be waived.

"The assistant commissioner shall endorse the petition to show whether the waiver is granted or denied and forward it and notify the appropriate field office of the action taken."

In other words, that since some derogatory information was in the file, and since Oswald was the petitioner, the initial decision made by the field officer of the Immigration Service was that the waiver should not be granted.

Mr. CHAYES. That is correct.

Mr. DULLES. I assume that that was motivated probably in one of the letters from the Texas immigration office to the Department of Justice or the Immigration Service here.

Mr. COLEMAN. Yes; well what happened, the record was referred to the immigration field officer in Texas, and the record was the history of the fact that Oswald had defected or attempted to defect, and the statements he had made. So they, therefore, made the determination on the field level that they would not waive the sanction.

Mr. CHAYES. That is right. The sanction was waived only after urging from the Department.

Mr. DULLES. Yes, that appears in this Commission Exhibit, this document that I have referred to. But we do not have in our files the letter of the Texas immigration authorities first refusing as far as I know.

Mr. COLEMAN. We will have that. That testimony will be put in through Miss James and Miss Waterman.

Mr. DULLES. They have that. All right, if they supply that, that will be adequate.

Mr. COLEMAN. So I take it that, in your judgment after reviewing the file, you think that the waiver should have been granted?

Mr. CHAYNES. Well, I think there that it was not an improper exercise of discretion. That is correct.

Mr. COLEMAN. Just one other question. Is there any policy in the Department to delay the acceptance of attempted renunciation of citizenship?

Mr. CHAYES. Well, delay, I don't know that there is a stated policy that you put the person off. The general policy of the Department is first I think to discourage renunciations, to make it clear that the person has a right to renounce, but nonetheless to discourage them.

Secondly, the policy is that the consular officer should assure himself that the person seeking to renounce his citizenship is acting soberly, rationally, and with full awareness of the meaning and consequences of his act. And for that purpose the consular officer can use any means within his judgment. He can talk to the person. He could invoke a cooling-off period or ask a person to sleep on it or something of that kind. It seems to me how the policy is implemented is something for the particular case. If somebody came up in England and had just married an earl or something like that and said "I want to be an English citizen now" and was in full possession of her faculties apparently there probably wouldn't be much worry about it, although even then the consul would go through a routine of trying to assure that the person knew and understood fully what she was doing.

Mr. DULLES. Is that routine prescribed, should it be prescribed do you think now in the light of hindsight in this situation?

Mr. CHAYES. No; I think in each case it will depend so much on the situation with the particular person. If a person comes in and he is very agitated or something of that kind, it might dictate a totally different approach than a different kind of thing.

Mr. DULLES. Wouldn't it be useful though to give—I don't want to suggest what the Secretary of State should do in this, but in the light of this experience, would there not be some benefit possibly in giving people in the field the result of the experience gained in this particular case?

Mr. CHAYES. Well, the general approach, and other matters related to it, are touched on in orientation courses for consular officers and so on. I think as I look on Consul Snyder's actions, that he behaved very much like a responsible Foreign Service officer.

That happened long before I was in the Department, so I can say that without any involvement. But it seemed to me that he did just what he should have done, despite the unfortunate aftermath. And it shows to me, at least, that the training and orientation that these people are getting is right, is serviceable, and they are able to handle these situations as they come in.

Mr. DULLES. I realize that you ought not to prescribe hard and fast rules, that there is a broad range of discretion that should be exercised here. But I just raise the question as to whether a good deal of experience hasn't been gained in this case in that very field.

Mr. CHAYES. Well, it may very well be that more attention to that particular aspect should be given in the orientation courses and so on. Those things tend to reflect what is hot at the moment you know, and if you haven't had trouble with something for a pretty long time, it tends maybe not to get mentioned.

Representative FORD. If Oswald had persisted that day, October 31, in demanding the form that is a prerequisite under your definition for renunciation, would Snyder have been required to give it to him and permit him to sign it?

Mr. CHAYES. I think if it had been in ordinary office hours when the consulate was open for business, and if Snyder was satisfied that he was competent, that Oswald was competent, he would have to give him the form, yes, sir.

Representative FORD. Does Snyder have the authority to make a determination of competency?

Mr. CHAYES. No; he doesn't have the authority to make a determination of competence, and I suppose it is possible at some point to get the issue tried in court. But I think a consular officer would probably be acting within his discretion if he saw somebody who was drunk or raving or something and just said, "Well, I am not going to give you this until I am sure that your action is your act." After all, when the consul accepts the oath, he is certifying that it is the act of the person in a meaningful sense, and so if he thought that the person was incompetent, I think he would have discretion not to give the oath. But I put that far aside because in the particular case here, Mr. Snyder made it perfectly clear that he had no reason to doubt that Oswald was fully competent.

And so if Oswald had been there at a time when the office was open, or had returned at a time when the office was open, and had persisted in his demand, I think Snyder would have been under an obligation to give him the form.

Representative FORD. The only technical reason or basis upon which Snyder could have denied Oswald the right that day was the fact that it was on a Saturday, a non-working-hour period of the Embassy.

Mr. CHAYES. Yes; I think he had every right to try to dissuade him, or persuade him not to act or persuade him to think it over and come back the next day. But if after all of that Oswald still had said "But I want to do it now" and if the office was open for business, then I think he would have had to do it.

Mr. DULLES. I think it might be useful if it has not been done to introduce at this point as an exhibit the form of oath of renunciation. Here is the formalized oath and I think it would be well to have this in our records unless it is already in our records.

Representative FORD. I agree.

Mr. COLEMAN. No; it isn't. Could we say it will be marked as Commission Exhibit No. 955 and place this sticker on that page, photostat it and then just send it back?

(Commission Exhibit No. 955 was marked for identification and received in evidence.)

Representative FORD. When Oswald came back on November 3, I believe, which was a regular working day—

Mr. COLEMAN. Mr. Commissioner, he did not come back on November 3. He merely wrote a letter.

Mr. CHAYES. Wrote a letter. He never came back.

Representative FORD. Are all of the employees, Mr. Snyder, Mr. McVickar, and the others who had any firsthand contact with the Oswald case in this area, were they State Department employees?

Mr. CHAYES. Yes, sir; these two men who were the only ones who did see him directly, I think the secretary, their secretary also saw him, but had nothing to do with him except as a receptionist. These two men were Foreign Service officers and are now Foreign Service officers.

Representative FORD. In the strictest term.

Mr. CHAYES. Yes, sir; members of the Foreign Service, appointed by the President with the advice and consent of the Senate.

Representative FORD. Could you tell us in a bit more detail the process that you followed or the procedure that you carried out when you first got into the Oswald case.

You mentioned yesterday you got a call or you were directed by I believe the Secretary of State or by somebody in higher authority to take certain steps. Will you tell us who called you, what you did in the first 3 or 4 days?

Mr. CHAYES. It was the evening of the day, perhaps about 5 o'clock on the day of the assassination. It may have been somewhat earlier, because I think I remember I went home for an hour and then came back to carry out this assignment. Mr. Ball, once it became known that Oswald had some history as a defector—

Mr. DULLES. Ball is the Under Secretary of State.

Mr. CHAYES. He was then the Acting Secretary because the Secretary of State as you recall was on a plane over the Pacific. So he was the Acting Secretary. But even if he had been the Under Secretary he is my client.

Representative FORD. He still had some authority.

Mr. CHAYES. Yes; he directed me to gather together the files in the Department on Oswald, and to prepare a report to be available for him the first thing in the morning covering as best we could within that time span the contacts that Oswald had with the Department.

We got the passport file. We got the security office file. We got the special consular services file which covered Mrs. Oswald's visa and the repatriation loan. I think those three files were the ones that we had. It may have been there was a smaller fourth file, but I think those three were the ones.

Representative FORD. What would that smaller fourth file be?

Mr. CHAYES. I can't remember. It was duplicates if it was anything. Oh, that is right, we had a visa file and an SCS file so those were the four. The SCS file, that is Special Consular Services in the office, in the Bureau of Security and Consular Affairs.

Representative FORD. You got this order on or about 5 o'clock the 22d of November?

Mr. CHAYES. The 22d; yes, sir.

Representative FORD. And you issued orders to have these files brought in, or did you go and get them yourself?

Mr. CHAYES. No.

Representative FORD. Or what happened?

Mr. CHAYES. I issued orders to have them brought in. I called—I am trying to think how we got them. [Turning to Mr. Ehrlich.] Did you go down and get them? Mr. Ehrlich and Mr. Lowenfeld, another of my people, we worked through the night on this, the three of us all together and it may be that the two of them went down to get them. I don't think we just called over the telephone and asked them to be brought up.

(Discussion off the record.)

Mr. CHAYES. It is my recollection that one of these two gentlemen, either Mr. Ehrlich or Mr. Lowenfeld acting for me, went down to pick up the file.

Mr. Ehrlich thinks he recalls that one of the files was already being examined by the Secret Service or the FBI, the passport file. My own recollection, which I am sure of, is that later on in the evening, about 8 o'clock or 9 o'clock, we established contact with the FBI and they came over and read the files in our office at the same time we were reading them. Now actually there was nothing in any of the files that wasn't duplicated in the others in essence. I mean much of our files consisted of FBI or CIA reports.

Much of their files consisted of these letters and documents that you have seen that we had come into possession of when Oswald attempted to renounce.

We worked, as I say, through the night. One thing that we did other than go through the files was to go down to the lookout card file to see whether there was a lookout card for Oswald. We got Mr. Johnson, who is the General Counsel of the Passport Office, to open up the lookout card file which is a large room that has a combination lock on the door, and is also plugged into a general alarm system, got into the room and examined the lookout card file and found that there was no card for Oswald.

This was the first experience I had ever had with the lookout card file, and I said all the things that you have said here, why wasn't there a card. But we were very careful in doing that to record, Mr. Lowenfeld, Mr. Ehrlich and I and Mr. Johnson and Mr. Schwartz all went in and we all mutually recorded what steps we took. I think there are notes of that, if anybody is interested in them, but I don't think there is any need to see them.

Nothing of significance happened. We did find—

Mr. DULLES. May I ask is the passport office under you as Assistant Secretary and Legal Adviser?

Mr. CHAYES. No, sir; the passport office is under Mr. Schwartz.

Mr. DULLES. Under Mr. Schwartz?

Mr. CHAYES. It is Bureau of Security and Consular Affairs.

Mr. DULLES. And he is directly under the Secretary of State.

Mr. CHAYES. Yes; he is Assistant Secretary. His chain of command goes through the Deputy Under Secretary for Administration, but he like I has the rank of Assistant Secretary and he operates a bureau just as I do. The Legal Adviser's office is a separate bureau.

We did prepare a 10- or 12-page document by dawn the next day which in fact is the basis of this report, the Commission Document No. 2.

Mr. COLEMAN. We will give that Commission Exhibit No. 950, your first report.

Mr. CHAYES. The one we did overnight?

Mr. COLEMAN. No; the one that you sent us. It is Commission Exhibit No. 950. It has been given a number.

Mr. DULLES. I wonder if the witness would identify this and verify the circumstances under which it was prepared?

Mr. CHAYES. This report, Commission Exhibit No. 950, is not the one that we prepared overnight. This is the report we prepared for the Department of Justice before the Commission was appointed when the Department of Justice itself was looking into the matter.

What I say is that Commission Exhibit No. 950 is essentially an expansion and elaboration of the document that we prepared that night.

Representative FORD. There have been fears expressed by some that somehow we don't have before the Commission all of the documents that are in the hands of the Department of State or any other agency pertaining to Oswald. You can only testify as to the Department of State. Do you testify that we have been given everything that was at any time in the files of Lee Harvey Oswald?

Mr. CHAYES. To my knowledge that is the case. However, let me say again what I said at the beginning of the testimony. We have constantly and persistently gone around to all the places in the Department, and that has been done under my supervision, and we have made very aggressive efforts to assure that every office or subdivision of the Department that might have documents pertaining to Oswald should give them to the Commission, through me to the Commission.

I think there was one stage where perhaps that wasn't understood, but we got

that corrected. Then later on, as I say, there was the Moscow Embassy just sent us a whole load of documents. They said "We think you have got duplicates of all of these so we didn't send them in earlier" and it turned out that some of them we didn't have duplicates of. I now think—as I say, it is very hard to prove a negative, but we have made all the efforts that I think are humanly possible to get these documents out of the files, and I think you have them all, with the exception of some documents originating in other agencies where by arrangement with the staff they are getting those documents from the originating agency.

Mr. COLEMAN. Mr. Chayes, at this point could we mark as Commission Exhibit No. 956, a letter from you to Mr. Rankin under date of May 28, 1964, in which you sent us a complete copy of the files, and in which you numbered each one of the files from file I through XII, and then within each file, each document was numbered and there was also indicated the number of pages which would be in each particular document? Will you identify that?

(Commission Exhibit No. 956 was marked for identification and received in evidence.)

Mr. CHAYES. Yes; we sent that letter, a copy of which is Commission Exhibit No. 956, in response to the request of the staff in order that we would be able exactly to answer this kind of question.

I should add that I think we sent some additional documents since then, those that came back from Moscow in response to our last request.

Mr. COLEMAN. I would next like to mark as Commission Exhibit No. 954, a letter from Mr. Chayes to Mr. Rankin under date of June 4, 1964, in which you sent us the file which you recently received from the Moscow Embassy and indicated that that file would be marked file XIII.

(Commission Exhibit No. 954 was marked for identification and received in evidence.)

Mr. CHAYES. Yes; that is the letter and it contains also the text of the Moscow telegram explaining that they thought all the documents they were pouching were duplicates.

Mr. COLEMAN. With the files you gave us or sent us along with Commission Exhibits Nos. 956 and 954, as far as you know you have sent the Commission every file which the State Department has, referring to Oswald?

Mr. CHAYES. That is correct.

Mr. DULLES. Were you in general charge, under the Secretary, of the correspondence which has been carried on with the Soviet Union inquiring as to Oswald and to obtain such information as we could from the Soviet Union with respect to the Oswald case?

Mr. CHAYES. Well, I talked with the Secretary about the Commission's interest in making an approach to the Soviet Union, and then he made the decision that the Department was willing to proceed with that approach. I participated in the drafting of the documents, and I participated in the transmissions to the Commission. But the approach was made by the Secretary himself, and I did not observe the approach.

Mr. DULLES. Was that made orally as well as in writing or should we ask that of the Secretary of State?

Mr. CHAYES. You can ask it of the Secretary and I think you would get a fuller answer from him, but he did make an oral presentation at the time that he handed the note, and the Chief Justice's letter, to the Russian Ambassador.

Mr. DULLES. In view of your knowledge of this situation, do you think that we have got all we can get from the Soviet Union or is there any other way in which we could get anything additional?

Mr. CHAYES. Well, I think probably, the best respondent to that question would also be the Secretary. I think it probably has to be recognized that the decision to give what documents were given was a carefully considered decision, probably made at very high levels within the Soviet Government, and not done lightly or without an examination of alternatives, and therefore, it seems to me unlikely that one would be able to change any such decision.

But again I say I am really not the best man to ask that.

Mr. COLEMAN. Mr. Chayes, just two other documents I would like you to identify for the record. One is your letter of May 8, 1964, which has been marked Commission Exhibit No. 948, which answers certain questions directed to you by Mr. Rankin, and it is the document that you referred to several times in your testimony.

Mr. CHAYES. Yes; this is my letter, Commission Exhibit No. 948. It contains the answers to the questions which were in attachment B to Mr. Rankin's letter, and concern essentially matters within the United States and within the State Department here.

Mr. COLEMAN. Your answers to attachment A were in Commission Exhibit No. 960. We have already identified that in the record.

Mr. CHAYES. Yes; that is correct. There was a delay between the two letters because attachment A involved questions about activities in Russia, and some questions about the Soviet Union, and although we prepared the answers in the first instance in the United States in the Department, we wanted to send the replies to the Soviet Union for review by our Embassy there. And that accounted for the time discrepancy in the answer to the two attachments.

Mr. COLEMAN. Then in the attachment A we also asked you a question in reference to a memorandum from Mr. McVickar and you under date of April 24, 1964, sent us Mr. McVickar's memorandum which has been marked as Commission Exhibit No. 958. But I would like to mark as Commission Exhibit No. 953 your covering letter.

(Commission Exhibit No. 953 was marked for identification and received in evidence.)

Mr. CHAYES. Yes; this is my letter. It is dated April 24, 1964, and it is marked Commission Exhibit No. 953, and it clears up a factual question that was left at large in Mr. McVickar's memorandum.

Mr. COLEMAN. Mr. Chairman, at this time I would like to offer for admission into evidence Commission Exhibits Nos. 948, 950, and 949. I would also like to note that the attachment to Commission Exhibit No. 952 was marked as Commission Exhibit No. 958 and has already been admitted into evidence.

Mr. DULLES. They shall be admitted.

(Commission Exhibits Nos. 948, 950, and 949 were marked for identification and received in evidence.)

Mr. DULLES. May I ask this question? Have all of these been previously identified in the testimony.

Mr. COLEMAN. Yes, sir; they have been identified and marked.

(Discussion off the record.)

Mr. COLEMAN. Back on the record. That is all the examination I have of Mr. Chayes. I do want to express my appreciation and thanks for the detail in which he gave us information and the method in which he answered all the questions.

Representative FORD. I have no further questions.

Mr. DULLES. I have no further questions. Thank you very much. You have been very full, very frank, very helpful.

Mr. CHAYES. I am glad to do what I can.

TESTIMONY OF BERNICE WATERMAN

Mr. DULLES. Would you kindly rise and raise your right hand.

Do you swear the testimony you will give before this Commission is the truth, the whole truth, and nothing but the truth so help you God?

Miss WATERMAN. I do.

Mr. DULLES. Would you please advise Miss Waterman of the general purpose of the testimony we will ask of her.

Mr. COLEMAN. Miss Waterman was with the Department of State until 1962, at which time she retired. Miss Waterman was the adjudicator in the Oswald case, and she is being called to testify with respect to certain memorandums and actions she took in connection with Lee Harvey Oswald. These actions dealt

with the question whether he had expatriated himself, and whether a passport should be reissued to him in 1961. And also she has some information concerning the waiver for Marina under 243(g).

Mr. DULLES. Miss Waterman, I wonder if you would just give us a brief outline of your experience with the State Department.

Miss WATERMAN. Well, I entered the Passport Office in March of 1926, and I was there until I retired in February 1962, and during that time I progressed from the position of typist to working on citizenship cases, and became an adjudicator.

Mr. DULLES. Can you hear?

Miss WATERMAN. Then I became in charge of a section adjudicating citizenship cases from certain places. I continued in citizenship work until I retired.

Mr. DULLES. Would you proceed, Mr. Coleman.

Mr. COLEMAN. Miss Waterman, I have had marked 25 documents beginning with Commission Exhibit No. 957 and going through Commission Exhibit No. 982, and just before you came in, I showed you a set of those files. Have you had opportunity to review those files?

Miss WATERMAN. Yes; I did look over the State Department file. I don't mean State Department files, I mean Passport Office files on Oswald.

Mr. COLEMAN. And I take it that you would agree that every one of the documents I showed you was a document which you prepared, or was a document which was sent to you and you had occasion to read it prior to the time I gave it to you today?

Miss WATERMAN. I believe so.

Mr. COLEMAN. Now would you tell the Commission the first time, to the best of your knowledge, that you heard the name Oswald and in what connection?

Miss WATERMAN. Well it was rather seeing it in connection with the—

Mr. COLEMAN. I call your attention to Commission Document No. 961, which is the second document in the folder I gave you, a telegram dated November 2, 1959.

Miss WATERMAN. The telegram—this is a reply.

Mr. COLEMAN. Yes; I am talking about the telegram dated November 2, 1959.

Miss WATERMAN. Yes; I recall from examination of the file that on November 2, 1959, I saw the telegram from the Embassy at Moscow reporting that Mr. Oswald had called there, and that was sent for reply. Sent to me for reply.

Mr. COLEMAN. I show you Commission Exhibit No. 910, which is a copy of a telegram from Moscow to the Secretary of State, dated October 31, 1959, and I ask you whether that is the telegram you saw on November the 2d?

Miss WATERMAN. Yes; this is the telegram, and this is the telegram to which I prepared an interim reply on the same day received, November 2, 1959.

Mr. COLEMAN. And the reply that you prepared is Commission Exhibit No. 961. That is the telegram of November 2? It is the second document in the file before you.

Miss WATERMAN. Yes.

Mr. COLEMAN. And that telegram indicated that it was prepared—

Mr. DULLES. Miss Waterman's file doesn't have the exhibit numbers on it so you will have to identify it in some other way.

Miss WATERMAN. Yes.

Mr. COLEMAN. That telegram shows that it was prepared by you because your name appears in the lower left hand corner, is that right?

Miss WATERMAN. That is right.

Mr. COLEMAN. Now below that you indicate "Clearances EE: SOV: V. James in substance paraphrased by telephone." Will you indicate to the Commission what that notation means?

Miss WATERMAN. This is a telegram, isn't it?

Mr. COLEMAN. Yes.

Miss WATERMAN. Well, as I recall all telegrams which we dispatch to Embassies or offices within the Iron Curtain countries were sent at least with the lowest classification, official use only, and we had previously received instructions that the telegrams which we prepared on any subjects going to the offices in the Iron Curtain countries should be cleared with the desk officers of the appropriate divisions, that is EE and so on.

Mr. DULLES. Geographical divisions?

Miss WATERMAN. Geographical divisions, yes.

Mr. COLEMAN. Could you identify for the record who Miss V. James is?

Miss WATERMAN. Well, Virginia James, an officer in EE.

Mr. COLEMAN. EE means?

Miss WATERMAN. Eastern Europe.

Mr. COLEMAN. And SOV?

Miss WATERMAN. SOV, Soviet Division.

Mr. COLEMAN. So the Commission Exhibit No. 961, which is a telegram—

Miss WATERMAN. Yes.

Mr. COLEMAN. Indicates that the telegram was at least communicated to and cleared by the Soviet desk in Washington before it was sent out?

Miss WATERMAN. Well yes; I think that one reason that it was always cleared was that the geographic divisions were particularly interested in the wording of our replies. I think they just wanted the general idea of whether or not we were using the proper classification.

Mr. COLEMAN. And in that telegram of November 2, 1959, you advised the Embassy in Moscow that if Oswald insisted on renouncing U.S. citizenship, that the statute precludes the Embassy from withholding his right to do so regardless of his application pending with the Soviet Government, is that correct?

Miss WATERMAN. Yes.

Mr. COLEMAN. Now thereafter did you have anything else to do with the Oswald matter prior to March 1960? To help you, Miss Waterman, March 1960 was the time in which you prepared the refusal card.

Miss WATERMAN. Yes—refusal sheet.

Mr. COLEMAN. Between sending this telegram on November 2, 1959, and March 1960, did you personally have any knowledge or anything else that was going on as far as Oswald was concerned?

Miss WATERMAN. Well, not certainly unless it is in the file. I would think that in the meantime we received some kind of further report from the Embassy, but I am not—

Mr. COLEMAN. Well, we have had marked and put in the record the various reports that were received, and you say that as all the reports came in that you had opportunity to read them?

Miss WATERMAN. Yes; of course that isn't too long from the latter part of 1959 to 1960. Quite often in cases of this nature, the appropriate Embassy might submit reports which didn't need replies, just information submitted.

Mr. COLEMAN. Well, there was a report submitted by the Embassy on November 2, 1959, which has already been identified as Commission Exhibit No. 908.

Miss WATERMAN. Yes.

Mr. COLEMAN. And I assume that you received a copy or saw that report?

Miss WATERMAN. Yes; I did.

Mr. COLEMAN. Then on or about March 25, 1960, you had occasion to prepare a card which has as its head the name or the word "Refusal."

Miss WATERMAN. That is not a card. That is a sheet.

Mr. COLEMAN. That is a sheet which is marked as Commission Exhibit No. 962. Now will you indicate to the Commission the circumstances under which you prepared that card and why you prepared that card?

Miss WATERMAN. This was prepared after the receipt, I believe, of further correspondence from the Embassy, which indicated that Oswald was—that it would be possible that he might want to return to the United States. And it was customary to make this red refusal sheet in our office.

Mr. COLEMAN. What was your office?

Miss WATERMAN. In the adjudication part of the office, to put a flag on the case for future reference.

Mr. COLEMAN. After you made the refusal card which has been marked—

Miss WATERMAN. Not a card.

Mr. COLEMAN. Pardon me, refusal sheet—

Miss WATERMAN. Refusal sheet.

Mr. COLEMAN. Has been marked as Commission Exhibit No. 962, what would be the next step in the system to make sure that Mr. Oswald could not use

his passport or come back to the United States without the Department having notice?

Miss WATERMAN. Well, in the case of this being a classified file, the file would have been returned to the Classified File Section as I recall, and there would be a note on there to please index the refusal sheet, and then if there were any other instructions, for instance, another office might want the file or ask for it, if no one wanted it, we would ordinarily ask to have the refusal sheet carded and the case filed.

Mr. COLEMAN. As a result of the preparation of the refusal sheet, would someone else or you have a responsibility to prepare something which is called a lookout card?

Miss WATERMAN. At that time, at least—I don't know what the procedure is now, I have no idea; at that time, at least, the refusal card as I call it, or lookout card would have been prepared in the Records Section of the Passport Office. In other words, a part of the section which handled the files.

Mr. COLEMAN. After you prepared the refusal sheet which is Commission Exhibit No. 962—

Miss WATERMAN. Yes; I wrote that myself.

Mr. COLEMAN. Would you then give—how would the records section know that a lookout card should be prepared?

Miss WATERMAN. Well, for one thing the refusal sheet would be placed on top of the file, and I am sure there would be a note to flag the attention of the records people that a refusal was there to be carded.

But in any event, it would be on top of the file, and there would have been nothing on the right hand margin. There would have been no name. There would have been nothing put on there in our particular office.

Mr. COLEMAN. In other words, you say—

Miss WATERMAN. In our adjudication part.

Mr. COLEMAN. Are you saying that Oswald, Lee Harvey, would not have been—

Miss WATERMAN. No, no; the sheet was completely blank as to the margin. At no time would anything have been entered there, in our adjudication part.

Mr. COLEMAN. In Commission Exhibit No. 962, you then say when you physically prepared the refusal sheet, the only thing that was prepared is the typewritten material, is that correct?

Miss WATERMAN. The typewritten red sheet. If you have the file, it is right here.

Mr. COLEMAN. You say that after you prepared that, you would physically place that red sheet on the top of the passport file, is that correct?

Miss WATERMAN. Well, now this was placed—I think there was a communication which went out at the same time.

Mr. COLEMAN. You are talking about the Operations Memorandum dated March 28, 1960?

Miss WATERMAN. I am talking about the Operations Memorandum, yes.

Mr. COLEMAN. Which has been marked as Commission Exhibit No. 963?

Miss WATERMAN. Now that would have gone to file, to the file with this Operations Memorandum, and the Refusal Sheet.

Mr. COLEMAN. You prepared the Operations Memorandum also?

Miss WATERMAN. Yes; now I see that was mailed 3 days after it was prepared. In the meantime someone else was looking at it.

Mr. COLEMAN. Was it your responsibility actually to see that the lookout card was prepared?

Miss WATERMAN. No; I wouldn't think so, no.

Mr. COLEMAN. Who would have that responsibility?

Miss WATERMAN. Well, in the first place the cases were examined by the records people before being filed, and no one would certainly be supposed to file a Refusal Sheet without an indication that he had had a card made.

Mr. COLEMAN. Would the indication that the card was made be put on the refusal sheet?

Miss WATERMAN. Yes.

Mr. COLEMAN. Would you look at the original of the State Department records?

Miss WATERMAN. Yes; I am looking at it.

Mr. COLEMAN. Was it put on the refusal sheet?

Miss WATERMAN. Well, it looks to me as if someone started to handle this for the refusal card, or lookout card as you call it, because the name was typed on.

Mr. COLEMAN. It was written on.

Miss WATERMAN. Written on, yes. I believe that to complete that operation, the designation of the citizenship designation of the Department of State at that time at least, 130, should have been placed on there.

Mr. COLEMAN. What does 130 mean?

Miss WATERMAN. That is the Department's classification of citizenship.

Mr. COLEMAN. By looking at that file, is there anything else that you can examine to be able to tell the Commission whether in your judgment the actual lookout card was ever prepared?

Miss WATERMAN. No; I wouldn't be able to say. I do notice here that the case was called for from the files a few days after it went to file, and that apparently was occasioned by a new communication coming in from our Embassy at Moscow.

Mr. DULLES. Who called for it, can you tell from that?

Miss WATERMAN. Apparently we received—this was called for from—here is a call slip right here. I am looking at it. Which means that something new had been received and we wanted the file again.

Mr. COLEMAN. Could you tell me the number that is on that call sheet? You are looking at file X. It is file X she is looking at?

Mr. EHRlich. Yes.

Miss WATERMAN. X-64.

Mr. COLEMAN. X-64.

Miss WATERMAN. I might say that in the meantime during the time from November 1959 up into 1960, beginning about early in February 1960, I was replaced in this section or branch by an attorney and a member of the bar, and at this time I was then the assistant of the section, and not the head of it.

Mr. COLEMAN. Well, was the attorney that replaced you G. W. Masterton?

Miss WATERMAN. Yes.

Mr. COLEMAN. I would like to ask you to identify Commission Exhibit No. 983. Is that a copy of the sheet you referred to, to indicate the file had been called for?

Miss WATERMAN. That is right. A new report had been received and our control clerk, we call her, our person looking after the records in our particular section had made that call slip for the file.

Mr. COLEMAN. Is there anything else in the original file which you could look at to try to advise us whether you think in your judgment a lookout card was ever prepared?

Miss WATERMAN. Well, I wouldn't be able to know. All I could say is it is very surprising, because it seems to me that we had—well, I could not say how many lookout cards and refusal cards on all kinds of subjects. And I can only guess that this file was caught up in some large number of files that were on hand to have refusal cards or lookout cards made, or something of that nature, or that the process of having the card made was interrupted by the receipt of the new material from our Embassy at Moscow.

Mr. COLEMAN. But—

Mr. DULLES. Could I ask one question?

Who would make out lookout cards in the normal process? Would it be quite a number of people, or one particular office?

Miss WATERMAN. I am not sure about that, Mr. Dulles. That was completely another area, and I don't know.

Mr. DULLES. Outside of the Passport Department entirely, was it?

Miss WATERMAN. Oh, no.

Mr. DULLES. In the Passport Department?

Miss WATERMAN. Oh, yes.

Mr. DULLES. Miss Knight could tell us that.

Miss WATERMAN. In the records part of the Passport Office.

Now, at one time I know that the cards were made in a certain area. Then I know that later on, and probably prior to this time, we had been requested not to

forward any kind of classified files to the usual place for having these cards made—we should forward them to the Classified Files Section, which would take it up from there, and give them to the proper person to have a card made.

Mr. COLEMAN. Miss Waterman, it is your testimony that based upon the red refusal sheet that you prepared, and also the operations memorandums which have been marked respectively Commission Exhibit No. 962 and Commission Exhibit No. 963, that you had done all you were supposed to do, and that the file then should have been passed over to somebody else, and a lookout card should have been prepared?

Miss WATERMAN. Yes, yes; that was our procedure at that time at least.

Mr. COLEMAN. Now, after March 28, 1960, and prior to February 1961, in that period, did your department, or did you take other actions in connection with the Oswald case, with the hope that you would finally be able to reach a decision on Oswald, as to whether he had expatriated himself or not?

Miss WATERMAN. I don't think there was too much going on in the file in 1960.

Mr. COLEMAN. Well, I would like to call your attention to—

Miss WATERMAN. But in 1961—

Mr. COLEMAN. Before we get to 1961, I would like to call your attention to the memorandum from Mr. White to Mr. Hazelton, dated July 20, 1960, and the next document, which is a handwritten piece of paper, dated 2-15-61.

Do you have that? Your number should be X-49.

I show you the document which is marked in your file X-49, and it has been given Commission Exhibit No. 965.

Now, is that your handwriting on that document?

Mr. EHRLICH. Might I interject at this time? In looking at the originals of these I notice that X-49 is actually two memorandums. They were photostated as one, and thus probably you cannot actually read either one.

Mr. COLEMAN. Well, I am referring to the one on top. Is that your writing "took initial action, action"—

Miss WATERMAN. No; that is Mr. Masterton—the memorandum on the little larger size below was a memorandum, informal memorandum, which I sent to my section chief, Mr. Masterton.

Mr. COLEMAN. Could you indicate what you said in your memorandum?

Miss WATERMAN. Yes; I said, "Mr. Masterton, SCS, is writing to mother on welfare aspect of Lee Harvey Oswald. Last two paragraphs of Moscow dispatch 585, 2-8-61 appeared to be for PPT reply."

I believe that was a letter which had been prepared in SCS—you know what that is.

Mr. COLEMAN. Yes.

Miss WATERMAN. And had been forwarded to our office for clearance, for our initial, before it was mailed, to reply to some inquiry of the mother.

Mr. COLEMAN. Now, on top of that memorandum you read, that you prepared, there is another memorandum, isn't there?

Miss WATERMAN. Yes.

Mr. COLEMAN. Now, could you read that into the record?

Miss WATERMAN. Yes; "SCS. Took initial action on action copy, case of split action. Copy our action to go to SCS."

Mr. COLEMAN. Do you know or do you have any knowledge what they meant about case is split action?

Miss WATERMAN. Well, it has been a long time since I have seen the material. But I believe that the mother, Mrs. Oswald, in writing to the Department, to the Secretary, probably brought up various questions about her son. Now—questions which related to his welfare or physical repatriation, or something of that type, which would come under the jurisdiction of the Special Consular Services, should be answered there. Any inquiries which were about his citizenship or his passport, anything that came within the purview of the Passport Office, should have a reply drafted by Miss Knight's office, or elsewhere in the office.

Mr. COLEMAN. In other words, you are saying that the phrase, split action, on Commission Exhibit No. 965, doesn't mean that—

Miss WATERMAN. The decision was split; no.

Mr. COLEMAN. It just means that different offices in the Department would have to make different decisions, or take different action?

Miss WATERMAN. Yes; and I think that most of Mrs. Oswald's letters were quite involved, and brought up several questions.

(At this point, Mr. Dulles withdrew from the hearing room.)

Mr. COLEMAN. Then the next document which I want to ask you questions about is your X-55.

Miss WATERMAN. Yes.

Mr. COLEMAN. That we have marked as Commission Exhibit No. 966.

Now, this letter, though signed by Miss Knight, was prepared by you?

Miss WATERMAN. Yes.

Mr. COLEMAN. And it was a reply to an inquiry made by Congressman Wright?

Miss WATERMAN. Yes.

Mr. COLEMAN. With respect to the Oswald case.

Miss WATERMAN. Yes; this was—we probably either received a memorandum from SCS or telephone call, something of that sort.

Mr. COLEMAN. The next contact you had with the Oswald case was as a result of the Embassy Despatch dated February 28, 1961, which is X-42(2).

Miss WATERMAN. Are you talking about the Department's Despatch?

(At this point, Mr. Dulles reentered the hearing room.)

Mr. COLEMAN. Yes; despatch. The Foreign Service Despatch.

Miss WATERMAN. Yes; our despatch to the Embassy.

Mr. COLEMAN. I beg your pardon. It is a despatch from the Embassy to you.

Miss WATERMAN. Yes; that is right.

Mr. COLEMAN. Which we have marked as Commission Exhibit No. 967.

Miss WATERMAN. Yes.

Mr. COLEMAN. When that was received in Washington, you got a copy of it, did you not?

Miss WATERMAN. Well, I think—we seem to have the original in our file.

Mr. COLEMAN. Yes; you saw the document?

Miss WATERMAN. Yes.

Mr. COLEMAN. And then as a result of seeing the document on March 27, 1961, you prepared a draft of the instruction which should go to Moscow in response, is that correct?

Miss WATERMAN. Yes.

Mr. COLEMAN. And that is in the file as X-46, and we have marked it as Commission Exhibit No. 968. And the draft that you prepared which was attached to Commission Exhibit No. 968 is the next document, which is X-47, which we have marked as Commission Exhibit No. 969, is that correct?

Miss WATERMAN. You mean the copy of the—

Mr. COLEMAN. The proposed State Department instruction.

Miss WATERMAN. Yes; I see that.

Mr. COLEMAN. And it indicates on the copy that the original was not sent, is that correct?

Miss WATERMAN. That is right. Nothing was sent.

Mr. DULLES. Can I get this clear now? I am not sure—which was the document that was not sent?

Mr. COLEMAN. That is X-47 (Commission Exhibit No. 969).

Mr. DULLES. Could you identify that for the record—because just reference to documents in our record would be meaningless to the reader. I think we ought to identify each document as we can, because I am lost completely.

Mr. COLEMAN. It is Commission Exhibit No. 969, which is a draft of the State Department instruction to be sent to the Embassy in Moscow, as a result of the Embassy's despatch of February 28.

Mr. DULLES. And this was drafted on March 27, was it?

Mr. COLEMAN. Yes.

Miss WATERMAN. Yes.

Mr. DULLES. And you, I gather, Miss Waterman, drafted this?

Miss WATERMAN. I drafted this, and then apparently we had—everyone had second thoughts on some of the statements in there, and I believe that it was at this time—wait a minute.

We sent this to Miss Knight's office for the special attention of Mr. Hickey.

Mr. COLEMAN. And is that the memorandum dated March 31, 1961?

Miss WATERMAN. Yes; that is right.

Mr. COLEMAN. Which has been given Commission Exhibit No. 970.

Miss WATERMAN. Yes.

Mr. COLEMAN. And from that memorandum, you indicate that your proposed instructions were that, one, that the passport should be mailed back to Mr. Oswald only under proper safeguards—

Miss WATERMAN. Now, are you talking about what wasn't sent or what finally was?

Mr. COLEMAN. The memorandum of March 31, 1961.

Miss WATERMAN. Yes; these memorandums were prepared by my superiors. In other words, this looked a little different and more important by that time.

Representative FORD. In other words, the State Department document No. X-42 came back to you from higher authority?

Miss WATERMAN. No; I prepared the instruction, and I sent it to Mr. Kupiec, who by that time was in charge of our section—Mr. Masterton having been given other duties. And this went into the office of the Chief of our Division, of the Foreign Adjudications Division. And Mr. Cacciatore, who was the Assistant Chief of the Division, drafted a memorandum in Mr. White's name to go to Miss Knight's office, and that is a memorandum of March 31, 1961.

Mr. COLEMAN. Well, that has been given Commission Exhibit No. 970.

It is in your files as X-42.

Miss WATERMAN. Right.

Mr. COLEMAN. And you had no part in connection with the drafting of that memorandum?

Miss WATERMAN. No, no; our branch had sent the case to our Division Chief, either to comment or authorize the mailing of the instruction which I had prepared.

Mr. COLEMAN. And then after this memorandum of March 31, 1961, was drafted, a decision was finally reached in the Department as to the form of the State Department instruction which is in your file as X-38?

Miss WATERMAN. Yes.

Mr. COLEMAN. And we have marked it as Commission Exhibit No. 971.

Miss WATERMAN. Yes.

Mr. COLEMAN. And that is the instruction that was actually sent to the Embassy?

Miss WATERMAN. Sent to the Embassy; yes. That was a replacement of the instruction which I had originally drafted, and I redrafted that according to the dictates of the memorandums which had been exchanged with our office and Miss Knight's office.

Representative FORD. May I ask a question here, Mr. Coleman?

On the memo of March 31, 1961, Commission Exhibit No. 970, the last sentence reads as follows: "For the best interests of the United States, therefore, and as the possession of a passport might facilitate his obtention of an exit visa it is believed that we should do everything within our power to facilitate Oswald's entry into the United States."

Who would have prepared the March 31, 1961 memo that contained that quotation?

Miss WATERMAN. That was prepared by Mr. Cacciatore, who was the Assistant Chief of the Foreign Operations Division, in which I worked. And Mr. John White was his superior, and Mr. White initialed the memo going to Miss Knight's office, to Mr. Hickey.

Mr. DULLES. Who is Mr. Hickey?

Miss WATERMAN. Who is he?

Mr. DULLES. I meant at this time what was his position?

Miss WATERMAN. Well, I believe at that time his title was—I wouldn't like to say definitely—I believe he was the Deputy Chief of the Passport Office.

Mr. DULLES. Under Miss Knight?

Miss WATERMAN. Under Miss Knight, yes.

Mr. DULLES. I would like to ask one question about X-38(2).

Mr. COLEMAN. That is Commission Exhibit No. 971.

Mr. DULLES. That is the cable sent—cable of instructions sent on the Lee Harvey Oswald matter to the American Embassy in Moscow. This relates to—

Miss WATERMAN. Now, you are talking about the State Department instruction?

Mr. DULLES. That is correct. In paragraph 2 there is reference to the circumstances under which his passport can be returned, and there is this phrase: "His passport may be delivered to him on a personal basis only."

What does that mean?

Miss WATERMAN. I think it meant deliver it to him in person.

Mr. DULLES. I see— deliver it to him in person.

Miss WATERMAN. Yes; I think those are the words of Mr. Hickey. I believe that somewhere in the file there is a memorandum which Mr. Hickey returned to Mr. White's division, giving his views.

Mr. DULLES. And that may be qualified by the last sentence here, suggesting that it would not be wise to send it through the mails?

Miss WATERMAN. Yes; in other words, the memorandum which Mr. Hickey returned to us, with our proposed instruction, was used as a basis for our action.

Mr. DULLES. It was to be given to him personally, and not transmitted through the mails.

Miss WATERMAN. I think that is what it means.

Mr. COLEMAN. And, also, the State Department instructions were that he was to get the passport only after the Embassy had thoroughly questioned Oswald regarding the circumstances of his residence in the Soviet Union, and his possible commitment of an act or acts of expatriation?

Miss WATERMAN. Yes.

Mr. COLEMAN. Miss Waterman, I note on the side of the State Department instruction a notation that CIA furnished copy "on case by me, 10-5-61." Do you know who wrote that, and what that means?

Miss WATERMAN. Well, I think the person has initialed it who wrote it.

Mr. COLEMAN. Who is CHS?

Miss WATERMAN. I think that is Mr. Seeley—Mr. Carroll Seeley.

Mr. COLEMAN. Carroll H. Seeley, Jr.?

Miss WATERMAN. If that is the way his name is listed in the book.

Mr. COLEMAN. Is he an attorney in the Passport Office?

Miss WATERMAN. I don't know what he is now. So far as I know, he was an attorney at that time. He was in—in the Legal Division of the Passport Office.

Mr. COLEMAN. I also note in the next paper which is attached to Commission Exhibit No. 971 we have marked as Commission Exhibit 972, there is a reference sheet—

Mr. DULLES. What is that paper?

Mr. COLEMAN. It is physically attached.

Mr. DULLES. You see, exhibit numbers won't appear—

Mr. COLEMAN. Well, it is a reference sheet dated 10-5-61, which indicates that a Thermofax copy of the Department of State Instruction No. A-173, dated April 13, 1961, was sent to the CIA.

Is that correct?

Miss WATERMAN. I know nothing about that. That is something that was entirely outside of our Adjudication Division, our Foreign Operations Division.

Mr. COLEMAN. But the reference indicates that it was prepared by Robert D. Johnson, Chief Counsel, Passport Office, under date of 10-5-61, is that correct?

Miss WATERMAN. I am looking at it. Yes. But that was nothing that emanated from our part of the Passport Office.

Mr. COLEMAN. After you prepared and had sent forward the Department of State instruction dated April 13, 1961, you then, on or about May 26, 1961, received the Embassy Foreign Despatch of that date, is that correct?

Miss WATERMAN. Yes, yes.

Mr. COLEMAN. And that despatch, which is your No. X-34, has been given Commission Exhibit No. 973, states that the Embassy had received another letter from Oswald, is that correct?

Miss WATERMAN. Yes; I am looking at a copy.

Mr. COLEMAN. And also the despatch—

Mr. DULLES. Would you identify that a little bit?

Mr. COLEMAN. The despatch is from the Embassy to the Department of State, and it is Commission Exhibit No. 973, written by Mr. Snyder on May 26, 1961, and it indicates, one, that the Embassy has received another letter from Mr. Oswald, and it also indicates that Oswald was married to a Russian woman, and

it indicates that Oswald has informed the Embassy that he had an internal Soviet passport in which he was designated as "without citizenship."

And the Embassy Despatch actually has as a copy the letter which Mr. Oswald sent to the Embassy in May 1961.

Miss WATERMAN. Yes.

Mr. COLEMAN. And you received that in Washington some time shortly after March 26, 1961.

Miss WATERMAN. We received it in our particular office on June 12.

Mr. COLEMAN. As a result of receiving—

Mr. DULLES. Just one second.

June—

Miss WATERMAN. I am going by our automatic clock stamps on the reverse of the original.

Mr. DULLES. You received it on June 12?

Miss WATERMAN. Yes; we received it in our action office June 12, 1961.

Mr. COLEMAN. After you received it, you then considered whether the Embassy should return to Mr. Oswald his passport. And your decision as finally made is reflected in the State Department instruction dated July 11, 1961, which is your X-31, which has been marked Commission Exhibit No. 975, is that correct?

Miss WATERMAN. Yes; I am looking at a copy.

Mr. COLEMAN. In those instructions, you said that Mr. Oswald could be given his passport, is that correct?

Miss WATERMAN. Well, yes—because we are in effect agreeing with the suggestion of the Embassy. We are telling the Embassy that we—

Mr. COLEMAN. You are agreeing with their despatch of May 26, 1961, which has been identified for the record as Commission Exhibit No. 973.

Miss WATERMAN. What is this word?

Oh—"seek."

Mr. COLEMAN. Is that correct?

Miss WATERMAN. What was your question again now?

Mr. COLEMAN. I am saying what you were agreeing to was the proposed action of the Embassy as set forth in its Foreign Service Despatch dated May 26, 1961?

Miss WATERMAN. Yes; but I see we also note that the Embassy intended to contact the Department again before granting any documentation to Oswald.

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. DULLES. Back on the record.

Mr. COLEMAN. I note on Commission Exhibit No. 975, which is your X-31, that on the side there is written "Pink copy of this sent to EE:SOV Miss James, BW7-17-61."

Miss WATERMAN. Yes; I am looking at that.

Mr. COLEMAN. Do you recall whether Miss James asked you to send her a copy, or did you just send her a copy without being requested?

Miss WATERMAN. No; I would not recall, really. We tried to keep—since there were many interests involved here, we did try to keep the geographic division up to date on what we were doing, so that they would have more or less a complete picture of the case.

Mr. COLEMAN. Then I would like to next call your attention to your document which is X-28.

Miss WATERMAN. Yes.

Mr. COLEMAN. That is a memorandum which you prepared, Commission Exhibit No. 978, in which you state that Miss James called and said that she wanted to know what reply had been made to the Moscow despatch 29, July 11, 1961, in the case of Oswald. And you stated that the draft reply was in preparation, and you also said that Miss James said that the communication should be cleared with the SOV, and then you make a comment that you never heard that the Passport Section's citizenship decisions should be routed to SOV for clearance.

Miss WATERMAN. That is right.

Mr. COLEMAN. Nevertheless, you indicated in the memorandum that you would indicate that the SOV had a special interest in the reply to the despatch, is that correct?

Miss WATERMAN. Yes; that is right.

Mr. COLEMAN. Did you discuss with anybody in the Department Miss James' request?

Miss WATERMAN. Well, I don't recall. I don't know. I wouldn't recall right now.

Mr. COLEMAN. Well, is this the only time, to your knowledge, where the SOV had made a request in connection with a passport?

Miss WATERMAN. Oh, no; I would not say that. I don't think so; no. I think probably a great many of our communications went out as office memoranda, and they received copies of them in the Division anyhow.

But I think this was probably more to avoid confusion in having classified files be traveling around the different areas of the Department. We could send a copy of an "OM" without trouble. But handing the files around was another matter. And we didn't put them around any more than we had to.

Mr. COLEMAN. The next document in the sheaf of papers I gave you is the Operations Memorandum dated August 18, 1961, prepared by you—

Miss WATERMAN. Yes.

Mr. COLEMAN. And we have given it Commission Exhibit No. 979.

Miss WATERMAN. Yes.

Mr. COLEMAN. In that you indicate that you concur in the conclusion of the Embassy that there is available no information and/or evidence to show that Mr. Oswald has expatriated himself under the pertinent laws of the United States.

Miss WATERMAN. That is right.

Mr. COLEMAN. Did you review the entire files which you had in the Passport Office on Oswald before you wrote this memorandum?

Miss WATERMAN. Yes; our file was all together.

Mr. COLEMAN. And you also had the benefit of the various Embassy Despatches which were sent prior to August 18, 1961?

Miss WATERMAN. Oh, yes.

Well, the part that concerned his citizenship, certainly, was with our file.

Mr. COLEMAN. And reviewing the whole file, you, as the adjudicator, determined on August 18, 1961, that there was nothing in the file which would show that Mr. Oswald had expatriated himself?

Miss WATERMAN. That is correct.

Representative FORD. When you say "no information and/or evidence to show that Mr. Oswald"—

Miss WATERMAN. No information or evidence.

Well, that is the way I worded it. No information or evidence. We would have to have evidence to hold up any action on him. And, in addition to having no evidence, we also had no information.

Representative FORD. Did you have the information that he had come in and presented a statement to Mr. Snyder that he wanted to renounce his citizenship?

Miss WATERMAN. Yes; but he hasn't done so. There was no place that he could have done so, except at the Embassy, under a specified form, and upon specified documents.

Representative FORD. In other words, you were relying upon the need for this particular document?

Miss WATERMAN. Well, in the first place, when he came in—as I believe Mr. Snyder said, or whoever reported from the Embassy—and threw down his passport, he apparently was a disgruntled young man—and that is not the first time a passport has been thrown down on a consular officer's desk. And I think that we had—no—in other words, it looked as if he were already regretting his first action. He was weakening a little bit because he was not being accorded any kind of recognition in the Soviet Union.

In other words, he was—

Representative FORD. But the subsequent evidence, where you say he was changing his mind, came about 2 years later. On the other hand, there was some evidence, when he first went to the Soviet Union, October 31, 1959, that he at least had an intention to renounce his American citizenship. He simply had not signed the actual form that is prescribed by the regulations.

Miss WATERMAN. That is right. He had not.

And there was no indication that actually he intended to do that. He apparently derived some kind of satisfaction from his appearing at the Embassy with an ambiguous statement. But there was nothing there to show that he actually had an intention of renouncing his citizenship under the law.

Representative FORD. I must differ with you. That first statement that he submitted was not very ambiguous.

Miss WATERMAN. Well, I think probably he made several. But, in any event—he—

Representative FORD. I do think I ought to read what he said on October 31.

Miss WATERMAN. Yes; I believe I recall that.

Representative FORD. Here is a letter or a statement in Lee Harvey Oswald's handwriting, which says:

"I, Lee Harvey Oswald, do hereby request that my present citizenship in the United States of America be revoked.

"I have entered the Soviet Union for the express purpose of applying for citizenship in the Soviet Union, through the means of naturalization.

"My request for citizenship is now pending before the Supreme Soviet of the U.S.S.R.

"I take these steps for political reasons. My request for the revoking of my American citizenship is made only after the longest and most serious considerations.

"I affirm that my allegiance is to the Union of Soviet Socialist Republics."

Signed, "Lee Harvey Oswald."

I don't think that is very ambiguous.

Miss WATERMAN. Well, perhaps not. But the procedure was explained to him, and he, as I recall, took no interest in completing any forms to make his renunciation of American citizenship official.

Representative FORD. The only question that I raise, Miss Waterman, is in light of this evidence, your statement that there is available no information and/or evidence to show that Mr. Oswald has expatriated himself under the pertinent laws of the United States—

Miss WATERMAN. I think that is correct. I think the statement is correct.

Representative FORD. That is a very technical response, or technical statement. I think there was evidence that he had placed before Government officials his desire to renounce his citizenship.

Mr. COLEMAN. Did anyone advise you or instruct you that you should make the adjudication that you made as reflected in the August 18, 1961, memorandum, or is this a decision that you made after you had reviewed the file?

Miss WATERMAN. Well, I made the decision and prepared the communication which went through my superiors, and they apparently agreed with me.

Mr. COLEMAN. Can you, by looking at the file, particularly the document marked X-27, which is the Operations Memorandum dated August 18, 1961, tell us what superior reviewed the memorandum before it went forth to the Embassy?

Miss WATERMAN. Yes; the initials there, HFK, are Mr. Kupiec, who was my area chief, and I believe that up at the top, on the second line of the Operations Memorandum, opposite "Department of State" I believe that those were the initials of Mr. White, who was in charge of the Foreign Operations Division. And then this was also cleared in our Legal Division.

Now, that would not be for citizenship purposes, but it would be there for reference.

Mr. COLEMAN. And who was CHS?

Miss WATERMAN. That is the same person you mentioned awhile ago, Mr. Seeley.

Mr. COLEMAN. Then as a result of determining that there was no evidence or information showing that Mr. Oswald had expatriated himself, you then indicated that the passport of Mr. Oswald could be renewed, is that correct?

Miss WATERMAN. Yes.

Representative FORD. May I ask a question here, Mr. Coleman?

Referring again to the memorandum of August 18, 1961, the first paragraph, where you say, "We concur in the conclusion of the Embassy that there is available no information and/or evidence to show that Mr. Oswald has ex-

patriciated himself under the pertinent laws of the United States"—where is their documentation, if any, that the Embassy has come to that conclusion?

Mr. COLEMAN. Sir, I think she is referring to the despatch of July 11, 1961, which is identified as Commission Exhibit No. 935.

Representative FORD. Do you come to that conclusion based on the total content of the July 11, 1961, memo from the Embassy in Moscow, or something specifically set forth in that memorandum?

Miss WATERMAN. Well, I think all of the material together. In other words, Oswald was not documented as a Soviet citizen. Apparently he didn't expect to be. The Embassy had questioned him. And, in addition to their knowing that during his visits to the Embassy itself he had not expatriated himself, they received no information from him in what questioning they could do that he had performed any act at all to expatriate himself under U.S. laws.

Representative FORD. Mr. Coleman, do you have that paper we had yesterday, where the cross-out was present?

Mr. COLEMAN. Yes, sir; here it is.

Representative FORD. On Commission Exhibit No. 938, Oswald crossed out "have not"—

Mr. DULLES. What is the date of that, Mr. Ford?

Representative FORD. It is dated—

Mr. COLEMAN. July 11, 1961, and it is Oswald's application for renewal of passport.

Mr. DULLES. I remember the paper. That is subsequent to this document here that we are discussing now.

Mr. COLEMAN. Done at the same time. The State Department document shows—I mean the Embassy document shows that one of the covering material sent to the State Department was the application for renewal of passport executed by Oswald July 10, 1961.

Mr. DULLES. And this was sent with their dispatch of July 11, 1961, which we are now discussing.

Mr. COLEMAN. Yes, sir.

Representative FORD. Did you have that document at the time you wrote the statement, "We concur," and so forth?

Mr. COLEMAN. Which is Commission Exhibit No. 979.

Miss WATERMAN. What is the date?

Mr. COLEMAN. It is your X-27.

Miss WATERMAN. Yes; I think we had that. Because we referred to it.

Representative FORD. Well, does that statement, the way it is set forth there, raise any questions about whether there was any information or evidence about his expatriation?

Miss WATERMAN. His questionnaire discloses no information.

Representative FORD. But what about the statement on the first page?

Will you read it, for the record—the printed part?

Miss WATERMAN. Yes; "I have been naturalized as a citizen of a foreign state." Well, of course, that would be prepared by the Embassy. I think they just crossed out the wrong one.

Representative FORD. But all we can go by is what we see.

Mr. COLEMAN. Would you examine the original in the State Department file, and see what was crossed out there?

Miss WATERMAN. Yes—"I have not." I think that was an Embassy error.

Representative FORD. That is a fairly important error, though.

Miss WATERMAN. Yes; it is.

Representative FORD. Will you read the full text of what is shown there as it is shown on the original?

Miss WATERMAN. "I have been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted, served in or performed the duties of any office, post or employment under the government of a foreign state, or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality, either in the United States or before a diplomatic or consular

officer of the United States in a foreign state; been convicted by court martial of deserting the military, air or naval service of the United States in time of war; or of committing any act of treason against or of attempting by force to overthrow or of bearing arms against the United States; or departed from or remained outside the jurisdiction of the United States for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States. If any of the above mentioned acts or conditions are applicable in the applicant's case, or to the case of any other person included in this application, a supplementary statement under oath should be attached and made a part hereof."

Representative FORD. That is signed by Lee Harvey Oswald.

MISS WATERMAN. That is signed by Lee Harvey Oswald. And his statement here indicates and shows the performance of no such act as is described on the first page of the application.

Representative FORD. Any one of those conditions, however, in that statement would indicate that he had renounced his citizenship?

MISS WATERMAN. It could. But, in other words, he now says—

Representative FORD. He says some place in there he is without nationality. Did you have that at the time—

MISS WATERMAN. "I am described as being without citizenship." That is right. In other words, it is questionable whether the Embassy should have crossed out "have not." In other words, he might have said I have done this, but his explanation—

Representative FORD. That is what the document shows.

MISS WATERMAN. But his explanation clearly shows that he had not.

MR. DULLES. Do you know whether that was noted at the time, or deemed to be a clerical error, or how did you interpret that crossing out of that particular line there?

MISS WATERMAN. Well, in any event—I actually cannot recall, Mr. Dulles. But the questionnaire, which was also under oath, at the Embassy, would be the material part here. And there is no information in here to show that he had been naturalized. He said he was not known as a Soviet citizen, he did not have a Soviet passport. And as for the other items of possible expatriation, I don't see how they could have applied to him, in any event.

Representative FORD. Mr. Coleman, I suggest that, to make the record complete as to what the evidence was in the file, that we have reprinted in the record at this point Commission Exhibit No. 912, because it was a followup statement by Oswald on the status as he saw it of his citizenship at that time.

MR. COLEMAN. You want the reporter to print physically in the record Commission Exhibits Nos. 912 and 913, the two Oswald letters?

MR. DULLES. Just one question. I note here this is typed out. The line I saw had been marked out. I think it is a fair inference that this was typed out, since the typing was probably done in the American Embassy. He had no typewriter. There is a fair inference that might have been a mistake.

Representative FORD. All we can go by is what the record shows.

MR. DULLES. I think we ought to clarify that through the record in Moscow, because the record is not good at this point.

MR. EHRLICH. There is another copy, as you know, that came in from the Embassy that we sent to you that showed in fact—it was not a carbon, it was a separate one, in which the "have" was—

MR. COLEMAN. That is Commission Exhibit No. 947.

MR. EHRLICH. That was in the Embassy. It was not in the Department.

MR. DULLES. There the "X's" were above everything, but probably were intended to mark out the "have."

Representative FORD. Is Commission Exhibit No. 938 the original?

Representative FORD. This is a photostat of the original?

MISS WATERMAN. The original is in the Department's file.

MR. COLEMAN. Congressman Ford, the original document is right physically in front of you.

Representative FORD. That one is crossing out his "have not." It is very clear.

Mr. DULLES. And on this one, which is the copy in the Embassy files, the crossed out is above all three. It apparently was intended to be crossed out, the "have."

(At this point, Representative Ford withdrew from the hearing room.)

Mr. COLEMAN. We just thought the record should—you recall we asked Mr. Snyder a question about this, and he said he didn't know whether it was a typographical error, or just what the reason for it was.

Miss WATERMAN, would you be kind enough to look at the document in your file which is X-30, and could you look at the original, in the original State Department file?

Now, we have marked it as Commission Exhibit No. 977.

Now, the second page of the document that we have has inserted a sheet of paper called a passport office lookout file. Is that stamped physically on the back of the first page?

Miss WATERMAN. Yes.

Mr. COLEMAN. That indicates that the document was received on July 19, is that correct? There is a stamp on there?

Miss WATERMAN. Yes; July 19.

Mr. COLEMAN. There is another stamp on there, August 3, 1961.

Miss WATERMAN. Yes; I see that.

Mr. COLEMAN. You also have the lookout file on the Passport Office, is checked under "No Lookout (refusal) File Record."

Do you see that?

Miss WATERMAN. Yes; I see it.

Mr. COLEMAN. Does this mean that when someone ordered a search of the lookout record file in July or August, 1961, that there was no lookout file record on Lee Harvey Oswald?

Miss WATERMAN. Apparently so. That was probably done automatically. The records people probably did that.

Mr. COLEMAN. This was prior to the time when you had made your decision there had been no expatriation, is that correct?

Miss WATERMAN. I will have to look at this.

Mr. COLEMAN. Your recommendation wasn't made until August 18, 1961.

Miss WATERMAN. That is what we were replying to. That is one of the communications that we were acknowledging, yes, that is right.

Mr. COLEMAN. Well, should there have been a lookout card when the search was made in July 1961, on Lee Harvey Oswald?

Miss WATERMAN. Well, I would say that if one were made, it would have been in there.

Now, I don't know that I always would have examined the reverse of every dispatch. If I had examined the reverse of that dispatch, I probably would have noted it.

Mr. COLEMAN. Well, what I am saying, as a result of the refusal sheet that you prepared in 1960, when the lookout section made the search on August 3, 1961, should there not have been a lookout file at that time on Lee Harvey Oswald?

Miss WATERMAN. Are you talking about a lookout card?

Mr. COLEMAN. A lookout card, yes.

Miss WATERMAN. A lookout card would only have referred to this file.

Mr. COLEMAN. Yes.

Miss WATERMAN. Which we already had, and which we already determined had no evidence of expatriation.

Mr. COLEMAN. I am suggesting that you did not make that determination until August 18, 1961.

Miss WATERMAN. Well, Mr. Coleman, the card itself would have been totally immaterial to the decision we made here, inasmuch as we had the entire file, and also our refusal—the refusal sheet would be in here.

As I said, that was not for expatriation. It was just to flag an adverse—possible adverse interest in the case.

Mr. DULLES. But there has been testimony given here before, Miss Waterman,

that when the question came up later of the issuance of a passport, since there was no lookout card, this file was not consulted.

Miss WATERMAN. Well, that could be. That was, I believe—I believe that was after I had anything to do with the file.

Mr. DULLES. Yes; I know. You cannot testify as to that.

Mr. COLEMAN. Now, Miss Waterman, would you be kind enough to turn over to the next document which you have before you, after the August 18, 1961, memorandum?

Miss WATERMAN. Yes.

Mr. COLEMAN. And that is in the file—your file as 1X-24. It has been given Commission Exhibit No. 980.

Miss WATERMAN. Yes.

Mr. COLEMAN. And will you note that there is some typewritten material that appears on the first page which says, "Attached report is a summation of Subject's background and case since he renounced U.S. citizenship and sought Soviet citizenship in the fall of 1959. As his citizenship status does not appear to be resolved, copies of the report are furnished to both PPT and VO."

And the attachment is an FBI report.

Miss WATERMAN. Yes.

Mr. COLEMAN. Written on the side in your handwriting, I assume, is the word "incorrect."

Miss WATERMAN. That is correct.

Mr. COLEMAN. Do you recall when you wrote that on that paper?

Miss WATERMAN. Well, probably when I saw it. I would not recall when I wrote it, but it would be—the statement—my inference there that the statement in this memorandum is what you might call a misnomer would have been correct at any date.

Mr. DULLES. Who wrote this memorandum which you indicated was incorrect?

Miss WATERMAN. I have a line there "renounced U.S. citizenship." In other words, somebody who had nothing to do with the adjudication of the case or citizenship had made a statement in there that this person had renounced, and that is a rather poor thing to have in the file which is going around to various places in the Department or possibly elsewhere. And I did write that on, with reference only to his renunciation.

Mr. DULLES. With reference to that one statement?

Miss WATERMAN. That is right.

Mr. COLEMAN. And then on December 28, 1961, you drafted a memorandum which purports to be from Miss Knight to Robert F. Hale, in which you indicated that any inference in the memorandum of July 27, 1961, which is the document I have just asked you about—

Miss WATERMAN. Yes.

Mr. COLEMAN. That Oswald was not a citizen of the United States is incorrect.

Miss WATERMAN. That is right.

Mr. COLEMAN. And you prepared—

Miss WATERMAN. In other words, this memorandum which I did make the notation on was sent to other parts of the Department, and we wanted to correct that impression, that there was any evidence of expatriation by Oswald, by renunciation of U.S. citizenship, or any other way.

Mr. COLEMAN. That has been marked as Commission Exhibit No. 981, which is the memorandum of December 28, 1961, in which you made the statement that any inference that Mr. Oswald had—was not a citizen of the United States was incorrect.

Mr. WATERMAN. Well, yes; well, that is self-explanatory.

Mr. COLEMAN. Then on the same day you drafted an operations memorandum to be sent to the Embassy in Moscow in which you said that the Passport Office approves the manner of the Embassy's replies to Mr. Oswald with respect to passport facilities for him in the future. Is that correct? That you drafted that memorandum?

Miss WATERMAN. Yes; I drafted that.

Mr. COLEMAN. That has been given Commission Exhibit No. 982.

That is December 28, 1961. It is the last document.

Now, after December 28, 1961, did you have anything else to do as far as the Oswald matter was concerned?

Miss WATERMAN. I don't think so, except perhaps sending a copy of some document or letter to our files—because I had only about a month's work in the Department. I left work on February 2, 1962, and that was the last day I had with any kind of performance of duties.

I might have marked some paper or something of that sort.

But I don't recall any action. If the file shows it, I took it. But, otherwise, I don't remember.

Mr. COLEMAN. When you took the various actions we have discussed this morning with respect to Mr. Oswald, were you acting under instructions of anyone that this was the decision you would have to make because someone else in the Department wanted you to resolve the question this way?

Miss WATERMAN. What do you mean?

Do you mean outside of the Passport Office?

Mr. COLEMAN. Yes.

Miss WATERMAN. Outside the Passport Office?

Mr. COLEMAN. Yes; I am just asking you for the record.

Miss WATERMAN. I know. But you mentioned—such as who?

Mr. COLEMAN. Did anyone call you up and say, "Miss Waterman, this is the way you have to resolve this case"?

Miss WATERMAN. Oh, no. Oh, no.

Mr. COLEMAN. And you made the decisions you made based upon the record and your judgment as to what you thought the law was and what the facts were?

Miss WATERMAN. Certainly.

Mr. DULLES. Did you consult anyone in connection with reaching that decision in the Oswald case?

Miss WATERMAN. Well, Mr. Dulles, in preparing this correspondence, as I have told you, the correspondence was prepared for the signature of my superiors, and if they didn't agree with what I wrote, that was all right with me. But that was my impression, and I believed there had been discussion among persons in our immediate office. And while—

Mr. DULLES. Your decision, then, is not final. It is subject to review by your superiors in matters of this kind?

Miss WATERMAN. That is right.

But in no event—I don't know of any—as I say, my connection with the case closed, and I never heard in the press or any other place that indicated that Oswald expatriated himself and that he wasn't entitled to a passport.

Mr. COLEMAN. Your decision wasn't in any way influenced by the fact that Miss James told you that this was a decision that would have to be made or anything like that?

Miss WATERMAN. Certainly not. They have absolutely nothing to do with citizenship—nothing.

Mr. COLEMAN. I have no further questions, Mr. Chairman.

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. COLEMAN. Mr. Chairman, before we close the testimony of Miss Waterman, I would like to move for the admission of Commission Exhibits No. 957 through Commission Exhibit No. 983, which were the documents that we marked.

Mr. DULLES. They shall be admitted.

(The documents heretofore marked for identification as Commission Exhibits Nos. 957-983, were received in evidence.)

Mr. COLEMAN. I would like to thank Miss Waterman for coming in.

Mr. DULLES. We thank you very much, Miss Waterman.

(Whereupon, at 12:50 p.m., the President's Commission recessed.)

TESTIMONY OF THE HON. DEAN RUSK, SECRETARY OF STATE

The President's Commission reconvened at 3:30 p. m.

The CHAIRMAN. Mr. Secretary Dean Rusk, we wanted to ask you a few questions about this matter in any particular detail you wanted to answer. Mr. Rankin would you inform the Secretary the areas we intend to cover before we ask the questions.

Mr. RANKIN. Mr. Chief Justice, I think the particular area that we would be interested in with the Secretary is just as to whether, or his knowledge of whether there was any foreign political interest in the assassination of President Kennedy?

We have been getting the information in regard to other matters concerning the State Department from other of his associates and colleagues and employees of the Department, and we are going to complete that and it has been helpful to us and I think we can rather limit the inquiry to that area.

The CHAIRMAN. Yes; very well.

Mr. Secretary, would you rise and be sworn, please. Do you solemnly swear the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Secretary RUSK. I do.

The CHAIRMAN. Will you be seated, please, and Mr. Rankin will ask you the questions, Mr. Secretary.

Secretary RUSK. Mr. Chief Justice, may I ask one question?

The CHAIRMAN. Yes, indeed.

Secretary RUSK. I would like to be just as helpful as possible to the Commission. I am not quite clear of testimony in terms of future publication. There may be certain points that arise where it might be helpful to the Commission for me to comment on certain points but there—it would be a very grave difficulty about publication, so I wonder what the Commission's view on that is.

The CHAIRMAN. Well, Mr. Secretary, our purpose is to have available for the public all of the evidence that is given here. If there is any phase of it that you think might jeopardize the security of the Nation, have no hesitation in asking us to go off the record for a moment, and you can tell us what you wish.

Secretary RUSK. Thank you, sir, I am at your disposal.

Mr. DULLES. Mr. Chief Justice, could I make a suggestion in that connection?

The CHAIRMAN. Yes.

Mr. DULLES. Would it be feasible to have a discussion here of the points that are vital from the point of view of our record, and so forth, and maybe a little informal conversation afterward to cover the other points.

The CHAIRMAN. We will have a recess for a few moments then.

Mr. DULLES. I thought between the two wouldn't that be easier than put the two together.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Mr. RANKIN. Mr. Secretary, will you give us your name and address, please?

Secretary RUSK. Dean Rusk, 4980 Quebec Street, Washington, D.C.

Mr. RANKIN. And you are the Secretary of State for the United States?

Secretary RUSK. That is correct.

Mr. RANKIN. You have occupied that position for some time?

Secretary RUSK. Since January 22, 1961.

Mr. RANKIN. In that position you have become familiar with our foreign relations and the attitude and interest in some degree of other countries that we deal with?

Secretary RUSK. Yes; within the limitations of the possibilities, it is at least my task to be as familiar as possible with those things.

Mr. RANKIN. In your opinion, was there any substantial interest or interests of the Soviet Union which would have been advanced by the assassination of President Kennedy?

Secretary RUSK. I would first have to say on a question of that sort that it is

important to follow the evidence. It is very difficult to look into the minds of someone else, and know what is in someone else's mind.

I have seen no evidence that would indicate to me that the Soviet Union considered that it had an interest in the removal of President Kennedy or that it was in any way involved in the removal of President Kennedy. If I may elaborate just a moment.

Mr. RANKIN. If you will, please.

Secretary RUSK. As the Commission may remember, I was with several colleagues in a plane on the way to Japan at the time the assassination occurred. When we got the news we immediately turned back. After my mind was able to grasp the fact that this event had in fact occurred, which was the first necessity, and not an easy one, I then, on the plane, began to go over the dozens and dozens of implications and ramifications of this event as it affects our foreign relations all over the world.

I landed briefly in Hawaii on the way back to Washington, and gave some instructions to the Department about a number of these matters, and learned what the Department was already doing. But one of the great questions in my mind at that time was just that question, could some foreign government somehow be involved in such an episode.

I realized that were this so this would raise the gravest issues of war and peace, but that nevertheless it was important to try to get at the truth—to the answer to that question—wherever that truth might lead; and so when I got back to Washington I put myself immediately in touch with the processes of inquiry on that point, and as Secretary of State had the deepest possible interest in what the truthful answer to those questions would be, because it would be hard to think of anything more pregnant for our foreign relations than the correct answer to that question.

I have not seen or heard of any scrap of evidence indicating that the Soviet Union had any desire to eliminate President Kennedy nor in any way participated in any such event.

Now, standing back and trying to look at that question objectively despite the ideological differences between our two great systems, I can't see how it could be to the interest of the Soviet Union to make any such effort.

Since I have become Secretary of State I have seen no evidence of any policy of assassination of leaders of the free world on the part of the Soviets, and our intelligence community has not been able to furnish any evidence pointing in that direction.

I am sure that I would have known about such bits of evidence had they existed but I also made inquiry myself to see whether there was such evidence, and received a negative reply.

I do think that the Soviet Union, again objectively considered, has an interest in the correctness of state relations. This would be particularly true among the great powers, with which the major interests of the Soviet Union are directly engaged.

Mr. RANKIN. Could you expand on that a little bit so that others than those who deal in that area might understand fully what you mean?

Secretary RUSK. Yes; I think that although there are grave differences between the Communist world and the free world, between the Soviet Union and other major powers, that even from their point of view there needs to be some shape and form to international relations, that it is not in their interest to have this world structure dissolve into complete anarchy, that great states and particularly nuclear powers have to be in a position to deal with each other, to transact business with each other, to try to meet problems with each other, and that requires the maintenance of correct relations and access to the leadership on all sides.

I think also that although there had been grave differences between Chairman Khrushchey and President Kennedy, I think there were evidences of a certain mutual respect that had developed over some of the experiences, both good and bad, through which these two men had lived.

I think both of them were aware of the fact that any Chairman of the Soviet Union and any President of the United States necessarily bear somewhat special responsibility for the general peace of the world.

Indeed without exaggeration, one could almost say the existence of the Northern Hemisphere in this nuclear age.

So that it would be an act of rashness and madness for Soviet leaders to undertake such an action as an active policy. Because everything would have been put in jeopardy or at stake in connection with such an act.

It has not been our impression that madness has characterized the actions of the Soviet leadership in recent years.

I think also that it is relevant that people behind the Iron Curtain, including people in the Soviet Union and including officials in the Soviet Union, seemed to be deeply affected by the death of President Kennedy.

Their reactions were prompt, and I think genuine, of regret and sorrow. Mr. Khrushchev was the first to come to the Embassy to sign the book of condolences. There were tears in the streets of Moscow. Moscow Radio spent a great deal of attention to these matters.

Now they did come to premature conclusions, in my judgment, about what this event was and what it meant in terms of who might have been responsible for it—and ideological effect has crept into that.

But I had the impression that the regret was genuine and that the ordinary Soviet citizen joined with ordinary people in other parts of the world in feeling the loss of the President in a very genuine sense.

Mr. RANKIN. There has been some suggestion that possibly the leadership of the Soviet Union would not have been politically interested in the death of the President but possibly a distant wing of the Party might have been so involved.

Can you give us any light on that, Mr. Secretary.

The CHAIRMAN. By suggestion you mean rumor?

Mr. RANKIN. In the newspapers, and things of that kind, rumor.

Secretary RUSK. I haven't been able to put a rational structure behind that possibility. If there are dissident elements their primary problem is within the Soviet Union.

If these dissident elements were aiming to change the present Government of the Soviet Union or its leadership or to return to an early range of policy by the elimination of present leadership or seizure of control, I don't quite see how the elimination of the President of the United States could contribute to that purpose.

I would also suppose that in their kind of system such elements would be under pretty close supervision and surveillance and they would have limited opportunities for the kind of action that would be organized in a way in this direction, although that is a matter of some speculation.

But, I would doubt very much that such dissident elements would have a motive or very much of an opportunity. Again, I have seen no evidence pointing in that direction.

Mr. RANKIN. How could you tell us in regard to Cuba in the same general way, your opinion and knowledge of any information or credible evidence?

Secretary RUSK. Well, I would again repeat that the overriding consideration is to make every possible effort to find evidence and follow the evidence to wherever it leads.

I think it is, at least for me, more difficult to try to enter into the minds of the present leadership in Cuba than, perhaps, even of the present leadership of the Soviet Union. We have had very few contacts, as the Commission knows, with the present Government of Cuba.

But again, I have seen no evidence that seems to point in that direction.

There were some exchanges, with which the Commission is familiar, that seemed to be—seemed to come to another conclusion. But I would think that objective considerations would mean that it would be even greater madness for Castro or his government to be involved in any such enterprise than almost for anyone else, because literally the issue of war and peace would mean the issue of the existence of his regime and perhaps of his country might have been involved in that question.

We were under the impression that there was very considerable concern in Cuba as to whether they would be held responsible and what the effect of that might be on their own position and their own safety.

But I have seen no evidence that points to involvement by them, and I don't

see objective facts which would seem to make it in their interests to remove Mr. Kennedy.

You see, this embarks upon, in any event it would embark upon, an unpredictable trail for them to go down this path, but I would think again the Commission would wish to examine the evidence as it has been doing with meticulous care and follow the evidence in these matters.

Mr. RANKIN. After the assassination, did you have direct communications with Ambassador Thomas Mann while he was still Ambassador at Mexico?

Secretary RUSK. Yes; we had a number of exchanges with Ambassador Mann connected with the presence in Mexico of Mr. Oswald.

I say those messages, and over a period of some days had daily consultations about them with our Deputy Under Secretary for Political Affairs, Mr. U. Alexis Johnson. Mr. Johnson is my principal representative in our dealings with the various intelligence and security agencies of the government and with the Pentagon, and he has an office very near mine on the seventh floor of the Department of State.

These exchanges raised questions of the most far-reaching character involving the possibility of the implications of another government, and so I had a very deep personal interest in that at the time.

Our principal concern was to be sure that the FBI and the CIA who were the principal agencies investigating this matter would have every possible facility at their disposal, and would—and that our Ambassador would be given the fullest support from us in facilitating the investigation at the Mexican end.

So I was for a period, until this particular trail ran its course, very much involved in those exchanges.

Mr. RANKIN. Do you have any commentary that you want to make about those exchanges other than what you have given us?

Secretary RUSK. I think not, sir. I think that the materials, the information developed in those exchanges are before the Commission, and I believe the Commission has had a chance to inquire into them both as I understand both here and in Mexico with the appropriate agencies and I would think that the Commission's conclusions on that would be more valuable than mine because I have not put together all the pieces to draw finished conclusions from them.

Mr. RANKIN. One of the Commissioners saw a newspaper story shortly after the assassination saying "The Voice of America beaming its message into Russia immediately blamed the reactionary rightwing movements after Kennedy's death."

Do you know anything about that matter or what the source of it might have been?

Secretary RUSK. No; I have not anticipated that question so that I could have a chance to investigate it, but I will, if I may, Mr. Chief Justice, file a report with the Commission on that point.

I can say now that there was never any policy guidance from the Department of State or from the leadership of the Voice of America suggesting that any broadcasters take that line.

It is possible, and this is purely speculative at the moment, that the Voice of America in repeating a great many news accounts, as it frequently does in its overseas broadcasts, may have repeated some news accounts from this country, among which might have been a story to that effect from one source or another, but I would like if I may, sir, an opportunity to investigate that point and make a report to the Commission.

The CHAIRMAN. You may do that, Mr. Secretary.

Representative FORD. May I ask a question? Have we received in the Commission all of the Voice of America broadcasts that were made over a period of 2 to 7 days involved in this incident?

Mr. RANKIN. I don't know of any.

Representative FORD. I think the Commission ought to have them for our own analysis as well as the analysis of the Secretary of State.

Mr. RANKIN. Is that under your jurisdiction?

Secretary RUSK. Yes; indeed I could provide that.

Mr. RANKIN. If you will, please.

Secretary RUSK. The Commission might also be interested in either digests or the fuller materials on world reactions to the President's assassination.

I have here, for example, a daily summary of the 26th of November 1963, on foreign radio and press reaction which gives some interesting treatment about this behind the Iron Curtain.

I would be happy to furnish the Commission with any material of that sort which you might wish.

Mr. RANKIN. We would appreciate having that.

The CHAIRMAN. Very well, thank you, Mr. Secretary.

Representative FORD. Would that include the Voice of Moscow or whatever they call it over there?

Secretary RUSK. Yes, sir.

Representative FORD. From the outset of the events that took place?

Secretary RUSK. Yes, sir; you might just wish to look at the first two or three paragraphs here to get a sample of the kind of summary that that involves.

Mr. DULLES. Was that prepared in the Department or by the Foreign Broadcast Information Service?

Secretary RUSK. This particular one is from the Foreign Broadcast Information Service. We also have another one. We also have another one from within the Department which is also available in terms.

Representative FORD. I think it would be useful to have both for a period of about a week or so. I realize this is a summary covering several days. I think I saw that at the time.

Mr. RANKIN. There was another statement in the paper apparently purporting to be official that one of the Commissioners asked me to ask about and that was the Washington Post, Sunday, November 24, 1963, which was quoted by the Commissioner as, "Today in Washington State Department officials said they have no evidence indicating involvement of any foreign power in the assassination."

Do you know anything about that or can you give us any information?

Secretary RUSK. That was the view which we took at the time in consultation with the investigative agencies. We did not then have evidence of that sort nor do we now, and the implications of suggesting evidence in the absence of evidence would have been enormous.

Representative FORD. I don't understand that.

Secretary RUSK. Well, for us to leave the impression that we had evidence that we could not describe or discuss, when in fact we didn't have the evidence on a matter of such overriding importance could have created a very dangerous situation in terms of—

Representative FORD. Wouldn't it have been just as effective to say no comment?

Secretary RUSK. Well, unfortunately, under the practices of the press, no comment would have been taken to confirm that there was evidence. I mean, that would have been the interpretation that many would have put upon no comment.

But, Mr. Ford, I think the key thing is that at the time that statement was made we did not have such evidence. I mean, this was a factual statement at that time.

Representative FORD. But, at that time, this was 2 days after the assassination, you really didn't have much time to evaluate all of the evidence.

Secretary RUSK. Well, that is correct. But if the evidence or the known facts had changed certainly that type of statement would have changed.

In other words, such statements are based upon the situation as known at the time the statements are made.

Representative FORD. This statement then appeared in the Sunday morning, November 24 issue or edition of the Washington Post. That was a statement issued certainly on the 23d of November because it had to be in order to get in the Sunday edition of the Post. So, that is 24 hours after the assassination.

Secretary RUSK. That is correct, sir, and this statement was made on the basis of such information as was available to us in the first 24 hours.

Mr. RANKIN. I was also asked to inquire whether that was an official state-

ment if under your responsibility or if you could tell me who would be responsible for it?

Secretary RUSK. Well, I would have to check the actual source of the statement. But I would have no present doubt that it was an officer of the Department who was authorized to make that and for which I would be fully responsible.

Mr. RANKIN. That is all I have.

Mr. DULES. Could I ask a question in connection with that?

The CHAIRMAN. Mr. Dulles.

Mr. DULLES. There was some evidence presented here quite recently when the district attorney of Dallas was here with regard to a message from Washington, from the White House to the attorney general of Texas, who was also here the other day before the Commission, on this point: A rumor had reached Washington that in preparing the indictment there, they were going to put in some reference to an international conspiracy. As a matter of fact, when that was run down it was not a correct rumor. But when that reached Washington, the reaction was rather strong and I think entirely understandable, and word went back to Dallas from high quarters that that should not, hoped that that would not be included in the legal proceedings and papers that were filed in connection with the assassination of the President and charging—

Mr. RANKIN. Unless there was evidence to support it.

Mr. DULLES. Unless there was evidence to support it. And the district attorney, who was here, testified that he had never considered adding that into it, putting that in the proceedings because if you put it in you had to prove it, and it is not necessary at all. All you need to do is allege a murder with intent, and so forth, and so on. So that that was all pretty well cleared up.

Mr. DULLES. Did that ever reach your attention, did you know anything about that?

Secretary RUSK. I don't personally recall that particular message. I do recall—

Mr. DULLES. That took place, I think before you got back, because that took place on the evening of the 22d.

Secretary RUSK. I didn't arrive until—

Mr. DULLES. You didn't get back until the 23d?

Secretary RUSK. Until the early morning of the 23d.

Mr. DULLES. Yes.

Secretary RUSK. I do recall being concerned if several different authorities and agencies undertook investigations that would cut across each other's bow or make it difficult to elicit the cooperation of people outside the United States whose cooperation we might need in matters of that sort, I felt myself at that time there ought to be a complete and absolutely thorough investigation by the most responsible authorities and I was glad to see that brought into some order at the time but I don't remember the particular message you are talking about.

Representative FORD. Could you check to see if somebody in the Department of State made such a call or made such a contact?

Secretary RUSK. Yes; I will be glad to.

Representative FORD. And if so so report it for the proceedings?

Secretary RUSK. Yes, indeed; I will be glad to.

Mr. CHAYES. I may be able to supply some information to the Commission on this point because during the night of the 22d when we were examining the data in my office, the files, I did receive a call from Mr. Katzenbach who said that they had heard at the Justice Department, that there was a possibility that this kind of an element would get into the indictment, and said that—I can't remember the exact words that he used—but he conveyed to me that he regarded this as not very good, in the absence of evidence to support it, and said that he was seeking to have Mr. Saunders, who is the U.S. attorney in Dallas, admitted to the councils of the State officials there so that they could discuss these matters as time went on. And that he would try to, I don't know exactly again what he said, but that he would try to see that in the absence of evidence no such allegation was made in the indictment.

I didn't in any sense authorize, and I certainly couldn't direct him to do

anything of this kind but my recollection of my reaction is that I acquiesced fully in what he was proposing to do, and raised no objection to it.

I think at sometime during that evening I reported this conversation to Mr. Ball. I am less clear about this part of the recollection, but I think I did report the conversation to Mr. Ball, much in the same way as I am reporting it to you, and he saw no objection either.

I think that is the entire State Department side of that particular transaction. Representative FORD. Would you check, however, Mr. Secretary, to see if there is anything further in this regard?

Secretary RUSK. Yes; I will.

Representative FORD. Do I understand that you or somebody for you is to summarize the USIA Voice of America broadcast that went out for the first 3 or 4 days subsequent to the assassination and that would be submitted for the record?

Secretary RUSK. Yes, indeed. And we can, of course, have available to the Commission such tapes or transcripts as we have of all those broadcasts in full, but I think we can start with the summary and then you can have the other materials if you wish to follow up particular points.

Representative FORD. Would they be voluminous, the originals?

Secretary RUSK. I would think they would be fairly voluminous, but not unmanageably so.

Representative FORD. I would say for at least the first 24 hours it might be well to have the full text of the USIA Voice of America material that was sent out.

Secretary RUSK. Right.

Representative FORD. Do I also understand for the record that we are to have this or others like it showing what the press reaction was throughout the world?

Secretary RUSK. Yes, sir.

Now, the Foreign Broadcast Information Service material would be much more voluminous because there we are receiving broadcasts in the clear from most broadcasting countries. But we will be in touch with your staff to show them everything that we have, and they can have any part of it they wish or we will be glad to give any help in terms of digesting or summarizing.

Mr. RANKIN. We have been furnished some information, considerable information, about the attitude of the foreign press as it was recited and has come to the attention of the people from time to time, but I don't believe we have right close, the Voice of America we don't have right close to the date of the assassination.

The CHAIRMAN. I read a sizable file on that that came from the State Department and very early in the life of the Commission that seemed to encompass all of the statements that were made around the world at that time.

Secretary RUSK. Yes.

Representative FORD. This document which you handed me, Mr. Secretary, is for Tuesday, 26 November 1963. Are these done on a daily basis?

Secretary RUSK. I think that one was a summary of the first 2 or 3 days, but I would—

Mr. DULLES. Summaries are done from time to time and there are daily reports from Foreign Broadcasting Information Service covering the Soviet Union and the satellites and another volume covering China and southeast Asia, and so forth and so on.

Mr. RANKIN. Mr. Secretary, could you give us a brief description of that, we have been calling it this and these.

Secretary RUSK. Yes; this is a daily report or rather a supplement to the daily report put out by the Foreign Broadcast Information Service in what is called its world reaction series.

This apparently is a supplement to the foreign radio and press reaction to the death of President Kennedy, and the accession of President Johnson, prepared on 26 November 1963.

This is a daily report, the subject matter of which varies from day to day, but I will be glad to draw together not only such digests as we have, but also to see what we have retained in terms of the actual broadcasts from other coun-

tries so that although it may be voluminous it might have some material of interest to the Commission or its staff.

Representative FORD. I think it would be particularly pertinent as far as the Soviet Union or any of the bloc countries or Cuba, anything in this area that could be pulled together and included in the record, which I think would be very helpful.

Secretary RUSK. All right, sir.

Representative FORD. I have the recollection that some people have alleged that Castro either prior to or subsequent to the assassination, made some very inflammatory speech involving President Kennedy.

Do you have any recollection of that?

Secretary RUSK. I don't have a recollection of a speech specially related to time. He has made more than his share of inflammatory speeches about this country and its leaders. But I will be glad to furnish the Commission a schedule of his speeches, and the character of these speeches and the texts if we have them during this period.

Representative FORD. There was one that I vaguely recall, either prior to or subsequent to the assassination that some people construed to be directed specifically at President Kennedy, and I think if there was such a speech that the Commission ought to have it and it ought to be analyzed by the staff and by the Commission.

Secretary RUSK. We will be very glad to look into that and furnish you with speeches made during this period or during a substantial part of the period on both sides of the November 22 date.

I gather the Commission has Mr. Danielle's interview with Mr. Castro on the subject. You have the published report of that.

Mr. DULLES. Was that the long interview with Castro?

Secretary RUSK. Yes; that was as close to any reflection of a thing that he might have said personally about this that went beyond the kind of broadcast speeches you referred to that I have seen, but—

Mr. DULLES. Do you have that available?

Secretary RUSK. We certainly can get it.

Mr. DULLES. It was in the press I guess at the time. Maybe you have a fuller copy than we have.

Secretary RUSK. Yes; it was a rather extensive interview.

Mr. CHAYES. I think the staff has it already.

Secretary RUSK. I see.

Mr. RANKIN. I think Commissioner Ford is referring to that speech of Mr. Castro which is sometimes called the slip-of-the-tongue speech that referred in a way that may have some implications in it. I think that might help you to identify it, Mr. Secretary.

Secretary RUSK. It might be well for me, just to complete the sense of the atmosphere, to accompany that with the timing and the nature of statements and speeches that were being made on our side as a part of this continuing rather acrimonious discourse with Cuban leadership. But I will provide full information on this.

Mr. RANKIN. We would appreciate it so it would give a complete picture.

Secretary RUSK. Yes.

Representative FORD. Do I understand now, Mr. Rankin, that what the Secretary provides will be put in the record as exhibits?

Mr. RANKIN. Mr. Chairman, I would like to offer to do that if that is satisfactory, as a part of this record.

The CHAIRMAN. Yes, sir; it might be admitted.

Representative FORD. There is one question that I think ought to be cleared up, you mentioned Mr. Mann who was our Ambassador at Mexico at that time. The way the record stands now it could be construed by somebody who wanted to so construe it that the country in which he served us was involved in what he was reporting. I think it ought to be made clear that is not the case.

Secretary RUSK. That is absolutely correct, sir. We never had the slightest view that Mexico was involved in this. The problem, the question arose because Mr. Oswald had been in Mexico, and was known to have been in touch with some

Cubans at the Cuban Embassy in Mexico. But the Mexican authorities gave us complete and the most helpful cooperation in full investigation of this matter.

The CHAIRMAN. Are there any further questions? Mr. Dulles.

Mr. DULLES. Had you finished?

Mr. RANKIN. Yes; I have.

(Discussion off the record.)

The CHAIRMAN. Are we ready to go back on the record?

All right, the Commission will be in order.

Mr. RANKIN. Mr. Chief Justice, I should like to offer in evidence at this point Commission Exhibit No. 984 being the communication from yourself as Chairman of the Commission to the Secretary of State, dated March 11, 1964, and the Note Verbale in regard to the inquiries of the Soviet Union.

And Commission Exhibit No. 985 being the responses of the Soviet Union, including all of the medical as well as all other responses together with the transmittal letters from the Soviet Union and from the State Department.

The CHAIRMAN. They may be admitted under those numbers.

(Commission Exhibits Nos. 984 and 985 were marked for identification and received in evidence.)

Mr. RANKIN. I would like to assign, Mr. Chief Justice, Commission Exhibit No. 986, if I may, to those prior communications from the files of the Soviet Embassy in Washington that were furnished to us by the State Department.

The CHAIRMAN. They may be admitted under that number.

(Commission Exhibit No. 986 was marked for identification and received in evidence.)

Mr. RANKIN. Commission Exhibit No. 986 will be the copies of the records from the Soviet Embassy in Washington that were supplied to the Commission earlier by the State Department as a part of the records that were furnished to us by the State Department.

The CHAIRMAN. Those were the ones that were voluntarily offered by the Russians before any request was made of them?

Mr. RANKIN. Yes, Mr. Chairman.

The CHAIRMAN. They may be admitted under that number.

Mr. RANKIN. Mr. Secretary, will you tell us whether you know of any credible evidence to show or establish or tending to show any conspiracy either domestic or foreign involved in the assassination of President Kennedy?

Secretary RUSK. No; I have no evidence that would point in that direction or to lead me to a conclusion that such a conspiracy existed.

Mr. RANKIN. That is all I have.

The CHAIRMAN. Are there any further questions, gentlemen?

If not, thank you very much, Mr. Secretary.

Secretary RUSK. Thank you very much, Mr. Chief Justice and gentlemen.

TESTIMONY OF FRANCES G. KNIGHT

The CHAIRMAN. The Commission will be in order.

Mr. Coleman, will you state to Miss Knight, please, the reason we asked her to come here today?

Mr. COLEMAN. Miss Frances G. Knight is the head of the Passport Office of the State Department.

Miss KNIGHT. Yes, sir.

Mr. COLEMAN. We want to ask her concerning the standard operating notice with respect to the lookout card system which was in effect as of November—as of February 28, 1962, and we also wanted to ask her concerning the decision of the Passport Office that Mr. Oswald had not expatriated himself and, therefore, he should be reissued his passport.

Miss KNIGHT. Yes, sir.

The CHAIRMAN. Would you raise your right hand and be sworn, Miss Knight?

Do you solemnly swear the testimony you are about to give before the Commis-

sion shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss KNIGHT. I do.

The CHAIRMAN. Be seated. Mr. Coleman will ask you the questions.

Mr. COLEMAN. Miss Knight, will you state your name for the record?

Miss KNIGHT. Frances G. Knight.

Mr. COLEMAN. What is your present address?

Miss KNIGHT. Home address?

Mr. COLEMAN. Yes.

Miss KNIGHT. 2445 Wyoming Avenue NW.

Mr. COLEMAN. What is your present position?

Miss KNIGHT. I am Director of the Passport Office in the Department of State.

Mr. COLEMAN. How long have you occupied that position?

Miss KNIGHT. Since May 1, 1955.

Mr. COLEMAN. Do you have any independent recollection of having ever looked at any files dealing with Lee Harvey Oswald prior to the time of the assassination?

Miss KNIGHT. No, sir.

Mr. COLEMAN. I would like to mark as Commission Exhibit No. 989 a memorandum from Frances G. Knight to Mr. William O. Boswell, which bears the date of December 26, 1961, and is found among the State Department file No. XI, document No. 12 and ask you whether you have seen the original of that document? (Commission Exhibit No. 989 was received in evidence.)

Miss KNIGHT. Sir, you want to know whether I personally saw this before it went out?

Mr. COLEMAN. Yes.

Miss KNIGHT. This is a little difficult to answer. There are a great many communications that go out over my name particularly a memo of this sort, which would be prepared in the Passport Office, and I would—I might sign it or if I were not in the office at the time my deputy might sign it for me.

But these communications usually go out over my name.

Mr. COLEMAN. Well, Miss Knight, does that document—

Miss KNIGHT. This one looks as though it was initialed by me because it has the type of a "K" that I make.

Mr. COLEMAN. That document indicates that it was prepared by Miss B. Waterman, is that correct?

Miss KNIGHT. There is no indication here, sir. It was prepared in the foreign division of the Passport Office, but there is no indication on this communication as to the individual who prepared it.

Mr. COLEMAN. Would you be kind enough to read what is on the memorandum into the record, please?

Miss KNIGHT. Yes, sir; the memorandum is addressed to "SY," Mr. William O. Boswell from PPT—Frances G. Knight, subject "Lee Harvey Oswald."

"We refer to the Office Memorandum of July 27, 1961, from SY which stated that the subject 'renounced United States citizenship'. Mr. Oswald attempted to renounce United States citizenship but did not, in fact, renounce United States citizenship. Our determination on the basis of the information and evidence presently of record is that Mr. Oswald did not expatriate himself, and remains a citizen of the United States."

The blue file copy would indicate who prepared this memorandum in the Passport Office and who signed it.

Mr. COLEMAN. Do you have the file copy?

Miss KNIGHT. I don't think we have it with us, do we? [Note: The file copy was shown to Miss Knight.] The memorandum was prepared by Mr. H. F. Kupiec, who is in the Foreign Operations Division of the Passport Office. It was signed for me by Mr. Hickey, who is the deputy.

Mr. COLEMAN. You have no independent recollection of ever having seen that document prior to the assassination?

Miss KNIGHT. No, sir.

Mr. COLEMAN. Did you ever participate or make any decision as to whether Lee Harvey Oswald lost his citizenship?

Miss KNIGHT. No.

Mr. COLEMAN. In 1959?

Miss KNIGHT. No.

Mr. COLEMAN. Did you ever make any personal decision or participate in any decision as to whether he should be reissued a passport in July 1961?

Miss KNIGHT. No.

Mr. COLEMAN. I, therefore, take it you personally had nothing or you can't recall anything that you had to do with Lee Harvey Oswald up to the time of the assassination?

Miss KNIGHT. No; I had nothing to do with the papers that were involved at that time.

Mr. COLEMAN. But the decision that he had not renounced his citizenship was made in your department?

Miss KNIGHT. It was made in the Passport Office by the citizenship lawyers. The two persons who were primarily involved were members of the staff, of long-standing service and with a great deal of experience in citizenship law and in expatriation.

Mr. COLEMAN. Could you state the names, their names for the record?

Miss KNIGHT. Yes; Miss Bernice Waterman, and Mr. John T. White.

Both of those employees have now retired from the Passport Office.

Mr. COLEMAN. You said both were lawyers?

Miss KNIGHT. Miss Waterman was not a lawyer but she worked directly under Mr. John T. White who was a lawyer in charge of the Foreign Operations Division.

Mr. COLEMAN. Well, since the assassination of President Kennedy, have you had occasion to review the passport file.

Miss KNIGHT. Well, the first time that I actually had an opportunity to look through the passport file was last Saturday.

Mr. COLEMAN. Did you get a chance to read each document in the file?

Miss KNIGHT. I read through the file; yes.

Mr. COLEMAN. Did you have occasion to form any judgment whether based upon the information that was in the file you would have reached the same decision as Waterman and White did with respect to Oswald?

Miss KNIGHT. Yes; I certainly did. From that standpoint, I did go through the papers carefully. I am convinced that insofar as any expatriative act is concerned that we made the only decision that we could. The same decision was reached by the consul who interviewed Mr. Oswald in Moscow, at the Embassy, and I think, with all the facts on record, we had to come to the conclusion that Oswald did not perform any expatriative act.

(At this point, the Chief Justice left the hearing room.)

Miss KNIGHT (continuing). May I ask one question, please?

Mr. COLEMAN. Yes.

Miss KNIGHT. I have a statement here, some notes that I prepared this morning which are based on the information I read in the file. These are some comments I would make and I think they may be helpful to you. Could I refer to them or possibly read them to you?

Would that be all right?

Mr. COLEMAN. That would be fine.

Miss KNIGHT. After reading the file—

Mr. COLEMAN. And by "file" you mean the passport file?

Miss KNIGHT. The passport file of Lee Harvey Oswald, I would say the handling of the case would break down into three separate actions: One, the adjudication of his citizenship; two, the documentation of his repatriation loan, and, three, the issuance of a passport to Oswald on June 25, 1963.

As I understand it, the Commission has been furnished with detailed information covering all these actions, and in addition we have supplied replies which were prepared in the Passport Office by our staff to the specific questions that were posed by the Commission.

My comments on the citizenship and expatriation phase of the Oswald case are these: Insofar as the Oswald citizenship status is concerned, it is my firm belief that Lee Harvey Oswald, despite his statement to the U.S. consul in Moscow, that he wished to divest himself of U.S. citizenship, did not do so.

At no time did he sign the required documents which were available to him for that purpose. Oswald was a 20-year-old ex-Marine, and the U.S. consul made it quite clear in his despatches to the Department, that Oswald was arrogant and aggressive, and angry and unstable.

I had not had the opportunity to read the file until last Saturday, because it was taken out of the Passport Office on November 23, 1963. However, I do not recall—

Mr. DULLES. By whom?

Miss KNIGHT. It was asked for and sent to the Administrator of the Bureau of Security and Consular Affairs, Mr. Abba Schwartz. I want to make a correction on that date. It was on November 22 that the file was taken out of the Passport Office. Late at night, I believe.

I do not recall that the file, the passport folder, contained any information that would tag Oswald as a U.S. Communist or a Communist sympathizer prior to his visit to the U.S. Embassy in Moscow, and there is no record that he engaged in any public denunciation of the United States.

During the time Oswald's citizenship status was in question, that is from the time he had advised the U.S. consul in Moscow that he wished to renounce his citizenship, to the time it was determined he had not committed an expatriative act, a period of almost 2 years, his file was flagged and according to our records a lookout card was ordered for the lookout file.

On March 28, 1960, the Passport Office advised the U.S. Embassy in Moscow that "An appropriate notice has been placed in the look-out card section of the Passport Office in the event that Mr. Oswald should apply for documentation at a post outside the Soviet Union."

Mr. COLEMAN. We will note for the record that document you are referring to—I think it is the Operations Memorandum of May 28, 1960—has been given Commission Exhibit No. 963.

Miss KNIGHT. In view of the volume of our work it would be impossible at this late date for a clerk in the Passport Office to remember whether a card was actually made or not made. Apparently no card was found in the 1961 search of the lookout file, but again it is possible that such a card was misfiled. It is also possible if a card was made it was destroyed in error, but whether there was a card made or not has no bearing on the final outcome of the decision regarding the Oswald citizenship.

Mr. DULLES. May I ask a question there. Would you prefer to read this entire document first?

Miss KNIGHT. No; it is easier—

Mr. DULLES. Is it conceivable that the lookout card could have been removed in 1961 when his passport was extended to return to the United States?

Under your procedure would that have been done?

Miss KNIGHT. Under our procedure when he was issued the passport that card would have been removed; yes. So that in 1961 there would not have been a card in the file.

Mr. COLEMAN. Even though the passport was issued specifically saying it was only good for return to the United States and only good for 1 month.

Miss KNIGHT. That is right.

The passport was limited and could not be used beyond the time it was limited for.

Mr. DULLES. Would that have caused the card to be removed?

Miss KNIGHT. Yes.

Mr. DULLES. Issuance of that passport, even a limited passport would have resulted in the card being withdrawn?

Miss KNIGHT. The card would have been withdrawn at the time that his citizenship was adjudicated, and when it was found that he had not expatriated himself. The card which was put in the file related only to his citizenship status.

Mr. DULLES. That is what—somewhat earlier, that is several months before the passport was extended?

Miss KNIGHT. Oh, yes.

Mr. COLEMAN. That would mean when he came back into the United States and he then reapplied 2 days later for another passport it would have gone through routinely and you would not have picked up the fact that it was Oswald the defector that was now going to go back out of the United States?

Miss KNIGHT. Well, that would be possible, I think; yes.

The experienced citizenship attorneys in the Passport Office, as well as the U.S. consul in Moscow determined individually that Oswald had not expatriated himself. His passport was renewed in May 1962, and limited for return to the United States.

In the adjudication of his citizenship, we can only deal with the facts on record. The fact is that Oswald did not avail himself of the prescribed procedure to renounce his U.S. nationality.

In applying for his passport renewal, he stated under oath that he had not committed an expatriative act. He denied an earlier statement that he had applied for Soviet citizenship, and produced some evidence that he had never been declared a Soviet citizen.

Now, as far as the repatriation loan is concerned, the recording of such a loan in the Passport office is a very routine procedure.

Apparently there is some question as to whether a lookout card was inserted in the lookout file at the time that the repatriation loan was made to Oswald. The Passport Office must depend on the Office of Finance to inform it with regard to repatriation loans. We require certain information such as the name of the individual, the place and date of birth, and other information which will identify the individual in our files.

It is very important that this information be complete and accurate to guard against embarrassing situations which could develop from misidentification.

The criteria for the procedure were developed over several years by the Office of Finance in cooperation with the Passport Office. Memorandum between the Passport Office and the Office of Finance have been provided to the Commission.

The important one is dated January 16, 1962, and spells out the criteria that we established by mutual consent. The Passport Office was and is directly concerned with only two actions in repatriation cases.

The insertion of an accurate and identifiable card in the lookout file and the prompt removal of such a card when the loan has been repaid.

Between August 1961 and December 1962 there was a purge of our lookout file because the cards were so shoddy and unreadable that they had to be refreshed.

We call them cards. But they actually were not cards, merely slips of pink paper 3 by 5 inches which were very badly worn and torn.

More than 1 million applications are cleared over this file annually, and it was imperative for us to find a system which would provide fast and accurate clearances.

During the renovation of this lookout file we found over 3,000 cards relating to repatriation loans which were unidentifiable. They had been in the file for decades, and they were of no value. They failed to give us any leads to either the passport or security files. The individuals involved may long since have passed to their reward. We did not know what had happened to them so we took these cards out of the files.

The record indicates that the Finance Office did not have Oswald's place and date of birth, and did not advise the Passport Office of the repatriation loan.

There may have been efforts to obtain the information necessary to make up a lookout card and this may have been suspended because Oswald started a series of payments within 10 weeks of the loan.

In any case, the Passport Office was notified when the loan was fully paid about 6 months later, which was January 1963. Had a card been placed in the lookout file it would have been removed upon such notification.

In other words, there would have been no card in the files relating to the repatriation loan at the time Oswald made his application for a passport at the New Orleans Passport Agency on June 24, 1963.

Mr. COLEMAN. Miss Knight, when Oswald was issued the June 1963 passport, I take it that there was no reference made to his passport file, is that correct?

Miss KNIGHT. No reference was made to his passport file. When he made his application at the New Orleans agency it was handled in a routine manner which I believe has been described to the Commission in some documents we prepared for you. Oswald's name was included in a list of applicants sent by teletype from New Orleans to Washington for clearance over the lookout file.

It was cleared within a day. There was no card relating to the repatriation loan because Oswald had made his final payment on the loan 6 months prior to his application for the passport.

There was no lookout card relating to loss of nationality because it had been determined by that time he had committed no expatriative act and therefore did not lose his citizenship. There was no lookout card on Oswald indicating that he was under indictment or wanted by an investigative agency or by the police. There was no fraud committed, and there was no evidence that he was a member of the Communist Party or active in it. In other words, there was nothing on record in our files in June 1963 which would have given the Passport Office any reason for delaying or denying Lee Harvey Oswald a passport.

Mr. COLEMAN. Is it your testimony that if when the teletype had come in from New Orleans, and someone in your office had gone and looked at the passport file, and found out that Oswald attempted to defect in 1959 and had made the statements that he made at the Embassy in 1959, that nevertheless you feel that under the existing regulations you would have to issue him a passport?

Miss KNIGHT. Yes; we would. We wouldn't have had a lookout card based on that at the time of his application for a passport because all the situations we mentioned were resolved by that time.

Mr. COLEMAN. I would like to show you a Commission document which has already been marked as Exhibit No. 951, which is the standard operating notice of the passport office, dated February 28, 1962, and ask you are you familiar with this document?

Miss KNIGHT. Excuse me for a second, please. There is one subsequent to this.

Mr. COLEMAN. Yes; but that is the one that was in effect as of June 1963, isn't it?

Miss KNIGHT. Yes.

Mr. COLEMAN. Attached thereto is a list which indicates the various categories for the lookout card.

Miss KNIGHT. That is right.

Mr. COLEMAN. Would you look at category K, and I would like to ask you whether the information which was in the file on Mr. Oswald, including the FBI reports, which were in the file of June 1963, should have caused Oswald to be put in category K?

Miss KNIGHT. No; I don't think so.

Mr. COLEMAN. How about category R?

Mr. DULLES. Could you read category K?

Miss KNIGHT. Yes; certainly. "K" is "Known or suspected Communist or subversive". And "does not include those falling within categories O and P".

Mr. COLEMAN. Would you tell me what "O" and "P" categories are?

Miss KNIGHT. "O" is a category of cards in which the FBI has special interest. And "P" is also a project of the same sort.

Mr. COLEMAN. Has the FBI ever put defectors in that category?

Miss KNIGHT. Yes; we are given the names and we put a lookout card in the file. But we are not told the reason why. We simply advise the agency involved.

Mr. COLEMAN. In other words, if the FBI merely sends you a report on a

particular person, that wouldn't cause you to put someone in "O" and "P"? It is only when the FBI says put the person in "O" or "P"?

Miss KNIGHT. Only when a request is specific.

Mr. COLEMAN. How about category "R", if you will put that in the record.

Representative FORD. May I ask a question first, what is the criteria for the determination as to whether or not a person is a Communist?

Miss KNIGHT. Well, the criteria are based on the information that we get from the investigative agencies regarding his activities and membership in the Communist Party.

I think that it would help you very much if, for instance, I would spell out what the lookout file actually is and how it operates in the Passport Office and just what the categories mean to us. This would only take a minute and I think this would clarify things.

Mr. COLEMAN. I have picked out the categories that I think you would have to consider, and that is the reason I put the question to you.

Miss KNIGHT. The purpose of the file is rather important because it is two-fold. Its principal role is to identify the applications which require other than routine adjudication in determining an applicant's eligibility for passport services. The second role of the file is to identify certain incoming applications and to insure expeditious action on them.

As background, I think it is important to know, that prior to 1955 the lookout file was part of a master index comprising 20 million 3 by 5 inch cards.

Mr. DULLES. 20 million?

Miss KNIGHT. 20 million. Within this voluminous file were 600,000 pink slips. Now these were known in those days as "catch cards," and these were withdrawn in 1958 to establish the nucleus of the present lookout file.

The reason for doing so was quite obvious. It was impossible and totally impracticable to clear every passport application across a 20 million card file which was expanding at the rate of 1 million cards a year.

Cards at that time were being made for every applicant and his relatives who were listed on the passport application. Every individual whose name appeared in any investigative report which was sent to the Passport Office, whether or not the individual applied for a passport; every individual who appeared before an investigative committee of Congress, whether or not he applied for a passport; as well as persons whose names appeared in such situations as gambling raids, lottery winners, and so forth. These were all in the passport file, and part of the master index.

File experts from the General Services Administration estimated at that time that 30 percent of this master index was misfiled.

By a program of refinement in 1959 and 1960, the lookout file was reduced to 415,000 cards. We felt we were reasonably safe in disregarding catch cards on persons who were a hundred years old or over. So these were eliminated from the files.

From the standpoint of accuracy in identification, the cards that remained still left much to be desired in the file.

Now again I would say these were not "cards" in any sense that they had physical substance. They were 3 by 5 inch slips of tissue-thin pink paper. They were very mutilated and many of them were totally illegible.

Many of them were of no significance since they contained no identifying data, such as place or date of birth, no full names, no reason for the inclusion in the file. As far as we could determine they were not related to anything in the Passport Office.

So further culling and screening reduced this basic file to the present size of 250,000 cards.

This project was very——

Mr. DULLES. Is that two or four?

Miss KNIGHT. 250 now.

Mr. DULLES. 250. It is different.

Miss KNIGHT. We had reduced it to 450,000 and we culled it some more and it is now 250,000.

Mr. DULLES. That is a reduction from the earlier 450,000?

Miss KNIGHT. That is right. This project was very time-consuming and tedious but it had to be done, and it was completed in 1962, at which time we transferred all the data on the cards we considered active onto a permanent IBM key punch card system which was coded and legible.

To relate this file, this tremendous file, to the Oswald case, I think it should be remembered that the Passport Office is not a police organization, nor is it an investigative agency. We must depend on other sources in and out of the Government to supply us with the information which we must adjudicate under the criteria of the passport regulations.

When we issued a passport to Oswald in June 1963 we felt that he had not expatriated himself and that determination was made.

Mr. COLEMAN. In 1963 you didn't make any judgment at all. He just wasn't in the lookout file so you just issued it. You didn't make any independent judgment at that time in 1963, did you?

Miss KNIGHT. If we had thought he had expatriated himself we would have had a card in his file.

Mr. COLEMAN. Yes; but in 1963 no decision was made.

Miss KNIGHT. There was no question raised. There was never a question at that time.

Mr. COLEMAN. It was never a question because your Office never looked at the file.

Miss KNIGHT. Not at the file, but his application was checked over the lookout cards.

Mr. COLEMAN. Yes.

Miss KNIGHT. Oswald didn't owe money to the Government, and he was not involved in fraud or criminal activity. So, in retrospect, I feel that Oswald could have had a catch card inserted in the lookout file under a very broad and undefined category which is right here, as number "R" and that is, "Individuals whose actions do not reflect credit to the United States abroad," but for practical reasons this category is very narrowly construed in view of the hundreds of U.S. citizen bad-check artists, the drunks, the con men, the psychotics who travel worldwide, and so forth.

My office is deluged with requests from irate U.S. citizens returning from abroad asking us to do something about some of the people they find traveling overseas.

We have no such authority, and we are not in a position to determine the good or bad behavior of U.S. citizens here or abroad.

(At this point, Senator Cooper entered the hearing room.)

I think it is a debatable question as to whether Oswald fell into this broad category of "R" and finally there was no request in the file from any Government agency or any area of the Government for a lookout card on Oswald for this reason or any other reason at the time that his 1963 passport was issued.

Mr. DULLES. Who finally determines whether a lookout card should be made? Would you determine that or in your office?

Miss KNIGHT. That would be determined within our domestic operation division, our foreign operation or our legal division. An adjudicator, for instance, is the first person to make a decision.

Mr. DULLES. If the FBI or CIA asked you to put in a card you would do it?

Miss KNIGHT. Yes, sir; and this is part of "O" and "P" project.

Mr. DULLES. Would you read again that paragraph about Communist or Communist sympathizer?

Miss KNIGHT. Category K is, "Known or suspected Communist or subversive."

Mr. DULLES. And you interpret that pretty narrowly?

Miss KNIGHT. Yes.

Representative FORD. Why do you interpret it narrowly?

Mr. DULLES. Well, this goes back to a question of passport regulations and the decision, the Supreme Court decision in the Kent-Briehl case and passport denials. I believe we sent you the regulations currently in effect.

Mr. COLEMAN. The record will note that it is attached to Commission Exhibit No. 948, which is the letter from Mr. Chayes.

Miss KNIGHT. Would you like an extra copy of it?

Mr. DULLES. May I ask a further question there? When you issue a pass-

port limited solely to returning to the United States, isn't that some indication that you don't want the fellow traveling around abroad?

MISS KNIGHT. There would be some indication, yes, but there may be many reasons for it. It may be a general indication that he should not be traveling around abroad.

MR. DULLES. So that normally you wouldn't issue a passport with that limitation and then let him come right into the Passport Office and reissue a passport to go abroad.

MISS KNIGHT. Well, if it is a case which merits a stop card we wouldn't do it. But in this case of Oswald—

MR. DULLES. In this case would there be a stop card?

MISS KNIGHT. In the case of Oswald?

MR. DULLES. No; I mean in the case of anybody who is abroad and you issue him a passport only to travel back to the United States, to get him back to the United States, if then in the next week he went into the Passport Office and wanted a passport to travel back to Europe, which means Russia if he wants to go to Russia, would you issue him a passport or would you not?

MISS KNIGHT. I think that depends very much on the record that we would have on him.

The issuance of passports is pretty well defined in the new regulations. I would say that a decade ago a passport application for Oswald would have been denied, or at least it would have been substantially delayed.

But this was prior to the Supreme Court decision of June 16, 1958. Prior to that there was very little challenge to the Secretary's discretionary authority in the issuance of passports.

But I think it is important to realize that the Supreme Court in its decision held that there was no legislative authority for the Secretary's regulations in denying a passport to persons supporting the world Communist movement. The Court stated in that decision that the freedom of travel is indeed an important aspect of the citizen's liberty.

Since that time Congress has made numerous attempts to provide legislation to curb the travel of U.S. Communists, and those citizens whose travel abroad is not in the best interests of the United States, but for one reason or another Congress has failed to pass any such legislation.

On January 12, 1962, the Secretary of State promulgated passport regulations which provide for the confrontation and full discovery in all cases involving the curtailment of passport privileges.

So, as a result, the Department's decisions in all passport cases have to be based on an open record.

It is quite evident that these regulations make it virtually impossible to deny passports to U.S. Communists because the source and record and details of their nefarious activities are not an open record, as you well know, and quite obviously they cannot be made an open record by the Government.

MR. COLEMAN. Don't you have a specific statute and a specific regulation which says that if a person is a member of the Communist Party after it has been required to register that you have to deny him a passport?

MISS KNIGHT. This is true, but with these regulations, we are directed to issue passports to active members of the Communist Party despite the fact that section 6 of the Internal Security Act prohibits the issuance of passports to those individuals whom we have reason to believe or know are members of the Communist Party.

MR. COLEMAN. What regulation requires you to issue them a passport?

MISS KNIGHT. Well, the Department's regulations are very specific on this point. They state and I quote, "In making its decision"—

Senator COOPER. Could you identify the regulation?

MISS KNIGHT. Yes, sir; it is 51.138(b).

Would you like me to read that section?

MR. COLEMAN. Yes.

MISS KNIGHT. All right.

"(b) The applicant shall, upon request by the hearing officer, confirm his oral statements in an affidavit for the record. After the applicant has presented his case, the Passport Office shall review the record and advise the applicant

of its decision. In making its decision, the Passport Office shall not take into consideration confidential security information that is not made available to the applicant in accordance with paragraph (a) of this section. If the decision is adverse to the applicant, he shall be notified in writing, and the notification shall state the reasons for the decision. Such notification shall also inform the applicant of his right to appeal to the Board of Passport Appeals under section 51.139."

Mr. COLEMAN. What in there says you have to issue a passport to a person that you know is a member of the Communist Party after there has been a decision that the Communist Party has to register under the 1950 act?

Miss KNIGHT. In accordance with these regulations we cannot consider information in the passport file if that information is confidential and can't be used in open court or in an open hearing. The information on persons who are involved in the Communist activities is, for the most part, confidential information and cannot be revealed in open court.

Mr. COLEMAN. You say, if you have an FBI report which says that "Mr. So and So" is a member of the Communist Party, and that is in your record, and if he applies for a passport, you have to issue him that passport?

Miss KNIGHT. Under the regulations of the Department we would have to issue him a passport if the information in the FBI report cannot be made public.

Representative FORD. There has to be information which is confidential, however?

Miss KNIGHT. Well, the information in the report and the determination as to whether that information can be made public and can be used in court is made by the investigative agency that provides it.

Representative FORD. Well, if the agency, the security agency has a card issued by the Communist Party to this individual, and that information is given to the applicant, you can still deny this passport under section 51.135, can't you?

Miss KNIGHT. You mean if the FBI, let's say an FBI report, gave us information that the person is an active member of the Communist Party?

Representative FORD. That he has actually, just for illustrative purposes, a card issued by the Communist Party and the Department gives this information to the applicant, it is not confidential, it is given to the applicant, can't you deny a passport under section 51.135?

Miss KNIGHT. Yes; yes.

Representative FORD. Well, then, I think the answer is that you do have authority to deny passports to Communists where the information—

Miss KNIGHT. Is made available.

Representative FORD. Is made available.

Miss KNIGHT. Yes; where the information is made available and can be used in an open hearing.

But from a practical operation, this is very difficult to do because most of the information in the FBI reports is confidential and by bringing forth their informers they certainly destroy their security.

Mr. COLEMAN. Miss Knight, the same regulation that is in effect today was also the regulation in effect in 1963, isn't it?

Miss KNIGHT. Yes.

Mr. COLEMAN. Now, as of March 14, 1964, didn't the Department establish another category for lookout cards, namely for defectors?

Miss KNIGHT. Yes; we have that. I think that was provided to the Commission.

Mr. COLEMAN. Yes.

Miss KNIGHT. Yes.

Mr. COLEMAN. Now, you do that under whatever authority that you had as of 1963, don't you? You haven't been given any additional congressional authority, have you?

Miss KNIGHT. No; but we haven't denied passports to any of them, either.

Mr. COLEMAN. Does that mean that despite this memorandum from Mr. Schwartz to you under date of March 14, 1964, if a known defector came in and asked for a passport, you would issue him one today?

Miss KNIGHT. No; we wouldn't issue. A card would be put in the lookout file to indicate that this person was a defector, and in such a case the file would go to Mr. Johnson's office, our legal counsel. It would be referred to his security branch, and be adjudicated. However, I don't believe that a passport could be denied to them on the basis of that.

Mr. COLEMAN. Now, you know that in October 1963 the Passport Office received information that Mr. Oswald had been down to the Russian Embassy in Mexico?

Miss KNIGHT. That is correct.

Mr. COLEMAN. Would that fact cause the Department to attempt to revoke a passport which had already been issued?

Miss KNIGHT. No, sir; because there are many U.S. citizens who go to Soviet Embassies, and the fact he went there may have been for the purpose of getting information; it certainly was not a reason to deny a passport.

Representative FORD. There aren't many people like Lee Harvey Oswald, with a record of that background. It would seem to me that that, the availability of that information, ought to have flagged some interest some place in the State Department or the Passport Office.

Miss KNIGHT. Well, in my opinion, passports are being issued today to individuals whose activities and past record of behavior are patently more detrimental to the security and best interests of the United States than any report or any record that we had in the file of Lee Harvey Oswald.

Representative FORD. That may be true, and I might agree with you, but we can only deal with the specific case, and it concerns me that this information which was made available, somehow didn't get some attention in the Passport Division.

Miss KNIGHT. I think my answer to that is that there was attention given to it but there was no action that could be taken on it.

The fact that we gave attention to it is beside the point.

If we had had a lookout card in the file, and under different circumstances, there may have been some reason for seeking further information. I do know that the FBI was reviewing his file at regular intervals, and I think the file shows that.

To get the full import of our action one would have to read the security files and the records of certain individuals to whom we have been forced to give passports, and put them beside the Oswald file. The comparison would be very interesting.

Senator COOPER. Might I ask just a few questions?

First, let me say I missed part of the testimony because I was in the Senate and could not come here until after we had voted.

I am now looking at Federal Register, Title 22—Foreign Relations, Chapter 1: Department of State, part 51, dealing with passports. This title refers to the issuing officer.

Who is the issuing officer? Does that mean you or those who are under you, who are responsible to you?

Miss KNIGHT. Well, this is a question. Up until recently, I think the director of the Passport Office was considered the issuing officer. However, passports are issued in the name of the Secretary of State, who has the authority and the responsibility on passports.

Senator COOPER. And you are responsible to the Secretary of State?

Miss KNIGHT. Through the echelons.

Senator COOPER. Yes.

Now, Representative Ford and Mr. Dulles have gone into this, as well as counsel, but I would like to pursue it just a little bit.

Section 51.135, entitled "Denial of passports to members of Communist organizations," states, "A passport shall not be issued to, or renewed for, any individual who the issuing officer knows or has reason to believe is a member of a Communist organization registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, as amended."

Was there any evidence in the files of Lee Harvey Oswald which could give to the issuing officer either the knowledge that he was a member of a Communist organization or such evidence as would lead the issuing officer to believe that he was?

Miss KNIGHT. No, sir.

Senator COOPER. Why do you say that?

Miss KNIGHT. Because, there was nothing in the passport file or in the reports that we received from investigative agencies that would indicate that he had any Communist leanings or any Communist affiliations prior to his sojourn in the Soviet Union.

Senator COOPER. There wasn't anything in his file from the reports of the State Department concerning his defection to Russia and his return which indicated that he was a member of the Communist Party?

Miss KNIGHT. No, sir.

Senator COOPER. Or a Communist organization?

Miss KNIGHT. No, sir.

Senator COOPER. Was there anything in the files from the FBI or any other security agency which would give you that information?

Miss KNIGHT. None that I saw; no, sir. I do know that there were two recent intelligence reports from the FBI, and they were dated October 31, 1963, and October 25, 1963, and these were logged into the Passport Office on November 20, 1963, and on November 22, 1963, respectively.

Senator COOPER. They were then, of course, would have been, received in the office after the time.

Miss KNIGHT. That was the date of the assassination.

Senator COOPER. After the time that the passport had been renewed.

Mr. COLEMAN. That included the information that he was active in the Fair Play for Cuba Committee.

Miss KNIGHT. That is correct, and these were referred to us by the Office of Security, and then on 5:30 a.m. on November 23, 1963, these reports were called for on an urgent basis by the Administrator of the Bureau of Security and Consular Affairs and we delivered them to him at approximately 7:30 that morning.

I never saw these reports and no one in the Passport Office had an opportunity to read them or see them.

Senator COOPER. The point I am making is, am I correct or are you correct, when you say at the time Oswald's passport was either issued or renewed to make the trip to Mexico City, that there was no evidence in his files of any kind which would indicate that he was a member of a Communist organization?

Miss KNIGHT. No, sir; there was nothing in the file.

Senator COOPER. What weight would you give to the fact that he had defected and had returned to the United States, and had claimed once that he wanted to renounce American citizenship? Would that be a fact to which you would give weight in determining whether or not you believed he was a member of the Communist organization?

Miss KNIGHT. Yes, sir; I understand your question. I did not adjudicate the Oswald citizenship case. But I would say that the adjudicators must have taken into consideration his instability which was reported in the dispatches, his attitude, his age, he was 20 years old at the time, and the fact that when he finally made his appeal to come back to the United States, he denied that he had asked for Soviet citizenship, that he was considered a Soviet citizen, and he further denied that he had offered anybody information.

He denied practically everything that he, in very bad temper, had told the consul that he was going to do. This, I think, is fairly well established in the document he signed, and which was sent to us when his passport was renewed and limited for return to the United States.

Senator COOPER. I am first directing my attention to the issuance or renewal of the passport which enabled him to go to Mexico City. I want to keep on that for a moment.

Miss KNIGHT. He didn't have a passport for Mexico City.

Senator COOPER. Not a passport for Mexico City.

Mr. COLEMAN. He had the passport in June 1963.

Senator COOPER. Yes; to go over to Cuba and different places.

Miss KNIGHT. We did not know, and there was nothing, I think I am right about this, there is nothing in our files to indicate that he went to Cuba or that he went to the Cuban Embassy in Mexico City. I understand this was brought out.

Mr. COLEMAN. Yes; that is true.

Miss KNIGHT. Is that right?

Mr. DULLES. Not until October 1963.

Mr. COLEMAN. Even then, Mr. Dulles, they didn't know. The notice they got from Mexico only stated that he had been at the Soviet Embassy and not that he had been over to the Cuban Embassy.

Mr. DULLES. Is that correct?

Mr. COLEMAN. Yes.

Senator COOPER. The point I am trying to develop at some point in 1963 prior to the assassination he went to the office in New Orleans.

Miss KNIGHT. That is right, the New Orleans Passport Agency.

Senator COOPER. And he secured a passport there.

Miss KNIGHT. He applied for a passport.

Senator COOPER. To travel, applied for a passport, to travel in a number of countries.

Miss KNIGHT. That is right.

Senator COOPER. And that was issued to him.

Miss KNIGHT. That is right.

Senator COOPER. On the following day?

Miss KNIGHT. That is right.

Senator COOPER. At that time, of course, the issuing officer was under the restrictions of the regulations here that we have been talking about. What would the officer—would the officer in New Orleans have any information available to him?

Miss KNIGHT. No, sir.

Senator COOPER. About Oswald?

Miss KNIGHT. No, sir; the operation works like this: New Orleans is one of eight passport agencies in the United States. They are connected with the main office by teletype. Oswald made an application for a passport at the New Orleans agency, and they TWX'd to us, his name and identification—that is, date and place of birth, and so on. His name was one on a list of names. There may have been 15 or 20 of them.

Mr. COLEMAN. The record shows there were 25.

Miss KNIGHT. 25.

These names were then checked over the lookout file which I have explained here.

Senator COOPER. Here in Washington?

Miss KNIGHT. Yes; and if there is no card in the lookout file, it is presumed that he is clear, because if we had information that he was an active Communist, or that we had reason to believe that there should be further check on him, this would have been reflected in the lookout file. There was no such card in the file.

Senator COOPER. All right. At that time, then, when he had made his application and the information was sent to your office, there was no lookout card?

Miss KNIGHT. No, sir.

Senator COOPER. Which would indicate that he was a Communist or a member of a Communist organization, registered, and so forth. And did you have such a system then?

Miss KNIGHT. Yes, sir.

Senator COOPER. Of lookout cards?

Miss KNIGHT. Yes, sir; we have had that system for a long time.

Senator COOPER. Was your reason for not having a lookout card for Oswald, that there wasn't anything in his file to indicate that he was a member of a Communist organization?

Miss KNIGHT. That is correct.

Senator COOPER. Is that the reason?

Miss KNIGHT. That is correct. Because the FBI reports which had come to the Passport Office during his sojourn in the Soviet Union and after, did not indicate that he was a Communist. As a matter of fact, they were concerned

with several other things, his mother's concern regarding his whereabouts, the fact that he had made a declaration that he wished to become a Soviet citizen; and the question of expatriation. But there was nothing in the files to indicate that he had had any contact or any active part in the Communist Party.

Senator COOPER. The fact that he had married a Russian girl and brought her to the United States have any significance in the determination that the issuing officer would have to make?

Miss KNIGHT. No.

Senator COOPER. You are sure that the FBI nor any other security agency had placed any information in that file which would fall within the scope of this first section dealing with, applicable to passports?

Miss KNIGHT. I am sure of that; yes, sir.

Senator COOPER. Have you yourself examined those files?

Miss KNIGHT. I examined the file last Saturday for the first time.

Senator COOPER. And do you know who had charge of the file?

Miss KNIGHT. The file was in the Passport Office up until November 22, the day of the assassination.

Senator COOPER. Where did it go then?

Miss KNIGHT. It went to the Bureau of Security and Consular Affairs, to Mr. Schwartz.

Senator COOPER. Who is in charge there?

Miss KNIGHT. Mr. Schwartz. He is the Administrator.

Mr. EHRLICH. I might add he turned them over immediately, he turned them over to Mr. Chayes who was authorized to take charge of all files and they were maintained in the Office of the Legal Adviser.

And anyone in the Department who wanted to review them was free to do so but we kept them all in one place.

Senator COOPER. Have you been testifying?

Mr. EHRLICH. I have broken in.

Senator COOPER. Just for the purpose of the record identify yourself.

Mr. EHRLICH. I have not been sworn in. My name is Thomas Ehrlich, I am Special Assistant to the Legal Adviser to the Department of State.

Mr. DULLES. I might add Mr. Chayes testified in some detail that he was asked by Mr. Ball, Acting Secretary of State, on the night, afternoon, late afternoon and late evening of the assassination, to get all the files regarding Oswald together and to prepare for him and the Secretary of State, who was returning the next morning, a detailed report on the whole Oswald case, and I assume that the file went from you to Mr. Schwartz, to Mr. Chayes.

And from there Mr. Chayes collected reports from other sources.

Miss KNIGHT. That is right.

Senator COOPER. I am not questioning any fact that these people testified to but I think for the record it is important to know where the file was and whether or not it is the same file, with the same papers in it that were in existence on November 22, which you turned over to your superior.

Miss KNIGHT. Well, of course, we presume all the papers are in there. The file was pretty thick, and, of course, it takes time to go over the papers. We had not time to look at the file or to check it, and there is no way of knowing whether any papers were taken in or out.

Mr. COLEMAN. Senator Cooper, we have the files and we also have letters from Mr. Chayes that to the best of his knowledge and ability every piece of paper which the State Department had which in any way bore on Oswald has now been turned over to the Commission and those letters were marked today.

Senator COOPER. I go a little further.

Look at 51.136, "Limitations on issuance of passports to certain other persons.

"In order to promote and safeguard the interests of the United States, passport facilities, except for direct and immediate return to the United States, shall be refused to a person when it appears to the satisfaction of the Secretary of State that the person's activities abroad would: (a) Violate the laws of the United States; (b) be prejudicial to the orderly conduct of foreign relations; or (c) otherwise be prejudicial to the interests of the United States."

Now, at the time this passport was issued to Oswald in New Orleans, was there any information in his passport file about his conduct in New Orleans in connection with the Fair Play for Cuba Committee?

Miss KNIGHT. There was nothing in the passport file on that. It is my understanding that there were two FBI reports that had come in and they were logged into the Passport Office on November 20 and November 22.

Senator COOPER. I know, but I am thinking of June 24, 1963. This decision to issue a passport to Oswald to go to Mexico and various other countries was made on when?

Mr. COLEMAN. June 24, 1963.

Senator COOPER. Was there any information in his file relative to his participation in the Fair Play for Cuba Committee in New Orleans?

Miss KNIGHT. No, sir.

Senator COOPER. The first information that came to the office came in November?

Miss KNIGHT. November 20 and 22.

Senator COOPER. And November 22.

Miss KNIGHT. And I think, Senator, you would be interested to know that these FBI reports are sent to us by the Office of Security.

A large volume of these reports come to us in the Passport Office on a very routine basis.

The last 6 months of 1963 over 3,000 such reports were received, that is 500 security reports a month, and in order to be effective and to render the ultimate in security these reports should be read by individuals who are knowledgeable; who are trained to spot information of security significance.

The staff that is assigned to this task is very limited, and it is heavily overburdened with many assignments, some of which take priority to the reading of reports, and it is physically impossible for the present staff of our legal division, which is headed by Mr. Johnson, to read and analyze the information in these reports as promptly and as thoroughly as should be done.

The eternal question that we are faced with is a matter of diminishing returns. It is almost impossible to staff the Passport Office 100 percent for security and with knowledgeability of everything that goes on, and in the course of the year the Passport Office puts in thousands of hours of overtime, uncompensated overtime, trying to catch up with this work and believe me, this makes little or no impression on the vast amount of paperwork, the reading, the reporting and the analyzing of reports which come in to us.

Senator COOPER. I can see your problem.

But now, assuming that this report from the FBI about Oswald's activities in New Orleans with the Fair Play for Cuba Committee in which he was distributing material, and had been arrested, and was operating under assumed names, had been known, had been in the file at the time the application for a passport to go to Mexico and other countries had been made, would that have been of any significance?

Miss KNIGHT. Oh, yes, sir.

Senator COOPER. In determining whether or not a passport should be issued?

Miss KNIGHT. Yes, sir; very definitely. If those reports had reached us prior to the passport application we certainly would have put a card in the file.

As a matter of fact, it seems to me that if they had come to the Passport Office we would have advised the Bureau of Security and Consular Affairs that this had become a Cuban case. These are handled by Mr. Schwartz personally.

Senator COOPER. Do you know when the report from the FBI concerning Oswald's activities in New Orleans in the Fair Play for Cuba Committee reached the State Department rather than the Passport Division?

Miss KNIGHT. When it reached the Department, I don't know. I think maybe Mr. Ehrlich might know.

Mr. EHRLICH. I will look to see if I have it.

Miss KNIGHT. I have the dates of them.

Senator COOPER. Will you give the date?

Miss KNIGHT. The date of the reports?

Senator COOPER. The date when it was sent, when it was received.

Miss KNIGHT. The reports were dated October 31, 1963, and October 25, 1963, and they were logged into the Passport Office on November 20, 1963, and November 22, 1963.

Senator COOPER. All of those dates are after the date of the issuance of the passport?

Miss KNIGHT. Yes, sir.

Senator COOPER. I have just one more thing I want to inquire about.

Are you familiar with the—were you the Chief of the Passport Division at the time Oswald returned from Russia to the United States?

Miss KNIGHT. Yes, sir.

Senator COOPER. Who was empowered to issue passports in Moscow to Oswald?

Miss KNIGHT. Well, it was the consul, but he would not issue a passport or, in this particular case even limit the passport for return to the United States, without clearance from our office.

Senator COOPER. Then when Oswald made his application to return to the United States and to secure a passport to return to the United States, that application had to be cleared by the division, your division, in Washington?

Miss KNIGHT. Yes.

Senator COOPER. Did you make the determination as to whether the passport should be issued to him?

Miss KNIGHT. I personally did not. This was made by experienced citizenship lawyers.

Senator COOPER. By whom?

Miss KNIGHT. The decision was made by experienced citizenship lawyers in the Foreign Operations Division of the Passport Office. It was determined that Oswald had not expatriated himself. He had signed the necessary papers and he answered the required questionnaire under oath, and to the satisfaction of the Passport Office. Both the consul, who had an opportunity to talk to Oswald, and the citizenship lawyers, who handled the case in the Passport Office, were in agreement that he had not expatriated himself.

Mr. DULLES. Those details are in the file in considerable extent.

Mr. COLEMAN. Senator Cooper, for the record let me note we have Oswald's passport which is Commission Exhibit No. 946 and it states on page 15 thereof that the passport was renewed on May 24, 1962, and it expired on June 24, 1962, and it also stated when Mr. Oswald came into the United States on June 13, 1962.

Senator COOPER. I have just two more questions then.

One, at the time you issued the passport that Oswald was issued in New Orleans to go to Mexico and the other countries there was no requirement at that time that a lookout card be fixed to his file as a defector?

Miss KNIGHT. No, sir.

Senator COOPER. Whatever decision has been made on that has come since that time?

Miss KNIGHT. When you say "defector," the answer to that is in the questionnaire.

Senator COOPER. When I say "defector," was there any regulation, I mean in the Department, which required any special attention to be given to a defector—

Miss KNIGHT. No, sir.

Senator COOPER. With regard to the issuance of passports?

Miss KNIGHT. No, sir; and we cannot deny them passports.

Senator COOPER. My last question is, is it your statement that at the time you issued the passport in Moscow for his return to the United States, at the time the passport was issued in New Orleans, 1963, for his trip to Mexico and other countries, that there was nothing in the regulations relevant and nothing in the files which precluded you from issuing a passport to him?

Miss KNIGHT. This is my opinion; yes, sir.

Mr. COLEMAN. I have no other questions.

Mr. DULLES. I have no further questions.

Mr. COLEMAN. Thank you, Miss Knight. We appreciate your coming in.

(Whereupon, at 6:35 p.m., the President's Commission recessed.)

Thursday, June 11, 1964

TESTIMONY OF MRS. LEE HARVEY OSWALD AND HARRIS COULTER

The President's Commission met at 9:45 a.m., on June 11, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald Ford, and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; Norman Redlich, assistant counsel; Harris Coulter, interpreter; Leon Jaworski, special counsel to the attorney general of Texas; William McKenzie, attorney for Mrs. Lee Harvey Oswald; and Charles Murray, observer.

TESTIMONY OF MRS. LEE HARVEY OSWALD RESUMED

The CHAIRMAN. The Commission will be in order.

Shall we reswear Mrs. Oswald?

Mr. RANKIN. I would think her former swearing would be sufficient, Mr. Chief Justice.

The CHAIRMAN. Very well. You consider yourself under oath, do you, Mrs. Oswald?

Mrs. OSWALD. Yes.

Mr. RANKIN. Mrs. Oswald, we would like to have you tell about the incident in regard to Mr. Nixon that you have told about since we had your last examination. Could you tell us what you know about that incident, first, when it happened insofar as you can recall?

Mrs. OSWALD. I am very sorry I didn't mention this before. I prefer that you ask me the questions and that will help me to remember what there is.

Mr. RANKIN. Can you tell us what Mr. Nixon it is, was it Richard Nixon, the former Vice President of the United States that you were referring to?

Mrs. OSWALD. I only know one Nixon and I think it was Richard Nixon which it was all about.

Mr. RANKIN. Can you fix the date when this occurrence did happen? Approximately?

Mrs. OSWALD. It was a weekend before he went to New Orleans and after the Walker business I think. But I might be mistaken as to whether or not this was a weekend because I am basing this on the fact that my husband was home and he wasn't—wasn't always employed and he was at home weekdays as well sometimes, so I can't be entirely sure that it was a weekend.

Mr. RANKIN. Can you place the place of the various homes you had that this happened?

Mrs. OSWALD. Neely Street.

Mr. RANKIN. At the Neely Street house. Do you know what time of day it occurred?

Mrs. OSWALD. This was in the morning.

Mr. RANKIN. Who was there?

Mrs. OSWALD. Just my husband and me.

Mr. RANKIN. Now, will you describe in detail just what happened. Mrs. Oswald, when you are answering the questions will you try to break up your answers, and let the interpreter try to translate; I think it will be helpful in not having the interpreter have to try to remember everything of a long answer. Do you understand me?

Mr. DULLES. May I suggest also, Mr. Rankin, that I think it would be preferable that the record be in the first person, that is, the interpreter translate just as she said it.

I was looking over the earlier record and that is the way it was over the earlier record and it went quite well.

Mrs. OSWALD. It was early in the morning and my husband went out to get a newspaper, then he came in and sat reading the newspaper. I didn't pay any attention to him because I was occupied with the housework.

Then he got dressed and put on a good suit. I saw that he took a pistol.

I asked him where he was going, and why he was getting dressed. He answered, "Nixon is coming. I want to go and have a look." I said, "I know how you look," or rather, "I know how you customarily look, how you customarily take a look," because I saw he was taking the pistol with him rather than I know how you look in the sense that you are dressed, how you look at things is what I mean.

Mr. RANKIN. Had it come to your attention, Mrs. Oswald, that Mr. Nixon was going to be in Dallas prior to that time?

Mrs. OSWALD. No; it did not.

Mr. RANKIN. Had you seen anything in the newspapers or heard anything over the radio or television?

Mrs. OSWALD. No; we didn't have TV. I didn't see this in the newspaper.

Mr. DULLES. Do you know what newspaper it was in which your husband read this report?

Mrs. OSWALD. No; Dallas Morning News maybe. It was a morning paper.

Mr. RANKIN. Do you know whether there was any information at all in the papers about Mr. Nixon planning to come to Dallas about that time?

Mrs. OSWALD. I didn't ever read the newspaper and I did not know; therefore, didn't know whether there was any information in the newspapers prior to this time about Vice President Nixon's arrival in Dallas.

Representative FORD. Could we establish the date more precisely, either by the newspapers or by testimony from Mrs. Oswald?

(At this point, the Chief Justice left the hearing room.)

Mr. RANKIN. Mrs. Oswald, can you help us by telling how many days it was before you went to New Orleans that this incident occurred?

Mrs. OSWALD. What day did I go to New Orleans?

Mr. RANKIN. Do you recall that your husband went to New Orleans on April 24?

Mrs. OSWALD. April 24? My husband?

Mr. RANKIN. Yes; and you went at a later date with Mrs. Paine, do you remember that?

Mrs. OSWALD. I remember it was about 2 weeks before.

Mr. RANKIN. Two weeks before April 24?

Mrs. OSWALD. Yes; but when was the incident with Walker?

Mr. RANKIN. April 10 was the Walker incident. Does that help you?

Mrs. OSWALD. This is a short distance, you know, I think maybe—

Mr. RANKIN. So you think it had to be sometime between April 10 and April 24?

Mrs. OSWALD. This may be 10 days or more. I think it was closer to the time when my husband left for New Orleans than it was to the incident of General Walker. I think it was less than a week before my husband left for New Orleans. I did not think up this incident with Nixon myself.

Mr. RANKIN. What do you mean by that, Mrs. Oswald?

Mrs. OSWALD. I had forgotten entirely about the incident with Vice President Nixon when I was here the first time. When you asked me the questions about it, then I remembered it. I wasn't trying to deceive you the first time.

Mr. RANKIN. What did your husband say that day about Richard Nixon, when he got this gun and dressed up. Did he tell you anything about him?

Mrs. OSWALD. No; I just didn't know what to do, you know.

Mr. RANKIN. How did you know he was interested in doing something about Mr. Nixon at that time?

Mrs. OSWALD. My husband just said that Nixon is coming to Dallas.

Mr. RANKIN. Then what did you do?

Mrs. OSWALD. First I didn't know what to do. I wanted to prevent him from going out.

Mr. RANKIN. Did you say anything to him?

Mrs. OSWALD. I called him into the bathroom and I closed the door and I wanted to prevent him and then I started to cry. And I told him that he shouldn't do this, that he had promised me.

Mr. RANKIN. Are you referring to his promise to you that you described in your prior testimony after the Walker incident?

Mrs. OSWALD. Yes; that was the promise.

Mr. RANKIN. Do you recall the bathroom, how the door closes? Does it close into the bathroom on Neely Street or from the outside in?

Mrs. OSWALD. I don't remember now. I don't remember. I only remember that it was something to do with the bathroom.

Mr. RANKIN. Did you lock him into the bathroom?

Mrs. OSWALD. I can't remember precisely.

Mr. RANKIN. Do you recall how the locks were on the bathroom door there?

Mrs. OSWALD. I can't recall. We had several apartments and I might be confusing one apartment with the other.

Mr. RANKIN. Is it your testimony that you made it impossible for him to get out if he wanted to?

Mrs. OSWALD. I don't remember.

Representative FORD. Did he try to get out of the bathroom?

Mrs. OSWALD. I remember that I held him. We actually struggled for several minutes and then he quieted down. I remember that I told him that if he goes out it would be better for him to kill me than to go out.

Mr. DULLES. He is quite a big man and you are a small woman.

Mrs. OSWALD. No; he is not a big man. He is not strong.

Mr. DULLES. Well, he was 5 feet 9, and you are how tall?

Mrs. OSWALD. When he is very upset, my husband is very upset he is not strong and when I want to and when I collect all my forces and want to do something very badly I am stronger than he is.

Mr. DULLES. You meant mentally or physically?

Mrs. OSWALD. I am not strong but, you know, there is a certain balance of forces between us.

Mr. DULLES. Do you think it was persuasion, your persuasion of him or the physical force or both that prevented him from going?

Mrs. OSWALD. I don't think it was physically, physical prevention because if he—I couldn't keep him from going out if he really wanted to. It might have been that he was just trying to test me. He was the kind of person who could try and wound somebody in that way. Possibly he didn't want to go out at all but was just doing this all as a sort of joke, not really as a joke but rather to simply wound me, to make me feel bad.

Mr. McKENZIE. Mr. Rankin, if I may interpose here for a moment. Mrs. Oswald has been interrogated at length by the FBI in connection with this particular incident—the Nixon incident. I feel confident that the FBI has made a written report insofar as her testimony is concerned in their interrogation, but for purposes of the record I have no objection whatsoever for the FBI report to be included in the record as part of the record.

Mr. RANKIN. Thank you, Mr. McKenzie. We will incorporate those reports as a part of the record in regard to this incident, if that is agreeable to the Commission.

Mr. McKENZIE. The reason I say that is because of the fact that those interrogations were conducted at an earlier date and closer to the actual incident, the state of time, closer to the actual incidents than her interrogation here today, and insofar as dates are concerned I think that her mind would be clearer on those dates, and I likewise know that at that time a Russian interpreter was there.

Mr. RANKIN. Mr. McKenzie, I think with the members of the Commission here that I want to ask a number of questions about this incident because of its importance so they can observe the witness as well as have the benefit of her testimony.

Mr. McKENZIE. Mr. Rankin, in no way am I suggesting otherwise but if it would help the Commission in evaluating her testimony and evaluating the evidence that it has had heretofore in prior testimony we have no objection to those reports being a part of the record in any way.

Mr. RANKIN. Thank you.

Mrs. OSWALD. I might be mistaken about some of the details of this incident but it is very definite he got dressed, took a gun, and then didn't go out. The reason why there might be some confusion in my mind about the details because it happened in other apartments in which we lived that we quarreled and then I would shut him in the bathroom, and in this particular case it may not have

happened quite that way, but there is no doubt that he got dressed and had a gun.

Mr. RANKIN. Do you remember what you said to him and what he said to you at that time?

Mrs. OSWALD. I don't remember now but I told the FBI precisely.

Mr. RANKIN. And were your reports to the FBI in regard to this incident accurate, truthful, and correct?

Mrs. OSWALD. They were correct as far as I could remember. The only detail as far as my memory served me—the only detail which might be confused is the one with the bathroom.

Mr. RANKIN. Had your husband said anything before or did he say anything at that time in regard to Mr. Nixon showing any hostility, friendship, or anything else?

Mrs. OSWALD. Showing any hostility or friendship toward Mr. Nixon?

Mr. RANKIN. Yes; toward Nixon.

Mrs. OSWALD. I don't remember him saying anything—I don't remember but he didn't tell me. I don't remember him saying anything of that sort. I only remember the next day he told me that Nixon did not come. Excuse me.

Mr. RANKIN. Yes.

Mrs. OSWALD. The FBI suggested that possibly I was confused between Johnson and Nixon but there is no question that in this incident it was a question of Mr. Nixon. I remember distinctly the name Nixon because I read from the presidential elections that there was a choice between President Kennedy and Mr. Nixon.

Representative FORD. Where did your husband get the pistol that morning; do you remember?

Mrs. OSWALD. What, where?

Representative FORD. Where.

Mrs. OSWALD. My husband had a small room where he kept all that sort of thing. It is a little larger than a closet.

Representative FORD. Did you see him go in and get the pistol?

Mrs. OSWALD. I didn't see him go into the room. I only saw him standing before the open door and putting the pistol in his pocket.

Representative FORD. Do you recall which pocket he put the pistol in?

Mrs. OSWALD. It was not in a pocket. He put it in his belt.

(Discussion off the record.)

Mr. DULLES. Had you and your husband ever discussed Mr. Nixon at a previous, at any previous time?

Mrs. OSWALD. No. No.

Mr. RANKIN. What else happened about this incident beyond what you have told us?

Mrs. OSWALD. He took off his suit and stayed home all day reading a book. He gave me the pistol and I hid it under the mattress.

Mr. RANKIN. Did you say anything more than you have told us to him about this matter at that time?

Mrs. OSWALD. I closed the front door to the building that day and when we were quarreling about—when we were struggling over the question of whether or not he should go out I said a great deal to him.

Mr. RANKIN. What did you say to him then?

Mrs. OSWALD. I don't remember.

Mr. RANKIN. Just tell us in substance?

Mrs. OSWALD. I really don't remember now. I only remember that I told him that I am sorry of all these pranks of his and especially after the one with General Walker, and he had promised me, I told him that he had promised me—

Mr. RANKIN. Did he say anything in answer to that?

Mrs. OSWALD. I don't remember.

Mr. DULLES. As I recall, in your previous testimony there was some indication that you had said that if he did the Walker type of thing again you would notify the authorities. Did that conversation come up at this time with your husband?

Mrs. OSWALD. Yes; I said that. But he didn't go at that time and after all he was my husband.

Mr. DULLES. Does—do you mean you said it again at the time of the Nixon incident?

Mrs. OSWALD. Yes; I told him that but you must understand that I don't speak English very well, and for that reason I used to keep a piece of paper with me, and I had it, you know, what piece of paper I am talking about. At that time I didn't know how to go in police station; I don't know where it was.

Mr. MCKENZIE. Was that the passport?

Mrs. OSWALD. No. After the incident with Walker—

Mr. RANKIN. Was that paper the Walker incident note that you have described in your testimony?

Mrs. OSWALD. Yes.

Representative FORD. When you put the pistol under the mattress, what happened to the pistol from then on?

Mrs. OSWALD. That evening he asked for it and said that nothing was going to happen, and that he said he wouldn't do anything and took the pistol back. And put it into his room.

Mr. DULLES. Did you keep the, what you call, the Walker note with you all the time or did you have it in a particular place where you could go and get it and show it to him?

Mrs. OSWALD. I had it all the time. I kept it in a certain place initially and then I put it in the pages of a book.

Senator COOPER. Mr. Rankin, would you ask the witness to state again what Lee Oswald's promise was to her that he had made at the time of the Walker incident?

Mr. RANKIN. Will you relate the promise that your husband made to you right after the discovery of the Walker incident by you?

Mrs. OSWALD. This wasn't a written promise.

Mr. RANKIN. No.

Mrs. OSWALD. But in words it was more or less that I told him that he was very lucky that he hadn't killed—it was very good that he hadn't killed General Walker. I said it was fate that—it was fated that General Walker not be killed and therefore he shouldn't try such a thing again.

Mr. RANKIN. What did he say in answer to that?

Mrs. OSWALD. He said perhaps I am right. I myself didn't believe what I was saying because I didn't believe that he was fated. I was just trying to find some way of dissuading my husband to do such a thing again. Do you understand what I mean?

Mr. RANKIN. Yes. Did he say that he would or would not do that again, that is what I want to know.

Mrs. OSWALD. At the time I did definitely convince him that I was right, and at the time he said that he would not do such a thing again.

Mr. RANKIN. Now, when you talked to him about the Nixon incident and persuaded him not to go out and do anything to Mr. Nixon, did you say anything about your pregnancy in trying to persuade him?

Mrs. OSWALD. Yes.

Mr. RANKIN. What did you say about that?

Mrs. OSWALD. Yes; I told him that I was pregnant.

Mr. RANKIN. Did you observe his action at the time of this Nixon incident, how he acted?

Mrs. OSWALD. How he reacted to this?

Mr. RANKIN. How he reacted to your interfering with him.

Mrs. OSWALD. At first he was extremely angry, and he said, "You are always getting in my way." But then rather quickly he gave in, which was rather unusual for him. At the time I didn't give this any thought, but now I think it was just rather a kind of nasty joke he was playing with me. Sometimes Lee was—he had a sadistic—my husband had a sadistic streak in him and he got pleasure out of harming people, and out of harming me, not physically but emotionally and mentally.

Mr. RANKIN. Have you told us substantially all that happened about this Nixon incident?

Mrs. OSWALD. That is all I can remember.

Representative FORD. Can you tell us why you didn't mention this incident to the Commission when you appeared before?

Mrs. OSWALD. There were an awful lot of questions at that time, and I was very tired and felt that I had told everything and I don't remember, I can't understand why I didn't mention this. It would have been better for me to mention it the first time than to make you all do more work on it.

Mr. DULLES. At the time of this incident did you threaten to go to the authorities in case your husband did not desist in his intention?

Mrs. OSWALD. Yes; I said that.

Senator COOPER. I may have to go—could I ask a few questions? Mrs. Oswald, will you repeat what your husband said that morning when he dressed and got the pistol?

Mrs. OSWALD. I asked him where he was going and why he was getting dressed. He answered, "Today Nixon is coming and I want to go out and have a look at him."

I answered, "I know how you look," and I had in mind the fact that he was taking a pistol with him.

Senator COOPER. Did he say anything about what he intended to do with the pistol?

Mrs. OSWALD. No.

Senator COOPER. Did you ask him if he intended to use the pistol against Mr. Nixon?

Mrs. OSWALD. I told him that, "You have already promised me not to play any more with that thing." Not really play, but, you know—I didn't mean, of course, just playing but using the pistol. Then he said, "I am going to go out and find out if there will be an appropriate opportunity and if there is I will use the pistol." I just remembered this and maybe I didn't say this in my first testimony and now it just has occurred to me that he said this.

Senator COOPER. Did your husband say why he wanted to use the pistol against Mr. Nixon?

Mrs. OSWALD. No.

Senator COOPER. Did he say where he intended to see Mr. Nixon?

Mrs. OSWALD. He didn't say. He just said in Dallas, and since Nixon was coming to Dallas.

Senator COOPER. When he was talking to you about seeing Mr. Nixon and using the pistol, what was his attitude? Was he angry or—

Mrs. OSWALD. He wasn't angry. He looked more preoccupied and had sort of a concentrated look.

Senator COOPER. Now, from the beginning, from the time that he first told you that he was going to use the pistol, until the time that you say he became quieted, did he again make any statement about using the pistol against Mr. Nixon?

Mrs. OSWALD. I told him that I didn't want him to use his gun any more. He said, "I will go out and have a look and perhaps I won't use my gun, but if there is a convenient opportunity perhaps I will." Strike "perhaps" please from that last sentence. I didn't have a lot of time to think of what we were actually saying. All I was trying to do was to prevent him from going out.

Senator COOPER. How much time elapsed, if you can remember, from the time he first told you that he was going out and when he finally became pacified?

Mrs. OSWALD. This was maybe 30 minutes. The whole incident took maybe 20 minutes. It was about 10 minutes I took—15 minutes maybe. 15 minutes, it took maybe 10 minutes for him to be prepared to go out and then the incident in the bathroom took maybe 5 minutes until he quieted down. It doesn't mean I held him in the bathroom for 5 minutes because I couldn't do that but the general discussion in the bathroom.

Senator COOPER. You said he stayed at the house the remainder of the day. During the remainder of the day did you discuss again with him the incident?

Mrs. OSWALD. No; no.

Senator COOPER. Did he say anything more that day?

Mrs. OSWALD. No. He read a book.

Mr. DULLES. Do you know what book it was, by chance?

Mrs. OSWALD. I don't remember. It was some kind of book from the public library. He had a two-volume history of the United States. This is not from the library, this was his own book.

Mr. DULLES. The incident occurred, you said, just a few days after he had told you he shot at General Walker?

Mrs. OSWALD. It was about 10 or 12 days after the incident with General Walker, perhaps about 3 days before we left for the departure for New Orleans. This didn't happen right after the incident with General Walker. It happened rather closer to a time when we departed for New Orleans.

Mr. DULLES. The General Walker incident made a very strong impression on you, didn't it?

Mrs. OSWALD. Of course. I never thought that Lee had a gun in order to use it to shoot at somebody with.

Mr. DULLES. Didn't this statement that he made about Vice President Nixon make a strong impression on you also?

Mrs. OSWALD. I don't know. I was pregnant at the time. I had a lot of other things to worry about. I was getting pretty well tired of all of these escapades of his.

Mr. DULLES. Was there any reason why you didn't tell the Commission about this when you testified before?

Mrs. OSWALD. I had no—there is no particular reason. I just forgot. Very likely this incident didn't make a very great impression on me at that time.

Mr. DULLES. Now, before the death of President Kennedy, of course, you knew that your husband had purchased a rifle?

Mrs. OSWALD. Yes.

Mr. DULLES. You knew that he had purchased a pistol?

Mrs. OSWALD. Yes.

Mr. DULLES. And a knife?

Mrs. OSWALD. No; what kind of knife?

Mr. DULLES. Did he have a knife?

Mrs. OSWALD. He had a little pocket knife; I think.

Mr. DULLES. You knew that he had told you that he had tried to kill General Walker?

Mrs. OSWALD. Yes.

Mr. DULLES. And, of course, as you said you heard him make a threat against Nixon.

Mrs. OSWALD. Yes.

Mr. DULLES. Did you have some fear that he would use these weapons against someone else?

Mrs. OSWALD. Of course; I was afraid.

Mr. DULLES. What?

Mrs. OSWALD. Of course; I was afraid.

Mr. DULLES. You thought that he might use his weapons against someone?

Mrs. OSWALD. After the incident with Nixon I stopped believing him.

Mr. DULLES. You what?

Mrs. OSWALD. I stopped believing him.

Mr. DULLES. Why?

Mrs. OSWALD. Because he wasn't obeying me any longer, because he promised and then he broke his promise.

Mr. DULLES. Would you repeat that?

Mrs. OSWALD. Because he wasn't obeying me any more. He promised and, he made a promise and then he broke it.

Mr. DULLES. That is my question. Having been told that—isn't it correct he told you that he shot at General Walker? He made a promise to you that he wouldn't do anything like that again, you heard him threaten Vice President Nixon, didn't it occur to you then that there was danger that he would use these weapons against someone else in the future?

Mrs. OSWALD. After the incident with Walker, I believed him when he told me that he wouldn't use the weapons any longer.

Mr. DULLES. I remember you testified before and I asked you if you had heard him threaten any official or other person and your answer was no.

Mrs. OSWALD. Because I forgot at that time about the incident with Nixon.

Mr. DULLES. I want to ask you again: In view of the fact that you knew—in view of the fact that he had threatened Walker by shooting at him, and he threatened Vice President Nixon can you not tell this Commission whether after that he threatened to hurt, harm any other person?

Mrs. OSWALD. Nobody else. Perhaps I should be punished for not having said anything about all this, but I was just a wife and I was trying to keep the family together, at that time. I mean to say. I am talking, of course, of the time before President Kennedy's death. And if I forget to say anything now, I am not doing it on purpose.

Mr. DULLES. I am just asking questions. Will you say here that he never did make any statement against President Kennedy?

Mrs. OSWALD. Never.

Mr. DULLES. Did he ever make any statement about him of any kind?

Mrs. OSWALD. He used to read and translate articles from the newspaper about Kennedy to me and from magazines, favorable articles about Kennedy. He never commented on them and he never discussed them in any way but because of his translations and his reading to me he always had a favorable feeling about President Kennedy because he always read these favorably inclined articles to me. He never said that these articles never were true, that he was a bad President or anything like that.

Mr. DULLES. I didn't catch the last.

Mrs. OSWALD. He never said these articles were not true or that President Kennedy was a bad President or anything like that.

Senator COOPER. I think you testified before that he made statements showing his dislike of our system of government and its economic system.

Mrs. OSWALD. He used to complain about the educational difficulties and about the unemployment in the United States and about the high cost of medical care.

Mr. MCKENZIE. Right there, please, may I, Mr. Dulles when did he complain of those things, was this in Russia or was it in the United States after you returned from Russia?

Mrs. OSWALD. After our return from Russia. When we were living in New Orleans after returning from Russia.

Mr. MCKENZIE. Did he likewise make such complaints about the American system while you were living in Russia after you were married?

Mrs. OSWALD. He used to tell me that it was difficult to find a job and to get work in the United States but nonetheless we would be better there than we were in Russia. Excuse me. He was the kind of person who was never able to get along anywhere he was and when he was in Russia he used to say good things about the United States and when he was in the United States he used to talk well about Russia.

Senator COOPER. You knew, of course, because of the incidents in New Orleans that he did not like American policy respecting Cuba.

Mrs. OSWALD. He was definitely a supporter of Cuba. This was something which remained with him from Russia.

Senator COOPER. Did he ever say to you who was responsible or who had some responsibility for our policy toward Cuba?

Mrs. OSWALD. No.

Senator COOPER. Had he ever mentioned President Kennedy in connection with our Cuban policy?

Mrs. OSWALD. Never to me.

Mr. DULLES. Did he ever say anything—

Mrs. OSWALD. He might have discussed this with Paine.

Senator COOPER. With who?

Mrs. OSWALD. Mr. Paine, husband of Ruth Paine.

Senator COOPER. He might have done what now?

Mrs. OSWALD. With the husband of Ruth Paine.

Senator COOPER. Why do you say that, did you ever hear him talking about it?

Mrs. OSWALD. He used to talk politics with Mr. Paine. I don't know what they were talking about because at that time I didn't understand English.

Senator COOPER. Did you mean, though, to say that you believed he might have discussed the Cuban policy with Mr. Paine.

Mrs. OSWALD. Yes; especially after we returned from New Orleans.

Senator COOPER. Why? Why do you make that statement?

Mrs. OSWALD. Because we only saw Mr. Paine once or twice before we went to New Orleans. And there was more opportunity to see Mr. Paine after we came back.

Senator COOPER. But my question is what makes you think he might have talked to Mr. Paine about Cuba?

Mrs. OSWALD. I think, sir; because after returning from New Orleans this was his favorite subject, Cuba, and he was quite—a little bit cracked about it, crazy about Cuba.

Senator COOPER. You mean he talked to you a great deal about it after you came from New Orleans?

Mrs. OSWALD. Well, in New Orleans he used to talk to me endlessly about Cuba, but after we came back he didn't talk to me about it any longer because I was just sick and tired of this.

Mr. DULLES. "He" in this case is your husband?

Mrs. OSWALD. That is right. I really don't know about what he talked with Mr. Paine. I think that they were talking about politics, that is to say my husband with Mr. Paine because my husband used to tell me afterwards, "Well, he doesn't understand anything about politics." "He is not too strong on politics."

And, therefore, I think they were probably talking with the American political system and the Russian political system and comparisons between them. I think that Mr. Paine could probably tell you more about this than I can.

Senator COOPER. That is all I want to ask for the time being.

Mrs. OSWALD. I think that Mr. Paine knows more about my husband's political attitudes toward the United States than I do.

Mr. RANKIN. You said the FBI asked you whether you could have been mistaken about it being Mr. Nixon that your husband was interested in going and seeing and maybe doing something to with his gun.

Do you know what Mr. Johnson you were asking about?

Let me rephrase the question.

You said the FBI asked you whether you might have been mistaken about Mr. Nixon and whether it might have been Mr. Johnson instead of Mr. Nixon that your husband was interested in doing something to with his gun.

Do you know what Mr. Johnson was being referred to?

Mrs. OSWALD. No; I didn't know who Johnson was. I am ashamed but I never knew his name. I am ashamed myself but I didn't know who Johnson was.

Mr. RANKIN. You didn't know that the FBI was asking about the then Vice President and now President Johnson?

Mrs. OSWALD. No; I never heard of Johnson before he became President.

Mr. DULLES. And you are quite sure—

Mrs. OSWALD. Maybe I am stupid, I don't know.

Mr. DULLES. And you are quite sure that your husband mentioned the name of Nixon to you—

Mrs. OSWALD. Yes; I am sure it was Nixon.

Mr. DULLES. That morning?

Mr. RANKIN. Do you know whether this Nixon incident occurred the day before your husband went to New Orleans?

Mrs. OSWALD. It wasn't the day before. Perhaps 3 days before.

Mr. McKENZIE. Mr. Rankin, may I ask a question?

Mr. RANKIN. Yes.

Mr. McKENZIE. Mrs. Oswald, you say or you said a few minutes ago that Mr. Paine knew or knows more about your husband's attitude about the United States than you do. Why did you say that?

Mrs. OSWALD. Because my husband's favorite topic of discussion was politics, and whoever he was with he talked to them politics and Mr. Paine was with him a fair amount and I am not sure they talked about politics. They went to meetings of some kind together, I don't know what kind of meetings.

Mr. McKENZIE. Do you know where the meetings were?

Mrs. OSWALD. In Dallas. After they came back from some meeting my hus-

band said to me something about Walker being at this meeting, and he said, "Paine knows that I shot him."

I don't know whether this was the truth or not. I don't know whether it was true or not but this is what he told me.

Mr. McKENZIE. Would they go in Mr. Paine's automobile?

Mrs. OSWALD. Yes; it was about 2 days after this incident with Stevenson or the next day, or maybe it was the same place, or the next day that a meeting was held where General Walker appeared.

Mr. McKENZIE. It was the day before.

Mrs. OSWALD. The day before? The day after. I think there was 1 day's difference between them, either it was the day before or the day after.

Mr. RANKIN. Did you say that there were a number of political meetings—

Mrs. OSWALD. Excuse me; but I think this was on Friday. I think that Lee was at this meeting on a Friday.

Mr. RANKIN. Did you say there were a number of political meetings that your husband went to—

Mrs. OSWALD. Excuse me; this was October 24.

Mr. RANKIN. With Mr. Paine?

Mrs. OSWALD. A week after his birthday—this was Friday. I think it was a week after my husband's birthday about October 24 or something like that or the 25th.

Mr. RANKIN. Mr. Reporter, can you give her the question that I asked?

Mrs. OSWALD. Excuse me, please.

(The question was read by the reporter.)

Mrs. OSWALD. I only know about this one.

Mr. RANKIN. Did the FBI tell you that the reason they were asking about whether there was a mistake as to whether it was Mr. Nixon or Vice President Johnson was because there was a report in Dallas papers about Vice President Johnson going to Dallas around the 23d of April?

Mrs. OSWALD. Yes; they did tell me this. They said that at this time there was only one announcement in the newspapers of anyone coming and that was Vice President Johnson.

Mr. RANKIN. But you still are certain it was Mr. Nixon and not Vice President Johnson?

Mrs. OSWALD. Yes, no. I am getting a little confused with so many questions. I was absolutely convinced it was Nixon and now after all these questions I wonder if I am right in my mind.

Mr. RANKIN. Did your husband—

Mrs. OSWALD. I never heard about Johnson. I never heard about Johnson. I never knew anything about Johnson. I just don't think it was Johnson. I didn't know his name.

Mr. RANKIN. Did your husband during the Nixon incident say Mr. Nixon's name several times or how many times.

Mrs. OSWALD. Only once.

Mr. RANKIN. Now, you said that your husband went to get the pistol in the room. Will you tell us what room that was that he went to get the pistol?

Mrs. OSWALD. It was a small sort of storeroom. Just to the left off the balcony as you come in; it is just on the left from the balcony.

Mr. RANKIN. Was it out, was the pistol out in the room or was it in a closet?

Mrs. OSWALD. This room contained only a table and some shelves, and the pistol was not on the table. It was hidden somewhere on a shelf.

Representative FORD. Was the rifle in that room, too?

Mrs. OSWALD. Yes.

Mr. RANKIN. Where was the rifle in the room?

Mrs. OSWALD. Sometimes it was in the corner, sometimes it was up on a shelf. Lee didn't like me to go into this room. That is why he kept it closed all the time and told me not to go into it. Sometimes he went in there and sat by himself for long periods of time.

Mr. DULLES. By closed, do you mean locked?

Mrs. OSWALD. He used to close it from the inside. I don't remember what kind of lock it was. Possibly it was just a—some kind of a tongue—

Mr. McKENZIE. Latch.

Mrs. OSWALD. Latch or something like that.

Mr. DULLES. How could he close it from the inside and then get out?

Mrs. OSWALD. When he was inside he could close it from the inside so that I couldn't come in.

Mr. DULLES. But when he came out could he close it from the outside so that you could not get in?

Mrs. OSWALD. No; from the outside it couldn't be locked.

Representative FORD. When you went to New Orleans and packed for the trip to New Orleans, did you help to pack the pistol or the rifle?

Mrs. OSWALD. No, no; Lee never let me pack things when we went for trips. He always did it himself.

Representative FORD. Did you see him pack the pistol or the rifle?

Mrs. OSWALD. No.

Representative FORD. Did you know the pistol and the rifle were in the luggage going to New Orleans?

Mrs. OSWALD. I stayed for some time with Ruth Paine after he left for New Orleans and I don't know whether they were in his things or they were in the stuff which was left with me.

Representative FORD. At the time Mrs. Paine picked you up to go to the bus station, did you intend to go by bus to New Orleans at that time?

Mrs. OSWALD. No.

Representative FORD. While you were living on Neely Street you didn't tell us before of any extensive rifle shooting at Love Field or rifle practice at Love Field. Can you tell us more about it now?

Mrs. OSWALD. Lee didn't tell me when he was going out to practice. I only remember one time distinctly that he went out because he took the bus. I don't know if he went to Love Field at that time. I don't—after all this testimony, after all this testimony, when I was asked did he clean his gun a lot, and I answered yes, I came to the conclusion that he was practicing with his gun because he was cleaning it afterwards.

Representative FORD. Did he take the rifle and the pistol to Love Field or at the time he went on the bus?

Mrs. OSWALD. Only the rifle.

Mr. McKENZIE. Just a minute. Let me ask her a question. May I ask a question?

Representative FORD. Yes, sir.

Mr. McKENZIE. Representative Ford, I wasn't here as you know when Mrs. Oswald testified before. I have been with her when she was interrogated by the FBI relative to practicing the rifle shooting. This is the first time that I have heard the use of the words "Love Field." Has there been prior testimony by Mrs. Oswald here that he was practicing at Love Field, because the reason I ask this is because she has steadfastly in the past told me and the FBI that she didn't know where he went to practice and that is the reason I wanted to know.

Mr. RANKIN. The record is—

Mrs. OSWALD. I don't know where he practiced. I just think that the bus goes to, went to Love Field.

Mr. RANKIN. Her testimony before was that the bus that he took, that she knows about when he went, was a bus that went to Love Field, and she thought he went to some place in that area to do his practicing.

Mr. McKENZIE. The reason I ask the question, Mr. Rankin, is because I don't believe there is any practice area at Love Field for rifle practicing.

Mr. RANKIN. Well, the investigation that the Commission has made shows that there is a place near Love Field where people do shooting and practicing.

Mr. McKENZIE. Not at Love Field.

Mr. RANKIN. It is right adjacent, in the neighborhood.

Mrs. OSWALD. Once we went out with Kathy Ford with the children to watch airplanes landing and these airplanes made a tremendous noise and for that reason I thought that maybe my husband was practicing somewhere in that area because you couldn't hear the sound of shots. I don't know if there is any place near there where one can practice shooting, though. This idea just came to me

a little while ago when we were out there, watching the airplanes because it was a couple of weeks ago that this happened. Just sort of a guess of mine.

Mr. DULLES. How did he pack the gun or conceal the gun when he went out on the bus toward Love Field?

Mrs. OSWALD. Are you talking about the gun or the rifle?

Mr. DULLES. I am talking about the rifle.

Mrs. OSWALD. He used to wrap it up in his overcoat, raincoat.

Mr. RANKIN. So that the record will be clear on this, Mr. McKenzie, the prior testimony did not purport to indicate that Mrs. Oswald thought he was practicing right on Love Field where the airplanes were landing or anything like that. It was that he took that bus and took the rifle and came back with the rifle and that the bus went to Love Field and the investigation has shown that there is at least one place in that immediate neighborhood where there is gun practice carried on.

Mr. DULLES. Is there testimony, Mr. Rankin, as to more than one trip or should we get that from the witness?

Mr. RANKIN. She testified right now she only knew of this one although she knew of his cleaning his guns a number of times. She just testified to that. Do you want more than that?

Mr. DULLES. I thought the record was a little fuzzy. Maybe you should clarify it.

Mr. MCKENZIE. I think you should ask the question.

Mr. RANKIN. Will you tell us, Mrs. Oswald, how you thought your husband might have been practicing in the area near Love Field or how you concluded that he might have been practicing with the rifle in the area near Love Field.

Mrs. OSWALD. Only because that is the bus, only because that is where the bus goes. He never told me where.

Mr. RANKIN. And you don't know whether he was practicing at a place near Love Field or some place between where he got on the bus near your home and Love Field; is that right?

Mrs. OSWALD. No; I don't know, even now I don't know where it is.

Senator COOPER. Can I just ask a question? Do you know how many times he took the rifle from your home?

Mrs. OSWALD. Well——

Mr. DULLES. You are speaking of Neely Street.

Mrs. OSWALD. I only saw——

Senator COOPER. When you were living on Neely Street—strike that. You have told about his taking the rifle from the house on Neely Street and then later cleaning the rifle. Do you know how many times that occurred?

Mrs. OSWALD. I saw him take the rifle only once when we were living on Neely Street but he cleaned the rifle perhaps three or four times, perhaps three times—three times.

Senator COOPER. Did he ever tell you that he was practicing with a rifle?

Mrs. OSWALD. Only after I saw him take the gun that one time.

Senator COOPER. Did you ask him if he had been practicing with the rifle?

Mrs. OSWALD. Yes, I asked him.

Senator COOPER. What did he say?

Mrs. OSWALD. He said yes.

Senator COOPER. Did he ever give any reason why he was practicing with the rifle to you?

Mrs. OSWALD. He didn't give me a reason. He just said that for a man it is an interesting thing to have a rifle. I considered this some kind of a sport for him. I didn't think he was planning to employ it. I didn't take it seriously.

(At this point, Senator Cooper left the hearing room.)

Mr. RANKIN. At the time of the Nixon incident did you know who Mr. Nixon was?

Mrs. OSWALD. I didn't know what position he held. I thought he was Vice President.

Mr. RANKIN. Did you ever check to see whether Mr. Nixon was in fact in Dallas anytime around that date?

Mrs. OSWALD. No.

Mr. RANKIN. After the day of the Nixon incident did you ever discuss that incident again with your husband?

Mrs. OSWALD. No.

Mr. RANKIN. Did the Nixon incident have anything to do with your decision to go to New Orleans to live?

Mrs. OSWALD. After the incident with Walker it became clear to me that it would be a good idea to go away from Dallas and after the incident with Nixon insisted—I insisted on it.

Mr. RANKIN. After the Nixon incident did you ever discuss that Nixon incident again with your husband?

Mrs. OSWALD. No. I don't know why. Perhaps it didn't make a very strong impression on me and that is why I didn't mention it in my first testimony. Perhaps it is because the first incident with Walker made such a strong impression that what happened afterward was somewhat effaced by it. I was so much upset by this incident with General Walker that I only just wanted to get away from Dallas as fast as possible.

Mr. RANKIN. Did you discuss the Nixon incident with anyone other than your husband before the assassination of President Kennedy?

Mrs. OSWALD. No.

Mr. RANKIN. Did you ever consider telling the police about the Walker and Nixon incidents?

Mrs. OSWALD. I thought of this but then Lee was the only person who was supporting me in the United States, you see. I didn't have any friends, I didn't speak any English and I couldn't work and I didn't know what would happen if they locked him up and I didn't know what would happen to us. Of course, my reason told me that I should do it but because of circumstances I couldn't do it.

Mr. RANKIN. When did you first tell something about the Nixon incident?

Mrs. OSWALD. It was after the assassination; we were in Martin's house and I think Robert was there also. That is when I first mentioned that. I don't remember whether I told them both at the same time or told Martin first and Robert second or Robert first and Martin second.

Mr. RANKIN. Do you know about when that was with reference to the time you moved in with the Martins?

Mrs. OSWALD. I think it was in the first month. I don't remember which day it was, though.

Mr. RANKIN. Do you recall whether you first told Robert about it some time in January of this year?

Mrs. OSWALD. I think it was earlier than that, early in December. Perhaps in the beginning of January, but I think it was before New Year's.

Mr. RANKIN. If Robert has stated that it was on a Sunday, January 12 of this year, do you think he is in error then?

Mrs. OSWALD. I don't think that Robert would make a mistake. I might make a mistake myself but I don't think he would make a mistake because he doesn't have quite as many, because he has not been in contact with quite as many of these events and doesn't have quite as much to remember as I have. And in general, I have a bad memory for figures.

Mr. RANKIN. Did you discuss the Nixon incident at anytime with Mr. Thorne or Mr. Martin, your agent?

Mrs. OSWALD. I told Martin about it but I don't think I told Thorne about it, and if Thorne learned about it it must have been from Martin.

Mr. RANKIN. You just related how you told Mr. Martin about it and the occasion in your testimony a moment ago; is that right?

Mrs. OSWALD. I am certain that these were the circumstances in which I told Martin about this. Whether or not the—it's possible I was just talking with Martin and his wife about Lee and it just came into my mind and I don't remember whether Robert was there or not, or whether I told Robert later.

Mr. RANKIN. Did anyone at anytime advise you or tell you not to tell the Commission about this incident?

Mrs. OSWALD. Martin told me that it is not necessary to mention this. But when they were asking me here in the Commission whether I had anything to

add to my testimony, I really forgot about it. When Martin and I were talking about it he said, "Well, try not to think about these things too much."

Mr. RANKIN. Did he say anything about why it wasn't necessary to tell about this incident?

Mrs. OSWALD. I don't remember. I don't think he told me why. Maybe he told me and I just didn't understand because I didn't understand English very well.

Mr. RANKIN. When you were telling about the Nixon incident you referred to your husband's sadistic streak. Do you recall that?

Mrs. OSWALD. Yes.

Mr. RANKIN. Can you tell us a little more about that, how it showed?

Mrs. OSWALD. Anytime I did something which didn't please him he would make me sit down at a table and write letters to the Russian Embassy stating that I wanted to go back to Russia. He liked to tease me and torment me in this way. He knew that this—he just liked to torment me and upset me and hurt me, and he used to do this especially if I interfered in any of his political affairs, in any of his political discussions. He made me several times write such letters.

Mr. DULLES. I have just one question: What did you or your husband do with these letters that you wrote? Did any of them get mailed or did they all get destroyed?

Mrs. OSWALD. He kept carbons of these letters but he sent the letters off himself.

Mr. DULLES. To the Russian Embassy?

Mrs. OSWALD. Yes; he didn't give me any money to buy stamps. I never had any pocket money of my own.

Mr. RANKIN. But the letters to the Embassy you are referring to are actual letters and requested—requests—they weren't practice letters or anything of that kind to punish you, were they?

Mrs. OSWALD. Yes; they were real letters. I mean if my husband didn't want me to live with him any longer and wanted me to go back, I would go back, not because I wanted to go back but I didn't have any choice.

Mr. RANKIN. I misunderstood you then because I thought you were describing the fact that he made you write letters as a part of this sadistic streak that would never be sent but what he actually did was have you prepare the letters and then he proceeded to send them, is that your testimony?

Mrs. OSWALD. He did send them and he really wanted this. He knew that this hurt me.

Mr. RANKIN. Those are the letters to the Russian Embassy we have introduced in evidence in connection with your testimony; is that right?

Mrs. OSWALD. Yes; those are the letters.

Representative FORD. Did he ever show you replies to those letters?

Mrs. OSWALD. At first—yes; there were. At first I didn't believe that he was sending off those letters.

Representative FORD. But you did see the replies?

Mrs. OSWALD. I received answers from the embassy.

Mr. RANKIN. Now, I will turn to another subject, Mrs. Oswald.

Mr. DULLES. Would you like to have a 5-minute recess? We will proceed.

Mr. RANKIN. Now, Mrs. Oswald, I would like to ask you about the Irving Gun Shop in Dallas.

Mrs. OSWALD. The what? I don't know anything about this at all.

Mr. RANKIN. Your counsel tells me I should correct that, that Irving is not a part of Dallas. It is the city of Irving. A witness has said that you and your two children and your husband came into a furniture shop asking the location of a gunshop in that area in Irving, and after appearing there that you and your husband, with your husband driving the car, along with your two children, got in the car and went up the street in the direction of where the gunshop was. Did you recall any incident of that kind?

Mrs. OSWALD. This is just a complete fabrication. Lee never drove a car with me. Only Ruth Paine drove a car with me. And I never took my baby with me.

Mr. RANKIN. Did you ever go into such a furniture store in Irving?

Mrs. OSWALD. Never.

Mr. RANKIN. That you recall?

Mrs. OSWALD. I was only twice in a store in Irving where they sell, like a cafe, where you can buy something to eat and where they sell toys and clothes and things like that; a little bit like a Woolworths, a one-story shop but without any furniture in it.

Mr. RANKIN. Do you know a Mrs. Whitworth who works in a furniture store in Irving?

Mrs. OSWALD. I was never in Irving in any furniture store.

Mr. RANKIN. Do you know a Mrs. Whitworth?

Mrs. OSWALD. It is the first time I have ever heard that name.

Mr. RANKIN. Do you know a Mrs. Hunter, a friend of Mrs. Whitworth?

Mrs. OSWALD. No.

Mr. RANKIN. Did you ever go on a trip with your husband to have a telescopic lens mounted on a gun at a gunshop?

Mrs. OSWALD. Never. No; this is all not true. In the first place, my husband couldn't drive, and I was never alone with him in a car. Anytime we went in a car it was with Ruth Paine, and there was never—we never went to any gun store and never had any telescopic lens mounted.

Mr. RANKIN. Did the four of you, that is, your husband, you, and your two children, ever go alone any place in Irving?

Mrs. OSWALD. In Irving the baby was only 1 month old. I never took her out anywhere.

Representative FORD. Did you ever go anytime—

Mrs. OSWALD. Just to doctor, you know.

Representative FORD. Did you ever go anytime with your husband in a car with the rifle?

Mrs. OSWALD. I was never at anytime in a car with my husband and with a rifle. Not only with the rifle, not even with a pistol. Even without anything I was never with my husband in a car under circumstances where he was driving a car.

Representative FORD. Did you go in a car with somebody else driving where your husband had the pistol or the rifle?

Mrs. OSWALD. Never. I don't know what to think about this.

Mr. RANKIN. Mrs. Oswald, I will hand you Commission's Exhibit No. 819 and ask you particularly about the signature at the bottom.

Mrs. OSWALD. That is Lee's handwriting, and this is mine.

Mr. RANKIN. Were the words "A. J. Hidell, Chapter President" on Commission Exhibit No. 819 are in your handwriting?

Mrs. OSWALD. Yes.

Mr. RANKIN. Would you tell the Commission how you happened to sign that?

Mrs. OSWALD. Lee wrote this down on a piece of paper and told me to sign it on this card, and said that he would beat me if I didn't sign that name on the card.

Mr. RANKIN. Did you have any other discussion about your signing that name?

Mrs. OSWALD. Yes.

Mr. RANKIN. What discussion did you have?

Mrs. OSWALD. I said that this sounded like Fidel. I said, "You have selected this name because it sounds like Fidel" and he blushed and said, "Shut up, it is none of your business."

Mr. RANKIN. Was there any discussion about who Hidell, as signed on the bottom of that card, was?

Mrs. OSWALD. He said that it was his own name and that there is no Hidell in existence, and I asked him, "You just have two names," and he said, "Yes."

Mr. RANKIN. Was anything else said about that matter at any time?

Mrs. OSWALD. I taunted him about this and teased about this and said how shameful it is that a person who has his own perfectly good name should take another name and he said, "It is none of your business, I would have to do it this way, people will think I have a big organization" and so forth.

Mr. RANKIN. Did you ask him why he needed to have the other name in your handwriting rather than his own?

Mrs. OSWALD. I did ask him that and he would answer that in order that people will think it is two people involved and not just one.

Mr. DULLES. Did you ever sign any more such cards with the name "Hidell"?

Mrs. OSWALD. Only this one.

Mr. DULLES. And you never signed the name "Hidell" on any other paper at any time?

Mrs. OSWALD. Only once.

Representative FORD. Where did this actual signing take place, Mrs. Oswald?

Mrs. OSWALD. In New Orleans.

Representative FORD. Where in New Orleans?

Mrs. OSWALD. In what is the name of the street where we lived, in an apartment house.

Representative FORD. In your apartment house?

Mrs. OSWALD. Yes; in our apartment house.

Representative FORD. What time of day, do you recall?

Mrs. OSWALD. It might have been 8 or 9 o'clock in the evening.

Mr. DULLES. Had you ever heard the name "Hidell" before?

Mrs. OSWALD. I don't remember whether this was before or after Lee spoke on the radio. I think it was after.

Mr. DULLES. Did he use the name Hidell on the radio?

Mrs. OSWALD. I think that he might have when he was talking on the radio said that Hidell is the President of his organization but, of course, I don't understand English well and I don't know. He spoke on the radio using his own name but might have mentioned the name Hidell. This is what he told me. When I tried to find out what he said on the radio.

Mr. DULLES. This might have been on television also?

Mrs. OSWALD. It was on the radio, not on television. He told me that someone had taken movies of him for to be shown later on television but I don't know if they ever were.

Mr. DULLES. Did you ever sign the name Hidell at any subsequent time to any document?

Mr. MCKENZIE. If you recall signing it. Do you recall signing his name to any other document?

Mrs. OSWALD. I only remember this one occasion.

Mr. RANKIN. Was the way you signed on this Commission's Exhibit No. 819 your usual way of writing English?

Mrs. OSWALD. My English handwriting changes every day, and my Russian handwriting, too. But that is more or less my usual style.

Mr. RANKIN. You weren't trying to conceal the way you sign anything?

Mrs. OSWALD. I tried to do it, I just tried to write it as nicely as possible.

Mr. DULLES. Did you make some practice runs of writing this name before you actually put it on the card?

Mrs. OSWALD. Yes; because it was difficult for me to write English properly.

Mr. DULLES. So you mean you wrote it several times on another sheet of paper and then put it on this card?

Mrs. OSWALD. Yes.

Representative FORD. Was there anybody else present at the time of this incident?

Mrs. OSWALD. No; only Lee.

Representative FORD. Did he have you sign only one card?

Mrs. OSWALD. This was the only time when I—when Lee asked me to do this and I did it. I might have signed two or—cards and not just one but there weren't a great many.

Representative FORD. Did the other cards have someone else's name besides Lee Harvey Oswald on it?

Mrs. OSWALD. No; only Lee Oswald.

Representative FORD. But you think you might have signed more than one such card?

Mrs. OSWALD. Maybe two, three. This is just 1 day when I was signing this. It just happened on one occasion.

Mr. RANKIN. Mrs. Oswald, turning to another subject, I would like to ask you about some correspondence with the Dallas Civil Liberties Union.

Do you recall that they inquired as to whether you were being kept from seeing and speaking to people against your will?

Mrs. OSWALD. This letter was translated by Ruth Paine and I answered on the basis of the translation.

Mr. MCKENZIE. May I see those letters, Mr. Rankin?

Mr. RANKIN. Yes.

Mrs. OSWALD. I didn't want to answer this letter. It was simply a matter of courtesy on my part.

Mr. RANKIN. Now, you received a letter from the local chapter of the Civil Liberties Union in Russian, did you not?

Mrs. OSWALD. There was a letter that was in English and there was a translation which came with it, and it was stated that the translation was done by Ruth Paine.

Mr. RANKIN. What did you do with the translation or the—I will ask you the translation first. Did you keep that?

Mrs. OSWALD. I don't remember what I did with it.

Mr. RANKIN. Do you know what you did with the part that was in Russian?

Mrs. OSWALD. Perhaps it is somewhere among my papers but I didn't pay any special attention to it.

Mr. RANKIN. I will hand you Commission Exhibit No. 331 and ask you if that is the letter in English that you referred to?

Mrs. OSWALD. Yes; it is the letter.

Mr. RANKIN. I call the Commission's attention to the fact that that has already been received in evidence.

Mr. MCKENZIE. Mr. Rankin, did you write Mr. Olds about this? This appears to be a letter in reply to a letter from you.

Mr. RANKIN. That is right. I asked for it.

Mrs. OSWALD, will you examine Commission Exhibits Nos. 990 and 991 and state whether you know the handwriting in those exhibits?

Mrs. OSWALD. This is all mine, my handwriting. This is the answer to that letter.

Mr. RANKIN. And the letter, Exhibit No. 990, and the envelope, Exhibit No. 991, in your handwriting were your response to the inquiry of the Dallas Civil Liberties Union on the Exhibit No. 331?

Mrs. OSWALD. Yes; this was my answer to this letter, Exhibit No. 331.

Mr. RANKIN. I offer in evidence Commission Exhibits Nos. 990 and 991.

Mr. DULLES. You want them admitted at this time?

Mr. RANKIN. Yes; Mr. Chairman.

Mr. DULLES. They shall be admitted.

(Commission Exhibits Nos. 990 and 991 were marked for identification and received in evidence.)

Mr. RANKIN. Mrs. Oswald, I will ask you to examine Exhibit No. 988 and with the help of the interpreter, advise us whether or not it is a reasonably correct translation of your letter, Exhibit No. 990.

Mrs. OSWALD. This is not an accurate translation.

Mr. RANKIN. Mrs. Oswald, can you tell us what errors were made, where the corrections should be to make it a correct translation?

Mrs. OSWALD. There is one place here in which it refers to the third sentence of the English text which states: "What you read in the papers is correct."

Mr. RANKIN. How would you correct that?

Mrs. OSWALD. This is incorrect. A better, a proper translation, although unofficial of this passage, and the Russian text of my letter would read, "Your concern is quite unnecessary although it is quite understandable if one is to judge from what is written in the papers."

Mr. RANKIN. Now, will you proceed with any other corrections?

Mrs. OSWALD. This, the letter, the spirit of the letter reflects my own spirit in my own Russian text—although the translation is somewhat inaccurate and tends to shorten my own text somewhat.

There is another inaccuracy which is more important than the others—it is not more important, the first one is more important—there is another which should be called to the Commission's attention.

The last sentence of the English text reads: "Please let Mrs. Ruth Paine know I owe to her much and think of her as one of my best friends."

Whereas the letter only states that: "Of course, consider her my friend."

Mr. RANKIN. Mrs. Oswald, I call your attention to Commission Exhibit No. 990 and ask you to note the date which appears to be December 7, 1964.

The Dallas Civil Liberties Union letter, you will note, was dated January 6, 1964, which I will hand you so you can examine it. Could you explain that discrepancy? You might wish to examine them.

Mrs. OSWALD. It can't possibly be the 7th of December 1964 because it hasn't even come yet.

Mr. RANKIN. You might wish to examine the envelope, Exhibit No. 991, that may help you as to the correct date.

Mrs. OSWALD. January 8. I wrote this January 7. It was just my mistake. I wrote it on January 7 and mailed it on the 8th. I just out of habit still writing December.

Mr. MCKENZIE. Mr. Rankin, may I ask the Commission, on Commission Exhibit No. 988, which purports to be a translation of Mrs. Oswald's letter to the Dallas Civil Liberties Union, do you know who translated this letter or could you tell us who translated the letter?

Mr. RANKIN. Mr. McKenzie—

Mrs. OSWALD. They wrote me that I can answer them in Russian, and which I did but I haven't any idea who translated my answer.

Mr. RANKIN. The Commission Exhibit No. 987 which I will now offer states that the translation was handled by Mrs. Ford and later seen by Mrs. Paine.

The translation of the exhibit that you now have in your hand, what is the number of that?

Mr. MCKENZIE. This is Commission Exhibit No. 988 in English which purports to be a translation of Mrs. Oswald's letter to the Dallas Civil Liberties Union and I am asking does the Commission know who translated the letter?

Mr. RANKIN. We were informed by the Dallas Civil Liberties Union in Exhibit No. 987 that the translation was made by Mrs. Ford and later seen by Mrs. Paine, and I now offer all exhibits together with Exhibit No. 987 as part of the testimony of this witness.

Mr. DULLES. The exhibits shall be admitted. Have we the numbers of all of these exhibits?

Mr. RANKIN. Yes; the reporter has them.

(Commission Exhibit No. 987 was marked for identification and received in evidence.)

Mr. RANKIN. Mrs. Oswald, I will hand you the cameras of your—

Mr. DULLES. I wonder before we finish this—

Mr. MCKENZIE. I would prefer, Mr. Rankin, for the purposes of the record so that the record will be complete, to have a correct English translation of Mrs. Oswald's letter in the record in lieu of Commission Exhibit No. 988.

Mr. RANKIN. Mr. Chairman, if it is agreeable to the Commission, I would like to ask counsel to furnish such a translation and we will then make it the next number, Exhibit No. 992, as a part of this record.

Mr. DULLES. That shall be admitted then as Exhibit No. 992, the other already being in the record I think, probably has to stay there particularly in view of all this discussion of it.

Mr. RANKIN. If you will furnish it.

Mr. MCKENZIE. You are putting the onus or burden back on me, Mr. Rankin, when the Commission has a fully qualified, I presume, Russian interpreter here, and if the Commission would not mind going to the further expense of having the interpretation of the letter made, I think it would expedite the Commission's report.

Mr. RANKIN. If it is satisfactory to Mr. McKenzie, then, Mr. Chairman, I would like to ask Mr. Coulter if he would make a translation and submit it to Mr. McKenzie for submission to his client for approval, and then we will have that marked the Exhibit No. 992 and made part of this record.

Mr. DULLES. Excellent, that will be admitted as such, Commission Exhibit No. 992.

Mr. McKENZIE. Thank you, Mr. Rankin and thank you Mr. Chairman.
(Commission Exhibit No. 992 was marked for identification and received in evidence.)

Mr. RANKIN. Mrs. Oswald, will you examine the cameras of your husband and tell us which one took the pictures that showed your husband with the rifle and the pistol, as you will recall?

The pictures I am asking you about are Exhibits Nos. 133-A and 133-B which you recall are the ones that you said in your prior testimony you took yourself.

Mrs. OSWALD. Yes.

Mr. RANKIN. With one of these cameras.

Mrs. OSWALD. This is the first and last time in my life I ever took a photograph and it was done with this gray camera.

Mr. REDLICH. Mr. Rankin, the Commission exhibit numbers of the two cameras, one is Commission Exhibit No. 136 and one is Commission Exhibit No. 750.

Mr. McKENZIE. And the gray camera she is referring to, Mr. Rankin, for the purpose of the record is Commission Exhibit No. 750, isn't that right, Mrs. Oswald?

Mrs. OSWALD. Yes.

Mr. RANKIN. That is the gray camera you just said you took pictures with, is that correct?

Mrs. OSWALD. Yes. The other camera also belonged to Lee but I don't use it.

Mr. RANKIN. Turning to another subject now, Mrs. Oswald, while you and Lee Harvey Oswald were at Minsk in the Soviet Union, can you tell us how Lee Harvey Oswald spent his leisure time while he was there?

Mrs. OSWALD. I don't know how he spent his time before we were married but afterwards he was a great lover of classical music and used to go to concerts a lot, and theaters, and movies, symphony concerts, and we used to go out on the lakes around Minsk. There are some lakes in the confines of Minsk and outside where we used to go.

Mr. RANKIN. While there did he read much?

Mrs. OSWALD. He didn't read very much because there wasn't a very great choice of books in English except the ones on Marxism.

Mr. DULLES. He could, however, read books in Russian, could he not, at this time?

Mrs. OSWALD. Yes; but it was a lot of work for him and he really didn't enjoy it very much. But he did go to Russian films and understood them.

Mr. RANKIN. Did he go to the rifle club there?

Mrs. OSWALD. He belonged to a hunters—a club of hunters and had a rifle but he never went to the practice meetings of this club. He only paid his membership dues, and I think that he joined this club in order to be able to acquire a rifle because only apparently members of such hunting clubs have the right in the Soviet Union to own a rifle. Only once did he go out with a group of some of my friends and take his rifle and try and shoot some game but he didn't catch anything.

Representative FORD. Did he buy the rifle or was it given to him?

Mrs. OSWALD. He bought it.

Representative FORD. What did you do with it when you went to the United States?

Mrs. OSWALD. I think he sold it.

Representative FORD. Was it a rifle of—much like the one that was used in the assassination?

Mrs. OSWALD. All rifles look alike to me.

Mr. McKENZIE. Did it have a telescopic sight on it, Marina?

Mrs. OSWALD. No.

Mr. McKENZIE. But it was similar to the same rifle that he had in the United States?

Mrs. OSWALD. No. It wasn't identical but it might have been similar, seeing as how they are both single barrel rifles. I don't understand anything about rifles at all and I really am not qualified to talk about them.

Mr. RANKIN. You mentioned that he went to the rifle club on one occasion or the hunting club on one occasion with some friends to hunt squirrels or

rabbits or things of that sort. Did he go to the hunting club on other occasions to practice to shoot?

Mrs. OSWALD. When I first saw the rifle here in the United States I didn't pay much attention to it because I thought this was the rifle he had brought from Russia.

Mr. RANKIN. Did he practice shooting the rifle in Russia?

Mrs. OSWALD. No.

Mr. RANKIN. Did you see him or observe him cleaning the rifle in Russia?

Mrs. OSWALD. Yes.

Mr. RANKIN. And would he clean the rifle, did he clean it on several occasions?

Mrs. OSWALD. Yes, several times.

Mr. RANKIN. The hunting club that he belonged to, did it have an instructor in shooting the rifle?

Mrs. OSWALD. I don't know but there should have been one.

Mr. RANKIN. Now, he had to have a permit to purchase the rifle in Russia.

Mrs. OSWALD. Yes; you can't possess a rifle without a—permission in the Soviet Union.

Mr. RANKIN. Did he purchase the rifle from a government agency?

Mrs. OSWALD. You buy these rifles in special stores, but to buy them you have to have a paper from the hunting club stating that you have the right to buy a rifle.

Mr. RANKIN. And the authorized government official gave him authority to buy the gun through the hunting club?

Mrs. OSWALD. The hunting club issues this permit. He used to clean the rifle but he never used it. It always hung on the wall.

Mr. RANKIN. Mrs. Oswald, will you describe what you were saying off the record in regard to his going out to use the rifle in the country as distinguished from using it in the club?

Mrs. OSWALD. We all went out together in a group of boys and girls in order to get—to swim a little and to get a suntan. It was a lake which is just on the edge of town not far from Minsk, and the men had guns, and they all went out to try to shoot some kind of rabbit or bird or something like that, and the men went off together and I heard several shots and they came back and they hadn't caught anything so we laughed at it.

Mr. RANKIN. Did that happen more than once?

Mrs. OSWALD. Only one such trip. And even that time he didn't want to take the gun with him. He took it only because one of my friends was laughing at him and said, "You have a gun hanging here and you never use it. Why don't you bring it along and see if you can use it."

Mr. RANKIN. Did you and your husband have any friends other than Russians while you were at Minsk?

Mrs. OSWALD. There were friends. We had some friends from Argentina but they didn't come on this excursion with us.

Mr. RANKIN. Did you have any friends there who were from Cuba?

Mrs. OSWALD. There were Cuban students studying in Minsk, and this Argentinian girl had a Cuban boyfriend and possibly Lee met this boyfriend, this Cuban student, but I never met him.

Mr. DULLES. Do you know where the Cuban students were studying, what particular school?

Mrs. OSWALD. They study in various educational institutions in Minsk, some are in the medical institute, others are in the agricultural and others are in the polytechnical institute.

Mr. DULLES. Could you tell us a little more about these Argentinians, were they there for educational reasons or what was the reason they were there?

Mrs. OSWALD. Excuse me; I am mixed up with Cubans. You talk about Argentinians?

Mr. DULLES. I asked about Argentinians but I would be glad to have you add the Cubans to it, too.

Mrs. OSWALD. There is agreement between the Cuban Government and the Russian Government; and the Cuban Government under this agreement sends Cuban students to study in the Soviet Union.

From what I could tell from what Lee said, many of these Cuban students

were not satisfied with life in the Soviet Union, and this Argentinian girl told me the same thing. Many of them thought that, they were not satisfied with conditions in the Soviet Union and thought if Castro were to be in power that the conditions in Cuba would become similar to those in the Soviet Union and they were not satisfied with this. They said it wasn't worth while carrying out a revolution just to have the kind of life that these people in the Soviet Union had.

Representative FORD. Would you have any idea how many Cubans were in school in Minsk?

Mrs. OSWALD. I heard the figure of 300 but I never knew even a single one.

Representative FORD. Could you be more helpful in the kind of schools they went to, what were the schools?

Mrs. OSWALD. Most of them were in agricultural institutes. Some were in the institute of foreign languages where they spent a year studying Russian in order subsequently to go on into some other institute where they could study some more formal subject or some more formal discipline.

Representative FORD. About how old were these students?

Mrs. OSWALD. About between 17 and 21.

Mr. DULLES. Was your husband absent from you during any protracted period after your marriage, and during your stay in Minsk other than the trip I think he took one trip to Moscow without you.

Mrs. OSWALD. Once I went to Kharkov, and he stayed in Minsk. Other than that there were no absences on his part, except, of course, for the trip to Moscow. Do you want to talk about the Argentinian students?

Mr. DULLES. Yes; if you have more to say about that.

Mrs. OSWALD. These are people who left Poland about 30 years previously for Argentina. Then after the second World War the part of Poland where they had been living became part of the Soviet Union and the father of this family was an engineer and worked in the same factory where Lee worked, his name was Zieger.

They had two daughters born in Argentina, and the wife was very homesick for her native country, so they came back and the Soviet Government gave them Soviet citizenship before they got on the boat to come back. Then she told us what she had been reading in the newspapers was just propoganda and they thought the life was a little better than what they found out what it was when they arrived. Now, they have been there 7 or 8 years and they would prefer to go back to Argentina but they can't.

Mr. DULLES. In connection with your husband's work in the factory did he have any indoctrination courses as a part of that in Marxism, Leninism, or in anything of that kind in connection with his work in the factory?

Mrs. OSWALD. I think there are such courses in the factory for party members and for people who want to become party members but Lee never went to them. When he was in Russia he didn't like Russian Communists. He thought they were all bureaucrats. I don't actually know what he liked except himself.

Mr. DULLES. Do you know whether your husband received any special pay or special funds through the Russian Red Cross or through any other channel in addition to his regular pay in the factory?

Mrs. OSWALD. Before we were married he apparently—he told me he was getting some assistance from the Government, but he told me this after we were married, and I don't know from whom or in what way he got it.

Representative FORD. Did you have any idea how much extra he was getting over his wages?

Mrs. OSWALD. I don't know how much it was but he had quite a lot of money in the beginning. Maybe he wrote about this in his diary.

Representative FORD. Did you know how much he was earning each week while he was employed?

Mrs. OSWALD. In Russia they don't pay for every week. Eighty rubles a month.

Representative FORD. Eighty rubles a month?

Mrs. OSWALD. Yes.

Mr. DULLES. Those are the new rubles?

Mrs. OSWALD. New rubles.

Mr. DULLES. Those were the new rubles, revalued rubles, that is about \$90; is it not?

Mrs. OSWALD. \$90 or \$80.

Representative FORD. While you were married did you know of any extra money he was getting?

Mrs. OSWALD. He didn't receive any—he didn't receive any extra money while we were married, he had a little bit left over from what he was getting before, that is all.

Representative FORD. Did he handle all of the money that he received or did he give you some while you were in the Soviet Union?

Mrs. OSWALD. I was working at the same time, and I gave him my salary and he in turn would give me some money every now and then to buy groceries with and that sort of thing, but I didn't ever get any money from his salary.

Representative FORD. So the only income that you know about was the money you earned and the money that he earned?

Mrs. OSWALD. Yes.

Representative FORD. And how much did you earn?

Mrs. OSWALD. 45.

Representative FORD. 45 rubles a month?

Mrs. OSWALD. A month.

Representative FORD. There were no other funds, to your knowledge, that he received after you were married?

Mrs. OSWALD. No.

Representative FORD. He paid all the bills?

Mrs. OSWALD. Yes. You didn't have too much bills in Russia.

Mr. DULLES. Did he take your money, too? What was your rent, do you recall at that time, rent of the apartment?

Mrs. OSWALD. Seven rubles and 50 cents, kopeks.

Mr. DULLES. Was it 7 rubles and 50 kopeks? A week?

Mrs. OSWALD. A month; the rent in Russia are usually about 10 percent of wages a month.

Mr. MCKENZIE. Wages are low, too.

Mrs. OSWALD. Of course, people who get more, higher wages have bigger apartments.

Mr. DULLES. Mr. Rankin, I think, is it all right to adjourn at this point?

We will reconvene at 2 o'clock.

(Whereupon, at 12:50 p.m., the President's Commission recessed.)

Afternoon Session

TESTIMONY OF HARRIS COULTER

The President's Commission reconvened at 2 p.m.

(Members present at this point: Chief Justice Warren and Representative Ford.)

The CHAIRMAN. The Commission will come to order. You may proceed, Mr. Rankin.

Mr. RANKIN. Mr. Chief Justice, Mr. McKenzie has asked that we develop in the record a little bit about the qualifications of Mr. Coulter as an interpreter, so it would be clear that he is able to translate back and forth.

The CHAIRMAN. Very well.

Mr. RANKIN. Mr. Coulter, I think you should be sworn for this.

The CHAIRMAN. Would you rise and be sworn, please? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COULTER. I do.

Mr. RANKIN. Will you please state your full name?

Mr. COULTER. Harris Livermore Coulter.

Mr. RANKIN. Where do you live?

Mr. COULTER. Glen Echo Heights, Md.

Mr. RANKIN. Do you have a position in the Government at the present time?

Mr. COULTER. Yes; I am an interpreter with the State Department.

Mr. RANKIN. How long have you been in that capacity?

Mr. COULTER. About 3 months.

Mr. RANKIN. Do you have any special field of foreign languages that you are working in?

Mr. COULTER. Russian is my best foreign language. I also work in French and in Yugoslavian.

Mr. RANKIN. What training have you had for interpreting or translating Russian?

Mr. COULTER. Russian language and area studies was my major subject at Yale University when I was an undergraduate. I also took 4 years of graduate work at Columbia University in Soviet area studies. In addition to that, I studied at the University of Moscow for 6 months. And I have been studying Russian since 1950.

Mr. RANKIN. Can you tell us what period of time you studied at the University of Moscow?

Mr. COULTER. I was there from December 19—excuse me—from September 1962 until January 1963.

Mr. RANKIN. Have you been acting as an official interpreter in Government work?

Mr. COULTER. Yes; for the last 3 months I have been.

Mr. RANKIN. And will you describe the nature of that activity?

Mr. COULTER. I have been escorting delegations from Yugoslavia both around the United States and in Washington. I have been working with French delegations here in the State Department. I would have been working with Russians if there had been any. There just haven't been any yet.

In July I will be going to Geneva to be an interpreter at the disarmament negotiations between the United States and the Soviet Union.

I worked 3 years as simultaneous interpreter at the United Nations, in Russian and French.

Mr. RANKIN. And have all these various activities since you have been employed by the Government been as a part of your Government work?

Mr. COULTER. Yes.

Mr. RANKIN. Do you have facility in the reading of the Russian language?

Mr. COULTER. Yes; I read it fluently.

Mr. RANKIN. Have you had any difficulty understanding Mrs. Oswald?

Mr. COULTER. Not in the slightest; no.

Mr. RANKIN. I will ask you to ask her if she has had any difficulty understanding you.

Mrs. OSWALD. In the Russian language?

Mr. RANKIN. Yes.

Mrs. OSWALD. No.

Mr. RANKIN. Mr. McKenzie, do you have anything else?

Mr. MCKENZIE. I would like to ask a couple of questions. Mr. Coulter, prior to your service with the State Department which commenced some 3 months ago, where were you employed?

Mr. COULTER. I was unemployed from June 1963 until March 1964. I was in the process of being cleared for a Government job at the time.

I terminated my employment with the United Nations in June 1963.

Mr. MCKENZIE. And you have been cleared for Government security purposes?

Mr. COULTER. That is right. The clearance began about August. I had some part-time jobs, freelance work, between the dates, but nothing permanent.

Mr. MCKENZIE. But for a number of years you were an interpreter at the United Nations?

Mr. COULTER. About 3 years.

Mr. MCKENZIE. And then you started getting a security clearance, and for the past 3 months you have been employed by the State Department as an interpreter?

Mr. COULTER. Yes.

Mr. MCKENZIE. You were the interpreter present this morning when Mrs. Oswald commenced her testimony on this occasion?

Mr. COULTER. I was.

Mr. MCKENZIE. And all the above and foregoing testimony previously testified to from the beginning of this session this morning up through now, you have interpreted; have you not?

Mr. COULTER. I have.

Mrs. OSWALD. I appreciate Mr. Coulter helping me.

Mr. MCKENZIE. Mr. Rankin, the purpose and reason behind my asking you to show his qualifications, the interpreter's qualifications, is that the record will reflect that Mrs. Oswald was asked questions in English, and they were interpreted into Russian, and she has answered in Russian—and so that the record will show she was not answering in English.

TESTIMONY OF MRS. LEE HARVEY OSWALD RESUMED

Mr. RANKIN. Mrs. Oswald, I would like to turn now to the pictures of your husband that I asked you about earlier, when you identified the gray camera as the one that was used in taking the pictures. And I called your attention to Commission Exhibits Nos. 133-A and 133-B. I now wish to ask you specifically whether you used that camera that you saw identified for the taking of both of these pictures. And in so doing, I wish to call your attention to the fact that there were two different positions in the exhibits.

Mrs. OSWALD. I took both these pictures at the same time, and with the same camera.

Mr. RANKIN. And in giving that answer, you have examined the pictures, and you know they are different positions—that is, your husband has the rifle in different positions and the newspaper in different positions in the two pictures—do you?

Mrs. OSWALD. I am aware of that.

Mr. RANKIN. Mrs. Oswald, did you ever have a discussion with your husband about when he decided that he would like to become a citizen of the Soviet Union?

Mrs. OSWALD. We discussed this and he said that the Soviet Government wanted him to become a Soviet citizen and furnished him the necessary papers, but he apparently refused. But the way it appears in his diary, of course, is quite different—in fact, the exact opposite.

Mr. RANKIN. By the exact opposite, you mean that it shows in his diary that he was the one that wanted to be a Soviet citizen, and the Soviet Union refused to allow that; is that right?

Mrs. OSWALD. That is correct.

Representative FORD. When did this conversation on this subject take place, Mrs. Oswald?

Mrs. OSWALD. About 3 months after we were married.

Representative FORD. While you were living in Minsk?

Mrs. OSWALD. Yes.

Representative FORD. Do you remember how the discussion came up?

Mrs. OSWALD. When Lee wrote the American Embassy requesting return to the United States and requesting an American passport, he told me that it was very lucky that he hadn't become a Soviet citizen, and that his passport was still in the American Embassy. And that if he had become a Soviet citizen, it would have been difficult if not impossible to leave.

Before I found out about his diary, I didn't realize that the Soviet Government had refused to grant him citizenship, because he never talked about this, never mentioned it.

Mr. RANKIN. Mr. Chief Justice, that is the end of the questioning that I planned to examine Mrs. Oswald about. I understand that Congressman Ford has some.

I would like before closing to make an offer of what has been marked now as Commission Exhibit No. 993, which is the story that Mrs. Oswald developed in Russian that was furnished to us, and I want to inform the Commission that it was furnished to us for the purpose of trying to examine Mrs. Oswald the first time, and that counsel at that time and present counsel wanted to make it very clear that they didn't want to lose any property interest in that document.

And all rights that they might have to publish it and use it commercially and any other way that she might have, and that it was merely furnished to the Commission for official purposes and very strictly limited in that manner. But I would like to offer it and the Commission may want to reserve its decision as to whether it should be made a part of the record and published. But I think it should at this time be offered for your consideration in that manner.

The CHAIRMAN. Yes. Does counsel wish to add anything to that?

Mr. MCKENZIE. Yes, Mr. Chairman; I would, if I may, sir.

The CHAIRMAN. Yes.

Mr. MCKENZIE. I appreciate Mr. Rankin's remarks in connection with the offering of Mrs. Oswald's memoirs, or manuscript of her memoirs, which, I understand, is Commission Exhibit No. 993. The manuscript prepared by Mrs. Oswald was heretofore voluntarily presented for the sole and exclusive purpose of assisting the Commission in its official duties for the Commission's use and benefit and to help the Commission in evaluating Mrs. Oswald's testimony as well as the testimony of others in arriving at a report setting forth its findings and conclusions to the President and the American people.

Mrs. Oswald and her two minor children have property rights that are private to her and to them in the publishing and use of the memoirs set forth in her manuscript, which was written solely for her use in writing a book for commercial purposes. She does object to the inclusion of the manuscript in the record, or the publishing of same, and she does not waive or relinquish or in anyway legally or otherwise give away her proprietary rights in this regard, to the manuscript.

She respectfully requests that the Commission honor her request in what has heretofore been deemed and what she now deems to be her assistance to the Commission—and I will say this—that she has told me repeatedly that she has sought to assist the Commission in every possible and conceivable way. But in light of that, she does respect the Commission's indulgence in not publishing this manuscript, and asks that this only be used as it was presented for the purpose of assisting the Commission in its official duties, in evaluating the evidence.

The CHAIRMAN. Do you have any suggestions as to how we might use it and at the same time not permanently deprive the public of an opportunity to see it?

Before you answer that, I want to say this. I am sure no member of the Commission wants to—has any desire to in anyway interfere with the property rights of Mrs. Oswald. She did cooperate with us in bringing this. We feel grateful that she did do it. On the other hand, we do want eventually to have this in the record so the public will know that they are getting everything that the Commission has. I am just wondering if perhaps while you are contemplating writing something on the subject, and protecting her property rights, if we could seal this with a notation that it was not to be opened for public view until that has been done. And you could let us know when that day has passed. Would that protect her rights?

Mr. MCKENZIE. Well, Mr. Chief Justice, I would be the last one in the world to suggest anything either to yourself or to the Commission insofar as the way this matter should be handled. I do have, or feel, that the manuscript was given to the Commission, the Commission has had more than adequate opportunity to interrogate Mrs. Oswald. She is willing to stay here now as long as the Commission desires, and will do so voluntarily without the issuance of a subpoena or any other way.

I think through the interrogation that Mr. Rankin has conducted—I might remark, most ably—that certainly the matters covered in the manuscript have already been covered in direct sworn testimony. And with that thought in mind, it was my feeling, and it is my feeling that the Commission and its staff, through the help and assistance of the manuscript and Mrs. Oswald, have had the benefit of all the matters previously written down by Mrs. Oswald, and that if there are any questions that have not been covered that are covered in the manuscript, I am sure that counsel for the Commission could adequately cover those questions. The manuscript was prepared by Mrs. Oswald in the form of memoirs. And was not prepared for the use of the Commission. And I think without the Commission's knowledge—it was prepared beforehand. And she brought it so

the Commission could have the effect of it and the use of it. Now, if the Commission feels that it should be finally published as part of the Commission's report, I would certainly hope that the Commission would honor her request and withhold the publishing of the manuscript until such time as she has had the opportunity to conclude any negotiations which she might have or might possibly have for the publishing of a book.

I ask this not so much for Mrs. Oswald herself, but more for her two minor children.

The CHAIRMAN. Well, we will do at least that. We will take the matter under consideration and having in mind her rights and our desire not to interfere with them we will try to work out a solution that will be satisfactory to you and to her.

Mr. MCKENZIE. I thank you very much, Mr. Chief Justice. And I might also add that the Chief Justice and all members of this Commission and its staff know full well, or at least I feel would know full well that just as soon as this report is published and distributed to the public, or distributed to the press, regardless of what property rights she may have now or may have then, it will be extremely difficult for Mrs. Oswald to protect those rights—if not impossible.

The CHAIRMAN. I would like to say, also, for the record that there is nothing sensational or nothing of a secretive nature in the document. It is something that, as you say, was written for publication, and we assume that it will be some day published, probably, and that if it is not given to the public, it will not be because there is anything of a secret nature in there. It would only be a question of whether it could be done consistent with the rights of the witness. And we will bear those in mind, you may be sure.

Mr. MCKENZIE. I thank you, Mr. Chief Justice.

And if I may add one other thing. I have heretofore made a request on Mr. Rankin in connection with a diary which was presented by Robert Oswald at the time of his testimony to the Commission, that Robert Oswald had prepared shortly after November 22, and which not only has he furnished the diary to the Commission, but has also narrated that diary by reading same on dictaphone tapes, and I have, in turn, furnished it to Mr. Jenner, a member of the Commission's staff.

I have requested the Commission not to print Robert Oswald's diary for the same reasons that I have heretofore outlined in connection with Mrs. Oswald's manuscript. And I would hope that the Commission could consider Robert Oswald's diary in the same light that you would consider this manuscript. I am not saying that either have any commercial value, but if they do I would hope that they would inure to the benefit of Mrs. Oswald's family and the benefit of Robert Oswald's family.

The CHAIRMAN. Yes. We will consider that, also. But there are some portions of the diary of Mr. Oswald that are in the record already as a result of his examination, as there are things involved in this document of Mrs. Oswald's that are in the record by question and answer.

Mr. MCKENZIE. There is one other thing, and then I will close on this particular subject. Mrs. Oswald does not have a copy of the manuscript of her memoirs. Her former attorney, Mr. Thorne, or her former so-called business manager, Mr. James Martin, reportedly to me has such a copy. But at the present time she does not have a copy of this manuscript nor do I have a copy of the manuscript.

The CHAIRMAN. You may have one immediately.

Mr. MCKENZIE. Fine, sir—I would like to say at the Commission's expense.

The CHAIRMAN. Yes; of course, we will see you have one.

Mr. MCKENZIE. At the time that Robert Oswald gave his testimony to the Commission, Mr. Jenner and Mr. Liebler followed the practice of taking originals and photostating them or Xerox copying them and giving the originals back. Before we do close today, I would like to make a request on the record to have all the articles that Marina has brought up here in the way of letters and things of that sort returned to her, with, of course, adequate copies for the Commission and its use. And I don't know whether you have any or not.

Mr. RANKIN. You have made your request.

The CHAIRMAN. We will consider that along with the other things. Mr. Rankin, will you continue now?

Mr. RANKIN. Mr. Coulter, could you state for the record whether you have related this colloquy to Mrs. Oswald, so that she is informed of it?

Mr. COULTER. I gave it to her in general terms, that they were discussing the question of the rights to her manuscript and the rights to the originals of the various objects in her possession, which she had made available to the Commission.

Mr. RANKIN. Thank you.

(At this point, Mr. Dulles entered the hearing room.)

Mr. RANKIN. Mr. Chief Justice, I have one other offer to make, and I would like to offer it under Exhibit No. 994, and that would be a translation of this document, that would present the same problems.

We have a translation that was made by Mr. Gopadze, the Secret Service agent, who is quite familiar with the Russian language. But we earlier today had a letter that Mrs. Oswald wrote to the Civil Liberties Union of Dallas, and she questioned some of the translation from Russian into English, which was not done by any of our people, of course. And we are not so sure about Mr. Gopadze's translation. So we would like to follow what was suggested at that time, that Mr. Coulter make a translation of this, which we would submit to counsel for Mrs. Oswald, and Mrs. Oswald, for them to be satisfied it is a correct translation, and then make that translation a part of the record, subject to your deciding later whether it should be.

The CHAIRMAN. Well, instead of referring it to Mr. Coulter, we will refer it to Mrs. Oswald's attorney, and he can have prepared any translation that he wishes, and then we will have it for comparison with the other.

Mr. RANKIN. Mr. Chief Justice, I thought we would save them the expense.

The CHAIRMAN. I would rather deal directly with the counsel, and then we are not in any cross purposes. He can have it done any way he wants.

Mr. MCKENZIE. Mr. Chief Justice, with your kind indulgence, sir, and the Commission's kind indulgence, Mr. Coulter's translation of this document would be more than satisfactory with Mrs. Oswald and with myself. And, quite frankly, the funds which she has available to her for such a purpose are so extremely limited that it would be an extreme hardship on her to employ an interpreter to translate it.

The CHAIRMAN. That is perfectly all right, that Mr. Coulter should do it. I have no objection at all to Mr. Coulter. Only when we are dealing with a client of a lawyer, we like to deal directly with him, and he can deal with the translator if he wishes.

Mr. MCKENZIE. I think we are both trying to serve the same purpose. But Mr. Rankin and I, I think, are in full agreement on Mr. Coulter's interpretation of this manuscript—if that is satisfactory with the Commission.

The CHAIRMAN. Yes; if it is satisfactory with you, it is satisfactory with me. There is no question about that.

Mrs. OSWALD. Maybe in this manuscript many details are lacking which have been developed in my testimony, because I wrote it mainly for public consumption.

Mr. RANKIN. We understand, Mrs. Oswald. I am sure the Commissioners all understand that the manuscript is something that was referred to in order to inquire from you during your giving of testimony, and that your testimony, together with the manuscript, should be considered if there is any question, because you do not purport to cover everything in the manuscript. Is that what you are saying?

Mrs. OSWALD. I am very ashamed that there is so much unnecessary information in this manuscript and that it caused the interpreter so much difficulty in translating it.

Mr. RANKIN. Mr. Chief Justice, I then offer under Exhibit No. 994, and I make, without repeating them, the same suggestions I did about the Russian document, Exhibit No. 993, and ask that we follow the procedure of getting the translation, and then make it a part of this record, subject to the Commission's determining that it should be.

The CHAIRMAN. It may be done in that manner.

Mr. RANKIN. That is all.

The CHAIRMAN. Congressman Ford, do you have some matters?

Mrs. OSWALD. I would like to know if the Commission wants me to make some comment on any differences in substance between the manuscript and the testimony which I have given, or between the manuscript or the translation, whichever translation may be accepted, or both.

The CHAIRMAN. The Commission will ask the questions, if there is anything of that nature. Now, Congressman Ford, do you have some questions?

Representative FORD. Yes, Mr. Chief Justice, I have a few questions. In the Soviet Union, when a marriage application is applied for, what are the steps that you take?

Mrs. OSWALD. There are certain applications which have to be filled out by the boy and girl.

Representative FORD. Do you have to go down together to make the application?

Mrs. OSWALD. It is necessary for both to appear with their passports and fill out this application.

Representative FORD. In other words, Lee Harvey Oswald had to take his passport down to—at the time that he applied for a marriage application?

Mrs. OSWALD. Lee Oswald did not have his passport at the time since it was in the American Embassy. He went with his residence permission to the office. But our marriage was entered into his American passport after we were married and before we left the Soviet Union for the United States.

Representative FORD. So it is not the passport in the sense that we think of a passport, that we get to travel to a foreign country?

Mrs. OSWALD. Since most marriages are concluded between Soviet citizens, they only present their internal passports to the marriage license bureau. But if there is a marriage between a Soviet citizen and a foreigner, he presents his residence permission and his foreign passport, also, if he has one. If he doesn't have it, the residence permission is enough.

Representative FORD. Do we have the document that he presented at the time he applied for marriage?

Mrs. OSWALD. I don't know. I think he had to turn that in before he left the Soviet Union.

Mr. McKENZIE. Are you referring to his American passport?

Representative FORD. No; I am referring to the document that he presented at the time he applied for marriage.

Mr. McKENZIE. Which would be a Russian instrument?

Representative FORD. Right.

Mrs. OSWALD. I don't know if it is available. I think he had to turn it in before he left the Soviet Union.

Representative FORD. In other words, both you and Lee Harvey Oswald signed the necessary documents for marriage?

Mrs. OSWALD. Yes.

Representative FORD. During your period in Minsk, following your marriage, did you and Lee Harvey Oswald have any marital difficulties, any problems between the two of you?

Mrs. OSWALD. We had some difficulties in connection with the fact that I told my uncle and aunt that we were going to leave for the United States. Lee did not want me to tell anybody that we were preparing to leave for the United States.

Representative FORD. That was the only difficulty you had?

Mrs. OSWALD. Yes.

Representative FORD. Was your vacation trip to Kharkov—was that a vacation, or did that result from any marital difficulty?

Mrs. OSWALD. My aunt invited me to Kharkov, and that is why I went. It was not the result of any marital difficulties.

Representative FORD. You testified a few minutes ago, Mrs. Oswald, that there was a difference in the historic diary and what Lee Oswald told you concerning the status of his application for Soviet citizenship. You have read the historic diary?

Mrs. OSWALD. I have only read what the FBI agents translated, those parts of the diary which were translated into Russian by the FBI.

Representative FORD. Was that much of it or a small part of it?

Mrs. OSWALD. It was the part about his attempt at suicide.

Representative FORD. And also the part concerning the status of his Soviet citizenship?

Mrs. OSWALD. I think that that is the part which deals with his application for Soviet citizenship. I don't know of any other parts of the diary in which this would be set forth.

Representative FORD. You have no idea of when he wrote the historic diary?

Mrs. OSWALD. I don't know when he began, but I know that after we were married he spent the evenings writing his diary. I think that is the reason why he didn't want me to study English while we were still in Russia, because he didn't want me to be able to read his diary.

Representative FORD. He never read you the diary in Russian?

Mrs. OSWALD. No.

Representative FORD. On the trip back to the United States, Lee Oswald wrote on the Holland-American Line paper some additional comments. Did you see him write this on the trip?

Mrs. OSWALD. I saw him writing this when we were in the cabin on the ship. I thought they were just letters, though, and I didn't read them. He didn't write these when I was around.

Representative FORD. He didn't write them while you were present?

Mrs. OSWALD. No.

Mr. REDLICH. I might mention for the record that this document has already been introduced as Commission Exhibit No. 25.

Representative FORD. If you didn't see him write it in the cabin how did you know he wrote it?

Mrs. OSWALD. In the first place, because the paper was from the Holland-American Line, and then I think—in the second place, because I saw these pages covered with writing in the cabin, and I think that he must have gone some place else on the ship, such as the library, to do the actual writing.

Representative FORD. Have you read that which he wrote on the ship?

Mrs. OSWALD. No; I have not read them, because I don't understand English.

Representative FORD. He never read it to you in Russian?

Mrs. OSWALD. No.

Representative FORD. At any time on the trip back, from the time you started to leave the Soviet Union until you arrived in the United States, did you have any trouble at the border of the Soviet Union or any other country?

Mrs. OSWALD. We had no difficulty with the authorities of any kind on any border. I think that my husband may have had some financial difficulties in New York, when he arrived.

Representative FORD. You left the Soviet Union by what means, now?

Mrs. OSWALD. Train and boat.

Representative FORD. You went from the Soviet Union to Poland by train?

Mrs. OSWALD. We took a train from Moscow to Amsterdam, through Poland and Germany.

Representative FORD. You had no difficulty going into Poland, going through Germany?

Mrs. OSWALD. No.

Representative FORD. Or into Holland?

Mrs. OSWALD. No. And there were no difficulties in our entering the United States, either.

Representative FORD. When you were living at Elsbeth Street, did you and Lee have any domestic trouble?

Mrs. OSWALD. Yes.

Representative FORD. Could you relate how frequently and how serious they were?

Mrs. OSWALD. The first difficulty we had was at Elsbeth Street when I told the landlady that I was from Russia. My husband had told her that I was from Czechoslovakia, and he became very angry with me for telling her I was from Russia, and said that I talked too much.

Representative FORD. That was the first incident?

Mrs. OSWALD. Yes.

Representative FORD. Were there others?

Mrs. OSWALD. Then we had difficulties because I had a number of Russian friends in Elsbeth Street, around there, in Dallas, and he was jealous of me, and didn't want me to see them.

Representative FORD. During this time, did he physically abuse you? Did he hit you?

Mrs. OSWALD. Yes.

Representative FORD. Did Mr. De Mohrenschildt reprimand Lee for his abuse to you?

Mrs. OSWALD. I don't know. He didn't support this. He didn't favor this conduct of my husband's. But I don't think he ever said anything to him about it, or told him that he shouldn't do it.

Representative FORD. Mr. De Mohrenschildt didn't say anything to Lee Oswald in your presence about his abuse towards you?

Mrs. OSWALD. No; not in my presence.

Representative FORD. Did Mr. De Mohrenschildt take you to Mellers, was it?

Mrs. OSWALD. Anna Meller—no; he did not.

Representative FORD. Mr. De Mohrenschildt did not take you there?

Mrs. OSWALD. No; we had a quarrel, and I took the child and took a taxi, and went by myself there.

Representative FORD. Did you have money to pay for a taxi?

Mrs. OSWALD. Anna Meller paid for the taxi.

Representative FORD. When you got to Anna Meller's?

Mrs. OSWALD. Yes.

Representative FORD. I believe that is all, Mr. Chairman.

The CHAIRMAN. Mr. Dulles, do you have any questions?

Mr. DULLES. A couple, Mr. Chief Justice.

You have described this morning briefly the manner of your life in Minsk. I wonder if you would also now discuss that in the United States. What did you do with your leisure time, how did Oswald handle his leisure time when he wasn't working?

I am speaking of your stays in Dallas, Fort Worth, and New Orleans.

Mrs. OSWALD. My life in the United States was not quite as carefree as it had been in the Soviet Union. I was occupied all the time with housework, and I couldn't go anywhere. Lee spent a good deal of time reading.

Mr. DULLES. Were you together most of the time?

Mrs. OSWALD. Yes.

Mr. DULLES. So that you knew where Lee was. Lee wasn't away on trips much of the time, except for his trip to Mexico, and when he was absent in New Orleans?

Mrs. OSWALD. That is correct. We were together.

Mr. DULLES. Do you know what he was reading in those days?

Mrs. OSWALD. He read nonfiction almost entirely and mainly historical works.

Mr. DULLES. Was he reading Russian books or mostly English books?

Mrs. OSWALD. He could read Russian, but he read only English works.

Mr. DULLES. Was he doing much writing in this period, during the American stay?

Mrs. OSWALD. When we were living on Elsbeth Street, he wrote something, and also on Neely Street, I think it was in connection with the Walker, General Walker incident.

Mr. DULLES. Do you know what happened to that particular writing?

Mrs. OSWALD. I know that he destroyed this after the Walker business.

He had a map of Dallas, and he used to go off by himself and think about the map, and work on it. I think you have this map in among the materials of the Commission. He used to work on it, and the least disturbance used to upset him very much when he was working on this map.

Mr. DULLES. When you say he used to go away, do you mean go away in the house or outside the house with the map?

Mrs. OSWALD. In the house, in the kitchen, and would tell me not to come in, not to make any noise at all.

Mr. DULLES. Could you specify as to time and date, as to about when he acquired this map and began this study of the map?

Mrs. OSWALD. Could I ask the Commission just when we were living on Elsbeth Street, since I have forgotten?

Mr. REDLICH. November 1962 to March 1963. November 3, 1962 to March 2, 1963.

Mrs. OSWALD. I think it was at the end of January, it was after New Years. I think he had a map all the time, but he started becoming particularly occupied with it at the end of January 1963.

Mr. DULLES. 1963?

Mrs. OSWALD. Yes.

Mr. DULLES. Did Oswald, to your knowledge, have friends, associates, other men whom he saw, in addition to the considerable number whom you have described as your friends in Dallas and Fort Worth, whom you have already described? Did he have any business friends or any other friends you can think of that used to come to the house?

Mrs. OSWALD. No one, except for my friends whom I have already told you about.

Mr. DULLES. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Congressman, did you have any more?

Mr. DULLES. I was speaking of the United States.

Mrs. OSWALD. Yes; he told me that he was working on this map in connection with the bus schedules. He had a kind of bus schedule, and—a paper with bus schedules on it, and he was somehow comparing them or working on them, or doing something with these two documents.

The CHAIRMAN. Congressman Ford?

Representative FORD. When you left the Soviet Union, Lee borrowed money from the U.S. Government to pay for your transportation back to the United States. Did you have any other money of your own at that time?

Mrs. OSWALD. We had—it is permissible to exchange a certain amount of Soviet rubles into American dollars in such cases, and we did exchange some Soviet rubles—I think about \$180 worth—when we left. But that wasn't enough to pay the whole trip.

Representative FORD. Lee had borrowed from the Government approximately \$600?

Mr. RANKIN. \$450, and then the exchange made a total of \$600 and something.

Representative FORD. This \$180 was used with the State Department money for the transportation and the funds for the trip?

Mrs. OSWALD. I don't know, since my husband took care of that whole matter. He never talked about money with me.

Representative FORD. Would you describe one of the border crossings? What did the Government officials do when you went from Poland into Germany, for example? Tell us what actually happened.

Mrs. OSWALD. The train stopped and people come in and check your documents.

On the Russian border, of course, people come in and look at your bags—that is to say, they don't rifle through everything, but they pick things at random and look at them.

Representative FORD. Did Lee carry all the documents?

Mrs. OSWALD. He carried all the documents, since I had the baby to look after.

Representative FORD. At the Polish-German border, did they actually examine the documents?

Mrs. OSWALD. More carefully between Russia and Poland than between Poland and Germany.

Representative FORD. Did Lee make any acquaintances on the train and the boat?

Mrs. OSWALD. No.

Representative FORD. Did——

Mrs. OSWALD. On the boat there were two Rumanian girls we talked with, since I had studied a little bit of Moldavian before, which is similar to Russian, and could speak a little. And on that basis we met and talked a little.

Representative FORD. Did George De Mohrenschildt at any time take you any place from the Elsbeth Street residence?

Mrs. OSWALD. Only to his house.

Representative FORD. Did Lee accompany you at that time?

Mrs. OSWALD. Yes; once he took us both home to see his daughter. He took us—took me to see his daughter, at a time when I was living in Fort Worth, and Lee was living in Dallas. I might be confused about just who went, and when.

Representative FORD. But he only took you once from one place to his house?

Mrs. OSWALD. No; we went several times to his house. Maybe two or three times.

Representative FORD. Did Lee accompany you on any of these occasions?

Mrs. OSWALD. Mr. De Mohrenschildt took us once to the Ford's house. It was on New Year's, I think, Katya Ford's house. It was either Christmas or New Year's. I don't think that Mr. De Mohrenschildt is as dangerous as he sounds. This is my personal opinion.

Representative FORD. I wasn't implying that he was dangerous. I was just trying to—

Mrs. OSWALD. He talks all the time. Did he appear before the Commission or not?

Mr. RANKIN. We have his testimony.

Representative FORD. I have nothing further.

The CHAIRMAN. I think that is all, Mrs. Oswald. Thank you very much.

Mr. MCKENZIE. I have some questions, if I may.

The CHAIRMAN. Yes; Mr. McKenzie.

Mr. MCKENZIE. You mentioned earlier, in response to some question, that your husband had stated that the Soviet Government wanted him to become a Soviet citizen, but that his diary says the opposite.

When did you first learn that the Soviet Government wanted Lee Harvey Oswald to become a Soviet citizen?

Mrs. OSWALD. I heard this 3 months after we were married, from Lee.

Mr. MCKENZIE. Did any Soviet—

Mr. DULLES. Who did you hear it from?

Mrs. OSWALD. From Lee.

Mr. MCKENZIE. Did any Soviet Government official come to see you or Lee after you were married, and visit with you?

Mrs. OSWALD. No.

Mr. MCKENZIE. Did Lee, from time to time, have to report to any Soviet Government agency after you were married?

Mrs. OSWALD. Yes.

Mr. MCKENZIE. And how often did he make a report to a government official or to a government agency?

Mrs. OSWALD. He had to go every month or every 3 months. I don't remember how often. It was either every month or every 2 or 3 and get a stamp in his residence permit.

Mr. MCKENZIE. And how long would he be gone on those occasions from home, or from work?

Mrs. OSWALD. About half an hour.

Mr. MCKENZIE. You have mentioned that he had Cuban friends and friends from the Argentine in Minsk. Did he ever have any Mexican friends in Minsk?

Mrs. OSWALD. No.

Mr. MCKENZIE. Did he ever mention to you anyone that he knew in Mexico, either from Cuba or from the Soviet Union or from any other place, any name of anyone?

Mrs. OSWALD. He might have had some, but I don't know anything about any of them. He never mentioned it.

Mr. MCKENZIE. It has been reported that—in the papers—that at the time you left New Orleans, or at the time that Lee Harvey Oswald left New Orleans, that he had two books on Marxism and a fiction book written by Ian Fleming called "To Russia With Love." Do you recall seeing that book there in the apartment?

Mrs. OSWALD. I only knew about the two books on Marxism and Leninism. I don't know anything about this third one.

Mr. MCKENZIE. And those books you know about, were they books from the public library in New Orleans?

Mrs. OSWALD. I think these were his own private possession. I think he had even a book in English when he was in Russia on Marxism.

Mr. McKENZIE. After your arrival in the United States, and after you had left Fort Worth, and had moved into your own apartment, did your husband have any money?

Mrs. OSWALD. When he left Dallas for Fort Worth?

Mr. McKENZIE. Yes.

Mrs. OSWALD. I think he had some money saved up. He always was saving money for a rainy day.

(At this point, Representative Ford withdrew from the hearing room.)

Mr. McKENZIE. From what source did he save that money? Where did the money come from?

Mrs. OSWALD. Only from his salary, from his wages.

Mr. McKENZIE. When he was not working, did he have any other source of money, or did he have money?

Mrs. OSWALD. When he wasn't working, he got some unemployment compensation from the place where he had been working.

Mr. McKENZIE. Did he ever receive money to your knowledge from any other sources, other than from the Government or from his work?

Mrs. OSWALD. The only sources I know of were the companies where he worked.

Mr. McKENZIE. Who did your husband consider as good friends of his in Dallas, Tex.?

Mrs. OSWALD. He was most friendly with George De Mohrenschildt. However, this is not a very nice thing to say for Mr. De Mohrenschildt's reputation. This has been—had a harmful effect on Mr. De Mohrenschildt's reputation as a result of the assassination, the fact that he was friendly with my husband.

Mr. McKENZIE. Did your husband have any other good friends? For example, did he consider Michael Paine a good friend of his?

Mrs. OSWALD. No; he didn't like Michael Paine. Therefore, I was surprised when they went to this meeting together. Perhaps they became friends after this. But it didn't seem so to me. He didn't show it to me.

Mr. McKENZIE. Did your husband ever give you money or did you ever handle money in caring for the household, or did he take care of the money?

Mrs. OSWALD. He never gave me any money. We would go shopping together, and he would make all the payments.

Mr. McKENZIE. Were there not times when you didn't have enough money and food in the house, and friends had to help you?

Mrs. OSWALD. It never happened that there was no food in the house and that friends had to help us. The only time when this might have been the case was immediately after our arrival in the United States, when I gave some Russian lessons to Mr. Gregory and his son, and he paid me for it. And once after we arrived Mr. George Bouhe saw that I was rather thin and took us to a grocery store and bought us a lot of stuff.

Mr. McKENZIE. And did Mr. George Bouhe or Mrs. Ford have to take you to the hospital at one time or another?

Mrs. OSWALD. No.

Mr. McKENZIE. For June?

Mrs. OSWALD. Not Mrs. Ford and not Mr. Bouhe.

Mr. McKENZIE. Who was it?

Mrs. OSWALD. Lydia Dymitruk took me to the hospital.

Mr. McKENZIE. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Thank you, Mrs. Oswald, I think that will be all.

Mr. McKENZIE. Mr. Chief Justice, before we close for the day I do have one request I would like to make of the Commission on the record.

The CHAIRMAN. Yes.

Mr. McKENZIE. On behalf of Mrs. Oswald, I would like to have returned to her the original or original copies of all letters which she has previously furnished to the Commission, diaries, pictures, or any personal property of Lee Harvey Oswald that was presented to the Commission, including his personal effects and his diary, in particular his wedding ring, a watch, belt buckles, or any personal effects belonging to either Lee Harvey Oswald or Mrs. Oswald that have been presented as original exhibits to the Commission.

The CHAIRMAN. The Commission will consider that in connection with all the other things that you asked for in connection with her writings.

Mr. McKENZIE. And may I respectfully ask this. In the Commission's consideration of our request, in connection with the original instruments or documents, or whatever it may be, do you at this time have any idea how long it would be before the Commission would decide?

The CHAIRMAN. Well, I think—

Mr. McKENZIE. Mind you, I ask that as respectfully as I possibly can.

The CHAIRMAN. Well, I answer you as well as I can. We are driving to conclude the work of the Commission, and we believe that it will be completed in the next month—we hope so, anyway.

Mr. McKENZIE. Of course she has no objection whatsoever for the Commission to have the documents which it now has as long as the originals are returned to her.

The CHAIRMAN. We will give consideration to that, because there are some things that are evidence here, that belonged to him, that perhaps will have to remain evidence. I can't make any analysis of all of those things at the present time. But, for instance, let us say, the gun.

Mr. McKENZIE. We want that, too.

The CHAIRMAN. I say, we will give consideration to that. But I cannot give you any assurance of it at this time.

Mr. RANKIN. Mr. Chief Justice, I would like to have the record show at this point—we have no objection to what you propose and say we should do about supplying new copies of material, but I don't want the record to indicate we took their copies away from them, because we understand their manager and former counsel kept the copies or the originals, and have them. So that we are not just taking them for ourselves. I don't want the record to appear—

Mr. McKENZIE. Mr. Rankin, I would not have the record reflect that, either. And I say that at all times that they were voluntarily given to the Commission. And the only thing I am asking for is a return of everything Mrs. Oswald has previously furnished the Commission, with the understanding that the Commission has the copies of them—she wants the originals back. In particular, there is a wedding ring that I would like to ask the Commission to return at this time.

The CHAIRMAN. Well, these things will have to be considered, all of them, by the whole Commission, Counsel. But we will give them consideration. We won't be turning anything back today, because we want the whole Commission to see what is essential.

Mr. McKENZIE. Thank you, sir.

The CHAIRMAN. All right. I think that will be all. The Commission will adjourn.

(Whereupon, at 3:35 p.m., the President's Commission recessed.)

Tuesday, June 16, 1964

TESTIMONY OF ROBERT ALAN SURREY

The President's Commission met at 10:15 a.m., on June 16, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, and Representative Hale Boggs, members.

Also present were J. Lee Rankin, general counsel; and Albert E. Jenner, Jr., assistant counsel.

(Members present: Chief Justice Warren, Senator Cooper, and Representative Boggs.)

The CHAIRMAN. Mr. Surrey, we have asked you to come here to testify concerning two things. The first is we want to ask you concerning the printing of

a publication entitled, "Wanted for Treason" that appeared on the streets November 22, 1963, in Dallas. And then we propose to ask you also some questions about the home of General Walker, in connection with an attempt that was made on his life some time before the 22d of November. You are prepared to testify, are you?

Mr. SURREY. I talked to Mr. Jenner. I am prepared to testify as concerns the Walker episode. I do not wish to testify as concerns the wanted poster, or the "Wanted for Treason."

The CHAIRMAN. For what reason—what reason do you assign for not wanting to? It is not a question of whether a witness wants to testify here. He is subpoenaed to testify, and he must testify unless he has a privilege.

Mr. SURREY. I believe that my answers would tend to incriminate me under the fifth amendment.

The CHAIRMAN. Very well. You are entitled to raise that question. And, if you do, that privilege will be respected. But we will ask you a question concerning it, and if you claim your privilege it will be respected. And then if you want to testify—are willing to testify about the other matters, you may do so.

Would you rise and raise your right hand and be sworn? You solemnly swear that the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SURREY. I do.

Representative BOGGS. Mr. Chairman, I would suppose that we would not be limited to one question. If he wants to plead the fifth amendment, of course that is his privilege. But I would hope that we could ask him several questions, and if he wants to plead he can plead on each question.

The CHAIRMAN. Well, on any phase of it that you wish to ask him a question, of course it is all right.

Mr. Jenner will conduct the examination.

Mr. SURREY. Is it my understanding that if I do invoke the fifth amendment to begin with, then I do not have the privilege of later on invoking it, is that correct?

The CHAIRMAN. Well, I believe it is a fact that on any phase of your testimony, if you testify in part about that phase, you can be required to testify fully concerning it. But if there is one phase of your testimony that you want to claim the privilege on, and are willing to testify as to other matters not connected with it, you can do so without waiving your privilege. Does that answer your question?

Mr. SURREY. Yes, sir.

The CHAIRMAN. Very well. Mr. Jenner?

Mr. JENNER. Thank you, Mr. Chief Justice.

Mr. Chief Justice, I offer in evidence as Commission Exhibit No. 995 the original of the subpoena served upon Mr. Surrey.

The CHAIRMAN. Yes. A subpoena was served on you, was it, Mr. Surrey?

Mr. SURREY. Yes; it was.

The CHAIRMAN. Very well, it may be admitted.

(The document referred to was marked Commission Exhibit No. 995 for identification, and received in evidence.)

Mr. JENNER. You are appearing in response to the subpoena?

Mr. SURREY. Yes; I am.

Mr. JENNER. Were you furnished with copies of the Senate joint resolution, or legislation which created—authorized the creation of the Commission?

Mr. SURREY. At a previous time; yes.

Mr. JENNER. And President Johnson's Executive order, and the rules and regulations of the Commission as to taking of testimony?

Mr. SURREY. Yes; I was. It was hard to read them.

Mr. JENNER. Yes; they are a little bit difficult to read.

In order that you may exercise the rights that you have indicated to the Chief Justice, I will question you first about the pamphlet, after asking you the preliminary questions as to your name.

Mr. SURREY. Robert Alan Surrey.

Mr. JENNER. And what is your address?

Mr. SURREY. 3506 Lindenwood, Dallas, Tex.

Mr. JENNER. How long have you resided there?

Mr. SURREY. Eight years.

Mr. JENNER. And what is your age?

Mr. SURREY. Thirty-eight.

Mr. JENNER. Where were you born?

Mr. SURREY. Oak Park, Ill.

Mr. JENNER. When did you move to Texas?

Mr. SURREY. First moved there in 1948, and then left for 2 years, from 1951 to 1953, and then moved back to Texas.

Mr. JENNER. You are a college graduate; are you not?

Mr. SURREY. Yes; I am.

Mr. JENNER. What university or college?

Mr. SURREY. Northwestern.

Mr. JENNER. In Evanston, Ill?

Mr. SURREY. Yes.

Mr. JENNER. When did you receive your degree?

Mr. SURREY. 1948.

Mr. JENNER. You are married?

Mr. SURREY. Yes; I am.

Mr. JENNER. Is Mrs. Surrey a native born American?

Mr. SURREY. Yes; she is a Dallasite.

Mr. JENNER. She is a Dallas girl?

Mr. SURREY. Yes.

Mr. JENNER. What is your business, occupation, or profession?

Mr. SURREY. I am a printing salesman.

Mr. JENNER. For what company?

Mr. SURREY. For Johnson Printing Co.

Mr. JENNER. Is that located at 2700 North Haskell, in Dallas?

Mr. SURREY. Yes; it is.

Mr. JENNER. How long have you been employed by Johnson Printing Co.?

Mr. SURREY. Seven years.

Mr. JENNER. Would you tell us in a general way what Johnson Printing Co. does? I appreciate the name in the title of the company indicates printing, but what kind?

Mr. SURREY. Commercial printing, advertising printing, house organs—just general commercial work.

Mr. JENNER. Did you have some military service?

Mr. SURREY. Yes; I did.

Mr. JENNER. Would you state what it was?

Mr. SURREY. I was 4 years in the Navy, in World War II.

Mr. JENNER. Are you also the president of a book publishing company located in Dallas?

Mr. SURREY. The American Eagle Publishing Co?

Mr. JENNER. Yes, sir.

Mr. SURREY. Yes; I am.

Mr. JENNER. The only volume I have seen—there was a publication of reprints of newspaper stories.

Mr. SURREY. Called the Assassination Story, yes, sir.

Mr. JENNER. And your name appeared, I think, in that as the president of the company.

Mr. SURREY. A cover letter that was on the back cover.

Mr. JENNER. And—

Mr. SURREY. This was not our only publication. We have done many publications before that.

Representative Boggs. Do we have a copy of this publication?

Mr. JENNER. Of this particular one?

Mr. SURREY. Mr. Alger's office came to me and requested two copies for the Warren Commission, which I furnished to him.

Representative Boggs. Whose office?

Mr. SURREY. Congressman Bruce Alger's office.

Representative Boggs. Did we make such a request through Congressman Alger?

Mr. JENNER. I am not advised as to whether we did or not.

Mr. RANKIN. I am quite sure we did not.

The CHAIRMAN. Did we receive any such copies?

Mr. JENNER. There is none among our exhibits in the exhibit room.

Mr. SURREY. His secretary called, and they came out to the house and got two copies of it.

Representative BOGGS. How long ago was this?

Mr. SURREY. Oh, I would say 3 weeks.

Representative BOGGS. When did you publish this book?

Mr. SURREY. I believe it was finally ready on January 1, right after January 1—January 1, 2, or 3, right in that area.

Representative BOGGS. What does the book allege?

Mr. SURREY. We took the 10-day period following the assassination from both Dallas papers, the Dallas Morning News, and Dallas Times Herald, and just all the clippings pertaining to it were in chronological order, and just shot them cold, and published them.

Representative BOGGS. Nothing else—just newspaper clippings?

Mr. SURREY. Just newspaper clippings.

Representative BOGGS. No editorial comment of any kind?

Mr. SURREY. Outside of the letter on the back; no.

Representative BOGGS. And what is the letter on the back?

Mr. SURREY. It said—this is just to the best of my knowledge, I don't recall exactly—"This is the local report of what happened when President Kennedy was assassinated. It is difficult to muzzle a local reporter in his own local paper. And we feel that some of the news that might not get out would be included in this book. We do not guarantee the accuracy of the information, but it will pose some questions, a few perhaps that the Warren Commission will not see fit to answer," I believe was in there.

Representative BOGGS. Not see fit to what?

Mr. SURREY. To answer.

Representative BOGGS. What was the implication of that?

Mr. SURREY. The implication being, as I see it, in Dallas—a local reporter—this is, for example. A local reporter from the Times Herald went down to the Western Union office several days after the assassination, and was told by the people in the Western Union office that, yes, they remembered Oswald, he had been in, he had gotten money orders, either the day before or just recently he had sent a wire to somebody, and they recalled his Swahili handwriting, and so forth. Well, I feel that surely Western Union knows who sent Oswald money, and so forth. Now, I don't know if this will come out of this Commission or not.

Representative BOGGS. The implication was that this Commission would not investigate these allegations?

Mr. SURREY. No—perhaps.

Representative BOGGS. Well, what did you mean by the word "muzzle"?

Mr. SURREY. Of the press?

Representative BOGGS. You used "muzzle" in this letter—written. I don't have the letter before me. I would like to have it.

Mr. SURREY. I don't, either. I would like to know what the exact wording was on it, sir.

Representative BOGGS. Did you write it?

Mr. SURREY. Yes.

Representative BOGGS. And the implication was that this Commission would not seek out the entire truth of the incidences arising—

Mr. SURREY. Oh, no, sir; this was not the implication of the muzzling. This was not the implication.

Representative BOGGS. What was the implication of the statement you made a moment ago, about questions that would not be asked by this Commission?

Mr. SURREY. News happens in an area, and after it has been up to the national news system, and then comes back through, and analyzed and so forth, I don't put full credit any longer.

Representative BOGGS. Your theory is that in a matter as significant as the assassination of the President of the United States, that the news as reported outside of Dallas would be untruthful?

Mr. SURREY. Possibly.
 Representative Boggs. Is that the substance of the book?
 Mr. SURREY. No. No; the substance of the book is strictly newspaper clippings.
 Representative Boggs. Plus a letter.
 Mr. SURREY. The letter is on the back cover of the book, just a cover letter.
 Representative Boggs. Tell me more about what the letter says.
 Mr. SURREY. I would much rather have the letter. I don't recall exactly what it does say, sir.
 The CHAIRMAN. Did you write it yourself, or did somebody write it for you?
 Mr. SURREY. I wrote it myself.
 The CHAIRMAN. You don't remember what you wrote?
 Mr. SURREY. No; not as per specific words, I do not.
 Representative Boggs. Well, not specific words. The sense.
 Mr. SURREY. You picked the specific word "muzzling" out of it.
 Representative Boggs. You used that word; I didn't use it. "Muzzle" when you refer to a bipartisan Commission, established by the President of the United States, with a mandate to obtain the truth, is a rather serious word. I didn't use it—you used it.
 Mr. SURREY. Based on some past experience that I have had—I was in Oxford, Miss., with General Walker. Based on past experience of the newspaper reports I heard coming out of national news media on that incident, which I saw with my own eyes, I could not believe any longer things which I read in the newspaper.
 Now, the local paper there—and I was not privileged to read the local papers at the time—may have had some of the truth that went on there. But there certainly wasn't a good deal of it coming out in the national news media.
 Senator COOPER. Did you select the clippings that were in the book?
 Mr. SURREY. Pardon?
 Senator COOPER. Did you select the newspaper clippings?
 Mr. SURREY. No; I did not.
 Senator COOPER. Who selected them?
 Mr. SURREY. A couple named Osburn that lived in Dallas.
 Senator COOPER. Who are they?
 Mr. SURREY. Just some people that live in Dallas.
 Senator COOPER. Do you know their names?
 Mr. SURREY. Just Osburn.
 Senator COOPER. Do you know their address?
 Mr. SURREY. No; I do not.
 The CHAIRMAN. How did you happen to be associated with them?
 Mr. SURREY. Mrs. Osburn works at Walker's office.
 The CHAIRMAN. You are speaking of General Walker?
 Mr. SURREY. Yes.
 Representative Boggs. Well, now, go ahead. I would request, Mr. Chairman, that this book and this letter be made a part of the record of this Commission.
 The CHAIRMAN. Will you supply us with a copy of the book?
 Mr. SURREY. If I have one, sir. They are out of print. And I don't know—
 The CHAIRMAN. Are they all sold?
 Mr. SURREY. Well, we were going into reprint, right at that particular time the attorney from the Times Herald called and put a cease and desist on them.
 The CHAIRMAN. How many copies did you have printed?
 Mr. SURREY. 3,000.
 The CHAIRMAN. Were they sold?
 Mr. SURREY. Some of them were; yes, sir.
 The CHAIRMAN. How many were sold?
 Mr. SURREY. I would say about 900 to a thousand.
 The CHAIRMAN. What became of the rest of them?
 Mr. SURREY. They were sent to our presubscriber list, and given away.
 The CHAIRMAN. Is this company that published them a corporation?
 Mr. SURREY. No; it is a partnership.
 The CHAIRMAN. Who are the partners?
 Mr. SURREY. Myself and General Walker.

The CHAIRMAN. And General Walker?
Representative Boggs. Was this pamphlet that you printed included in the book?

Mr. JENNER. Excuse me. That is——

Representative Boggs. "Wanted for Treason"?

Mr. JENNER. Commission Exhibit No. 996.

Mr. SURREY. No.

Representative Boggs. That was not included?

Mr. SURREY. No.

Representative Boggs. You didn't make that a part of the record of the events surrounding the assassination of President Kennedy?

Mr. SURREY. I did not make it a part of the record?

Representative Boggs. In this record that you published.

Mr. SURREY. I had nothing to do with making it a part of the record.

Representative Boggs. You published the book, didn't you?

Mr. SURREY. Yes; but these were newspaper reprints.

Representative Boggs. You published this, too, didn't you?

Mr. SURREY. No, sir.

Representative Boggs. You didn't publish it?

Mr. SURREY. No, sir.

The CHAIRMAN. You are speaking of the book now?

Representative Boggs. I am talking about your printing company.

Mr. SURREY. You are talking about my printing company?

Representative Boggs. The company you work for.

Mr. SURREY. Yes, Johnson Printing Co.

Representative Boggs. Didn't you publish this?

Mr. SURREY. No.

Representative Boggs. Who printed it?

Mr. SURREY. I decline to answer on the grounds it may tend to incriminate me.

Representative Boggs. Mr. Chairman, I, of course, fully appreciate the right of the witness to plead the fifth amendment. But I would simply like to make the observation that this is the only witness out of hundreds who has pled the fifth amendment, and that obviously if each witness had done this, then the charge of being muzzled would be something that we would really be confronted with. I would simply like to make that observation.

The CHAIRMAN. You may proceed, Mr. Jenner.

Mr. JENNER. Thank you. Does the American Eagle Publishing Co. have a bookstore subsidiary or outlet?

Mr. SURREY. No; we do not.

Mr. JENNER. What is the American Eagle Book Store?

Mr. SURREY. There is no American Eagle Book Store.

The CHAIRMAN. Do you have a headquarters?

Mr. SURREY. No, sir.

The CHAIRMAN. Do you have a telephone?

Mr. SURREY. No, sir.

The CHAIRMAN. Are you listed with the local authorities under a fictitious or assumed name?

Mr. SURREY. Yes—doing business as?

The CHAIRMAN. Doing business as, yes.

Mr. SURREY. Yes.

The CHAIRMAN. And the names given are yourself and General Walker?

Mr. SURREY. Yes, sir.

The CHAIRMAN. Where is that filed—with your county clerk?

Mr. SURREY. County clerk in Dallas.

Mr. JENNER. We have talked about General Walker. That is General Edwin A. Walker, now resigned?

Mr. SURREY. Yes, sir.

Mr. JENNER. And do you know a Robert G. Krause?

Mr. SURREY. I refuse to answer on the grounds the answer may tend to incriminate me.

Mr. JENNER. Was he not formerly employed by Johnson Printing Co.?

Mr. SURREY. I refuse to answer for the same reason.

Representative Boggs. Excuse me. Mr. Chief Justice—we will have testimony from Mr. Krause, I presume?

Mr. JENNER. Yes; do you know of a company, a printing company, Lettercraft Printing Co.?

Mr. SURREY. I refuse to answer—same reason.

The CHAIRMAN. For the reason it would tend to incriminate you?

Mr. SURREY. Yes, sir.

Mr. JENNER. Did you not prepare the copy for Commission Exhibit No. 996?

Mr. SURREY. I decline to answer on the same reason; that it would tend to incriminate me.

Mr. JENNER. And, in turn, turn that copy over to Robert G. Krause, of the Lettercraft Printing Co. for reproduction?

Mr. SURREY. I decline to answer, same reason.

(The document referred to was marked Commission Exhibit No. 996 for identification.)

Mr. JENNER. Exhibiting again Exhibit No.—Commission Exhibit No. 996 to you, you will notice a front and profile view of President Kennedy. Did you bring to Robert Krause photographs of which this is a reproduction?

Mr. SURREY. I decline to answer on the grounds it may incriminate me.

Mr. JENNER. And did you not bring to Robert G. Krause two slick paper magazine photographs of President Kennedy and request and engage him to make photographs of the slick paper magazine photos for the purpose of reproduction?

Mr. SURREY. I decline to answer; same reason.

Mr. JENNER. And did you not pay Robert G. Krause and his wife for printing some 5,000 to 10,000 of these handbills, of which Commission Exhibit No. 996 is a copy?

Mr. SURREY. I decline to answer on the grounds it may incriminate me.

Mr. JENNER. Did you thereafter—did you not in fact thereafter, yourself—well, I will ask you first—yourself, distribute duplicates of Exhibit No. 996 in and about the streets of Dallas, Tex., on November 22 and days preceding?

Mr. SURREY. Point of order. Can I ask a question? If I now answer one or two in through here, does this—

The CHAIRMAN. Well, this is connected with the entire situation—the publication, the distribution of it is one and the same subject matter, I would think.

Mr. SURREY. I decline to answer on the grounds it may incriminate me.

Mr. JENNER. Mr. Chief Justice, I might bring this out. Having received the rules and regulations of the Commission with respect to the taking of testimony, you are aware of the fact that you are entitled to have counsel present?

Mr. SURREY. Yes; I am, sir.

Mr. JENNER. And you appear without counsel?

Mr. SURREY. I cannot afford to bring counsel.

Mr. JENNER. But you do appear without counsel?

Mr. SURREY. Yes; I do.

Representative Boggs. I think, Mr. Chief Justice, the record should show if this man requested counsel he would be entitled to counsel, would he not?

Mr. JENNER. He certainly would. And he has not requested it.

Representative Boggs. I just want the record to show that.

The CHAIRMAN. Yes.

Senator COOPER. Did you request counsel?

Mr. SURREY. From whom, sir?

Senator COOPER. Did you request the Commission to appoint counsel for you?

Mr. SURREY. No; I did not. I did not know this was available.

Representative Boggs. I might say it is still available.

Mr. SURREY. Would this be a court-appointed?

The CHAIRMAN. Beg pardon?

Mr. SURREY. Would this be a court-appointed attorney?

The CHAIRMAN. No; it would be an attorney appointed by the Commission.

Mr. SURREY. Thank you.

The CHAIRMAN. Proceed, Mr. Jenner.

Representative Boggs. You prefer not to have an attorney appointed by the Commission?

Mr. SURREY. Yes, sir.

Representative Boggs. We might let the record show at this point, also, that the American Bar Association has been closely associated with the Commission.

Mr. SURREY. What does that mean? I mean what is the purpose of that remark?

Representative Boggs. To show that the attorneys appointed are completely objective.

Mr. SURREY. I did not imply they were not, sir.

Mr. JENNER. Do you know Mrs. Clifford Mercer, Dorothy Mercer?

Mr. SURREY. I decline to answer on the grounds it may incriminate me.

Mr. JENNER. Do you know Mr. Clifford Mercer?

Mr. SURREY. I decline to answer; same reason.

Mr. JENNER. Do you know of a photoengraving company in Dallas, 2027 Young Street, Monks Bros.?

Mr. SURREY. I decline to answer on the grounds it may incriminate me.

Mr. JENNER. Do you know J. T. Monk or J. T. Monk, Jr.?

Mr. SURREY. I decline to answer, same grounds.

Mr. JENNER. Did you have one of the workmen, printing workmen, at Johnson Printing Co., set type for the copy which appears on Commission Exhibit No. 996?

Mr. SURREY. I decline to answer on the grounds it may tend to incriminate me.

Mr. JENNER. And thereafter, after that type was set, have photographs made of that type?

Mr. SURREY. I decline to answer; same reason.

Mr. JENNER. Do you know Mr. Bernard Weissman?

Mr. SURREY. No. We are in another field now, I gather.

Mr. JENNER. Well, I don't want to represent to you that it is.

Mr. SURREY. I decline to answer on the ground it may tend to incriminate me.

Mr. JENNER. Have you had any business relations with a man by the name of Bernard Weissman?

Mr. SURREY. If this is in your opinion still part of the other—concerning these leaflets, then I will plead the fifth amendment.

Mr. JENNER. Mr. Chief Justice, with the policy of the Commission to be fully fair to all witnesses, may I respond to the witness and say to him there is that possibility.

The CHAIRMAN. There is that possibility; yes—that is a sufficient statement.

Mr. JENNER. And being that possibility, do you wish to decline to answer the question on the ground an answer may tend to incriminate you?

Mr. SURREY. Yes, sir.

Mr. JENNER. Mr. Chief Justice, unless you or other members of the Commission have some questions on this line of examination, I will not ask further questions with respect to it—unless you gentlemen desire to ask questions.

The CHAIRMAN. Any further questions, Congressman Boggs?

Representative Boggs. Was anyone associated with you in the publication of this leaflet?

Mr. SURREY. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did General Walker have anything to do with it?

Mr. SURREY. I decline to answer on the ground it may tend to incriminate me—but, no.

The CHAIRMAN. What? Now you have opened that up, sir—if you say—was your answer no, or is your answer that you claim the privilege?

Mr. SURREY. My answer is that I claim the privilege, sir.

The CHAIRMAN. That is different.

Senator COOPER. May I just ask one question? To return for a moment to this book that you printed with newspaper clippings—what was your purpose in printing it?

Mr. SURREY. As a memento, primarily.

Senator COOPER. You had no other purpose?

Mr. SURREY. No, sir.

Senator COOPER. Didn't you really have the purpose of impugning the work of this Commission and giving the implication that it would not go fully and thoroughly into all questions?

Mr. SURREY. No, sir. This was not the intent; no.

Representative Boggs. What was the allegation in the cease and desist order which was issued against you by the Dallas newspaper?

Mr. SURREY. That this would be in competition to a book which they were going to promote—I believe the AP. At the time—the Osburns had this, and they were gathering it together, and they brought it over one day, and it looked like a real good idea. Other people had stacks and stacks of papers. And this was a compilation of clippings of the paper. And everybody thought it was such a good idea that we thought we would publish it. So I got it into brownline form, which is a proof, a preliminary proof—silver prints, you may call them in Washington.

The CHAIRMAN. For how much did you sell these books a copy?

Mr. SURREY. We gave them free to our presubscriber list.

The CHAIRMAN. I didn't ask you that.

Mr. SURREY. They were \$5 per copy.

The CHAIRMAN. And how many did you say you sold?

Mr. SURREY. About 900 to a 1,000.

The CHAIRMAN. What happened to the money?

Mr. SURREY. It was put into the American Eagle Publishing Co. account.

The CHAIRMAN. Do you have a regular bookkeeping system?

Mr. SURREY. Yes, sir.

The CHAIRMAN. And those figures would be available, showing how many you had sold, would they?

Mr. SURREY. Yes, sir.

The CHAIRMAN. In your books?

Mr. SURREY. Yes, sir.

Representative Boggs. Is the American Eagle Publishing Co. an incorporated company?

Mr. SURREY. No.

Representative Boggs. What is it?

Mr. SURREY. Partnership, sir.

Representative Boggs. Who are the partners?

Mr. SURREY. Myself and General Walker.

Representative Boggs. And this presubscription list, how many people on that?

Mr. SURREY. I would say 700, 800.

Representative Boggs. You publish a newspaper?

Mr. SURREY. No; we don't.

Representative Boggs. What do you publish besides this book?

Mr. SURREY. Pamphlets—pamphlets.

Mr. JENNER. You receive part of your income from the American Eagle Publishing Co.?

Mr. SURREY. No; I do not.

Mr. JENNER. You serve as president, but you receive no compensation for that?

Mr. SURREY. That is true.

Mr. JENNER. Would you tell us, please, the address of the American Eagle Publishing Co.?

Mr. SURREY. P.O. Box 750, Dallas 21.

Mr. JENNER. It has no physical office itself—just the post office address?

Mr. SURREY. That is correct. That mail comes to my desk at Johnson Printing Co. That is the same post office box as Johnson Printing Co.

Mr. JENNER. I see. And where do you keep—where does American Publishing Co. warehouse or keep or store its pamphlets and books?

Mr. SURREY. 4011 Turtle Creek Boulevard, Mr. Walker's residence. I have a room.

Mr. JENNER. That is General Walker's residence?

Mr. SURREY. Yes.

The CHAIRMAN. That is General Walker's residence?

Mr. SURREY. Yes; it is.

The CHAIRMAN. Who owns the Johnson Printing Co.?

Mr. SURREY. It is—the stock is split, four or five different people.

The CHAIRMAN. A corporation?

Mr. SURREY. Yes; it is.

The CHAIRMAN. Who are they?

Mr. SURREY. Mr. Bryan Snyder is chairman of the board. Mr. Emil Borak is president, and Mr. Lewis C. Owens is treasurer. I believe some stock is held by Oliver Snyder, and I have some stock. And Mr. Fallon Snyder.

The CHAIRMAN. It is a commercial company?

Mr. SURREY. Yes; it is.

The CHAIRMAN. Is General Walker connected with it?

Mr. SURREY. No; he is not.

The CHAIRMAN. Or with the other people, as far as you know?

Mr. SURREY. No, sir.

Mr. JENNER. Is Mr. Borak the general manager of the plant itself?

Mr. SURREY. No; he is president of the company.

Mr. JENNER. I see. Who is the general manager of the plant?

Mr. SURREY. Mr. Owens.

Mr. JENNER. Mr. Owens.

Did you acquaint Mr. Owens or Mr. Borak, either of them, with the fact that you had Commission Exhibit No. 996 printed at the Lettercraft Printing Co.?

Mr. SURREY. I decline to answer on the ground it may tend to incriminate me.

Mr. JENNER. Did you make either or both of them aware of the fact that some of the copy or all of the copy with respect to Commission Exhibit No. 996 was prepared by way of printing at Johnson Printing Co.?

Mr. SURREY. I decline to answer on the ground it may tend to incriminate me.

Mr. JENNER. How many printers do you have at Johnson Printing Co.?

Mr. SURREY. How many employees?

Mr. JENNER. No—that operate linotypes or operate these machines that produce these slugs—what is the name of that kind of machine?

Mr. SURREY. Well, it would be a monotype or a linotype or a Ludlow.

Mr. JENNER. Are these lines on Exhibit No. 996 Ludlow productions?

Mr. SURREY. I decline to answer on the ground it may tend to incriminate me.

Mr. JENNER. Who are the Ludlow machine operators at Johnson Printing Co.?

Mr. SURREY. Oh, I would say there are probably 10 or 15 that operate the Ludlow machine.

Mr. JENNER. Does your recollection serve you to name those who operated the Ludlow machines any time during the first 22 days of November 1963? If so, name them.

Mr. SURREY. I decline to answer on the ground it may tend to incriminate me.

Mr. JENNER. Are you able to name any of the linotype operators who were employed during the first 22 days of November 1963?

Mr. SURREY. Who were employed at Johnson Printing Co.?

Mr. JENNER. Yes, sir.

Mr. SURREY. Well, I gather this has nothing to do with this. So may I answer?

Mr. JENNER. I don't want to lead you to believe it doesn't, sir.

Mr. SURREY. I decline to answer on the ground it may incriminate me.

Mr. JENNER. From whom was the paper purchased on which appears the imprinting on the exhibit identified here as Commission Exhibit No. 996.

Mr. SURREY. I decline to answer on the same grounds.

Mr. JENNER. Did you see another reproduction of Commission Exhibit No. 996 at any time from the 1st of November 1963 to and including the 22d of November 1963?

Mr. SURREY. I decline to answer on the grounds it may incriminate me.

Mr. JENNER. Mr. Chief Justice, I will now depart from this particular phase, if that is permissible.

The CHAIRMAN. Very well.

Mr. JENNER. I am now going to turn, Mr. Surrey, to the attempt on the life of General Walker.

First I would like to have you examine a series of photographs which purport to be photographs of the area of the Walker house.

Mr. Chief Justice, may I approach the witness for this purpose?

The CHAIRMAN. Yes.

Mr. JENNER. I show the witness Commission Exhibit No. 2, Item No. 7, and subdivision item No. P-2. Do you see that, sir?

Mr. SURREY. Yes; I do.

Mr. JENNER. Examining the subitem, P-2, is the area depicted in that photograph familiar to you?

Mr. SURREY. Yes; it is. It is the alley in behind Mr. Walker's residence, looking west.

Mr. JENNER. Looking west?

Mr. SURREY. Yes.

Mr. JENNER. Would you be able to help us as to an estimate, perhaps from the nature of the foliage, and your familiarity with the Walker premises, as to when that photograph might have been taken, as to season of the year?

Mr. SURREY. I would say late fall.

Mr. JENNER. Could it have been the early spring, mid-March, for example? 1st of March, along in there?

Mr. SURREY. It could have been; yes.

Mr. JENNER. Either in the fall, when there is a defoliation or lack of foliage on trees, or the early spring?

Mr. SURREY. Yes, sir.

Mr. JENNER. I show you what purports to be the same thing, also marked—it is a larger photograph—Commission Exhibit No. 2, Item No. 7. Directing your attention to the subdivision P-2 you have just testified about, are they photographs—

Mr. SURREY. Basically the same thing. It looks like this one was taken a little closer to the ground.

Mr. JENNER. When you say this one, you mean the larger of the two?

Mr. SURREY. Yes.

Mr. JENNER. On Commission Exhibit No. 3, Item 14, subitem P-1, directing your attention to that, you recognize that?

Mr. SURREY. That is a picture of the back of the residence of 4011 Turtle Creek.

Mr. JENNER. General Edwin Walker's home?

Mr. SURREY. Yes.

Mr. JENNER. I perhaps should have asked you this: You are familiar with the area surrounding General Walker's home?

Mr. SURREY. Yes, I am.

Mr. JENNER. You have been there a good many times, have you?

Mr. SURREY. Yes, I have.

Mr. JENNER. On all sides of the home?

Mr. SURREY. Yes.

Mr. JENNER. And are you familiar with the inside of the home?

Mr. SURREY. Yes; I am.

Mr. JENNER. And have you worked there from time to time over the years?

Mr. SURREY. Yes.

Mr. JENNER. How long have you been associated with General Walker?

Mr. SURREY. Since the beginning of his campaign, when that was—I think the spring—about 3 years now.

The CHAIRMAN. What campaign is that?

Mr. SURREY. When he ran for Governor of Texas.

Mr. JENNER. That initiated your association with him?

Mr. SURREY. Yes, sir.

Mr. JENNER. And what are your duties in your association with General Walker?

Mr. SURREY. I am just a volunteer helper, whatever he needed, volunteer help in doing, I would help.

Mr. JENNER. Are you compensated?

Mr. SURREY. No; I am not.

Mr. JENNER. You have never received any compensation?

Mr. SURREY. No; I haven't.

Mr. JENNER. You have never received any compensation from the publishing company we have identified that published that book?

Mr. SURREY. No, sir.

The CHAIRMAN. Do you handle any funds for General Walker?

Mr. SURREY. Of General Walker's fund?

The CHAIRMAN. Yes.

Mr. SURREY. No, sir.

The CHAIRMAN. Or any funds—

Mr. SURREY. Except what—

The CHAIRMAN. Or any funds that come to General Walker?

Mr. SURREY. No; only that comes to American Eagle Co., which is in fact, I guess, technically his funds.

The CHAIRMAN. Well, what funds do come to American Eagle Co.?

Mr. SURREY. Funds for purchasing of materials, and some donations. That is it.

The CHAIRMAN. Outside of donations, how do you get your funds for publishing?

Mr. SURREY. From the sale of materials.

The CHAIRMAN. And the rest of it is all donations?

Mr. SURREY. Donations are extremely small, as a matter of fact, yes. We operate on the sale of materials.

The CHAIRMAN. How much in the aggregate of donations have you had?

Mr. SURREY. To American Eagle Publishing Co.?

The CHAIRMAN. Yes.

Mr. SURREY. I would say a hundred dollars.

The CHAIRMAN. A hundred dollars?

Mr. SURREY. Over 2 years or 2½ years.

The CHAIRMAN. Where did you get the money to publish your book?

Mr. SURREY. At the beginning of American Eagle Publishing Co., we started with a backlog of books which had been used in the campaign. This was Mr. Walker's contribution to the American Eagle Publishing Co.

The CHAIRMAN. Did General Walker sell his campaign books?

Mr. SURREY. I don't know if he did or not.

The CHAIRMAN. Well, you don't pay publishing funds with books, do you?

Mr. SURREY. From the sale of the books which were turned over to American Eagle Co. at its inception, from the sale of those books, we have accumulated funds to go on with others.

The CHAIRMAN. At its inception, where did you get the money to publish?

Mr. SURREY. I don't understand your question, sir.

The CHAIRMAN. Well—

Mr. SURREY. At its inception we didn't have any money.

The CHAIRMAN. When you publish books, you have to have some capital of some kind.

Mr. SURREY. The capital was raised from the sale of a book called "Walker Speaks Unmuzzled" which sells for 35 cents. We started with that.

The CHAIRMAN. You published that first?

Mr. SURREY. No, sir.

The CHAIRMAN. Who published that?

Mr. SURREY. I believe General Walker did.

The CHAIRMAN. And how much money came from the sale of those books?

Mr. SURREY. I do not know offhand, sir.

The CHAIRMAN. Approximately.

Mr. SURREY. We are still selling them.

The CHAIRMAN. Beg pardon?

Mr. SURREY. We are still selling them.

The CHAIRMAN. But you handle the funds, don't you, for the company?

Mr. SURREY. Yes; but I don't know specific items.

The CHAIRMAN. Well, I am not asking you for specific items. But I would like to know approximately how much money.

Let me put it this way: How much money have you handled for that company in the last—since it has been established?

Mr. SURREY. Oh, as a rough estimate, \$10,000 to \$15,000.

The CHAIRMAN. And only a hundred dollars of that was contributions from outsiders?

Mr. SURREY. I would say that would be it.

The CHAIRMAN. And was there any of that \$10,000 or \$15,000 that came from any individual other than from people who purchased the books?

Mr. SURREY. Yes; at one time the General put some more money into the company.

The CHAIRMAN. How much money did he put into it?

Mr. SURREY. I believe a thousand dollars.

The CHAIRMAN. That is all?

Mr. SURREY. Yes.

The CHAIRMAN. Anybody else put any money into it?

Mr. SURREY. No, sir.

The CHAIRMAN. Did you?

Mr. SURREY. No, sir.

The CHAIRMAN. Very well.

Mr. JENNER. Mr. Chief Justice, may I revert to the other subject matter? I have an additional question I would like to ask. And I warn the witness in advance I am returning to the pamphlet.

The CHAIRMAN. Yes.

Mr. JENNER. Your questions have stimulated me to ask another question.

The CHAIRMAN. Yes.

Mr. JENNER. Were any of the funds that reached Eagle Publishing Co. by way of contributions or proceeds of sale of materials employed or used to pay for the leaflet, Commission Exhibit No. 996?

Mr. SURREY. Now, I understand that if I answer that question, it opens up the whole thing again. So I decline to answer on the grounds it may incriminate me.

The CHAIRMAN. Gentlemen, I have asked our Chief Counsel, Mr. Rankin, to have a search of our files made and our telephone calls to see if we have received anything from Congressman Alger concerning this book. And Mr. Rankin, will you report to us what your finding is, please?

Mr. RANKIN. I had a search made of our files, and any incoming calls from the Congressman to see if we had received any such material, and such a search showed that we had not received any such material. I then called Congressman Alger's office to ask there if there had been any communication from them, and was informed that they had not sent anything to us, but that one of the booklets had been given away by Congressman Alger, and they had one left, and I have sent for that one to have for our records.

Representative Boggs. I would like to see it when it gets here. You expect it pretty soon?

Mr. RANKIN. I sent him on the run.

Representative Boggs. Good.

Mr. JENNER. Mr. Surrey, I will return to the General Walker incident now. I would like you particularly to examine the next photograph, which appears in Commission Exhibit No. 4, Item 6, as subletter P-5.

This depicts, Mr. Chairman, and gentlemen, a railroad track—in the far distance a tall building. Is that area at all familiar to you?

That is undoubtedly the MKT line, or some spur line.

You are familiar with the MKT line, are you not?

Mr. SURREY. This I do not recognize the area.

Mr. JENNER. I will ask you this. Is there a railroad near General Walker's home?

Mr. SURREY. Facing out of the house, facing Turtle Creek, across the creek, and then another half block or so, there is a railroad.

Mr. JENNER. Within a half a block?

Mr. SURREY. Well, it would be a full city block to the railroad. Perhaps even more. I have never been in that area, as a matter of fact.

Mr. JENNER. Having that in mind, I show you a photograph, aerial view photograph, which we have marked Commission Exhibit No. 998.

Mr. Chief Justice, that is a copy of the exhibit.

That purports to be an aerial photograph taken of the vicinity of General Walker's residence. And you will notice there is an encircled building and the designation "A."

First, do you recognize that general area?

Mr. SURREY. Yes; I do.

(The document referred to was marked Commission Exhibit 998 for identification.)

Mr. JENNER. And does the encirclement of the home there appear to be General Walker's home?

Mr. SURREY. Yes, sir; it does. I don't see a house that should be in the corner.

Mr. JENNER. You say corner—you mean——

Mr. SURREY. Right there.

Mr. JENNER. To the left?

Mr. SURREY. Yes; there is a house there between Walker's residence and the next house, and the street here, which is Avondale, I believe.

Mr. JENNER. And you are talking about the street here—you are pointing to a street that runs obliquely from left to right towards the upper corner of the picture?

Mr. SURREY. Yes.

Mr. JENNER. To the left of the house encircled as General Walker's house?

Mr. SURREY. Yes. Oh, I see, I am sorry. It is much further back from the street. That is the house.

Mr. JENNER. Now, the house you say that is next is the one immediately to the left of the one encircled?

Mr. SURREY. Yes; I was looking in this area for the houses. That is correct. That is General Walker's residence, as depicted in the picture.

Mr. JENNER. And the house to the left is the house you thought at first was not shown, but in fact it is shown?

Mr. SURREY. It is.

Mr. JENNER. And who is the owner of that home?

Mr. SURREY. I do not know. A doctor.

Mr. JENNER. A lady doctor?

Mr. SURREY. Yes; it is a woman, runs the household.

Mr. JENNER. Dr. Ruth Jackson?

Mr. SURREY. It sounds familiar, but I do not know.

Mr. JENNER. Does she have a dog that is sometimes obstreperous, does a lot of barking?

Mr. SURREY. Yes; she does.

Mr. JENNER. You are quite familiar with that fact, are you?

Mr. SURREY. Yes, sir; I am.

Mr. JENNER. How and why did you become familiar with that fact?

Mr. SURREY. Anyone approaching the house, generally her house or General Walker's house, would be barked at, in the middle of the night noises.

Mr. JENNER. And you have approached General Walker's house, I assume, at night, have you?

Mr. SURREY. Yes.

Mr. JENNER. If the dog is out in Dr. Jackson's yard, the dog is alerted and barks?

Mr. SURREY. Not so much any more. Evidently he knows who I am now.

Mr. JENNER. I see. But before the dog became familiar with you, he did bark?

Mr. SURREY. Yes, sir.

Mr. JENNER. What kind of a dog is it, by the way?

Mr. SURREY. A small Collie, I guess—shaggy, brownish dog.

Mr. JENNER. Do you recall whether or not at or about the time of the attempt on General Walker's life that dog became or was ill.

Mr. SURREY. Yes; it was. This was reported to me. I do not know of firsthand knowledge.

Mr. JENNER. I would prefer not to have your hearsay. You have no knowledge firsthand, however?

Mr. SURREY. No; I do not.

Mr. JENNER. Unless, Mr. Chairman, you desire to pursue the hearsay——

The CHAIRMAN. No, no.

Mr. JENNER. Continuing with Exhibit No. 998, and looking at the footnotes, would you tell us whether that footnoting is accurate—A through G?

Mr. SURREY. I am not familiar with Gilbert Street.

Mr. JENNER. Which is designated as G?

Mr. SURREY. It very well could be Gilbert Street. I just don't know the names of those streets.

Yes; to the best of my knowledge that is accurate.

Mr. JENNER. There is a tall building to the left, rather nice-looking. Are you familiar with that building?

Mr. SURREY. No; there are several new ones going right up in that area. I think that is the Spa, or something.

Mr. JENNER. I am referring, Mr. Chief Justice, to the tall building with a lattice design immediately to the right of the letter "A".

What did you think that was?

Mr. SURREY. A new development in there called 21 Turtle Creek, the Spa, or something. I only know it from newspaper ads.

Mr. JENNER. I see. Was that building in that condition or being erected in the spring of 1963?

Mr. SURREY. If that is the building I think of, it has just been finished a month or so now.

Mr. JENNER. How long has it been under construction?

Mr. SURREY. Possibly a year, a year and a half.

Mr. JENNER. Does that photograph fairly depict and represent the area it shows as that area existed in the spring of 1963?

Mr. SURREY. No; you are missing a Jesuit high school which was here.

Mr. JENNER. When you say was here, I have to identify the spot to which you are pointing. And the spot to which you are pointing is the open field area that is shown immediately to the right of the building we have identified, near which the letter "A" appears?

Mr. SURREY. Yes.

Mr. JENNER. Tell us about that.

Mr. SURREY. That was the old Jesuit high school, which has been torn down just recently. I believe just recently finished tearing it down.

Mr. JENNER. All right. I will identify these other photographs rather quickly. In each instance, will you look at the photograph and tell us whether the sub-lettering is correct.

I have now handed the witness Commission Exhibit No. 999.

(The document referred to was marked Commission Exhibit No. 999 for identification.)

Mr. SURREY. I believe that to be generally correct. This area of Walker's residence here is difficult—

Mr. JENNER. It is some distance away, and the area of Walker's residence to which the witness referred is a circle to which the letter "A" is affixed?

Mr. SURREY. Yes.

Mr. JENNER. Otherwise, this is an accurate representation of that area and as it existed in the spring of 1963?

Mr. SURREY. Again, the high school is—I don't believe that that Jesuit high school was to the ground as it shows here, in the spring of 1963.

Mr. JENNER. I now call your attention to the building that appears immediately to the right of the circle.

Mr. SURREY. That is, I believe, the same building that shows in the previous exhibit.

Mr. JENNER. Thank you. That is just exactly what I was going to ask you. All right. Now, would you look at Commission Exhibit No. 1000.

(The documents referred to were marked Commission Exhibits Nos. 1000 and 1002 for identification.)

Mr. JENNER. Are those footnotings correct?

Mr. SURREY. Yes, sir; I believe they are.

Mr. JENNER. Would you look at 1002.

Mr. SURREY. Yes, sir; I believe they are substantially correct.

Mr. JENNER. All right. For the purposes of the record, Mr. Reporter, Commission Exhibit No. 1000 also has a sticker on it marked Commission Exhibit No. 1001. Would you please note in the record we will not be using Commission Exhibit 1001. It got on there by mistake. Now, you just covered Exhibit No. 1002. Now, Exhibits Nos. 1003, 1004.

(The documents referred to were marked Commission Exhibits No. 1003 and 1004, respectively, for identification.)

Mr. SURREY. Yes; that street previously mentioned was Avondale. That is the street immediately to the west.

Mr. JENNER. And it appears on Commission Exhibit No. 1003?

Mr. SURREY. That is correct.

Mr. JENNER. Have you yet examined Commission Exhibit No. 1004?

Mr. SURREY. No; I have not.

Mr. JENNER. The witness is now examining Commission Exhibit No. 1004.

The CHAIRMAN. Very well.

Mr. SURREY. I believe that is correct, sir.

Mr. JENNER. All right. I will ask you a general question to be sure we have covered all of these.

Calling your attention to Commission Exhibits Nos. 998, 999, 1000, 1002, 1003, and 1004, which are aerial photographs—are they aerial photographs of the vicinity of General Walker's house?

Mr. SURREY. Yes; they are.

Mr. JENNER. And do they, except for the high school matter which you have pointed out to us—do they represent fairly the area as it was in the spring of 1963?

Mr. SURREY. Yes, I would say that is generally correct.

Mr. JENNER. All right, sir. Now, the Commission is interested, Mr. Surrey, in whether there are some open areas or fields near General Walker's house in which an object such as a firearm or rifle could be buried.

Mr. SURREY. Directly across from in front of the house—of course, Turtle Creek Boulevard, and across from Turtle Creek Boulevard is Turtle Creek itself, with a lawn area coming up to the street of 20 to 30 yards in some places.

Mr. JENNER. Using the blank sheet of paper I hand you, would you just give us a diagram—a rough diagram of the area of General Walker's house, so that I can locate the field about which you now speak?

Mr. SURREY. It is not actually a field.

Mr. JENNER. And we will mark that as Commission Exhibit No. 1005.

(The document referred to was marked Commission Exhibit No. 1005 for identification.)

Mr. SURREY. This is Turtle Creek. [Witness draws.]

Mr. JENNER. Now, is Turtle Creek a street?

Mr. SURREY. Yes; it is a street, a boulevard.

Mr. JENNER. All right.

Mr. SURREY. Mr. Walker's residence is here. [Witness draws.]

Mr. JENNER. Is the top of this sheet north or south, west or east? When I say that I refer to Commission Exhibit No. 1005.

Mr. SURREY. This is north.

Mr. JENNER. All right. Put an arrow and the letter "N" at that point. Now, would you put south on the other side, and then east and west where they belong?

Mr. SURREY. These are not exact. They are several points off. But generally.

Mr. JENNER. You are just making a rough sketch, sir, for the purpose of helping with your testimony. You have now drawn in General Walker's house. Would you put in the word "Walker"?

Now, having done that, you have now described an area—told us of an area where a firearm—a field where a firearm might be buried that is in the vicinity of General Walker's home. Would you indicate where that would be?

Mr. SURREY. Here is Turtle Creek. [Witness draws.]

Mr. JENNER. You are now drawing a wavy line. Would you write in there "Turtle Creek." And that is a stream, is it?

Mr. SURREY. Yes.

Mr. JENNER. Does it always have water in it?

Mr. SURREY. To my knowledge; yes, sir.

Mr. JENNER. All right.

Mr. SURREY. Now, this area across Turtle Creek Boulevard.

Mr. JENNER. That is to the south of General Walker's house.

Mr. SURREY. And going down to the creek is a grassy, leafed, brushed, tree area.

Mr. JENNER. It is not an open field?

Mr. SURREY. No.

Mr. JENNER. But it is an area in which a firearm could be buried?

Mr. SURREY. It is down near the creek—there are rocks.

(At this point, Representative Boggs withdrew from the hearing room.)

Mr. SURREY. In addition to that—here is Avondale, here is the doctor's residence. [Witness draws.]

Mr. JENNER. This is Dr. Jackson's residence you have now drawn?

Mr. SURREY. Yes.

Mr. JENNER. Would you please—

Mr. SURREY. And this entire block here is—

Mr. JENNER. You are pointing to the west?

Mr. SURREY. Yes.

Mr. JENNER. Along Turtle Creek Drive?

Mr. SURREY. Yes.

Mr. JENNER. Would you put the word "drive" there.

Mr. SURREY. It is boulevard.

Mr. JENNER. All right. Would you repeat your testimony in that connection?

Mr. SURREY. Another block of residences—

Mr. JENNER. To the west?

Mr. SURREY. To the west. And then you come to that field where the new building is going up and the Jesuit high school was.

Mr. JENNER. And that is the new building you identified in one of the earlier exhibits, and the high school has now been torn down?

Mr. SURREY. Yes.

Mr. JENNER. All right. And there was—in the spring of 1963, was there a field there?

Mr. SURREY. Yes; there still is.

Mr. JENNER. Where a firearm could have been buried?

Mr. SURREY. Yes, sir.

Mr. JENNER. We understand there is a church, a church house, near the Walker home. Am I correct?

Mr. SURREY. That is correct.

Mr. JENNER. Would you locate it, please?

Mr. SURREY. Yes; directly to the east. [Witness draws.] Their driveway comes up between the Walker house, into their parking lot [witness draws], and here is that back alley you showed me a picture of earlier. [Witness draws.]

Mr. JENNER. Excuse me. For the purpose of the record, the witness has now drawn in what looks like a parking lot area, is that correct?

Mr. SURREY. Yes.

Mr. JENNER. Is that the church parking lot?

Mr. SURREY. Yes; it is.

Mr. JENNER. And where is the church house itself located?

Mr. SURREY. This entire area. I don't know about the shape of it. But it is in this area.

Mr. JENNER. Write the word "church" in there. [Witness does so.] What church is that?

Mr. SURREY. It is a Mormon church.

Mr. JENNER. And about how far distant from the Walker house is the Mormon church?

Mr. SURREY. It is on the next lot—I would say 400 feet, maybe.

Mr. JENNER. What is there intervening, if anything, between the Mormon church buildings and General Walker's home?

Mr. SURREY. In the way of a fence, you mean?

Mr. JENNER. Well, first; are there any buildings?

Mr. SURREY. No.

Mr. JENNER. Or any sheds or anything of that character?

Mr. SURREY. No.

Mr. JENNER. Are there any trees?

Mr. SURREY. Yes; there are trees.

Mr. JENNER. Is it heavily or lightly wooded?

Mr. SURREY. Lightly.

Mr. JENNER. There is a fence?

Mr. SURREY. Yes.

Mr. JENNER. A wooden fence?

Mr. SURREY. A wooden fence—about 5-foot tall.

Mr. JENNER. I see. Is that a lattice fence or a solid fence?

Mr. SURREY. Along this side here it is a solid fence.

Mr. JENNER. When you say this side, you are pointing to the driveway leading to Turtle Creek Boulevard?

Mr. SURREY. Yes; the fence actually is here. [Witness draws.]

Mr. JENNER. You have now put—he is indicating the fence. And that is a lattice or slat fence?

Mr. SURREY. That is a solid fence there. And then it is latticed along the alley.

Mr. JENNER. Which way does the front of General Walker's house face—on Turtle Creek Boulevard?

Mr. SURREY. On Turtle Creek.

Mr. JENNER. All right. That will be helpful to us. We will just set that exhibit aside for the moment.

Some of these photographs I am now about to show you—I now show you a photograph, Commission Exhibit No. 5, Item No. 369. Do you recognize that?

Mr. SURREY. Yes, I do. It is a photo of the back of General Walker's home.

Mr. JENNER. All right. Now, returning to your plat, Commission Exhibit No. 1005, is that the side of General Walker's house that faces the church?

Mr. SURREY. No.

Mr. JENNER. It is the side—is it the side that faces Dr. Jackson's home?

Mr. SURREY. No.

Mr. JENNER. Is it the side that faces onto or toward Turtle Creek Boulevard?

Mr. SURREY. No; it is not.

Mr. JENNER. Is it the side that faces toward the alley which you have drawn on Commission Exhibit No. 1005?

Mr. SURREY. Yes; it is.

Mr. JENNER. Fine. Now, you will notice in that photograph an automobile, but no license plate, and there appears to be obliterated an area in which a license plate might have appeared on that car.

Now, first, you do see the automobile?

Mr. SURREY. Yes; I have seen this photo before. Mr. Barrett of the FBI in Dallas brought this to my attention.

Mr. JENNER. Do you recognize the automobile?

Mr. SURREY. Not positively, but I think it belongs to Mr. Charles Klihr.

Mr. JENNER. And who is Mr. Charles Klihr?

Mr. SURREY. He is a volunteer worker of Mr. Walker's, also.

Mr. JENNER. Are you sufficiently familiar with Mr. Charles Klihr's automobile—you already identified it—

Mr. SURREY. No; I did not identify it. I cannot do that, sir.

Mr. JENNER. To the best of your ability is all I am suggesting, sir.

Mr. SURREY. Yes.

Mr. JENNER. Do you have a recollection as to whether there was a license plate or license plate fixture in or about the area in which the black spot on the automobile appears?

Mr. SURREY. I have seen Mr. Klihr's automobile many times. I have not seen it without a license plate, which I think I would note if it were not there.

Mr. JENNER. Yes; but located at or about in the vicinity of that black spot?

Mr. SURREY. I would say to the best of my knowledge; yes, sir.

Mr. JENNER. Thank you, sir. Were you at General Walker's home the evening of the attempted assassination, or attempt on his life?

Mr. SURREY. Yes, I was. After the shot. I was not there at the time.

Mr. JENNER. How soon after the shot were you there?

Mr. SURREY. About 15 minutes.

Mr. JENNER. How did you become aware that there had been an attempt on his life?

Mr. SURREY. He called me on the telephone at my home.

Mr. JENNER. And how far did you live from General Walker's home?

Mr. SURREY. About 2 miles.

Mr. JENNER. And you immediately drove over there?

Mr. SURREY. Yes.

Mr. JENNER. What kind of an automobile do you own and drive?

Mr. SURREY. A 1961 Ford convertible.

Mr. JENNER. And did you arrive at his home in that convertible?

Mr. SURREY. Yes, I did.

Mr. JENNER. What time of the day or night was this?

Mr. SURREY. This was about 9 to 9:30 in the evening.

Mr. JENNER. What day? I mean date.

Mr. SURREY. April 10th.

Mr. JENNER. What year?

Mr. SURREY. 1963.

Excuse me. This is 1964, isn't it.

Mr. JENNER. Yes, sir.

Mr. SURREY. So this would be—

Mr. JENNER. Was this a year ago?

Mr. SURREY. It would be 1963, yes.

Mr. JENNER. I have marked a series of photographs as Commission Exhibits Nos. 1006 through 1012.

(The photographs referred to were marked Commission Exhibits Nos. 1006 through 1012, respectively, for identification.)

Mr. JENNER. These purport to be photographs of portions and places in—both inside and outside General Walker's home relating to the incident in question.

Would you be good enough to take them seriatim, identify them by exhibit number—

Mr. SURREY. Take them how?

Mr. JENNER. Seriatim, in series—commencing with Commission Exhibit 1006. And tell us if you are familiar with the photograph and whether it depicts a portion of General Walker's home, and, if so, what portion.

Mr. SURREY. I don't know what this is here in the back yard, but outside of that it looks like a picture of the window facing towards the alley which the shot came through.

Mr. JENNER. From the direction the shot came?

Mr. SURREY. Yes.

Mr. JENNER. And the marring on the molding of the window is the point of the screen and the window through which the bullet came?

Mr. SURREY. Yes.

Mr. JENNER. Did you examine that that evening?

Mr. SURREY. Yes; I did.

Mr. JENNER. Did you see the breach in the casement which is depicted on Commission Exhibit No. 1006?

Mr. SURREY. Yes; I did. What is this in the back? Do you happen to know?

Mr. JENNER. No; I don't. But I think I can bring it out. These photographs, I think, were taken fairly recently.

Have you been at General Walker's house in the last couple of weeks?

Mr. SURREY. Yes; I have.

Mr. JENNER. And have you had occasion to notice whether or not any repair whatsoever has been made or was made with respect to the marring of the molding?

Mr. SURREY. I don't believe it has.

That looks like a stack of cardboard back there. I am not familiar with it.

Mr. JENNER. Yes; it looks like heavy asbestos, or some wood out in the yard.

Mr. SURREY. I am not familiar with that.

Mr. JENNER. Now, look at Exhibit No. 1007.

Excuse me—the photograph Exhibit No. 1006 represents that casement in its present condition?

Mr. SURREY. Yes, sir; to the best of my knowledge.

Mr. JENNER. And also as it was when you saw it that night, April 10?

Mr. SURREY. No; the window was closed when I saw it that night.

Mr. JENNER. But the breach in the molding is the same on this photograph as it was when you saw it that night?

Mr. SURREY. Yes, sir.

Mr. JENNER. All right. Now, the next photograph is Exhibit No. 1007, and purports to be a photograph taken from the outside of General Walker's home with the camera pointed into his home.

Mr. SURREY. That is correct.

Mr. JENNER. And——

Mr. SURREY. It shows the same breach allegedly caused by a bullet——

Mr. JENNER. That is shown on Exhibit 1006?

Mr. SURREY. Yes.

Mr. JENNER. And in the case of Exhibit No. 1006, that photograph represents the present condition of that casement and that window and that screen, as well as it was when you saw it on the evening of April 10, 1963? Insofar as the breach is concerned?

Mr. SURREY. Yes; I seem to recall more cobwebbing effect than it shows in the photograph.

Mr. JENNER. Exhibit No. 1008 purports to be a room in General Walker's home, and a wall, with a bullet hole shown in it.

Mr. SURREY. Yes, sir.

Mr. JENNER. Do you recognize that room?

Mr. SURREY. Yes; I do.

Mr. JENNER. And is that a picture of one of the rooms in General Walker's home?

Mr. SURREY. Yes; it is.

Mr. JENNER. Where is it with respect to the room shown in Commission Exhibit No. 1007?

Mr. SURREY. It is the same room.

Mr. JENNER. The same room?

Mr. SURREY. Yes; all this material has been turned around, from that night.

Mr. JENNER. You are referring in your last comment to Commission Exhibit No. 1007, some pamphlet materials you see shown in that photograph?

Mr. SURREY. Yes.

Mr. JENNER. Now, turning your attention to Commission Exhibit No. 1008, does the wall that is shown on that exhibit face the casement window shown on Exhibit No. 1007, or is that the reverse side?

Mr. SURREY. It is the other wall, the other side of the room from the window.

Mr. JENNER. Is that the wall in which the bullet entered, or the wall, the side of the wall from which the bullet exited?

Mr. SURREY. That is the side of the wall that it entered.

Mr. JENNER. All right. Then I show you Commission Exhibit No. 1009.

Mr. SURREY. Yes; this is the next room now where the bullet exited.

Mr. JENNER. Now, taking Exhibits Nos. 1008 and 1009, am I correct, sir, that Exhibit No. 1008 shows the wall on the entry side of the bullet, and Exhibit No. 1009 is the reverse side of the wall shown on Commission Exhibit No. 1008?

Mr. SURREY. That is correct.

Mr. JENNER. In other words, the side of the wall that the bullet exited?

Mr. SURREY. That is correct.

Now, this picture was taken at the time, or soon thereafter, because this material was in this position.

(At this point, Senator Cooper withdrew from the hearing room.)

Mr. JENNER. All right, sir.

You are able to say, from your familiarity with the condition of matters on the evening of April 10, 1963, that both Commission exhibits——

Mr. SURREY. No; that one I don't know.

Mr. JENNER. That Commission Exhibit No. 1009 depicts the condition of that room, which is the room to the reverse side of Commission Exhibit No. 1008, as it was the evening of April 10, 1963.

Mr. SURREY. Substantially the same; yes.

Mr. JENNER. And even including the boxes and packages of material?

Mr. SURREY. That is correct.

Mr. JENNER. You will notice in substantially the center of that exhibit a rupture appears to be in the wall. Was that in fact a rupture?

Mr. SURREY. Yes; it was. That is where the bullet came out of the wall, and when the police came they found the bullet on top of these packages.

Mr. JENNER. On top of the packages shown on Commission Exhibit No. 1009. I show you Exhibit No. 1011, which appears to be a photograph of a fence, lattice fence. Are you familiar with that?

Mr. SURREY. I believe it is the same type of thing as is in back of Walker's home, in the alleyway.

Mr. JENNER. Is it not in fact a picture of the fence that is—surrounds to the rear General Walker's home?

Mr. SURREY. I don't know. It is the same type, it looks the same.

Mr. JENNER. It looks the same to you?

Mr. SURREY. Yes.

Mr. JENNER. When you made your diagram, Exhibit No. 1005, you drew a wavy line along the alley, and I think you said that was a lattice fence.

Mr. SURREY. Yes; I drew it too far. This is Jackson's back yard.

Mr. JENNER. Well, that is all right. The lattice fence you identified—

Mr. SURREY. Is of the same type and construction.

Mr. JENNER. As shown on Exhibit No. 1011?

Mr. SURREY. Yes.

Mr. JENNER. All right, sir. Thank you. Is the area depicted on Commission Exhibit No. 1012 familiar to you?

Mr. SURREY. It looks like a picture taken from the top of that lattice fence towards the back of Walker's home.

Mr. JENNER. Next is Commission Exhibit No. 1010, which is a photograph of a tire imprint. On the evening of April 10 or the next day, April 11, when it was light, did you tour around General Walker's home with him or without him? There was a search made to see—

Mr. SURREY. Yes; there was.

Mr. JENNER. To find some identification in the way of automobile tire impressions?

Mr. SURREY. It is my impression that the police were looking primarily for a casing from a shell. I did not see them take any—

Mr. JENNER. So that the particular portion of the Walker vicinity shown on Commission Exhibit No. 1010 is not familiar to you?

Mr. SURREY. I wouldn't know where it was in the area.

Mr. JENNER. Yes, sir.

The CHAIRMAN. Those have all been formally introduced, Mr. Jenner?

Mr. JENNER. No; they have not, Mr. Chief Justice. If it suits your convenience I was going to offer all exhibits at once, so I don't overlook any.

The CHAIRMAN. Yes; very well.

Mr. JENNER. Thank you. Some of the exhibits the witness has identified have already been introduced. They were exhibited to Marina Oswald.

The CHAIRMAN. Yes; I recall.

Mr. JENNER. Would you help us, also—I hand you a map of Dallas, which we will mark Commission Exhibit No. 1013—or I should correct myself—I hand you what purports to be a map of Dallas.

There is indicated by brush pencil a cross in the center of that map as representing the area of the residence of Maj. Gen. Edwin A. Walker, resigned, at 4011 Turtle Creek Boulevard in Dallas.

(The document referred to was marked Commission Exhibit No. 1013 for identification.)

Mr. SURREY. Yes; that is correct. That is the area.

Mr. JENNER. That is a scale map of Dallas that appears to have been obtained from the Dallas Transit Co. in Dallas, Tex.

Mr. SURREY. Yes.

Mr. JENNER. Now, you received a telephone call from General Walker?

Mr. SURREY. Yes, sir.

Mr. JENNER. The evening of April 10. It was about 9 o'clock? Please try to fix that time as accurately as you can.

Mr. SURREY. I would say it was closer to 9:15.

Mr. JENNER. And you arrived 15 minutes later?

Mr. SURREY. 10 to 15 minutes later.

Mr. JENNER. Now, would you very carefully, calling on your most accurate recollection, recite for us—you came to the door, you entered, what did you see, who was there, and what was said to you by anyone, if anyone was there—just the course of events as best you are able to recall them that evening. And I will try not to interrupt you.

Mr. SURREY. When I pulled—I pulled up in front on Turtle Creek, got out of my car. A police car was there.

Mr. JENNER. Was there anything in addition to a police car?

Mr. SURREY. No.

Mr. JENNER. You pulled your car up on Turtle Creek Boulevard?

Mr. SURREY. Behind the police car.

Mr. JENNER. Would you be good enough, when you refer to Turtle Creek Boulevard, to say boulevard, because we have talked about Turtle Creek, a stream.

Mr. SURREY. Turtle Creek Boulevard.

Mr. JENNER. There was one squad car there at that time?

Mr. SURREY. Yes; just as I was getting out of the car, another squad car came up.

Mr. JENNER. Turning to your plat, would you put an "X" with a circle where you drove up? The witness has now done that. All right. Now, you are on Turtle Creek Boulevard. Then what did you do? You parked?

Mr. SURREY. I parked and got out of my automobile, and walked up the front walkway into the house.

Mr. JENNER. I see. All right.

Mr. SURREY. There were several policemen in the house, just arriving. Mr. Walker was sitting at his desk in this back room.

Mr. JENNER. All right.

Now it will be helpful to the Commission—let's take this blank sheet of paper—you draw us a floor plan, will you please, of General Walker's home, and we will mark that Commission Exhibit No. 1014, so as to assist you in telling us what you did.

(The document referred to was marked Commission Exhibit No. 1014 for identification.)

Mr. SURREY. This is the ground floor.

Mr. JENNER. All right. Now, first let's locate the house. It is a rectangle that you have drawn. Is the rectangle facing the same as the rectangle marked "Walker" on Commission Exhibit No. 1005?

Mr. SURREY. Yes; it is.

Mr. JENNER. So that the lower portion is east?

Mr. SURREY. Do we need these directions exactly, because that Turtle Creek Boulevard winds all around.

Mr. JENNER. All I want to do is tie it up with Commission Exhibit No. 1005.

Mr. SURREY. Yes; it is the same direction.

Mr. JENNER. Realizing that you have that problem of obliqueness, but relating it solely to Commission Exhibit No. 1005, the foot of Commission Exhibit No. 1014 represents an easterly direction, correct?

Mr. SURREY. Yes.

Mr. JENNER. And the top a westerly direction. And the right, northerly, and the left, southerly. All right. Now, we have it located.

Which is the doorway into General Walker's home?

Mr. SURREY. This is the—this is the front door. [Witness draws.]

Mr. JENNER. You have now put two oblique lines on the line facing southerly.

Mr. SURREY. That is correct.

Mr. JENNER. And then as you enter, there is a long hallway.

Mr. SURREY. Yes.

Mr. JENNER. And which is the rear of the house towards the alley?

Mr. SURREY. Toward the north.

Mr. JENNER. All right. Now, in what room, if any of those rooms on the first floor, was General Walker the night of April 10, 1963, when this incident occurred, as you learned when you reached there?

Mr. SURREY. His desk was positioned right there.

Mr. JENNER. You have now drawn a small but rather elongated rectangle, which appears to be opposite two lines you have drawn which I take it represents a window.

Mr. SURREY. Yes, sir.

Mr. JENNER. And from what you learned from General Walker on that occasion in the presence of the policemen, was he seated at the desk?

Mr. SURREY. He was seated at his desk.

Mr. JENNER. His back to the window you have drawn, or facing the window?

Mr. SURREY. To the window.

Mr. JENNER. So he was facing to the window?

Mr. SURREY. No; his back was to the window.

Mr. JENNER. He was facing away from the window?

Mr. SURREY. Yes, sir.

Mr. JENNER. And you have drawn a little circle by the figure representing a desk, indicating where General Walker was seated?

Mr. SURREY. Yes.

Mr. JENNER. And facing westerly?

Mr. SURREY. Yes.

Mr. JENNER. Now, locate for us, put a circle with a cross, the wall, the side of the wall indicated by Commission Exhibit No. 1008.

Mr. SURREY. It is right here, sir. [Witness draws.]

Mr. JENNER. All right. Now, that is shown, for the purpose of the record, to the left of the blank circle which the witness drew to show General Walker sitting at his desk. And that area that is shown on—the wall shown on Commission Exhibit No. 1009, I take it, is precisely the other side.

Mr. SURREY. The other side.

Mr. JENNER. You have done that by showing an area?

Mr. SURREY. Yes, sir.

Mr. JENNER. All right. Then we have that located.

Did General Walker in your presence relate what occurred?

Mr. SURREY. Yes.

Mr. JENNER. Tell us what he said about how it occurred, when he became aware of it?

Mr. SURREY. I walked in the front door, and there were several policemen standing around in various areas. I walked in through here.

Mr. JENNER. When you say "through here" [witness draws two lines to represent door.]—

Mr. SURREY. Through the front—

Mr. JENNER. You came in from the south, the front, and you went down the hallway?

Mr. SURREY. It is not really a hallway. It is mostly glass doors here. And I walked through those glass doors.

Mr. JENNER. You have put three strikes on your sketch. What is that?

Mr. SURREY. Those are glass doors.

Mr. JENNER. You walked through the glass doorway. You walked into the room, the wall of which is shown on Commission Exhibit No. 1009. Correct?

Mr. SURREY. That is right.

Mr. JENNER. All right.

Mr. SURREY. And I went right through this room.

Mr. JENNER. Into the room in which General Walker's desk is located?

Mr. SURREY. Yes.

Mr. JENNER. The wall of which on that side appears shown on Commission Exhibit No. 1008?

Mr. SURREY. That is correct.

Mr. JENNER. All right.

Mr. SURREY. The General was sitting at his desk.

Mr. JENNER. When you arrived?

Mr. SURREY. When I arrived.

Mr. JENNER. Was he facing—

Mr. SURREY. He was—

Mr. JENNER. Westerly?

Mr. SURREY. Yes, talking to a policeman in uniform. And I walked in and I said, "What happened? What's going on?" And he pointed to this hole in the wall.

Mr. JENNER. Shown on Commission Exhibit No. 1008?

Mr. SURREY. Yes. And I facetiously said, "Oh, you found a bug."

Mr. JENNER. Would you explain your facetious remark? I don't get the fact that it is facetious.

Mr. SURREY. Well, actually, it may not be. It is a common joke around the General's house that there may be microphones.

Mr. JENNER. That kind of a bug?

Mr. SURREY. Yes.

Mr. JENNER. That is, you saw the hole in the wall and you remarked facetiously that he had discovered the house had been bugged by an electronic device?

Mr. SURREY. Yes; and, therefore, had chopped a hole in the wall.

And he said, "No; I have been shot at." And he pointed to the hole in the window.

Mr. JENNER. Which is shown on Commission Exhibits Nos. 1007 and 1006?

Mr. SURREY. That is correct. Except the window was closed at this time—both casements were together.

Mr. JENNER. Yes; and there is a screen on that window?

Mr. SURREY. I believe there is.

Mr. JENNER. All right.

Mr. SURREY. And then—

Mr. JENNER. Excuse me, sir. That would be the window which is the lower of the two sets of strikes appearing on the northerly line of your Exhibit No. 1014.

Mr. SURREY. Yes. I will mark it with an "A" and a circle.

Mr. JENNER. Good.

Mr. SURREY. And then a policeman asked him a question, and I noticed that his arm was bleeding.

Mr. JENNER. General Walker's arm?

Mr. SURREY. General Walker's arm, was bleeding in four or five places.

Mr. JENNER. How was he dressed?

Mr. SURREY. In a dress shirt of a color, as I recall, but it was not a sport shirt—and slacks.

Mr. JENNER. It was not a uniform of any character?

Mr. SURREY. No; and without a tie.

Mr. JENNER. Short sleeved or long sleeved?

Mr. SURREY. Long sleeved, rolled up.

Mr. JENNER. And his right arm, was it?

Mr. SURREY. His right arm, yes; on his forearm. And—

Mr. JENNER. Was he bleeding profusely?

Mr. SURREY. No. And he said "The jacket of the bullet must have come apart when it went through the window." And he brushed plaster—I assume it came from this wall—out of his hair, which was in his hair, also.

Mr. JENNER. What color hair does General Walker have?

Mr. SURREY. Brown; a dark brown.

Mr. JENNER. He has a fairly full head of hair, does he?

Mr. SURREY. Yes.

Mr. JENNER. And plaster and that sort of thing would be quite apparent, would it, to anyone who saw it in his hair?

Mr. SURREY. Yes.

Mr. JENNER. And you noticed it?

Mr. SURREY. Yes.

Mr. JENNER. And you noticed him brushing plaster out of his hair?

Mr. SURREY. Yes.

Mr. JENNER. Now, that leads me to ask you this, Mr. Surrey: That bullet hole is how high from the floor? I am showing you now Commission Exhibit No. 1009.

Mr. SURREY. You mean how high is the hole—

Mr. JENNER. From the floor.

Mr. SURREY. From the floor? Well, the police went into the next room and so did I, and sighted through the hole in the wall to the window.

Mr. JENNER. Yes, sir.

Mr. SURREY. And when Walker sat down at his desk, it went right through his head.

Mr. JENNER. So he was seated on a chair substantially the height of the one you are seated on?

Mr. SURREY. Yes, and he is approximately a little taller than I am.

Mr. JENNER. He is a little taller than you are. So that would be about 4, 4½ feet.

Tell the Commission the distance from the wall, the point at which you have marked an "X" with a circle, and the place at which General Walker's chair was located.

Mr. SURREY. I would say 18 inches.

Mr. JENNER. He was that close?

Mr. SURREY. To the wall there; yes, sir.

Mr. JENNER. So that the representation you have made on Commission Exhibit No. 1014 is distorted?

Mr. SURREY. Yes; it is. The desk was right up against the wall, and he was seated in the middle of the desk.

Mr. JENNER. His chair was much closer to the wall than would appear to have been as you have roughly diagramed on Exhibit No. 1014?

Mr. SURREY. That is correct.

Mr. JENNER. All right. In other words, he was close enough to the wall when seated at that chair so that when a bullet penetrating the plaster wall could have splattered plaster into his hair?

Mr. SURREY. Yes, sir.

Mr. JENNER. All right. Proceed, sir.

Mr. SURREY. So I went over and looked at his arm, and there was a piece of metal in one particular spot in his arm, that I noticed, in addition to the other scratches, and I went looking for some first aid equipment and found tweezers upstairs, and came back downstairs and picked that piece of metal and two others out of his right forearm.

Mr. JENNER. And what was done with those pieces of metal?

Mr. SURREY. They were—I believe the police took them.

Mr. JENNER. But you recall that you, in fact, yourself took the pieces of metal from General Walker's right forearm?

Mr. SURREY. Yes, sir.

Mr. JENNER. And—all right. Go ahead, sir.

Mr. SURREY. Well, then it became just a matter of the police questioning the general and myself. I don't recall which detective or which policemen and myself went out in the back and looked in the back area.

Mr. JENNER. Is that what you did next, after you took the metal out of General Walker's forearm?

Mr. SURREY. Yes.

Mr. JENNER. You immediately went out of the house—

Mr. SURREY. Not immediately; no. We talked. I would say within 2 or 3 minutes.

Mr. JENNER. But you did not go into any other room? That is what I am getting at first. You went outside first?

Mr. SURREY. I don't recall if we went in the other room then or later on.

Mr. JENNER. When you say the other room, it is the room opposite the one and to the left of the one shown on your diagram—

Mr. SURREY. As I recall, I merely looked around the separation here when they said that the bullet came clear through into the other room.

Mr. JENNER. Who said that?

Mr. SURREY. One of the policemen.

Mr. JENNER. And did you go around and look then?

Mr. SURREY. I just looked around the doorway; yes.

Mr. JENNER. What did you find when you looked around—what did you see?

Mr. SURREY. I saw these books stacked, as shown in this picture.

Mr. JENNER. Identify the picture, please.

Mr. SURREY. Exhibit No. 1009.

Mr. JENNER. Had—you mentioned a bullet as having been found.

Mr. SURREY. Yes, the policeman said he had found that bullet, on top of the packages.

Mr. JENNER. Shown in Exhibit No. 1009?

Mr. SURREY. Yes.

Mr. JENNER. Was that portion of the bullet exhibited to you on that occasion?

Mr. SURREY. No.

Mr. JENNER. You did not see it?

Mr. SURREY. No.

Mr. JENNER. Was the statement that the bullet had been found on the opposite side of that wall made in the presence of General Walker?

Mr. SURREY. Yes.

Mr. JENNER. What did General Walker say when that statement was made in his presence, if anything?

Mr. SURREY. I don't recall that he made any statement.

Mr. JENNER. Did he say anything about where the spent bullet had been found?

Mr. SURREY. Not at that time, no. Not to me.

Mr. JENNER. Well, did he say it to an officer in your presence?

Mr. SURREY. Not that I recall.

Mr. JENNER. Was it uttered by him at all in your presence on that evening?

Mr. SURREY. Not that I recall.

Mr. JENNER. That is, that the spent bullet had been found on the opposite side of the wall next to which he had been sitting?

Mr. SURREY. No; I think the policeman said it, and that is all that was said.

Mr. JENNER. But it was said in General Walker's presence?

Mr. SURREY. Yes; it was.

Mr. JENNER. What did the policeman say?

Mr. SURREY. He said the bullet went clean through the wall and they found it laying on the packages in the other room.

Mr. JENNER. Did he say they found it or "I found it"?

Mr. SURREY. He said, "I found it" as I recall.

Mr. JENNER. Proceed in your chronology, please.

Mr. SURREY. That is all there was to it. Then he started getting calls from newsmen, and newsmen coming to the door.

Mr. JENNER. First, you went out and looked around the premises.

Mr. SURREY. Yes; but it was quite dark at this time, and they said, "We will come back in the morning."

Mr. JENNER. I should have asked you this. Perhaps I just assumed it. Was it dark when you arrived at General Walker's home?

Mr. SURREY. Yes; it was.

Mr. JENNER. When does it get dark in Dallas, Tex., in this area in the spring?

Mr. SURREY. I would say 7.

Mr. JENNER. Do you have daylight saving time in Dallas?

Mr. SURREY. No; we don't.

Mr. JENNER. And you are on what time?

Mr. SURREY. Central standard.

Mr. JENNER. Central standard time?

Mr. SURREY. Yes.

Mr. JENNER. Well——

Mr. SURREY. It is 2 hours from here.

The CHAIRMAN. Two hours from here when we have daylight savings.

Mr. SURREY. You have daylight saving now?

The CHAIRMAN. Yes.

Mr. JENNER. Only 1 hour then.

Mr. SURREY. Yes, sir.

Mr. JENNER. After looking around, you say newspapermen began to come.

Mr. SURREY. That is right.

Mr. JENNER. And interview General Walker?

Mr. SURREY. Yes.

Mr. JENNER. In your presence?

Mr. SURREY. Yes.

Mr. JENNER. And in the presence of the policemen?

Mr. SURREY. Yes.

Mr. JENNER. When did you leave General Walker's home that night?

Mr. SURREY. I stayed that night.

Mr. JENNER. Did you hear General Walker being interviewed?

Mr. SURREY. Yes.

Mr. JENNER. What did he say about what had occurred, if anything?

Mr. SURREY. He said, "Somebody took a shot at me." This is the general tenor of the interviews as to what happened, and he said, "Somebody took a shot at me." I guess—"That is the closest I have ever been missed in 30 years of military service."

Mr. JENNER. Did he say anything about whether he was seated—whether he had been moving about?

Mr. SURREY. No; he said he had been seated at his desk when it happened. Working on his income tax.

Mr. JENNER. Now, Mr. Surrey, was there an occasion preceding October—April 10, 1963, that you noticed an automobile and some people in the automobile in and about General Walker's premises?

Mr. SURREY. Yes; that was 2 nights before, on Monday evening.

Mr. JENNER. That would be April 10?

Mr. SURREY. Yes.

Mr. JENNER. I mean April 8, I am sorry.

Mr. SURREY. April 8; yes, sir.

Mr. JENNER. What time?

Mr. SURREY. About 8:30 to 9. I am not sure about what time it was.

Mr. JENNER. I take it, then, it was dark?

Mr. SURREY. Yes; it was.

Mr. JENNER. And tell the Commission what led up to that, what you said, and what you did. This incident that you have in mind.

Mr. SURREY. I was coming from my home, came down Turtle Creek Boulevard, passed in front of the general's house, and took a right-hand turn on Avondale, to come up to the alley.

Mr. JENNER. Have we put Avondale into your plat? You are now turning to Commission Exhibit No. 1005. [Witness draws.]

Mr. SURREY. The normal route into the parking lot behind the general's house—

Mr. JENNER. He does have a parking lot?

Mr. SURREY. Yes; this is the parking area back in here.

Mr. JENNER. Now, would you crossline that, so we know it is the parking lot? [Witness draws.]

That is fine.

Mr. SURREY. I came up Turtle Creek Boulevard and turned right on Avondale prior to turning again up the alleyway, to go into the parking lot in back of General Walker's house. And I noticed a car parked 30 feet—about 20 yards actually—

Mr. JENNER. You have now drawn a rectangle on the edge of the sheet of paper, Exhibit No. 1005, marked with the letter "N." Would you write the word "car" in there?

The CHAIRMAN. What is this designed to establish, Mr. Jenner? We are getting a little afield, it seems to me.

Mr. JENNER. Mr. Surrey, Mr. Chief Justice, was interviewed and related this particular incident, and we want to dissipate any possibility—I don't want to put it this way—

The CHAIRMAN. If it has some relevancy, all right. But let's don't take too long, because it is getting to be quite collateral. Go right ahead.

Mr. SURREY. Well, the gist of the matter is that two nights before the assassination attempt, I saw two men around the house peering in windows and so forth, and reported this to the general the following morning, and he, in turn, reported it to the police on Tuesday, and it was Wednesday night that he was shot at. So that is really the gist of the whole thing.

The CHAIRMAN. All right.

Mr. JENNER. I show you an exhibit marked Garner Exhibit No. 1. At any-

time prior to April 10, 1963, were you familiar with the person who is shown on Garner Exhibit No. 1?

Mr. SURREY. No.

Mr. JENNER. When I say familiar, I mean did you know of or had you seen consciously a person with that physiognomy and physical appearance?

Mr. SURREY. No; I have not.

Mr. JENNER. That is a side view.

I show you Commission Exhibit No. 520. The man in the center—had you prior to April 10, 1963, ever seen a man with that physiognomy, facial showing, and body?

Mr. SURREY. No.

Mr. JENNER. All right, sir. I take it, then—I ask you this question. Neither of the two men that you saw in that automobile on the 8th of April 1963, at least to your present recollection, was the man shown on Garner Exhibit No. 1, and Commission Exhibit No. 520?

Mr. SURREY. I don't believe either of them was.

Mr. JENNER. All right.

The CHAIRMAN. May I ask—is this what you spoke of as the book?

Mr. SURREY. Yes, sir.

The CHAIRMAN. I notice on here that there is no price of any kind. You say you sold this for \$5?

Mr. SURREY. That was an afterthought. The original intent was not a sale.

The CHAIRMAN. Was it ever advertised to the public as for sale from \$5?

Mr. SURREY. Yes.

The CHAIRMAN. Where was it advertised?

Mr. SURREY. In just a flier that we included with some materials we were mailing out.

The CHAIRMAN. I see. I would like to ask you if you were present when—at the time that they had—that there was the demonstration against Ambassador Adlai Stevenson?

Mr. SURREY. No; I was not.

The CHAIRMAN. Did you have anything to do with that demonstration?

Mr. SURREY. No, sir.

The CHAIRMAN. Were you present when the demonstration was against then Vice President Johnson in Dallas?

Mr. SURREY. No, sir.

The CHAIRMAN. Did you have anything to do with that?

Mr. SURREY. No, sir.

Mr. JENNER. Mr. Chief Justice, we have marked the book as Commission Exhibit No. 1015.

(The document referred to was marked Commission Exhibit No. 1015 for identification.)

Mr. JENNER. Would you please examine it? You need no more than just to look at it, so you will be able to testify that that is a true and correct copy of the book you have testified about, published by Eagle Publishing Co., which contains on its reverse cover side the letter to which you made reference.

Mr. SURREY. Yes, sir; it is.

The CHAIRMAN. What did it cost you to publish that?

Mr. SURREY. It came to \$2.50 and some cents. In a limited quantity—3,000.

The CHAIRMAN. Do you now propose to offer all of the exhibits?

Mr. JENNER. Yes; I have three more FBI photos, and then I will have completed.

The CHAIRMAN. Very well.

Mr. JENNER. Mr. Surrey, I show you three more photographs which are identified first as Commission Exhibit No. 997. Would you read the material that appears on the reverse side of that first, please?

(The document referred to was marked Commission Exhibit No. 997 for identification.)

Mr. JENNER. Looking now at the face of the photograph, Commission Exhibit No. 997, does—do the inscriptions on the reverse side correctly describe that area of General Walker's home and the Mormon church references?

Mr. SURREY. Yes; they do.

Mr. JENNER. You are familiar with that area?

Mr. SURREY. Yes; I am.

Mr. JENNER. And its physical appearance, except for the foliage on the trees, is as that area looked on the night of April 10, 1963? Is that correct?

Mr. SURREY. That is correct.

Mr. JENNER. I hand you Commission Exhibit No. 1016.

(The document referred to was marked Commission Exhibit No. 1016 for identification.)

Mr. JENNER. Read the inscription on the reverse side, please. You are familiar with that area shown on the photograph?

Mr. SURREY. Yes; I am.

Mr. JENNER. Do the descriptions on the reverse side of the photograph correctly describe that area?

Mr. SURREY. With the exception that I do not know these cars and so forth.

Mr. JENNER. I am talking about the area.

Mr. SURREY. The physical area; yes, they do.

Mr. JENNER. And that area looks the same today as it did on the evening of April 10, or the day of April 10, 1963?

Mr. SURREY. Yes, sir.

Mr. JENNER. I now hand you the last of these, Commission Exhibit No. 1017, and ask you first to read the inscription and then examine the photograph.

(The document referred to was marked Commission Exhibit No. 1017 for identification.)

Mr. SURREY. Yes, sir; these are substantially correct.

Mr. JENNER. As of today, as well as as of April 10, 1963?

Mr. SURREY. Yes, sir.

Mr. JENNER. All right.

Now, Mr. Chief Justice, I offer in evidence the various exhibits which we have identified in the record with the exhibit numbers, and ask that the exhibits take the exhibit numbers I recited in each instance as to each exhibit, being Exhibits Nos. 996 through 1000 and 1002 through 1017.

The CHAIRMAN. They may all be admitted under those numbers.

(The documents heretofore marked Commission Exhibits Nos. 996 through 1000 and 1002 through 1017 were received in evidence.)

Mr. JENNER. That includes, Mr. Chief Justice, the diagrams which the witness has prepared for us.

The CHAIRMAN. Yes.

Mr. JENNER. As I reported to you, Mr. Chief Justice, the file on the Walker incident reached us about 20 minutes before we opened this morning. I think I have covered everything. Could I have the privilege of 5 minutes to take a look?

The CHAIRMAN. Yes.

Mr. JENNER. I will do it very quickly.

The CHAIRMAN. Yes.

Mr. JENNER. Who is Mr. Coleman? Do you know a man by that name?

Mr. SURREY. Not personally.

Mr. JENNER. Walker Kirk Coleman.

Mr. SURREY. As I just read on the back of your exhibit, he is the boy that reported seeing several automobiles at the time of the assassination.

Mr. JENNER. That is immaterial to this issue.

You have never seen either of the two men you have mentioned before or since the occasion you saw that automobile with the two men in it on the evening of April 8, 1963?

Mr. SURREY. Not to my knowledge. I never was very close to them.

Mr. JENNER. Were you able to—what kind of an automobile was it, do you know?

Mr. SURREY. It was a Ford, a new Ford at that time.

Mr. JENNER. Sedan?

Mr. SURREY. Four-door sedan.

Mr. JENNER. And it was new?

Mr. SURREY. Yes.

Mr. JENNER. To your knowledge, have you ever seen that automobile before or since?

Mr. SURREY. No, sir.

Mr. JENNER. What color was it, if you noticed?

Mr. SURREY. It was either a dark brown or a maroon.

Mr. JENNER. You followed it awhile and then gave up the chase?

Mr. SURREY. That is correct. Actually, they made a turn which—I am familiar with downtown Dallas—and they made a turn which would indicate they were doubling back or not going in a straight direction. And I thought perhaps I had been spotted in my convertible. So I left them there.

Mr. JENNER. I will close, Mr. Chief Justice, by asking the witness—was the Mormon church in session? Had there been—

Mr. SURREY. There had been services.

Mr. JENNER. The evening of April 10?

Mr. SURREY. They were still dispersing.

Mr. JENNER. When you arrived at approximately 9:30 in the evening of April 10, were people still leaving the Mormon church?

Mr. SURREY. Yes; they were.

Mr. JENNER. I have no more questions.

The CHAIRMAN. That will be all, Mr. Surrey. You may be excused now.

The Commission is adjourned.

(Whereupon, at 12:20 p.m., the President's Commission recessed.)

Thursday, June 18, 1964

TESTIMONY OF JAMES J. ROWLEY AND ROBERT CARSWELL

The President's Commission met at 9 a.m., on June 18, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Hale Boggs, Representative Gerald R. Ford, and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; and Samuel A. Stern, assistant counsel.

TESTIMONY OF JAMES J. ROWLEY

(Members present at this point: Chief Justice Earl Warren.)

The CHAIRMAN. The Commission will come to order.

Chief, it is our procedure to read a little statement as to the purpose of the meeting, for the benefit of the witness.

Chief Rowley will be asked to testify with respect to the protective measures taken by the Secret Service in Dallas, changes in such measures made as a result of the Dallas experience, and with regard to the investigation of the assassination and any information he may have respecting the assassination of the President.

Would you raise your right hand and be sworn?

You solemnly swear the testimony you are about to give before the Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROWLEY. I do.

The CHAIRMAN. Will you be seated, please. Mr. Rankin will conduct the examination.

Mr. RANKIN. Mr. Chief Justice, before starting the examination, I would like to make a brief statement for your benefit and for the benefit of the Commission, of the problems that are probably going to develop in this area with regard to the security of the country, and a suggestion about how we might handle them as we proceed with the witness.

I have suggested to Chief Rowley that as he moves along in his testimony he might have various matters that he would think should not be on the record

because of the security of the country, and if he would just suggest that, when he came to that point, and say specifically that it did involve the security of the country, then we would proceed to go off the record, if it was satisfactory to the Commission, and consider those questions off the record. And then return to the record as soon as we had completed those security matters.

Would that be satisfactory?

The CHAIRMAN. I think that is an appropriate way to proceed.

Mr. RANKIN. Chief Rowley, will you state your name and address for the record, please?

Mr. ROWLEY. James J. Rowley, 3501 Rittenhouse Street NW., Washington, D.C.

Mr. RANKIN. Do you have an official position with the Government?

Mr. ROWLEY. I have, as Chief of the U.S. Secret Service.

Mr. RANKIN. How long have you occupied that position?

Mr. ROWLEY. Since September 1, 1961.

Mr. RANKIN. What is the nature of the duties of that position?

Mr. ROWLEY. The nature of the duties is the general overall supervision of the activities of the Secret Service.

Mr. RANKIN. And, in a general way, what is the official responsibility under the statutes of the United States of the Secret Service?

Mr. ROWLEY. Well, we are responsible under title 18, section 3056, to investigate all violations that affect the currency, securities, and coinage of the United States. That involves Government bonds, Government checks, and such other functions and duties as are authorized by law, subject to the direction of the Secretary of the Treasury.

In addition, we have the responsibility of the protection of the President, members of his immediate family, the Vice President, President-elect, Vice President-elect, and the former President for a reasonable period of time as he leaves office.

Mr. RANKIN. Will you please tell us what experience you had with the Secret Service prior to the time that you became chief.

Mr. ROWLEY. I was in charge of the White House detail from 1946 to 1961.

Mr. RANKIN. Now, will you tell us briefly the training that you had in regard to Government Service?

Mr. ROWLEY. I first entered the Government as a member of the FBI in 1937, and spent a year with the FBI, after which I went back to New York for a period of 9 months. I entered the Secret Service on September 12, 1938. I spent time in criminal investigation in the New York City office, and the Utica office of Secret Service and in April of 1939, I was assigned to Washington, eventually to the White House detail.

(At this point, Mr. Dulles entered the hearing room.)

Mr. ROWLEY. I served as a member of the White House detail, as an agent on a shift, as an assistant agent in charge, agent in charge of the shift, and advance man, in preparing for Presidential visits, both domestically and abroad.

Mr. RANKIN. What educational training did you have?

Mr. ROWLEY. I had 2 years of college toward a B.S., then I was graduated from law school, and secured a master's degree in law.

Mr. RANKIN. Was one of the duties of your position as chief of the Service to have general supervision over the trip of President Kennedy and Vice President Johnson to Dallas around November 22, 1963?

Mr. ROWLEY. Well, that would be part of my job—the general supervision of the trip. The actual direct supervision would have been under the jurisdiction of Mr. Behn, who was in charge of the White House detail.

Mr. RANKIN. Could you describe briefly the nature of Mr. Behn's responsibilities in that work?

Mr. ROWLEY. Well, it would have been, as mine was in the period I was there, that he was responsible for developing all arrangements with the members of the White House staff, designating the members of the detail to develop advance work, assigning agents to the various shifts, directing their training as it applied to the White House detail, and participating in any event that he thought would be necessary in connection with his work at the White House.

Mr. RANKIN. Did you become familiar with what did happen on that trip, in your position as chief?

Mr. ROWLEY. Yes; I was first informed while addressing a graduating class of our Secret Service school on that day. I was summoned by Mr. Behn to the White House, at which time he told me that the President had been shot. He was then at the hospital, and subsequently we were notified that the President had died; that the Vice President would take the oath of office in the airplane at Love Field.

In the meantime, I asked my deputy, who was in his office while I was at the White House, to arrange with the Immigration Service to close the border, Texas being in close proximity to the border. There might have been a conspiracy or something, we didn't want to take any chances. And then I immediately dispatched an inspector from my staff to the Capitol to protect the Speaker, and directed the other activities as we got the information from Dallas.

Mr. RANKIN. Did you learn in connection with the trip when the assassination occurred that certain of the Secret Service agents had been in the press club and what is called the Cellar, at Fort Worth, the night before?

Mr. ROWLEY. Well, that came to my attention through a broadcast that Mr. Pearson made, that the agents were inebriated the night before at the Fort Worth Press Club. I immediately dispatched Inspector McCann to Fort Worth to investigate the report, and to interview the agents.

Mr. RANKIN. What did you learn?

Mr. ROWLEY. I learned that there were nine agents involved at the Press Club. And I might say this—the agents on duty throughout that day had no opportunity to eat. When they arrived at Fort Worth, they were informed that there was a buffet to be served at the Fort Worth Club. This is what I ascertained in personal interviews. Upon going over there, they learned there was no buffet, and some of them stayed for a drink. Three, I think, had one scotch, and others had two or three beers. They were in and out—from the time they arrived, I would say roughly around 12:30, until the place closed at 2 o'clock.

Now, after that some of them went to the Cellar. This is a place that does not serve alcoholic beverages. They went there primarily, I think, out of curiosity, because this was some kind of a beatnik place where someone gets up and recites, or plays the guitar.

Mr. RANKIN. Did you learn whether or not there were any violations of the regulations of the Secret Service by these men?

Mr. ROWLEY. Yes; there was a violation. At that time there was a section in our manual in effect that said that during—

Mr. RANKIN. Will you give us first the number?

Mr. ROWLEY. Section 10.

Mr. RANKIN. Is that chapter 1, page 7?

Mr. ROWLEY. Chapter 1, page 7; yes, sir.

Mr. RANKIN. Now, will you tell the Commission about what the regulation was?

Mr. ROWLEY. "The use of liquor. Employees are strictly enjoined to refrain from the use of intoxicating liquor during the hours they are officially employed at their post of duty or when they may reasonably expect that they may be called upon to perform an official duty."

The one that applies here—"However, all members of the White House detail and special agents cooperating with them on presidential and similar protective assignments are considered to be subject to call for official duty at any time while in travel status. Therefore, the use of intoxicating liquor of any kind, including beer and wine, by members of the White House detail and special agents cooperating with them or by special agents on similar assignments, while they are in a travel status, is prohibited."

Mr. RANKIN. Can you tell the Commission how many men were involved in these trips to the Press Club and the Cellar, where these things were done?

Mr. ROWLEY. There were 9 men involved at the Press Club, and there were 10 men involved at the Cellar.

Mr. RANKIN. Now, how many men, of those 10 men, were in the Presidential motorcade on the day of the assassination?

Mr. ROWLEY. Four—four men were in the followup car.

The CHAIRMAN. Who were they?

Mr. RANKIN. Do you know their names?

Mr. ROWLEY. Yes; Landis, Hill, Ready, and Bennett.

Mr. RANKIN. Did you make any investigation to determine whether or not their violation of the Secret Service regulations had anything to do with the assassination of the President?

Mr. ROWLEY. Yes. They performed their duties from the time they departed in the followup car from Love Field until the point of the tragedy in a most satisfactory manner. There was nothing deficient in their actions or their alertness. They went through the heaviest part of downtown Dallas, through the crowds, and performed in an exemplary manner.

Mr. RANKIN. How do you know that?

Mr. ROWLEY. From the reports that I got from their superiors.

Mr. RANKIN. In the work that you did with the White House detail before you became Chief of the Secret Service, did you know the various responsibilities of the members of the White House detail?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. Did you ever participate in such motorcades yourself?

Mr. ROWLEY. I have; yes, sir.

Mr. RANKIN. How much?

Mr. ROWLEY. Well, I have participated, in rough numbers, over a period of 22 years—roughly, maybe, a thousand or more.

Mr. RANKIN. Will you briefly describe the functions of the Secret Service agents in connection with the President's car?

The CHAIRMAN. Have you finished this other matter?

Mr. RANKIN. No; I just wanted to—

The CHAIRMAN. All right. Go right ahead.

Mr. ROWLEY. When the President's car leaves the airport or a railroad station or any other location, the agents accompany him to the car and stand to the right and left, in the same order as their designated positions on the followup car, and screen him. And then the car moves out, slowly, because the rest of the cars have to have an opportunity to follow in the motorcade, so that none lingers behind, or is left behind. And when the agent in the lead car determines that the motorcade is intact and is moving, then he steps up his speed, which is a cue to the Presidential driver to step up his speed, and then they go at a speed consistent with the crowd that is there, and so forth.

Now, upon leaving the airport, if there is a huge crowd there, the men are still on the ground running on the right and left side of the President, both rear and front of the vehicle. After they get out of the crowd, then the men in the front beside the Presidential vehicle drop back and take their positions in the followup car.

This is so that they are not in the way of the men running on the right and left rear. They move back last and have a clear opportunity to jump onboard the followup car in the event the speed of the motorcade is stepped up.

When the motorcade comes to intersections or turns which are always vulnerable points, in that if you make a right turn, that is the closest point for someone to come out, the agents on the right side before reaching that point, will jump off, to be available alongside the President's car in the event someone darts out with some malicious plan.

There have also been times when, innocently, ladies and young people will come out to throw a bouquet of flowers. And then if there is a crowd that is sparse, they return to their position in the followup car.

Now, when they come into a big crowd, they take it on foot, and at a little jog, if necessary.

In some instances, if the crowd continues for a prolonged distance, the agents work together. In other words, there are rear steps on the right and left rear of the Presidential car with handrails. These have two purposes. One, for agents to ride on and to screen the President from anything from above; the second, in a situation like this, to keep an additional man available in case of trouble, and also to alternate with the men to the right rear of the President, who are jogging along warding off the crowd.

Mr. RANKIN. Now, what positions did the four men that you referred to that

were involved in the press club and the Cellar matter occupy on the day of the assassination?

Mr. ROWLEY. Well, Mr. Ready occupied the right front, Mr. Landis to his rear—

Mr. RANKIN. What do you mean by right front?

Mr. ROWLEY. Right front running board position of the followup car. It was his responsibility or duty to jump off in crowds and to take the position at the right rear of the President's car.

Mr. Landis, if necessary, to jump off if the occasion demanded and take the right front of the President's car.

Mr. Hill was on the left front running board of the followup car, and his responsibility was at the rear of the President's car. His position was assigned there because he was in charge of the First Lady's detail, and she was seated on the left side.

And Mr. McIntyre was to his rear on the left running board. So his assignment would have been up to the left front of the President's car. Mr. Bennett was in the rear seat of the followup car.

Mr. RANKIN. Now, how can you tell that the fact that they were out as they were the night before and violated the regulations, had nothing to do with the assassination?

Mr. ROWLEY. Well, based on the reports of my investigating agents and the facts as to how they performed at the time of the tragedy. Mr. Hill, who was on the left side, responded immediately—as he looked toward the Presidential car, being on the left side, he scanned from left to right, and when he saw there was something happening to the President following a noise, he immediately jumped from his position to get aboard from his side.

Mr. Ready scanned to the right so he was looking away from the President, because he was looking around from the right side. As a consequence, he wasn't aware of what was happening in the front. The car was also going on a turn at that time.

Mr. RANKIN. What about the other two?

Mr. ROWLEY. The other two were watching—they reacted normally—the man on the left side looked to his left rear, and the man, Landis, looked to his right rear.

Mr. RANKIN. Have you done anything to discipline these men for violation of the regulations of the Secret Service?

Mr. ROWLEY. Well, I did consider what type of punishment would be provided.

Then I also considered the fact that these men in no way had—their conduct had no bearing on the assassination. And, therefore, I thought that in the light of history, to place a stigma on them by punishing them at that time, from which inevitably the public would conclude that they were responsible for the assassination of the President—I didn't think this was fair, and that they did not deserve that, with their family and children.

(At this point, Representative Ford entered the hearing room.)

Mr. DULLES. May I ask one question there?

You described the assignment of the four men with respect to the followup car and the President's car. Do they have different assignments with regard to watching what is happening around them, or does that depend on the circumstances in which they are?

Mr. ROWLEY. Both. When they start off they have a certain area that they have to watch. Like the man in the right front would naturally watch slightly to the right and in front of him. The fellow on the side, behind him, will watch to the right and rear. In other words, as they are going by a building, he should scan the building. In the meantime, he picks up where the man in the front has finished. In other words, the scan of the man in the front will cover the building to his front and side; the fellow behind will scan alongside from rear to forward. Their scanning joins. This is the way they are accustomed to doing it.

Mr. DULLES. Who would cover straight ahead?

Mr. ROWLEY. The man in the front seat has that responsibility.

Mr. RANKIN. Chief Rowley, how do you construe subparagraph (c) of your regulation 10 regarding the use of alcoholic liquors?

The CHAIRMAN. Will you read it for the record?

Mr. RANKIN. Will you kindly read it?

Mr. ROWLEY. "Violation or slight disregard of the above paragraphs or the excessive or improper use of intoxicating liquor at any time will be cause for removal from the service. In interpreting the words 'excessive' and 'improper,' slight evidence tending to indicate unusual or questionable conduct will be considered proof that the use of liquor has been improper or excessive. Association with others who drink to excess will be considered as an indication of using more than a moderate amount of liquor. The excuse that liquor was used for medicinal purposes will not be accepted."

Mr. RANKIN. How do you construe and apply that?

Mr. ROWLEY. Well, in this instance, it was wrong.

Mr. RANKIN. Now, were these men under this regulation considered to be on travel status, so that they should not be using intoxicating liquor?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And there is no question about that in your mind?

Mr. ROWLEY. No, sir.

Mr. RANKIN. Has anything been done to reprimand and cause them to realize that this is a violation of your regulations?

Mr. ROWLEY. They were interviewed by the inspector at the time. The seriousness of the matter was impressed upon them. And I think they recognize the seriousness of their acts.

The men we recruit are men that are college graduates and mature, and we screen them very carefully, particularly before we assign them to the White House detail. They know and we know that they are in a fishbowl 24 hours a day, and that, therefore, their conduct is always subject to scrutiny, and so forth, and that they are responsible individuals. Their records have indicated that they have been performing in a high degree. They have worked endless hours of overtime. They are dedicated. And if they were not, they would not be on the detail.

They realize the seriousness of the violation, and I went over it with my special agent in charge. He understands it. And I am quite sure that they all understand it at this time.

Mr. RANKIN. I would like to have you examine Commission Exhibit No. 1018, Chief Rowley, and see if that is the regulation of the Secret Service that you have been referring to.

Mr. ROWLEY. Yes; that is what I have been reading here, sir.

Mr. RANKIN. Mr. Chief Justice, I would like to offer as a part of the record the regulation, Commission Exhibit No. 1018.

The CHAIRMAN. It may be admitted.

(The document was marked for identification as Commission Exhibit No. 1018, and received in evidence.)

Mr. RANKIN. Chief Rowley, have you had any other complaints similar to this in regard to the conduct of the Secret Service agents on the Presidential or White House detail?

Mr. ROWLEY. We had one in the last month. We had charges leveled at us by an agent of the Secret Service—

Mr. RANKIN. Will you tell us about that?

Mr. ROWLEY. Who is currently under indictment, and who will be brought to trial on criminal charges on the 29th of June. And, for that reason, while I have no reluctance to discuss it, I think we should go off the record, because I don't want to in any way prejudice the case.

The CHAIRMAN. There is no reason to discuss that case here, Chief.

Is there anything in particular that would affect this situation you wanted to know about, Mr. Rankin?

Mr. RANKIN. Mr. Chief Justice, the only thing would be the investigation as to whether or not there was comparable conduct. I didn't know whether the Commission would like to know what that investigation was and what the results of it were.

The CHAIRMAN. Well, I suppose there is no objection to the Chief telling us what this complaint was, but not insofar as it bears on the crime that he is charged with.

Mr. ROWLEY. Well, it ties in with the crime, because he said he was framed. Now, he said he was framed because he was prepared to go before your Commission, sir, to testify about this thing that happened 3 years ago, and in the charges he said he advised me, as well as others, and nothing was done. He said he was framed for this reason.

The CHAIRMAN. Had he ever made any complaint to you before?

Mr. ROWLEY. He had never made any complaint to me. It came as a complete surprise.

Representative FORD. The complaint to you came subsequent to the filing of criminal charges against him?

Mr. ROWLEY. He said he had made the charges at the time the alleged incidents occurred, Mr. Congressman, that he notified me, before he left an assignment 3 years ago.

Let me give you the background, so there is no misunderstanding. We have what we call an orientation program. The men we recruit from the colleges, and the type of men that we want, we cannot always get off the civil service roster. Therefore, we have an understanding with Civil Service that we can take men under schedule A. Within a period of 2 years, they will have to be assigned to the White House or dropped from the Service.

Now, in order to determine their ability and fitness for assignment, since some people are better criminal investigators than they are in protection work, we have an orientation program which includes duty on the White House detail. Mr. Bolden was one of the men selected to come in the summer of 1961. He was also a replacement for some regular agent on the detail who was on leave. It was a 30-day assignment. This afforded us an opportunity to observe him, determine whether he was equipped and so forth.

And he was on the White House detail for this short period of time. The time that he describes was a 5-day weekend up in Hyannis Port.

Mr. RANKIN. I don't think that quite answers—

Mr. ROWLEY. I am giving the background.

Mr. RANKIN. I think the question is as to when you got the complaint.

Mr. ROWLEY. Well—excuse me. [Continuing.] Before he left his detail assignment, you see, he alleges that he told me about the condition that was going on up in Hyannis.

Representative FORD. Before he left on this 30-day assignment?

Mr. ROWLEY. When he left to return to his office in Chicago.

Mr. RANKIN. And what is the fact in that regard?

Mr. ROWLEY. The fact is he never informed me. He never informed any of his supervisors or anyone on the detail.

Mr. RANKIN. I think the record should show, Mr. Chairman, that we were never advised that he wanted to testify, nor had we any inquiry or anything about the matter, until after we learned about it in the newspapers. And, even then, he didn't ask to testify. And we asked the FBI to check into it, and he had counsel, and they refused to tell anything about the matter at that time.

Mr. DULLES. Could I ask a question?

Did I understand you to say that the Civil Service prescribes that certain men must be assigned to the White House for a certain detail?

Mr. ROWLEY. No, Mr. Dulles; we have an arrangement with the Civil Service that they will permit us to recruit these men, not from the register, but under what they call schedule A. They give us an opportunity, 2 years, to train these men, with the understanding that within 2 years' time they will have to be assigned to the White House detail or we will not be able to retain them in the Service.

However, during that 2 years, we urge them to take the civil service examination, so that they get on the register. And then when they do—quite frequently this occurs—they are selected from the register, and once they become permanent, if they are not interested in the White House detail, then they continue their work as a criminal investigator in the field.

Mr. DULLES. But if they do not take that special examination, then—and become a part of the civil service, then they have to be assigned to the White House, to stay on?

Mr. ROWLEY. Yes.

Mr. DULLES. I was a little worried when you said certain people had to be assigned to the White House, that you were under compulsion to assign certain people to the White House in order to retain them.

Mr. ROWLEY. No; anyone who works in the White House, whether he is an electrician, a painter, or anything, for a period of 2 years, he automatically becomes eligible for permanent civil service status.

Representative FORD. Is that by law or by regulation?

Mr. ROWLEY. That I cannot say. I would always interpret it as under law. I may be wrong on that, Mr. Ford, but this is what happens. When our men spend 2 years on the detail at the White House, they come within that classification.

Mr. RANKIN. Chief, can you clarify Commissioner Dulles' inquiry? The Civil Service does not direct that you put certain people in the White House?

Mr. ROWLEY. Oh, no; we do that in order to—I see your point, sir. We do that in order to give them the permanency that they should have to continue their employment with the Secret Service.

Mr. RANKIN. But that is the choice of the Secret Service rather than anybody else?

Mr. ROWLEY. Yes, sir.

Mr. DULLES. I gather the Civil Service prescribed if they did not do this, they could not be retained. Is that correct?

Mr. ROWLEY. That is right. In other words—

Mr. DULLES. There is some pressure, I should think.

Mr. ROWLEY. There is no pressure, because we voluntarily entered into an agreement with them, sir, for this arrangement, explaining that we frequently don't get from the register the type of men that we want, and that, therefore, we want the opportunity to recruit the men from the universities or colleges. Once they have served on the White House detail for a period of 2 years, then they would get this permanent status. However, during the 2 years, they have an opportunity and they are encouraged to take the civil service examination, so they get career status. But there is no pressure from the Civil Service. It is a convenience or agreement that they have arranged with us.

Mr. RANKIN. Maybe I can help, Chief. Schedule A is an exemption from the regular civil service roster, is it not?

Mr. ROWLEY. That is correct.

Mr. RANKIN. And the register is a list of employees from which you have to otherwise select Government employees if they are not exempt by reason of their positions, is that correct?

Mr. ROWLEY. That is right.

Representative FORD. In other words, Civil Service Commission has set up for the White House detail all inclusive—

Mr. ROWLEY. Not necessarily for the White House detail, Mr. Ford. For the Secret Service—to allow us to get the type of individuals that we want for both criminal investigation and protective work. Because if you say exclusively for the White House detail, the fellow might not be equipped for the White House detail.

Representative FORD. In other words, every person recruited by Secret Service for any capacity is recruited in the first instance under schedule A.

Mr. ROWLEY. Yes; if he hasn't—if he is not on the register for civil service. We first go to the Civil Service, when we want to select somebody, to see if there is anyone on there that meets our qualifications. And then, if not, then we hire them under schedule A, which is sort of a blanket exemption.

Representative FORD. But I gather from what you have said, or I think you are intimating that most of your recruiting actually is from colleges, and they are under schedule A.

Mr. ROWLEY. That is right; yes, sir. Most of them from your State, sir—Michigan State University.

Representative FORD. It is a fine school.

Mr. ROWLEY. That is where it started, actually. They were the first ones. Now we also recruit on the west coast, in California, they have terrific schools out there.

Mr. RANKIN. Chief Rowley, I don't think you covered the Bolden matter as to whether you had an investigation made. Did you?

Mr. ROWLEY. Yes; I did, sir.

Mr. RANKIN. Did you find out anything about the conduct of your agents?

Mr. ROWLEY. I found out there was no truth to the charges of misconduct. There were 11 charges lodged against us.

One charge, the ninth charge, a part of it was true. The boys did contribute for food. In other words, up there in Hyannis, when they are up there for a week, or a weekend, they would be assigned to a house, which economically was beneficial to them. One shift, and some of the drivers would be in this house. This house was in a remote area from the shopping area and so forth. So they agreed when they arrived there to contribute, to buy food for breakfast, it being an 8 to 4 shift. Eight to four meant they would have breakfast there and dinner.

Mr. RANKIN. What do you mean by that, Chief? Did they get a certain house and were able to live together there to reduce their expenses?

Mr. ROWLEY. That is correct.

Mr. RANKIN. And then they each contributed to that common expense?

Mr. ROWLEY. That is correct.

Mr. RANKIN. And did someone cook for them?

Mr. ROWLEY. One of the agents who enjoyed it as a hobby cooked the meals for them, while the others took care of the dishes.

Mr. RANKIN. They did contribute to supporting that?

Mr. ROWLEY. They contributed to supporting that, sir.

Mr. RANKIN. Was there criticism of that action?

Mr. ROWLEY. There was criticism of the action to this extent: That when they went shopping they bought two or three cases of beer which they had available in the icebox when the men came off duty in the evening.

Mr. RANKIN. Now, were they on a travel status or subject to—

Mr. ROWLEY. Not on travel status under our regulations. They could be there a week, and they would be working their 8 hours. They were not working any longer than their 8 hours. It was comparable to their assignment here in Washington.

Mr. RANKIN. So it was really a summer White House position?

Mr. ROWLEY. Summer White House is what we called it.

Mr. RANKIN. And did you investigate the charges to see whether they were valid?

Mr. ROWLEY. I investigated. This portion was correct. There was some substance to that portion.

He also said he was left on post for a period of 2 hours and wasn't relieved. That an agent had used this time to take care of his private car. We established there was no agent up there who had a private car.

Further, we established that he was left on post because according to our arrangements it was routine that whenever the President went out for a cruise, the agents on the outer perimeter at the time would remain on duty, and the agents in the inner perimeter would accompany the President on the cruise in the followup boat. Naturally, when they were out on the boat, there was no one available to start what we call the push, to rotate the men from one post to another. In other words, in the White House or any place where we establish posts, every half hour one man starts from the office and starts making the push. The first man is relieved and he relieves the next one, so there is no monotony on their jobs. They each have a different area. They are conversant or acquainted with each and every phase of the physical area. But because he was on one post, and not relieved, he complained.

So the next day, to bend over backwards, and show there was not any prejudice, the agent in charge took him on the cruise, so he would not feel he was being ignored.

Mr. RANKIN. Now, from your investigation, did you find any violation at Hyannis of the regulations of the Secret Service?

Mr. ROWLEY. No, sir.

Mr. RANKIN. Have you been informed of any other claims that Secret Service agents had been violating the regulations while on duty?

Mr. ROWLEY. No, sir; I haven't been informed of any others. And it seems in the last few days or few weeks we have been getting complaints that we haven't had in many years. And I think, as I mentioned earlier, because of the fact that we are very careful with the type of men we screen, their record has been above reproach over the years. They have conducted themselves in an exemplary manner. My files are replete with commendations on behalf of the agents wherever they have traveled and worked with committees and individuals in connection with Presidential travels, both here and abroad, which testifies to the impression that they have made.

Mr. RANKIN. Have you ever had a Secret Service agent indicted or a complaint filed against him, a criminal complaint, prior to this time?

Mr. ROWLEY. This is the first time I remember anything like this happening since I have been with the Secret Service.

Representative FORD. Mr. Rankin, I don't recall Chief Rowley saying precisely what the reprimands were specifically for these violations of the regulations in this one instance.

You spoke highly of their background, and you spoke very high in their praise. But I did not hear what reprimand, if any, had actually been lodged against them.

Mr. ROWLEY. There was no reprimand. You are talking about the current thing?

Representative FORD. I am talking about the Dallas trip.

Mr. ROWLEY. I stated in considering what would be an appropriate punishment at the time, I felt that these men, by their conduct, had no bearing on the assassination of the President in Dallas. That to institute formal punishment or disciplinary action would inevitably lead the public to conclude that they were responsible for the assassination of President Kennedy. I did not think in the light of history that they should be stigmatized with something like that, or their families or children. And, for that reason, I took the position that I did.

Representative FORD. So there was no official reprimand or disciplinary action?

Mr. ROWLEY. No, sir.

Mr. RANKIN. Did you talk to the agents, to indicate and make it plain to them that this was a violation of the regulations?

Mr. ROWLEY. I talked to some of the agents, as did my inspector at the time, who interviewed each and every one of them.

Mr. RANKIN. And I think the Commission would be interested in whether you can be assured, or assure them that the action you took was sufficient so that this would not happen again.

Mr. ROWLEY. Well, I am confident that it would not happen again, Mr. Rankin.

Mr. RANKIN. Can you tell us why you think so?

Mr. ROWLEY. Because they realize the seriousness of their action.

Initially I can understand the situation—they thought they were going for a dinner, buffet, and they got into the place and it wasn't there.

I talked personally with the agents there, and they just thought while they were there they would have a drink. It was one of those situations.

The important thing was that it was pointed out to them this was wrong, this was a violation. These men are young men with futures, they realize the true situation, innocent as they may have seemed to think it was.

But I am quite confident that we will not have a repetition of that.

And in talking to Mr. Behn—I am confident, too, in him—I know that he will see to it that they are well supervised.

Mr. RANKIN. When they are out on a trip of this kind, Chief Rowley, as I understand your regulations, it is understood by the regulations and by the Secret Service that they are on duty all the time—that is, subject to call?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And even though it is late in the evening or they had gone to bed in the early hours of the morning, they could be called to go on duty and perform their responsibility of taking care of the President or the Vice President, or whoever they are charged with; is that right?

Mr. ROWLEY. That is right.

Mr. RANKIN. So that do they understand that when they are out on that kind of duty, they are subject to call at all times, and anything they do contrary to

regulations is a violation, because they are subject to the call and must be ready at any moment to perform their duties.

Mr. ROWLEY. They certainly do, because there have been situations, whether or not they have had it with the Kennedy administration I don't know—but I know there have been situations where we have moved fast, all hours of the night. I remember one instance, that has never been disclosed—as Mr. Dulles knows, you never advertise your successes, you just get the other things—that I would like to give you as an example off the record, to answer your question, if I may.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Chief, it seems to me that on an assignment of that kind, to be alert at all times is one of the necessities of the situation. And I just wonder if you believe that men who did what these men did, being out until early morning hours, doing a little—even a small amount of drinking—would be as alert the next day as men should be when they are charged with the tremendous responsibility of protecting the President.

Mr. ROWLEY. Well, we checked on that, Mr. Chief Justice, and the agent in charge reported that they were in good physical condition. I don't condone these late hours; no. This is not a rule. This case is an exception. However, because of the activities of any travel such as the Presidents today make from one place to another, to maybe seven States in a weekend, there is constant going.

I don't condone this at all. But these men are young. They are of such age that I think that they responded in this instance adequately and sufficiently as anyone could under the circumstances.

The CHAIRMAN. Well, I am thinking of this. As you go along in the motorcade, you have men who are scanning the buildings along the way, don't you?

Mr. ROWLEY. Yes, sir.

The CHAIRMAN. And they have submachineguns in one of the cars.

Mr. ROWLEY. No; for security reasons, I would like to—we don't have machine-guns now, sir.

The CHAIRMAN. I just thought I heard that from the record here, that they had some kind of guns.

Mr. ROWLEY. They had a weapon, a new weapon; yes, sir.

Mr. CHAIRMAN. Well, whatever it is.

Now, other people, as they went along there, even some people in the crowds, saw a man with a rifle up in this building from which the President was shot. Now, don't you think that if a man went to bed reasonably early, and hadn't been drinking the night before, would be more alert to see those things as a Secret Service agent, than if they stayed up until 3, 4, or 5 o'clock in the morning, going to beatnik joints and doing some drinking along the way?

Mr. ROWLEY. If I remember that witness' testimony—and that was one of the first statements that he made—that witness was with his wife, and he happened to look up there, and I think he said, "There is a man with a rifle, it is a Secret Service man," and let it go at that. He didn't inform any of the authorities.

The CHAIRMAN. No; nobody did. But I say wouldn't an alert Secret Service man in this motorcade, who is supposed to observe such things, be more likely to observe something of that kind if he was free from any of the results of liquor or lack of sleep than he would otherwise?

Mr. ROWLEY. Well, yes; he would be. But then, on the other hand, Mr. Chief Justice, in some instances the men come in from a trip at 1:30 in the morning, which there have been cases on travels that I have made, and have to be up at 3:30 or 4 o'clock, and out in time for a 5 o'clock departure. Then you go all that day until 1 or 2 o'clock the next morning. This is what has happened in the past.

The CHAIRMAN. I am not talking about the past. We are talking about nine men here who were out until rather unusual hours of the morning.

Mr. ROWLEY. Yes, sir.

The CHAIRMAN. They were to be on duty the next day.

The next day—or if not sooner.

The next day they were supposed to be alert to anything that might occur

along the line of march. Don't you think that they would have been much more alert, sharper, had they not been doing these things?

Mr. ROWLEY. Yes, sir; but I don't believe they could have prevented the assassination.

The CHAIRMAN. Isn't it a substantial violation of these rules to do a thing of that kind?

Mr. ROWLEY. Yes, sir—on the basis of this section here.

The CHAIRMAN. Yes.

Now, Chief I noticed, also, in reading some of the reports that three of these men whom you speak of, were actually on night duty, protecting the life of the President. And around 4 o'clock in the morning, when they were protecting him at the Texas Hotel, they said that they had a coffee break, and they went from the hotel over to the beatnik joint. Now, is that consistent with your regulations?

Mr. ROWLEY. In this case, I talked to these three agents. They were relieved at different times—because their posts are in the corridor of a stuffy hotel—

The CHAIRMAN. Of the what?

Mr. ROWLEY. The corridor that they were on post outside the President's suite was a stuffy one, and they went downstairs to get a breath of fresh air. And they walked—it was a block—and out of curiosity they went into this place. One fellow looked in and left, he didn't buy any coffee. Another fellow went in and felt, I suppose, when he went in that he would buy a cup of coffee. But they were on what we call reliefs, the same as we relieve them around the White House. There are only so many posts, but you have a group of men in one of the rooms of the hotel where they are available, like an alert squad, and they relieve everyone on post every half hour. It is a part of the rotation of positions we have.

The CHAIRMAN. Do you have any regulations concerning where they shall remain when they are relieved for this short period of time?

Mr. ROWLEY. No, sir.

The CHAIRMAN. They can go any place they want?

Mr. ROWLEY. No; not any place. They usually stay within the immediate confines. That is understood. The hotel or the residence.

The CHAIRMAN. Well, they didn't do that here, did they?

Mr. ROWLEY. No, sir.

The CHAIRMAN. They went to the beatnik joint.

Mr. ROWLEY. Yes, sir.

The CHAIRMAN. Now, is that consistent with their duty?

Mr. ROWLEY. No; it is not consistent or inconsistent with their duty. But as they explained to me, they wanted to get a breath of fresh air. If they are at a residence in a remote place, and they want to walk around the area, they might walk maybe a city block or so, which is what they do on a lot of these assignments—particularly in hotels. This was not an air-conditioned hotel.

The CHAIRMAN. It would seem to me that a beatnik joint is a place where queer people of all kinds gather anyway, and that the mere fact that these men did leave their post of duty might be an indication to someone that the President was not being protected, and might leave an opening for them to go there and try to do something.

Mr. ROWLEY. They were relieved, Mr. Chief Justice. They didn't leave their post of duty. They would not leave their post of duty until they were relieved by someone.

The CHAIRMAN. As I understood the report, they said they left for a coffee break.

Mr. ROWLEY. Well, it is an expression. They left to have coffee, sir.

The CHAIRMAN. Was there any place for coffee in the hotel?

Mr. ROWLEY. I think there was a coffee shop in the hotel; yes, sir.

The CHAIRMAN. That was the only place in town, as I understood, from the reports, outside of the beatnik place they could. But they went down to the beatnik place. Did they do that by prearrangement with the other agents?

Mr. ROWLEY. No, sir; it was curiosity on their part. They hadn't seen the other agents. There was no arrangement of any nature at all, sir.

The CHAIRMAN. But they did there meet other agents?

Mr. ROWLEY. They saw other agents—those that were in the place at the time they looked in. I think they came in after most had left, though.

Mr. DULLES. Were these men off duty for the night or were they going back on duty immediately after this break?

Mr. ROWLEY. No; they were on duty. They were the midnight shift, Mr. Dulles, from 12 to 8 a.m.

Mr. DULLES. They were going back on duty?

Mr. ROWLEY. They were going back on duty; yes, sir; in 10 minutes, 15 minutes.

Mr. DULLES. I see.

Representative FORD. And they did go back on duty and relieve somebody subsequent to this?

Mr. ROWLEY. That is right; yes, sir.

Mr. RANKIN. Chief Rowley, did you give the Commission a letter as of May 5 of this year in regard to this Dallas matter concerning the Press Club and the Cellar?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And is that letter correct in regard to what happened as far as you know?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And did you make available to the Commission the statements of each agent signed by the agent?

Mr. ROWLEY. Yes, sir.

Mr. DULLES. I think you said Dallas. Did you not mean Fort Worth?

Mr. RANKIN. Yes—it should be Fort Worth, I am sorry. Thank you.

I hand you Commission Exhibit No. 1019 and ask you if that is your letter of May 5 that we have just referred to.

(The document referred to was marked Commission Exhibit No. 1019 for identification.)

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1019.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1019, was received in evidence.)

The CHAIRMAN. Chief, I notice in the report that was made that while your inspector found that no one—no member of the Secret Service was intoxicated at the club—but that there was someone connected with the group who was intoxicated.

Mr. ROWLEY. Yes, sir.

The CHAIRMAN. I wonder if that also wasn't a violation of that portion of the rule which says, "In interpreting the words 'excessive' and 'improper' slight evidence tending to indicate unusual or questionable conduct will be considered proof that the use of liquor has been improper or excessive. Association with others who drink to excess will be considered as an indication of using more than a moderate amount of liquor."

Did you call that to the attention of your people?

Mr. ROWLEY. Yes, sir. They ran into that individual as they were entering—two agents ran into this individual as they were entering the Fort Worth Club.

The CHAIRMAN. Go ahead.

Mr. RANKIN. Chief Rowley, I hand you Commission Exhibit No. 1020, and ask you if that is a document that you had prepared for the Commission.

(The document referred to was marked Commission Exhibit No. 1020 for identification.)

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And that includes, under capital letter A, the transmittal from Inspector McCann; B, the report of the investigation by Inspector McCann; C, the Drew Pearson article?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. D, the statements of the supervisors; and, E, the statements of the special agents; F, the statements of witnesses; and, G, the memorandum of May 19, 1964, by Agent Sorrels, is that right?

Mr. ROWLEY. That is right.

Mr. RANKIN. And are those various documents a part of the official report by the Secret Service to the Commission of this matter?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1020.

The CHAIRMAN. It may be so admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1020, was received in evidence.)

Mr. DULLES. Off the record, may I ask a question?

The CHAIRMAN. Yes.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Chief, I notice—I have read this report. At any place in here, did any of your investigators, Inspector McCann, or your special agents, or anybody else, indicate that there had been any violation of any kind on the part of your people, or particularly any violation of this section 10, chapter 1, page 7 of the Secret Service manual?

Mr. ROWLEY. I think what happened in this instance, we responded to the broadcast of Mr. Pearson and his charge that the men were inebriated. We were primarily concerned with that at that time. And to get the statements from the men. But I do know that in the course of his interviewing of these individuals at the time, and taking their statements, he impressed upon them the fact that there was a violation.

The CHAIRMAN. Has there been any report made to the Commission to the effect that there was any violation of—

Mr. ROWLEY. No, sir; unless it is contained in this document here, sir.

The CHAIRMAN. I have not seen anything in there. It seems to me they were all given a complete bill of health. And I just wonder if that is quite consistent with the facts that the Commission should have.

Mr. ROWLEY. No, sir; as I said earlier, we don't condone their actions, nor do we try to belittle the violation. But in the circumstances, I took the decision that I thought right in view of the tragedy and so forth. In any other circumstance it would have been entirely different. But as I said earlier, I don't think that these people should be blamed for the tragedy that happened at that time, and that any attempt to assess formal punishment would in the light of history stigmatize them for the rest of their life, as well as their families.

Mr. RANKIN. Mr. Chairman, I plan to leave that subject now—unless there is some further question.

The CHAIRMAN. Any further questions?

Very well.

Mr. RANKIN. Chief Rowley, will you tell us whether you learned anything about the preparations in Dallas for the visit of the President on November 22?

Mr. ROWLEY. Yes; I read the report of Special Agent Lawson, who was designated as the advance agent for that visit.

Mr. RANKIN. And do you know that that report has been furnished to us?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. A copy of it.

And have you examined it to determine whether it is accurate, as far as you can determine?

Mr. ROWLEY. It is accurate; yes, sir.

Mr. RANKIN. Do you have any additions or corrections?

Mr. ROWLEY. No; I have no corrections to make, sir.

Mr. RANKIN. Were you—are you satisfied, now examining that report, with the manner in which the advance preparations for the trip of the President were handled?

Mr. ROWLEY. Yes, sir.

The report follows the standard procedure that we have exercised over the years, and in many of the trips we had taken with the late President. He covered everything with the police and all that we have normally covered on such visits.

Mr. RANKIN. Did you have enough agents at that time to perform the required duties in connection with this trip for both Dallas and the other cities in Texas to be visited?

Mr. ROWLEY. Well, we never have enough agents for the activities that the President today is engaged in. We draw from the field to supplement or augment the agents from the White House detail. We move the agents from one point to another where we can—particularly in the area of the advance men.

But in Dallas we had sufficient agents with prior experience in Presidential protection who assisted Mr. Lawson in the advance preparations.

Mr. RANKIN. Did you furnish to the Commission a statement of the preparations that were made for the trip?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And that included the various protective activities, did it?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. I hand you Commission Exhibit No. 1021, and ask you if that is the report you made in regard to the trip.

Mr. ROWLEY. Yes, sir.

(The document referred to was marked Commission Exhibit No. 1021 for identification.)

Mr. RANKIN. Do you have any corrections or additions that you care to make to it?

Mr. ROWLEY. No, sir.

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1021.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1021, was received in evidence.)

The CHAIRMAN. Chief, I have wondered about this question. Some months before Ambassador Adlai Stevenson had been handled very roughly in Dallas. Did you make—did your people make any investigation as to that group that caused that disturbance for him, to see if there might be some possibility of the same thing happening to the President?

Mr. ROWLEY. Not immediately at the time of the incident that occurred to Mr. Stevenson, but when the advance man came down, that was one of the things that we assigned a local agent to inquire into, to ascertain the hard core of that group, if you will, that were responsible for stimulating that activity. And he contacted an informant, and with the local police, who are members of a special squad that are involved in this kind of activity, they went and identified through pictures, which they saw in the newsreel, the principal members. They had photographs made, and they issued them to the agents on their visit there, to be on the lookout for these men as potential troublemakers.

(At this point, Representative Boggs entered the hearing room.)

The CHAIRMAN. Did they do the same thing concerning the incident that Vice President Johnson had a year or so before that?

Mr. ROWLEY. No, sir; not at that time. That was more or less in the heat of a political campaign. I don't think that was a similar type of activity.

The CHAIRMAN. I see.

But you did do it with the Stevenson matter?

Mr. ROWLEY. That is right.

Mr. RANKIN. Chief Rowley, did you make a report to the Commission with regard to the publicity concerning the trip of the President?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And is Commission Exhibit No. 1022 that report?

Mr. ROWLEY. Yes, sir.

(The document referred to was marked Commission Exhibit No. 1022 for identification.)

Mr. RANKIN. Do you wish to make any additions or corrections of that letter?

Mr. ROWLEY. Of that letter? No.

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1022.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1022, was received in evidence.)

Mr. RANKIN. Chief Rowley, could you inform the Commission about the advance publicity concerning trips of the President to various parts of the country? There has been the question raised as to whether that is a threat to the President,

and might make the work of the Secret Service and others who are doing protective work more difficult.

Mr. ROWLEY. Well, we have found that it is. And we always consider it as a potential threat in that it might give someone the opportunity who had any plans, whether it be an individual as in this case, or a group, to select an area, if they knew what the route was, or conduct a reconnaissance, if you will. I have always been opposed to it, and I have always tried to prevail upon the staff of the various Presidents who might be responsible for the release, not to release it too far in advance.

Mr. RANKIN. Could you tell the Commission what the problem is in that regard?

Mr. ROWLEY. Well, in this regard, it is a political thing, and the President cannot be contained in a vacuum. If he wants to go out and meet the people under our form of government, he will in his own way. Each and every President has his own thoughts and methods as it pertains to these visits, and the need for publicity. This trip in Dallas was an opportunity for the people to see the President, as are the trips of any President. I remember well when President Truman started his trip across the country in June 1948, the purpose being to get the feel of the people and let the people see him at the time.

And it was then, as a result of that trip, that he determined he would run for reelection. That I know of my own personal knowledge.

But these are the things that are hard in security, as far as developing a close screen on the President.

Mr. RANKIN. Is the Protective Research Section of the Secret Service under your direction, too?

Mr. ROWLEY. Yes, sir; that is part of the White House area, sir.

Mr. RANKIN. Are you familiar with the testimony of Robert Bouck concerning that Section?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. Do you know whether that accurately describes the conduct of that Section?

Mr. ROWLEY. Well, at that time. The Section was established by us some 20 years ago, and primarily to process threats, obscene letters and suicide notes. Over the years, and particularly during the last 9 years, the work has evolved to a point where we find that it requires further expansion.

It had a broad and general concept in the criteria of what it needed for Presidential protection in knowing what risks were about the country.

Mr. RANKIN. Did the Secret Service have a written communication to other intelligence agencies as to the criteria for information that they sought?

Mr. ROWLEY. At that time?

Mr. RANKIN. Yes; at that time.

Mr. ROWLEY. No; it was more or less of an informal arrangement that we had with the agencies, as we developed the Section.

Mr. RANKIN. Will you tell the Commission what the standard was that you told the agencies you would like to have information concerning?

Mr. ROWLEY. Well, if there were any threats to the President, we were interested in being informed about it. We were in touch with the FBI, the CIA and others.

In the basic schools of the Treasury, and through coordination, our agents in charge of the areas, in coordination meetings, would inform representatives of other agencies of the type of people that we were interested in, the nature of the threats that we asked that they refer to us.

Mr. RANKIN. Did you know that this standard only developed about 400 names from all over the country?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And that it produced none in the immediate Dallas vicinity?

Mr. ROWLEY. That is right.

Mr. RANKIN. Now, have you done anything about that standard since the assassination?

Mr. ROWLEY. Well, we have had a complete reexamination of the Protective Research Section.

Mr. RANKIN. Can you describe——

Mr. ROWLEY. We infused new blood. We have asked the Rand Corp., the Research Analysis Corp., the President's Scientific Advisor, and the medical people for a study of this, and we are in constant consultation. We have brought in experienced agents who now are processing, evaluating, and analyzing all reports we receive, and indexing the information as we receive it from the various agencies. We have more recently issued and forwarded to the intelligence community in Washington our criteria at the present time regarding what we would ask them in a more formal manner. This is the beginning of what we hope to be a more thorough and practical approach to this problem.

Mr. RANKIN. Chief, I will hand you Commission Exhibit No. 1023, dated June 17, 1964, and ask you if that is a communication from you to the Commission describing the new criteria.

Mr. ROWLEY. Yes, sir.

(The document referred to was marked Commission Exhibit No. 1023 for identification.)

Mr. RANKIN. Does it accurately state that criteria?

Mr. ROWLEY. Yes, sir; it does.

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1023.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1023, was received in evidence.)

Mr. ROWLEY. If I may read—

Mr. RANKIN. Would you tell us the gist of the new criteria, and what the difference is as you conceive it from the old standard?

Mr. ROWLEY. Well, if I may do this. We have sent this criteria to the intelligence agencies that we think would be of help to us, with a covering letter in which we say that studies are now underway, "by which we hope to develop more detailed criteria. Our experience with the attached guidelines will also be carefully evaluated with a view towards amendments if required. We will appreciate your cooperation and suggestions concerning these guidelines, so that the person of the President will be protected to the best of our combined abilities and resources."

Another thing today now that we have to concern ourselves with, is that we get an expanding file of information.

Mr. RANKIN. Has that happened since the assassination?

Mr. ROWLEY. Well yes; we have gotten some 9,000 reports on the members of the Communist Party from the FBI. At this time we have read and evaluated and catalogued them and indexed them. There has been a small percentage that have been to date of interest to us. But this is the beginning. And except for the indexes, we are more or less current as a result of that. This is through the long hours and hard work by the new group that I brought in to develop this department.

Mr. RANKIN. Now, how is the standard described in Exhibit No. 1023 different from the prior standard?

Mr. ROWLEY. Well, we have always had the basic standard. The other standard was the threat to harm or embarrass the President, however, this time we added three factors.

Mr. RANKIN. And these are in addition to the threat of harm to the President?

Mr. ROWLEY. That is correct.

Mr. RANKIN. All right, proceed.

Mr. ROWLEY. The interest of the individual or the organization, capabilities of the individual or the organization, and the activities of the individual or organization. The interests of the individual or organization is the prime factor to be considered in the criteria, but must be coupled with the capability and activity of the individual or organization in any determination for referral to the Secret Service.

"The interest must be towards the President, or others named, or other high Government official in the nature of a complaint, coupled with an expressed or implied determination to use a means other than legal or peaceful to satisfy any grievance, real or imagined. After the interest phase of the criteria is met, then the activity which encompass previous history, that is, mental instability, history of violence and the capability of the individual or organization for

furthering this interest will dictate whether the case should be referred to the Secret Service. In making referrals to the Secret Service, it is requested that the agency furnish all pertinent background information relating to each of the three factor criteria."

Mr. RANKIN. Now, is the Secret Service operating under the standard or criteria described in Exhibit No. 1023 at the present time?

Mr. ROWLEY. At the present time, it is, sir.

Mr. RANKIN. And when did that become effective?

Mr. ROWLEY. That became effective in the last 3 weeks as we developed and explored and examined the many reports that we were receiving.

Mr. RANKIN. Now, the language that you read into the record, where you invited comment and suggestions from the various other agencies to whom you sent communication, what did you mean by that? Is that asking them for their ideas so that you may further change the criteria?

Mr. ROWLEY. Where we may get in a position later on to break it down into categories. In other words, if every agency forwards and inundates us with many reports—say we expand to 3 million, obviously, the whole intelligence family could not cope with that. You have to get it down to a workable number. On the other hand, if you try to restrict the categories too much, then you find yourself in a position that you may miss another Oswald, and then the utilities of your file are of no consequence. So you have to try to reach the level in between there where it is going to be practical for us to react or develop the type of risks that we think should be covered by our organization in the protection of the President of the United States.

Mr. RANKIN. Are you doing anything about the use of equipment that might help you to secure information about any particular locality the President was going to travel to more readily?

Mr. ROWLEY. In connection with the PRS?

Mr. RANKIN. Yes.

Mr. ROWLEY. Well, we have conferred with the IBM. Can I go off the record on this?

The CHAIRMAN. Yes.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Mr. RANKIN. Chief Rowley, you have described off the record certain matters that involve the security of the country and cannot be made public. But can you tell us whether you have done anything in the past to try to improve your methods in testimony that can be made public?

Mr. ROWLEY. Well, I have tried to secure in the appropriations funds to enable us to procure the equipment and personnel that we thought would be necessary.

With the approval of the Congress, we were able 2 years ago to secure funds to enable us, in our check forgeries program, to try to adapt the characteristics of handwriting to an ADP processing program. We are hopeful this will work out. And we have used the Bureau of Standards to assist us in this program. We have prints out and have programmed part of the operation.

Now, it was my thought that if we succeeded in that area, we could also apply it to PRS. So we are working quite hard on this other area. And I knew the need would be eventually for us to get into the PRS stage on the electronic machine situation.

Mr. RANKIN. Now, did you know that we had asked Mr. Bouck when he testified if he could inform us at a later date about people who were in institutions or otherwise might be dangerous, and with regard to whom you asked that the Secret Service be notified, so that they could make adequate protection for the President?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. Do you know how many such cases you now have?

Mr. ROWLEY. Approximately a thousand.

Mr. RANKIN. Would you tell the Commission what your practice was for the Secret Service concerning the route of the motorcade at the time of the assassination—that is, whether you made inspection of adjacent buildings?

Mr. ROWLEY. At that time, and prior to that time, except for the inaugura-

tions in Washington, and other parades, involving the visit of foreign dignitaries in Washington, in which the President would ride in the motorcade with the head of state, where we had ample time to make these surveys, we had never conducted on trips out of Washington surveys of this nature. I have here a statement of the conditions that prevailed in Dallas as well as other areas—if I may read this.

Mr. RANKIN. Yes.

Mr. ROWLEY. "Except for inauguration or other parades involving foreign dignitaries accompanied by the President in Washington, it has not been the practice of the Secret Service to make surveys or checks of buildings along the route of a Presidential motorcade. For the inauguration and certain other parades in Washington where the traditional route is known to the public long in advance of the event, buildings along the route can be checked by teams of law enforcement officers, and armed guards are posted along the route as appropriate. But on out-of-town trips where the route is decided on and made public only a few days in advance, buildings are not checked either by Secret Service agents or by any other law enforcement officers at the request of the Secret Service. With the number of men available to the Secret Service and the time available, surveys of hundreds of buildings and thousands of windows is not practical.

"In Dallas the route selected necessarily involved passing through the principal downtown section between tall buildings. While certain streets thought to be too narrow could be avoided and other choices made, it was not practical to select a route where the President could not be seen from roofs or windows of buildings. At the two places in Dallas where the President would remain for a period of time, Love Field and the Trade Mart, arrangements were made for building and roof security by posting police officers where appropriate. Similar arrangements for a motorcade of 10 miles, including many blocks of tall commercial buildings, is not practical. Nor is it practical to prevent people from entering such buildings or to limit access in every building to those employed or having business there. Even if it were possible with a vastly larger force of security officers to do so, many observers have felt that such a procedure would not be consistent with the nature and purpose of the motorcade to let the people see their President and to welcome him to their city.

"In accordance with its regular procedures, no survey or other check was made by the Secret Service, or by any other law enforcement agency at its request, of the Texas School Book Depository Building or those employed there prior to the time the President was shot."

Mr. RANKIN. Chief Rowley, I will ask you not to describe any procedure, because of security considerations, but I would like to have you tell on the record, as I think it is proper, whether there has been a change in this regard in the procedures of the Secret Service?

Mr. ROWLEY. There has been a change in this regard.

Mr. RANKIN. I will not make an inquiry about that, unless the Commission wishes to go into it off the record.

Representative FORD. Is it my understanding that the Commission has such documents that we could analyze ourselves as to these changes?

Mr. RANKIN. I don't think we have any report of this.

Representative BOGGS. Why can't we get it off the record?

The CHAIRMAN. All right.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Mr. RANKIN. Chief Rowley, did you give us—

Mr. DULLES. Could I ask one question with regard to Exhibit No. 1023?

This, as I understand it, is the new specifications with regard to persons with respect to whom you wish to have alert information.

Mr. ROWLEY. Yes, sir.

Mr. DULLES. It is called, "U.S. Secret Service Protective Information Guidelines." The top of page 2 of this exhibit is a paragraph that reads, "The interest"—and that is the interest of the suspect, I assume—

Mr. ROWLEY. Yes, sir.

Mr. DULLES. "The interest must be towards the President, or others named,

or other high Government officials in the nature of a complaint coupled with an expressed or implied determination to use a means other than legal or peaceful to satisfy any grievance real or imagined."

I wonder if you could explain that a little more? I ask this question because I have been studying the previous assassinations a good deal. And in many of these cases, it seems to me this definition would not have covered the assassin. That is, there has been in some cases opposition to government, opposition to people in authority, but there has been no expressed hatred toward or animus against a particular President. And I was wondering whether this went too far on a definition to meet your purposes.

Mr. ROWLEY. This is a beginning, as I indicated to you here. We hope to improve it. But this is one of the things where we want to include the Oswald-type individual.

Now, Oswald wrote to the Governor intimating that he would use whatever means was necessary to obtain the change of his undesirable, or as he called it, dishonorable discharge. All legal means had been used in his case, where the Navy Review Board had examined it and came to a decision.

And this is an example of what we were trying to include in the area of this type of individual. Now, the other people—

Mr. DULLES. But that was not a threat directed against the President. That was directed against the Secretary of the Navy.

Mr. ROWLEY. That is right; but then, on the other hand, they transfer the threats. I am quite sure that the Congressmen here get many threats, and that sometimes they may not come off. But these people are obsessed.

You take the individual that attempted the assassination of the late President Roosevelt in Miami that time. His original purpose was to shoot President Hoover. But then when he heard Roosevelt was there, he transferred.

Now, I remember a situation involving a member of Truman's staff, where a fellow stalked this man at his home. And finally we got into the case on his request. We satisfied ourselves that he wasn't a real threat to him—but we picked up the paper a year later and found out he shot at an assemblyman in Staten Island. So if they make a threat or something like this, even though it is against the Government as a group, or have some grievance, they transfer it—particularly, to the President. They use that father complex, as indicated in the research work that these different agencies have submitted to us.

Representative FORD. Under these criteria, which you are now following, Oswald would have been designated? Is that your judgment?

Mr. ROWLEY. That is correct; yes, sir.

Mr. DULLES. I had some questions about that in reading it. That did not occur to me, because Oswald had never expressed any antagonism toward the President, as far as I know, up to this time—the President personally, or even afterward.

Mr. ROWLEY. That is right; but under this criteria he would. Namely, he had the interest because of the letter he wrote to Governor Connally. The activity, because he was a defector, and he demonstrated for the Fair Play for Cuba Committee. The capability, because he traveled, and he had knowledge of firearms.

Mr. DULLES. Yes; but those do not come, it seems to me, within this definition. Maybe I interpret it differently than you. The last interest Oswald showed was directed toward General Walker. It wasn't against—of course, that wasn't known.

Mr. ROWLEY. No; it wasn't known but the first interest of this type was the letter to Governor Connally as Secretary of the Navy, in which he said he would use whatever means he could to correct that discharge, inferring, of course, that he would apply illegal means if he could.

Representative FORD. If we only had the letter that he wrote to Governor Connally, and no other information, how would that threat, or that course of action, become known to the Secret Service?

Mr. ROWLEY. It would not, unless it was furnished by the Navy Department or Secretary of the Navy's office.

Just like you gentlemen get letters that never come to our attention. But

you might pick up a paper some day and read that this fellow hit somebody, and he was in to see you or wrote you letters.

Representative FORD. Would this criteria be circulated among the 50 Governors, for example, or their staffs, so that if threats are received against a Governor, then the Governor's staff in that particular State would so notify the Secret Service?

Mr. ROWLEY. It could. In this case it would be a help. But they refer all their complaints to the FBI. Threats of this kind.

Representative FORD. The State?

Mr. ROWLEY. The Governors do in most cases. So that the FBI under this system would bring it to our attention.

Mr. DULLES. I would think, Mr. Rowley, this might be subject to misinterpretation as being rather narrower than you suggest.

Mr. ROWLEY. Well, this is something—actually, we have to develop something, and we have to, if you will, have a crash program; we are working constantly to develop the categories and breakdowns as I indicated earlier.

(At this point, Senator Cooper entered the hearing room.)

Mr. RANKIN. Chief Rowley, did you supply to us the statements of the Secret Service agents who were informed about the assassination in Dallas? You gave us written statements, did you?

Mr. ROWLEY. Yes.

Mr. RANKIN. I hand you Commission Exhibit No. 1024, and ask you if that is the letter of transmittal, together with the attached statements that you have just described from the various agents about the events at Dallas.

Mr. ROWLEY. Yes, sir.

(The document referred to was marked Commission Exhibit No. 1024 for identification.)

(At this point, Mr. Dulles withdrew from the hearing room.)

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1024.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1024, was received in evidence.)

Mr. RANKIN. I would like to inform the Commission that these are copies of the statements you already have in connection with the Secret Service report, but we wanted to make it part of the record.

The CHAIRMAN. Very well.

Mr. RANKIN. Chief, did you write me a letter for the Commission on April 22, in which you enclosed the statements of five of your agents in regard to President Kennedy's views about agents riding on the back of the car?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. I will hand you Commission Exhibit No. 1025, and ask you if that is your transmittal letter with the statements attached.

(The document referred to was marked Commission Exhibit No. 1025 for identification.)

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1025.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1025, was received in evidence.)

Mr. RANKIN. Chief Rowley, I should like to have you state for the record, for the Commission, whether the action of President Kennedy in making these statements was understood by you or properly could have been understood by the agents as relieving them of any responsibility about the protection of the President.

Mr. ROWLEY. No; I would not so construe that, Mr. Rankin. The agents would respond regardless of what the President said if the situation indicated a potential danger. The facilities were available to them. They had the rear steps, they would be there as a part of the screen. And immediately in the event of any emergency they would have used them.

Mr. RANKIN. Do you know why there was no one riding on the rear step at the time of the assassination?

Mr. ROWLEY. From normal practice, based on my own experience over the years, I know that the agent in charge in the front or any experienced agent,

who is either on the right front or the left front of the followup car, without being told, will react immediately. If he determines there is a situation here, there is a big crowd, and so forth, he will immediately leave that followup car.

Now, the running board on the followup car has an important place in the setup. It is a much better place to be than on the rear step if you see a situation, and you want to move fast. Suppose someone is coming toward the President's car—you would be surprised how fast you are propelled by jumping off that car, and you are in motion fast, where you can either tackle somebody, or block him or anything like that. So this is an important part. You cannot do that from the rear step of the President's car.

Now, when the agents are in a heavy crowd, as we have been abroad, in places where we had to run, say, for 10 miles alongside the car, agents could stand on the rear steps and screen the President. In addition, there would be agents on the side, protecting him on his right side. The crowd is surging close to him, you are bouncing off the car, and the people, trying to ward them off from touching the President.

After a period of time you are weary. But with the aid of this step, you can be replaced by the agent there, and he takes your place until you revive yourself, and you are acting as a screen.

Now, if the thing gets too sticky, you put the agent right in the back seat, which I have done many times with past Presidents.

When you come out of a big crowd like that, and the crowd is sparse, and it doesn't look like there is a potential danger, you return to the followup car to be ready for any emergency in the event somebody darts across.

In this instance, when the Presidential car was coming toward the freeway and the people were sparse, the men at some point came back to this car. This is one of the automatic operations, if you will, that the agents respond to. So it wasn't until the first shot was fired that, as I said earlier, Hill had the opportunity to scan from his left to his right, that he saw the President—the action of the President. Then he responded immediately. That is why he got up to the President's car.

Mr. RANKIN. Has it ever been the practice of the Secret Service to have an agent ride all of the time on the back step?

Mr. ROWLEY. No; it hasn't. Because there are times when you pick up your speed, for instance on a freeway. And when you pick up your speed, it is the most difficult thing on a step maybe 10 to 12 inches wide, and a grip, to stand up. And you would not be a very good screen going that fast, because you would have to bend down. That has happened to me, because I have been caught on it.

Now, I was in Costa Rica and worked the followup car. Whenever I was on a trip abroad, I would work the followup car to see how the agents work, and work myself, because it wasn't what you might refer to as a routine trip.

But the followup car conked out. The crowds were surging around the President's car. We had two men next to the President's car. I left the followup car immediately, from my experience, and jumped on the step, to the right rear of the President, and held onto the handgrip, and was there. And then when the man came back, I relieved him and took my position on the side—until, for a distance of a mile or two, until such time as the followup car got underway, and the other people came up. But you had to stay with the President under those circumstances.

So those are the different things that occur in a given situation.

The CHAIRMAN. Chief, as I understand this, President Kennedy did not give any general instructions to the agents never to ride on his car. It was only in specific circumstances where for one reason or another he did not want them on there at that particular time.

Mr. ROWLEY. No President will tell the Secret Service what they can or cannot do.

(At this point, Representative Boggs withdrew from the hearing room.)

Mr. ROWLEY. Sometimes it might be as a political man or individual he might think this might not look good in a given situation. But that does not mean per se that he doesn't want you on there. And I don't think anyone with commonsense interprets it as such.

The CHAIRMAN. Yes.

Mr. ROWLEY. I think there are certain things that you have to allow the man who is operating as a politician, and not as head of state. I mean this makes a difference in your operation.

Mr. RANKIN. Chief Rowley, did you give us a report of the activities in protecting the President at and around Parkland Hospital?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And is that Commission Exhibit No. 1026?

Mr. ROWLEY. Yes, sir.

(The document referred to was marked Commission Exhibit No. 1026 for identification.)

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1026. The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1026, was received in evidence.)

Mr. RANKIN. Do you have any additions or corrections you care to make in that exhibit?

Mr. ROWLEY. No, sir.

Mr. RANKIN. Chief Rowley, did you give us a report about protective activity subsequent to Dallas on behalf of the Secret Service?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. I will hand you Commission Exhibit No. 1027 and ask you if that is the report that you have just referred to.

(The document referred to was marked Commission Exhibit No. 1027 for identification.)

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. Chief Rowley, I ask you, are there any problems with regard to Commission Exhibit No. 1027 concerning security, and whether that should be—that document should be made public? You just take your time if you want to glance over it.

Mr. ROWLEY. No; as I read it, it is general enough, sir, that it can be included.

(At this point, Mr. Dulles entered the hearing room.)

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1027. The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1027, was received in evidence.)

(At this point, Representative Boggs entered the hearing room.)

Mr. RANKIN. Are there any of the various answers that you give in the answers to the questions attached to Commission Exhibit No. 1027 that you care to elaborate on at this time?

I am not asking you or urging you to do it, because I assume that you answered them with care at the time. I just wanted to give you that opportunity.

Mr. ROWLEY. No; not at this time.

Mr. DULLES. May I ask a question there?

You consider that the criteria as now furnished by you to the FBI and other investigative agencies would cover a case like Oswald's?

Mr. ROWLEY. Yes, sir.

Mr. DULLES. You think they would?

Mr. ROWLEY. Yes, sir.

Mr. DULLES. You think they understand that?

Mr. ROWLEY. Well, as we stated in the covering letter when we sent this out—we haven't gotten any reaction—we asked for their cooperation and suggestions in connection with such guidelines.

Mr. DULLES. Defectors are not specifically covered, are they, by your criteria? Mr. ROWLEY. Well, they are given to us now. We are being furnished the names of defectors, and they are being investigated, so that their background and history will be furnished to us, and we will be in a position now to determine whether they represent a risk or not.

Mr. RANKIN. Chief Rowley—

Representative Boggs. May I ask a question there?

Would you have any notion as to why names of defectors were not provided to you prior to November 22?

Mr. ROWLEY. Yes; under the broad picture, Mr. Congressman, there was no

indication that they had made any threat toward the President or members of his family. Whenever there was a threat made, we were furnished promptly by the different agencies the information on the individual's name. And this was done in voluminous reports by the FBI, and the other agencies. When they got any information, they would notify the local office, notify their liaison, who notified us by telephone, and confirmed by memorandum. The same obtained with respect to the CIA.

Representative Boggs. This fellow was interviewed by the FBI several times—he was interviewed in New Orleans when he allegedly had his Fair Play Committee. If my memory serves me correctly, Mrs. Paine was interviewed about him shortly before the visit of the President, after he had gone to work at the Texas School Book Depository. I agree that there had been no indication of a threat on the President's life. But, obviously he was a person in the FBI files who was under some degree of surveillance. It would seem to me strange that the FBI did not transmit this information to the Secret Service.

Mr. ROWLEY. The FBI, Mr. Congressman, are concerned with internal security. And I think their approach was internal security as it related to this individual, whether or not he was a potential recruit for espionage, intelligence, or something like that.

Their concern was talking to him in this vein, in the course of which there was no indication that he bore any malice toward anyone, and particularly to the President of the United States. If someone said that Henry Smith didn't like the President, and we got his file, we would get to the point where you have 8 million names in the file. How effective are you going to be then?

Representative Boggs. Well, that is right.

Mr. ROWLEY. And then you get in the area of civil rights and all, if you start going into individuals—

Representative Boggs. And if I remember correctly, there has never been—we have had no testimony from anyone that Oswald ever threatened the President of the United States. Is that correct?

Mr. RANKIN. That is correct.

Representative Boggs. That was the only question I had.

Mr. DULLES. Along that line, I just raise the question as to whether maybe too much emphasis is not put on the threat angle, because a clever fellow, if he is going to assassinate the President, the last thing he is going to do is go around and talk about it and threaten it.

Mr. ROWLEY. That is right. Well, this has been so with loners, too.

As you say, you read the assassinations. Some of them just kept to themselves, and traveled, and the next thing you know they confronted their victim. Sometimes they were successful, other times they were not.

Mr. DULLES. I recognize the difficulty of working out adequate criteria. But I just think you ought to do some more seeking, and there is more work to be done on that.

Mr. ROWLEY. Yes, sir.

Senator COOPER. May I ask this question: It hasn't been clear to me. Is it correct that now a defector does come within the scope of your Service?

Mr. ROWLEY. Yes, sir; we are furnished the names of defectors by the FBI. And they investigate these people. And then in their report, if it shows that the individual has emotional instability or propensity for violence, we pick it up from there. But all the reports on the known defectors in this country are submitted to us, and then we evaluate from the case history of the report whether or not he would be a risk for us subject to investigation.

Senator COOPER. I understood that was the procedure before. But my question is now, is the defector per se classed as one of those against whom you would take protective measures?

Mr. ROWLEY. No, no, sir; not unless we had—

Senator COOPER. Since the assassination?

Mr. ROWLEY. Not unless we had these three categories of factors we just enunciated.

Senator COOPER. I would suggest—first, I understand there are not many defectors who have returned to the United States.

Secondly, it seems to me a man who has defected from the United States to

go to Russia or a Communist country indicates that he has pretty strong convictions against the United States, or else there is something questionable about his mental processes.

I would think that fact alone would make it important to watch his activities when he came back.

Mr. ROWLEY. It would. And I think the FBI properly conducts the investigations, from the standpoint of internal security, and furnishes us a report. And then if there is something in the report that indicates he could be a risk to the President or the Vice President, we could take it from there.

Representative Boggs. Mr. Rankin, I have to go to a meeting in 2 or 3 minutes. There is just one question I would like to ask before leaving.

Is it not a fact that probably the greatest deterrent that you have is the very fact that the public knows that there is a Secret Service?

Mr. ROWLEY. Yes, sir.

Representative Boggs. That you do guard the life of the President. And that the chances of an assassin escaping with his own life are pretty remote. So this psychological weapon is one of the things you rely on?

Mr. ROWLEY. That is correct.

Representative Boggs. And you must necessarily keep a degree of secrecy about the methods you employ.

Mr. ROWLEY. Yes, sir; otherwise they could develop countermethods, to thwart anything we might set up.

Representative Boggs. Exactly. Thank you very much.

Mr. RANKIN. Chief Rowley, do you in the Secret Service obtain the benefit of cooperation with other governmental agencies in the protection of the President?

Mr. ROWLEY. We receive cooperation from every agency. If I may name a few—we were scheduled to visit Puerto Rico in 1948 or 1947—I am not quite certain—with President Truman, who was then vacationing at Key West. We had no office in Puerto Rico at the time. We did not know the situation other than that it could be sticky because of the Nationalist Party of Puerto Rico.

(At this point, Representative Boggs withdrew from the hearing room.)

Mr. ROWLEY. Our advance man called me and asked me if I would not talk to Mr. Hoover to see whether or not we could have the assistance of some of their agents who were down there in an office established there. And I communicated then with the Assistant Director, who said, "I will get back to you" and got the approval. That was an example of the beginning of the cooperation, when I was at the White House, with the FBI.

Now, in the years subsequent to World War II, anytime we were abroad, I made personal contact with Mr. Dulles, and I think for national security we should go off the record on this, because this is something that pertains today.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Mr. RANKIN. Now, Chief Rowley, are you familiar with the provisions in the appropriation act with regard to the FBI concerning their protection of the person of the President?

Mr. ROWLEY. Yes.

Mr. RANKIN. You know of that, do you?

Mr. ROWLEY. Yes; I do. Historically, that was first passed in 1910. It stated that because of the limited number of Secret Service men at that time, that appropriation—a certain given figure—was to be used by the U.S. marshals to assist the Secret Service.

Mr. RANKIN. Was the Secret Service opposed to that provision in the appropriation act for the FBI?

Mr. ROWLEY. No; it has never opposed that provision over the years. I started to say, Mr. Rankin—subsequently, after the founding of the FBI, this was transferred, apparently, from the marshals to the FBI, and it has been in the appropriations as long as I can remember. We have never objected to that appropriation.

Mr. RANKIN. Now, there is some language in H.R. 4158, I understand, which deals with the permanent organization of the Government that you are objecting to; is that right?

Mr. ROWLEY. Yes; that has to do with the codification, wherein it states that the Attorney General will appoint—I think, in substance—officials for the protection of the President of the United States. And this is a feature in the codification of the law we object to, because the Secretary of the Treasury authorizes and directs the protection of the President.

Representative FORD. Is that a bill, Mr. Rankin, that is before the House Committee on the Judiciary and the Senate Judiciary Committee?

Mr. ROWLEY. They are preparing it, and they asked for our opinions. It must be now. This is a month or so ago, Mr. Ford.

Mr. RANKIN. I think I can give the Commission the exact language. It is chapter 33 of the House rule that I have just described, and it is under section 534, and the words are: "The Attorney General may appoint officials"—and then in quotes below that, in (2) "to protect the person of the President" and—and then it deals with other matters.

Now, will you tell why you have an objection to that? Just briefly summarize it.

Mr. ROWLEY. Because of the long history of Presidential protection we have been directed—it has been under the jurisdiction of the Treasury Department, authorized by the Secretary of the Treasury. But this would confuse and be a conflict in jurisdiction. Conflicts would naturally arise in the future as to who had jurisdiction.

If anything happened like Dallas, we would get into an Alphonse and Gaston pantomime.

Mr. RANKIN. You would get into a jurisdictional dispute?

Mr. ROWLEY. That is right.

Mr. RANKIN. And that is why you object?

Mr. ROWLEY. That is right.

Mr. RANKIN. But as far as any provision that has been made historically for the FBI to have funds so they can supplement and assist you, you have no objection to that?

Mr. ROWLEY. No objection at all.

Representative FORD. Do you know how much in the way of funds have been utilized through that provision?

Mr. ROWLEY. No; I would not know of my own knowledge, Congressman, because that would be under the jurisdiction of the FBI and the Budget Bureau.

Representative FORD. In other words, they don't take money that they get through their appropriation bill, and transfer it to the Secret Service?

Mr. ROWLEY. No.

Representative FORD. This is simply a provision which authorizes them to use whatever funds they get for this purpose?

Mr. ROWLEY. That is correct.

Mr. RANKIN. Chief Rowley, I understand that regarding H.R. 4158, the Treasury and the Justice Department have agreed that the language may be changed so that it will read "Assist", is that right?

Mr. ROWLEY. That is correct.

Mr. RANKIN. And that is satisfactory?

Mr. ROWLEY. That is right. That is what we worked out.

Mr. RANKIN. Now, in connection with your protection of the President, have you drawn upon various people in the Government and consultants to assist you in regard to scientific problems?

Mr. ROWLEY. Yes; some 8 or 9 years ago, we evolved a relationship with the Defense Department—I think more specifically in the last 4 years—a relationship with the President's Scientific Advisor.

This is off the record.

Mr. RANKIN. Why, Chief?

Mr. ROWLEY. That has to do with national security.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Mr. RANKIN. Chief Rowley, do you find in work of the Secret Service that you have need for scientific advice and consultation concerning problems that develop regarding the protection of the President, so that if you had some arrangement whereby you could have the assistance of either the President's Scientific Advisor

or consultation with independent consultants, it would assist and in fact be necessary to your work?

Mr. ROWLEY. I think it would be a great help, and it is necessary today, because under the crash program that we are endeavoring to undertake, I think it is important that we know, in Presidential protection, what the current devices are that are available and are efficient in connection with countermeasures against eavesdropping and other things that we have been researching over the years. But this is not necessary on a day-to-day basis, and it could be on an informal basis with other agencies. I think it is necessary to have somebody of that type, who is conversant with the subject, a trained expert, who knows precisely where to go.

We might spend a lot of time going around the paths, but by having an expert, he knows precisely the organization, the contracting company, what they have, whether it is suitable, whether it is efficient for our purposes.

Representative FORD. Mr. Rankin, is the letter of April 22, 1964, from Mr. Rowley to you with the enclosures a Commission exhibit?

Mr. RANKIN. Yes; that has been offered. That is Commission Exhibit No. 1027.

Representative FORD. In this enclosure, Chief Rowley, on page 4, under subheading (c), the following is stated: "The Secret Service has no funds for research and very limited funds for the acquisition of protective devices. In the fiscal year 1964 budget, the Service requested \$23,057 for two positions for technical specialists. The Congress did not make any appropriation covering this request, and it was repeated in the 1965 budget request, and has been included in the appropriation passed by the House several weeks ago."

Could you define more particularly what you had in mind for these so-called technical specialists?

Mr. ROWLEY. Yes, sir; this was someone that knew something about electronics or electronic engineering for the sweeping of different places. We felt that to date we were utilizing the services of agents who primarily came with us on the basis of criminal investigation, and that, therefore, it was my feeling that we should have this type of expert.

As I said earlier, I realize the shortcomings and the requirements which we are operating under—and I was endeavoring to get the funds from Congress, the personnel that I thought were necessary, as well as the equipment I thought we should have, primarily to have this operation under control for us.

Now, I might say that the CIA has been most helpful. The equipment we used in the early days were from that organization and the State Department.

But now they have gotten so busy, as you well know, that they haven't got much time to assist us.

So that we feel we want to have our own equipment, our own experts, and people that know our work, and devote their time to it.

Representative FORD. When you talk about technical specialists here, you are referring to electronics specialists?

Mr. ROWLEY. Yes, sir.

Representative FORD. You are not referring to a general research and development program, however?

Mr. ROWLEY. No, sir; this confusion is why it was refused a year ago.

Representative FORD. Let me ask this, then, Chief Rowley. Would these technical experts, or technical specialists, have been on duty in Dallas on this particular trip if you had had the funds and had employed them?

Mr. ROWLEY. Yes; but they would have been employed in something entirely different.

Representative FORD. They wouldn't have had any relationship to the motorcade?

Mr. ROWLEY. No, sir. If I may go off the record.

Mr. RANKIN. Will you tell us why you are going off the record?

Mr. ROWLEY. Because it involves national security.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Representative FORD. As I understand it, then, the deletion of these funds for

these technical specialists in fiscal year 1964 did not in any way handicap your operation in Dallas at the time of the assassination?

Mr. ROWLEY. No; we have never said that. We are just saying that if we had the equipment—in other words, what I am trying to do, Mr. Congressman, is to move forward. And the only way I know, after a period of years, is to ask for a sum of money, but then my experience is that sometimes the Congress becomes alarmed. But this is a need that we have. And this is what I am trying to explain. This is an example of what we are trying to do, in equipment and manpower.

Representative FORD. Mr. Chairman, or Mr. Rankin, I have to go shortly over to a session of the House. And since we are in the budget area, I think it might be well for the record to develop some facts concerning your budget—what they have in the past and what you are suggesting they might be in the future.

Mr. ROWLEY. Well, I have here a summary of the appropriation allocations as it applies to manpower and equipment, and the number of persons on the roll.

Representative FORD. Do you receive your appropriations in a lump sum or how do you receive Secret Service appropriations?

Mr. ROWLEY. I guess it is on a warrant. When the warrant is signed—

Representative FORD. Your budget is included as a part of the Treasury Department budget?

Mr. ROWLEY. Yes, sir.

Representative FORD. Now, do you have it in a separate part of the Treasury Department budget?

Mr. ROWLEY. Yes, sir.

Representative FORD. Is it specifically earmarked for the Secret Service?

Mr. ROWLEY. It is; yes, sir.

Representative FORD. It is a lump sum for the Secret Service?

Mr. ROWLEY. Yes, sir.

Mr. DULLES. That is a public appropriation, it is made public?

Mr. ROWLEY. That is correct; yes, sir.

Mr. RANKIN. Congressman Ford, if I may interrupt just a minute, I can ask Chief Rowley if Commission Exhibit No. 1028 is the one he just referred to in answer to your question about the budget.

Mr. ROWLEY. Yes, sir.

(The document referred to was marked Commission Exhibit No. 1028 for identification.)

Mr. RANKIN. I then offer in evidence Commission Exhibit No. 1028.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1028, was received in evidence.)

Mr. RANKIN. Exhibit No. 1028, Chief Rowley, does include in this—so it will be understandable to the Commission, the figures for your proposed budget of 1966, doesn't it?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And those are shown in that manner on the exhibit?

Mr. ROWLEY. Yes, sir.

Representative FORD. Is the figure we see here—

Mr. ROWLEY. This is what we call a tentative budget.

Mr. RANKIN. That has been presented to the Budget Bureau?

Mr. ROWLEY. It has not been presented to the Budget Office of the Treasury, which is the first step. Then it goes to the Budget Bureau, and then subsequently to the House and Senate.

Mr. RANKIN. You said it has not been.

Mr. ROWLEY. No; this is a tentative proposal that we have made.

Mr. RANKIN. At this stage, so we get the record clear—that is a consideration of what you think you should have, but it hasn't gone through the steps you have just described, is that right?

Mr. ROWLEY. That is right. But it does not include—necessarily, until we complete our thorough examination—what our requirements will be under the new revisions of our organization. Particularly as it relates to manpower, we want to be sure that we have the proper justification. And so we hope by October or November to have a good estimate at that time.

Representative FORD. Well, the figure that is shown here for fiscal year 1965 is \$7,550,000.

Mr. ROWLEY. Yes, sir.

Representative FORD. Is that the budget submission to the Congress?

Mr. ROWLEY. To the Congress; yes, sir.

Representative FORD. And do you recall what the House approved in its version of the bill?

Mr. ROWLEY. \$7,500,000. They cut \$50,000.

Representative FORD. Do you recall what the reduction was predicated on?

Mr. ROWLEY. No; I don't. I think it was just cut to a round figure.

Representative FORD. What is the footnote here which is entitled "Pending action by the Senate"? Is that a \$669,000 increase?

Mr. ROWLEY. That is right.

Representative FORD. Is that a supplemental?

Mr. ROWLEY. No, no; we are just showing the increase—this has nothing to do with the \$669,000. We show—this was passed by the House, but it is now pending in the Senate for approval. In other words, you have your markup or something, and then it hasn't been submitted to the House for a—to the Senate for approval.

Representative FORD. But there is an asterisk there.

Mr. ROWLEY. Yes; this is the 1965 budget. This figure that was reduced by \$50,000, by the House. Now, it goes before—for a markup—it will be placed before the Senate for approval.

Mr. RANKIN. Chief Rowley, when you say "this" it doesn't show on the record what you are talking about. So if you can tell what item on that Exhibit No. 1028.

Representative FORD. On the same line with the language, "Pending action by Senate," on the right-hand side is \$669,000, which is labeled as an increase. That increase relates to what?

Mr. ROWLEY. It relates to the difference—the increase between 1965 and our proposed budget of 1966. The asterisk here relates to the 586 positions.

Mr. RANKIN. Is there any connection between those two? Chief Rowley, is there any connection between the asterisk, and the wording "Pending before the Senate," and the item on the right-hand column of the increase?

Mr. ROWLEY. Yes; it represents the increase that we are asking for in the 1966 budget.

Senator COOPER. You are not asking the Senate, though, to increase the House figure of \$7,500,000, by \$669,000.

Mr. ROWLEY. No, no; there is no connection between these increases. This should have been down here, where you explain what the asterisk is, where we have 586. Maybe it was put in the wrong position there. In other words, it is like a footnote. This is pending action—meaning that the House has passed the 1965 budget, but the Senate has yet to pass it.

Mr. RANKIN. But to clarify, there is no connection between the increased figure and the fact that it is pending before the Senate?

Mr. ROWLEY. That is right. It happens to be on the same line.

Mr. RANKIN. But there is no connection?

Mr. ROWLEY. No, sir.

Senator COOPER. What you mean is the House has passed an appropriation of \$7,500,000, and the Senate has not yet acted upon it.

Mr. ROWLEY. That is correct.

Senator COOPER. The \$669,000 is an increase that you hope will be voted in the next fiscal year.

Mr. ROWLEY. That is correct.

Mr. DULLES. Do you present the budget yourself, or does the Secretary of the Treasury, or someone else in the Treasury Department—present and defend it?

Mr. ROWLEY. The Secretary presents the overall Treasury budget, but then in detail, we appear before the appropriations subcommittee ourselves to justify our request.

Mr. DULLES. The Secret Service justifies its own request in the overall budget of the Department of the Treasury?

Mr. ROWLEY. Yes, sir.

Representative FORD. Chief Rowley, on page 5 of Exhibit No. 1027, the statement is made, "In the fiscal year 1965, the Secret Service has requested funds for an additional 25 positions. The House of Representatives has included the requested funds in the Treasury-Post Office appropriation bill which passed several weeks ago. These funds will not be sufficient to take the additional measures which we believe are required. However, since the 1965 budget figures had to be submitted in November 1963, it was not possible to make specific and properly justified requests at that time. We should be in a position to do so in the fiscal year 1966 budget submission."

You are not saying that you won't have whatever additional personnel you need now, or from now until the beginning of fiscal year 1966, for the protection of the President?

Mr. ROWLEY. No; we are not saying that. We are saying that in view of the circumstances of what happened in November, that this budget of 25 positions had already been submitted, and there was nothing you could do to take it back.

The 1966 budget was also prepared and submitted. But, as I explain later, in all consideration, we cannot at this time helter skelter say we need so many men, taking advantage of the tragedy. We want to experiment and develop what we need in protective research in the way of manpower and equipment, and what we need in the field, because necessarily we will have to have special agents added to the field to conduct any investigations on risks that may be forwarded to them.

Representative FORD. But if in the process of your analysis of your needs, you develop that you need more personnel, you need new devices, you need equipment of any sort whatsoever—you won't delay the submission of that request just because of the fiscal year budget coming up for fiscal 1966?

Mr. ROWLEY. No, sir.

Representative FORD. Because we do have, as you well know, supplemental and deficiency appropriation bills.

Mr. ROWLEY. That is right.

Representative FORD. So if you need something, you can request it of the Bureau of the Budget, and if it can be justified, it can be submitted to the Congress in one of the other forms besides the regular appropriation bills.

Mr. ROWLEY. That is right. Because now as I understand it the same committee handles the supplemental.

Representative FORD. That is correct.

Mr. ROWLEY. We are aware of that. That is what we would do when we arrive at what our requirements would be.

Representative FORD. We can have your assurance that if you come up with requirements, you won't wait for fiscal 1966 to make your submission.

Mr. ROWLEY. That is right.

Mr. RANKIN. Chief Rowley, you are in the process of trying to arrive at your estimates of what you need in additional personnel and equipment and other assistance to make the protective services and the Secret Service in its work of protecting the President as efficient as possible, are you?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And you are seeking the help and advice of people that you have named, such as the Rand Corp., and others?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And do you have any estimate now that you can give the Commission as to when you might have your estimates in that regard?

Mr. ROWLEY. Well, I think, No. 1, with regard to the protective research, I think we need some expert there to assist us in developing our requirements, particularly in the criteria, on a full-time basis. We have assigned what we thought were sufficient men at this time to cope with the volume of work and reports that we have been receiving, which are now being received from the various organizations of approximately a hundred reports a day. So that we have cut down to a considerable point.

Now, following the evaluation and the processing of these reports, we will determine just what we actually need in the way of manpower.

Mr. RANKIN. You also have the problem of being able to get that material out once you have it, don't you?

Mr. ROWLEY. That is right. And this is the point that we have to develop with IBM, or, as I said initially, with the CIA.

Now, they have facilities that would be available to us, if it works.

Mr. RANKIN. And you are also inquiring into the question of the sufficiency of the number of agents you have for this area as well as other Secret Service tasks?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And you are going to present that to the Congress as soon as you have something definite that you can support?

Mr. ROWLEY. That is right—in response to Congressman Ford's inquiry.

Mr. RANKIN. Now, I think the Commission would be interested in the requirements or standards that you have for agents. Do you require a college education now?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And are there any other conditions or standards that you would like to describe?

Mr. DULLES. May I inquire for one point? Is that a college education for the White House detail?

Mr. ROWLEY. No; that is for all the agents that we recruit for our work, for both criminal and protective, Mr. Dulles. We require a minimum academic achievement of 4 years of college or university, and preferably those who attend police administrative schools, where they have in their curricula subjects on science, criminology, and law. We find that these people are better adapted, they have an inclination, and they are interested.

But we do take people with B.A.'s and B.S.'s, because they, too, have been most satisfactory. But we find when we need to recruit the men, we go to these colleges with special courses. As I mentioned earlier we first started recruiting them from Michigan State, because that was one of the first universities with a police administration curriculum. And we found each and every one of them have been most satisfactory and have excellent records.

As a matter of fact, a good portion of them are agents in charge of our 65 offices throughout the country.

Mr. RANKIN. What do you do as a matter of procedure in assigning your agents? Do you keep them in Presidential protection, or do you shift them from that to other functions in the Secret Service?

Mr. ROWLEY. Well, when they are first sworn into duty, we assign them to an office, so during the period, the first 6 months, you would call it inservice training, because we are not in the position that the FBI is where they take in, say, a given number of agents—let's set a figure at 30—and then they can start them immediately with their school of 12 weeks. We are not in a position to hire that many at a time. We are in a position to hire 10. So that after 6 months, 10 now, after the character investigations are completed, and then we may get 10 more later.

Then we send them to what we call the Treasury Basic School, after which we try to send them as soon as practical to our Secret Service School.

Now, sometimes a new man might be a year in the Secret Service, and during that period he is on probation, after which we determine through the agent in charge whether his service is satisfactory, and whether he will develop into an agent.

Mr. DULLES. Is the FBI School open to any of your respective recruits?

Mr. ROWLEY. Well—

Mr. DULLES. FBI Academy.

Mr. ROWLEY. The Police Academy would be if we had occasion to send them there, if there was something they could benefit from. We do send the White House Police to the FBI Police Academy, because that is more in connection with their police function.

Mr. RANKIN. How does your agent get into the Presidential protection?

Mr. ROWLEY. Well, some of the agents have indicated in their personal history questionnaires submitted each year whether they wish to select an office of duty preference, and there are three offices listed. If an agent wants for one reason or another after a period of 3 years on the White House detail to make a request for a transfer, we consider which of the three offices he selected has a vacancy,

and we assign him to that office. Then we bring in one of the new men from the field service to replace him. We then train him in the protective work.

Necessarily, you have to have a nucleus. So there are also a number of men in supervisory positions who have been on the White House detail for 20 or more years.

Mr. RANKIN. But your theory is that they should be able to be trained so that they could be shifted to any part of the service?

Mr. ROWLEY. That is right. And it has this advantage: Once they are trained in Presidential protection, if for some reason the White House detail gets instructions that the President is going to fly to one of the cities, or some hamlet across the country, and we do not have time to get an agent aboard a plane and send him there, or maybe the Air Force has no plane available to transport him there, we pick up the phone and call an agent at the nearest place—and here is an agent that has been trained, he knows the mechanics of the operation, and the procedure, and he goes to work, and effectively lays out the arrangements.

Representative FORD. Mr. Chairman, this Commission Exhibit No. 1028, which shows the budget and the positions, I think is helpful. But in the submission of the budget by the Secret Service to the Congress, they have a greater breakdown of their personnel setup.

I think it might be wise to include what they submitted to the Congress, or something comparable to it, because I think it is far more complete than this.

Mr. ROWLEY. That is correct.

Representative FORD. And I think it might be helpful for the record.

Mr. ROWLEY. We do not disclose the number of men on Presidential protection.

Representative FORD. I understand that. But you are familiar with the presentation you might submit for your overall budget, including personnel?

Mr. ROWLEY. Right.

Representative FORD. Can that not be submitted for our record, just as it is submitted to the House and Senate Committees on Appropriations?

Mr. ROWLEY. It is a matter of public record. But whether or not the tentative one, the 1966 can be, before the Budget Bureau sees it, is something else again.

Representative FORD. I would not expect that it would.

Mr. ROWLEY. No; but the others can be.

Mr. RANKIN. Mr. Chairman, I would like to ask leave to secure a copy of that and insert it in the record.

The CHAIRMAN. It may be admitted when you obtain it.

Representative FORD. May I ask one other question, and then I have to leave?

In listening to the testimony, Chief Rowley, sometime ago, I was a little concerned—more than a little, I should say—with the process by which the man in charge of a Presidential trip undertakes his relationship with the local law enforcement agencies.

As I recall the testimony, the man in charge has contact with the local police and the sheriff's department and any other local law enforcement agency. But the impression that I gained was that there was no clear delineation of responsibility. They sat around, they talked about what this local law enforcement agency would do and what another one would do.

But it seems to me that a more precise checklist, a clear understanding, would be wholesome and better.

What is your reaction on that?

Mr. ROWLEY. Well, No. 1, in our revised Manual on Presidential Protection, this is part of the thing.

Now, I would hesitate to prepare a checklist for everybody, because you may be embarrassed to find it in the press some day, because of the activity of reporters around the police.

I do not want to downgrade any police department, but this is what happens through no fault of theirs. There are variations in different cities.

Now, I think what you are referring to, Mr. Congressman, is that they complained they did not have a sufficient notice of the route and so forth, so they could make the proper preparations. That is true. Neither did we have sufficient notice. Because they were going back and forth trying to establish—until they were told they had 45 minutes allotted to them for this route, and first our man had to go, which is a natural operation, to look over the route to

see whether or not it could be negotiated within that particular period of time.

Once establishing that it could, and the thing looked safe, then they notified the police and went over it with the police. And then with the police they indicated what they would like done here at intersections and so forth, and other features.

Now, it is true in most cases we ourselves like to get sufficient advance information, we like to send our men out in advance so they do not have to cope with these fast operations, because when a police department has sufficient notice of the route and so forth, then they have adequate time to get out instructions to their own police department—whether by precinct or by group commanders, and so forth. And this is what I think in this instance that they are complaining about.

Representative FORD. As I understand it, however, at the present time, and for the future, there will be a more precise procedure for the relationships of the Secret Service on the one hand and local law enforcement agencies on the other.

Mr. ROWLEY. Yes, sir.

Representative FORD. That is set forth in your manual as presently revised?

Mr. ROWLEY. In our present revised manual.

Representative FORD. So that when your agent-in-charge goes to city X, he now has the procedures set forth for many to follow on, so there are no uncertainties, if that is possible?

Mr. ROWLEY. That is right. And you have to necessarily do that, because you have agents, as I said—as I cited an example where an agent had been trained in the White House, but you have to utilize his services, because you cannot get a regular White House man out there. He has this information, and he follows it accordingly. It is a check for him as well as for the police.

Representative FORD. Other countries have protection problems of their chief executive.

I am sure in recent months the French have had considerable problems in this regard.

Do you ever have an exchange of methods with other governments for your benefit or their benefit?

Mr. ROWLEY. We have been approached, Mr. Congressman, for instructions on security and so forth, but we, for reasons—for national security reasons, I would like to go off the record.

(Off the record.)

(At this point, Representative Ford left the hearing room.)

The CHAIRMAN. Back on the record.

Mr. DULLES. You have referred to the dry runs which you made in Dallas, and you usually make, I understand, to establish a route.

First I think you said you did this yourself, and then with the local police.

Mr. ROWLEY. Yes, sir.

Mr. DULLES. Do you have any reason to believe that those dry runs were observed by the President or known to the President, or received any publicity?

Mr. ROWLEY. No; they did not receive any publicity.

The CHAIRMAN. Chief, you were referring a little while ago to the revised rules.

When did the last revision take place? Has it been since the assassination?

Mr. ROWLEY. No.

The overall revision of the Manual of the Secret Service, was undertaken before I took office, and because it was delayed, I took it upon myself to assign a man to sit down 7 days a week, to bring this manual up to date. The overall manual has been completed. Now we have almost completed the revised advance manual.

The CHAIRMAN. And—but there has been—as yet there has been no revision since the assassination?

Mr. ROWLEY. No, sir; it is in the process.

The CHAIRMAN. It is in the process of being done? Very well.

Senator COOPER. I would like to ask a question. I think you stated that you took part in the procedures and methods for the protection of President Kennedy when he was—prior to his visit to Dallas.

Mr. ROWLEY. No, sir.

Senator COOPER. I thought you said that you participated in a dry run.

Mr. ROWLEY. Oh, no; I was describing what the advance agents do.

Senator COOPER. Anyway—you know what the agents of the Secret Service did in preparing for the visit of President Kennedy to Dallas?

Mr. ROWLEY. Yes, sir.

Senator COOPER. And you know what procedures they followed during the actual route of the motorcade on that day?

Mr. ROWLEY. Yes, sir.

Senator COOPER. Now, reviewing those, is there any failure that you know about on the part of the Secret Service in those procedures or in the methods which they used on the day of the assassination?

Mr. ROWLEY. No, sir.

Mr. RANKIN. Chief Rowley, would you tell us the salary scale for your agents for the first 2 years?

Mr. ROWLEY. Yes; we recruit an agent at grade GS-7, at \$5,795.

Mr. RANKIN. How does that compare with the starting salary for the FBI?

Mr. ROWLEY. I think it is a difference of three grades. As I understand, the lowest FBI grade is GS-10.

Mr. RANKIN. \$10,000.

Mr. ROWLEY. Grade 10.

Mr. RANKIN. What salary would that be?

Mr. ROWLEY. It might be—for example, GS-11 is \$8,410. Now, it could be somewhere between \$7,500 and \$8,000.

Mr. RANKIN. Are you able to get at that salary the quality of men that you should for this kind of work?

Mr. ROWLEY. Yes; we have found to date that we have been able—we have been selective. And, of course, the fact that we have only appropriations for a limited number of men.

For example, today we have well over 40 men waiting to be accepted, with completed investigations, some a year or more. Sometimes when we put in requests for a given number of men, we want to put those men on at the beginning of the fiscal year, so we undertake to recruit them and complete their investigation, so that everything—the character and the physical is up to date—and we can put them on, if we get the funds precisely at the beginning of the fiscal year.

Mr. RANKIN. You recognize that your starting salary is not favorable in comparison with some police forces, do you not?

Mr. ROWLEY. I recognize that. But at the same time, we are guided by the Treasury law enforcement examinations, and the other Treasury investigative standards. But we are below some of the west coast police organizations, for example. They are well-paid and great organizations.

Mr. RANKIN. Now, what kind of a workload do your agents have on an average?

Mr. ROWLEY. Well, at the present time we have a caseload of 110.1 cases per man.

Mr. RANKIN. How does that compare with other intelligence agencies?

Mr. ROWLEY. Well, I think—a satisfactory caseload per man per month is from 14 to 15 cases.

Now, I am quite certain that in other agencies it is a little more than that. But whether or not it is as high as ours at the present time, I have no way of knowing at this time.

Mr. RANKIN. Do you thing that is a handicap to your operation?

Mr. ROWLEY. Well, it is a handicap. But I think it is testimony to the dedication and the industry of our men, that we are not complaining. We are conducting ourselves and performing our services for the Government to the point that even though we are understaffed, nevertheless we are not quitters, and we are carrying on the work within the responsibility entrusted to us.

Mr. RANKIN. Did you write the Commission a letter telling the history of the early development and growth of the Secret Service operation over the years?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. Is Commission Exhibit No. 1029 that information that you gave us?

Mr. ROWLEY. Yes, sir; this also included the White House police.

Mr. RANKIN. Will you examine Commission Exhibit No. 1029, and inform us as to whether or not any of that should not be included on the public record in light of the national security problem?

Mr. ROWLEY. I have no objections, because in the years past—this is part of the public record. So I would not see any objection at this time.

(At this point, Senator Cooper left the hearing room.)

Mr. RANKIN. Mr. Chairman, I offer in evidence Commission Exhibit No. 1029.

The CHAIRMAN. It may be admitted.

(The document was marked for identification as Commission Exhibit No. 1029, and received in evidence.)

Mr. RANKIN. Chief Rowley, did you write us a letter with regard to proposed legislation, dated June 11?

Mr. ROWLEY. Yes, sir.

Mr. RANKIN. And is Commission Exhibit No. 1030 that letter that you wrote us with an attachment telling about possible legislative changes that you thought might be desirable?

Mr. ROWLEY. Yes, sir.

(The document was marked for identification as Commission Exhibit No. 1030.)

Mr. RANKIN. I offer in evidence Commission Exhibit No. 1030.

The CHAIRMAN. It may be admitted.

(The document heretofore marked for identification as Commission Exhibit No. 1030, was received in evidence.)

Mr. RANKIN. Can you briefly state the contents of the attachment to that exhibit, Chief Rowley?

You recall that it is a commentary on the suggestion of legislation about the assassination of the President?

Mr. ROWLEY. Yes; it is a recommendation on the bills being proposed, that the assassination of a President or Vice President or possible successors to the Presidency be made a Federal crime.

(At this point, Senator Cooper reentered the hearing room.)

Mr. ROWLEY. Currently there is such a law whereby when people of lesser rank in the Government are murdered, that is investigated by Federal agencies.

Mr. RANKIN. Would you tell the Commission briefly what your idea is as to whether or not it would be helpful to have such a statute?

Mr. ROWLEY. I think today it would be helpful, because it would be a continuation of the present law, and it would be under Federal jurisdiction—because this is a Federal employee. And I think it properly should be under Federal statute. There would then be an opportunity particularly today in the case of the President or Vice President, for the investigation to be pursued immediately, and the assassin or groups of defendants to be interrogated as promptly as possible to develop and ascertain whether or not there is a conspiracy, and not wait as we have to do under the present law because of the State statute.

Mr. RANKIN. Do you have any suggestions in your proposal about who would have jurisdiction to investigate and report in regard to any violation of that law?

Mr. ROWLEY. Currently the Federal enforcement agencies—namely, the FBI—have the responsibility of conducting investigations, on most of the Federal laws in the country, and therefore it might properly be their responsibility in a situation like this.

However, we do have a reservation with respect to an attempt or threat on the President, because we would like to work out an agreement whereby we would jointly conduct an investigation because the threat phase of it has been under our jurisdiction, under section 3056, for many years. It ties in with our responsibility for protection of the President.

Mr. RANKIN. In connection with the investigation of the assassination of President Kennedy, have you personally participated in working with regard to that, in supervision of that investigation?

Mr. ROWLEY. In the early stages when we assigned our men to inquire into

the background of Oswald and all. But then eventually, when the President authorized the FBI to conduct the investigation, we pulled out and only continued and finished up those reports that we initiated.

Mr. RANKIN. And since that time, after the FBI was given the authority to proceed with the investigation, you have cooperated with the Commission through the staff, your staff, in helping with various items of information from time to time. Is that right?

Mr. ROWLEY. That is correct.

Mr. RANKIN. Now, do you have any information of a credible nature that would suggest to you that Oswald was or could have been an agent or informant of any Federal agency?

Mr. ROWLEY. I have no credible information of that kind; no, sir.

Mr. RANKIN. Was he an agent or informant or directly or indirectly connected with the Secret Service in anyway?

Mr. ROWLEY. Not in any way. We did not know of him until the event.

Mr. RANKIN. From the way that the Secret Service employment is arranged, and the records are kept, and the payments are made, if he had ever been placed in any such capacity with the Secret Service, would it have come to your attention?

Mr. ROWLEY. It would; yes, sir.

Mr. RANKIN. And you are certain that he never was hired directly or indirectly or acted in that capacity.

Mr. ROWLEY. He was never hired directly or indirectly in any capacity.

Mr. RANKIN. Do you have any credible information that would cause you to believe that Lee Harvey Oswald was an agent of any foreign country.

Mr. ROWLEY. I have no such credible information.

Mr. RANKIN. Do you have any credible information to cause you to believe that he was involved in any conspiracy in connection with the assassination, either domestic or foreign?

Mr. ROWLEY. I have no credible information on any of those.

Mr. RANKIN. Are there any areas of the investigation of the Commission that you would suggest that further work should be done, as far as you know the work of the Commission?

Mr. ROWLEY. I do not.

Mr. RANKIN. From your knowledge of the investigation, do you have any opinion as to whether Lee Harvey Oswald was involved in the killing of the President?

Mr. ROWLEY. From what reports I have read, I would say that he was involved in the killing of the President, but I do not have complete knowledge of it.

Mr. RANKIN. Do you have any opinion from your knowledge of the investigation as to whether Mr. Ruby was associated with anyone else directly or indirectly in the killing of Lee Harvey Oswald?

Mr. ROWLEY. I have incomplete knowledge with respect to Ruby. Consequently, I could not say, other than what I saw on television or read in the newspapers, whether he had any connections.

Mr. RANKIN. Is there anything in connection with the work of the Commission or what you know about our inquiry here that you would like to add to or suggest that the Commission do beyond what you know of it?

Mr. ROWLEY. No, sir.

Senator COOPER. May I ask a question?

Mr. Rankin asked you several questions. He asked you if you had credible information, which I think was a proper question. But may I ask if you have any information based upon any facts that you know or based upon any information given to you by persons who claim to have personal knowledge, that there were persons engaged in a conspiracy to kill President Kennedy?

Mr. ROWLEY. I have no such facts, sir.

Senator COOPER. I address the same question as to whether you have any information that the killing of President Kennedy had any connection with any foreign power?

Mr. ROWLEY. I have no such information.

The CHAIRMAN. Mr. Dulles, any questions?

Mr. DULLES. Yes, sir; I have one general question.

From the testimony, and from my own study, it would seem to me that it was likely that there would be parallel, somewhat parallel structures to develop the investigative capabilities with regard to possible suspects in the area of Presidential protection. And my question is as to whether, in order to avoid that undue expense, you think there would be any advantage in putting the responsibility of that within the FBI, who would then be responsible for advising you as to potential suspects and possibly following up on that, rather than putting that responsibility now to a certain extent on the Secret Service—whether there is not a division of responsibility in this field which is unfortunate and may possibly lead to greater expense, personnel doing somewhat duplicative work?

Mr. ROWLEY. As it applies to this law now?

Mr. DULLES. As it applies to the situation today, without the law which is recommended in your memorandum, and might apply also after that, because the investigation would be required in either case to turn up possible suspects.

My question is, where should that responsibility be primarily centered in order to avoid undue duplication and expense, and yet accomplish our objective?

Mr. ROWLEY. Well, when you mention duplication, I do not think there has been much duplication in this case, when the President directed the FBI to conduct the investigation to determine whether or not there was a conspiracy.

Mr. DULLES. I am not talking about now. I am talking about investigation prior to, say, the President's visit to city X in the United States.

Mr. ROWLEY. I see.

Mr. DULLES. Or abroad—where you have the problem of the Secret Service and the CIA.

Mr. ROWLEY. Well, I think you want to keep the concept of Presidential protection by a small, closely knit group, because of the intimate relationship. But if you want to expand it and give it to another group, to take the long-range view, you do not know what may develop from something like that—whether a police organization could lead to a police state or a military state—if you want to delegate it to some organization like that.

The CHAIRMAN. I suppose also, Chief Rowley, that if your people were not doing the spadework on this thing, and keeping their minds steeped in this protection matter, but were obliged to rely on the written records of someone else presented to you, that they would not be in the proper state of mind, would they, to be alert to it?

Mr. ROWLEY. That is right. There would be a tendency to relax and say John Jones is taking care of it. This is always the possibility that you might encounter something like that.

The CHAIRMAN. And in law enforcement, you have to have the feel of the situation, do you not?

You have to do the spadework in order to be aware of every possibility that might develop?

Mr. ROWLEY. That is true. Because you see in this, Mr. Dulles, on the Presidential detail, it is a unique detail. This is something that they think 24 hours a day. They do it 24 hours a day. They are not otherwise involved. For example, they have the principle of screening the President and being always ready to make a quick exit. They do not have to stop to investigate or identify any person, whoever the assailant might be. Their responsibility is only to protect the President at all times.

Mr. DULLES. But they have to know against whom to protect him.

Mr. ROWLEY. That is right. But they are ready for anything under the present close screening.

But if I understand your question, Mr. Dulles, you also want to know whether or not in the screening or the investigation of certain groups, like the Communist group, and so forth, since it is their responsibility and not ours, because they have the internal security of the United States, this is something that we have to develop.

Mr. DULLES. Is "they" the FBI?

Mr. ROWLEY. The FBI.

That is something that we have to have a formal arrangement about, because it enters the realm of internal security. We do not want to conflict with them, if

that is what is uppermost in your mind. We have to be most correct about that, in any of the agencies, as you know.

Mr. DULLES. How much larger staff do you think you are going to have to have to cover that situation in the future?

Mr. ROWLEY. Well, I would not know until we see the volume of reports that we get that we have to refer to the field for investigation. Since we are processing them now, we have to wait to make that determination.

Mr. DULLES. Should you do field investigations as contrasted with the FBI—the FBI have a large number of people in a large number of cities throughout the United States. You do not have that?

Mr. ROWLEY. No; but on the basis of the criteria we discussed earlier, the FBI would give us the information, and if in our evaluation we determined that it should be referred to the field for investigation, particularly in the case of individuals, we would conduct our investigation, to determine whether this individual is a high risk to the President.

Now, where it comes to the group, this is something for the FBI to do, because it ties in with their responsibility for internal security.

Now, if there is a close connection between the two, then we would have to have a formal agreement. But because of our responsibility, and the fact that this is part of the work that we have to undertake, then we would conduct our own investigation, because we know what we are looking for.

Mr. DULLES. If the name of Lee Harvey Oswald had been submitted to you by the FBI, what would you, in the normal course, have done?

Would you have referred that back to them for investigation, or would you have carried on an independent investigation?

I am talking now if that name had been referred to you when you knew you were going to go to Dallas.

Mr. ROWLEY. If we knew we were going to go to Dallas and we had this present criteria, then we would investigate him.

Mr. DULLES. You would carry on the investigation?

Mr. ROWLEY. Yes, sir.

Mr. DULLES. Thank you.

Mr. RANKIN. Mr. Chief Justice, I am through with Chief Rowley now—except I would like to ask him to supply a copy of the information about their appropriation request, and insert it with Commission Exhibit No. 1028. [The information subsequently furnished by the Secret Service was inserted in the record as a part of Commission Exhibit No. 1028.]

We have Mr. Carswell here. As you recall, there was some difficulty at one meeting about the testimony about what the Secret Service was doing in regard to the Speaker. And while he is here, I would like to straighten that record out.

The CHAIRMAN. Very well.

Mr. RANKIN. It will be very brief.

The CHAIRMAN. Chief, I want to take this opportunity to thank you and the members of your Secret Service for the cooperation you have given to this Commission. They have been very diligent, very helpful, as you personally have been. And we appreciate it.

Mr. ROWLEY. Thank you, sir.

TESTIMONY OF ROBERT CARSWELL

The CHAIRMAN. Mr. Carswell, you have been sworn, have you not?

Mr. CARSWELL. Yes, sir.

The CHAIRMAN. Very well. You may proceed.

Mr. RANKIN. Mr. Chief Justice, if the Commission will bear with me just a minute, I would like to tell about my own conversation with the Speaker about this matter prior to his answering in regard to correction of the record.

The CHAIRMAN. Very well. You may proceed.

Mr. RANKIN. After the matter came up before the Commission, I was asked by one of the Commissioners to see the Speaker, Mr. McCormack, and I did that at his office. And he informed me that the Secret Service and also the FBI had undertaken to try to give him protection because of his position in the line

of succession, and that because of the interference that he felt and his wife felt with their relationship over the years in being alone and together in their family life, he did not like to have that interference, and he asked them not to participate any more in furnishing that protection for him. He said it was his own responsibility in taking that action, and he wanted that to be clear, and that he thought that as far as any protection he needed, he had plenty of protection with the kind of protection that the Congress had around him in the performance of his duty.

It came to Mr. Carswell's attention, right immediately after he had testified, that his statements in that regard were inaccurate because of the change that had occurred that had not come to his attention. He called me and he said he would like to correct the record.

Mr. Carswell, will you tell us now what the facts are as you have learned?

Mr. CARSWELL. When I testified here before I was asked, I believe, what protection the Secret Service was providing the Speaker. I said that we were providing protection comparable to that previously provided to the Vice President. I did that on the basis of checking with Chief Rowley immediately after the assassination of President Kennedy, and he told me at that time such protection was being provided to the Speaker.

I understood that that was the case the next day—because at that time we were not certain what was going on. I had not heard anything about it after that. And I assumed that the situation continued as it was immediately after the assassination. But that was not the case.

As Mr. Rankin has stated, the Speaker requested the Secret Service to discontinue assigning agents to him for protection, and we did what he requested. That is the present situation.

Mr. RANKIN. That is all I have.

The CHAIRMAN. Very well.

Thank you, Mr. Carswell.

Well, gentlemen, I think that will be all today. The Commission will adjourn now.

(Whereupon, at 12:35 p.m., the President's Commission recessed.)

Tuesday, June 23, 1964

TESTIMONY OF BERNARD WILLIAM WEISSMAN AND ROBERT G. KLAUSE

The President's Commission met at 10:30 a.m., on June 23, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Hale Boggs, Representative Gerald R. Ford, and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; and Albert E. Jenner, Jr., assistant counsel.

TESTIMONY OF BERNARD WILLIAM WEISSMAN, ACCOMPANIED BY THOMAS A. FLANNERY, ESQ.

(Members present: Chief Justice Warren, Representative Ford, and Mr. Dulles.)

The CHAIRMAN. The Commission will be in order. Mr. Flannery, you are here representing Mr. Weissman?

Mr. FLANNERY. Yes; Your Honor.

The CHAIRMAN. Mr. Jenner, would you mind making a brief statement of the testimony we expect to develop here?

Mr. JENNER. Yes; Mr. Chief Justice.

Mr. Bernard William Weissman, who is the witness today, played some part in the preparation of and the publication of the advertisement in the Dallas Morning News on the 22d of November 1963, and we will seek to develop the facts with respect to that. It has been marked as Commission Exhibit No. 1031, entitled "Welcome, Mr. Kennedy."

The CHAIRMAN. Yes.

(The document referred to was marked Commission Exhibit No. 1031 for identification.)

Mr. JENNER. Mr. Weissman's deposition was taken in part. He was not then represented by counsel, and he had some qualms about it and raised the issue, and as soon as it was raised we suspended the deposition. He appears this morning with Mr. Flannery as his counsel.

Mr. Flannery, would you be good enough to state your full name?

Mr. FLANNERY. Thomas A. Flannery.

The CHAIRMAN. And you are a practitioner in Washington?

Mr. FLANNERY. Yes; Your Honor, I am a partner in the firm of Hamilton and Hamilton.

The CHAIRMAN. Mr. Weissman; will you raise your right hand and be sworn? Do you solemnly swear the testimony you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEISSMAN. I do.

The CHAIRMAN. Will you be seated? Mr. Jenner will question.

Mr. JENNER. Your full name is Bernard William Weissman?

Mr. WEISSMAN. That is right.

Mr. JENNER. And you now reside in New York City, do you not?

Mr. WEISSMAN. Mount Vernon, N.Y.

Mr. JENNER. Would you give your address?

Mr. WEISSMAN. 439 South Columbus Avenue, Mount Vernon, N.Y.

Mr. JENNER. You were born November 1, 1937?

Mr. WEISSMAN. That is right.

Mr. JENNER. You are almost 27 years old?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. All right. I would like some vital statistics, if I may, Mr. Weissman. Are you presently employed?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. And where are you employed presently?

Mr. WEISSMAN. Carpet Corp. of America, 655 Clinton Avenue, Newark, N.J.

Mr. JENNER. I see. Is that connected in any fashion with the Carpet Co. by which you were employed in Dallas, Tex., last fall?

Mr. WEISSMAN. None whatsoever.

Mr. JENNER. You are a native born American?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. And your folks are as well?

Mr. WEISSMAN. Excuse me?

Mr. JENNER. Your folks are as well, mother and father?

Mr. WEISSMAN. Yes.

Mr. JENNER. And you have two brothers?

Mr. WEISSMAN. Yes; I do.

Mr. JENNER. And they likewise are native born Americans?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. What is your marital status at the present time?

Mr. WEISSMAN. Separated.

Mr. JENNER. You were married or are married to Jane Byrnes Weissman?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. She is a native born American, also?

Mr. WEISSMAN. Yes.

Mr. JENNER. You have been separated since when?

Mr. WEISSMAN. May 16, 1963.

Mr. JENNER. So you became separated from her before you went to Dallas in the fall of 1963?

Mr. WEISSMAN. I was in the service at the time.

(At this point, Senator Cooper entered the hearing room.)

Mr. JENNER. Now, are you acquainted with a gentleman by the name of Larrie Schmidt?

Mr. WEISSMAN. Yes; I am.

Mr. JENNER. When did you first meet him?

Mr. WEISSMAN. In Munich, Germany, about July or August of 1962.

Mr. JENNER. His middle name is Henry. Are you aware of that?

Mr. WEISSMAN. No; I am not aware of that.

Mr. JENNER. Where does he reside?

Mr. WEISSMAN. Well, he was in Dallas. I understand he has dropped from sight. I don't know where he is now.

Mr. JENNER. Was he residing in Dallas in the fall of 1963 when you were there?

Mr. WEISSMAN. Yes.

Mr. JENNER. When did you arrive in Dallas?

Mr. WEISSMAN. In Dallas, on the 4th of November 1963.

Mr. JENNER. And was Mr. Schmidt aware that you were about to come to Dallas?

Mr. WEISSMAN. Yes.

Mr. JENNER. And what was the purpose of your coming to Dallas?

Mr. WEISSMAN. I will be as brief as possible. It was simply to follow through on plans that we had made in Germany, in order to develop a conservative organization in Dallas, under our leadership.

Mr. JENNER. Did that conservative organization, or your purpose in going to Dallas, as well, have any business context in addition to politics?

Mr. WEISSMAN. I would say 50 percent of the purpose was business and the other 50 percent politics. We figured that only rich men can indulge full time in politics, so first we had to make some money before we could devote ourselves to the political end completely.

Mr. JENNER. In short compass; would you tell the Commission your background up to the time that you entered military service, and give us the date of the entry of military service?

Mr. WEISSMAN. Do you mean as far as my schooling and where I lived before then? Before I went into the service?

Mr. JENNER. Let's take it from high school.

Mr. WEISSMAN. I graduated from Edison Technical High School in Mount Vernon in June of 1956, went to work for the Nuclear Development Corp. as an experimental machinist in July of that year and left them in August of 1957. I then went on the road with my brother, Joe, and his wife, working as demonstrators or pitchmen, you might say, in department stores, selling some patent medicines and the like. Did this for about—oh, that was from the 18th of November 1957 up until about April or May of 1958.

Mr. JENNER. Your brother Joe is a little bit older than you?

Mr. WEISSMAN. He is 20 months older, yes.

Mr. JENNER. And his given name is Joe, and not Joseph?

Mr. WEISSMAN. Joseph. Then—let's see—I went to work for the American Schools of Music, which my brother founded in Jersey.

Mr. JENNER. Which brother?

Mr. WEISSMAN. My brother Joe—in New Jersey. And I stayed with him as his sales manager for a little over a year.

Then I went to work for Encyclopedia Americana, Harvard Classics Division, as a district sales manager. I was with them about a year—until 19—I believe it was September of 1960.

I was starving, so I went to work for Underwood Olivetti, in Newark, N.J., and I sold typewriters and calculators up until May of 1961, at which time I quit, tried to go into business for myself in costume jewelry, formed a corporation known as Jane Williams Co., Inc., and in August of 1961, I was drafted into the Army. That was on August 5, 1961.

Mr. JENNER. You were honorably discharged from the Army in August 1963?

Mr. WEISSMAN. August 5; yes, sir.

Mr. JENNER. What has been your father's occupation?

Mr. WEISSMAN. Well, for about 20 years he was plant superintendent for University Loudspeakers in White Plains, N.Y. They moved to some place out

west. He quit and went back to work with Local 3 in New York City, IBW.

Mr. JENNER. Your father's name is Harry?

Mr. WEISSMAN. Harry Weissman; yes, sir.

Mr. JENNER. Do you reside with him now at 439 South Columbus Avenue in Mount Vernon?

Mr. WEISSMAN. Yes.

Mr. JENNER. You were discharged from the Army honorably?

Mr. WEISSMAN. Yes.

Mr. JENNER. You were married when, sir?

Mr. WEISSMAN. November 7, 1958.

Mr. JENNER. A New York girl?

Mr. WEISSMAN. Yonkers, N.Y.

Mr. JENNER. And you have some children?

Mr. WEISSMAN. No.

Mr. JENNER. You separated, as you have indicated. Now, would you start from the Army?

Before I get to that, you met Larrie Schmidt in the Army?

Mr. WEISSMAN. Yes; I did.

Mr. JENNER. What other buddies did you have in the Army with whom you again renewed your acquaintance when you were discharged from the Army and went to Dallas?

Mr. WEISSMAN. Only one beside Larrie. That was Bill Burley. William Burley.

Mr. JENNER. What contact did you have with Mr. Larrie Schmidt and Mr. Burley after you left the Army, which eventually brought you to Dallas? State it in your own words and chronologically, please.

Mr. WEISSMAN. Well, I got out of service on the 5th, and I spent the month of August looking for a job. During this time, I had been in contact with Larrie. I had telephoned him once during August. Things were pretty bad. I didn't have any money. As far as I could ascertain he was broke himself. There wasn't any percentage in going to Dallas and not accomplishing anything. As a matter of fact, I had lost a good deal of confidence in Larrie in the year that he left Munich and was in Dallas, and the letters I got from him—he seemed to have deviated from our original plan. I wasn't too hot about going. He didn't seem to be accomplishing anything, except where it benefited him.

Mr. JENNER. You say he deviated from the original plan. What was the original plan?

Mr. WEISSMAN. Well, the original plan was to stay away from various organizations and societies that were, let's call them, radical, and had a reputation as being such.

Mr. JENNER. When you say radical, what do you mean?

Mr. WEISSMAN. I mean radical right. And I considered myself more of an idealist than a politician. Larrie was more of a politician than an idealist. He went with the wind—which is good for him, I guess, and bad for me.

In any case Larrie wrote me easily a dozen letters imploring me to come down, telling me in one that he doesn't need me down there, but he would love to have my help because he can't accomplish anything without me, and in the next one saying, "Forget it, I don't need you," and so forth. As the letters came, they went with the wind, depending on what he was doing personally. And along about the end of October, I had been in contact with Bill—he was in Baltimore, Md., selling hearing aids. He wasn't getting anywhere. He was making a living.

Mr. JENNER. Up to this point each of you was barely making a living?

Mr. WEISSMAN. Right.

Mr. JENNER. And you had no capital?

Mr. WEISSMAN. No.

Mr. JENNER. No funds of your own?

Mr. WEISSMAN. None at all. And I got in touch with Bill. Actually, I forgot how it was. He wrote me a letter and I wrote him a letter. In any case, it came about that I invited Bill up to Mount Vernon, because he figured if there was any money to be made it would be made in New York, because this is a

salesman's paradise. I invited Bill to Mount Vernon. He came up about the last week of August.

I am sorry—October of 1963. And we set up about looking for work and trying to find him work, that is—I was working for the Encyclopedia Britannica, Great Books Division, as a district manager in Westchester County. So I more or less supported Bill the best I could. I fed him and gave him a room to sleep in and so forth.

In the meantime, Larrie had up to a point—hadn't accomplished anything in the way that we could use gainfully or to our purposes in Dallas. So there was really no reason to go down there—up until about, I guess, the 26th or 28th of October.

Mr. JENNER. Excuse me. Why were you thinking of Dallas at this time?

Mr. WEISSMAN. Well, I kept getting these letters from Larrie. I tried to forget about it, and he constantly reminded me. Once or twice a week I would get a letter. And it was a question—I was almost obligated to go, because I had promised I would be there. And still having somewhat of a close relationship with Larrie, through my promises, I sort of felt morally obligated to go down there.

And, at the same time, it was new, different, exciting, it had a lot of promise for the future if it worked out.

So Adlai Stevenson was down there in the latter part of October.

(At this point, Representative Boggs entered the hearing room.)

Mr. WEISSMAN. And I didn't pay too much attention to this—until the evening of Stevenson's speech at the Dallas Auditorium. And I got a long distance telephone call from Larrie, and he explained what had happened—that Stevenson had been struck by several individuals down there.

Mr. JENNER. Please call on your best recollection and tell us what he said to you. You recall that he made that telephone call?

Mr. WEISSMAN. Yes.

Mr. JENNER. You recognized his voice?

Mr. WEISSMAN. Yes.

Mr. JENNER. You are clear it was Larrie Schmidt?

Mr. WEISSMAN. That is right.

Mr. JENNER. What did he say?

Mr. WEISSMAN. He said that big things are happening, and he went—this is before it hit the papers. He told me what had happened with Adlai Stevenson.

Mr. JENNER. What did he say?

Mr. WEISSMAN. Something like, "I think we are" he always speaks I this and I that. "I have made it, I have done it for us," something to this effect. In other words, this is not exactly his words. I don't recall his exact words. But this is essentially it. And that—

Mr. JENNER. Did you say to him, "What do you mean you have made it for us?"

Mr. WEISSMAN. When he said, "I have made it for us," meaning Larrie Schmidt—meaning me and Bill and whoever else was going to come down here—

Mr. JENNER. That was—

Mr. WEISSMAN. Bill Burley.

Mr. JENNER. What did you say when he made that remark?

Mr. WEISSMAN. I said "Great."

Mr. JENNER. What did it mean to you, sir?

Mr. WEISSMAN. What did it mean to me?

Mr. JENNER. It is a generalization.

Mr. WEISSMAN. That is it. In other words, I didn't really know what to think. I had to go along with him, because I didn't know anything about it, aside from what he told me.

And he said, "If we are going to take advantage of the situation, or if you are," meaning me, "you better hurry down here and take advantage of the publicity, and at least become known among these various rightwingers, because this is the chance we have been looking for to infiltrate some of these organizations and become known." in other words, go along with the philosophy we had developed in Munich.

Mr. JENNER. Could I go back a little bit, please. You received a telephone call from Mr. Schmidt.

Mr. WEISSMAN. Yes.

Mr. JENNER. At that moment, you knew nothing about the Adlai Stevenson incident, is that correct?

Mr. WEISSMAN. I had received a letter from him several weeks before saying that—if you will wait just a minute, I think I might have the letter with me.

Mr. JENNER. All right. While you are looking, what was your rank when you were discharged?

Mr. WEISSMAN. Pfc.

Mr. JENNER. Did you reach any higher rank when you were in the service?

Mr. WEISSMAN. No; this is a letter I received on October 1, 1963.

Mr. JENNER. For purposes of identification, we will mark that as Commission Exhibit No. 1033.

(The document referred to was marked Commission Exhibit No. 1033 for identification.)

Mr. JENNER. May I approach the witness, Mr. Chief Justice?

The CHAIRMAN. Yes; go right ahead.

Mr. JENNER. That is marked only for identification for the moment.

Mr. FLANNERY. The record will reflect it is a three-page letter.

Mr. JENNER. Thank you.

Marked Commission Exhibit No. 1033, is that not correct?

Mr. WEISSMAN. Yes; that is correct. Now, in Exhibit No. 1033, the letter I received from Larrie on October 1—that was typed on October 1, 1963, and mailed on 7 October 1963.

Mr. JENNER. You are looking at the envelope in which the letter was enclosed when you received it?

Mr. WEISSMAN. That is correct. And he states in the last paragraph of his letter in a postscript, "My brother has begun working as an aide to General Walker. He is being paid full time, et cetera. Watch your newspaper for news of huge demonstrations here in Dallas on October 3 and 4 in connection with U.N.-day and Adlai Stevenson speech here. Plans already made, strategy being carried out."

This was the only advance notice I had of this. And I didn't give it too much thought, because he had said many things like it before, just to build something up, and nothing ever came of it.

Mr. JENNER. Is that document signed?

Mr. WEISSMAN. No; it is not.

Mr. JENNER. Does it bear a typed signature?

Mr. WEISSMAN. Yes.

Mr. JENNER. Did you have occasion to speak with Mr. Schmidt respecting the contents of that letter at any time subsequent to your receiving it?

Mr. WEISSMAN. I don't recall.

Mr. JENNER. Did you ever talk with him about having received that particular letter, that he acknowledged having sent to you?

Mr. WEISSMAN. Yes; as a matter of fact, I was pretty worried about his brother becoming involved with General Walker, and I thought it might give us a black eye.

Mr. JENNER. And what did you do—call Mr. Schmidt or talk with him on that subject?

Mr. WEISSMAN. I don't recall if I spoke with him, or if I wrote it to him in a letter. I don't recall.

Mr. JENNER. But you had occasion to confirm the fact that the letter now identified as Commission Exhibit No. 1033 was written by Mr. Schmidt and mailed to you in an envelope, which we will mark as Commission Exhibit No. 1033-A?

(The document referred to was marked Commission Exhibit No. 1033-A for identification.)

Mr. JENNER. Did you hear my question?

Mr. WEISSMAN. Repeat it, please.

(The question, as recorded, was read by the reporter.)

Mr. WEISSMAN. Yes.

Mr. JENNER. So that when you had your telephone conversation which you were in the course of relating, with Mr. Schmidt, you were aware when he made the exclamation which you have described, of that to which he was then referring—that is, the Stevenson incident?

Mr. WEISSMAN. Yes.

Mr. JENNER. Was there anything else in Mr. Schmidt's letter that disturbed you?

Mr. WEISSMAN. I received so many.

Would it be permissible to—excuse me.

Mr. Jenner, would it be permissible to read this letter into the record?

Mr. JENNER. My trouble is, Mr. Weissman, and Mr. Flannery—I haven't seen the letter.

Mr. Chief Justice—

The CHAIRMAN. I suppose Mr. Jenner could see the letter for a moment, couldn't he?

Mr. WEISSMAN. Definitely; yes, sir.

Mr. JENNER. Mr. Flannery, would you be good enough to pass it up?

(At this point, Representative Ford withdrew from the hearing room.)

Mr. WEISSMAN. You see, up to the point of that letter—excuse me.

Mr. JENNER. Mr. Chief Justice, it is quite apparent to me, from glancing through the letter, that this is a letter that we—in connection with Mr. Weissman's testimony, that we would like to offer in evidence in due course.

And, with that in mind, Mr. Weissman, it will not be necessary for you to read paragraphs from the letter, unless in the course of your testimony you feel it will round out your testimony and serve to refresh your recollection as to events you might wish to relate.

Mr. WEISSMAN. I would like to take a look at it now.

(At this point, Representative Ford reentered the hearing room.)

Mr. JENNER. Ready?

Mr. WEISSMAN. Yes.

Mr. JENNER. Mr. Reporter, would you be good enough to read, let us say, the last question and answer of the witness?

(The question and answer, as recorded, was read by the reporter.)

Mr. JENNER. The point I was making, Mr. Weissman, was that when you received the telephone call about which you were testifying, in which Mr. Schmidt exclaimed, "I have made it for us," or words to that effect, you were then aware of that to which he was referring, at least in general?

Mr. WEISSMAN. Yes.

Mr. JENNER. So that was the reason why you didn't ask him to elaborate upon what he meant by, "I have made it for us"?

Mr. WEISSMAN. Right. That is right.

Mr. JENNER. And that was the fact that he, as you understood it, am I correct in saying, had had something to do with the organization of the picketing or other demonstrations at the time that Mr. Stevenson made his visit to Dallas?

Mr. WEISSMAN. Well, at the time I was almost—Larrie led me to believe that he had organized the whole thing. And it transpired when I got to Dallas that I found that he had led a group of 11 University of Dallas students in quiet picketing near the entrance to the auditorium, and didn't engage in any physical violence of any sort.

Mr. JENNER. But up to the time that you arrived in Dallas, you were under the impression that he had had a more extensive part?

Mr. WEISSMAN. This is what he led me to believe. In other words, he was trying to—he wanted to get me to Dallas in the worst way. And he wanted it to look like he was on the hot seat and he would be there unless I came down to help him. In other words, he is throwing my obligation at me. And trying to convince me in various ways, as I mentioned, to come down there, so we can get moving on what we had planned in Munich.

Mr. JENNER. Did you receive a letter from him dated October 29, 1963, a copy of which I have marked as Commission Exhibit No. 1032, and I tender to you. You may have the original among your papers.

(The document referred to was marked Commission Exhibit No. 1032 for identification.)

Mr. WEISSMAN. Yes; I did receive this letter, Exhibit No. 1032, from Larrie, about the 29th of October.

Mr. JENNER. And, gentlemen of the Commission, this is a letter dated, as the witness has stated—it is addressed to, "Dear Bernie and Bill," and I assume Bill is—

Mr. WEISSMAN. Bill Burley.

Mr. JENNER. He was then staying with you in New York?

Mr. WEISSMAN. Right.

Mr. JENNER. And it is signed Larrie. By the way, do you have the original of this letter with you?

Mr. WEISSMAN. I don't think so. Let me see. No; as a matter of fact, I believe the situation was when I gave the letter to the FBI, they asked me if I needed it back right away, and I said no—I didn't see any value in it, frankly. And then I spoke with Mr. Reedy, the agent who had conducted the investigation at the FBI headquarters in New York, and he said, "Do you want the letter?" And I said, "I don't particularly need it," and I don't recall if I ever got it back.

Mr. JENNER. All right. But the document which has been marked with an exhibit number is a true and correct copy of the letter you received from Larrie Schmidt?

Mr. WEISSMAN. It seems to be; yes, sir.

Mr. JENNER. Now, in that letter, there is a reference to CUSA in capital letters. What is CUSA, what was CUSA? What was its genesis?

Mr. WEISSMAN. Well, CUSA, the letters stand for Conservatism USA, for lack of a better name. Larrie had originally founded this himself—as far as I know he had originally founded this himself in Munich some time in 1961.

Mr. JENNER. You mean it was a concept of his?

Mr. WEISSMAN. I don't know if it was his. But I was led to believe the concept was his; and when I became associated with him, almost a year after he had started to develop this organization—

Mr. JENNER. And while you were still in the Army?

Mr. WEISSMAN. While I was still in the Army; right.

Representative Boggs. What was your rank in the Army?

Mr. WEISSMAN. Private, first class.

Representative Boggs. That is when you completed your service?

Mr. WEISSMAN. Yes; at the time I was pfc, also.

Representative Boggs. How long were you in the Army?

Mr. WEISSMAN. Two years.

Representative Boggs. When you were separated you were private, first class?

Mr. WEISSMAN. That is right. Here is how it came about. I had been in the field on an Army training test. And I had been discussing just political views, foreign policy especially.

Mr. DULLES. Is this Germany, now?

Mr. WEISSMAN. Yes; this is Germany.

Mr. JENNER. Who was the overall commander in Germany at that time?

Mr. WEISSMAN. The overall commander?

Mr. JENNER. Was General Walker one of the commanders at that time?

Mr. WEISSMAN. No; he had been removed at that time. In any case, he would have been about 60 or 70 miles—he was based in Landslut, Germany.

In any case, I was on this army training test with my company, MP Company, and I was talking to the company clerk—he had a book. We just got onto a discussion of politics, just generally. And I expounded some views on foreign policy, and where I agreed or disagreed. And I went into some great detail. And he said, "Gee, if I didn't know better I would say it is Larrie speaking."

And I said, "What do you mean?"

And he went into this CUSA organization. He was at that time a partner in CUSA. It was set up as a business.

Representative Boggs. What does CUSA mean?

Mr. WEISSMAN. Conservatism USA.

Representative Boggs. What was Mr. Schmidt's rank?

Mr. WEISSMAN. He was specialist fourth class, SP-4, and he was in charge of public relations for Armed Forces Recreation Centers.

Mr. JENNER. How old a man is he?

Mr. WEISSMAN. Larrie is 26 or 27.

Mr. JENNER. About the same age as yours?

Mr. WEISSMAN. Yes.

Mr. JENNER. And Mr. Burley?

Mr. WEISSMAN. Twenty-nine now, I believe.

Mr. JENNER. A little older—about 2 years older than you and Mr. Schmidt.

Mr. WEISSMAN. In there. A year and a half, 2 years, yes.

Mr. JENNER. Excuse me. What was his rank?

Mr. WEISSMAN. Corporal. At the time that I met Bill he was a pfc. In fact, Bill Burley didn't become really involved in this until, I would say, 2 or 3 months before we left Germany. We left there about the same time, we were discharged about the same time; and, anyway, I was talking to the company clerk, Norman Baker, who was a partner in CUSA. I didn't know this at the time; but he just said he wanted to introduce me to somebody.

Mr. JENNER. What was the rank of the company clerk?

Mr. WEISSMAN. At that time—I think he was the only corporal company clerk in the army. And he introduced me to Larrie several weeks later after we had returned from the field.

They tried to pull a big snow job, saying public relations and so on and so forth, just to sort of impress me, and they did. They worked very well together; and, in any case, I became involved in it.

I don't recollect the step-by-step involvement—just that I jumped in with both feet, because I liked the idea.

Mr. JENNER. This was Conservatism USA, and it consisted of an idea at this particular time?

Mr. WEISSMAN. Right.

Mr. JENNER. And associated with that idea were these people, Larrie Schmidt, yourself, was Burley—

Mr. WEISSMAN. At that time, I don't think so.

Mr. JENNER. But he did become?

Mr. WEISSMAN. Later.

Mr. JENNER. And the company clerk—what was his name?

Mr. WEISSMAN. Norman Baker.

Mr. JENNER. And yourself—what was that—five? Were there any others?

Mr. WEISSMAN. There were others, but it was the sort of thing where they were involved but not involved. They were just sort of going along for the ride, because it was interesting, and you might say a little diverse from the humdrum army life.

Mr. JENNER. Was CUSA ever organized formally in the sense of corporate organization or drafting of partnership papers and registration under the Assumed Name Act in Texas?

Mr. WEISSMAN. In Texas; no.

Mr. JENNER. I take it it was organized?

Mr. WEISSMAN. Yes; it was.

Mr. JENNER. As a corporation or partnership?

Mr. WEISSMAN. As a partnership.

Mr. JENNER. In what state?

Mr. WEISSMAN. In Munich, Germany.

Mr. JENNER. I see. And that was a sort of declaration among you?

Mr. WEISSMAN. It was a written declaration; yes.

Mr. JENNER. Who drafted that?

Mr. WEISSMAN. We did—that is, we called ourselves—the hangers-on were identified as the outer circle, and the partners were the inner circle. This was just for ease of identification. This, I think, would be the easiest way to really express it.

And the partners, the five partners, were the inner circle, the leaders of this organization; and—

The CHAIRMAN. Gentlemen, may I interrupt for just a minute? I have an appointment I must keep at the court.

Congressman Ford, will you preside, please?

Representative FORD. Surely.

(At this point, Chief Justice Warren withdrew from the hearing room.)

Representative FORD. Will you proceed, please, Mr. Jenner.

Mr. JENNER. Thank you. In short compass, tell us the objectives of CUSA.

Mr. WEISSMAN. Well, the objectives of CUSA were substantially to set up a political business organization. We used a rough comparison with Ford and the Ford Foundation as an example. The Ford Foundation would be CUSA, Conservatism USA, and the Ford would be AMBUS, or American business.

Mr. JENNER. What was AMBUS?

Mr. WEISSMAN. American business. This was the business half of the political organization.

Mr. JENNER. This was to be a combination of business and politics?

Mr. WEISSMAN. Right. We were going to use the business end——

Mr. JENNER. Which you called AMBUS?

Mr. WEISSMAN. That is right.

Mr. JENNER. That would be——

Mr. WEISSMAN. American business, or American businesses.

Mr. JENNER. I don't get the initials. A-B-U-S?

Mr. WEISSMAN. A-M-B-U-S—American business.

Mr. JENNER. All right.

Mr. WEISSMAN. And we were trying to develop, in our own minds, without actually doing it at the time, ways to build up various businesses that would support us and at the same time support our political activities.

Mr. JENNER. All right. Could I characterize it this way—that a material objective of this group or partnership was ultimately a self-interest in business?

Mr. WEISSMAN. No.

Mr. JENNER. Coupled with a political arm which was to aid or assist in the business, and each was to feed the other?

Mr. WEISSMAN. The business arm was to be developed mainly to feed the political arm.

(At this point, Representative Ford withdrew from the hearing room.)

Mr. WEISSMAN. We were mainly interested in the political end. At least this is my feeling on it. Mainly interested in the political end. And the business end, while, of course, we hoped it would succeed, in my mind was merely to support us politically.

(At this point, Representative Ford reentered the hearing room.)

Mr. JENNER. All right. Now, as of this moment, Mr. Weissman, there were the five of you only. There were no others who were part of the combination business-political group?

Mr. WEISSMAN. We left out one man, one of the original men. His name was James Moseley.

Mr. JENNER. Was he a GI with you?

Mr. WEISSMAN. No; he was an American civilian. His father was a major—is a major in the Army.

Mr. JENNER. And was he an acquaintance of yours?

Mr. WEISSMAN. Yes.

Mr. JENNER. Prior to this time?

Mr. WEISSMAN. Not prior to this. I met him when I went into the organization.

Mr. JENNER. I see. Was he an acquaintance of Mr. Schmidt's?

Mr. WEISSMAN. Yes.

Mr. JENNER. How did he get in, is what I am getting at? How did he get into this little group here?

Mr. WEISSMAN. They all hung around the same bar.

Mr. JENNER. What bar?

Mr. WEISSMAN. The Gastatte Lukullus.

Representative Boggs. How far was that from the bar where Hitler used to gather?

Mr. WEISSMAN. A couple of miles, I think.

Mr. JENNER. It is a bar in Munich?

Mr. WEISSMAN. Yes. It is a GI guest house.

Mr. JENNER. This man you have now mentioned, Moseley, was a civilian in Germany?

Mr. WEISSMAN. He was a civilian; yes.

Mr. JENNER. How did he come to be in Munich? Was his father stationed there?

Mr. WEISSMAN. His father was stationed there. But he was also employed by Rambler—he was selling Ramblers.

Mr. JENNER. What is Mr. Moseley's hometown?

Mr. WEISSMAN. Yes.

Mr. JENNER. What is Mr. Mosley's hometown?

Mr. WEISSMAN. I believe it is New York. I am not sure.

Mr. JENNER. How old a man is he?

Mr. WEISSMAN. He is a pretty young fellow. He is about 21.

Mr. JENNER. Now, have you named all of you who were the nucleus of this group?

Mr. WEISSMAN. To my recollection, yes.

Mr. JENNER. Had you finished your statement as to the general—the general statement as to the purpose of this organization which consisted of the two arms?

Mr. WEISSMAN. Not completely. I think what might bear directly is we had planned while in Munich that in order to accomplish our goals, to try to do it from scratch would be almost impossible, because it would be years before we could even get the funds to develop a powerful organization. So we had planned to infiltrate various rightwing organizations and by our own efforts become involved in the hierarchy of these various organizations and eventually get ourselves elected or appointed to various higher offices in these organizations, and by doing this bring in some of our own people, and eventually take over the leadership of these organizations, and at that time having our people in these various organizations, we would then, you might say, call a conference and have them unite, and while no one knew of the existence of CUSA aside from us, we would then bring them all together, unite them, and arrange to have it called CUSA.

Mr. JENNER. You never accomplished this, did you?

Mr. WEISSMAN. Almost. Here is how far we did get.

Larrie had—and this was according to plan—the first organization we planned to infiltrate was the NIC, National Indignation Convention, headed by Frank McGee in Dallas. About a week or so after Larrie got to Dallas he got himself a job with the NIC, as one of the very few paid men.

This didn't last too long, because a few weeks after that the NIC went under. And we had also—in other words, we had planned to use these organizations as vehicles to accomplish—

Mr. JENNER. Keep going on those details of your infiltration.

Mr. WEISSMAN. All right. We had planned to infiltrate these various rightwing organizations.

Mr. JENNER. You mentioned one.

Mr. WEISSMAN. The NIC. The Young Americans for Freedom. We succeeded there.

Mr. JENNER. What organization is that?

Mr. WEISSMAN. The Young Americans for Freedom? This was an organization essentially of conservative youths, college students, and if I recall I think the most they ever accomplished was running around burning baskets from Yugoslavia.

Mr. JENNER. Where was it based?

Mr. WEISSMAN. This is southwest. Regional headquarters was in Dallas, Tex., Box 2364.

Mr. JENNER. And the earlier organization, the organization you mentioned a moment ago, NIC—where was that based?

Mr. WEISSMAN. Dallas.

Mr. JENNER. All right. What is the next one?

Mr. WEISSMAN. We had also discussed getting some people in with General Walker, getting some people into the John Birch Society.

Mr. JENNER. Stick with General Walker for a moment. To what extent were you able to infiltrate, as you call it, General Walker's group?

Mr. WEISSMAN. Well, this was rather a fiasco. Larrie's brother, as I mentioned in the letter—Larrie's brother went to work for General Walker.

Mr. JENNER. What was his name?

Mr. WEISSMAN. I don't know his first name. But Larrie led me to believe his brother was some guy. His brother is about 29. And the only thing I ever heard from Larrie about his brother was good; and when he mentioned that his brother had joined the Walker organization, I figured this is another step in the right direction. In other words, he was solidifying his argument as to why I should come to Dallas.

Mr. JENNER. And this is what he told you?

Mr. WEISSMAN. Right. So when I got to Dallas, I found that Larrie's brother drank too much, and he had—well, I considered him a moron. He didn't have any sense at all. He was very happy with \$35 a week and room and board that General Walker was giving him as his chauffeur and general aide. And so I tossed that out the window that we would never get into the Walker organization this way.

Mr. JENNER. This man's name, by any chance, was not Volkmar?

Mr. WEISSMAN. This name is entirely unfamiliar to me. Never heard it before.

Senator COOPER. Could you identify the Walker organization? You keep speaking of the Walker organization.

Mr. WEISSMAN. General Edwin Walker.

Mr. JENNER. General Edwin A. Walker?

Mr. WEISSMAN. Yes.

Mr. JENNER. Did you ever meet him?

Mr. WEISSMAN. No; I never have.

Representative FORD. How did you infiltrate the Young Americans for Freedom, and what led you to believe you had been successful?

Mr. WEISSMAN. Well, Larrie had been named executive secretary of the Dallas chapter of the Young Americans for Freedom. And another man—his name is in one of these letters somewhere—I don't recall it offhand—who was brought into CUSA by Larrie, was named chairman or vice chairman—vice chairman. And the only other move that we had to make in order to take control of Dallas Young Americans for Freedom would have been to get rid of the chairman, who was anti-Larrie Schmidt. He was absolutely no help to us. And this was on its way to accomplishment. But for some reason or another, there was some sort of an argument. I am still not clear on what happened. I wasn't there. I just can take it secondhand from Larrie.

A friend of Larrie's had come to Dallas—this was Larry Jones, another partner in—

Mr. JENNER. He is mentioned in some of these interviews. Did you meet Larry Jones?

Mr. WEISSMAN. I didn't meet him in Dallas; no. He was gone before I got there. But Larry had come to Dallas, he had stayed a few weeks, had made friends with these people, and I had advocated many and many a time—I saw through Larry the first time I met him—is to get rid of this guy, because he was not going to do us any good.

Mr. JENNER. You did meet Jones?

Mr. WEISSMAN. In the Army; yes.

Mr. JENNER. You met Larry Jones in the Army?

Mr. WEISSMAN. Yes. We were all on the same post.

Mr. JENNER. Mr. Chairman, if you will permit, I would like to go back to that at this moment.

Representative FORD. Surely.

Mr. JENNER. This was another man. You hadn't mentioned him before.

Mr. WEISSMAN. I didn't? I thought I did.

Mr. JENNER. What rank was he?

Mr. WEISSMAN. SP-4, Specialist-4.

Mr. JENNER. That wasn't the company clerk?

Mr. WEISSMAN. No. Larry worked for headquarters. He was in communications—the scramblers and so forth.

Mr. JENNER. Seeking to scramble broadcasts?

Mr. WEISSMAN. No. In other words, they would send out the secret messages and so forth from commander to commander and so on.

Mr. DULLES. These were military messages?

Mr. WEISSMAN. Yes.

Mr. JENNER. How old a man was Larry Jones?

Mr. WEISSMAN. Larry—he looked 30. I think he is 21.

Mr. JENNER. Do you have the charter or partnership agreement of CUSA with you?

Mr. WEISSMAN. Yes; I do.

Mr. JENNER. I wonder if I could see that.

Mr. WEISSMAN. Sure.

Mr. JENNER. Mr. Chairman; the document consists of two pages which have been identified as Commission Exhibit No. 1034. It is entitled "Corporate Structure of American Business, Inc.," naming as incorporators or partners, Larrie H. Schmidt, Larry C. Jones, Bernie Weissman, James L. Moseley, Norman F. Baker. It purports to be signed in those names as well on the second page.

(The document referred to was marked Commission Exhibit No. 1034 for identification.)

Mr. JENNER. I notice on the first page that after each of those names there appear to be some initials. Are those the initials of those respective men?

Mr. WEISSMAN. That is right.

Mr. JENNER. And were those initials placed on there in your presence?

Mr. WEISSMAN. Yes; they were.

Mr. JENNER. The signatures that appear under each of those names or above each of those names on the second page, those are the signatures of those men, including your own?

Mr. WEISSMAN. That is right.

Mr. JENNER. Were they placed on there in your presence?

Mr. WEISSMAN. Yes, they were.

Representative FORD. Do you want that admitted at this time, Mr. Jenner?

Mr. JENNER. I was going to offer these documents in sequence, if it suits the convenience of the Chairman. If we may return now, Mr. Weissman, please, to your efforts to infiltrate various conservative groups—

Senator COOPER. May I ask a question there? I may have to leave in a few minutes. Was there any time when your organization drew up a list of organizations, of other organizations, that it wanted to infiltrate?

Mr. WEISSMAN. Yes.

Mr. JENNER. Do you have that list with you?

Mr. WEISSMAN. I don't know. I have lost an awful lot of it. I might.

Mr. JENNER. Would you look, please?

Mr. WEISSMAN. No; I don't have it.

Senator COOPER. May I ask, then—can he name from memory the organizations?

Mr. JENNER. Using your recollection, sir, and it appears to be very good, if I may compliment you—

Mr. WEISSMAN. Thank you.

Mr. JENNER. Would you do your best to respond to Senator Cooper's question by naming those various groups?

Mr. WEISSMAN. Yes. One was the NIC.

Mr. JENNER. When you use initials, will you spell out what the initials mean?

Mr. WEISSMAN. National Indignation Convention, headed by Frank McGee, in Dallas, Tex.

Young Americans for Freedom, which encompassed the southwest. The initials are YAF.

Mr. JENNER. Located in Dallas?

Mr. WEISSMAN. Regional headquarters in Dallas. John Birch Society.

Mr. JENNER. Where was the John Birch—was there a chapter or headquarters in Dallas?

Mr. WEISSMAN. There are several chapters in Dallas; yes. And as far as I can recollect, that is as far as we went.

Representative BOGES. What did you hope to accomplish by this infiltration, as you call it?

Mr. WEISSMAN. Well, I will be very blunt.

Representative Boggs. That is what I would like for you to be.

Mr. WEISSMAN. We were, you might say—at least I personally—this is my reason—I was sick and tired of seeing America as a weak sister all the time. And this is especially in the field of foreign affairs, where it seemed that our administration, whether it is the Eisenhower or the Kennedy administration, both of them, had no set, stable foreign policy. We were constantly losing ground all over the world. We were going to conference tables with everything to lose and nothing to gain, and coming away by losing.

And we hoped by developing a powerful political organization we could exert some influence on the government and eventually even put, you might say, our man in the White House, let's say, in order to obtain a stable policy—because we felt that the Communists were gaining ground all over the place, we were doing nothing but losing.

Representative Boggs. Did you have a candidate for the Presidency?

Mr. WEISSMAN. Excuse me?

Representative Boggs. Did you have a candidate—you said your man.

Mr. WEISSMAN. I wouldn't say we had a candidate. We had looked to Barry Goldwater as personifying Mr. Conservative. And we had stated in writing, though, that we would support him for the Presidency, but we were not obligated to support him or any other individual.

Representative Boggs. Are you still in this business?

Mr. WEISSMAN. No.

Representative Boggs. What are you doing now?

Mr. WEISSMAN. I am a salesman, I sell carpets.

Representative Boggs. You have given up this goal?

Mr. WEISSMAN. Well, if I had money I didn't know what to do with, I would get back into it—only I would do it myself, because I found that in order to accomplish these aims—I mentioned before I considered myself an idealist. I found in order to accomplish these goals I had to against my will prostitute my ideals in order to further the general cause of the organization.

Representative Boggs. What ideals did you find you had to prostitute?

Mr. WEISSMAN. I personally didn't want to associate with the John Birch Society.

Representative Boggs. You did not want to?

Mr. WEISSMAN. No; I did not.

Representative Boggs. Why didn't you?

Mr. WEISSMAN. Well; they are rather extreme, I thought. I didn't like some of the things they were doing. For example, I didn't want to spend my days and nights sneaking into bathrooms around the country, pasting up "Impeach Earl Warren" stickers.

Representative Boggs. Is that what they do?

Mr. WEISSMAN. This is part of their program. And I can't see any use in it, frankly. In other words, it is just little things like this. Plus the fact that after I got to Dallas, I found that most of the people who are professing anti-communism, they were, they were definitely anti-Communists. But, at the same time, it seemed to me to be nothing but a conglomeration of racists, and bigots and so forth.

Representative Boggs. What do you mean by that—bigots?

Mr. WEISSMAN. They are anti-everything, it seems.

Representative Boggs. Are you Jewish?

Mr. WEISSMAN. Yes; I am.

Representative Boggs. Were they anti-Jewish?

Mr. WEISSMAN. Too many of them, yes. It was requested at one time that I change my name.

Representative Boggs. Is that right?

Mr. WEISSMAN. That is right.

Representative Boggs. What did you tell them?

Mr. WEISSMAN. Excuse me?

Representative Boggs. What did you tell them? Did you change your name?

Mr. WEISSMAN. No, sir.

Representative Boggs. Well, did you find this request unusual?

Mr. WEISSMAN. Yes; I did, as a matter of fact, I got pretty mad.

Representative BOGGS. When you were in Germany, did you find sometimes, particularly in Munich, as long as you opened this line of replies, that some of the Nazi-alleged anticommunism was also associated with their racist policies?

Mr. WEISSMAN. In what vein are you using Nazi?

Representative BOGGS. Well, of course, you know they exterminated quite a few members of your religion in Germany.

Mr. WEISSMAN. Yes.

Representative BOGGS. That is a fact; is it not?

Mr. WEISSMAN. Yes; it is.

Representative BOGGS. I am using Nazi in the normal term of state dictatorship, with all that it implies. I am sure you have worked on foreign policy, you understand what I mean.

Mr. WEISSMAN. I think you are giving me a little too much credit. But I think I can answer your question.

Representative BOGGS. I would like for you to.

Mr. WEISSMAN. At no time did I, and to my knowledge, in Germany, did we consider ourselves fascists or Nazis. As a matter of fact, in my every conversation, and everything I had written—

Representative BOGGS. I didn't ask you whether you had considered yourself as a fascist—

Mr. WEISSMAN. Or any of my associates, sir.

Representative BOGGS. Or any of your associates. I asked you if in your study of events in Germany, having been stationed there, that you didn't soon associate, or that you didn't see some association in your mind of the alleged so-called extreme right with nazism.

Mr. WEISSMAN. No. In fact, I never thought—I thought of the extremists as superpatriots. I had never really defined the term fascist or Nazi in my own mind—

Representative BOGGS. Of course, you realize that members of your religion in Germany were described as traitors, treasonable, and Communists. And I presume that on the other side of the coin those making the accusation classified themselves as superpatriots.

Mr. WEISSMAN. This is quite true. But you are getting into a field right now that at the time—

Representative BOGGS. Were you surprised when you discovered this anti-Jewish feeling? You must have been somewhat, shall I say, disappointed when one of your associates asked you to change your name. I would think that was right insulting.

Mr. WEISSMAN. It was downright insulting, as a matter of fact. No, I wasn't surprised. Now—

Mr. DULLES. Did you have something on this in your letter? I noticed you looking through that letter a minute ago. I thought maybe you had something on this very point in your letter.

Mr. WEISSMAN. Yes. I received a letter from Larrie, while I was in Germany.

Mr. JENNER. Is this another document to which no reference has been made?

Mr. WEISSMAN. I am not sure whether this is the one I want to read from. But this letter is an answer that I wrote Larrie.

Mr. JENNER. Excuse me, sir. I want to put an exhibit number on that.

This will be exhibit—Commission Exhibit No. 1035.

(The document referred to was marked Commission Exhibit No. 1035 for identification.)

Representative BOGGS. I would like for a moment to pursue this a bit. This gentleman is telling us something that I think is very significant. You have a letter there about changing your name?

Mr. WEISSMAN. This is my answer. I would like to read just this one paragraph.

Representative BOGGS. Who was this addressed to?

Mr. WEISSMAN. This was addressed to Larrie Schmidt.

Representative BOGGS. Did he ask you to change your name?

Mr. WEISSMAN. Yes.

Representative BOGGS. He was your associate?

Mr. WEISSMAN. He didn't ask me directly. He had written a letter to Larry Jones, and Larry Jones gave me the letter.

Mr. JENNER. Where was Larry Jones at this time?

Mr. WEISSMAN. In Germany.

Mr. JENNER. You are now reading from Commission Exhibit No.—

Mr. WEISSMAN. Exhibit No. 1035. This is dated Munich, Germany, January 7, 1963.

(At this point, Senator Cooper withdrew from the hearing room.)

Mr. JENNER. It is addressed to whom?

Mr. WEISSMAN. Larrie Schmidt.

Mr. JENNER. And I take it it is your letter to Larrie Schmidt.

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. Did you dispatch the letter?

Mr. WEISSMAN. Yes; I did.

Mr. JENNER. And is that a true and correct copy of the original that you did dispatch to Larrie Schmidt?

Mr. WEISSMAN. Erasures and all; yes, sir.

Mr. JENNER. And did you become aware of the fact subsequently to your mailing that letter that he received it?

Mr. WEISSMAN. Yes.

Mr. JENNER. You had occasion to discuss it with him?

Mr. WEISSMAN. He sent me a letter.

Mr. JENNER. He responded?

Mr. WEISSMAN. Yes; he did.

Mr. JENNER. All right. Do you have his response?

Mr. WEISSMAN. I don't know. I have his response. I don't know if it is with me.

Representative Boggs. Let's first have what he said.

Mr. WEISSMAN. Paragraph 2 on the second page, "Larrie, as relates to the political goals of CUSA and the methods of achieving them, I (not alone)"—meaning Bill Burley—"do not wholly support your ideas as concerning the NIC and related or affiliated organizations. It seems to us that this type of organization smacks of hypocrisy. I feel that any type of organization that we choose to support or begin to take support from should be free from the racism and prejudice in general that is rampant among the high officers of the NIC. It should be obvious to you that once we associate ourselves with these people, we may acquire a personal reputation that can never be lived down. I am sure you have considered this yourself, because I remember we had talked of it several times. Larrie, let me remind you that my zeal has not slackened, but that I did not want to compromise myself or my ideals for the sake of accomplishing our goals a year ahead of time. I know and you know that we can do a fantastic job once we get together again with or without these organizations."

Representative Boggs. What do you say about your name, though?

Mr. WEISSMAN. About my name?

Representative Boggs. Yes. Changing your name.

Mr. WEISSMAN. I didn't refer to it directly. In other words, in the letter I received from Larrie, he said—he mentioned that the NIC, the leadership, Frank McGee, was anti-Jewish, and it might be best if I changed my name in order to bring myself down to where I can associate with these people.

(At this point, Senator Cooper reentered the hearing room.)

Representative Boggs. Do you have a copy of that letter?

Mr. WEISSMAN. Let me take a look here. With your permission, I would like to read into the record a paragraph—

Mr. JENNER. To what are you referring now, sir?

Mr. WEISSMAN. This is a letter sent by Larrie Schmidt to Larry Jones.

Mr. JENNER. And it is in longhand, is it?

Mr. WEISSMAN. Yes; it is.

Mr. JENNER. And do you recognize the handwriting?

Mr. WEISSMAN. It is Larrie's.

Mr. JENNER. It consists of seven pages, which we will mark Commission Exhibit No. 1036.

(The document referred to was marked Commission Exhibit No. 1036 for identification.)

Mr. JENNER. Before you read from the letter, how did you come into possession of the letter?

Mr. WEISSMAN. Larry Jones gave it to me.

Mr. JENNER. Over in Germany?

Mr. WEISSMAN. Over in Germany; yes, sir.

Mr. JENNER. And the envelope which I now have in my hand, from which you extracted the letter, is postmarked Dallas, Tex., November 5.

Representative Boggs. What year?

Mr. JENNER. 1962. Is that the envelope in which the letter. Commission Exhibit No. 1036, was received by Mr. Jones? I notice the letter is addressed to Mr. Jones, SP-4 Larry Jones.

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. We will mark that as Commission Exhibit No. 1036-A—that is, the envelope.

(The document referred to was marked Commission Exhibit No. 1036-A for identification.)

Mr. WEISSMAN. On the third page, last paragraph, he has marked "One bad thing, though. Frank gives me the impression of being rather anti-Semitic. He is Catholic. Suggest Bernie convert to Christianity, and I mean it."

"We must all return to church. These people here are religious bugs. Also no liberal talk whatsoever—none." Larrie had a flare for the dramatic.

Mr. DULLES. When he mentions "these people" who does he mean?

Mr. WEISSMAN. The NIC. And at this point I was ready to drop out of the organization completely, but thought better of it, because I am a perennial optimist. I felt once I got down there—it is like changing your wife after you marry her. You figure everything will work out.

Representative FORD. This CUSA organization in Munich—did it have any local Munich affiliation at all? I mean German affiliation?

Mr. WEISSMAN. No; none whatsoever. Strictly an American proposition.

Representative FORD. All among GI's, with the one exception of—

Mr. WEISSMAN. GI's or, one or two hangers-on, American civilians over there. Senator COOPER. May I ask a question, Mr. Chairman?

You stated at one point in your testimony that you did not care to become associated with some of the organizations you had discussed. You named the John Birch—you thought it was too extreme. Yet you stated earlier that it was your intention to infiltrate these organizations. How do you explain this inconsistency?

Mr. WEISSMAN. It is difficult to explain. The situation being as fluid as it was—you find that without anything solid to go on, you have got to change your stand a little bit in order to just get started.

Senator COOPER. Let me ask you something else. You said that you all had thought that to be able to fully pursue your political objectives, you needed to have a certain financial independence, is that correct?

Mr. WEISSMAN. Yes.

Senator COOPER. Did you intend to get some financial support from these organizations, in addition to political support?

Mr. WEISSMAN. No; not directly. We felt that after we had accomplished our goal—this is assuming we would accomplish our goal—any treasury that they had through membership dues or what-have-you would then be a common treasury, a CUSA treasury.

Senator COOPER. You had the idea that you could infiltrate and get control of these organizations, then you would have a source of revenue through their treasury, or through whatever treasury you were able to build up?

Mr. WEISSMAN. Yes.

Senator COOPER. Did you think, also, in terms of contributions to these organizations from individuals?

Mr. WEISSMAN. It had been discussed—never very completely. It had just been brought up. But we didn't know exactly what we were going to do, really.

Senator COOPER. Was there any discussion about the support of these orga-

nizations—about the financial support of these organizations, that they might be a source of funds?

Mr. WEISSMAN. You mean from individuals who would contribute?

Senator COOPER. Yes.

Mr. WEISSMAN. Yes.

Senator COOPER. Was there any discussions as to what individuals were supporting these organizations?

Mr. WEISSMAN. Just those that we had occasionally read about in *Life or Look or Time*—people like Hunt, H. L. Hunt.

Mr. JENNER. Of Dallas, Tex.?

Mr. WEISSMAN. Of Dallas, Tex.—the oilman. In other words, people who are known to be conservative, sympathized with the conservative philosophy. And we didn't know at the time—in fact, I still don't know personally whether or not they do contribute. I just know it is said they do. But whether they do or not, I have no idea.

Representative BOGGS. It has been established, I presume, who paid for this newspaper advertisement.

Mr. WEISSMAN. Well, this is something else. I am still not sure of who paid for it.

Mr. JENNER. The newspaper advertisement is Commission Exhibit No. 1031.

Representative BOGGS. Did you bring the money in to pay for it?

Mr. WEISSMAN. Yes; I did.

Representative BOGGS. Do you know where you got it?

Mr. WEISSMAN. I know where I got it. But I don't know where he got it from. I got it from Joe Grinnan.

Mr. JENNER. Joseph P. Grinnan, Room 811, Wilson Building, Dallas, Tex., independent oil operator in Dallas.

Representative BOGGS. How did you happen to get it from him?

Mr. WEISSMAN. Well, Joe was the volunteer coordinator for the John Birch Society.

Representative BOGGS. And how did he hand it to you—in a check or cash?

Mr. WEISSMAN. In cash.

Representative BOGGS. How much was it?

Mr. WEISSMAN. It was a total of \$1,462, I believe. We had 10 \$100 bills one day, and the balance the following day. Now, as far as I know, Joe didn't put any of this money up personally, because I know it took him 2 days to collect it.

Representative BOGGS. Do you think you know where he got it from?

Mr. WEISSMAN. I don't know. I really don't know.

Representative BOGGS. He didn't tell you where he got it from?

Mr. WEISSMAN. No; he didn't.

Representative BOGGS. But you are convinced in your own mind that it wasn't his money?

Mr. WEISSMAN. Yes; because he seemed to be—he didn't seem to be too solvent.

Representative BOGGS. Did you solicit him for this money?

Mr. WEISSMAN. No; I didn't.

Representative BOGGS. Who did?

Mr. WEISSMAN. I believe—well, I believe Larrie did. I think the idea for the ad originated with Larrie and Joe.

Representative BOGGS. And Larrie solicited the money?

Mr. WEISSMAN. No; I don't think so. I think it was Joe who originally broached the subject.

Representative BOGGS. How did you happen to end up with the money?

Mr. WEISSMAN. This was an expression of confidence, you might say, that Joe Grinnan had in me.

Representative BOGGS. Did you write the copy?

Mr. WEISSMAN. I helped.

Representative BOGGS. Who else?

Mr. WEISSMAN. Larrie.

Representative BOGGS. So Joe Grinnan gave you the money, and you and Larrie wrote the copy?

Mr. WEISSMAN. We wrote the copy before that.

Representative Boggs. And then you paid for it. What was this committee? Are you the chairman of that committee?

Mr. WEISSMAN. Well, this is an ad hoc committee. I think we finally thought of the name—as a matter of fact, we decided on it the same morning I went down to place the original proof of the ad.

Representative Boggs. What do you mean an ad hoc committee?

Mr. WEISSMAN. It was formed strictly for the purpose of having a name to put in the paper.

Representative Boggs. Did you have many of these ad hoc committees?

Mr. WEISSMAN. This is the only one that I was involved in; that I know of.

Representative Boggs. Were there others?

Mr. WEISSMAN. Not that I know of.

Representative Boggs. Did you ever ask Joe where this money came from?

Mr. WEISSMAN. No; Joe was pretty secretive. I frankly didn't want to know. I was interested, but not that interested. And it didn't—it would have been a breach of etiquette to start questioning him, it seemed.

Representative Boggs. Have you ever heard of H. R. Bright, independent oil operator?

Mr. WEISSMAN. No.

Representative Boggs. Did you ever hear of Edgar Crissey?

Mr. WEISSMAN. No.

Representative Boggs. Did you ever hear of Nelson Bunker Hunt?

Mr. WEISSMAN. Yes; that is H. L. Hunt's son. I knew that he had gotten it from three or four different people, because he told me he had to get \$300 here and \$400 there, but he did not say where.

Mr. JENNER. The "he" is Mr. Grinnan?

Mr. WEISSMAN. Grinnan; right.

Representative Boggs. That is all, Mr. Chairman.

Mr. DULLES. Did you suggest that this advertisement had been drafted before he collected the money?

Mr. WEISSMAN. Yes.

Mr. DULLES. And you used this advertisement as the basis for the collection of the money, or was it used for this purpose, as far as you know?

Mr. WEISSMAN. As far as I know; yes.

(At this point, Representative Boggs withdrew from the hearing room.)

Mr. WEISSMAN. May I see the ad for a moment? There are a few things I would like to point out in this.

Mr. JENNER. Give the exhibit number, please.

Mr. WEISSMAN. It is Exhibit No. 1031.

Mr. JENNER. Tell us the genesis of the advertisement, the black border, the context, the text, the part which Mr. Grinnan played, you played, and Mr. Schmidt played in drafting it, how it came about, what you did, in your own words. How the idea arose in the first place—and then just go forward.

Mr. WEISSMAN. Well, after the Stevenson incident, it was felt that a demonstration would be entirely out of order, because we didn't want anything to happen in the way of physical violence to President Kennedy when he came to Dallas. But we thought that the conservatives in Dallas—I was told—were a pretty downtrodden lot after that, because they were being oppressed by the local liberals, because of the Stevenson incident. We felt we had to do something to build up the morale of the conservative element, in Dallas. So we hit upon the idea of the ad.

Mr. JENNER. Would you please tell us who you mean?

Mr. WEISSMAN. Me and Larrie, Larrie and Joe, and then all of us together.

Mr. JENNER. All right.

Mr. WEISSMAN. And I originally—well, I took the copy of the ad to the Dallas Morning News.

Mr. JENNER. Please, sir—we wanted the genesis from the beginning. How it came about, who participated in drafting it.

Mr. WEISSMAN. About a week or so before placing the ad, Larrie and I got together at his house.

Mr. JENNER. The ad was placed when?

Mr. WEISSMAN. The first payment was made on the 19th or 20th of November.

Representative FORD. Was this after the announcement of the President's visit?

Mr. WEISSMAN. Yes.

Representative FORD. You knew that President Kennedy was to be in Dallas on November 22?

Mr. WEISSMAN. Yes.

Mr. JENNER. A week before that?

Mr. WEISSMAN. Right; we had started working on the ad. Larrie and I got together. And I said, "What are we going to put in it?"; because I didn't have the vaguest idea. And Larrie brought out a list of questions, 50 questions, that were made up for some conservative—I think it might possibly have been one of Goldwater's aides had just listed 50 questions of chinks in our foreign policy, you might say, weak points. And we just picked some that we thought might apply to President Kennedy and his foreign policy. Because the 50 questions went back quite aways. And all of the questions except for two I had a part in saying okay to. The two that I had no part in was—

Mr. JENNER. Read them, please.

Mr. WEISSMAN. Was the 11th question—

Mr. JENNER. Are those questions numbered?

Mr. WEISSMAN. No; but I will read it to you. It says "Why has the foreign policy of the United States degenerated to the point that the CIA is arranging coups and having staunch anti-Communist allies of the U.S. bloodily exterminated?"

This was handed in at the last minute by one of the contributors. He would not contribute.

Mr. JENNER. By whom?

Mr. WEISSMAN. I have no idea. But he would not contribute the money.

Mr. JENNER. Was this one of the men who gave money to Mr. Grinnan?

Mr. WEISSMAN. Yes; this is my understanding.

Mr. JENNER. And did Mr. Grinnan tell you this?

Mr. WEISSMAN. Yes; he said "This has to go in."

Mr. JENNER. He said that to you in the presence of whom?

Mr. WEISSMAN. I believe Bill Burley was there, and Larrie Schmidt.

Mr. JENNER. Where was this?

Mr. WEISSMAN. In Joe Grinnan's office.

Mr. JENNER. In Dallas?

Mr. WEISSMAN. In Dallas; yes.

Mr. JENNER. That is room 811 of the Wilson Building?

Mr. WEISSMAN. Yes; and I was against this particular question, because I frankly agreed with the coup. But it is a question of having all or nothing.

Another question that was put in here—I forget exactly when—which I wasn't in favor of, which we put in after the proof was submitted to Joe Grinnan for his approval, is "Why have you ordered or permitted your brother Bobby, the Attorney General, to go soft on Communists, fellow travelers, and ultra-leftists in America, while permitting him to criticize loyal Americans, who criticize you, your administration, and your leadership?"

Now, this struck me as being a States rights plea, and as far as our domestic policy goes, I am a pretty liberal guy. So I didn't agree with that.

Mr. JENNER. Who suggested that question?

Mr. WEISSMAN. I don't remember. I just remember that it came up—I didn't like it. But the fact was that it had to be in there.

Mr. JENNER. I would like to keep you on that for a moment. Was it a suggestion that had come from a contributor, or did it originate in your group?

Mr. WEISSMAN. I really don't recall.

Mr. JENNER. Or Mr. Grinnan?

Mr. WEISSMAN. I don't recall if it originated with Larrie or Mr. Grinnan or with someone else. I really don't know.

Mr. JENNER. How old a man is Mr. Grinnan?

Mr. WEISSMAN. I would say in his very early thirties.

Representative FORD. That suggestion, the last one, didn't come from you, however?

Mr. WEISSMAN. Which?

Representative FORD. The one you just read.

Mr. WEISSMAN. Oh, no.

Representative FORD. Because of your own liberal domestic philosophy?

Mr. WEISSMAN. Right. The only question in here that is entirely my own is the last one, and this is because I was pretty steamed up over the fiasco in Cuba and the lack of followup by the administration.

"Why have you scrapped the Monroe Doctrine in favor of the spirit of Moscow?" I will still stand by that question.

As far as the copy at the top of the letter, appearing before the questions, as far as I know, this was written by Larrie Schmidt. He showed it to me. I said, "It is a little rough, but if we are going to get our money's worth out of the ad, I guess it has to be."

Mr. JENNER. Mr. Chairman, may I stand over near the witness?

Representative FORD. Surely.

Mr. JENNER. Thank you.

When you say the copy at the top of the ad, does that include the banner, "Welcome, Mr. Kennedy, to Dallas."?

Mr. WEISSMAN. Yes.

Mr. JENNER. And you are referring to all that portion of the ad which is Commission Exhibit No. 1031, down to the first question?

Mr. WEISSMAN. Yes. The idea of the black border was mine.

Mr. JENNER. Yes. I was going to ask you that. Why did you suggest the black border?

Mr. WEISSMAN. Well, I saw a proof of the ad—drew a mockup, the advertising man at the newspaper office drew a mockup, and it was the sort of thing that you just turned the page and pass it by, unless you had something to bring it out. And I suggested a black border. He put a one-eighth inch black border around. I said try a little heavier one. He went to a quarter inch black border and I said, "That looks okay." and we had the black border.

Mr. JENNER. I take it from your present statement that you worked with a copywriter or advertising composer at the Dallas Morning News.

Mr. WEISSMAN. Yes. His name was Dick Houston.

Mr. JENNER. How many editions did this ad run for the \$1,463?

Mr. WEISSMAN. One edition. It came out on the evening edition, on the 21st, and the morning of the 22d.

Mr. JENNER. Just one paper?

Mr. WEISSMAN. One edition, one paper.

Mr. JENNER. That is only the Dallas Morning News?

Mr. WEISSMAN. That is right.

Mr. JENNER. It was not in the other Dallas papers?

Mr. WEISSMAN. No.

Mr. JENNER. The Times Herald?

Mr. WEISSMAN. No. We felt—we didn't even go to the Times Herald. We felt they would not even print it, because they are a very liberal paper, and we felt it would be a waste of time. We were convinced that the Morning News was conservative enough to print it. And they did.

Mr. JENNER. So the Dallas Morning News people were quite aware of the composition of the ad, and worked with you in putting it in final shape?

Mr. WEISSMAN. Yes; as a matter of fact, I had asked to show it to a Mr. Gray, who was the head of the advertising department, and they said no, that wouldn't be necessary, they just have to submit it to a judge something or other, a retired judge who was their legal advisor, and who would look at the ad to see if there was anything libelous in it, so to speak, or anything that the Morning News could be sued for. And I assume they did this, because they didn't let me know right away whether or not they could print it.

When I came back that afternoon, or the following morning—I don't recall which—and they said everything was okay, that it would go.

Mr. DULLES. When you spoke of the head of the advertising department, that is the advertising department of the News?

Mr. WEISSMAN. Of the Dallas Morning News; yes, sir.

Mr. JENNER. Mr. Weissman, you have read two questions with which you disagreed.

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. You have read a question, which is the last in the advertisement.

Mr. WEISSMAN. Yes.

Mr. JENNER. Of which you are the author, and you said you would still stand by that particular one.

Mr. WEISSMAN. A hundred percent ; yes, sir.

Mr. JENNER. Now, are there any others with which you had a measure of disagreement, or any other which you now would not wish to support or, as you put it, stand back of?

Mr. WEISSMAN. There was one other that I thought was being a little rough on the President, but which I didn't particularly agree with a hundred percent.

Mr. JENNER. Identify it, please.

Mr. WEISSMAN. It was in the question that read, "Why has Gus Hall, head of the U.S. Communist Party, praised almost every one of your policies and announced that the party will endorse and support your reelection in 1964?"

I personally thought that the selection of this particular question tended to put President Kennedy in a light where he is voluntarily accepting this support—in other words, sort of calling him a Communist, which I felt he was not. And, at the same time, though, I had a reservation about making a big furor over it, because of the fact, if nothing else, if the President did read it, he might realize something, and he just might do something about it, in foresaking the support. So I let it go at that.

Mr. DULLES. When you spoke, then, of selection from a list—was that the list to which you referred before, which I believe you said came from the Birch Society?

Mr. JENNER. A list of 50 questions.

Mr. WEISSMAN. No ; as far as I know it didn't come from the Birch Society. It was just some political material that Larrie had collected rafts of—he had books and folders. It was something he pulled out and said, "Maybe we can use this." And we went through the 50 questions. We were in a hurry, and this seemed to be the easiest way out, as far as getting some text, some composition for the ad.

Representative FORD. So the final selection rested with Larrie, Mr. Grinnan, and yourself, with the exception of this one contributor who insisted on one?

Mr. WEISSMAN. Well, let's put it like this. I signed my name to the ad. But you might say the final selection rested with the contributors. I had to go along with them, because if I said I won't go along with it, or I won't sign my name, there would have been an ad anyway—the ad would have been printed anyway. Larrie would have put his name to it.

Now, let me tell you this. It will be a very short story.

Bill and I had decided about a week after we got to Dallas that Larrie was full of hokey, that we could not go along with this guy.

Representative FORD. What do you mean by that?

Mr. WEISSMAN. Well, everything he is doing he is doing for himself, and if we happen to fit in, it was fine. And he was getting an awful lot of recognition and publicity. We felt if this guy got any stronger, he would be able to move us out, or control us. So when the idea for the ad came up I said, "Okay, I will put my name to it," because I felt any recognition that came would then be in my favor, and if we took advantage of this, and because these organizations would have to back me personally as representing them, I could then denounce the anti-Semitism, the anti-Catholic, anti-Negro, and they would have to back me up, or else I would just tell the whole story about this thing. And I felt that this was going to be my move to get back to the original philosophy of a completely democratic type of organization.

And I had discussed—Bill and I, I might say, were a partnership unto ourselves. We had decided one way or the other we were either going to get out of Dallas or run the thing ourselves, because we didn't like the way it was going.

Mr. DULLES. Did Larrie object to your being the one to sign the advertisement?

Mr. WEISSMAN. No ; in fact, Larrie was sort of afraid to sign it, because when he came out and said he was part of the Stevenson demonstration, his life had been threatened, and he had all sorts of harrassing phone calls and so on. And

he wanted to avoid this. But if it was a question of printing an ad or not printing it, he would have signed it.

Representative FORD. But as far as any organization of any kind being responsible for this ad, it was not true. There was no organization that backed this ad? There were four or five of you that really promoted it and finally raised the money for it and put it in the newspaper?

Mr. WEISSMAN. That is not quite accurate. You might say when you get right down to it, in the final tale, the John Birch Society printed that ad, not CUSA.

Mr. JENNER. Tell us why, now. Please expand on that.

Mr. WEISSMAN. Well, in order to get anywhere in Dallas, at least in the area of conservative politics that we were in, you had to, you might say, cotton to the John Birch Society, because they were a pretty strong group, and still are, down there. And—

Mr. JENNER. Who is the head of that now?

Mr. WEISSMAN. The Birch Society?

Mr. JENNER. Yes.

Mr. WEISSMAN. I never met the fellow. They had a paid coordinator. I don't recall his name offhand. But, anyway—

Mr. JENNER. Were you in his offices?

Mr. WEISSMAN. No; Joe Grinnan, as a matter of fact, is the only man in the hierarchy of the Birch Society in Dallas that I met.

Larrie was a member of the JBS, and Bill and I didn't like it, but we saw that he was out for himself as much as anything, and this was a way to help himself along anyway, both politically and financially. And he convinced us of the method to his madness. But as I said we wanted to move Larrie out when we found he was more JBS than he was CUSA, and he was willing to go along with them completely, and forget about the CUSA goals.

Representative FORD. Your allegiance was to CUSA?

Mr. WEISSMAN. Right. In other words, I would have used the John Birch Society as a vehicle, as planned. But I would never have gone up on a soapbox to support them.

Mr. DULLES. Who were the members of the American Fact-Finding Committee, if any?

Mr. WEISSMAN. Well, the members would be myself, Bill Burley, Larrie Schmidt, Joe Grinnan—just the people immediately involved.

Mr. JENNER. That was a name and solely a name?

Mr. WEISSMAN. Solely a name.

Mr. JENNER. There was no such organization?

Mr. WEISSMAN. None whatsoever.

Mr. JENNER. And you used it for convenience on this advertisement?

Mr. WEISSMAN. That is right. As a matter of fact, when I went to place the ad, I could not remember the name. I had it written down on a piece of paper. I had to refer to a piece of paper for the name.

Mr. JENNER. Had you ever used that name before?

Mr. WEISSMAN. Never.

Mr. JENNER. Did your group ever use it thereafter?

Mr. WEISSMAN. Not as far as I know.

Mr. JENNER. Have you now named all of the people who played any part in, to the best of your recollection—in the idea for the publication of, the actual drafting of the ad, and its ultimate running in that edition of the Dallas Morning News?

Mr. WEISSMAN. There is only one other individual that I could name. He was there at the reading of the final proof, before the ad was printed. That was Joe Grinnan's brother, Robert P. Grinnan.

Mr. JENNER. Is he an older or younger brother?

Mr. WEISSMAN. I believe he is an older brother.

Mr. JENNER. What business is he engaged in?

Mr. WEISSMAN. Oil and real estate.

Mr. DULLES. Who took out the post office box 1792, Dallas 21, Tex., that appears under your name here on this advertisement?

Mr. WEISSMAN. Bill, Larrie, and I went to the post office together. I signed for the box.

Representative FORD. Do you recall the date?

Mr. WEISSMAN. It was the same—the morning—the same morning I originally went to get the ad laid out at the Morning News.

Representative FORD. Has it been discontinued?

Mr. WEISSMAN. The box? Yes; I received a communication from Larrie. He said the box time had run out. They had extended it for 3 months after that, and then it was—as far as I know, it is nonexistent now.

Senator COOPER. May I ask this question: Would you state now to this Commission the idea of printing this ad was conceived by you and Larry Jones—what is the other's name?

Mr. WEISSMAN. Larrie Schmidt.

Senator COOPER. Alone, and there was no stimulation from any outside group or organization. Do you state that under oath?

Mr. WEISSMAN. There was stimulation.

Senator COOPER. From whom?

Mr. WEISSMAN. I assume from the Birch Society. In other words, I think the idea for the ad, for the something to do on the occasion of President Kennedy's visit—I think the idea for the something to do came from the Birch Society—whether Mr. Joe Grinnan or someone else, I don't know.

Senator COOPER. Was it communicated as an idea to you?

Mr. WEISSMAN. Larrie communicated the idea to me, said what do you think. I said, why not?

Senator COOPER. Which one of this group did the idea come to?

Mr. WEISSMAN. I don't know.

Senator COOPER. It didn't come to you?

Mr. WEISSMAN. No; it didn't come to me personally originally, no.

Mr. DULLES. What is the basis of your evidence of saying this was the Birch Society? How did you know that? Where did you get that?

Mr. WEISSMAN. Well, it came to a point where everything we were doing we had to go talk to Joe—big brother. And that is just the way it worked out.

Mr. JENNER. This is Joe Grinnan?

Mr. WEISSMAN. Yes. They were getting a grip on us, and Bill and I felt that we had to bust this grip somehow.

Mr. DULLES. Was he prominent in the Birch Society?

Mr. WEISSMAN. Yes; he was known.

Mr. DULLES. Joe Grinnan?

Mr. WEISSMAN. Yes; he was known as a coordinator.

Representative FORD. This one question that was inserted at the insistence of one of the contributors, which reads as follows: "Why has the foreign policy of the United States degenerated to the point the C.I.A. is arranging coups and having staunch anti-Communist allies of the U.S. bloodily exterminated"—to what does that refer? Do you have any specific information?

Mr. WEISSMAN. I know it specifically refers to the Vietnam thing, with the overthrow of Diem, and the subsequent murder of the Diem people.

Representative FORD. Was that said to you at the time?

Mr. WEISSMAN. This was not said to me at the time. But I had mentioned it various times, and this was definitely, as far as I am concerned—this was definitely the reason for placing that. As a matter of fact, this had occurred not too long after that, I believe.

Mr. DULLES. Who was it that insisted on the insertion of that?

Mr. WEISSMAN. Well, Joe Grinnan handed me this piece of paper. It was written on a piece of scrap paper. I could hardly decipher it, myself. And he said, "This has to be in. Go back and have them change the ad."

So I had to run back to the Morning News, with this other insertion. This is just the way it happened.

(At this point, Senator Cooper withdrew from the hearing room.)

Representative FORD. I understand that you made a downpayment on the ad.

Mr. WEISSMAN. That is right.

Representative FORD. And then went back and paid the rest in full?

Mr. WEISSMAN. A thousand dollars the first day, and \$400-odd on the second day.

Mr. DULLES. Were both payments made before publication?

Mr. WEISSMAN. Yes.

Mr. JENNER. Mr. Dulles called attention to the post office box number.

Mr. WEISSMAN. Yes.

Mr. JENNER. That stimulates me to ask you this: Did you receive any responses to the advertisement?

Mr. WEISSMAN. Oh, did I? Yes, sir.

Mr. JENNER. Now, tell us about that and also, before you start, do you have any of those responses?

Mr. WEISSMAN. Not with me. All that I received I have at home.

Mr. JENNER. And indicate to us the volume that you have at home.

Mr. WEISSMAN. I have approximately 50 or 60 letters; about one-third of which were favorable, and the rest, two-thirds, unfavorable. The favorable responses, all but one came before—they were postmarked, the envelopes were postmarked before the President was assassinated. And the threatening letters and the nasty letters came afterward.

Mr. JENNER. Did you receive any contributions?

Mr. WEISSMAN. I still have a check to the American Fact-Finding Committee in the amount of \$20. Since we never opened a bank account, I just sort of kept the check as a souvenir. There was one \$2 contribution—

Mr. JENNER. Cash?

Mr. WEISSMAN. Right—from a retired train engineer, or something.

Mr. JENNER. And that is—

Mr. WEISSMAN. For the Wabash Railroad.

Mr. JENNER. Were those the only contributions?

Mr. WEISSMAN. To my knowledge; yes, sir.

Mr. JENNER. At least that you know anything about?

Mr. WEISSMAN. That is right. In all the letters I received the first time we went to the box. I only went to the box once, that was, I believe, the Sunday morning following the assassination.

Mr. JENNER. The 25th of November?

Mr. WEISSMAN. About; yes, sir.

Mr. DULLES. Did anybody have the key to the box in addition to yourself?

Mr. WEISSMAN. Up to that point, only I had the key. After that, I left Dallas on Wednesday, I believe—

Mr. JENNER. I misspoke—it was the 24th of November rather than the 25th.

Mr. WEISSMAN. I left Dallas on the following Wednesday. And at that time I didn't see Larrie personally—he couldn't get to the apartment that Bill and I were staying at for some reason or another. And I left all the dishes and things he had given us to use while we were there, and in one of these dishes I left the key to the box.

Since that time, communications I received from Larrie, he says the tenor of the letters had changed, they are more favorable than unfavorable in the ensuing weeks and months. Of these letters—he sent me one that called me all sorts of names, a lot of anti-Semitic remarks, and he sent another, and he gave excerpts in one of his personal letters, of letters that he received in support of the position of the ad.

Mr. DULLES. Do I understand that you got all the letters that came in up to Wednesday after the assassination, and that your associates have the rest, or Larrie, I presume, has the rest?

Mr. WEISSMAN. I don't know who has the rest. I don't know if it is Larrie or Joe.

Mr. DULLES. Larrie had the key.

Mr. WEISSMAN. Yes. I left him the key—I left him access to the key. I received the letters written during the 2 days following the assassination—the Friday afternoon and Saturday following the assassination—because I picked the mail up the following Sunday morning.

Mr. JENNER. Having in mind all your testimony up to the moment, I would like to take you back to the telephone conversation that you had with Larrie

Schmidt, in which he made the reference to Stevenson, following which, that is following this conversation, you eventually came to Dallas.

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. And this conversation, as I recall it, the telephone call, was in the month of October 1963?

Mr. WEISSMAN. Yes. It was the evening of the Stevenson demonstration. According to the letter I think it was the 24th of October.

(At this point, Mr. Dulles withdrew from the hearing room.)

Mr. JENNER. Now, one of the members of the Commission is interested in having you repeat that conversation in full, to the best of your recollection.

Mr. WEISSMAN. Since it is recollection, it is going to change somewhat in words, but in tenor it will be the same.

Mr. JENNER. You do your best.

Mr. WEISSMAN. Larrie called me on the telephone and he was very excited, and he had described what had transpired in Dallas—

Mr. JENNER. Tell us what he said, please. That is what we are interested in.

Mr. WEISSMAN. He just said—

Mr. JENNER. And his part in it, if any.

Mr. WEISSMAN. He said that he had helped organize this demonstration and it went off beautifully, there is going to be national publicity, the newspapers were all over the place, he had given statements to the news media, to the television. He said he was on TV and radio, and had given out statements, and that he was—it seemed that he was going to be heading for, not trouble, but a good deal of difficulty because it seems that he was the only one that came out as one of the organizers of the demonstration, who openly came out and said so.

Mr. JENNER. And identified himself with the demonstration?

Mr. WEISSMAN. Yes, sir. He said he had—what did he say—something to the effect that he had a bunch of his people down there, the University of Dallas students.

Mr. JENNER. Did he identify them as students?

Mr. WEISSMAN. I don't recall. I met the students several weeks later when I got to Dallas.

Mr. JENNER. The students he had employed?

Mr. WEISSMAN. That had participated in the demonstration; yes.

Mr. JENNER. Did he describe what the demonstration was insofar as his part and his group's part in it was?

(At this point, Mr. Dulles reentered the hearing room.)

Mr. WEISSMAN. Well, just to the effect they had picketed and carried signs and made some noises inside the auditorium. Not he and his group, but that the picketers had raised quite a hullabaloo inside the auditorium.

Mr. JENNER. Were they his picketers?

Mr. WEISSMAN. I don't know. This he didn't specify. I had assumed—

Mr. JENNER. What impression did you get in that respect?

Mr. WEISSMAN. I had assumed his picketers were part of it.

(At this point, Representative Ford withdrew from the hearing room.)

Mr. JENNER. You were repeating to the best of your recollection that telephone conversation.

Mr. WEISSMAN. The gist of the conversation; yes.

Mr. JENNER. As best you are able to recall.

Mr. WEISSMAN. That is right. I really cannot swear to its 100 percent accuracy, but I would say it is 75 percent accurate anyway.

Mr. JENNER. Have you now exhausted your recollection as to all that was said, in substance?

Mr. WEISSMAN. In substance; yes.

Mr. JENNER. In the course of that conversation.

Mr. WEISSMAN. Yes.

Mr. JENNER. I take it he urged you to come to Dallas?

Mr. WEISSMAN. He did.

Mr. JENNER. That this Stevenson incident had stimulated things to the point that CUSA—you members of CUSA should come to Dallas, and everything was ripe?

Mr. WEISSMAN. He said we can pick up the ball and start running.

Mr. JENNER. Now, you and Mr. Burley then went to Dallas, did you?

Mr. WEISSMAN. That is right. We left on the 2d of November.

Mr. JENNER. And that would have been following the receipt of the letter of October 29, which we have identified as——

Mr. WEISSMAN. Commission Exhibit No. 1032.

Mr. JENNER. How did you get there?

Mr. WEISSMAN. I drove in my car.

Mr. JENNER. Did Mr. Burley accompany you?

Mr. WEISSMAN. Yes.

Mr. JENNER. Did you stop off anywhere on the way?

Mr. WEISSMAN. We stopped at his mother's house in South Carolina for about 4 or 5 hours.

Mr. JENNER. And when you reached Dallas, did you find a room, or what did you do?

Mr. WEISSMAN. That night we stayed at Larrie's house. We got there about 5 o'clock in the afternoon.

Mr. JENNER. Where does he live?

Mr. WEISSMAN. At that time he was living at the Eden Roc Apartments, in Dallas.

Mr. JENNER. Is he a married man?

Mr. WEISSMAN. He was.

Mr. JENNER. I take it he was separated from his wife at that time?

Mr. WEISSMAN. No, no. He has been divorced since.

Mr. JENNER. But he was living with his wife at that time?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. By the way, is Mr. Burley a married man, also?

Mr. WEISSMAN. I spoke with him just the other day. His divorce will be final in about 6 weeks, he thinks.

Mr. JENNER. He was married at that time?

Mr. WEISSMAN. Yes; separated.

Mr. JENNER. Where was his wife living?

Mr. WEISSMAN. In West Virginia, I believe.

Mr. JENNER. He had a family, did he not, several children?

Mr. WEISSMAN. Four or five children.

Mr. JENNER. You stayed with him at the Eden Roc Apartments?

Mr. WEISSMAN. That is right.

Mr. JENNER. That is, with Mr. Schmidt?

Mr. WEISSMAN. Yes.

Mr. JENNER. And then you and Mr. Burley arranged a room somewhere, did you?

Mr. WEISSMAN. We rented an apartment. I think we stayed with Larrie for 2 days, 2 or 3 days. Then we rented an apartment in Dallas.

Mr. JENNER. Where was that?

Mr. WEISSMAN. I don't recall the address offhand.

Mr. JENNER. All right. Now, approximately where are we now, as a matter of time in this period?

Mr. WEISSMAN. This is——

Mr. JENNER. That you rented the apartment.

Mr. WEISSMAN. About the middle of the first week after we arrived in Dallas.

Mr. JENNER. Which should be approximately what date?

Mr. WEISSMAN. About the 7th or so of November.

Mr. JENNER. What did you do thereafter in the way of furthering the business of CUSA?

Mr. WEISSMAN. Well, we were thinking of buying a fourplex, a four-family apartment house.

Mr. JENNER. Where were you going to get the money?

Mr. WEISSMAN. We could have gotten a loan, we hoped, with no downpayment, because of the fact we are GI's, through the FHA, or VA, and we were counting on that. So we were looking around. We had also planned to take over a private club, manage a private club, with an option to buy it.

Mr. JENNER. What club was that?

Mr. WEISSMAN. That was the Ducharme Club.

Mr. JENNER. That was in Dallas?

Mr. WEISSMAN. In Dallas; yes.

Mr. JENNER. Where did you become acquainted with that possible business opportunity?

Mr. WEISSMAN. Well, this had been broached by Larrie. This was one of the big disappointments. We had been promised by Larrie we wouldn't have any trouble making a living, that he had jobs and everything set up for us. That is one of the reasons I chucked my job in New York. I figured we would be able to survive down there.

We got to the Ducharme Club, after a day or two, and it was a miserable hole in the wall that you could not really do anything with. But we were still dickering with the owner on the potentials.

Mr. DULLES. What did this club purport to do?

Mr. WEISSMAN. It was a private club. They sold liquor and beer over the bar to members.

Mr. DULLES. Entertainment?

Mr. WEISSMAN. They had a dance floor and jukebox.

Mr. JENNER. Who—do you recall the names of any of the people interested in the Ducharme Club?

Mr. WEISSMAN. The owners?

Mr. JENNER. Yes.

Mr. WEISSMAN. The only one I know of is Leon Ducharme, the owner.

Mr. JENNER. Did Jack Ruby or Jack Rubenstein have any interest in this club?

Mr. WEISSMAN. No; not as far as I know.

Mr. JENNER. Did you ever meet Jack Ruby or Jack Rubenstein?

Mr. WEISSMAN. Never.

Mr. JENNER. Did you become acquainted with the Carousel Club when you were in Dallas?

Mr. WEISSMAN. I was never in it, and I still don't know where it is.

Mr. JENNER. You were never in it; you don't know where it is. Did you hear of it when you were there?

Mr. WEISSMAN. Never. As a matter of fact, in the entire 3½ weeks or so that Bill and I were in Dallas, we didn't go to the movies at all. The only two clubs that I can recall that we went into was the Lavender Lounge—

Mr. JENNER. Where is that located?

Mr. WEISSMAN. That is in Dallas.

Mr. JENNER. Where?

Mr. WEISSMAN. I don't recall the street.

Mr. JENNER. It is downtown, is it?

Mr. WEISSMAN. No; it is not downtown. This is—it was about two blocks from our apartment. And it is about, I guess, a good 30-minute walk to downtown from there. And the only other club would be the Ducharme Club.

Mr. JENNER. Where was that located?

Mr. WEISSMAN. That was on Haskell Avenue, in Dallas.

Mr. JENNER. How far from the downtown area, if at all?

Mr. WEISSMAN. Well, to make it conveniently, you should take a bus. Otherwise, about a 20-minute walk.

Mr. JENNER. From the Ducharme Club to the downtown area of Dallas?

Mr. WEISSMAN. Yes, sir; and the reason we went to the Ducharme Club after the fact we decided we were not going to take it, was that that was a place we could get credit for beer. Larrie had a charge account there. And that was the extent of our association with that place.

Mr. JENNER. Now—

Mr. WEISSMAN. Now, in the Lavender Lounge, the reason we went there, is we were dickering with the owners of the Lavender Lounge—

Mr. JENNER. Name him.

Mr. WEISSMAN. L. S. Brotherton. We wanted to lease a club that he had that was closed down, called the Beachcomber, in a suburb of Dallas. And we had been in there several times and had talked to him about leasing this. In other words, we were looking for something that would give us an income so we could operate a little bit. And that never worked out. He wanted too much money, and we didn't have it.

Mr. JENNER. In any of these negotiations that were carried on by you or your associates, was the name Jack Ruby ever mentioned as having any possible interest whatsoever in any of those groups?

Mr. WEISSMAN. Never.

Mr. JENNER. Did you hear of the name Jack Ruby or Jack Rubenstein up to—at anytime prior to November 24, 1963?

Mr. WEISSMAN. No; never.

Mr. JENNER. And do you have any information or any knowledge or any notion or feeling that Larrie Schmidt or any of your associates knew of or had any association with Jack Ruby or otherwise known as Jack Rubenstein?

Mr. WEISSMAN. I think I can state pretty emphatically no.

Mr. JENNER. Were there any communications of any kind or character, written notes, telephone calls, or otherwise, that you know about or knew about then to or from Jack Ruby?

Mr. WEISSMAN. Never.

Mr. JENNER. When did you first hear of the name Jack Ruby?

Mr. WEISSMAN. I think he shot Oswald some time in the afternoon or the morning—since Bill and I had neither a radio or TV in the apartment—we were in the apartment all day.

Mr. JENNER. All day that Sunday?

Mr. WEISSMAN. Yes; we had heard about it that night.

Mr. JENNER. That is the 24th of November 1963?

Mr. WEISSMAN. If that is when Oswald was shot.

Mr. JENNER. And you first became aware of Oswald being shot the night or evening of the 24th?

Mr. WEISSMAN. Yes.

Mr. JENNER. That Sunday?

Mr. WEISSMAN. Yes. I don't recall exactly how. I think Larrie telephoned us, and told us that.

Mr. JENNER. This is the first time we have mentioned the name Oswald. Had you ever heard the name Lee Harvey Oswald prior to your going to Dallas?

Mr. WEISSMAN. No.

Mr. JENNER. Did you hear of the name Lee Harvey Oswald at any time prior to November 22, 1963?

Mr. WEISSMAN. No.

Mr. JENNER. Was the name ever mentioned in your presence?

Mr. WEISSMAN. No.

Mr. JENNER. I take it from what you have said that you did not know a man by the name of Lee Harvey Oswald.

Mr. WEISSMAN. No.

Mr. JENNER. When did you first hear the name Lee Harvey Oswald?

Mr. WEISSMAN. We were sitting in a bar, right after President Kennedy's assassination.

Mr. JENNER. This was the 22d of November 1963?

Mr. WEISSMAN. Yes; it was Bill Burley, myself, and Larrie. We had made—we were to meet Larrie and Joe Grinnan at the Ducharme Club.

Mr. JENNER. For what meal?

Mr. WEISSMAN. For luncheon. We were supposed to meet him at 12:30 or 1 o'clock. I forget which—about 1 o'clock. And I had a 12:30 on the button, as a matter of fact—I had an appointment to sell a carpet out in the Garland section of Texas—it was a 2:30 appointment. And I was in a hurry to get to meet Larrie and finish the lunch, and whatever business they wanted to talk about I didn't know. So I looked at my watch. I remember specifically it was 12:30, because at that time Bill had been driving my car. He had quit the carpet company and was looking for another job. He had looked at a franchise arrangement for insecticides. He picked me up. He was waiting for me from 10 after 12 to 12:30. We got into the car. I am a great news bug. So I turned the radio on, looking for a news station. And they had—at that time, as I turned the radio on, the announcer said, "There has been a rumor that President Kennedy has been shot." So we didn't believe it. It was just a little too far out to believe.

And after several minutes, it began to take on some substance about the

President's sedan speeding away, somebody hearing shots and people laying on the ground. In other words, the way the reporters were covering it. I don't recall exactly what they said. And, at this time—we were going to go to the Ducharme Club through downtown Dallas. We were heading for the area about two blocks adjacent to the Houston Street viaduct. And then we heard about the police pulling all sorts of people—somebody said they saw somebody and gave a description. And the police were pulling people off the street and so forth. So Bill and I didn't want to get involved in this. So we took a round-about route. We got lost for a while. Anyway, we finally wound up at the other side of Dallas, and we were at the Ducharme Club.

Mr. JENNER. When you arrived there, was Mr. Schmidt there?

Mr. WEISSMAN. He was waiting for me. But Joe Grinnan wasn't there. He had heard this thing and took off. I guess he wanted to hide or something.

Mr. JENNER. Why?

Mr. WEISSMAN. Well, because the way it was right away, the announcers, even before it was ascertained that President Kennedy was dead, or that he had really been shot, that it was a rightwing plot and so forth. And he had every reason to be frightened.

Mr. JENNER. Why did he have every reason to be frightened?

Mr. WEISSMAN. Because, let's face it, the public feeling would suddenly be very anrightwing, and no telling what would happen if a mob got together and discovered him. They would tear him apart.

Bill and I were frightened to the point because I knew about the ad. And I knew exactly what—at least I felt in my own mind I knew what people would believe. They would read the ad and so forth, and associate you with this thing, somehow, one way or another. So we went to another bar—I don't remember the name of it—the Ducharme Club was closed, by the way, that afternoon.

Mr. JENNER. When you reached the Ducharme Club, it was closed, but you found Mr. Schmidt there?

Mr. WEISSMAN. Larrie was waiting on the corner. He got in the car. We sat and talked for a few minutes. We went to another bar a few blocks away. We drank beer and watched television. And we had been in the bar, I guess, about an hour when it come over that this patrolman Tippit had been shot, and they trapped some guy in a movie theater. And maybe half an our, an hour later, it came out this fellow's name was Lee Harvey Oswald. This is the first time I ever heard the name.

Mr. JENNER. What was said at that time?

Mr. WEISSMAN. By us?

Mr. JENNER. Yes. When it was announced it was Lee Harvey Oswald.

Mr. WEISSMAN. We were relieved.

Mr. JENNER. Anything said about it?

Mr. WEISSMAN. I don't recall. First, what was said, like, I hope he is not a member of the Walker group—something like that—I hope he is not one of Walker's boys. Because it is like a clique, and it is guilty by association from thereafter. So it came over later this guy was a Marxist. This was the same afternoon, I believe. It was found out this fellow was a Marxist. And then the announcers—they left the rightwing for a little while, and started going to the left, and I breathed a sigh of relief. After 4 hours in the bar, Bill and I went back to the apartment, and Larrie went to the Ducharme Club. He was afraid to go home.

Mr. JENNER. I thought the Ducharme Club was closed.

Mr. WEISSMAN. It was open at that time. We drove by. It was open. Larrie went in. We dropped him off there. And Bill and I went back to our apartment. We just waited. We knew we were going to get involved in this thing because of the ad. And we figured that if anybody at all in Dallas was on the ball, they know who we were and where we were. So we waited. Nothing happened. We waited there until we left. We barely left that house. As a matter of fact—

Mr. JENNER. You remained in the house all that evening, did you—the apartment?

Mr. WEISSMAN. I think the—yes; late that evening Larrie came home.

Mr. DULLES. That is Friday evening, November 22?

Mr. WEISSMAN. Yes; I think Larrie went home late that evening, and Bill and I met him there.

Mr. JENNER. You went to Larrie's home?

Mr. WEISSMAN. To Larrie's apartment; yes. And I said what are we going to do? And Larrie said, "Well"—he had talked to Joe Grinnan, and Joe said don't say anything, don't do anything, don't get any more involved than you have to, lay low, keep out of it, it is going to be pretty bad. And it was. Thereafter, a day or so later—

Mr. JENNER. What did you mean by that—it is going to be pretty bad?

Mr. WEISSMAN. In other words—this is just exactly the way it worked out. For example—

Mr. JENNER. You are now explaining what you mean by "and it was"?

Mr. WEISSMAN. Right. Stanley Marcus, who was a Dallas businessman, financier—

Mr. JENNER. Nieman Marcus?

Mr. WEISSMAN. Of the Nieman Marcus group, yes, and he was a well-known and rather very rabid liberal. And sure enough, even though the following day it was then established that Oswald was a Marxist and so forth, and there was some question as to whether or not it was a Communist plot, pros and cons, and Marcus put his 2 cents in in the Dallas Times Herald, and he starts blaming the rightwing for the trouble. And I was told—I didn't see this—

Mr. JENNER. This was on the 23d now?

Mr. WEISSMAN. This was on the following day; yes, sir. And, in other words, he and friends of his, I guess, did everything they could to solidify their position as being always in the right, and throw the blame, even though Oswald is obviously a Marxist—they tried to transfer the blame to the rightwing. They had us on the run and they were going to keep it that way.

Mr. JENNER. How did this come to your attention?

Mr. WEISSMAN. Just by reading the newspapers.

Mr. JENNER. The Dallas Times Herald and the Dallas Morning News?

Mr. WEISSMAN. There was very little in the Morning News about the rightwing, that was antirightwing, and the Dallas Times Herald was full of it.

Mr. JENNER. Would you please delineate what you mean by "us" who were on the run?

Mr. WEISSMAN. I mean any conservative in Dallas at that time was keeping quiet.

Mr. JENNER. Including yourself and the other men you mentioned?

Mr. WEISSMAN. Including myself and everybody I was associated with; yes, sir. And a day or so after that, I think it was Sunday or Monday, I had suggested to Larrie, and I spoke to Joe Grinnan on the phone, that maybe I should call the FBI and give them the story on this ad.

And he said, "Now, look, if they want you, they will find you. They know where you are, probably. So if they want you, they will find you." So I waited. And several times I was going to make that phone call, and I did not. Then finally we just ran out of money.

Mr. JENNER. You are probably a few days beyond the 23d now?

Mr. WEISSMAN. Right; I am. I am going now—everything was rather stable, static up until the Wednesday, the following Wednesday, when I left Dallas.

Mr. JENNER. I want to complete your whole day of the 23d before you move beyond that. Did you or Bill leave your apartment on the 23d?

Mr. WEISSMAN. Yes; we were over at Larrie's house. I don't remember exactly the times. We had been to Larrie's place several times.

Mr. JENNER. Were you in the Dallas downtown business district at anytime on the 23d?

Mr. WEISSMAN. I don't think so—no—no, as a matter of fact. In fact, I didn't get around to the business district until—yes. We went into the outer edge of the downtown area to get to the post office, to pick up the letters.

Mr. JENNER. That is right. On the 23d you went to the post office box and picked up the 60-odd letters that you have at home in New York.

Mr. WEISSMAN. That is right. And then we went directly back to the apartment, and opened these letters.

Mr. JENNER. That is all you did in the downtown area?

Mr. WEISSMAN. Yes; so far as I can recollect.

Mr. JENNER. Approximately what time of the day was that?

Mr. WEISSMAN. That was in the morning. That was early in the morning—about 8 or 9 o'clock, I guess, in the morning.

Mr. JENNER. Did you receive any telephone calls at your apartment that day?

Mr. WEISSMAN. I received—Larrie called us, I know. I don't recall what was said. It was just like, "What is happening—everything okay?"

On Monday I received a letter—

Mr. JENNER. Excuse me. Have we now accounted from the time you got up Saturday morning until the time you went to bed that evening?

Mr. WEISSMAN. I don't recall. Bill and I might have gone out for a hamburger a couple of blocks away. We didn't go anywhere near downtown. We might have gone to Larrie's apartment that night. I am not sure.

Mr. JENNER. The 22d—we picked you up in your car with Mr. Burley around 12:30. Now, what happened that morning?

Mr. WEISSMAN. That morning?

Mr. JENNER. Yes—the 22d. Where were you the morning of the 22d, up to 12:30 o'clock in the afternoon?

Mr. WEISSMAN. Let's see. I left the apartment at about—I guess it was a little after 9. We had a 10 or 10:30 sales meeting scheduled, or 9:30. Anyway, I got there on time for the sales meeting.

Mr. JENNER. That was the carpet company by which you were employed?

Mr. WEISSMAN. Exactly.

Mr. JENNER. Name it.

Mr. WEISSMAN. Carpet Engineers.

Mr. JENNER. And you had obtained that job when?

Mr. WEISSMAN. About a week after arriving in Dallas.

Mr. JENNER. And that was located where?

Mr. WEISSMAN. 1002 South Beckley, in the Oak Cliff section of Dallas.

Mr. JENNER. In the Oak Cliff section?

Mr. WEISSMAN. That is right.

Mr. JENNER. On Beckley?

Mr. WEISSMAN. On Beckley.

Mr. JENNER. What was the address?

Mr. WEISSMAN. 1002. I know what you are getting at. Oswald also had a room on Beckley, but he was on the opposite extreme. I think he was on North Beckley. I was on South Beckley.

Mr. JENNER. Give us the distance approximately between the location of the carpet company by which you were employed which is on South Beckley, and Oswald's address on North Beckley.

Mr. WEISSMAN. At least a few miles. I don't know. I had never been on North Beckley.

Mr. JENNER. At no time while you were in Dallas were you ever on North Beckley?

Mr. WEISSMAN. Not as far as I know, unless I got lost and didn't know where I was. But as far as I know, I have never been there.

Mr. JENNER. And you were a salesman of carpeting?

Mr. WEISSMAN. That is right.

Mr. JENNER. Did you ever sell any carpeting?

Mr. WEISSMAN. Not a one.

Mr. JENNER. Did you make any effort?

Mr. WEISSMAN. I made a lot of effort. This is where most of my money went—for gas and things like that.

Mr. JENNER. Your associate, Mr. Burley, was he a salesman for this company also?

Mr. WEISSMAN. He quit about 2 weeks—about several days before the 22d. And he was looking—of course, one of us had to make money. We both were blanking out with the carpets.

Mr. JENNER. I take it, however, he had been employed by the same carpet company?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. You made application together, did you?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. And you were both employed at approximately the same time?

Mr. WEISSMAN. That is right.

Mr. JENNER. But he left the carpet company before you did?

Mr. WEISSMAN. That is right.

Mr. JENNER. And I understand you attended a sales meeting at the carpet company the morning of the 22d.

Mr. WEISSMAN. That is right.

Mr. JENNER. When did that sales meeting break up?

Mr. WEISSMAN. 12:30 for me. It was still going when I left. I left at 12:30 because I had this afternoon appointment, and also this meeting with Larrie. I had talked to the sales manager after that. I had——

Mr. JENNER. What was his name?

Mr. WEISSMAN. Frank Demaria. And I had asked him if he had been questioned at all by the FBI. He said yes, they had been around. And I said, "What did you tell them?" And he mentioned at that time, he says, "We thought you had left about 12 o'clock." And I said, "What are you trying to do?"

And, anyway, this is the way it went. But I know I left at 12:30. They were embroiled in a big discussion, and they were not cognizant of the time. I was.

Mr. JENNER. All right. Now, would you tell us what you did on the 24th?

Mr. WEISSMAN. Went to pick up the mail in the morning, went back to the apartment.

Mr. JENNER. You picked up mail in the morning on Sunday?

Mr. WEISSMAN. That is right, the post office was open Sunday morning.

Mr. JENNER. You went to the post office on the 23d, which is Saturday, and you also returned——

Mr. WEISSMAN. No; I didn't go to the post office on Saturday the 23d.

Mr. JENNER. I misunderstood you, then.

Mr. WEISSMAN. No; I am almost positive it was Sunday morning. I know it wasn't Saturday. I am positive——almost positive it was Sunday morning.

Mr. DULLES. That is when you picked up the 50-odd letters you referred to?

Mr. WEISSMAN. Right.

Mr. JENNER. It was the day that you heard that Ruby had shot Oswald, was it?

Mr. WEISSMAN. I am getting a little confused now. I think I might be 1 day——

Mr. JENNER. See if we can orient you. The assassination of the President occurred on the 22d of November 1963, which is a Friday.

Mr. WEISSMAN. Right.

Mr. JENNER. Then there was Saturday. Then on Sunday the 24th occurred the shooting of Lee Harvey Oswald by Jack Ruby.

Mr. WEISSMAN. Yes.

Mr. JENNER. Now, with those events in mind, when did you go to the post office box?

Mr. WEISSMAN. Well, now, I know it was not Monday. Now, I am back in perspective. I am almost definitely sure it was Sunday morning.

Mr. JENNER. You said earlier that it was Saturday. You said it was the day after the ad appeared, that night, and you went the next day.

Mr. WEISSMAN. No; couldn't have.

Mr. JENNER. That was an error?

Mr. WEISSMAN. That was an error; yes. It was Sunday.

Mr. JENNER. All right. Now, on further reflection, your recollection is reasonably firm now that you did go to the post office box on Sunday rather than Saturday?

Mr. WEISSMAN. I am almost positive it was Sunday morning.

Mr. JENNER. You are equally positive it was not Monday?

Mr. WEISSMAN. It might either be—I remembered there was an awful lot of traffic. And I don't know if the traffic was because everybody was driving through downtown to go around the Houston viaduct to see the scene of the assassination or what. And this is what is confusing me now. That is why I

am not sure if it was Sunday morning—it might have been Monday morning. I doubt it. But it might have been.

Mr. JENNER. But it was early?

Mr. WEISSMAN. Yes.

Mr. JENNER. Around 8 o'clock?

Mr. WEISSMAN. Eight, nine o'clock; yes.

Mr. JENNER. I was asking you to account for your comings and goings and your whereabouts on Sunday the 24th. And in the course of doing that, in referring to the morning, you mentioned that you had gone to the post office box. Now, what did you do thereafter?

Mr. WEISSMAN. Went right back to the apartment.

Mr. JENNER. Did Mr. Burley accompany you?

Mr. WEISSMAN. Yes; and another fellow. Ken—Kenneth Glazbrook.

Mr. JENNER. Who is he?

Mr. WEISSMAN. This is a fellow associated with CUSA, but never really. He came in, as a matter of fact—yes; I had forgotten about him. President Kennedy was assassinated on a Friday. Ken Glazbrook arrived in town by bus on Friday night. We went down to the bus station to pick him up.

Mr. JENNER. You knew he was coming?

Mr. WEISSMAN. Yes. He—

Mr. JENNER. Please identify him.

Mr. WEISSMAN. Ken Glazbrook.

Mr. JENNER. Yes; who was he?

Mr. WEISSMAN. Ken is what you might call a world traveler. This is a guy—he is a political science—he has a masters in political science from UCLA, I believe. And we had hoped to bring him in as our political analyst.

Mr. JENNER. Had you met him in the service?

Mr. WEISSMAN. In Germany; yes. Larrie met him at one time originally. Ken was passing through Munich, and he had stopped off at our favorite bar, and gotten into a discussion with Larrie. And he had been through Munich after that two or three times, at one occasion which I met him. And he had also said, "I will meet you in Dallas."

But he came and he went. He stayed with Bill and I for a couple of days at our apartment, because he was on his way home to California. From what I understand now, he is back in Europe. He could not take it here.

Mr. JENNER. I am still accounting for Sunday. You went to the post office box, you think. You went to the bus station to pick up—

Mr. WEISSMAN. I am not sure whether this was—I am pretty sure it was Friday night we picked him up at the bus station. It might have been Saturday night. But I am more sure in my mind—my inclination goes more toward Friday night.

Mr. JENNER. You saw him on Sunday?

Mr. WEISSMAN. Ken?

Mr. JENNER. Did you see this man on Sunday?

Mr. WEISSMAN. He was in the apartment with us.

Mr. JENNER. He came to stay with you?

Mr. WEISSMAN. Yes; he brought a pitcher and a knapsack.

Mr. JENNER. Did he go down to the post office box with you?

Mr. WEISSMAN. Yes.

Mr. JENNER. And he returned to your apartment?

Mr. WEISSMAN. Yes.

Mr. JENNER. What did you do then?

Mr. WEISSMAN. We went through the letters. We were going pro and con, and reading them. We were very pleased at first because a lot of it was favorable, and then we got to the later postmarks, and those were terrible. We just discussed the letters for a while. And a girl came over. What was her name? Lynn something—I don't know her last name. And she sat around and talked for a while. We discussed the letters with her. Then Larrie came over that afternoon also. He was wearing a turtle-neck sweater. And we stayed around for a few hours. Then Larrie and Lynn took off to the Ducharme Club. And thereafter I don't know what happened to them. I did not hear from them at all. And—that is about it for Sunday.

Mr. JENNER. When did you first hear about the Ruby-Oswald incident?

Mr. WEISSMAN. I think Larrie called me up. Yes, he was watching television at the Ducharme Club, I believe. I believe this was the occasion. I think he was with Lynn. And he telephoned me at the apartment. And that was the story.

Mr. JENNER. You have testified you were never in the Carousel Club.

Mr. WEISSMAN. Never.

Mr. JENNER. What if any acquaintance did you have with Officer Tippit?

Mr. WEISSMAN. None.

Mr. JENNER. What if any acquaintance did any of your associates have to your knowledge with Officer Tippit?

Mr. WEISSMAN. Absolutely none.

Mr. JENNER. Had you ever heard of the name Officer Tippit?

Mr. WEISSMAN. Never.

Mr. JENNER. Up to or any time during the day of November 22, 1963?

Mr. WEISSMAN. None at all. The first I ever heard of this name was after Oswald shot him, and it came over the TV, that a policeman had been shot near a movie theater. That was the first I had heard that name.

Mr. JENNER. Do you know whether any of your associates, Schmidt or Burley or Jones, or any persons you have mentioned, knew Officer Tippit?

Mr. WEISSMAN. To the best of my knowledge, no.

Mr. JENNER. Did anything occur during all the time you were in Dallas to lead you to believe any of these people, including Mr. Grinnan, for example, had had any connection with or association or knowledge of or acquaintance with Tippit?

Mr. WEISSMAN. Not as far as I know. I don't know too much about Joe Grinnan.

Mr. JENNER. Did you at anytime while you were in Dallas ever have a meeting with or sit in the Carousel Club with Officer Tippit?

Mr. WEISSMAN. No.

Mr. JENNER. Do you know or do you have any information as to whether any of the associates you have mentioned ever had a meeting with Officer Tippit in the Carousel Club?

Mr. WEISSMAN. None whatsoever.

Mr. JENNER. Or whether or not, irrespective of whether it was a formal meeting or even an informal one, that they were with Officer Tippit at anytime in the Carousel Club.

Mr. WEISSMAN. Absolutely not.

Mr. JENNER. And you were never in the Carousel Club at all; and you never were with Officer Tippit.

Mr. WEISSMAN. Right.

Mr. JENNER. Any place.

Mr. WEISSMAN. Any place.

Mr. JENNER. Mr. Weissman, it has been asserted that a meeting took place on November 14, 1963, in the Carousel Club between Officer Tippit and yourself—and I take it from your testimony that you vigorously deny that that ever took place.

Mr. WEISSMAN. Very definitely. May I say something in relation to this?

Mr. JENNER. Is it pertinent to this?

Mr. WEISSMAN. I believe so. I believe that this is a statement made by Mark Lane, who claimed to be attorney for the deceased Oswald. It was originally made at the Town Hall in New York, and later that same evening, I do not recall the date exactly, on a radio program Contact WINS New York, at about midnight of that same day.

At that time I telephoned the radio station and spoke to Mark Lane. This is the first I had heard of the allegation at all.

Mr. JENNER. You telephoned the radio station?

Mr. WEISSMAN. Right.

Mr. JENNER. And you asked for Mr. Lane.

Mr. WEISSMAN. That's right.

Mr. JENNER. Did the man for whom you asked come to the phone?

Mr. WEISSMAN. Yes; he did.

Mr. JENNER. Had you known Mr. Lane prior to this time?

Mr. WEISSMAN. Never heard of him before.

Mr. JENNER. You had never spoken to him?

Mr. WEISSMAN. Never

Mr. JENNER. Did you ask—when there was an answer on the phone, did you ask who it was that was on the phone?

Mr. WEISSMAN. I said something to the effect of "Hello, Mr. Lane?"

Mr. JENNER. What did the voice on the other end of the phone say?

Mr. WEISSMAN. He said yes—yes something.

Mr. JENNER. Did you identify yourself?

Mr. WEISSMAN. Yes; I did.

Mr. JENNER. Did you identify yourself before or after you asked whether the voice was that of Mr. Lane?

Mr. WEISSMAN. I identified myself—I called the radio station and it was a telephone thing that was broadcast over the air, question and answer—you telephone in a question and he answers. So I telephoned, and just by luck I happened to get through on the first ring. And somebody said, "Who is calling?" I said, "I would like to speak with Mr. Lane. This is Bernard Weissman calling, chairman of the American Fact-Finding Committee." And so I got him on the phone, because they could not pass this up. And I told him, I identified him that "You are the attorney for the assassin Oswald"—this is just what I said to him.

Mr. JENNER. What did he say?

Mr. WEISSMAN. And he said—he murmured in agreement. He did not say emphatically "Yes; I am." But he said, "Um-hum," something to that effect. And I said, "I know what you are trying to do. I think you are hunting for headlines. But you had been talking to some liar in Dallas who has been feeding you all this baloney about me. You are making all these allegations at the Town Hall and now on radio. And you have never taken the trouble to contact me. My name has been in the paper. It is very well known where I live. I am in the phone book. You could have at least tried to contact me." And I pinned him up against the wall verbally. And he agreed at that time—

Mr. JENNER. What did he say?

Mr. WEISSMAN. He said that he had no definite proof, that he would have to check on it.

Mr. JENNER. Proof of what?

Mr. WEISSMAN. Proof of the allegations.

Mr. JENNER. Did you mention what the allegation was when you talked with him on the telephone?

Mr. WEISSMAN. Yes; I did.

Mr. JENNER. What did you say?

Mr. WEISSMAN. I said, "You are alleging that I had a meeting with Patrolman Tippit in Jack Ruby's bar with some unidentified third person about a week before the assassination." I said, "You are going strictly on the story of some liar in Dallas." I said, "If you had any courage or commonsense or really wanted to get at the facts, you would have called and asked me, too." And he agreed, yes, he should have talked to me.

Mr. JENNER. Did he say yes he should have talked to you?

Mr. WEISSMAN. Yes; and that he would also recheck his facts in Dallas. And that ended the essence of the conversation.

Mr. JENNER. Have you exhausted your recollection as to that conversation?

Mr. WEISSMAN. As to that particular conversation; yes.

Mr. JENNER. When you adverted to his assertion in the Town Hall meeting, that you had been present in the Carousel Club in a meeting with Officer Tippit, did you say that you denied that you were ever in the Carousel Club?

Mr. WEISSMAN. I denied that; yes.

Mr. JENNER. That was what you said.

Mr. WEISSMAN. I said, "I did not know Lee Harvey Oswald. I did not know Jack Ruby. I have never been in the Carousel Club."

Mr. JENNER. And you said that to him over the telephone on that occasion—

Mr. WEISSMAN. That's right.

Mr. JENNER. What was his response to that?

Mr. WEISSMAN. This is when he came up with he would have to recheck his

facts and he would have to check into it. Subsequently, I had talked to him later that same evening—the show went off at 1 a.m. in the morning. And I had been given a private number to call at the radio station. I talked to him on the telephone.

Mr. JENNER. How did you get that number?

Mr. WEISSMAN. The announcer gave it over the air. And he said, "If you want to speak with Mr. Lane"—because I was getting pretty hot.

Mr. JENNER. You mean angry?

Mr. WEISSMAN. Angry; yes. And he said, "If you want to talk to Mr. Lane call him after the show is over, about 5 after 1," I forget the number of the station. And I telephoned him.

Mr. JENNER. You called the same number again.

Mr. WEISSMAN. Yes.

Mr. JENNER. You asked for Mr. Lane.

Mr. WEISSMAN. Yes; I did.

Mr. JENNER. And somebody responded?

Mr. WEISSMAN. Mr. Lane got on the wire.

Mr. JENNER. Was it the same voice?

Mr. WEISSMAN. Yes.

Mr. JENNER. What did he say in the way of acknowledging that it was Mr. Lane?

Mr. WEISSMAN. I went into it again.

Mr. JENNER. Did you say, "Mr. Lane"?

Mr. WEISSMAN. Yes.

Mr. JENNER. And the voice's response was what?

Mr. WEISSMAN. I said, "Hello, Mr. Lane." And he said—I said, "Hello, Mr. Lane." And he said, "Yes."

"This is Bernie Weissman" or Mr. Weissman. And he said "Yes." And then I reiterated what I had said, and that he had better check his facts—and "I am going to get a hold of some friends in Dallas to check on your witness and find out who he is."

Mr. JENNER. Please identify these people.

Mr. WEISSMAN. I was saying this to Mark Lane. And Mark Lane repeated again—

Mr. JENNER. Please say again what you said to Mr. Lane, and then what his response was, because with the rapidity with which you speak, it is difficult to sort out his words from your words.

Mr. WEISSMAN. Well—

Mr. JENNER. It might be well if you started over again. You called the station. You asked for Mr. Lane and a voice responded.

Mr. WEISSMAN. Yes.

Mr. JENNER. You then said, "Mark Lane"? And he responded?

Mr. WEISSMAN. Yes.

Mr. JENNER. All right. Now, carry on from there.

Mr. WEISSMAN. I told him that he had better check his facts, that he is off on a tangent, that there is absolutely no factual background.

Mr. JENNER. For what?

Mr. WEISSMAN. For him saying, his allegations, that I had had this meeting with Tippit in Ruby's bar.

Mr. JENNER. Did you repeat that again? Did you repeat again that you had not been in the Carousel Club at anytime?

Mr. WEISSMAN. I don't know if I repeated it at that time. I just made a point of saying that he had better check his facts and talk with me also, and get both sides of the story here, before he got himself in trouble. By trouble, I had assumed he knew what I meant—I meant a lawsuit. And I would have sued him, but I could not find a lawyer to handle the case. They said any publicity that comes out of it would be only bad. So I dropped it. Several days later—

Mr. JENNER. Have you finished the conversation?

Mr. WEISSMAN. I have finished the conversation with him. Several days later I got a hold of his office number.

Mr. JENNER. Would you fix the time of this Town Hall meeting broadcast, as best you can.

Mr. WEISSMAN. I am pretty sure it was on the 28th or the morning of the 29th—on the Town Hall thing? That was the afternoon of the 28th of April. I believe, I believe it was April. It was prior to his coming to a hearing here at the Commission. And in any case, I telephoned him several days after our radio and telephone conversation—I telephoned him at his office in Manhattan and got him on the line again. And I said, "Well, what has happened?" I was very curious as to what he had done about this.

Mr. JENNER. Where did you reach him?

Mr. WEISSMAN. At his office in Manhattan. I do not know the address. I had first contacted a law firm he was associated with previously, and they gave me his office number in lower Manhattan. And I telephoned him at his office. The secretary answered, then he got on the line. And he said this time—I don't recall exactly what was said before or after this particular part of the conversation. But I said that I want to meet this guy in Dallas, the one who told him this story and call him a liar to his face, and that I wanted it to be a public meeting, and Mark Lane said he would arrange for a public meeting, he would pay my transportation to Dallas to see this guy as soon as he could arrange a meeting. And I have not heard from him since.

Mr. JENNER. To check that date you gave us again, Mr. Weissman—Mr. Lane appeared before the Commission on Wednesday, March 4, 1964.

Mr. WEISSMAN. March 4? March? I did not think it was that long ago. If he appeared March 4, then the conversation—well, I stand corrected. I am not positive of the month.

Mr. JENNER. It might have been February 28?

Mr. WEISSMAN. It might have been. If it was March 4 he appeared here, it might have been February 28, because there seemed to be several weeks lapse between his coming here—

Mr. JENNER. Are you certain, however, that your telephone conversation with him the evening of the broadcast following the Town Hall meeting was before he appeared before the Commission?

Mr. WEISSMAN. Unless he appeared twice, I am a 100 percent positive.

Mr. JENNER. And from what source did your information come that he had appeared before the Commission?

Mr. WEISSMAN. Newspapers.

Mr. JENNER. I think we can close this. I show you Garner Exhibit No. 1. Did you ever see the person who is shown on that photograph?

Mr. WEISSMAN. No.

Mr. JENNER. I show you Commission Exhibit No. 520 and direct your attention to the man in the white tee shirt between the two policemen. Did you ever see him before?

Mr. WEISSMAN. No.

Mr. JENNER. Prior to November 22, 1963, had you ever seen him?

Mr. WEISSMAN. Never.

Mr. JENNER. And except for these photographs, and whatever newspaper clippings or photos you have seen since November 22, or television shows on or after November 22, have you ever seen that person in the flesh?

Mr. WEISSMAN. Never.

Mr. JENNER. Did you ever have any contact with him of any kind?

Mr. WEISSMAN. Never.

Mr. JENNER. Telephone calls, letters, memoranda of any kind or character?

Mr. WEISSMAN. Never.

Mr. JENNER. Mr. Chairman, there is correspondence that Mr. Weissman has, and I wonder if it would be convenient with the Commission if we could return at 2:30. In the meantime I will be able to look at some of the material he has to see if any of it is relevant and helpful to the Commission.

Mr. DULLES. I would like to adjourn at this time if we can, because I have a luncheon appointment.

Mr. JENNER. That is what I am suggesting, sir.

Mr. DULLES. Good.

We will adjourn until 2:30.

(Whereupon, at 1:05 p.m., the President's Commission recessed.)

Afternoon Session

TESTIMONY OF BERNARD WILLIAM WEISSMAN RESUMED

The President's Commission reconvened at 2:45 p.m.

(The Chairman and Mr. Dulles being present.)

The CHAIRMAN. The Commission will be in order. You may proceed.

Mr. JENNER. Thank you, Mr. Chief Justice.

Whereupon, Bernard Weissman was recalled as a witness and having been previously duly sworn, testified further as follows:

Mr. JENNER. Mr. Chief Justice, during the luncheon hour Mr. Weissman has afforded us an opportunity to examine some of this correspondence, to which he made reference this morning. I have selected a few of these pieces of correspondence as rounding out the genesis of CUSA and its affiliate, AMBUS, and the infiltration of the rightist organizations in Dallas that the witness described.

I will identify these without reading from them, as some of them are rather lengthy.

The CHAIRMAN. Very well.

Mr. JENNER. First, Mr. Weissman, I have a letter on the letterhead of National Indignation Convention, the top of which has scrawled in ink longhand "Top Secret." It is a five-page longhand letter. At the bottom of each is written the word "Destroy." I have marked an envelope postmarked Dallas, Tex., on November 5, 1962, as Commission Exhibit No. 1048, the first exhibit being identified as Commission Exhibit No. 1047.

(The documents referred to were marked respectively Commission Exhibits Nos. 1047 and 1048 for identification.)

Mr. JENNER. The envelope is addressed to SP-4 Larry Jones, APO Station 407, New York, N.Y.

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. Do you recognize the handwriting on the envelope?

Mr. WEISSMAN. Yes; that is Larrie's.

Mr. JENNER. And the Larry Jones is the man to whom you made reference in your testimony?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. The document Commission Exhibit No. 1047, do you recognize that handwriting?

Mr. WEISSMAN. It appears to be Larrie's.

Mr. JENNER. Do you recognize it?

Mr. WEISSMAN. Yes.

Mr. JENNER. And was document Commission Exhibit No. 1047, enclosed in the envelope marked Commission Exhibit No. 1048?

Mr. DULLES. Is there any signature on those documents?

Mr. WEISSMAN. This page should be last.

Mr. JENNER. On the page which is marked with a circle 7, there appears to be a signature L-a-r-r-i-e. Do you recognize that signature?

Mr. WEISSMAN. That is Larrie Schmidt's signature.

Mr. JENNER. How did you come into possession of the documents now identified, one of which was addressed to Larry Jones rather than you?

Mr. WEISSMAN. Larry Jones gave it to me.

Mr. JENNER. Where?

Mr. WEISSMAN. In Munich, Germany.

Mr. JENNER. And when he handed the document to you was Exhibit No. 1047 enclosed in Exhibit No. 1048?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. Next is a three-page letter dated Dallas, Tex., January 4, 1963, typewritten, addressed to "Dear Bernie." Is that you?

Mr. WEISSMAN. Yes.

Mr. JENNER. Marked as Commission Exhibit No. 1040.

(The document referred to was marked Commission Exhibit No. 1040 for identification.)

Mr. JENNER. It is signed in typing "Larrie."

A document of five pages marked Commission Exhibit No. 1041 on the first page of which appears the signature Larrie H. Schmidt.

(The document referred to was marked Commission Exhibit No. 1041 for identification.)

Mr. JENNER. Do you recognize that signature?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. Whose is it?

Mr. WEISSMAN. Larrie Schmidt's.

Mr. JENNER. The last of this series of letter-sized papers is a five-page document titled "A Code of Conduct for Members of Conservatism U.S.A." which has been marked Commission Exhibit No. 1042.

(The document referred to was marked Commission Exhibit No. 1042 for identification.)

Mr. JENNER. I understand that these three documents that I have now identified were enclosed in an envelope which has been marked Commission Exhibit No. 1043, in the upper left-hand corner, L. H. Schmidt, 5417b Lewis Street, Dallas 6, Tex., addressed to Private First Class Bernie Weissman. Is that you?

Mr. WEISSMAN. That is me.

(The document referred to was marked Commission Exhibit No. 1043 for identification.)

Mr. JENNER. That is postmarked Dallas, January 4, 1963.

Did you receive the documents, now identified as Commission Exhibits Nos. 1040, 1041, 1042, and 1043?

Mr. WEISSMAN. Yes, I did.

Mr. JENNER. Were the first of those three—were the first three of those exhibits I have named enclosed in the document identified as Commission Exhibit No. 1043?

Mr. WEISSMAN. Yes.

Mr. JENNER. I have already identified the signature.

These documents relate to the development of and plans for CUSA, do they not?

Mr. WEISSMAN. They do.

Mr. JENNER. And the conduct of CUSA?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. The next two documents, a three-page letter typed on the top "Headquarters Conservatism U.S.A.," dated February 2, 1963, at Dallas, Tex., 5417b Lewis Street, which I have marked as Commission Exhibit No. 1049.

(The document referred to was marked Commission Exhibit No. 1049 for identification.)

Mr. JENNER. This is addressed "To All Members." It is signed in typing "Sincerely, Larrie." Have you seen that document before?

Mr. WEISSMAN. Yes; I have.

Mr. JENNER. And was it enclosed in an envelope?

Mr. WEISSMAN. It was.

Mr. JENNER. Was it sent to you?

Mr. WEISSMAN. Yes; it was.

Mr. JENNER. Is that document the envelope Commission Exhibit No. 1050?

Mr. WEISSMAN. That is right.

(The document referred to was marked Commission Exhibit No. 1050 for identification.)

Mr. JENNER. There is handwriting on the face of Exhibit No. 1050. Whose handwriting is that?

Mr. WEISSMAN. That is mine.

Mr. JENNER. Read it.

Mr. WEISSMAN. "Meeting with Bob Morris, Infiltration of YAF by CUSA."

Mr. JENNER. Mr. Chief Justice and members of the Commission, the three-page document relates to a meeting held in the home of Dr. Morris. Is that Dr. Robert Morris?

Mr. WEISSMAN. That is right, of Dallas, Tex.

Mr. JENNER. Which recounts the plans for infiltration of conservative groups

in Dallas, Tex., upon which the witness has somewhat expanded in his testimony this morning.

Mr. DULLES. Has the witness indicated who Mr. Bob Morris was? I don't recall that.

Mr. WEISSMAN. Bob Morris at that time was president of the Defenders of American Liberties in Dallas, Tex., and recently was a candidate for political office in Dallas.

Mr. DULLES. What office?

Mr. WEISSMAN. I believe he was running in the primary for Senator.

Mr. JENNER. U.S. Senate.

Mr. WEISSMAN. U.S. Senator.

Mr. JENNER. I just want to be sure I have covered this. You received both of the documents now marked Commission Exhibits Nos. 1050 and 1049 in due course through the U.S. mail at your station in Munich, Germany?

Mr. WEISSMAN. Yes, sir; I did.

Mr. JENNER. The next series is—consists of a two-page letter which has been marked Commission Exhibit No. 1044, addressed to "Dear Bernie" at Dallas, Tex., on June 13, 1963, also signed in typing "Best, Larrie." That is again Larrie Schmidt, is it?

Mr. WEISSMAN. Yes.

(The document referred to was marked Commission Exhibit No. 1044 for identification.)

Mr. JENNER. That document was enclosed in what?

Mr. WEISSMAN. In this envelope here.

Mr. JENNER. And the envelope is marked Commission Exhibit No. 1046?

Mr. WEISSMAN. That's right.

(The document referred to was marked Commission Exhibit No. 1046 for identification.)

Mr. JENNER. For the purposes of the record, Commission Exhibit No. 1046 is an envelope postmarked at Dallas, Tex., on June 14, 1963. The envelope is imprinted with "Young Americans for Freedom, Inc., Southwestern U.S. Regional Headquarters, P.O. Box 2364, Dallas 21, Texas," and addressed to Pfc. Bernie Weissman. That is you?

Mr. WEISSMAN. Yes.

Mr. JENNER. Was there anything else enclosed in an envelope?

Mr. WEISSMAN. I believe it was this.

Mr. JENNER. A newspaper clipping from the Dallas Morning News which has been marked and identified as Commission Exhibit No. 1045. Is that right?

Mr. WEISSMAN. That's right.

(The document referred to was marked Commission Exhibit No. 1045 for identification.)

Mr. JENNER. The caption of this reads "Panel Reports Birch Society Dedicated But Not Dangerous."

Those three documents were received by you from Larrie Schmidt?

Mr. WEISSMAN. That is right.

Mr. JENNER. The third from the last of this series, a letter dated at Dallas, Tex., June 2, 1963, addressed to "Dear Bernie," Commission Exhibit No. 1037. Also in typing "Larrie." Who is that?

Mr. WEISSMAN. Larrie Schmidt.

(The document referred to was marked Commission Exhibit No. 1037 for identification.)

Mr. JENNER. There is some handwriting at the bottom of that letter—do you recognize it?

Mr. WEISSMAN. Yes; that is Larrie Schmidt's

Mr. JENNER. Did you receive that document?

Mr. WEISSMAN. I did.

Mr. JENNER. And was the handwriting on the document when you received it?

Mr. WEISSMAN. Yes; it was.

Mr. JENNER. Was it enclosed in an envelope?

Mr. WEISSMAN. Yes; it was.

Mr. JENNER. You received the mail, then.

Mr. WEISSMAN. Yes.

Mr. JENNER. In the envelope I now show you marked Commission Exhibit No. 1037-A?

Mr. WEISSMAN. Yes.

(The document referred to was marked Commission Exhibit No. 1037-A for identification.)

Mr. JENNER. Addressed to you. Was there something further enclosed with those?

Mr. WEISSMAN. I think this piece.

Mr. JENNER. Which is Commission Exhibit No. 1037-B.

(The document referred to was marked Commission Exhibit No. 1037-B for identification.)

Mr. JENNER. This is a handbill of Young Americans For Freedom, Inc.

Mr. WEISSMAN. That's right.

Mr. JENNER. You received all three documents I have now identified as Commission Exhibits Nos. 1037, 1037-A, and 1037-B in due course through the U.S. mail.

Mr. WEISSMAN. Yes; I did.

Mr. JENNER. Next to the last of this series is a letter, single page marked Commission Exhibit No. 1038, dated June 26, 1963, at Dallas, Tex., addressed to "Dear Bernie" signed again in typewriting as "Larrie." Have you seen that document before?

Mr. WEISSMAN. Yes; I have.

Mr. JENNER. When did you first see it?

Mr. WEISSMAN. When I received it in the mail.

Mr. JENNER. I show you an envelope marked Commission Exhibit No. 1038-A. (The document was marked Commission Exhibit No. 1038-A for identification.)

Mr. JENNER. Is that envelope the envelope in which Commission Exhibit No. 1038 was enclosed?

Mr. WEISSMAN. Yes; and as a reference, the handwriting on the outside of these envelopes on this and the other exhibits that refer to the contents were put on by me about a week ago, so I could identify it.

Mr. JENNER. Please read what you have written on the face of Commission Exhibit No. 1038-A.

Mr. WEISSMAN. "Ready to take over YAF. Jones in Dallas. Ducharme Club."

Mr. JENNER. And that Ducharme Club is the club, the private club, semi-private club in Dallas that you mentioned in your testimony this morning.

Mr. WEISSMAN. Yes.

Mr. JENNER. Lastly, a single-page exhibit, Commission Exhibit No. 1039, dated at Munich, Germany, on July 31, 1963.

(The document referred to was marked Commission Exhibit No. 1039 for identification.)

Mr. JENNER. This purports to be a copy of a letter apparently from you to Larrie Schmidt, is that correct, sir?

Mr. WEISSMAN. That's right.

Mr. JENNER. And this is a carbon copy of the actual letter?

Mr. WEISSMAN. That's right.

Mr. JENNER. Did you mail the original of this?

Mr. WEISSMAN. I did.

Mr. JENNER. To whom?

Mr. WEISSMAN. Larrie Schmidt.

Mr. JENNER. On or about the date this letter bears?

Mr. WEISSMAN. That's right.

Mr. DULLES. What date is that?

Mr. JENNER. July 21, 1963.

On Commission Exhibit No. 1043, which is the envelope which enclosed several other exhibits, there is some handwriting. Is that yours?

Mr. WEISSMAN. Yes.

Mr. JENNER. Would you read it.

Mr. WEISSMAN. "Membership List 1962. Code of Conduct and Introduction to CUSA. Ultimatum."

Mr. JENNER. And that is a shorthand description or summary of the contents of the envelope?

Mr. WEISSMAN. Yes.

Mr. JENNER. On Commission Exhibit No. 1048, which is also an envelope, there appears to be written on the face "NIC Infiltration." Whose handwriting is that?

Mr. WEISSMAN. That's mine.

Mr. JENNER. And you put it on there under the circumstances you have now related?

Mr. WEISSMAN. Yes, sir.

Mr. JENNER. Mr. Weissman, I will show you Commission Exhibit No. 996. Have you ever seen a counterpart of that exhibit which is entitled "Wanted for Treason"?

Mr. WEISSMAN. Never directly.

Mr. JENNER. Tell us about your first acquaintance with that, with the circumstances, if you know, of how it came into existence, and who had anything to do with it.

Mr. WEISSMAN. Well, I can only go by hearsay on this—what I have seen and what I have heard from other individuals.

Mr. JENNER. Did this come to your attention before November 22, 1963, or after?

Mr. WEISSMAN. After.

Mr. JENNER. Tell what you know, please.

Mr. WEISSMAN. I had heard that these handbills were distributed somewhere in North Dallas, I believe, on the university campus I believe it was, the University of Dallas campus.

Mr. JENNER. From what source did you hear this?

Mr. WEISSMAN. Now, I think it was—I am not sure—I think it might have been Larrie or his brother Bob. I am not sure. Larrie declaimed any knowledge of this. I know he had nothing to do with this particular handbill.

Mr. JENNER. How do you know that?

Mr. WEISSMAN. He would have told me.

Mr. JENNER. That's the basis for your supposition?

Mr. WEISSMAN. Yes; and I saw this handbill, or something similar to it, in the back of a station wagon used by Larrie's brother Bob in transporting—

Mr. JENNER. When?

Mr. WEISSMAN. This was several days after the assassination. There was one crumpled up in the back. And I happened to look through the window and see it. This was in front of the Ducharme Club, as a matter of fact. It was one night. And I saw this. And I saw something "Treason"—I had heard about the handbills.

Mr. JENNER. From whom?

Mr. WEISSMAN. Excuse me?

Mr. JENNER. From whom, sir?

Mr. WEISSMAN. I think it was Larrie. I cannot be hundred percent sure. I did not take too much interest in it at the time. But in any case, I did see something resembling this, only it seemed to be a larger picture of President Kennedy. But in any case, it was in the back of a station wagon owned by General Walker, Edwin Walker, or by what—if incorporated, by the corporation he is with, chairman of.

Mr. JENNER. How did you know that?

Mr. WEISSMAN. Well, I know that Bob was General Walker's chauffeur, and by seeing this crumpled up in the back, behind the front seat on the floor of the car, I naturally assumed that it had something to do with General Walker. Exactly what or how, or if he had distributed it, I have no idea. I do not have the faintest idea. I did not go into it any further, because I felt that everything was past, and I was leaving Dallas anyway. I had made up my mind.

(At this point, Senator Cooper entered the hearing room.)

Mr. JENNER. When you say you had heard about this matter, that is the handbill, or handbill similar to it, had you heard about that before November 22, 1963?

Mr. WEISSMAN. Not to my recollection, no.

Mr. JENNER. Shortly after that?

Mr. WEISSMAN. Yes.

Mr. JENNER. And before you left Dallas?

Mr. WEISSMAN. Yes.

Mr. JENNER. Did you have anything to do with the bringing into existence of this or similar handbills?

Mr. WEISSMAN. None; none whatsoever.

Mr. JENNER. Other than the possibility of Bob Schmidt having something to do with them under the circumstances you have related, did any others of your group have anything to do with creating this type of literature and distribution of handbills?

Mr. WEISSMAN. None that I know of.

The CHAIRMAN. How about the names of those people who were in on it?

Mr. JENNER. On the handbill?

The CHAIRMAN. Yes.

Mr. JENNER. Did you become acquainted at any time with Robert A. Surrey?

Mr. WEISSMAN. No.

Mr. JENNER. With Robert G. Klause?

Mr. WEISSMAN. No.

Mr. JENNER. With J. T. Monk?

Mr. WEISSMAN. No.

Mr. JENNER. Did you become acquainted at any time with the Johnson Printing Co.?

Mr. WEISSMAN. No.

Mr. JENNER. Did you have any materials printed—and when I say you, I mean you or your group—while you were in Dallas?

Mr. WEISSMAN. Not that I know of. I personally have no knowledge of anything being printed.

Mr. JENNER. Did you ever hear of the Lettercraft Printing Co.?

Mr. WEISSMAN. No; I have not.

Mr. JENNER. Did you ever hear of Ashland Frederick Birchwell?

Mr. WEISSMAN. No.

Mr. JENNER. Or have any contact with him?

Mr. WEISSMAN. Not that I know of. I guess I must have met two or three dozen people. For example, when we went up to Joe Grinnan's office at various times, we would come down and eat in the cafeteria, and there would be somebody sitting with him, and there would be introductions. I never remembered their names, because it was just in passing. I never had any personal contact, really.

Mr. JENNER. Did you meet General Walker at any time while you were in Dallas?

Mr. WEISSMAN. Never did.

Mr. JENNER. Did you meet anybody or know anybody by the name of Mercer?

Mr. WEISSMAN. No.

Mr. JENNER. While you were in Dallas—Mrs. Clifford or Dorothy Mercer?

Mr. WEISSMAN. No.

Mr. JENNER. Or Mr. Clifford Mercer?

Mr. WEISSMAN. Definitely not.

Mr. JENNER. Among the exhibits we have identified this afternoon is a list of members. Those were the members of CUSA as of that particular time?

Mr. WEISSMAN. Yes.

Mr. JENNER. And the changes in membership you have recounted in your testimony this morning, is that correct, sir?

Mr. WEISSMAN. Yes; I am sorry—I knew I had left something out of one of those. I do not know which exhibit is. But it is the one that says—

Mr. JENNER. I will hand them back to you, and you can tell me.

You now have in your hand a sheet of paper.

Mr. WEISSMAN. Yes.

Mr. JENNER. I take it that sheet of paper came from one of the envelopes we have already marked?

Mr. WEISSMAN. This one here.

Mr. JENNER. The answer is yes?

Mr. WEISSMAN. Yes.

Mr. JENNER. I will mark this sheet as Commission Exhibit No. 1051.

(The document referred to was marked Commission Exhibit No. 1051 for identification.)

Mr. JENNER. Would you tell us in what envelope Commission Exhibit No. 1051 was enclosed?

Mr. WEISSMAN. Commission Exhibit No. 1043.

Mr. JENNER. And what is Commission Exhibit No. 1051?

Mr. WEISSMAN. Commission Exhibit No. 1051 was a current membership list as of about January 4, 1963. If you like, I can go over this and tell you who was in no way really associated with it at the time or active.

Mr. DULLES. Membership in CUSA?

Mr. WEISSMAN. In CUSA, yes. It lists Larrie Schmidt, Larry C. Jones, Bernie Weissman, Norman Baker, James Moseley as partners. Members as Ken Glazbrook, Bob Weiss, who was not active after about—at about the time this was printed—these men dropped from the active list. Herb Starr was not active. Chuck McLain was not active. Richard Harsch was not active. Mark Tanaro was not active. Sheila McDonald was not active. And the rest of the list were active in one form or another—some to a much lesser degree than the others.

Mr. JENNER. Now, the 50-odd responses that you received to Commission Exhibit No. 1031, when you went to the post office box on the following Sunday, the 24th of November 1963, did you recognize the names of any of the persons who responded?

Mr. WEISSMAN. None—none at all.

Mr. JENNER. Was there any response from Jack Ruby?

Mr. WEISSMAN. Not under his name.

Mr. JENNER. And you say about a third of those responses were favorable and two-thirds unfavorable.

Mr. WEISSMAN. That's right.

Mr. JENNER. Insofar as the questions asked on Exhibit—Commission Exhibit No. 1031 are concerned?

Mr. WEISSMAN. Yes.

The CHAIRMAN. When you said there was no letter in the box under the name of Jack Ruby does that infer that there was one by any other name?

Mr. WEISSMAN. Well, to put it very exact, if I did receive a letter from Jack Ruby, I have no knowledge of it.

The CHAIRMAN. That is what I wanted to know.

Mr. JENNER. And apart from—I asked you also the general question whether you recognized any names. I would like to add to that—did you recognize in reading over any of those letters or responses any persons, regardless of what name was signed to the document?

Mr. WEISSMAN. None whatsoever.

Mr. JENNER. During the noon recess I have had the witness read through an interview with him by the FBI on the 5th of December 1963. You have read that?

Mr. WEISSMAN. Yes; I have.

Mr. JENNER. Does that accurately reflect the interview which the FBI had with you on that day?

Mr. WEISSMAN. It does. The only variance you might find is that at the time I had the interview with the FBI, I did not develop the CUSA story with them. And they did not press the issue, and I did not go into it.

Mr. JENNER. But it does accurately reflect what took place during the course of that interview.

Mr. WEISSMAN. Exactly.

Mr. JENNER. What you said—it reports it accurately.

Mr. WEISSMAN. Yes; very accurately.

Mr. JENNER. Mr. Chief Justice, I was using this method in order to shorten the balance of Mr. Weissman's testimony. There are many details here that I wanted to spare the Commission.

I will mark that with the next exhibit number, Commission Exhibit No. 1052.

(The document referred to was marked Commission Exhibit No. 1052 for identification.)

Mr. JENNER. Mr. Chief Justice, I offer in evidence the exhibits which have been identified—I will read the exhibit numbers. Commission Exhibits Nos. 1031 through 1052, both inclusive, with some of the envelopes designated with sub-letters A, and one of the other documents designated with the subletter B. I ask that those exhibits be admitted in evidence with the exhibit numbers which appear on them, each of which has been recited in the record.

The CHAIRMAN. They may be admitted under those numbers.

(The documents referred to, heretofore marked for identification as Commission Exhibits Nos. 1031 through 1052 inclusive, were received in evidence.)

Mr. JENNER. I have no further questions of the witness. Mr. Flannery, do you have anything?

The CHAIRMAN. Mr. Dulles, do you have any questions you would like to ask?

Mr. DULLES. Just one general question. From the questions which have been addressed to you, Mr. Weissman, you have a general idea of what the Commission, the area of search of the Commission is so far as you are concerned.

Mr. WEISSMAN. Yes.

Mr. DULLES. Did anything occur to you of any significance which you could add or would like to add to the answers you have made to the questions you have already given?

Mr. WEISSMAN. Excuse me, please. There is just one thing but it is a question of—it is not a positive identification or anything like that. But on the day I went to the post office to pick up the mail there was a gentleman waiting, observing the box, the post office box in the Dallas post office. Now, Bill Burley was waiting in my car outside, driving around the block because the traffic was quite heavy. I went in with Ken Glazbrook, who had just come to Dallas about a day or so before by bus from the East Coast. He got off a freighter from Sweden. And this individual seemed to be about—I would put him at about 60 years old. And I thought about it since. And I said that might have been Jack Ruby, because he was short enough to be. But my recollection of the individual that followed me, when we subsequently lost in the crowd, and jumped into the car and took off, was that one time not more than 3 feet away from me—though I did not stare into his face, because I did not know if this fellow was going to shoot me or say something.

Mr. JENNER. You were then frightened; were you not?

Mr. WEISSMAN. Yes, sir. And we went across through traffic and up a street and down a street and lost this individual and jumped into the car and took off back to the apartment. And to this day I do not know whether it was Ruby—because frankly my recollection of the individual on the pictures I have seen of Ruby in the newspapers, they do not seem to jibe—just the size. This fellow was about 5 foot 6 or so. He was wearing tan clothing with a Stetson hat, a tan Stetson hat.

Mr. JENNER. A typical Texas western hat, sometimes called a 10-gallon hat?

Mr. WEISSMAN. That's right. And this is about the only thing else I have to add.

Mr. JENNER. Did he follow you?

Mr. WEISSMAN. He followed us from the box down the steps of the post office to the traffic light. We crossed the street, he walked up the other side of the street adjacent to the post office, directly opposite us. And we were going half-way up and he started to cross the corner. We quickly ran back to the corner, across which we came. At that time Bill had come around the corner in the car, he knew nothing about it, we jumped in, sat down low and went in a straight line, made the turn and went back to the apartment. And I have never seen the individual since.

Mr. DULLES. This post office box from which you were taking the mail, was that box the one that was advertised in the paper?

Mr. WEISSMAN. Yes.

Mr. DULLES. So that the number of that box was known.

Mr. WEISSMAN. Yes; it was. This individual was obviously waiting for me. I did not see him. Ken pointed him out to me. We expected possibly some sort of trouble there. And Ken was walking about 6 feet to the right of me, on another side of the post office tables that are in the middle of the aisle. So if I got in any difficulty he would be there to help. And he noticed this individual

and pointed him out to me. And this fellow just followed us right out, and that was that.

Mr. DULLES. As I recall, you fixed the time when you went to the mail box as probably sometime Sunday morning.

Mr. WEISSMAN. Yes, sir.

Mr. DULLES. Can you be any more definite as to the time Sunday morning when you were there?

Mr. WEISSMAN. I am almost 100 percent sure it was between 8 and 9 o'clock.

Mr. DULLES. In the morning?

Mr. WEISSMAN. Yes, sir.

Mr. DULLES. I have no further questions.

The CHAIRMAN. Senator Cooper, have you any questions?

Senator COOPER. What age did the man seem to be?

Mr. WEISSMAN. About 60.

Senator COOPER. I have two or three other questions.

Did your organization, CUSA, ever consider violence as a means to reaching its objectives?

Mr. WEISSMAN. This had been—I don't remember exactly. It had been hashed over in skull sessions, so many things come up, and you talk about it and throw it away. These things did come up over the year or so that I was involved in it in Munich, and thrown out. No. In schedules that we had made up, we figured probable political happenings over a period of years, and we took into account there might be a war for example in 1968 or 1970 or 1972, and what would happen before or after, or who would probably be President at that time, and the type of action America would take. But it had never gone any further than a lot of supposition.

Senator COOPER. Did you consider the advertisements in the paper there as possibly inciting to violence under the circumstances?

Mr. WEISSMAN. Definitely not.

Senator COOPER. Was that considered at all?

Mr. WEISSMAN. Definitely not. At least not by me. And nobody ever mentioned it.

Senator COOPER. This group of men that you have named, of which you were one, who formed this CUSA with objectives, both political and business you said?

Mr. WEISSMAN. Yes, sir.

Senator COOPER. Was there any background of writings or theory of any kind upon which you depended? Where did it come from?

Mr. WEISSMAN. Let's see. You are putting me in sort of a box but I will answer you. We read, for example—for example, I did not know I was a conservative until I got to Germany. I just knew how I felt. But I never identified myself with any particular political leaning. I thought I was a Democrat, an independent voter and independent thinker. For example, I voted for Kennedy in 1960 and I would have voted against him in 1964. But this is neither here nor there.

We were asked—not asked—we had a list of required reading. In other words, if you are going to expound the conservative philosophy we figured you should know something about it, a little bit of the background, aside from your own personal feelings. So we read, for example—I didn't—I never did find the time to do it—some of the fellows read "Conscience of a Conservative" by Barry Goldwater, one or two books that Barry Goldwater had written, and "Atlas Shrugged" by Ayn Rand, which I did not read.

Mr. JENNER. Did the others read them?

Mr. WEISSMAN. I guess Larrie read them, because he suggested these. There were many times when I said yes—I yessed him to death, and did as I pleased. And this is one of the cases.

Senator COOPER. That was about the extent of your reading background?

Mr. WEISSMAN. Not completely. In other words, I cannot point to any specific volumes that I read for the specific purpose of giving me a certain background. In other words, I am motivated personally by my own feelings in the situation, and the particular dogma that you might read in a book does not interest me too much.

Senator COOPER. As one of your aims, did you have the purpose of making some money out of this movement?

Mr. WEISSMAN. Out of the movement itself, no. Out of the business, yes. Because I think it would be foolish to go on the premise that if we would devote ourselves a hundred percent to politics that we could make money at it, because there are laws against it, and in order to survive while you are in politics, you have to have a business interest, managed by yourself part time or by others full time, that can support you while you devote yourself to politics.

Senator COOPER. Was this business interest to be these organizations which you were going to infiltrate and whose treasuries you might capture?

Mr. WEISSMAN. No.

Senator COOPER. Or was it to be—you hoped to develop businesses because of your political influence; is that it?

Mr. WEISSMAN. Yes; to put it straight on the record, we had discussed this, and what we would do if we came into any of the treasuries of these organizations. We felt that you can incur a lot of legal problems if you are caught taking funds, tax-free funds, and using it for personal gain and so forth. I am sure there are laws against it. Exactly which ones, I do not know. I am sure there are laws against it.

And so we felt there is nothing wrong, and it is done occasionally in government, where occasionally you would use—you would meet someone politically—because generally these are more affluent individuals, people in politics. By dint of their drive they have acquired property or moneys, et cetera. And these individuals might be willing to invest some of their capital in some up-and-coming young businessmen, young politicians. And we had hoped to get some money this way. Plus the fact, by using our heads, by setting up businesses on our own that would support us in the political goal.

Senator COOPER. Did you study methods of propaganda?

Mr. WEISSMAN. Study methods of propaganda? No; we had discussed ways of bringing about recruitment and so forth, in the way of pamphlets, or things of that nature, but this never got out of the talking stage itself. As a matter of fact—

Senator COOPER. You felt the way to move into political life quickly was to get into these extreme organizations which do use a great deal of propaganda, and are against things?

Mr. WEISSMAN. Yes; in general, we thought these organizations because they grew so quickly, would be relatively unorganized and easy to infiltrate, and this proves to be quite true. They were more or less autonomous within their own regions, and they did not have a national director keeping tabs on everything they did.

I have something here that was made up. It is just a list. I just happened to remember. Publicity tactics, for example—rallies, hangings—these are effigies, I would imagine—demonstrations, picketing, sit-downs, stickers, billboards, boycotts, lectures, songfests, talkathons, telephone campaigns, door-to-door campaigns. Publicity—letters, brochures, pamphlets, booklets, stationery, flags, songs, emblems on blazers, stickers, match covers, billboards, radio, TV, newspapers, magazines, streetcars, taxicabs. Fund-raising would be personal solicitation, get firms to do things free for us, parties, teas, bridges, lectures, assessments, dues, sale of books, pins, buttons, stationery, flags, emblems, match covers, brochures, and pamphlets. That is it.

Mr. JENNER. That was your program?

Mr. WEISSMAN. This was our advertising program; yes, sir.

Senator COOPER. Some of these activities are certainly activities carried on by political parties. But did it ever occur to you that some of the activities which you planned, in fact which you undertook, such as infiltration into an organization, to try to seize control of it, and these methods that you used—do you consider that as in the regular spirit of our system of government?

Mr. WEISSMAN. I would say this, sir.

Senator COOPER. Democratic system you spoke of?

Mr. WEISSMAN. It was a question of doing something like that, or absolutely nothing at all, never getting off the ground. And while my belief would say no, of course not, this is not the way you do it, this is not the way it should

be done, but it was expedient at the time to do this. And plus the fact that you certainly could not make these organizations any worse than they were. And as far as I felt, if we could bring them around to our way of thinking or my way of thinking, we could have brought them around to where they were more beneficial to the country rather than detrimental.

Senator COOPER. That is all I want to ask.

The CHAIRMAN. I noticed on the list that you had there of techniques was hangings. Now, you said—you added to that, I think, that that meant hanging in effigy, you assumed. Is that right?

Mr. WEISSMAN. I am 100 percent sure, Your Honor, that that is what it meant. In other words, this was just ways to attract attention, and the college students are doing it all the time. It was just sort of tossing it all in a pot and then putting it down on paper.

The CHAIRMAN. Is that not provocative to violence?

Mr. WEISSMAN. No; I think in the context that we meant it, that it was just another way of getting possibly some publicity—like if students in a university do not like their professor, for example, or if they win a football game, they will hang the opposing team in effigy, or the captain, or what have you. And it attracts a certain amount of publicity and talk.

We had to gain recognition in order to accomplish some of the goals that I had stated previously. And this is just another way. In this case, you have to consider us as young men, and effigy hanging, you know, is just part of a young idea.

The CHAIRMAN. I think that is all. Thank you very much, Mr. Weissman. You may be excused. And Mr. Flannery, thank you very much for your cooperation.

If there are any questions you would like to ask, you may feel free to do so now.

Mr. FLANNERY. I have nothing.

The CHAIRMAN. Very well.

(At this point in the hearing, Chairman Warren left the hearing room and the witness Robert G. Klause entered.)

TESTIMONY OF ROBERT G. KLAUSE

Mr. DULLES. Would you kindly raise your right hand?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. You are Robert G. Klause?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And you appear here voluntarily today?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. I may say, Mr. Chairman, I reached Mr. Klause in Dallas yesterday afternoon. He had just returned from a 2-week vacation. He volunteered to come. The Secret Service got him on a plane with but minutes to spare, and no baggage. This he did to accommodate the Commission.

Mr. Klause is here to testify with respect to the genesis and dissemination of the "Wanted For Treason" handbill, Commission Exhibit No. 996.

Mr. DULLES. Proceed, please.

Mr. JENNER. Your age, please?

Mr. KLAUSE. 32.

Mr. JENNER. You are a married man?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. You were born and reared in this country?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Likewise your wife?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And your parents?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And you reside in Texas?

Mr. KLAUSE. Yes, sir.
Mr. JENNER. Where?
Mr. KLAUSE. Dallas.
Mr. JENNER. What address?
Mr. KLAUSE. 1126 South Waverly.
Mr. JENNER. And what is the name of your mother?
Mr. KLAUSE. Dorothy Anna Mercer.
Mr. JENNER. And is she engaged in a printing business in Dallas?
Mr. KLAUSE. Yes, sir.
Mr. JENNER. She and her husband?
Mr. KLAUSE. Yes, sir.
Mr. JENNER. What is her husband's first name? Clifford?
Mr. KLAUSE. Clifford; yes, sir.
Mr. JENNER. Are you employed in their business?
Mr. KLAUSE. Yes, sir.
Mr. JENNER. Is that the Lettercraft Printing Co.?
Mr. KLAUSE. Yes, sir.
Mr. JENNER. And that is located where?
Mr. KLAUSE. 2615 Oak Lawn, Dallas.
Mr. JENNER. And how long have you been employed in the Lettercraft Printing Co.?
Mr. KLAUSE. I would say approximately about a year and a half. I think we have been open about a year and a half, it might be going on 2 years.
Mr. JENNER. And tell us what the nature of that printing company is.
Mr. KLAUSE. Offset lithography, letterheads, statements, envelopes, things like that.
Mr. JENNER. Is it a small house?
Mr. KLAUSE. Yes, sir.
Mr. JENNER. Were you employed theretofore by a different printing company?
Mr. KLAUSE. Sir?
Mr. JENNER. Were you formerly employed by another printing company in Dallas?
Mr. KLAUSE. Yes, sir.
Mr. JENNER. And that was Johnson Printing Co.?
Mr. KLAUSE. Johnson Printing Co.; yes, sir. With several other companies in town.
Mr. JENNER. I see. And where is Johnson Printing Co. located?
Mr. KLAUSE. I think it is the 2700 block of Haskell in Dallas.
Mr. JENNER. Did you become acquainted with Robert A. Surrey while you were employed at Johnson Printing Co.?
Mr. KLAUSE. Yes, sir.
Mr. JENNER. Had you known him before that?
Mr. KLAUSE. No, sir.
Mr. JENNER. I show you a document which has been identified and admitted in evidence as Commission Exhibit No. 996. The particular document I show you is a Xerox reproduction of the original exhibit.
Did you play some part in producing the original, the original copy and materials from which the Exhibit No. 996 I show you was prepared?
Mr. KLAUSE. I am not too sure what you mean but as far as laying—laying the job out, no, sir. Now, like I said, I ran the job. I shot the negatives.
Mr. JENNER. Perhaps we can get at it this way, sir. When first did you have any connection with this matter?
Mr. KLAUSE. Approximately, I would say, a month before President Kennedy came to town.
Mr. JENNER. How did that arise?
Mr. KLAUSE. Mr. Surrey called on me and asked me if I would run a job.
Mr. JENNER. You say he called on you. Where were you when he called on you?
Mr. KLAUSE. I believe I was at the shop. In fact, I know I was at the shop. He must have called me at the shop.
Mr. JENNER. When you say shop, you mean the Lettercraft Printing Co.?
Mr. KLAUSE. Yes, sir.

Mr. JENNER. He came to Lettercraft Printing Co.?

Mr. KLAUSE. No, sir; he called.

Mr. JENNER. What did he say?

Mr. KLAUSE. He said that he had a little job he would like to have run, and would I run it myself?

Mr. JENNER. And you responded?

Mr. KLAUSE. I said yes, sir.

Mr. JENNER. Did he come over to your shop?

Mr. KLAUSE. Mr. Jenner, to be honest with you, really I do not remember now. I might have gone out, or he might have come over. To be perfectly honest, right at the present time I do not remember.

Mr. JENNER. Did I understand you to say that you said to him you would run it yourself?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. You mean by that something distinct from or having Lettercraft Printing Co. run it?

Mr. KLAUSE. He asked me if I was interested in doing a little job on the side, and I said yes, sir.

Mr. JENNER. By "on the side," does that mean that you were going to do some reproduction printing for him, other than as a job for the Lettercraft Printing Co.?

Mr. KLAUSE. Yes, sir. You see, I have my own shop.

Mr. JENNER. You do?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Where is that located?

Mr. KLAUSE. Actually, I operate out of my house. But I have always had my own shop. I mean I have two or three little insert accounts that I do, and a couple of beauty suppliers. They will come in and want 500 letterheads. For a long time, when I was out of work, I went out and solicited work door to door. Then I would job them out to other printers. And then when I could get my hands on a press, I would run them myself.

Mr. JENNER. Was Mr. Surrey aware of this practice?

Mr. KLAUSE. Yes, sir; I am sure he was.

Mr. JENNER. And he proposed to you at the outset that you do it "on the side"?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Now, you met with Mr. Surrey after this telephone call?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Do you recall whether it was at your home or whether it was at the Lettercraft Co. or some other place?

Mr. KLAUSE. Actually, like I say, Mr. Jenner, I am not real sure. I do not know whether it was out at—I am pretty sure it was not at the shop. And Mr. Surrey has never been to my house. And so it must have been out.

Mr. JENNER. Now, there are two reproductions of President Kennedy, a profile and a front view. Did you prepare the plates from which those profiles were made?

Mr. KLAUSE. By preparing the plates—the only thing that I actually did is—either it was two newspaper clippings or magazine clippings.

Mr. JENNER. From whom did you receive the magazine clippings?

Mr. KLAUSE. From Mr. Surrey.

Mr. JENNER. They were slick paper magazine clippings?

Mr. KLAUSE. Something on a slick paper basis; yes, sir.

Mr. JENNER. That contained the front and profile of President Kennedy, which is reproduced on Commission Exhibit No. 996?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Now, what did you do with those two slick magazine reproductions of President Kennedy's head?

Mr. KLAUSE. Well, I tried to shoot them, and I could not shoot them. We have our own camera. We take a picture of it—reproduce it.

Mr. JENNER. You must assume that none of us is experienced in the printing business. And when you say "shoot"—

Mr. KLAUSE. I will explain myself more carefully. When they were brought to me—

Mr. JENNER. By Mr. Surrey?

Mr. KLAUSE. Yes, sir. Then I tried to make negatives of them—

Mr. JENNER. Negatives on film?

Mr. KLAUSE. Yes, sir; on film.

Mr. JENNER. Yes.

Mr. KLAUSE. I could not do it. When I take a picture of copy, on most of your offset or lithography work, you have dot patterns. And when I would try to use my camera, the dot patterns would kind of blur, and you could not see what it was. It was just a big blur. So I sent the negatives of the two pictures downtown, down to Monk Brothers Lithography Service downtown, which shoots nothing but negatives.

Mr. JENNER. That is J. T. Monk?

Mr. KLAUSE. Tommy Monk, of Monk Bros.

Mr. JENNER. J. T. Monk is the father, and Tommy Monk, or J. T. Monk, Jr., is the son.

Mr. KLAUSE. The only person I know down there is Tommy.

Mr. JENNER. He is a young man?

Mr. KLAUSE. No, sir; Tommy I have known 12 or 13 years. He is somewhere around 50, 55, probably.

Mr. JENNER. Is he the apparent owner or manager at least of this—

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Is it a lithography company?

Mr. KLAUSE. Well, it is a negative service. In other words, what they do is supply the printers with blanks, and ink, and ink knives, different fountain solutions, things like that, for the press, and also they have their own cameras. They have probably two \$15,000 or \$20,000 cameras there. And, of course, they can produce work from their cameras I cannot touch on my little camera, or our camera at the shop.

Mr. JENNER. So you took the two magazine pictures of President Kennedy to Monk Bros.?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. For the purpose of having Monk Bros. make negatives, film negatives of them?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Which in turn were to be employed to do what?

Mr. KLAUSE. To be employed to be run on this job. I mean it was part of this piece right here.

Mr. JENNER. And do you recall what the charge was by Monk Bros. for that service?

Mr. KLAUSE. No, sir; I think it was around three and a half, four and a half, something like that.

Mr. JENNER. Did you pay in cash?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And you paid in cash because you did not want it charged to Lettercraft Printing Co.?

Mr. KLAUSE. No, sir; I originally had a charge account at Monk Bros. But I still owe a little on my bill down there; and at the time I just rather had paid for it. Not knowing what the job was then anyway—I mean when I go down there and buy supplies for myself, since—I owe the man money, I try whatever I can to pay for, because I have got a pretty nice little bill down there now, and I do not want to run it up any higher.

Mr. JENNER. When you received the negatives, then what did you do with the negatives?

Mr. KLAUSE. Well, the bottom part was shot, or picture was made with the camera at our shop; and then I stripped the negative in. In other words, I put the two top pieces, the picture and the bottom part together. And then made a plate on it.

Mr. JENNER. Made a plate from those negatives?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. In turn to be employed in printing the handbill?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. When you received those negatives, did you again communicate with Mr. Surrey?

Mr. KLAUSE. I do not believe I understand what you mean, Mr. Jenner.

Mr. JENNER. After you obtained usable negatives from Monk Bros., did you advise Mr. Surrey that you now had obtained those usable negatives and would be able to proceed with the job?

Mr. KLAUSE. No, sir.

Mr. JENNER. Had Mr. Surrey advised you as to how many he wished of these handbills?

Mr. KLAUSE. Approximately—he said approximately 6,000, 7,000.

Mr. JENNER. You made a plate from which the front and profile of President Kennedy as appears on Exhibit No. 996 was made?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Now, there is copy below the profile and front view, as you will notice on the exhibit before you. From what source did you receive that copy?

Mr. KLAUSE. That copy came, sir; as was—just approximately about the way it is here. I do not know whether it was typed on—I do not know that much about a Varitypewriter. Or it might have been letterpress. Somebody might have set it up letterpress or Linotype, and ran a press proof; I do not know.

Mr. JENNER. From whom did you receive that press-proof copy?

Mr. KLAUSE. I received all the copy from Mr. Surrey.

Mr. JENNER. And the copy, then, as you received it from Mr. Surrey, which is in turn reflected on Commission Exhibit No. 996, was in the form at that time, when you received it from Mr. Surrey, that it now appears in on Commission Exhibit No. 996?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. How did you reproduce it onto the handbill?

Mr. KLAUSE. Well, this was run offset, like I said, all of it was put on film. Then it was burnt into what we call a metal plate, which we expose to light. It is a light-sensitive plate, and any time light hits it, where you have clear spots on your film, that image of the light will burn into your plate. When you process the plate out, you come up with a developer, which brings the image out. Then once you put that plate on the press, that image will pick up type.

Mr. JENNER. When did Mr. Surrey bring you that copy with respect to the time when he brought the two slick magazine reproductions of President Kennedy's profile and front views?

Mr. KLAUSE. I believe it was all at the same time. This was—the pictures were the only thing I even took out of the envelope at one time. The rest of it I did not even bother to look at.

Mr. JENNER. Who, if anybody, assisted you in printing up the handbills?

Mr. KLAUSE. Nobody.

Mr. JENNER. Mrs. Klause did not help you?

Mr. KLAUSE. She was in front of the shop. In fact, I do not even think she ever came back.

Mr. JENNER. When you say shop are you talking now of your own shop in your home or the shop at Lettercraft?

Mr. KLAUSE. Lettercraft.

Mr. JENNER. So the handbills were actually printed by you in the Lettercraft Printing Co. shop?

Mr. KLAUSE. Yes, sir; after hours.

Mr. JENNER. After you had—how many did you print, if you recall?

Mr. KLAUSE. I would say, Mr. Jenner, approximately 5,000—5,200, 5,300.

Mr. JENNER. What did you do with them after you printed them?

Mr. KLAUSE. I put them in a box. In fact, I did not even wrap them. I just stuck them in a box. And I contacted Mr. Surrey the next day.

Mr. JENNER. And now, give us your recollection as to when you made contact with Mr. Surrey—with particular reference to November 22, 1963.

Mr. KLAUSE. I would say, sir; it was approximately 2 or 2½ weeks before Mr. Kennedy was in Dallas.

Mr. JENNER. That would be the early part of November 1963?

Mr. KLAUSE. Yes, sir; as close as I can remember right now.

Mr. JENNER. Did you deliver the 5,000 plus handbills personally to Mr. Surrey?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And where did that delivery take place?

Mr. KLAUSE. Now, that I do remember. That was about 5 blocks approximately from the shop. It was—from Lettercraft. It was a little cafe there which we call the Waffle Shop. It is the Pal's Waffle Shop.

Mr. JENNER. Did you make—I take it then you made arrangements with Mr. Surrey to meet him at Pal's Waffle Shop, rather than he come to the Lettercraft Printing Co.

Mr. KLAUSE. I called him and told him that they were ready, and he said, "Where can I meet you?" and I was getting ready to go to lunch at the time anyway. I believe it was lunch or coffee. I said, "I'm getting ready to go out for coffee. I am going to go up about 5 blocks up the street to the Waffle Shop." He said, "I'll meet you there, then."

Mr. JENNER. Did Mrs. Klause accompany you?

Mr. KLAUSE. No, sir; she was at work.

Mr. JENNER. Anybody accompany you?

Mr. KLAUSE. No, sir.

Mr. JENNER. You met Mr. Surrey at the Pal's Waffle Shop?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. You delivered him all of the handbills you had printed up?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. What color were those?

Mr. KLAUSE. The handbills were run on what we call assorted dodger stock—green and orange and blue and yellow. It is a cheap colored newspaper print is what it is.

Mr. JENNER. From where did you obtain the assorted dodger stock?

Mr. KLAUSE. Olmstead Kirk Paper Co.

Mr. JENNER. Did you make it as an individual purchase or was that a purchase on behalf of the Lettercraft Printing Co.?

Mr. KLAUSE. No; that was my own purchase.

Mr. JENNER. You purchased that and paid for it in cash?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Now, were you paid for this work you did for Mr. Surrey?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And what did he pay you?

Mr. KLAUSE. I think it was \$40, Mr. Jenner. In fact, I am almost positive.

Mr. JENNER. Was it in cash?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. When next did you see Mr. Surrey after you had delivered the handbills to him?

Mr. KLAUSE. I would say approximately 2 or 3 weeks after Mr. Kennedy was assassinated in Dallas.

Mr. JENNER. So I take it then you had no contact with Mr. Surrey of any kind or character from the day you delivered the 5,000 plus handbills to him in Pal's Waffle Shop until some 2 weeks after President Kennedy's assassination on November 22, 1963.

Mr. KLAUSE. Yes, sir; that is correct.

Mr. JENNER. That whole time span was a month to 5 weeks?

Mr. KLAUSE. Yes, sir; and then at that time I called Mr. Surrey myself personally.

Mr. JENNER. Why?

Mr. KLAUSE. Like I said, I have two or three accounts, and I had one job that I could not run, it was a big job. A lot of printers will work with other printers in jobbing out work. I took this job and jobbed it out—Mr. Surrey jobbed it out to Johnson, and let Johnson run it. And I in turn paid Bob for the job, when the people paid me, and I delivered the job, and I made a commission off of it.

Mr. JENNER. On that occasion when you saw Mr. Surrey, did you have a conversation—did you have any conversation with him with respect to the dodger or handbill, Commission Exhibit No. 996?

Mr. KLAUSE. Yes, sir; I imagine there was. I cannot exactly say what it

is now. But I imagine there was something said—because I was quite upset about it at the time.

Mr. JENNER. The FBI interviewed you about this incident, did they not?

Mr. KLAUSE. The Secret Service did; yes, sir.

Mr. JENNER. And when you were first interviewed, you did not disclose to the Secret Service the facts with respect to Mr. Surrey delivering this material to you and your having printed it for him, delivered it to him, and he paying you?

Mr. KLAUSE. No, sir; nothing at all.

Mr. JENNER. What led you to do that, Mr. Klausé?

Mr. KLAUSE. Well, I started thinking about it, and then the folks were getting real upset about it, because I had put them in a jam, which it was my own fault.

Mr. JENNER. When you say folks, you mean your mother and stepfather?

Mr. KLAUSE. Yes, sir; and I mean I like to help friends as much as I can, and be good to people as much as I can. But people in my family are going to come closer than my friends are.

Mr. JENNER. You finally decided to reveal the full facts respecting this handbill?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And you did so to the Secret Service?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Did Mr. Surrey approach you at any time to suggest to you that you should not reveal the source of this handbill?

Mr. KLAUSE. No, sir; I talked to him—I believe it was probably a couple of days after the Secret Service was out. And I told him those people were wanting to know things—I mean doing their job, that they wanted to find something out.

I said this is strictly out of my territory—I did not know what I was supposed to do. And he said, well, I could either get myself a lawyer or just not say anything at all.

Mr. JENNER. Did you ever tell him you made up your mind you were going to tell the full facts about this matter?

Mr. KLAUSE. No, sir; not really. I think in so many words he might have understood that I was.

Mr. JENNER. Did he ever make a remark to you, "Well, that is the way the ball bounces."

Mr. KLAUSE. It sounds like—it seems to ring a bell, but I cannot place it.

Mr. JENNER. Was that not in fact said by him in connection with your telling him that you had reached the conclusion that you had to tell the full facts about this matter?

Mr. KLAUSE. Yes, sir; I believe so.

Mr. JENNER. Does that refresh your recollection?

Mr. KLAUSE. The ball bounces—yes, sir—that rings a bell now.

Mr. JENNER. Up to November 22, 1963, had you ever heard the name Lee Harvey Oswald?

Mr. KLAUSE. No, sir.

Mr. JENNER. Had you ever seen anybody up to that day who purported to be or whom you were advised was Lee Harvey Oswald?

Mr. KLAUSE. No, sir.

Mr. JENNER. I show you Garner Exhibit No. 1. Did you ever see that man prior to November 22, 1963?

Mr. KLAUSE. No, sir. The only time I seen this man was on television and in the paper.

Mr. JENNER. You mean on or after November 22, 1963?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. I hand you Commission Exhibit No. 520, and direct your attention to the center figure appearing on that photograph. Did you ever see that man prior to November 22, 1963?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did you have a conversation with Mr. Surrey as to the purpose for which the handbill was to be put?

Mr. KLAUSE. No, sir.

Mr. JENNER. When you read this copy, did that not alarm you or upset you? It is rather provocative, is it not, and it has a title "Wanted for Treason."

Mr. KLAUSE. Actually, Mr. Jenner, I did not even pay any attention to the copy at all. It was late at night at the time I ran it. I did not pay any attention to it at all—which I should have done, I admit now. But I did not.

Mr. JENNER. You were running it at night because you were doing this on the side?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. You do have some printing equipment in your own apartment or home?

Mr. KLAUSE. No, sir. Not at my house; no, sir.

Mr. JENNER. You used the equipment of the Lettercraft Printing Co., did you?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And you did this at night because you were doing it on the side with the Lettercraft Printing Co. equipment?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Did you advise your mother or your stepfather you were doing this?

Mr. KLAUSE. Now, let me explain this to you. When they opened the shop up I started to work for approximately \$35 a week, and what few accounts I had, I turned over to the shop, and there was a couple of little accounts, like friends of mine that I ran around with, rode motorcycles with and things like that, that I kept for myself. And I mean that was my spending money. And they made the understanding—we made the understanding, when the shop was opened, that whatever little jobs like that that I had, I could do on the side at night—as long as it did not interfere with work during the day.

Mr. JENNER. Did you tell your mother or stepfather that you had done this work?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did you tell them eventually?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. They found out about it eventually?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. You kept the money, did you?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. Do you know General Edwin A. Walker, resigned?

Mr. KLAUSE. No, sir.

Mr. JENNER. Have you ever heard of him?

Mr. KLAUSE. I have heard of him.

Mr. JENNER. Did you ever have any contact with him?

Mr. KLAUSE. No, sir.

Mr. JENNER. Were you aware that Robert A. Surrey was associated with General Edwin A. Walker at the time you made up these handbills?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did you have any acquaintance with Robert A. Surrey other than as a fellow employee at Johnson Printing Co.?

Mr. KLAUSE. No, sir.

Mr. JENNER. And this incident about which you have testified?

Mr. KLAUSE. No, sir.

Senator COOPER. May I ask a question there? Did Surrey ever tell you what he intended to do with these throwaways, or posters, or make any remarks about them at all?

Mr. KLAUSE. No, sir. He just asked me to do the job—said he had a customer that wanted it done. And that is all that was ever said about it.

Senator COOPER. He did not tell you what the customer wanted to do with them?

Mr. KLAUSE. No, sir.

Mr. JENNER. But at the very outset he asked you to do this on the side?

Mr. KLAUSE. Yes, sir.

Senator COOPER. Mr. Chairman, I think I am going to have to leave now. I have no further questions.

(At this point, Senator Cooper left the hearing room.)

Mr. JENNER. Have you ever heard of the American Eagle Publishing Co.?

Mr. KLAUSE. Yes, sir. It takes a minute to ring a bell, but it rings a bell.

Mr. JENNER. Did you ever do any work for the American Eagle Publishing Co.?

Mr. KLAUSE. No, sir.

Mr. JENNER. That is a company with which Mr. Surrey is associated?

Mr. KLAUSE. Yes, sir; I believe so. That is why I heard that mentioned.

Mr. JENNER. How did you become acquainted with that fact? And when?

Mr. KLAUSE. I believe there was a discussion one day that sometimes on jobs—I think this was done, we talked about this at Johnson at the time.

Mr. JENNER. At the time you were employed at Johnson?

Mr. KLAUSE. Yes, sir. That jobs would come in that he would send through—might not be too much commission in it or something, or might not be a big job, where he would job through this place, which in turn then would job back through Johnson. Then he would get probably a markup plus a commission. How it is worked, I do not know, sir.

Mr. JENNER. You were aware of the fact that Mr. Surrey and General Walker were the two partners in American Eagle Publishing Co.?

Mr. KLAUSE. No, sir.

Mr. JENNER. But you knew he had some connection with the company—Mr. Surrey?

Mr. KLAUSE. Yes, sir. Like I said, he had mentioned it.

Mr. JENNER. Mr. Surrey had mentioned it to you. Did he tell you he was an officer of that company?

Mr. KLAUSE. Well, as far as I knew, he was sole owner.

Mr. JENNER. I see.

Mr. KLAUSE. It is what I thought was an assumed name, like myself. I do not know how the laws are here, but in Texas when you open up in business, you have got to file an assumed name certificate—if it is under an assumed name or your name or whatever the name is, you have to file that business.

Mr. JENNER. Do you have an assumed name certificate for your private business?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. What is it?

Mr. KLAUSE. Klaus Printing.

Mr. JENNER. Were you not aware of the fact that Mr. Surrey had some connection with General Edwin A. Walker?

Mr. KLAUSE. No, sir.

Mr. JENNER. At no time?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did you ever see that tall yellow covered book published almost like a pamphlet, published by the American Eagle Publishing Co., which contained reprints of various news stories of the assassination?

Mr. KLAUSE. Yes, sir; this might be hard to believe. I saw the book. In fact, I think I have a copy of it. But to this day, I have yet to crack the cover on it. I have never even opened it.

Mr. JENNER. What I want to question you about—did you look at the back of the book, the back cover of the book?

Mr. KLAUSE. No, sir; I noticed the front, and put it in the car. I carried it in the car for about a week, with a bunch of my scratch pads I hand out to my customers. And one night I went home to unload the car, and I unloaded everything out of the car and put it in the house. And since then I never looked at it.

Mr. JENNER. You never noticed that Surrey appears on the backside of the back cover as the president of the American Eagle Publishing Co.

Mr. KLAUSE. No, sir.

Mr. JENNER. Have you ever heard of the Carousel Club in Dallas?

Mr. KLAUSE. Yes, sir; I have heard of it.

Mr. JENNER. Do you know where it is located?

Mr. KLAUSE. All I can tell you, sir, it is downtown. I have never been there.

Mr. JENNER. You have never been there?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did you ever meet Jack Ruby?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did you ever see Jack Ruby prior to the 24th of November 1963?

Mr. KLAUSE. No, sir; I have never seen him and have never met him.

Mr. JENNER. You've never seen him before or since or on that day?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did you ever have any business with him of any kind or character?

Mr. KLAUSE. No, sir; as soon as he was put in jail, from what I understand, the biggest part of his property went up for sale, and the people—some people that bought some of his property, or bought his business, called on us to do a job.

Mr. JENNER. This was after the assassination?

Mr. KLAUSE. Yes, sir; this was after—in fact, I imagine sometime after his trial. And I called on those people. We printed I think 500 letterheads and 500 envelopes, something like that, plus 2,000 circulars about open from 7 until 2 in the morning, and then the dance band who was there. In fact, they still owe the bill at the shop. In fact from what I understand, that place is closed up again now.

Mr. JENNER. Did Lettercraft Printing Co. ever do any work for Jack Ruby, to your knowledge?

Mr. KLAUSE. No, sir.

Mr. JENNER. Did Johnson Printing Co. ever do any work for Jack Ruby, to your knowledge?

Mr. KLAUSE. No, sir; not to my knowledge. And I can assure you that Lettercraft didn't, because if it had, it would have crossed my desk.

Mr. JENNER. Were you generally aware of the jobs that went through Johnson Printing?

Mr. KLAUSE. That came to my press, yes sir. Now, Johnson—I don't know whether you know it—it is a pretty good sized shop. It is one of the biggest in Dallas. In fact, you could put my whole shop in just one room over there.

Mr. JENNER. When you talk about your shop you are talking about Lettercraft?

Mr. KLAUSE. Yes, sir; now, on the press that I was working on, nothing ever came in; no, sir.

Mr. JENNER. I think that will be all. May I look at my notes, Mr. Chairman.

Mr. DULLES. Have you told us in detail all your conversations with Mr. Surrey, from the time that this particular job started until it was concluded?

Mr. KLAUSE. Yes, sir.

Mr. DULLES. Did he tell you at all what his purpose was?

Mr. KLAUSE. No, sir; the only thing I mentioned—he said he had a customer that wanted it.

Mr. JENNER. He did not identify the customer?

Mr. KLAUSE. No, sir.

Mr. DULLES. But he indicated he was doing this for a customer?

Mr. KLAUSE. Yes, sir.

Mr. DULLES. Do you recall whether at the time Mr. Surrey first spoke with you about this job, it was publicly known that President Kennedy was to visit Dallas?

Mr. KLAUSE. It might have been; but not to my knowledge, sir.

Mr. DULLES. You did not know at that time that President Kennedy was going to visit Dallas?

Mr. KLAUSE. No, sir.

Mr. DULLES. And I think you have testified that your first contact with Mr. Surrey about this was some 3 weeks before the visit?

Mr. KLAUSE. Yes, sir.

Mr. DULLES. Around the first of November that would be?

Mr. KLAUSE. Yes, sir; now, it might have come out in the paper that Mr. Kennedy was coming to Dallas, but we don't take the paper. And usually by the time we get home and feed the kids, we don't have time to read the paper anyway. We might watch the late movie on television. We don't keep up with the news, which we should, but we don't. And that is probably the way it got in without me knowing it. But I had no knowledge at all.

Mr. JENNER. Mrs. Klause works, does she?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. And you both get home about the same time do you?

Mr. KLAUSE. Yes, sir—the biggest part of the time we do.

Mr. JENNER. How many children do you have?

Mr. KLAUSE. We have three.

Mr. JENNER. I exhibit to you another handbill which we will mark as Commission Exhibit No. 1053.

(The document referred to was marked Commission Exhibit No. 1053 for identification.)

Mr. JENNER. For the purpose of the record, this is entitled "Wanted for Murder," and it had a front view and profile of Mr. Khrushchev. It is signed "Minutemen" in printing, with quotations.

Have you ever seen that document before or one like it?

Mr. KLAUSE. No, sir.

Mr. JENNER. Do you see any form of type there that is the kind of type that is reproduced in Lettercraft Printing?

Mr. KLAUSE. No, sir.

Mr. JENNER. Does that appear to be any type font or printing with which you became familiar at Johnson Printing Co.?

Mr. KLAUSE. No, sir; actually from a printer's viewpoint—just looking at it from this angle here—that could be done off of a typewriter. That looks more like a typewriter than it does off a Linotype machine.

Mr. JENNER. And after its having been typed, then reproduced in the fashion in which Commission Exhibit No. 996 was reproduced?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. The mechanical processes you have described. You called it a blanket?

Mr. KLAUSE. Plate.

Mr. JENNER. Make up a plate of the whole sheet—you photograph the sheet, then make a plate, and reproduce from the plate?

Mr. KLAUSE. Yes, sir.

Now why I say it doesn't look like Linotype—in Linotype most of your columns or your paragraphs are butted up straight. In other words, you got straight edges on both sides. Whereas on a typewriter you cannot flush. It takes somebody exceptionally skilled with a typewriter to flush the corners. These edges here are not flush.

Mr. JENNER. You are talking about the right-hand margin?

Mr. KLAUSE. Yes, sir; you see your left hand is flush. Now on a Linotype those on the right can be flushed.

Mr. JENNER. Now, directing your attention to Commission Exhibit No. 996, are the right-hand margins of that material flushed as you call it?

Mr. KLAUSE. These I would say were pretty close to being flush. It would be more of a Linotype than this Exhibit No. 1053 here.

Mr. JENNER. That would lead you to believe, then, that the copy on Commission Exhibit No. 996 was produced in the first instance on a Linotype machine?

Mr. KLAUSE. Linotype or—

Mr. JENNER. A Ludlow?

Mr. KLAUSE. Possibly. I was getting ready to Varitype. Varitype would come up close to flushing it.

Mr. JENNER. But Commission Exhibit No. 1053 does not stimulate your recollection in any respect whatsoever?

Mr. KLAUSE. No, sir.

Mr. JENNER. You never heard about that handbill?

Mr. KLAUSE. No, sir.

Mr. JENNER. Wholly apart from never having seen it?

Mr. KLAUSE. No, sir.

Mr. JENNER. My handing it to you a moment ago was the first time you ever knew of the existence of a handbill of that type?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. You never heard any discussion of it heretofore?

Mr. KLAUSE. No, sir.

Mr. JENNER. Mr. Chairman, I have covered all of the details with Mr. Klause. I have no further questions of him.

Mr. DULLES. I have no more questions. We thank you very much, Mr. Klause, for coming. We appreciate your testimony.

Mr. KLAUSE. I am glad I can do what I can do. I would like to get this straightened out. I feel real guilty about it.

Mr. JENNER. Is there anything you would like to add, Mr. Klause?

Mr. KLAUSE. No, sir; except that it is a mess, and that I am just a poor country boy, I guess you would say, that got caught up in the mess, and I strictly learned my lesson on this.

I have hurt a bunch of people, especially my folks, and I have caused a lot of trouble. I just feel real bad about it. That is all. If I had taken time to have read the thing actually I don't think I would ever have done it.

But like I said, it was late at night, and I was in a hurry, and I wanted to get it on and off.

Mr. JENNER. And you needed the money.

Mr. KLAUSE. And I needed the money; yes, sir.

Mr. DULLES. What did you net on this?

Mr. KLAUSE. \$40. Actually, I think the stock was somewhere around \$20. I paid for the stock, and he in turn paid for the stock.

Mr. DULLES. \$40 was your profit on this?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. \$40 was the full profit to you?

Mr. KLAUSE. Yes, sir.

Mr. DULLES. Have you anything further, Mr. Jenner?

Mr. JENNER. No; I have not.

Mr. DULLES. The Commission will stand adjourned.

(Whereupon, at 4:15 p.m., the President's Commission recessed.)

Thursday, July 2, 1964

TESTIMONY OF MARK LANE RESUMED

The President's Commission met at 2 p.m., on July 2, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were: Chief Justice Earl Warren, Chairman; and Representative Gerald R. Ford, member.

Also present were J. Lee Rankin, general counsel; and Norman Redlich, assistant counsel.

The CHAIRMAN. The Commission will be in order.

Mr. Lane, the last time you were here, we excused you as a witness. You should be sworn again as a witness.

Do you solemnly swear that the testimony you shall give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LANE. I do.

The CHAIRMAN. You may be seated, please. Mr. Rankin will ask you some questions that were not entirely cleared up when you were here last time. Would you proceed?

Mr. RANKIN. Mr. Lane, you testified before the Commission the last time on March 4, did you?

Mr. LANE. Yes; I did.

Mr. RANKIN. And you recall your testimony at that time?

Mr. LANE. Well, it was rather long testimony. I recall portions of it; yes, sir.

Mr. RANKIN. Yes. Do you recall that you were asked about an interview with Helen Markham?

Mr. LANE. I recall testifying to that; yes. I don't know if I was asked about it specifically, but I do recall testifying in reference to that interview.

Mr. RANKIN. If you would care to refer to your testimony at any time, you are free to do so.

Mr. LANE. Thank you.

Mr. RANKIN. Do you have any writing from Mrs. Markham in connection with the interview that you referred to in your testimony?

Mr. LANE. Any document which Mrs. Markham wrote? Is that the question?

Mr. RANKIN. Either that or anything that she signed which purports to be her statement or affidavit or other recording.

Mr. LANE. I have nothing that she signed or that she wrote.

Mr. RANKIN. Do you have anything that you made up yourself from any interview with her?

Mr. LANE. Yes; I do.

Mr. RANKIN. Do you have that with you?

Mr. LANE. No; I do not.

Mr. RANKIN. Will you describe that document? Is it a paper or a tape recording, or what form does it have?

Mr. LANE. It is a tape recording and a transcript of the tape recording in writing.

Mr. RANKIN. Was the tape recording made by you?

Mr. LANE. I think we are now moving into an area where I would prefer not to answer questions, quite frankly. I have given to the Commission the results of my investigation, and I think that the Commission are aware of the fact that I have an attorney-client relationship existing. The Commission is now asking for working papers of an attorney. The Supreme Court has been quite plain, I think, on the question of the sanctity of working documents of attorneys. And I think, therefore, that the questions are no longer in a proper area.

I might also indicate to the Commission that when I was retained by Marguerite Oswald to represent the interests of her son before this Commission, and the Commission declined to permit me to so represent Lee Oswald, it made it impossible for me to conduct the kind of cross-examination before this Commission of witnesses that I would have ordinarily conducted, and that entire conversation would have been in the presence of the Commission, obviously, had I been permitted to function as counsel for my client.

Mr. RANKIN. Will you describe to the Commission the attorney and client relationship that you claim to exist?

Mr. LANE. Yes. I should think the Commission would be well aware of that since I wrote to the Commission on the very day that I was retained and sent, as I recall, an affidavit from my client, detailing the purpose, the purpose of my being retained. I think that was during the very early days of this year.

Mr. RANKIN. Who was the client?

Mr. LANE. Marguerite Oswald retained me to conduct an investigation in reference to the charges that were made against her son, then deceased, and to represent his interests before this Commission.

Mr. RANKIN. And do you claim that that attorney-client relationship is one that exists now?

Mr. LANE. It does exist at the present time in relationship to a matter peripheral to this investigation. It certainly did exist at the time of my discussion with Mrs. Markham, and my discussion with Mrs. Markham took place solely because of the existence of that relationship and to further that relationship.

Mr. RANKIN. Will you state what the peripheral matter is that you referred to?

Mr. LANE. It is the matter that Mrs. Oswald called you and spoke with you on the telephone about yesterday, sir.

Mr. RANKIN. What is that?

Mr. LANE. It is in reference to a matter regarding the son of Mrs. Markham.

Mr. RANKIN. Will you tell whatever else there is in regard to that?

Mr. LANE. Mrs. Oswald has specifically requested that—in fact, has specifically directed me not to discuss that matter publicly—inasmuch as you have that information—because she talked with me only after she spoke with you, Mr. Rankin. And when she did speak with me, she told me what she had told you precisely early in the day she had told me. I think that the Commission does have that information.

Mr. RANKIN. Are you refusing to disclose it, then?

Mr. LANE. I have a specific direction from Mrs. Oswald, who retained me in this peripheral matter just yesterday, not to discuss this matter publicly, sir. She is presently herself involved in investigating this matter, and told me specifically that any publicity in reference to this matter would be harmful to her investigation. I would otherwise be very happy to discuss the matter with you, as I have discussed everything else quite publicly.

Mr. RANKIN. And that is your reason for not disclosing it at this time?

Mr. LANE. Yes; coupled with the fact that the Commission has this information, because I assume that Mrs. Oswald did speak with you yesterday. She told me that she did, and she gave you all the information she had in this regard. I believe she gave you more information than she gave to me, as a matter of fact, judging from what she said to me.

Mr. RANKIN. Do you claim to be acting for Mrs. Oswald on any other matter than that in connection with her son? That is Helen Markham's son?

Mr. LANE. At the present time?

Mr. RANKIN. At the present time.

Mr. LANE. No; I am not.

Mr. RANKIN. When did that relationship terminate?

Mr. LANE. I don't recall the exact date, but it was sometime after my testimony here, which was, I believe, on the 4th of March of this year.

Mr. RANKIN. Can you fix it more precisely?

Mr. LANE. I believe it was within 2 weeks after that date. I did not bring with me the letter that I wrote to Mrs. Oswald explaining that I could not function before the Commission as counsel because the Commission would not permit me to function as counsel, and that I agreed to serve on a citizen's committee which would conduct an independent inquiry. And, therefore, since it seemed that there was nothing further I could do on behalf of the original purpose of our retainer, that we should probably conclude our professional relationship as of that time had ended. I believe that is the substance of the letter that I sent to Mrs. Oswald. And that is within 2 weeks of March 4.

Representative FORD. Mr. Rankin, may I raise a question about the language which Mr. Lane uses to the effect that the Commission declined to permit Mr. Lane to represent Mrs. Oswald?

I think the record before the Commission on this matter will speak for itself. I think to have the record clear, we ought to have that part of the Commission proceedings inserted in the record at this point.

Mr. LANE. I would like to correct a mistake that you made, Congressman. I did not say that I was not permitted to serve as counsel for Mrs. Oswald before the Commission. I said, I thought quite precisely, that I had not been permitted by the Commission to serve as counsel to represent the interests of Lee Harvey Oswald at the request of his mother, Marguerite Oswald.

Representative FORD. I think we should let the record speak for itself at the time that this matter was raised before the Commission.

The CHAIRMAN. That portion of the record may be incorporated in this record at this particular time.

Mr. LANE. I would just like to conclude on this note.

I hope the Commission will give consideration to my request, which the Commission has answered, but which again I would like at this time to renew. That is, that I be permitted, at the request of Mrs. Oswald, the mother of the accused, defendant, really, before this Commission's hearing, to represent his interests here, to have access to the material which you have access to, and the right to present witnesses.

It is not usual for an attorney representing a party to be given an opportunity to testify, which is quite unusual—but rather to be given the opportunity to present witnesses and to cross-examine them. It has generally been my role in criminal cases. Never before have I testified in behalf of a client.

If it is the Commissioners' position that this is not a trial in any respect, and therefore Oswald is not entitled to counsel, that is the position with which I would like to respectfully offer a dissent.

The fact that Oswald is not going to have a real trial flows only from

his death, and he is not responsible with that having taken place. Every right belonging to an American citizen charged with a crime was taken from him up to and including his life.

I think now that that episode is completed, hopefully never to reappear ever again in our history, or anything close to it—I think it would be proper to permit him to have counsel before the Commission, counsel who can function on his behalf in terms of cross-examining evidence and presenting witnesses. If it is the Commission's position now that he is entitled to counsel, and the Commission will appoint counsel, then I ask the Commission to consider that the constitutional right to counsel involves the right to counsel of one's choice, or in the event of the death of a party, to counsel of the choice of the surviving members of the family.

If Marina Oswald, the widow, sought to have counsel represent her husband I would think—here—I would think that would cause a conflict and a problem, if the widow and also the mother made the same request. But as I understand it no request has been made by the widow, who has indicated to the press that she believes her husband is guilty, and through her former business agent, Mr. Martin, who I am told was secured for her by the Secret Service as a business agent, she indicated that even a trial which might prove he was innocent, she would still be sure he was guilty, and has indicated since that time no desire to my knowledge to secure counsel for her husband, her late husband, before the Commission.

I think, then, the mother would, in almost any jurisdiction, be the next person to make a decision in this area, and the mother has made a decision, as you know. She has retained me to represent the rights and interests of her son.

I think under those circumstances it would be proper for the Commission to permit me to participate.

This, of course, is not a jury trial. With all due respect to the integrity and background of each of the members of the Commission, I suggest that it is not the function of the trying body to appoint counsel, or the jury to appoint counsel, but in our society it is just the reverse; it is the function of defense counsel to participate in determining who the jury should be.

Many criminal lawyers, very noted counsel, would probably seek to excuse certain—and again no disrespect at all is meant to the background of members of this Commission—but defense counsel generally seeks to excuse as jurors those who are in any way associated with the Government in a criminal case. And here we have the Government appointing the jury, and then the jury picking counsel, who also is Government connected at this time. I in no way wish to raise the question of the integrity of any of the members of the Commission or counsel or anyone else, or their ability. But that truism about equality has some meaning in terms of impartiality—everyone is impartial to some people, and more impartial to other people. And counsel, in order to function, I believe, must be totally independent and totally committed to the responsibility of representing his client.

But above all, he must be secured by someone who has the ability to speak for the deceased, in this case his mother and his wife. And under those circumstances, I renew my request that I be permitted to, at the request of Lee Oswald's mother, who survives him—to function before this Commission as counsel on his behalf.

The CHAIRMAN. Mr. Lane, I must advise you that the Commission, as you already know, has considered your request and has denied it. It does not consider you as the attorney for Lee Oswald. Now, this is not for any discussion. We are not going to argue it. You have had your say, and I will just answer.

Lee Oswald left a widow. She is his legal representative. She is represented by counsel. This Commission is cooperating with her in any way she may request. If anyone else wants to present any evidence to the Commission, they may do so. But it is the view and the wish—the will of the Commission—that no one else shall be entitled to participate in the work and the deliberations of the Commission.

We asked you to come here today because we understood that you did

have evidence. We are happy to receive it. We want every bit of evidence that you have. You may present anything that you wish to us. But you are not to be a participant in the work of the Commission. I assume you have some questions you would like to ask Mr. Lane, Mr. Rankin?

Mr. LANE. Well, then I ask also, Mr. Chief Justice, at this point the letters, exchange of letters between Mr. Rankin and myself, where I made the request to appear as counsel for the interests of Lee Harvey Oswald, and where counsel for this Commission said that Oswald was not entitled to counsel, or that I could not represent him—

The CHAIRMAN. Let the record speak for itself in that respect, too. The exchange of letters will be in the record. [See Commission Exhibit No. 1053.]

Mr. LANE. Thank you, sir.

Mr. RANKIN. Now, Mr. Lane, regarding this tape recording of Helen Markham, and your interview with her, will you tell the Commission when you made this?

Mr. LANE. I had a conversation with Mrs. Markham on the 2d day of March of this year.

Mr. RANKIN. Where was that?

Mr. LANE. I have given the Commission the results of that investigation to the best of my ability. I think that, again, Mr. Rankin, your question delves into the functioning of an attorney on behalf of a client, and, therefore, is not proper, and, therefore, I decline to answer it.

Mr. RANKIN. Will you tell the Commission when you made the tape recording that you referred to?

Mr. LANE. I just answered that question, Mr. Rankin.

Mr. RANKIN. And do you refuse to tell, then, anything about that interview with Helen Markham, how you recorded it?

Mr. LANE. I beg your pardon?

Mr. RANKIN. And how you recorded it?

Mr. LANE. I should think that since this Commission has been appointed by the President of the United States to secure all of the information regarding the assassination of President Kennedy and other matters peripheral to that, the questions asked of me should be related to information which can be of assistance to the Commission, and should not be the kind of questions, Mr. Rankin, that you have put to me.

I am happy to tell you every bit of information that I have been able to secure as a private citizen in trying to discover what took place on November 22 and the days that followed November 22, but I think that the very questions that you are putting to me indicates that you are not interested solely in securing that information, but in placing me, Mr. Rankin, in a position which is not a good one. And I see this quite frankly as part of many things that have happened to me since November 22—not November 22, but since I expressed some interest in this case.

Mr. RANKIN. Mr. Lane, could you tell us whether there was anyone else present at this interview with Helen Markham that you recorded?

Mr. LANE. I don't believe that I said I recorded it. I believe I said it was recorded.

Mr. RANKIN. Was it recorded by someone else?

Mr. LANE. I decline to answer any questions, because the questions you are asking clearly are not for the purpose for which this Commission has been established. And I tell you that I am amazed, quite frankly, Mr. Rankin, that the kind of harassment to which I have been subjected since I became involved in this case continues here in this room—I am amazed by that.

As you know, and I don't know if this has been placed on the record by the Commission—in the letter that I wrote to you on May 18, 1964, I told you that I had been accosted by two agents of the Federal Bureau of Investigation in front of my own house, and ordered to give to them, by them—their names being William E. Folkner, his serial number being 5954, and John P. Dimarchi, his serial number being 4256—and ordered to give to those gentlemen documents in my possession, relating to my testimony before this Commission.

Mr. RANKIN. Did you do that?

Mr. LANE. I did not give them those documents; no.

Mr. RANKIN. Why not?

Mr. LANE. Does your tone and your question indicate you think I should have given those documents to agents of the FBI?

Mr. RANKIN. I would like to have you answer the question, if you would.

Mr. LANE. You decline to answer my question?

Mr. RANKIN. Yes; I am examining you.

Mr. LANE. Of course, I did not give them any documents in my possession. When I deal with any agencies of the Government, I expect that they will write to me, and if they wish to secure information from me they will do that in a dignified manner. I am an attorney with an office in New York. I don't expect to be accosted in front of my house by agents of the police, Federal, State, or local authorities. Those are the actions not of a democratic society, but of a police state, and I decline to believe for one moment that we live in a society where that behavior is going to be countenanced by any members of this Commission or by counsel to this Commission.

Mr. RANKIN. Did you offer to furnish them copies if they would write to you in the manner you suggested?

Mr. LANE. I suggested to those two agents that someone in the office of the Federal Bureau of Investigation might write to me and that I would respond courteously, and make available whatever information I could. I told them, also, as I told you, since I wrote a letter to you covering this entire matter on May 18th—I told them also that I had testified fully before this Commission. If they wanted to secure any information I had, they might contact the Commission. They indicated they were not interested in the Warren Commission.

Mr. RANKIN. Now, to return to the tape recording—

Mr. LANE. I would like to add one more point, if I may. It is a matter which I discussed with you on the telephone 2 days ago.

Mr. RANKIN. Is that in regard to the tape recording?

Mr. LANE. No; it is not.

Mr. RANKIN. Can we confine ourselves to that for a bit, until we complete that. Can you tell us who else was present at the time of this tape recording of Helen Markham that you describe?

Mr. LANE. I would like to make this quite clear to you, Mr. Rankin.

I am not going to discuss any working papers in my possession. Those papers came into my possession as a result of an attorney-client relationship. The Supreme Court has written decisions regarding the sanctity of those documents. I think it is improper of you to ask questions which delve into relationship of that nature. And I think you know that the questions you are asking are improper.

Mr. RANKIN. And if other people were present at the time of any such matters and disclosures, does that make any difference under the law, do you think?

Mr. LANE. Present where?

Mr. RANKIN. At the time of the tape recording and the interview. That is what I am asking you.

Mr. LANE. No one else was present.

Mr. RANKIN. And who did the tape recording?

Mr. LANE. Again you are delving into an area which is an improper one for you to delve into.

Representative FORD. Did you know about the tape recording being made?

Mr. LANE. I beg your pardon?

Representative FORD. Did you know about the tape recording being made?

Mr. LANE. I decline to answer that question.

Am I a defendant before this Commission, or is the Commission trying to find out who assassinated the President?

Representative FORD. We are trying to find out information about a witness before this Commission—

Mr. LANE. Well, then, call the witness before the Commission and ask the witness questions. And if the Commission—if the witness has testified contrary to what I say the witness has said, then I would suggest you do what I invited the Commission to do when this matter arose. Submit my testimony and Mrs. Markham's testimony to the U.S. attorney's office, and bring an action against

both of us for perjury. And then at that trial I will present documents in my possession, and we will see who is convicted.

Representative FORD. Do you believe Mrs. Markham is an important witness in this overall matter?

Mr. LANE. I would think so.

Representative FORD. I am sure you know what she has told you.

Mr. LANE. I know what she has told me, that is correct.

Representative FORD. If there is any difference between what she told you and told this Commission, is that important?

Mr. LANE. Of course, it is important. And if there was someone representing the interests of Oswald before this Commission, there could be cross-examination, you sitting as judges could then base your decision upon the cross-examination. But you have decided instead to sit as judges and jurors and defense attorneys and prosecuting attorneys, and you are faced with a dilemma. I cannot solve that dilemma for you.

Representative FORD. In order for us to evaluate the testimony she has given us and what you allege she has given you, we must see the information which you have at your disposal.

Mr. LANE. I have told you precisely under oath what Mrs. Markham has said to me.

Mr. RANKIN. Are you unwilling to verify that with the tape recording that you claim to have?

Mr. LANE. I am unable to verify that because of an existing attorney-client relationship, and you know that it would be improper and unethical for me to give the answers to the questions which you are asking. And that is why I am amazed that you persist in asking questions which you know are improper and which would be unethical for me to answer.

Mr. RANKIN. And where was this tape recording made?

Mr. LANE. You have my answer to questions about that already, Mr. Rankin.

Mr. RANKIN. Did you, yourself, have any conversation with Helen Markham at anytime?

Mr. LANE. Yes; I testified to that on March 4, and again today.

Representative FORD. Is this tape recording of that conversation?

Mr. LANE. Precisely.

Mr. RANKIN. Can you tell us where the tape recording was made?

Mr. LANE. I can tell you, but I will not tell you.

Mr. RANKIN. Do you have any other reasons for not disclosing this information to the Commission except your statement about the attorney and client relationship that you describe?

Mr. LANE. And the sanctity of working documents of an attorney. I have no other reason whatsoever.

Mr. RANKIN. Mr. Lane, the Commission has asked you a number of times to disclose to it the name of the informant that you said told you about having seen certain persons in the Carousel Club. Are you ready to disclose the name of that informant now?

Mr. LANE. I am ready, but as I told you when I gave you that information at the outset, I gave my word of honor to that person that I would not disclose his name unless he gave me permission to. I have gone to Dallas on two separate occasions to try to secure that permission. I have not been able to secure that permission. Nothing would make me happier than giving you the name of that person; but I have given my word of honor and, therefore, I am unable to give you that name.

Mr. RANKIN. Do you claim any attorney and client relationship with regard to the name of that informant?

Mr. LANE. I think there clearly exists an attorney-client relationship, but that is not the motivating factor in my telling you that I will not disclose the name.

Mr. RANKIN. Is that the basis for your refusal to disclose the name?

Mr. LANE. Obviously if I say yes, you cannot pursue this, but I must tell you honestly that is not the reason.

Mr. RANKIN. Then I ask you to disclose the name of the informant.

Mr. LANE. I cannot. I have given my word to that person that I would not disclose his name.

Mr. RANKIN. You know that is no legal justification, do you not?

Mr. LANE. I know that is true. There is no legal justification. I know that I am not here under subpoena. I know that you wrote to me while I was in Europe, although you have the power of subpoena—you do not have the power to subpoena me while I was in Europe. I know the Commission will complete its work very likely within the next 2 weeks. I could have easily remained in Europe until the Commission had completed its work.

I know you were calling me here today in reference to that specific matter because you said so in your letter to me. So I have come here voluntarily to cooperate with the Commission to the very best of my ability, and not to rely upon any legal superstructure to protect my answers.

I told this Commission at the outset that I had given my word to this person, and I would not reveal his name. The Commission led me to believe at that time that it would honor that understanding, and the record, I think, so reveals that. If the Commission is prepared—

Mr. RANKIN. You base that upon the record at that time? You base your claim that the Commission indicated that it would honor any such understanding on the record that was made on March 4, do you?

Mr. LANE. Yes; I think there is language there which indicates this. I was not pressed at that time. We discussed the matter at that time. If the Commission is at this point about to reverse its position, despite an indication that it would honor that understanding, I am myself not ready to break my honor, my commitment to that individual. I have not done that ever in the past, and I will not do that now.

Mr. RANKIN. The Commission has a number of times asked you by correspondence to disclose the name of that informant, and it now asks you in this proceeding, while you are under oath, to make that disclosure.

Mr. LANE. I will not do so, Mr. Rankin.

Mr. RANKIN. Do you realize that the information you gave in closed session could have an unfavorable effect upon your country's interests in connection with this assassination and your failure to disclose the name of your informant would do further injury?

Mr. LANE. Mr. Rankin, I am astonished to hear that statement from you. There are 180 million Americans in this country. I am perhaps the only one who is a private citizen who has taken off the last 6 months to devote all of his efforts to securing whatever information can be found, and to making that known to this Commission, and publicly to the people of this country at great personal cost in terms of the harassment that I have suffered, in terms of the terrible financial losses that I have suffered. And to sit here today, after 6 months of this work, which I have given all to this Commission, voluntarily, and again have come here again today voluntarily to give you this information, and to hear you say that I am not cooperating with the Commission, and I am going to do harm to the country by not making information available to you astonishes me.

You have hundreds of agents of the FBI running all over the Dallas area—agents of the Secret Service, Dallas policemen. Are you telling me that in one trip to Dallas where I spent something like 2 days, I uncovered information which the whole police force of this Nation has not yet in 6 months been able to secure? I cannot believe that is a valid assessment of this situation. I cannot, Mr. Rankin.

The CHAIRMAN. Mr. Lane, may I say to you that until you give us the corroboration that you say you have, namely, that someone told you that that was a fact, we have every reason to doubt the truthfulness of what you have heretofore told us. And your refusal to answer at this time lends further strength to that belief. If you can tell us, and if you will tell us, who gave you that information, so that we may test their veracity, then you have performed a service to this Commission. But until you do, you have done nothing but handicap us.

Mr. LANE. I have handicapped you by working for 6 months and making

all of the information which I have had available to you? I understand very fully your position, Mr. Chief Justice.

Mr. RANKIN. Mr. Lane, what did you come down to tell us or inform the Commission about? You say you came here of your own volition in order to help us, and to give us information. Now, what information in light of the fact that I wrote you and asked you for two specific things—whatever information you had in any recorded form concerning your interview with Helen Markham, and secondly, the name of the informant, neither of which you are willing to disclose or have said anything to help the Commission on.

Mr. LANE. I came here at your request that I interrupt my trip in Europe to come back and testify before you. And I have done that.

The CHAIRMAN. By denying—by refusing to answer either question.

Mr. LANE. I think that—well, I have given you the reasons why I cannot answer the question. With reference to Mrs. Markham, I should tell you this, that I am hopeful that in the very near future I will be able to make that document available to you by securing permission from my client. But she has informed me at the present time that she is herself involved in securing some information relative to this whole matter, which you are familiar with, Mr. Rankin, and that she wishes there to be no discussion at all at this point about this matter.

Frankly, quite frankly, matters which have been given to this Commission in utmost confidence have appeared in the daily newspapers, and one cannot feel with great security that giving information to this Commission, even at secret hearings, means that the information will not be broadcast, and this is the problem which confronts us at the present time.

The CHAIRMAN. You know, do you not, that you and other witnesses have been free to discuss their testimony before the Commission with the public, and you, yourself, have done that, and that is one of the reasons that things that were said before the Commission have been divulged. You, yourself, have discussed fully your testimony before the press and the radio and the television.

Mr. LANE. Yes; I have.

The CHAIRMAN. Other witnesses have done the same thing. No witness is under compulsion to keep his testimony secret. Naturally, some things would come out.

Mr. LANE. Well, it seems to me that when the transcript of my—the transcript of my testimony was sent to me, dealing with the portion in executive session, every page had been marked "Top Secret." In fact, it bore a legend across it saying that my testimony, which consisted almost solely at the outset of my request that the hearings be open to the public, was in fact related to the national defense of the United States and it was a violation of the espionage laws for me to discuss those matters publicly.

The CHAIRMAN. Well, Mr. Lane, you know that you came right down from your testimony, and I think in this very room, or at least on this floor of this same building, discussed your testimony with the press and the radio and the television.

Mr. LANE. Oh, I most certainly did. My testimony was open to the public. My testimony was unlike the rest of the testimony before the Commission.

The CHAIRMAN. Well, now, that is your judgment. Every witness knows that he is under no compulsion to keep his testimony secret. They have not done it. And many of them have come down here after their testimony upstairs and have appeared on radio and television and have discussed matters with the press.

Mr. LANE. Yes; I know that that may very well be so, Mr. Chief Justice. I was only making reference to matters such as the diary which has been marked Top Secret, which has been published, and the press conferences in which members of the Commission reported to the press the testimony before them.

Mr. RANKIN. Mr. Lane, when I wrote you, do you recall that I offered to have the Commission pay your expenses to come back from Europe in order to testify before the Commission at this time?

Mr. LANE. Yes; you did.

Mr. RANKIN. Are you asking that you be paid those expenses?

Mr. LANE. I would expect that since you made that offer that is a commitment you should keep. I would have remained in Europe; yes.

Mr. RANKIN. And you did not tell me in any correspondence that you were going to take the position that you could not make this disclosure because of an attorney-client relationship, and that you were not going to give us any information about the informant at this time?

Mr. LANE. Mr. Rankin—

Mr. RANKIN. Did you?

Mr. LANE. Yes; of course I told you that. I told you that on March 4, and I have told you that in every letter which you have written to me on these questions. I cannot understand how you can pretend to be surprised or plead surprise at this point based upon my position before the Commission which today, in July, is consistently the same position I took in March, and consistently the same position I took in the intervening months when I wrote to you, we exchanged correspondence, in relationship to my position.

Mr. RANKIN. And you did not in answer to my letter, when I offered to pay your expenses, say that the only thing you could testify to was that there was an attorney-client relationship and you would not produce any of the records in regard to Helen Markham because of that, or you did not say that you would not give us the name of the informant because you had refused to disclose it, in answer to my letter, offering to pay your expenses. You said nothing about anything of that kind, did you?

Mr. LANE. I never received your letter. You wrote it to my New York address. I was in Europe traveling at the time. I received a phone call from my office 3 days ago stating that you had asked that I return to the United States to testify, and I immediately booked passage the next morning, which was the first plane, in order to return, and to be here before July 1, which was what your letter said. When I came back, I received a phone call from you indicating that I was not needed yesterday, but that today at 2 o'clock would be the appropriate time, and so I came here today. And I am willing to—

Mr. RANKIN. Is that your answer?

Mr. LANE. Yes; of course, it is my answer. I will give you all of the information in my possession in reference to everything I have been able to discover in order to assist this Commission. But what you are asking at this point are sources. You are not asking for information. You are asking for sources. And you know that it is improper to ask for those sources.

The CHAIRMAN. Even where there is no relationship of attorney and client?

Mr. LANE. It is not improper because there is a relationship in that case. It is improper because I gave that testimony to you voluntarily on March 4, explaining to the members of this Commission that I had given my word of honor to this person not to disclose his name.

Mr. RANKIN. Do you have anything else that you wish to disclose in addition to such disclosures as you now have made to the Commission in regard to the assassination of President Kennedy?

Mr. LANE. There are three additional matters which have come to my attention, which I am not at this point able to disclose because an investigation is still being conducted in Dallas. But by Monday, this coming Monday, I will be in a position to make that information available to you. In addition to that—

Mr. RANKIN. Will this be in written form, signed statements and affidavits, or what will you have for this?

Mr. LANE. I don't understand your question, Mr. Rankin.

Mr. RANKIN. Will you have it in any kind of a written form; the additional testimony or evidence that you refer to?

Mr. LANE. I cannot tell you that until Monday. In addition to that, as I told you when we spoke on the phone 2 days ago, and you suggested that I raise this matter before the Commission, I am deeply concerned about the fact that since I have become involved in this matter, and since I testified before this Commission, the U.S. Department of Immigration has placed my name in their immigration book, on the proscribed list, and that when I returned to this country, in response to your invitation to come here and testify

before this Commission, I was halted by the immigration authorities because my name appeared in that proscribed list.

Mr. RANKIN. And I told you at that time on the telephone, didn't I, that the Commission had nothing to do with that? Is that right?

Mr. LANE. You did tell me that, and I ask you if you would be good enough to find out, since I did not accuse the Commission of having my name listed there, of course—to find out if my name was listed in relationship to the inquiry which I have conducted, and the testimony that I have given to this Commission.

The CHAIRMAN. Were you prevented from entering the United States?

Mr. LANE. No; I am here now, Mr. Chief Justice, but I was stopped.

The CHAIRMAN. How long were you detained? Were you detained?

Mr. LANE. Oh, just for a few minutes.

The CHAIRMAN. How many minutes?

Mr. LANE. Oh, perhaps 5. My objection is not to the period of time.

The CHAIRMAN. What was the question asked of you?

Mr. LANE. Just to wait.

Mr. RANKIN. Wasn't there something else asked of you?

Mr. LANE. Well, perhaps I should, then, tell you what happened.

Mr. RANKIN. All right. You better answer that question of the Chief Justice.

The CHAIRMAN. That is a part of my question. I asked you: What did they say to you?

Mr. LANE. Well, there were three different persons. The first person was at the desk, whose name I do not recall, but as an immigration inspector said, "Kindly wait," and he returned within 5 minutes and gave me back my passport and said, "You can pass through now." So not a single question was asked of me by the immigration inspector who discovered that my name was in the proscribed book.

I, however, asked him if he could tell me why my name was in the book, and he said that it was confidential material which he could not reveal to me, and I asked him if he would be good enough to tell me the name of his superior officer so that I might discuss the matter with him. He referred me to Mr. J. J. Daley, also an immigration inspector, and Mr. Daley asked me if perhaps I had gone to Cuba, and I said to him I had never been to Cuba; I had only been out of the country where a passport was required twice in my life, both within the last 6 months. The only time prior to then I had left the country was when I was a soldier in the U.S. Army, and I was sent to Europe—not to Cuba at that time.

He said, "Well, then, I can't understand it." And I asked if I could see his superior officer. And he referred me to W. T. McArnity, who was the officer in charge. He told me that perhaps there was just some mistake made, but could give me no further information. He referred me to Mr. Espardy, who is the district director, I believe, of the Immigration Department, and Mr. Espardy said merely, "I am not going to tell you a thing." That is where the entire matter rested, and where it rests now.

Mr. RANKIN. Mr. Lane, when you asked your informant if you could disclose the information that we have asked you about—and we have asked you the name of the informer—did you tell him that the Commission had indicated to you that his name would not be publicly revealed if he would allow you to disclose it to the Commission?

Mr. LANE. I most certainly did.

Mr. RANKIN. And what was his response?

Mr. LANE. He wondered whether that meant his name might not be revealed anywhere—if not by the members of the Commission, perhaps somehow it might be revealed.

Mr. RANKIN. Is that what he said?

Mr. LANE. That is precisely what he said.

Representative FORD. When did he tell you that?

Mr. LANE. When I spoke with him; I think it was during March or April of this year, after I testified before the Commission.

Representative FORD. Have you made any further inquiry in that regard?

Mr. LANE. Have I?

Representative FORD. Yes.

Mr. LANE. I spoke with him one more time.

Representative FORD. Since your return from Europe?

Mr. LANE. No; I just arrived 2 days ago.

Mr. RANKIN. When was the last time you spoke to him about disclosing his name?

Mr. LANE. I would think it was during April of this year.

Mr. RANKIN. When in April?

Mr. LANE. I don't recall the exact date. When I was last in Dallas.

Mr. RANKIN. Can you give us a closer approximation than that?

Mr. LANE. I really cannot. I believe it was in April; perhaps toward the middle of April, but I am not certain.

Representative FORD. Was it by telephone?

Mr. LANE. No; I saw him in person. I went down to see him.

Representative FORD. You saw him in Dallas?

Mr. LANE. Yes; well, near Dallas.

Mr. RANKIN. Do you consider, Mr. Lane, that you have cooperated with the Commission as much as you can in regard to both of these matters, Helen Markham and this informant?

Mr. LANE. Yes; I think there is no question but that I have. Frankly, when I returned to the country, I had thought that it would be not difficult for me to make available to you all the documents regarding Mrs. Markham. I had planned to do that.

(At this point, Representative Ford withdrew from the hearing room.)

Mr. LANE. I felt that I would be able to be released from the attorney-client stricture so that I could do that. It was not until after I returned that I received a phone call from Mrs. Oswald, after she called you, related this new development in relationship to the Markhams, which has at this point handicapped my being able to secure permission to release that information. I had intended to do that.

I am hopeful that in the next few days it will be possible to give you that information, as I said earlier.

The CHAIRMAN. Mr. Lane, you told us what your attorney relationship was, but, really, I did not understand it very clearly. Will you tell us what your present attorney relationship is that causes you to rely upon it in refusing to tell us about this recording that was made at the time of the conversation between you and Helen Markham?

Mr. LANE. I don't have a present attorney-client relationship in relation to that particular matter. I, at that time, had been retained by Marguerite Oswald to investigate the charges against her son and peripheral matters, and, in conformity and in furtherance of that retainer, I conducted an interview with Mrs. Markham.

The CHAIRMAN. And—

Mr. LANE. And that is one of the working documents in my possession.

The CHAIRMAN. How does that become a peripheral matter—the conversation that you had with Mrs. Markham? What does that have to do with Mrs. Oswald?

Mr. LANE. I secured that information on behalf of an attorney-client relationship when I was serving my client, Mrs. Oswald.

The CHAIRMAN. But, Mr. Lane, you at that very time, when you claimed to be, and when you were, the attorney for Mrs. Oswald, you did come here and testify concerning that conversation with Mrs. Markham.

Mr. LANE. Yes.

The CHAIRMAN. Now, if you testified concerning it then, why can't you now tell us all the circumstances surrounding that? Why is your privilege any different now than it was then?

Mr. LANE. I explained to Mrs. Oswald that I had been called to testify before the Commission as a witness, and that the information which I had secured I had secured on her behalf, and discussed with her what it is I was going to tell the Commission, and she agreed and gave me permission to testify before the Commission as I did.

The CHAIRMAN. And since that time she instructed you not to testify?

Mr. LANE. Since that time, just actually 2 days ago—or perhaps it was yester-

day—she instructed me not to discuss the entire Markham situation at all, quite specifically, and quite strongly, and insistently, over my objection.

Mr. RANKIN. Is it your position, then, that you have a right to disclose part of the information about the Helen Markham matter to the Commission and you don't have a duty to disclose all of it?

Mr. LANE. I think that when one has a client, one has the right, if one secures the permission of the client, to release the results of investigation while retaining the sanctity of working documents belonging to an attorney; yes.

I think there is a clear distinction.

Mr. RANKIN. It is your contention you can hold back part of it so that the Commission then is not able to verify what you do tell, the part you do tell?

Mr. LANE. Well, of course—

Mr. RANKIN. Is that your position?

Mr. LANE. No, and I haven't said anything, I think, even comparable to that. I said one can testify if one has permission of the client in terms of the result of an investigation conducted by a client.

Mr. RANKIN. Your conclusion about the testimony? Is that what you mean?

Mr. LANE. Not my conclusion. The result of the investigation, the result of inquiry. But at the same time it does not mean that an attorney's working documents are no longer sanctified documents.

Mr. RANKIN. About the same matter; is that right?

Mr. LANE. Of course, about the same matter. Yes.

Mr. RANKIN. Do you know of any law to support that position?

Mr. LANE. That an attorney's working documents—

Mr. RANKIN. Can be withheld about a matter that he purports to give testimony concerning?

Mr. LANE. I have not researched the question; no. Do you have law indicating that is inaccurate?

Mr. RANKIN. I think it is quite inaccurate. If you come before any body, the Commission or any court, and purport to disclose part of a matter, I know of no law that permits you to withhold the rest.

Mr. LANE. Well, it is not a question of disclosing part of a matter. There is a conclusion of an investigation. For example, I assume that this Commission will report its conclusions, but they may not necessarily report every portion of the working documents before this Commission, because these are two separate areas. One is a conclusion, and one is the working documents. I have reported the conclusion, but that does not mean, in my view, that the working documents of an attorney, therefore, are no longer privileged.

Mr. RANKIN. What you purported to report was what you said was her testimony in regard to these incidents, was it not?

Mr. LANE. It was not her testimony. It was a statement that she made to me.

Mr. RANKIN. Her statement she made to you?

Mr. LANE. Yes.

Mr. RANKIN. You purported to give that to the Commission.

Mr. LANE. I did give it to the Commission.

Mr. RANKIN. And then you said you had a recording of it; is that right?

Mr. LANE. That is correct.

Mr. RANKIN. And you are not—

Mr. LANE. I don't think I ever said that to the Commission.

Mr. RANKIN. You are saying it now, are you not?

Mr. LANE. Yes; I am saying it now.

Mr. RANKIN. And you are not willing to have the Commission have the recording to check the accuracy of your report about what the testimony or statement was, is that right?

Mr. LANE. I am not in a position to give you that document. I have said that several times; yes, sir. I don't understand why it is not possible to call Mrs. Markham and to call me and to have us confront each other. I think clearly the Commission would then secure the facts. I would be happy to participate in such a confrontation. It seems to me to be the order—

The CHAIRMAN. Wouldn't you then be violating your attorney-client privilege just the same?

Mr. LANE. No; I don't have such a privilege—a relationship at the present time. That relationship terminated, as I said, in March.

The CHAIRMAN. Well, you would freely discuss, though, the things that occurred while the attorney-client privilege did prevail, or did exist?

Mr. LANE. No; I would merely ask Mrs. Markham a series of questions.

The CHAIRMAN. Oh, yes; you would like to make the inquisition your own, but you are unwilling to testify before this Commission.

Mr. LANE. I don't think that an effort to represent a man who is being tried in absentia, after he was killed in the custody of police officers, is the same as asking for permission to conduct an inquisition, with all due respect to you, Mr. Chief Justice.

The CHAIRMAN. Mr. Lane, you have manifested a great interest in Lee Harvey Oswald and his relationship to this entire affair. According to you, Mrs. Markham made a statement that would bear upon the probability of his guilt or innocence in connection with the assassination. Mrs. Markham has definitely contradicted what you have said, and do you not believe that it is in your own interest and in the interests of this country for you to give whatever corroboration you have to this Commission so that we may determine whether you or she is telling the truth?

Mr. LANE. I have given you all the information that I am permitted to give to you and to members of the Commission. I understand from Mr. Rankin that Mrs. Markham denies that she ever talked with me. Is that correct?

The CHAIRMAN. You needn't ask Mr. Rankin any questions. You won't answer the questions of this Commission, and he is not under examination by you at the present time.

Mr. LANE. I have answered questions. I spoke for about 85 pages, without a single question being put to me, because I was anxious to give to this Commission all the information in my possession.

The CHAIRMAN. Yes, but you did not give us all the information. You did not tell us that you had a recording of what Mrs. Markham said to you. Now, we ask you for verification of that conversation, because she has contradicted you. You say that you have a recording, but you refuse to give it to this Commission.

Mr. LANE. I am not in a position to give you that recording. I have made that quite plain. Because of a matter which has arisen in the last 3 or 4 days, which I was made aware of yesterday for the first time, I am not in a position to do that. Hopefully, I will be in a day or two.

The CHAIRMAN. We heard that when you were here in March—hopefully you would be able to tell us who this informant of yours was in Dallas concerning the so-called meeting between Jack Ruby and others in his nightclub. And we have been pursuing you ever since with letters and entreaties to give us that information so that we might verify what you have said, if it is a fact, or disproving it if it is not a fact. Here we pay your expenses from Europe, bring you over here, and without telling us at all that you won't answer that question, you come before the Commission and refuse to testify. Do you consider that cooperation?

Mr. LANE. Mr. Chief Justice, I believe I am the only citizen in this country who has devoted 6 months to securing information at his own expense. You talk about what it cost to go to Europe. I have gone to Europe twice, and I have paid for those trips myself. I have traveled all over this country. I have gone to Dallas five times. I have paid for those trips myself, and I am not in a position financially to do that, but I have done that to give you this information.

The CHAIRMAN. Were you getting evidence over in Europe?

Mr. LANE. No; I was discussing this case, because of the suppression in this country of the facts. I felt it important that somehow the American people be informed about what is taking place, and I found that practically the only way to inform the American people is to speak in Europe.

The CHAIRMAN. Have you charged admission for any of your speaking?

Mr. LANE. Have I charged admission?

The CHAIRMAN. Yes.

Mr. LANE. No; I have not charged admission.

The CHAIRMAN. Do you collect any money in this country at the speeches that you made?

Mr. LANE. Did I, personally, collect any money?

The CHAIRMAN. Did you have money collected?

Mr. LANE. I collected no money.

The CHAIRMAN. Did you have any money collected?

Mr. LANE. I did not.

The CHAIRMAN. Was there money collected at that meeting—at those meetings that you had?

Mr. LANE. I spoke at probably 40 different college campuses throughout the United States.

The CHAIRMAN. Was money collected at those places?

Mr. LANE. To my knowledge, at none of those meetings was money collected. At one or two or perhaps three other meetings, funds have been collected for the purpose of paying the salary of the secretary of this citizens committee of inquiry, and to pay the rent.

The CHAIRMAN. Who got the money?

Mr. LANE. The citizens committee of inquiry.

The CHAIRMAN. Who is the head of that?

Mr. LANE. I am the chairman of that.

The CHAIRMAN. Who else belongs to it?

Mr. LANE. Among others, Jessica Mitford, who is the author who wrote "The American Way of Death," a best-selling book; Sterling Hayden, who is an actor; a number of attorneys, some in California, some in New York; and a number of others. I did not know that I was going to be questioned about the makeup of the citizens committee. Otherwise, I would have brought the entire membership list.

The CHAIRMAN. I didn't intend to ask you, but we are trying to get information about these different things that you considered vital in the assassination of the President. And it is a matter of great concern to the Commission that you are unwilling to tell us about those things that you considered bear upon the guilt or innocence of Lee Harvey Oswald. And it handicaps us greatly in what we are trying to do, because of the things that you do say when you are away from the Commission, and then when you refuse to testify before us as to those very things that you discuss in public.

Mr. LANE. I have not said anything in public, Mr. Chief Justice, that I have not said first before this Commission, or at one time before this Commission.

The CHAIRMAN. But, before your audiences, do you not claim to be telling the truth and to be verifying the things that you tell them, and then when you come here you refuse to give us the verification?

Mr. LANE. When I speak before an audience, I do hold myself out to be telling the truth, just as when I have testified before this Commission I have also told the truth.

Mr. RANKIN. Mr. Lane, you expressed a desire in your telegram to examine the rifle. We have that here for you to see. Let the record show that at this time the Commission is giving Mr. Lane an opportunity to examine the rifle known as Commission Exhibit No. 139.

Mr. LANE. Thank you. May I comment upon the examination?

The CHAIRMAN. Yes; you may; if you saw anything of any significance there, you may state it.

Mr. LANE. Yes. I would like to call to the attention of the Commission the affidavit signed by a police officer, Seymour Weitzman, dated the 23d day of November 1963, the original of which was at one time in the office of the district attorney of Dallas. In that document, Officer Weitzman states he found, along with another person—a deputy sheriff, I believe, or a deputy of some sort—the alleged murder weapon, on the 22d day of November 1963, on the sixth floor of the Book Depository Building.

And in that affidavit Mr. Weitzman—Officer Weitzman—swears that the murder weapon which he found, or the weapon which he found on that floor, was a Mauser 7.65 millimeters. A Mauser, of course, is a German weapon. The rifle which is before the Commission, and which is, I assume, allegedly now the murder weapon, is, of course, not a German Mauser 7.65 millimeters, but is an Italian carbine, 6.5 millimeters.

Although I am personally not a rifle expert, I was able to determine that it

was an Italian carbine because printed indelibly upon it are the words "Made Italy" and "caliber 6.5." I suggest it is very difficult for a police officer to pick up a weapon which has printed upon it clearly in English "Made Italy, Cal 6.5." and then the next day draft an affidavit stating that that was in fact a German Mauser, 7.65 millimeters.

The CHAIRMAN. Very well. Anything further? We will take a short recess, then.

(Brief recess.)

The CHAIRMAN. Gentlemen, the Commission will come to order. There is nothing further at this time. The meeting is adjourned.

(Whereupon, at 3:20 p.m., the President's Commission recessed.)

STATEMENT OF PRESIDENT LYNDON B. JOHNSON

THE WHITE HOUSE,
Washington, July 10, 1964.

The Honorable EARL WARREN,
The Chief Justice of the United States,
Washington, D.C.

MY DEAR MR. CHIEF JUSTICE: I have attempted, in the enclosed statement, to set forth my recollection of the tragic events of November 22, 1963. I am conscious of the limitations of my narrative. I had no opportunity, in the difficult and critical days following the assassination of President Kennedy, to record my impressions. Recollection at this late date is necessarily incomplete.

However, I fully realize the great importance of your task, and I have endeavored, as best I can, to set forth the events and my impressions as they remain in my mind at this time. Although I fear that they will be of little specific use to you, I hope that they may be of some interest.

I hope that you and the members of your Commission, as well as the devoted members of the staff who have worked so long and diligently on this undertaking, will accept my thanks and good wishes.

Sincerely,

LYNDON B. JOHNSON.

[Enclosure.]

[Statement of the President, Lyndon Baines Johnson, concerning the events of November 22, 1963]

Friday morning, November 22, began with a reception in the Longhorn Room of the Hotel Texas, Fort Worth. President and Mrs. Kennedy and Mrs. Johnson and I had spent the night in that hotel. Then, President Kennedy and I went to a parking lot across from the hotel where a speaker's stand had been set up and we addressed a crowd that was gathered there. We then returned to the hotel and had breakfast.

After that, at about 10:30 a.m., we motored to the Fort Worth airfield. Mrs. Johnson and I then went aboard *Air Force II* for the trip to Dallas.

We arrived at Love Field in Dallas, as I remember, just shortly after 11:30 a.m.

Agents Youngblood and Johns and two other agents were with us.

We disembarked from the plane promptly after it came to a stop at Love Field. We were met by a committee of local officials and citizens. After greeting them, Mrs. Johnson and I, together with the special agents, walked over to the area where President and Mrs. Kennedy would disembark. We were followed by the reception committee.

President Kennedy's plane arrived about 5 or 10 minutes after *Air Force II*. The President and Mrs. Kennedy disembarked and they greeted us and the people in the reception committee.

Then the President and Mrs. Kennedy walked along the fence, shaking hands

with people in the crowd that had assembled. Mrs. Johnson and I followed along the fence, greeting people and shaking hands. This took 5 or 10 minutes, as I recall.

Mrs. Johnson, Senator Ralph Yarborough, and I then entered the car which had been provided for us in the motorcade. It was a Lincoln Continental convertible. I think that our car was the fourth in the motorcade. We were the second car behind the President's automobile.

The driver of the car in which Mrs. Johnson and I were riding was Hurchel Jacks, who is a member of the Texas State Highway Patrol. Agent Youngblood was sitting next to him in the front seat.

I was sitting behind Agent Youngblood; Mrs. Johnson was next to me; and Senator Yarborough was on the left of the rear seat—that is, just behind the driver.

At first, as we left Love Field and proceeded through the less-populated areas, the crowds were thin. I recall, however, that Mrs. Johnson and I and Senator Yarborough commented upon the good spirit and obvious good wishes of the crowd. As we drove closer to town, the crowds became quite large.

We made several stops as a result of stops by the automobiles ahead of us. I did not get out of the car, but on occasion a few people broke from the crowd and ran over, and I shook hands with several people on these occasions.

The motorcade proceeded down Main Street and then turned right on Houston. It then turned into Elm, which is a block, I believe, beyond the intersection of Main and Houston. The crowd on Elm Street was smaller.

As the motorcade proceeded down Elm Street to the point where the assassination occurred, it was traveling at a speed which I should estimate at 12 or 15 miles and hour.

After we had proceeded a short way down Elm Street, I heard a sharp report. The crowd at this point had become somewhat spotty.

The Vice-Presidential car was then about three car lengths behind President Kennedy's car, with the Presidential followup car intervening.

I was startled by the sharp report or explosion, but I had no time to speculate as to its origin because Agent Youngblood turned in a flash, immediately after the first explosion, hitting me on the shoulder, and shouted to all of us in the back seat to get down. I was pushed down by Agent Youngblood. Almost in the same moment in which he hit or pushed me, he vaulted over the back seat and sat on me. I was bent over under the weight of Agent Youngblood's body, toward Mrs. Johnson and Senator Yarborough.

I remember attempting to turn my head to make sure that Mrs. Johnson had bent down. Both she and Senator Yarborough had crouched down at Agent Youngblood's command.

At some time in this sequence of events, I heard other explosions. It was impossible for me to tell the direction from which the explosions came.

I felt the automobile sharply accelerate, and in a moment or so Agent Youngblood released me. I ascertained that Mrs. Johnson and Senator Yarborough were all right. I heard Agent Youngblood speaking over his radio transmitter. I asked him what had happened. He said that he was not sure but that he had learned that the motorcade was going to the hospital.

I did not see anything that was going on in and around the President's automobile.

When we arrived at the hospital; Agent Youngblood told me to get out of the car, go into the building, not to stop, and to stay close to him and the other agents. When the car came to a stop, a cordon of agents formed around me, and we walked rapidly into the hospital and then we went into a room there.

Because of the method which Agent Youngblood directed for leaving the car and entering the hospital, I did not see the Presidential car or any of the persons in it.

In the hospital room to which Mrs. Johnson and I were taken, the shades were drawn—I think by Agent Youngblood. In addition to him, two or three other agents were there.

As I remember, we got our first specific report from Emory Roberts, one of the agents from the White House detail. He told us that President Kennedy had been very badly injured and that his condition was quite poor. He said

that he thought we should make plans to get back to Washington immediately.

I asked about Governor Connally and was told that he, too, had been shot, but that his wound was not serious. I was told that Mrs. Kennedy and Mrs. Connally were uninjured and that no one else had been hurt.

Mrs. Johnson and I asked if we could see Mrs. Kennedy and Mrs. Connally. Agent Youngblood told me that I could not leave the room, and I followed his direction.

Mrs. Johnson was allowed to leave for this purpose.

At some time during these events, Kenneth O'Donnell, Congressman Jack Brooks, Congressman Homer Thornberry, and Cliff Carter came into the room.

It was Ken O'Donnell who, at about 1:20 p.m., told us that the President had died. I think his precise words were, "He's gone." O'Donnell said that we should return to Washington and that we should take the President's plane for this purpose.

I found it hard to believe that this had happened. The whole thing seemed unreal—unbelievable. A few hours earlier, I had breakfast with John Kennedy; he was alive, strong, vigorous. I could not believe now that he was dead. I was shocked and sickened.

When Mr. O'Donnell told us to get on the plane and go back to Washington, I asked about Mrs. Kennedy. O'Donnell told me that Mrs. Kennedy would not leave the hospital without the President's body, and urged again that we go ahead and take *Air Force 1* and return to Washington.

I did not want to go and leave Mrs. Kennedy in this situation. I said so, but I agreed that we would board the airplane and wait until Mrs. Kennedy and the President's body were brought aboard the plane.

It is, of course, difficult to convey an accurate impression of the period of time that we were in the hospital room. We were all stunned. I suppose we were in a state of shock and there was no time for the shock to wear off sufficiently so that the magnitude of our personal loss of this great man and good friend could express itself in words or in surface feelings.

I suppose, actually, that the only outlet for the grief that shock had submerged was our sharp, painful, and bitter concern and solicitude for Mrs. Kennedy.

Despite my awareness of the reasons for Mr. O'Donnell's insistence—in which I think he was joined by one or more of the Secret Service agents—that we board the airplane, leave Dallas, and go to Washington without delay, I was determined that we would not return until Mrs. Kennedy was ready, and that we would carry the President's body back with us if she wanted.

We left the room and were ushered by a cordon of agents to cars which were awaiting us. At Agent Youngblood's insistence, I entered one car and Mrs. Johnson another. Agent Youngblood and I were sitting in the back seat and Congressman Thornberry was in the front seat.

As we started away from the hospital, Congressman Albert Thomas came up to the car. He saw Congressman Thornberry—I don't think he saw me—and he asked the Congressman to wait for him. At my direction, the car stopped and picked him up and he sat in the front seat with Congressman Thornberry. I am sure this didn't take as much as minute. Congressman Thornberry then climbed over and got into the back seat with us.

When we got to the airport, we proceeded to drive to the ramp leading into the plane, and we entered the plane.

We were ushered into the private quarters of the President's plane. It didn't seem right for John Kennedy not to be there. I told someone that we preferred for Mrs. Kennedy to use these quarters.

Shortly after we boarded the plane, I called Robert Kennedy, the President's brother and the Attorney General. I knew how grief-stricken he was, and I wanted to say something that would comfort him. Despite his shock, he discussed the practical problems at hand—problems of special urgency because we did not at that time have any information as to the motivation of the assassination or its possible implications. The Attorney General said that he would like to look into the matter of whether the oath of office as President should be administered to me immediately or after we returned to Washington, and that he would call back.

I thereafter talked with McGeorge Bundy and Walter Jenkins, both of whom urged that the return to Washington should not be delayed. I told them I was waiting for Mrs. Kennedy and for the President's body to be placed on the plane, and would not return prior to that time.

As I remember, our conversation was interrupted to allow the Attorney General to come back on the line. He said that the oath should be administered to me immediately, before taking off for Washington, and that it should be administered by a judicial officer of the United States. Shortly thereafter, the Deputy Attorney General, Mr. Katzenbach, dictated the form of oath to one of the secretaries aboard the plane.

I thought of Sarah Hughes, an old friend who is judge of the U.S. district court in Dallas. We telephoned Judge Hughes' office. She was not there, but she returned the call in a few minutes and said she would be at the airplane in 10 minutes. I asked that arrangements be made to permit her to have access to the airplane.

A few minutes later Mrs. Kennedy and the President's coffin arrived. Mrs. Johnson and I spoke to her. We tried to comfort her, but our words seemed inadequate. She went into the private quarters of the plane. I estimate that Mrs. Kennedy and the coffin arrived about a half hour after we entered the plane—just after 2 o'clock.

About a half hour later, I asked someone to find out if Mrs. Kennedy would stand with us during the administration of the oath. Mrs. Johnson went back to be with her. Mrs. Kennedy came and stood with us during the moments that the oath was being administered.

I shall never forget her bravery, nobility, and dignity.

I'm told that the oath was administered at 2:40 p.m. Mrs. Johnson and Mrs. Kennedy were at my side as Judge Hughes administered the oath of office.

The plane took off promptly after the swearing-in ceremonies. I then called President Kennedy's mother, Mrs. Rose Kennedy. She had previously been advised of the assassination. I told her of our grief and of our sorrow for her. I gave the telephone to Mrs. Johnson, who also tried to bring a word of comfort to the President's mother. I then called Nellie Connally, the Governor's wife, and told her of our concern for her and John, and tried to give her some comfort.

I then asked General Clifton, the military aide to the President, to call McGeorge Bundy in Washington to instruct him to ask the Cabinet members who were on their way to Japan to return immediately.

When we landed at the Andrews Air Force Base, I made a short statement for the press, radio, and television. In my heart, I asked for God's help that I should not prove unworthy of the responsibility which fate had thrust upon me.

LYNDON B. JOHNSON.

STATEMENT OF MRS. LYNDON B. JOHNSON

THE WHITE HOUSE,
Washington, July 16, 1964.

The Honorable EARL WARREN,
The Chief Justice of the United States,
Washington, D.C.

MY DEAR MR. CHIEF JUSTICE: Mr. Lee Rankin, chief counsel to the President's Commission on the Assassination of President Kennedy, has advised me that the Commission would be interested to have a statement from me concerning my recollection of the events of November 22, 1963.

Beginning on November 30, and as I found time on the following 2 days, I dictated my recollection of that fateful and dreadful day on a small tape recorder which I had at The Elms, where we were then living. I did this primarily as a form of therapy—to help me over the shock and horror of the experience of President Kennedy's assassination. I did not intend that the tape should be used.

The quality of the tape recording is very poor, but upon considering your

Commission's request, I decided to ask that the tape relating to November 22 be transcribed. I am sending the transcription to you with only a few, minor corrections. Perhaps it will serve your purposes. I hope so. In any event, it is a more faithful record of my recollection and impressions than I could produce at this late date.

Please accept, for yourself and the members of the Commission and its staff, my thanks and best wishes for the important task which you have undertaken and to which all of you have so generously dedicated yourselves.

Sincerely,

(S) Lady Bird Johnson,
Mrs. LYNDON B. JOHNSON.

[Enclosure.]

[Transcript from Mrs. Johnson's tapes relating to November 22, 1963]

It all began so beautifully. After a drizzle in the morning, the sun came out bright and beautiful. We were going into Dallas. In the lead car, President and Mrs. Kennedy, John and Nellie, and then a Secret Service car full of men, and then our car—Lyndon and me and Senator Yarborough. The streets were lined with people—lots and lots of people—the children all smiling; placards, confetti; people waving from windows. One last happy moment I had was looking up and seeing Mary Griffith leaning out of a window waving at me. Mary for many years had been in charge of altering the clothes which I purchased at a Dallas store.

Then almost at the edge of town, on our way to the Trade Mart where we were going to have the luncheon, we were rounding a curve, going down a hill, and suddenly there was a sharp loud report—a shot. It seemed to me to come from the right, above my shoulder, from a building. Then a moment and then two more shots in rapid succession. There had been such a gala air that I thought it must be firecrackers or some sort of celebration. Then, in the lead car, the Secret Service men were suddenly down. I heard over the radio system, "Let's get out of here," and our Secret Service man who was with us, Ruf Youngblood, I believe it was, vaulted over the front seat on top of Lyndon, threw him to the floor, and said, "Get down."

Senator Yarborough and I ducked our heads. The car accelerated terrifically fast—faster and faster. Then suddenly they put on the brakes so hard that I wondered if they were going to make it as we wheeled left and went around the corner. We pulled up to a building. I looked up and saw it said "Hospital." Only then did I believe that this might be what it was. Yarborough kept on saying in an excited voice, "Have they shot the President?" I said something like, "No; it can't be."

As we ground to a halt—we were still the third car—Secret Service men began to pull, lead, guide, and hustle us out. I cast one last look over my shoulder and saw, in the President's car, a bundle of pink, just like a drift of blossoms, lying on the back seat. I think it was Mrs. Kennedy lying over the President's body. They led us to the right, the left, and onward into a quiet room in the hospital—a very small room. It was lined with white sheets, I believe.

People came and went—Kenny O'Donnell, Congressman Thornberry, Congressman Jack Brooks. Always there was Ruf right there, Emory Roberts, Jerry Kivett, Lem Johns, and Woody Taylor. There was talk about where we would go—back to Washington, to the plane, to our house. People spoke of how widespread this may be. Through it all, Lyndon was remarkably calm and quiet. Every face that came in, you searched for the answers you must know. I think the face I kept seeing it on was the face of Kenny O'Donnell, who loved him so much.

It was Lyndon as usual who thought of it first, although I wasn't going to leave without doing it. He said, "You had better try to see if you can see Jackie and Nellie." We didn't know what had happened to John. I asked the Secret Service men if I could be taken to them. They began to lead me up one corridor, back stairs, and down another. Suddenly I found

myself face to face with Jackie in a small hall. I think it was right outside the operating room. You always think of her—or someone like her—as being insulated, protected; she was quite alone. I don't think I ever saw anyone so much alone in my life. I went up to her, put my arms around her, and said something to her. I'm sure it was something like, "God, help us all," because my feelings for her were too tumultuous to put into words.

And then I went in to see Nellie. There it was different because Nellie and I have gone through so many things together since 1938. I hugged her tight and we both cried and I said, "Nellie, it's going to be all right." And Nellie said, "Yes; John's going to be all right." Among her many other fine qualities, she is also tough.

Then I turned and went back to the small white room where Lyndon was. Mr. Kilduff and Kenny O'Donnell were coming and going. I think it was from Kenny's face and Kenny's voice that I first heard the words, "The President is dead." Mr. Kilduff entered and said to Lyndon, "Mr. President."

It was decided that we would go immediately to the airport. Quick plans were made about how to get to the car, who to ride in what. It was Lyndon who said we should go to the plane in unmarked cars. Getting out of the hospital into the cars was one of the swiftest walks I have ever made. We got in. Lyndon said to stop the sirens. We drove along as fast as we could. I looked up at a building and there already was a flag at half-mast. I think that is when the enormity of what had happened first struck me.

When we got to the airplane, we entered airplane No. 1 for the first time. There was a TV set on, and the commentator was saying, "Lyndon B. Johnson, now President of the United States." They were saying they had a suspect. They were not sure he was the assassin. The President had been shot with a 30-30 rifle. On the plane, all the shades were lowered. Lyndon said that we were going to wait for Mrs. Kennedy and the coffin. There was discussion about when Lyndon should be sworn in as President. There was a telephone call to Washington—I believe to the Attorney General. It was decided that he should be sworn in in Dallas as quickly as possible because of international implications, and because we did not know how widespread this incident was as to intended victims. Judge Sarah Hughes, a Federal judge in Dallas—and I am glad it was she—was called to come in a hurry.

Mrs. Kennedy had arrived by this time and the coffin, and there—in the very narrow confines of the plane with Jackie on his left with her hair falling in her face, but very composed, and then Lyndon, and I was on his right, Judge Hughes with the Bible in front of her and a cluster of Secret Service people and Congressmen we had known for a long time—Lyndon took the oath of office.

It's odd at a time like that the little things that come to your mind and a moment of deep compassion you have for people who are really not at the center of the tragedy. I heard a Secret Service man say in the most desolate voice and I hurt for him, "We never lost a President in the Service," and then Police Chief Curry, of Dallas, came on the plane and said to Mrs. Kennedy, "Mrs. Kennedy, believe me, we did everything we possibly could."

We all sat around the plane. We had at first been ushered into the main private Presidential cabin on the plane—but Lyndon quickly said, "No, no" and immediately led us out of there; we felt that is where Mrs. Kennedy should be. The casket was in the hall. I went in to see Mrs. Kennedy and, though it was a very hard thing to do, she made it as easy as possible. She said things like, "Oh, Lady Bird, it's good that we've always liked you two so much." She said, "Oh, what if I had not been there? I'm so glad I was there." I looked at her. Mrs. Kennedy's dress was stained with blood. Her right glove was caked—that immaculate woman—it was caked with blood, her husband's blood. She always wore gloves like she was used to them. I never could. Somehow that was one of the most poignant sights—exquisitely dressed and caked in blood. I asked her if I couldn't get someone in to help her change, and she said, "Oh, no. Perhaps later I'll ask Mary Gallagher, but not right now."

She said a lot of other things, like, "What if I had not been there? Oh, I'm so glad I was there," and a lot of other things that made it so much easier for us. "Oh, Lady Bird, we've always liked you both so much." I tried to express something of how we felt. I said, "Oh, Mrs. Kennedy, you know we never even

wanted to be Vice President and now, dear God, it's come to this." I would have done anything to help her, but there was nothing I could do to help her, so rather quickly I left and went back to the main part of the airplane where everyone was seated.

The ride to Washington was silent, strained—each with his own thoughts. One of mine was something I had said about Lyndon a long time ago—that he's a good man in a tight spot. I even remember one little thing he said in that hospital room, "Tell the children to get a Secret Service man with them."

Finally, we got to Washington, with a cluster of people watching. Many bright lights. The casket went off first; then Mrs. Kennedy. The family had come to join them, and then we followed. Lyndon made a very simple, very brief, and—I think—strong, talk to the folks there. Only about four sentences, I think. We got in cars; we dropped him off at the White House, and I came home.

Tuesday, July 28, 1964

TESTIMONY OF AMBASSADOR LLEWELLYN E. THOMPSON

The President's Commission met at 3 p.m., on July 28, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Senator John Sherman Cooper (presiding), and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; W. David Slawson, assistant counsel; and Richard A. Frank, attorney, Office of the Legal Adviser, Department of State.

Senator COOPER. The Commission will be in order.

Do you solemnly swear that the testimony you are about to give before this Commission is the truth, the whole truth, and nothing but the truth, so help you God?

Ambassador THOMPSON. I do.

Mr. SLAWSON. Mr. Ambassador, could you please state for the record your full name and address?

Ambassador THOMPSON. My name is Llewellyn E. Thompson. I reside at 1913 23d Street NW., Washington.

Mr. SLAWSON. And could you state your present position with the U.S. Government and the positions you have held since late 1959?

Ambassador THOMPSON. In 1959 I was Ambassador in Moscow, and then I was transferred to the State Department as Ambassador at Large, and have been that since that time. In addition, I am now Acting Deputy Under Secretary of State.

Mr. SLAWSON. Thank you. Ambassador Thompson has been asked to testify today on any contacts he may have had with Lee Harvey Oswald while the Ambassador was in his post with the American Embassy in Moscow and on any knowledge he may have on pertinent Soviet practices or American practices at that time which might relate to the treatment of Mr. Oswald.

Ambassador Thompson, could you state all of the times and describe them when you heard about Lee Harvey Oswald's dealings with your Embassy at Moscow while he was in Russia, either in late 1959 or thereafter?

Ambassador THOMPSON. Yes; the only recollection I have is that when I returned from a trip to the United States in November 1959, or some time after that, the consul informed me about the case, and said this man had asked to renounce his citizenship. I recall asking him—

Mr. DULLES. Was that Consul Richard E. Snyder?

Ambassador THOMPSON. Yes; I am almost certain of that. I recall asking him why he didn't accept the renunciation, and he explained that in cases of

this kind he normally waited to make sure the man was serious, and also in order to normally consult the State Department.

I believe he told me at that time that the man had not come back again. And I believe that is the only recollection I have of the case at all at the time I was in Moscow.

Mr. SLAWSON. And that includes any other time thereafter, including through 1962?

Ambassador THOMPSON. Yes; of course I read the press and was aware of the case when it came up in the Department. There was some discussion of it. But no knowledge that I think would bear on the case.

I recall, I think, being in Germany at the time I read in the press that he was leaving the country—leaving Moscow, that is. But I don't recall having been consulted about his application to leave.

Mr. SLAWSON. Did you have any personal dealings or any knowledge of your subordinates' dealings with Marina Oswald, Lee Oswald's wife, when she applied to accompany him back to the United States in early 1961 and frequently thereafter?

Ambassador THOMPSON. None that I recall.

Mr. SLAWSON. Mr. Ambassador, I wonder if you could make any comments you would like to make on the policy which Consul Snyder and others testifying for the Department of State have described in their treatment of Americans who sought to renounce their citizenship when they came to Moscow, and how these Americans were handled?

Ambassador THOMPSON. Well, I am aware that we have had cases where someone would say they wanted to renounce their citizenship and then after a few days in the Soviet Union change their minds. And while I don't recall any specific cases, I do know we have had cases of that sort.

Mr. SLAWSON. Was there any particular time in your career when this sort of thing was more frequent than other times—any groups of people where it might have occurred?

Ambassador THOMPSON. Well, I know that prior to my arrival in Moscow in 1941, when I was Secretary in the Embassy, that there had been a great influx from the United States, particularly of people of Finnish origin, who had returned to the Soviet Union. I think that some of those people at least had not renounced their citizenship; they had come over there under the impression that they would receive very good treatment, and a great many of them applied subsequently to return to the United States. But many of them were unable to get exit visas.

Mr. SLAWSON. Were those that did not give up their American citizenship usually able to return to the United States if they changed their mind?

Ambassador THOMPSON. I believe so. I know of one case of a man of Finnish origin who worked for the Embassy, and he did return to the United States. It is the one case I know of personally. I am quite sure there were some others who did get out.

Mr. SLAWSON. Shifting now to the Soviet treatment of American defectors, or would-be defectors, are there any cases in your experience where you could comment on the Soviet treatment of such persons, how quickly the Russian Government made up its mind whether it wanted them for permanent residence in Russia and so on?

Ambassador THOMPSON. I think that in recent times, at least, my impression is that the Soviets, because of bad experience they have had with some people who came there to reside, and renounced their citizenship, have looked these people over and let them know that they could not remain. I think there was a case since I left the Soviet Union of that sort. I don't recall the exact particulars. But I do have the impression that they now don't automatically accept people who come and say they want to renounce their citizenship and would like to reside there.

Mr. SLAWSON. Can you give the Commission any estimate on the time periods that sometimes are involved in the Soviet authorities making up their mind?

Ambassador THOMPSON. I think that there has been at least a case or two during the time I was there where it was pretty obvious that the person concerned was unstable and that the Soviets very quickly let the person know that he

could not reside. But since I did not handle these cases, I do not—I could not cite any specific cases.

Mr. SLAWSON. Mr. Ambassador, I have a name of an American citizen, Mr. William Edgerton Morehouse, Jr., who, according to the records of the Department of State, was hospitalized in a hospital in Moscow in the fall of 1959.

According to records furnished us by the Russian Government, and according to the personal diary kept by Lee Harvey Oswald, he, too, was hospitalized in the latter part of October, and commented—Oswald commented in his diary—that in his ward with him was what he described as an elderly American. We are trying to locate that American. We think that possibly this Mr. Morehouse was that person. I wonder if you had ever heard of Mr. Morehouse before, or know who he might be?

Ambassador THOMPSON. I have no recollection of having heard of this man before.

Mr. SLAWSON. Do you have any recollection of any other American that might fit this description?

Ambassador THOMPSON. No; I do recall that there have been American tourists who have been in the hospital in Moscow. But I don't recall at that particular date whether there were any.

Mr. SLAWSON. Mr. Ambassador, can you comment on how Americans were ordinarily given medical treatment in the Botkinskaya Hospital in Moscow, which was the hospital in which Oswald was treated, to the best of your knowledge?

Ambassador THOMPSON. The Botkinskaya Hospital has a section which is reserved for the members of the diplomatic corps, and in case of prominent Americans, particularly if the illness were serious, they were often treated there.

Mr. SLAWSON. You say the Americans normally were treated in a special ward in that hospital, or a special section of it?

Ambassador THOMPSON. Yes; it was a completely separate building, I believe.

Mr. SLAWSON. Was this the invariable method of treatment, or would there be a reasonable chance that an American might have gone into a normal Soviet ward which would have treated his type of illness?

Ambassador THOMPSON. I would think that the ward which was reserved for the diplomatic corps would probably only have been used for important visitors, but it is quite a large hospital, with a large number of separate buildings. It is quite possible for Americans to have been in one or the other. And obviously, if there were an infectious disease, they would be separated, and not in the regular section.

Mr. SLAWSON. If an ordinary American tourist or businessman in Moscow were to receive an injury in, say, an automobile accident or some other normal method, would he normally be put into the same ward as Embassy people were placed, or would he receive treatment right along with normal Soviet citizens?

Ambassador THOMPSON. I think that there is an emergency hospital type where he probably would normally be taken, rather than Botkinskaya. I cannot be sure of this. But we had an American doctor in the Embassy who would normally be called in on cases of this kind, and if he felt the case required it he would probably apply to have him taken to Botkinskaya.

Mr. SLAWSON. Do you recollect who this doctor was in the fall of 1959?

Ambassador THOMPSON. I believe at that time it was an Air Force officer. It sometimes rotated among the services. But I am almost certain it was an Air Force officer. I could get the name, but I don't recall it at the moment. I just don't recall the name.

Senator COOPER. I suggest that the Secretary can supply the name for the Commission.

Mr. SLAWSON. Mr. Ambassador, do you think it would be usual of the Soviet Government to permit someone in Oswald's circumstances, that is a would-be defector from his own government, to be treated in the same ward as other Americans, or particularly as Americans who might come under the category of this important person or Embassy official ward you were speaking of?

Ambassador THOMPSON. I would think it is probably somewhat unusual. This doctor could give you expert testimony on this, because he has been involved in almost all cases.

Mr. DULLES. Do you happen to know whether that doctor is in the United States at the present time?

Ambassador THOMPSON. He was in Texas the last I heard. I draw a blank on his name at the moment, although I know him quite well.

Mr. SLAWSON. I think with the lead you have given us, we shouldn't have any difficulty in finding his name. I have no other questions. Does anyone else present care to place a question?

Senator COOPER. It appears from the testimony that we have heard that Lee Oswald appeared at the Embassy on October 31, 1959, and stated he wished to renounce his American citizenship. As I understand, at that time you were out of the Soviet Union.

Ambassador THOMPSON. That is correct.

Senator COOPER. Was Edward L. Freers, Chargé d'Affaire?

Ambassador THOMPSON. Yes, sir.

Senator COOPER. Was there a consulate in Moscow?

Ambassador THOMPSON. There is a consular section of the Embassy, but not a separate consulate.

Senator COOPER. Who had charge of the consulate section of the Embassy?

Ambassador THOMPSON. At that time I believe it was Mr. Richard Snyder.

Senator COOPER. And was he the one who advised you on your return to Moscow that Oswald had applied to the Embassy and stated that he wished to renounce his citizenship?

Ambassador THOMPSON. I believe that is correct. I think the counselor was also present at the time. I think both of them informed me.

Senator COOPER. We have had in evidence dispatches from the Embassy at Moscow upon this question, and the matter was referred to the Department of State as to what steps should be taken towards his renunciation. Was that the normal way of the Embassy handling such applications for renunciation of citizenship?

Ambassador THOMPSON. Yes, sir; I believe that would be done in every case.

Senator COOPER. Did the State Department have any policy, other than reference to the State Department, as to the approval of such applications?

Ambassador THOMPSON. I believe our practice is that whenever we are convinced that the man is serious, and knows what he is doing, that this is allowed to take place—the renunciation is accepted.

Senator COOPER. Is there a policy or practice of attempting to determine whether the person is serious, or whether the person might change his or her mind after the original renunciation application?

Ambassador THOMPSON. Yes; that is correct. Because, as I said earlier, there have been cases where people have changed their minds in a very few days. Also, there is always the possibility that someone might be temporarily of unsound mind or some other reason, why it would need to be ascertained that they were aware of what they were doing.

Senator COOPER. There is also in evidence a letter, or a dispatch from the Embassy to the Department of State, dated May 26, 1961, signed for the Ambassador by Edward L. Freers, minister counselor. This dispatch deals with the application of Oswald to secure a renewal of his passport. Were you out of Moscow at that time?

Ambassador THOMPSON. What was the date, sir?

Senator COOPER. May 26, 1961.

Ambassador THOMPSON. I believe I was in Moscow at that time. I took a trip within the Soviet Union from May 10 to 14, 1961, but I believe I was there on May 9.

Senator COOPER. Then these dispatches, they were sent in your name, or by someone for the Ambassador?

Ambassador THOMPSON. Yes; but I don't recall having been shown them.

Mr. SLAWSON. For the record, Senator Cooper, could I state that the dispatch of May 26, 1961, you referred to is Commission Exhibit No. 936, and the memorandum you are also reading from is Commission Exhibit No. 935.

Mr. DULLES. How were those signed, Mr. Slawson?

Mr. SLAWSON. Commission Exhibit No. 935 is signed for the Ambassador by Boris H. Klosson, counselor for political affairs. And Commission Exhibit

No. 936 is signed for the Ambassador by Edward L. Freers, minister counselor.

Senator COOPER. I might also refer to the earlier dispatch November 2, 1959, Commission Exhibit No. 908.

Now, were the procedures followed with respect to his request for renewal of his passport—that is in reference to the Department of State, for decision—was that the normal procedure followed when persons who had attempted to renounce or had renounced, claimed or desired to secure renewal of their passport—to refer it to the Department of State?

Ambassador THOMPSON. Yes, sir; I think in every case that would be done.

Senator COOPER. Now, between the time of Oswald's entrance into the Soviet Union and his exit, did you ever see Oswald yourself?

Ambassador THOMPSON. No, sir; I never saw him that I knew of.

Senator COOPER. Did you hear anything about him during his stay in the Soviet Union?

Ambassador THOMPSON. My only recollection is of this first briefing. I don't recall hearing anything else about him.

Senator COOPER. In evidence it has appeared that not too long after he came to Moscow, he went to Minsk and secured a job there.

From your experience as Ambassador, our Ambassador in Russia, and also in other positions in the Embassy, would you consider that unusual, that Oswald should be able to secure a job in a Russian factory while he was there?

Ambassador THOMPSON. No, sir; I think that once they had agreed to let him stay in the Soviet Union, they would have assisted him in obtaining employment, because they believe that everyone that is able to in the country should work, and since he was obviously not staying just as a tourist, I think they would normally have provided employment for him.

Senator COOPER. Also in evidence it indicates he was provided by the Soviet officials with a passport or document which described him as a stateless person.

From your experience would you be able to say whether or not that was a normal procedure for the Soviets to follow with respect to an American tourist?

Ambassador THOMPSON. I think that as long as they agreed to let him stay beyond the normal time of a tourist, that is a month or at the most 2 months, that they would then provide him with documentation so he could identify himself to the police. The police would not normally be able to read an American passport. In the Soviet Union, if you travel at all, you have to produce documentation—to stay in a hotel, very often to obtain transportation. So I think it would be normal that they would provide him with documentation.

Senator COOPER. Would you say that in late 1959, or 1960 or 1961 that the provision by the Soviet Union officials to a tourist of a document like this, saying he is a stateless person, and allowing him to stay beyond the usual time, for a tourist, was ordinary or usual? Would that indicate anything unusual to you, from your experience in the Embassy in Moscow?

Ambassador THOMPSON. No; I think not. I think that in cases of this kind that this would be normal.

Senator COOPER. Would it indicate in any way that they might be considering further his application to become a citizen of the Soviet Union or, in another way, that they were considering whether or not he might be used as an agent of the Soviet Union?

Ambassador THOMPSON. Well, I think there have been a good many cases of people who have come to the Soviet Union from abroad, and I believe that a number of them have not formally renounced citizenship. I recall that in 1941, when Germany attacked the Soviet Union, that there were a number of people who turned up that we had not known were in the Soviet Union, had never been near the Embassy, and had never, as far as we know renounced their citizenship. But they had been living there all this time.

Senator COOPER. You would not have any reason to think, then, that these circumstances might indicate that the Soviets were—could consider using him as an agent at some future time?

Ambassador THOMPSON. I would not have much on which to base a judgment on that, other than that it seems to me, of course, possible, in this or any other case in which a foreigner has come in to reside. But as I say there have been a great many cases.

For example, there are many people of Armenian origin who have returned to the Soviet Union and have been encouraged to do so by the Soviet Government. And in view of the very large numbers, I would think that the intention to use any of them as an agent would be very rare.

As far as I can understand, they encouraged them to come back because they wanted their skills available.

Senator COOPER. When he applied for a renewal of his passport, his wife, Marina, made application for a passport. And I believe it was said that that was a prerequisite to securing an exit visa from the Soviet Union.

From your experience as Ambassador and in other posts in the American Embassy, do you consider the time in which she was able to secure an exit visa from Russia, within so short time, as unusual?

Ambassador THOMPSON. Well, if it was a short time—and I am not aware of the exact time, myself—but if it were a short time, I would say it is unusual, because we have had cases that drag out over years, and in many cases, of course, they never get an exit visa.

Senator COOPER. Well, perhaps without reference to time, from your experience, have you found that—do you know whether it was difficult for a Soviet citizen, such as Marina Oswald, even though she might be married to an American—that it is difficult for them to secure an exit visa from the Soviet Union?

Ambassador THOMPSON. Yes; it is very difficult.

Senator COOPER. Do you know the basis for that? Is it that they do not want to permit the exit of any Soviet citizen?

Ambassador THOMPSON. I think that except in the cases of rather elderly people, they have not wanted any of their people to leave permanently. They let them go on tourist trips abroad, but not for permanent residence. As you possibly know, leaving the Soviet Union without permission is one of the most severely punished crimes you can commit in the Soviet Union.

Senator COOPER. What was that?

Ambassador THOMPSON. Leaving without permission.

Senator COOPER. Would the fact that there was a child born to Lee Oswald and Marina Oswald have altered this practice of the Soviet Union, as far as any experience that you have had or any knowledge you have had about such cases?

Ambassador THOMPSON. I think the existence of a child born in the Soviet Union would normally make it more difficult for a person to secure an exit visa.

Mr. SLAWSON. Mr. Ambassador, in the facts of the Oswald case they applied to leave the Soviet Union, of course, well before their first child was born, and in fact probably received Soviet permission to leave in late December 1961, and the child, I believe, was born in February 1962—although the Oswalds in fact did not leave until very early June 1962.

They nevertheless had received Soviet permission to do so before the child was born.

In light of that fact, could you comment further upon the perhaps greater difficulty of leaving when you have a child?

Ambassador THOMPSON. Well, I think probably having once processed the case and agreed to let the husband and wife leave, that they would have been more inclined then to let the child leave than if the case had been considered after the child was born.

Senator COOPER. I take it the policy of the United States would be the reverse—that is, because Marina was the wife of Lee Oswald, and because the baby had been born, the practice of the United States would be to grant a passport to Marina for the child.

Ambassador THOMPSON. I believe that is right, on compassionate grounds.

Senator COOPER. Are you familiar with the testimony about a loan that was made to the Oswalds in order to help them get back to the United States?

Ambassador THOMPSON. I have read in the press that they had received the normal loan.

Senator COOPER. Can you say anything about that as a practice of the American Government?

Ambassador THOMPSON. I only know that in general where a citizen wishes to return to the United States and doesn't have the means to do so, that we

frequently do assist them. This goes back many years. But I haven't been myself concerned in this for probably 25 years, or even more.

Senator COOPER. But is it the practice that if a determination has been made that the individual is an American citizen, therefore entitled to what protections are given to American citizens, if necessary, loans will be made to assist them to return to the United States? Is that about the basis of the policy?

Ambassador THOMPSON. That is correct; yes, sir.

Senator COOPER. I think that is all I have.

Mr. DULLES. Did you have any conversations at any time while you were Ambassador or after you returned to the United States with any Soviet official with regard to the Oswald case?

Ambassador THOMPSON. I discussed with the Soviet Ambassador the desire of the Commission to receive any documentation that they might have available, but I did not in any way discuss the case itself, nor did the Soviet official with whom I talked.

Mr. DULLES. And do you know of any conversations of that nature that any other official of the Department had in connection with the Oswald case?

Ambassador THOMPSON. I do not myself know of any.

Mr. DULLES. You probably would, would you not, if that had taken place—of any importance?

Ambassador THOMPSON. Off the record.

(Discussion off the record.)

Mr. DULLES. Your testimony is you have no knowledge of any other conversations other than that of the Secretary of State, in connection with communications to and from the Soviet Government on this case?

Ambassador THOMPSON. That is correct. I know of no other cases where it was discussed with Soviet officials.

Mr. DULLES. That is all I have.

Mr. SLAWSON. Thank you very much, Mr. Ambassador.

(Whereupon, at 3:40 p.m., the President's Commission adjourned.)

Wednesday, September 2, 1964

TESTIMONY OF C. DOUGLAS DILLON

The President's Commission met at 12:05 p. m., on September 2, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator Richard B. Russell, Senator John Sherman Cooper, Representative Gerald R. Ford, Allen W. Dulles, and John J. McCloy, members.

Also present was J. Lee Rankin, general counsel.

The CHAIRMAN. Mr. Secretary, would you please rise and follow me.

Do you solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God.

Secretary DILLON. I do.

The CHAIRMAN. Mr. Rankin will conduct the examination, Mr. Secretary.

Secretary DILLON. Thank you, Mr. Chairman.

Mr. RANKIN. Mr. Secretary, will you state your name and residence, please?

Secretary DILLON. C. Douglas Dillon of Far Hills, N.J., presently residing in Washington, 2534 Belmont Road, NW.

Mr. RANKIN. Do you have an official position with the Government?

Secretary DILLON. Yes, I do. I am the Secretary of the Treasury.

Mr. RANKIN. In that capacity do you have responsibility for the Secret Service of the United States?

Secretary DILLON. Yes, the Secret Service is part of the Treasury Department.

Mr. RANKIN. Have you had that position responsibility for some time?

Secretary DILLON. Since January 21, 1961.

Mr. RANKIN. Can you tell us briefly the nature of your supervision of the Secret Service, prior to the assassination?

Secretary DILLON. Yes. Prior to the assassination, when I first took office as Secretary of the Treasury, I naturally tried to find out, in as much detail as seemed practical, how the various offices of the Department functioned. One of the important ones was the Secret Service. So I had a number of interviews with Chief Baughman who was the Chief of the Secret Service at that time.

I got the general description from him of how the Secret Service operated, what their responsibilities were, what their problems were. After he retired, which was early, after I had only been there for a few months, I spoke with the President about this matter—President Kennedy—and it was my responsibility to find a new Chief of the Secret Service.

He had known James Rowley very well as head of the White House detail, and he felt that he would be an appropriate head of the Secret Service. I talked with Chief Baughman, and he thought there were two or three men, of whom Rowley was one, qualified to be head of the Secret Service; so I decided to appoint Rowley and thereafter talked with him considerably about the White House detail which he was more familiar with than Chief Baughman.

However, I did not in any sense conduct a day-to-day supervision, or close following, of its day-to-day operations. The Secret Service had been functioning for many years and the presumption from its record was that it had been functioning successfully. I think that the events that have developed since November have very clearly shown that some of the procedures, many of them, need to be changed and improved. I think this is probably largely due, to a considerable extent due, to a very rapid change which probably took place without our fully realizing its importance in the last 3 years, and which greatly increased the responsibility of the Secret Service. That is the greatly changed nature of Presidential travel.

Mr. RANKIN. Will you describe to us how that affects the problems of the Secret Service?

Secretary DILLON. Yes. In earlier times, the Presidents did not travel very often. When he did travel, he generally traveled by train, which was a protected train. Doing that, he could not cover very many parts of the country, and the Secret Service could move easily right along with him on the train that he was on.

What happened since has been, first, the advent of airplanes. Presidents beginning with President Eisenhower began to move more rapidly and were able to travel considerably more, and on very short time differentials they could be in cities that were thousands of miles apart.

However, this only just began with President Eisenhower because, in the first place, jets were not yet available, and in the second place, in the last 4 years of his term, he had to take greater care of his health, and he didn't travel around the country quite as much as his successors have. So when President Kennedy came into office with the availability of, the relatively recent availability, of jets and his desire to travel, this greatly increased the burden on the Secret Service. Formerly when they had a trip, they used to send out an advance agent to some big town. Now the trip would be a 3-day trip, and there might be four towns, each one 1,000 miles apart, that would have to be covered thoroughly at the same time. I think that probably there was not a full realization by anyone of this problem.

Certainly the Secret Service came to me and said they needed more personnel, and we tried to get them more personnel. Chief Rowley testified, I thought quite convincingly, in 1962 before the various Appropriations Committees of the Congress and met with very little success because I think that this was not fully understood by the public. The Appropriations Committees were a reflection of public understanding, and probably it was not even fully understood within the Secret Service.

I would like—

Senator RUSSELL. Has there been any increase, Mr. Secretary, in the number of agents assigned to guard the President. I thought there had been some increase in recent years?

Secretary DILLON. There has been some increase, and we have tried very hard to increase the Secret Service in the last 3 or 4 years. We have asked for more people every year, and while we never got the amount we asked for, we did get increases. I have the figures here. In 1961, the entire Secret Service amounted to 454 individuals, of whom 305 were classified as agents. In 1964, that is the fiscal year just finished, the figure was 571, of which 167 were clerks and 404 were agents. So we had achieved an increase of about 100 agents, a little over a third.

Mr. DULLES. That included both the counterfeiting responsibilities of the Secret Service as well as the Presidential protection?

Secretary DILLON. That is right. And I think it is important to note that the counterfeiting problem was also increasing in volume very rapidly and changing very rapidly at about the same time. Actually that may have started a few years earlier because of the development of photography, which enabled one to counterfeit by photography instead of having to do it by hand engraving.

Representative FORD. Wasn't the specific request for an increase in the White House detail—I use this in a broad sense for both the President and Vice President—primarily aimed at the increase of personnel for the Vice President?

Secretary DILLON. That was in one year.

Representative FORD. 1962?

Secretary DILLON. I think that was in—I think that was in 1963. In 1962 the law was passed, and we did have a deficiency appropriation which was given to us. The following year when we came up for our regular appropriation, we not only did not get the full amount that we thought was necessary to cover the Vice President, but they cut the protection we had been affording the Vice President in half, and whereas there had been 20 persons assigned, they reduced it to 10.

Representative FORD. But there had been no reduction in the funds for the protection of the President?

Secretary DILLON. For the White House detail; no.

Representative FORD. It was a reduction for the protection of the Vice President.

Secretary DILLON. That is correct. But the thing that I think we are coming to is, it is perfectly obvious that we have to do a great deal more in this advance work, field work, in interviewing people who are dangers to the President or could be classified as such. We need more people in the field on account of this. That is what I say was not probably fully realized, although Rowley specifically, when he first went up in 1962 asking for an increase, pitched it on that basis, but he did not have a very good reception from the Appropriations Committee at that time because they felt that the White House detail was the White House detail, right around the President. I don't think anyone fully understood the connection with people in the field. I am not sure that Secret Service made as good a case as they should, to be really understood on this. It has become clear now.

Representative FORD. Mr. Rowley in that presentation asked for additional funds for and personnel for the Protective Research Service?

Secretary DILLON. I don't think it was specifically for that. It was for protection of the President, and he was the first person that made this type of request. Baughman had always said that people in the field were counterfeiting and just worked a little bit for the President, and Rowley when he came in was the first one that made this claim that they were needed to actually protect the President. He wanted more people in the field to do these things, and that was the thing that did not go over right away. I think it would be interesting here. We have—

Mr. RANKIN. May I interrupt a moment? We have a problem with some of the members of the Commission that have to go to the Congress right away for the vote. They would like to question you if they may.

Senator COOPER. I have a question which I think you can address yourself fully to later but considering these new factors which make the protection of

the President more difficult, I would like to ask if it is your judgment that the Secret Service, if it is provided adequate personnel and if it is—if a broader criteria for the ascertainment of the persons who might be dangerous to the President is adopted, if it is your judgment that the Secret Service could meet these new factors and provide an effective protection for the President, taking into consideration the factors which you mentioned?

Secretary DILLON. Yes; I think they could. I think the answer is clearcut. I don't think that means that under every and all circumstances you could be absolutely a thousand percent certain that nothing can happen. You never can be in a situation like this. But I think they could be a great deal better, and you could feel everything has been done. We have just completed—the thing I wanted to say—this study we have been working on many months as to what is needed to provide this in the Secret Service. Chief Rowley was not able to give you this when he was here before. I have given a copy of this to Mr. Rankin. I think it ought to go into the record at this point.

Mr. RANKIN. Mr. Secretary, I will hand to you the document you just referred to, called Planning Document, U.S. Secret Service, and ask if that is the document that you were describing.

Secretary DILLON. Yes. That is the document; yes.

Mr. RANKIN. Mr. Chief Justice, I would like to ask leave at this time to mark this document our next exhibit number which I will furnish later to the reporter, and offer it in evidence as part of this examination.

The CHAIRMAN. Mr. Secretary, that is not a security matter that couldn't go into the record, is it?

Secretary DILLON. No. I have one thing I would like to say about that, and I think it should go into the record. What this is is our report as to how many personnel are needed and what has to be done and what they should do. We have transmitted that with a covering letter to the Bureau of the Budget. The final decision on what will be done on many of these things is taken in the light of recommendations of the Bureau of the Budget to the President and what he finally decides for budgetary reasons. So ordinarily budgetary matters are not published prior to the time the President has approved them. He hasn't approved this. He hasn't seen it, but I think under the circumstances I see no reason under this special circumstance, why this report should not go into the record, and I think it is perfectly all right.

The CHAIRMAN. The report may be admitted and take the next number.

(Commission Exhibit No. 1053-A was marked for identification and received in evidence.)

Representative FORD. This would be the recommendation of the Treasury Department to the Bureau of the Budget for the personnel and the funds for the Secret Service in fiscal year 1966?

Secretary DILLON. No. This is a recommendation to the Bureau of the Budget for the personnel and equipment that would be needed to put the Secret Service in what they consider adequate position to fully handle this problem. They feel that it would take about 20 months to get all the necessary people on board and trained. If this were started right away, as we think it could be if a re-apportionment on a deficiency basis were approved, this could start in fiscal year 1965 and depending on whether such is approved, the fiscal year 1966 final recommendation would be affected. But this is the total picture, and it is assuming our recommendation that they start in the next couple of months.

Representative FORD. In other words, this is the plan that you would like instituted immediately regardless of budget considerations.

Secretary DILLON. That is right.

Mr. McCLOY. Mr. Secretary, there is nothing in this exhibit that in any way, according to your judgment, would compromise the protection of the security of the President if it became—

Secretary DILLON. Oh, no; and there is also with it—it is just a covering letter but I think it is equally important—it is a letter which I wrote to the Director of the Budget on Monday when I forwarded this plan to him, and I think that probably should also go in because it has a recommendation at the end covering the matter Mr. Ford raised.

Mr. RANKIN. Mr. Secretary, I will ask you if this document, dated August 31, 1964, is a copy of the letter that you have just referred to now?

Secretary DILLON. That is correct.

Mr. RANKIN. Mr. Chief Justice, I ask that this letter, dated August 31, 1964, directed "Dear Kermit," from the Secretary, be marked the next number in order and offered in evidence as part of the record.

The CHAIRMAN. It will be admitted.

(Commission Exhibit No. 1053-B was marked for identification and received in evidence.)

Secretary DILLON. It is marked "limited official use," and I think that should be declassified for this purpose.

Mr. RANKIN. Now, Mr. Secretary, will you very briefly describe the general plan of your planning document. We have that so we can use it in considerable detail, but if you can just summarize briefly.

Secretary DILLON. Well, in brief, this asks for a total of 205 additional agents, which is about—not quite but nearly—a 50 percent increase from the 415 agents they now have. It asks also for 50 clerks to add to the 171 that are presently there. Those are stenographers, typists and other clerical workers. And for five technicians. Of this the idea is to put 17 agents and the 5 technicians in the PRS. Five would be used to maintain 24-hour coverage in the PRS which is not presently in force because of lack of personnel. One would add to the Research and Countermeasures Unit to fill out three full units that could be operating all the time. Six of them would do advance work for PRS with local agencies and institutions. One of the new things we have instituted is that each time they do an advance, someone from the PRS goes out and works with the local law enforcement agencies. I think that is obviously a very important thing. They need more people in view of the volume of traveling. Then they also need five more employees to expand our liaison with the other law enforcement and intelligence agencies. We now have one man assigned really full time to that. We found even in the period that we have been doing this that while that is a great help, much the best way would be to have individuals assigned to each agency that work full time with the agency, know the people in the agency, and that is the only way we can be sure we have adequate liaison.

Mr. DULLES. May I ask, would that include the FBI?

Secretary DILLON. Oh, yes.

Mr. DULLES. And the CIA and military intelligence services?

Secretary DILLON. Oh, yes.

Mr. DULLES. And the State Department possibly?

Secretary DILLON. Yes.

Representative FORD. Could you specify those agencies. I was interested in what agencies you were referring to.

Secretary DILLON. Well, I would think certainly it would be the military, the FBI, the security services of the State Department, and the CIA.

Now, there may be additional ones. There are additional ones within the Treasury Department. I think we probably have one, for instance, with the intelligence section of the Internal Revenue Service, Alcohol and Tobacco Tax Unit, and so forth, which a good deal can come out of.

In addition we recommend here five technical specialists, two of which would be highly trained computer technicians, programmers, and three less well trained to work with these others. The purpose of this is to automate the whole PRS operation. We have been thinking of that for some time. It was something that obviously needed to be done.

Mr. RANKIN. Excuse me, Mr. Secretary. Will you describe a little more what you mean by automate.

Secretary DILLON. I mean using electronic processing, punchcard systems, so that they would be able to pull out of their files for any locality, various different types of people that might be a danger or might have made threats to the President or to other high officials, so that they would be able to function rapidly and well in planning protection as the President travels to these various cities.

Mr. RANKIN. Does that include computer systems?

Secretary DILLON. Yes. And what I was going to say was about 2 or 3 months before the events in Dallas, the Secret Service had asked the IBM Co. to make a study of this problem for it. That study was not completed until after the events in Dallas, and it did not prove satisfactory because from our point of view it did not go into enough detail in being able to handle criteria so you could tell when you retrieved a name from the file whether it was truly dangerous or not.

We needed a more complex system and after working with Rand Corp., the Research Analysis Corp., and also talking with IBM, we all felt the best way would be to hire some good programmers, knowing our problems, and then work out a pilot program and get consultants in.

One of the things we recommend here is appropriation of \$100,000 to get consultants from IBM Co., Honeywell or other companies, and get pilot machines to try to work out the details of this system.

Mr. McCLOY. For the record, Mr. Secretary, you had no electronic system of this character operating before the assassination?

Secretary DILLON. No. Now, the total of that is 17 agents and 5 specialists for the PRS.

In addition, for a long time, Mr. Rowley has believed that it would be preferable to improve the capacity of the White House detail if we could establish a headquarters pool of 18 men where new individuals who are going into the White House detail would be fully trained first—before, they had to be trained sort of partially on the job—and also through which you could rotate people from the field from time to time, bringing them up to date on Presidential protection.

So we would ask for 18 people, 18 spaces for that.

We have asked for 25 spaces to provide adequate protection for the Vice President in addition to the 10 that are already on board.

Mr. RANKIN. Mr. Secretary, excuse me. I think spaces may not be clear to all our readers. Will you explain what that means?

Secretary DILLON. Twenty-five job positions. I think the thing that is very important here is to keep in mind that to keep one man on the job around the clock covering a post, which is the way the Secret Service works—one man that would be always with the President or the Vice President, that would be always watching his house—to get one man requires five job positions. In the first place, the coverage required is for 24 hours a day.

In the second place, there are holidays, there are weekends off. On a full-time basis, the Secret Service works a 40-hour week, 5-day week, as the rest of the Government does, and there are provisions for sickness and leave, and so forth. When the number of hours that a man can work a year full time is figured out, it requires 5 men to fill one spot.

So that is one reason why these protective numbers may seem rather high to the uninitiated.

When you are talking about the Vice President, and 10 people are required to produce two posts, coverage of two posts, it is obviously not adequate because you have to cover his house, whether he is there or not, so that someone can't come in and put a destructive device in it.

This simply can't be done with the present numbers that are assigned.

Then, going beyond this to complete this list, there is a request for 145 agents in the field offices who would handle the substantially increased volume of security investigations. We are now getting about twice as many referrals already as we did before. Instead of something like 25,000, we are up to something over 50,000, and they expect it will go over 60,000 next year.

To really run these down out in the districts, they need, obviously, more men than they have had.

Now, one thing that they also need these fellows for, which I think is important, is keeping track of more dangerous individuals. They have tried to keep track of a few of them. But I think that probably a good many more should be put on that list. It requires more people, so they can periodically check up, and particularly before a visit, that all of these people are looked at to see where they are and what they have been doing recently before the President visits a particular place.

Mr. RANKIN. Mr. Secretary, while you are on that subject, could you explain to the Commission how you make use of your agents in the White House duty and those in the field so they will understand that?

Secretary DILLON. Well, yes; the White House detail is composed of about 60 people now. About half of these are what you might call, more or less, permanent employees. They have been there for a long time, 10 years, 12 years, 15 years, on the White House detail.

The other half are shorter time employees who generally serve up to 3 years on the White House detail and then either leave because they prefer other duty in the Secret Service or sometimes leave because the Secret Service feels they can do other duty better.

Mr. RANKIN. Now, for the protection of the President, Mr. Secretary, is there any need to have the White House detail have any connection or reciprocal arrangement with those in the field?

Secretary DILLON. Well, I think it is a great help. Because of this turnover that I mentioned, very many of the agents in the field have had service in the White House detail of up to 2 or 3 years. So they know what the problems are and they are able to fit in very easily and very readily and very quickly with the White House detail which is with the President when he comes out on a trip.

Mr. DULLES. By fieldwork you mean attached to your field stations, of which I believe there are 65 in the United States?

Secretary DILLON. Yes; that is right. And if they had not had this training, obviously they would be enforcement officers and they could work with White House detail when they come out, but they wouldn't be able to be as cognizant of its procedures, how the matter is handled, and they wouldn't be able to be fitted right into the routine as well as they can presently. I think it is highly valuable that we have this pool of experienced people around the country and, of course, this is again one reason that if we get a few more people out there, we will be able to do better.

One of the additional things that we are now undertaking, is, for instance, these building surveys that are partially a result of a study by the Research Analysis Corp. This seems to be something that we can probably do something about. We will probably use more people when the President travels through a city than we have in the past because you can have some success in designating certain buildings as high risk or higher risk than other buildings, and as I say, they are now trying to map the whole United States, at least the major cities where the President might travel, the routes he might follow, coming in from an airport, going to a major stadium or something like that so they will know ahead of time what the danger spots are. And one of the obvious ones which has come out is a warehouse where there are not so many people in it and where someone could more likely be alone and therefore more dangerous. A building that is full of people is not as dangerous because the other people would be watching. It is that sort of criteria. The same thing about roof access. If there is easy access to a roof and people are not usually on it, that would be more dangerous than if there wasn't.

Mr. RANKIN. Now, have you made quite a change in the Secret Service in regard to the inspection of buildings along a motorcade route since the assassination?

Secretary DILLON. Oh yes. We have been doing this, and we have used a great many more people as a result of this in our procedures, both local police officers and also our own people. The figures we have here are interesting. They are in this report. From February 11—I don't know why that was the beginning date for these figures—but from there through June 30, we used 9,500 hours of work by other enforcement agencies. About 2,000 of that came from the Justice Department and the rest of it from other Treasury agencies, the biggest one being the Intelligence Section of the Internal Revenue, but also the Bureau of Narcotics, Alcohol and Tobacco Tax Unit and so on.

Mr. RANKIN. And that is in connection with this motorcade route?

Secretary DILLON. That is largely in connection with that, both planning it out ahead and also stationing them in buildings that they thought might be difficult.

Mr. RANKIN. Now, Mr. Secretary, returning to your planning document, is there anything else that you have not covered in that?

Secretary DILLON. Well, this is just the number of people. It does not include in this figure any purchases of automatic data processing equipment. It just includes the study I mentioned. There are funds for a new armored car, various funds for improving the intrusion detection at the White House, and lighting at the White House. There is no automatic system now. If anyone breaks through the fence at night, nobody knows it unless someone should see them. They have developed such systems and the Secret Service would like to get one installed, so if anyone broke through, a bell rings automatically, and they know someone is on the grounds, and they can take action accordingly. Also, they would like emergency lighting that would be hidden behind various trees or behind the wall so that if someone broke through at a place, the lights would go on automatically and the person would be seen. Then there is just miscellaneous equipment that goes with increased staff, such as automobiles, radios, travel and transportation that goes with more staff, and so forth.

I mentioned some of the things briefly that they intend to do. I mentioned the PRS program, and ADP study. These special agents in the field I think we have covered pretty well. They have clearly in here a number of things they have to do, which there certainly is plenty of. In addition to that—I mentioned the pool. In addition to that we have made arrangements with the Department of Agriculture and the General Services Administration has put the funds in their budget, to get a new training facility. All we have now is a pistol range out at the Arboretum, and this new one will have classrooms, pistol range, and a place where they can practice automotive protection on a practice road. This will be out at Beltsville at the Agricultural Station out there. It is very useful. There are no funds for that in the plan.

Mr. McCLOY. May I just ask you about the armored car, Mr. Secretary. Is that to transport the President?

Secretary DILLON. Yes; that is right. A protected car, a second one. One was fixed for the Government free by the Ford Motor Co., but our guess is that it cost the Ford Motor Co. somewhere between \$175,000 and \$200,000 to do this, and it didn't cost the Secret Service anything, although there was some research work done on the glass and armor by the Defense Department. This was combined with research work they needed for their own use, to develop protective glass and armor to use in helicopters in Vietnam. They split the cost. It cost about \$30,000. So I think they assigned \$15,000 of it to this project. But it was paid by the Defense Department. That is the only cost on that one. But I think the companies think that the Government should buy the new car.

Mr. McCLOY. We had some testimony here in connection with the assassination where it was developed that the access within the car to the body of the President became very important. In the car in which the President was assassinated there was a bar behind the front seat making it very difficult if not impossible for the Secret Service man who was operating from the front seat to get to the body of the President, and we were strongly of the view that cars that should be hereafter designed should have freedom of access. Either the man should be in the jump seat or there should be means by which you could get, the Secret Service man could get to the body of the President in case of a threat of an attack, and I think it is likely we will mention that in the report. But it seemed to me this is something to bear in mind in connection with the design of a new armored car.

Secretary DILLON. That would apply to an open car.

Mr. McCLOY. Yes.

Secretary DILLON. It wouldn't apply I think to a fully—

Mr. McCLOY. Fully armored; no. That is right.

Secretary DILLON. Closed car.

Mr. McCLOY. Usually on those motorcades you like to be seen.

Secretary DILLON. Yes.

Mr. RANKIN. Have you covered your planning document, then, Mr. Secretary?

Secretary DILLON. I think that covers this.

Mr. McCLOY. May I ask a question at this point? I have a date at the White

House at 1 o'clock, not with the President, but with Mr. Bundy, who wants to talk with me.

How long do you think we will be with the Secretary and will we resume after lunch?

Mr. RANKIN. I was hoping to get through. I presume he was hoping we would.

Secretary DILLON. I would like to if we could. I have to leave tomorrow to go to Japan.

Mr. McCLOY. Well, would it interrupt you if I ask a few questions?

Mr. RANKIN. No; go ahead.

The CHAIRMAN. Ask what questions you want?

Mr. McCLOY. You testified, Mr. Secretary, you felt with these additions that the Secret Service would be competent to cope with the added requirements for the protection of the President which have occurred.

In testifying to that effect, do you include—you include the investigative services of your own which are quite apart, as I understand it, from the information that you may gather from other agencies?

Secretary DILLON. That is correct; yes.

Mr. McCLOY. We have had the thought that perhaps the Protective Research Section or Division of your organization wasn't as well equipped as it should have been nor as it might have been presumably for the purely preventive investigative work.

Do you feel that with this new plan of yours, that that would be adequately taken care of?

Secretary DILLON. Yes; I do. It was not equipped, I think, adequately in two ways. First, it did not, as is clearly shown by the events in Dallas, receive information on enough dangerous people. At least they didn't receive the information on Lee Oswald.

So that what is required is the development of criteria, better criteria, that can be circulated to law enforcement agencies generally, and which will insure that adequate information comes in. We are making progress there.

I think you have already seen a document with some criteria that were developed, which has been circulated in Washington. A similar document has now been circulated by the Secret Service Chief to all special agents asking them to write a briefer but somewhat similar letter to all chiefs of police, sheriffs, and State police in their localities which asks them to furnish any such information to the local Secret Service agent. That is being disseminated now throughout the country. It will be completed within the next 6 weeks or so.

In addition, we have established an interagency committee which has as one of its jobs the development of better criteria that will really result in getting the kind of information we want without swamping us. If we are too broad in our criteria and we get a million names, obviously nothing can work.

This committee is holding its first formal meeting next week. It has representatives of the President's Office of Science and Technology, of the Department of Defense, which is the Advanced Research Projects outfit, of the CIA, an individual who is highly competent in their file section and who understands the setting up of complex files and retrieval, that sort of business, and four people from PRS, the PRS head inspector, Mr. Thacker, the head of the research and development, Mr. Bouck, the head of the files section, Mr. Young, and Mr. Stoner, who is now handling the liaison job.

There will also be, although the individual has not yet been named, a representative of the FBI, and with that I think that we will be able to develop criteria that will both be useful to us and be an improvement on criteria that was so far developed with the help of outside consultants.

Mr. McCLOY. Mr. Secretary, the impression has been gained, I think, by the Commission that perhaps too great emphasis has been directed to the mere investigation of the threat, of the particular individual, the crank, or the fellow that sends the poison food or the threatening letter, and perhaps not enough in a broader scope, recognizing, of course, that you can't be too broad without defeating your own purpose, but that there are perhaps groups or other areas of ferment that could provoke an attack quite without the threat. Would you comment on that?

Secretary DILLON. Yes; one of the criteria that is presently out is meant to

cover individuals who have threatened bodily harm to any high Government official, with the idea that threat might be switched and visited upon the President.

That would have worked in this particular case in Dallas if that had been a specific criterion on at that time, which it wasn't. We are just talking about threats to the President. So I think that was one obvious case.

We hope that this committee would be able to possibly come up with other groups that can be identified that would fit into this without bringing in too many names.

There is one that may or may not work out. I just cite this as an example. People with bad conduct records in the Marine Corps for some reason have had a very bad record thereafter and there is quite a connection of crime with that class of individual.

It may be that it would even be worthwhile, if it is not too large, to cover this. Why that is so, nobody has quite figured out. I think the eye was focused on them because of this event in Dallas, but then it was discovered that this group has been involved in an awful lot of other crimes of violence.

Mr. DULLES. As you read the Oswald life story, it looks as though he was going into the Marines as a kind of escape.

Secretary DILLON. It could have been.

Mr. DULLES. What you say is very interesting in that connection.

The CHAIRMAN. Will you excuse us just a moment until we see if we can finish up.

Secretary DILLON. I would think you might want to put into the record at this point a copy of the memorandum that I mentioned from Mr. Rowley to the special agents asking them to send letters to the local law enforcement institutions.

Mr. RANKIN. Yes. Mr. Secretary, I ask you to examine the memorandum dated August 26, from Chief Rowley and ask you if that, with the attachment, is the memorandum that you just described?

Secretary DILLON. That is. Fine. Yes.

Mr. RANKIN. Mr. Chief Justice, I ask leave to give this document that the Secretary has just referred to the next number in order and offer it in evidence as part of this examination.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 1053-C, for identification and received in evidence.)

Secretary DILLON. There is one other item—you asked whether there is anything else in general. We felt that the Secret Service did not have adequate regularized scientific advice. They got some—they have been getting it over the years from time to time from the President's office of Science and Technology, but we tried to regularize that. I have worked out an arrangement with Dr. Hornig and written him a letter which embodies that arrangement so that they would have their services constantly available to the Secret Service and would give certain specific advice; first, keeping the Secret Service informed of scientific developments of possible use in providing protection for the President, etc.; advising or arranging for scientific advice to the Secret Service in connection with specific problems of Presidential protection as they may arise; and reviewing the technical aspects of the protective operations of the Secret Service and its development program, and assisting it in establishing priorities and schedules for introducing technical and scientific improvements. I have an answer from Dr. Hornig saying they would be glad to carry this out and saying that he concurs in my judgment that the increasingly complex nature of Presidential protection requires that the Secret Service have access to the best scientific advice and that they are glad to take on this job.

Mr. RANKIN. Mr. Secretary, I will ask you if the exchange of letters, dated August 31, between you and Mr. Hornig are the copies that I have just given you?

Secretary DILLON. That is right.

Mr. RANKIN. Mr. Chief Justice, I ask leave—

Mr. DULLES. Just for the record, I wonder if he would identify Mr. Hornig. I think we know, but possibly—

Secretary DILLON. Oh, yes; Dr. Hornig is Special Assistant to the President for Science and Technology.

Mr. RANKIN. Mr. Chief Justice, I ask leave to give this document the next number in order and offer it in evidence as part of the examination.

The CHAIRMAN. It might be admitted.

(The document referred to was marked Commission Exhibit 1053-D for identification, and was received in evidence.)

Mr. RANKIN. Mr. Secretary, would you just briefly tell us without getting into any classified matters or matters that are not properly to be revealed because of the effects they might have on the protection of the President, why the Secret Service would need a scientific adviser?

Secretary DILLON. Well, I think this is because they do a number of things. First, they need it in the communications field. There are all sorts of advances there, and they have been assuring or working to assure the security of the communications of the President. In addition there are all sorts of new developments in the form of protective devices that are being developed all the time, better forms of bulletproof glass, better forms of protection of that kind, new types of protection against access. For instance, there is under development, I understand, a sort of a radar type of fence so that you can see if a person comes through a certain area without there being any fence there.

They are developing, working on the development of other protection devices. They have had very substantial progress recently, I understand, in the detection of weapons that someone might be carrying, devices that are more effective. This is something people have tried to develop, I guess, for a long time. Apparently they are having some success. It is that sort of thing that is very necessary.

And then in addition this field of computer technology is highly scientific and complex, and I think that the scientific adviser is in an excellent position to be sure that the Secret Service has the very best advice in trying to identify their needs and develop the machines for those needs.

Mr. RANKIN. Mr. Secretary, it has been suggested to the Commission that it might be of assistance to you and other Secretaries of the Treasury and the Secret Service to have someone acting as Special Assistant to the Secretary of the Treasury, having supervision, under your direction, of the Secret Service in its various activities, both protection of the President and otherwise. Do you think that that would be of help or would it not?

Secretary DILLON. Well, I am not sure. You see, we have an Assistant Secretary, and I should think he probably would be able to do it as adequately as having another special assistant.

We also have a Special Assistant for Law Enforcement Coordination who coordinates the general work of all our law enforcement agencies and works with outside agencies on overall law enforcement problems.

Probably of interest is that the Treasury Department, I think, has more law enforcement officials working for it than any other agency of Government. It is a very large law enforcement organization, although there are a number of separate organizations that work in different fields.

So we already have this. I think that it probably can be made tighter and should be made tighter.

One aspect of this matter, I think, is the advent of computers, of course, which is very recent and has changed what can be done effectively in this PRS. I think that should be done anyway. One aspect of this matter that probably hasn't had as close and detailed supervision as we may feel appropriate now is the White House detail. It has always operated over the years in very close contact with the President and has operated in a slightly different manner with different Presidents, depending on their wishes.

And it has been felt that as long as they were doing an adequate job, that it was pretty hard to come in and tell them exactly what they should do on a day-by-day basis because the President might not want them to do that sort of thing.

It is a very complex and personal assignment here that is a little different than any other law enforcement agency, and I certainly think it should be followed more closely—gone into in more detail—from the top level of the Treasury

Department probably than it has, but even if it is, we are still going to have this problem that we won't be able to tell the President exactly what he should do in each case. So there never will be that close sort of supervision of day-to-day operations of the White House detail—it wouldn't be effective anyway—that there would be in another police operation.

Mr. RANKIN. After the assassination, you did have Mr. Carswell take over certain work in this area, did you not?

Secretary DILLON. Yes; Mr. Carswell is my special assistant, in my own office. He is a lawyer by profession and training. He has had investigative experience, 3 years in Naval Intelligence on the active side of it, and so he has some knowledge of this whole type of operation, and I felt in view of this investigation, in view of the work that had been done, it was important to have someone with legal experience that was close to me, that had immediate access any minute to me working on the matter. Then while this thing was running along, they would get to me at any time, and I could ask questions, they would bring matters to me, we could handle this matter of being sure that a proper long-range plan was developed, and that the whole effort in the Secret Service was organized as well as possible. That is why I asked Mr. Carswell, as part of his work for me, to undertake this special assignment, which he has done, and I think done very well.

Mr. RANKIN. It has been suggested to the Commission that it might be helpful if the National Security Council or some Cabinet level committee would help to supervise in this area of Presidential protection. Do you have any comments you care to make?

Secretary DILLON. Yes; I think that would be helpful because in relationship with the President, if there are questions of what is the proper protection, I think a group of the Cabinet would have a stronger voice, and also having a group, the President would be more sure that this was not just one man's ideas, that it would be helpful.

I am not quite sure about the National Security Council as such because as I recall, the President himself is the Chairman of that, so he would be advising himself, and I suppose this would be a group to advise the President.

Mr. DULLES. We thought there might be certain advantages in that because if you prescribe things for the President to do, and he doesn't want to do them, they don't get done in the field of protection.

Secretary DILLON. That is right. Then if you describe it in the meeting at which he was present, that might be well.

The CHAIRMAN. I suppose, Mr. Secretary, also if a committee of that kind was composed of the Secretary of the Treasury, Secretary of Defense, Secretary of State, and the Attorney General, that you would have on that committee the men who had all of the agencies that would of necessity have to be coordinated in order to bring all the work into focus.

Secretary DILLON. Yes, and the Central Intelligence Agency.

The CHAIRMAN. Yes.

Secretary DILLON. One thing about the National Security Council is that neither the Secretary of the Treasury nor the Attorney General are members of the National Security Council by law.

The Secretary of the Treasury has been asked by the Presidents to sit with the National Security Council for some years, practically since its beginning.

The Attorney General has sat with it during the last few years, but I don't know whether that will or will not continue into the future. So there is a certain problem there.

If this assignment is given by law to the National Security Council, and some other President comes along that doesn't ask the Secretary of the Treasury or the Attorney General to sit with it, the two people who are probably most concerned wouldn't have any part in this.

Mr. DULLES. It would have to provide that in all matters relating to Presidential security, of course, they will be present. One way of doing it, I would say.

Secretary DILLON. Yes; there should be some such provision; otherwise I see some advantages as you say.

Mr. RANKIN. Mr. Secretary, are you familiar with the method of selection of the Secret Service personnel?

Secretary DILLON. Only somewhat. They do get young men who meet their qualifications. They do hire them at GS-7 and they stay there for 1 year. If they have a year of satisfactory service, they are promoted two grades. Then if they have 2 more years of satisfactory service, they are promoted another double jump to GS-11.

These individuals do not have the legal qualifications that some other law enforcement agencies such as the FBI require, where you have to be a lawyer or an accountant, because they do other kinds of investigative work and that wasn't thought to be necessary in the case of the Secret Service.

But the Secret Service has felt, and I have inquired into this, that they have no difficulty in getting young men of the highest type to come and to take these jobs under the present setup.

Mr. RANKIN. Do you have a printed or written list of the various qualifications that you seek in regard to the Secret Service?

Secretary DILLON. I don't—I am not aware of that. There probably is such a list; yes.

Mr. RANKIN. If you have such a list will you please supply it to us?

Secretary DILLON. Yes; I will be glad to.

Mr. RANKIN. Mr. Chief Justice, I would like to ask leave to give the next number of exhibits to that document once supplied and make it part of the record.

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 1053-E for identification and received in evidence.)

Mr. RANKIN. Mr. Secretary, are you familiar in a general way with the investigation that the Commission has been making with regard to this matter?

Secretary DILLON. Yes; In a general way, I have followed it through Mr. Carswell, who has followed it more closely, and through the Secret Service, so I am generally aware of it.

Mr. RANKIN. And are you generally aware of the investigation in connection with the assassination, the entire matter?

Secretary DILLON. Oh, yes.

Mr. RANKIN. Have you made any inquiry in the Secret Service to determine whether or not Lee Harvey Oswald was ever an agent of that Service?

Secretary DILLON. Yes. I heard rumors of this type of thing very early, and I asked the direct question of Chief Rowley and was informed that he never had any connection with the Secret Service.

Mr. RANKIN. Do you know of any evidence in regard to Lee Harvey Oswald being an agent of any part of the government?

Secretary DILLON. I am not aware of any evidence myself in that way, but I don't think I necessarily would be fully competent in that.

Mr. RANKIN. But you have never heard of any such evidence?

Secretary DILLON. I have never heard it.

Mr. RANKIN. Do you know of any area of the investigation of the Commission that you would like to suggest that we do more than we have insofar as you are familiar with it?

Secretary DILLON. No. As far as I know, the investigation has been very thorough.

Mr. RANKIN. Do you know of any credible evidence that would lead you or anyone to believe that there was a conspiracy, foreign or domestic, involved in the assassination of President Kennedy?

Secretary DILLON. No. From all the evidence I have seen, this was the work of one deranged individual.

Mr. RANKIN. And who would that be?

Secretary DILLON. Lee Harvey Oswald.

Mr. RANKIN. Do you know of any evidence in regard to any connection between Jack Ruby and Lee Harvey Oswald?

Secretary DILLON. No, no.

Mr. RANKIN. Is there anything that you would like to call to the attention of the Commission at this time that we should know or that we should cover?

Secretary DILLON. No; I think we have covered my area of competence pretty thoroughly this morning. I can't think of anything else.

The CHAIRMAN. Mr. Dulles?

Mr. DULLES. Doug, in the field that in the Commission here we have described as the preventive intelligence field; that is, trying to identify beforehand the individuals or the type of individuals who might be a danger to the President, have you ever thought of any possible division of responsibility and of work between the Secret Service and the FBI to define more clearly which each should do in that field?

Secretary DILLON. Well, my own feeling is that the agency that handles the actual work of deciding who the individuals are that the Secret Service should watch out for, which is the PRS, would function much better and would strengthen the Service if it works as it does now as part of the whole Secret Service operation, and working very closely with the people who are on the White House detail and not having to be involved in a liaison operation somewhere else.

So I think our problem is to strengthen this PRS, and I think that this long-range plan is a good beginning.

I don't think it is necessarily an end because as soon as we develop the automated machinery that we need, then we will know a little better, and we may need some people to make full use of that.

But this is enough to get it underway and all you can use, I think, well, for that purpose at present.

I would think that there is a liaison problem which exists whenever you have liaison with anyone, whether it is within your department or without, as long as it is a separate organization. And I think there has been clearly a problem of inadequate liaison with other Government agencies.

It is much better now. We have already taken steps. And additional steps of assigning specific liaison officers will help. But I think this is something that has just got to be worked out continually at all levels to make it work. So the problem is not unique to this situation; it affects all intergovernmental relations.

Mr. DULLES. Today with the Communist Party and with rightist groups and we have more and more groups—we have always had them, but we seem to have more than others which might breed up elements of danger—is there any part of that you would like to turn over to anybody else or—

Secretary DILLON. Well, I think the identification of groups that are likely to be dangerous as groups would probably more likely fall on the FBI because they study the background of these groups and they are aware of them and try to penetrate them, and so forth.

So I think that from that point of view, they would certainly be the purveyor, the first purveyor of the information that is needed and the ones who would have the responsibility of signaling to the Secret Service that this is a dangerous group and to the best of our knowledge these are its members. Some of the members would probably be subterranean and might not be known. And it would be important that they pass on that information on the individuals.

The Secret Service I think would be more concerned in dealing with—trying to protect against the actual individuals.

I think that probably on the basis of thinking of something that would be sort of an international plot, Communist Party plot, or something like that, I think you probably need all arms of the Government working on that.

We can't say that Secret Service can do it alone. Central Intelligence Agency might get wind of it anywhere in the world or FBI would have to use all its resources. Just to beat back something like that you would need the combined resources of whatever you have got.

I think there is sort of a greater thrust of continuing responsibility obviously on the FBI for following these groups, as you call them. For following individuals which may come to their notice because they were somewhat deranged or did something bad at one time, they would then pass that on to the Secret Service, and with adequate manpower, I think that the Secret Service would have more or less the primary responsibility of following those sort of individuals.

The CHAIRMAN. I suppose you wouldn't want to take away from the Secret Service entirely the concern that it might have for groups?

Secretary DILLON. Oh, no.

The CHAIRMAN. And the necessity of going into those groups to ascertain further whether they were a threat to the President?

Secretary DILLON. Yes; but I don't think it is their function to try, for instance, to have undercover people to penetrate groups or do things of that nature which the FBI generally does.

The CHAIRMAN. Yes.

Secretary DILLON. And it is their job to do that. That would require, of course, a much larger organization, but I certainly think the Service has to keep track of them, and they can't just say we have no interest and everything must come from somewhere else. I don't mean that at all. But that is not their primary responsibility. I thought that is what Mr. Dulles' view of it was.

The CHAIRMAN. Anything more?

Mr. DULLES. Mr. Secretary, just one other question. It raises the question of the combination of the—in the Secret Service of the two functions of Presidential protection and of the counterfeiting and related investigatory duties in connection with counterfeiting. Have you got any comments on that? Is that a logical or wise combination or would you suggest any change there?

Secretary DILLON. Well, these are two separate functions. I do think that there is a certain advantage to it that has developed and which I think should be maintained. That comes from the fact that counterfeiting is not an operation that is overly large; so it means that people who are engaged in this can very well be trained. Many have had tours such as earlier in the White House detail.

Mr. DULLES. You transfer back and forth, do you, from these two functions?

Secretary DILLON. Oh, yes; many of the people after a little service in the White House detail find that life too strenuous, the hours bad, or prefer not to travel, and so forth, prefer the type of work that opens up in the counterfeiting section. Then they move out into one of the field offices, and there are probably a few more possibilities as heads of these field offices for higher level jobs than there would be in the White House detail. So there is an interchange.

Now, that interchange, I think, is useful because you do have these field offices that you can then call upon to do protective work, and I think there can be much more of that because, as what I indicated earlier, with this development of more detailed criteria, the greater number of people coming in to check up on, there are going to be more investigations in the field that should be done by the Secret Service, and it can be done by these people who have had this training and who know what to look for and who have worked on this same sort of assignment.

They also are readily available and fit right into the pattern of Presidential protection when the President goes to their area. So I think that is another great advantage.

So therefore I think there is substantial advantage by having this additional assignment which is in a different area, counterfeiting. I think it is probable happenstance; it grew that way. It could have been in some other different area, but the size of it which is large enough but not too large I think combines very well with the White House detail to give us a possibility of making a very effective operation.

Mr. DULLES. Do I correctly assume from what you have said that initially your field offices were largely organized for the counterfeiting side of the work but that is now changing, and more and more the work of the field office is coming into the Presidential protection?

Secretary DILLON. Well, I think certainly the amount that they will be doing on Presidential protection has greatly increased.

The counterfeiting hasn't decreased. That has increased also. But whereas earlier I think they were only used in Presidential protection when they had to be, when they were pulled off their other jobs and brought to Washington and sent to travel on a trip or something like that, because extra people were needed, I think now if we get an adequate staff they will be doing more of this as a regular routine part of their job, investigating people in their areas as well as investigating counterfeit cases in their area.

So they will have more or less two permanent jobs to do.

The CHAIRMAN. While you may have had a decrease in counterfeiting, I suppose you have had a great increase in forgeries, haven't you?

Secretary DILLON. Yes; we have had an increase I said in counterfeiting and also in forgeries.

The CHAIRMAN. Oh, in counterfeiting. I misunderstood you. I thought you said you had a decrease.

Secretary DILLON. No; a great increase in counterfeiting on account of development of these methods of photography.

The CHAIRMAN. Yes; I recall now.

Secretary DILLON. That is similar to check forgery which is the same problem on Government checks which has also increased.

Mr. DULLES. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Very well. Thank you very much, Mr. Secretary.

Before we adjourn, I would like to say to you, Mr. Secretary, that the Secret Service has been most cooperative ever since this Commission was formed. It has been very attentive to our every wish and has been very helpful throughout. We appreciate it very much indeed.

Secretary DILLON. Thank you, Mr. Chief Justice.

The CHAIRMAN. Also, we appreciate the very fine work which the Internal Revenue agents did in making a study of reconstructing income of persons involved in the investigation and the other assistance that the agents gave in connection with our work.

[In connection with the testimony of Secretary Dillon the Commission requested and received additional information on Secret Service budget requests for the fiscal years 1960 through 1965. The document containing the information was marked as Commission Exhibit No. 1053-F for identification and received in evidence.]

We will adjourn now.

(Whereupon, at 1:25 p.m., the President's Commission adjourned.)

Sunday, September 6, 1964

TESTIMONY OF MRS. LEE HARVEY OSWALD RESUMED

The President's Commission met at 3:20 p.m., on September 6, 1964, at the U.S. Naval Air Station, Dallas, Tex.

Present were Senator Richard Russell, presiding; Senator John Sherman Cooper, and Congressman Hale Boggs, members.

Also present were J. Lee Rankin, general counsel; Dean R. G. Storey, special counsel to the attorney general of Texas; Leon I. Gopadze and Peter P. Gregory, interpreters; and John Joe Howlett, Secret Service agent.

[NOTE.—The witness, Mrs. Lee Harvey Oswald, having been previously sworn in these proceedings, testified through the interpreters as shown in this transcript as follows: *Translation is by Mr. Paul D. Gregory, interpreter; **translation is by Mr. Leon I. Gopadze, interpreter. Where the answer or a paragraph shown as part of an answer has no asterisk, the answer is by the witness herself without the use of the interpreters.]

Mr. RANKIN. Senator Russell, will you swear the witness?

Senator RUSSELL. Since she is already under oath in this hearing, I assume that oath will carry over?

Mr. RANKIN. All right.

Senator RUSSELL. You understand that you have been sworn?*

Mr. RANKIN. Mr. Gregory, have you been sworn in connection with these proceedings?

Mr. GREGORY. No.

Senator RUSSELL. Will you do it, Mr. Rankin?

Mr. RANKIN. Will you rise and raise your right hand.

Do you solemnly swear that the testimony that you are going to translate of Mrs. Oswald will be truly translated?

Mr. GREGORY. To the best of my knowledge and ability, so help me God.

Mr. RANKIN. Mr. Gopadze, have you been sworn as a translator in these proceedings?

Mr. GOPADZE. No, sir.

Mr. RANKIN. Will you rise, please?

Do you solemnly swear that your translation of anything of the testimony of Mrs. Oswald will be true and correct, to the best of your knowledge?

Mr. GOPADZE. I do.

Mr. RANKIN. Thank you. Mrs. Oswald, we're going to ask you rather informally a number of questions about matters that have come up that we would like to get your testimony about. Senator Russell will start, then Senator Cooper will have some, and then I'll have a few I would like to ask you about, and Representative Boggs will have some.

Representative BOGGS. I suggest we designate Senator Russell as chairman of this meeting.

Mr. RANKIN. Will you record Senator Russell, Miss Reporter, as the chairman of the meeting, please?

The REPORTER. Yes, sir.

Dean STOREY. This is Miss Oliver. She is the reporter to Judge Hughes, a Federal judge here.

Mr. RANKIN. Yes; we know her well by her reporting in other matters for us.

Senator RUSSELL. Mrs. Oswald, there may be some repetition in what we say, in the testimony that was taken in Washington, because, I among others, could not attend that hearing, so you will understand if we ask questions that are similar to those that were asked of you when you were in Washington on other occasions.*

We will try to avoid any more of that than we can help.

I have read all of your testimony. I don't mean that I recall all of it, but I read it, as well as your memoirs that were submitted to the Commission.

When you first met Lee Oswald, did he ever mention anything about politics or his political philosophy?*

*Mrs. OSWALD. No.

Senator RUSSELL. Did you ever ask him his reason for coming to Russia?*

*Mrs. OSWALD. Not the first evening when we got acquainted.

Senator RUSSELL. Prior to the time that you were married to him, did you ask him his reasons for coming to Russia?*

*Mrs. OSWALD. Yes.

Senator RUSSELL. Why did he say that he had come to Russia?*

*Mrs. OSWALD. He told me that the Soviet Union is the outstanding Communist country and he wanted to see it with his own eyes.

Senator RUSSELL. Well, I notice in your testimony that you said that his memoirs insofar as he claimed that he wished to be a citizen of the Soviet Union were erroneous?*

In other words, I want to continue the statement so there won't be any confusion—I'm not trying to trap her. But that he told you that he had been offered citizenship in the Soviet Union and had declined?*

**Mrs. OSWALD. Yes.

*Yes, that's what he said to me.

Senator RUSSELL. Did he give any reasons why he declined citizenship in the Soviet Union?*

*Mrs. OSWALD. The reason he gave me for declining to become a Soviet citizen was because he said that in case he did not like the way they do things in the Soviet Union, it would be easier for him to leave the country than if he did become a citizen.

Senator RUSSELL. After you were married to Lee, did he complain about the way they did things in the Soviet Union?*

**Mrs. OSWALD. What?

Mr. GREGORY. Senator, excuse me, sir. I'm a little mixed up on your question. Would you mind to repeat that question, sir?

Senator RUSSELL. Did he ever, after their marriage, complain about conditions as he found them in the Soviet Union, or the way they did things in the Soviet Union? I believe that was the word you said she used.*

*Mrs. OSWALD. Yes; he did.

Senator RUSSELL. What was the subject of his complaint?*

*Mrs. OSWALD. He did not like his job. He did not like the wage scale that they paid him, not only for him but for people that were engaged in the same line of work.

*Then, he was unhappy about the restrictions that his movements were subjected to, being a noncitizen of the Soviet Union. Every 3 months he was obliged to report—every 3 months or every so often—

Senator RUSSELL. Periodically?

*Mrs. OSWALD. Periodically, he had to report to a certain government institution, where they would extend his permit of residence.

Senator RUSSELL. Were there any other restrictions on his movements? If he had reported duly as he was required, could he have gone down to Kharkov or any other place that he might have wished to go? **

*Mrs. OSWALD. Of course, in addition to restrictions imposed on his movements, there were other things that he was dissatisfied with in the Soviet Union.

Senator RUSSELL. Do you care to give any of those?*

*Mrs. OSWALD. He was dissatisfied with high prices for everything that he had to pay. He was dissatisfied with the quarters, living quarters that he had.

Senator RUSSELL. Do you know whether or not he had any friends that he made there in Minsk while he was living there?*

*Mrs. OSWALD. Yes.

Senator RUSSELL. Did most of them work in the same plant where he did or did he make other friends out in the community?*

*Mrs. OSWALD. He had many acquaintances that worked in the same place, but he had no friends. He had two friends at work, in other words, closer than acquaintances—friends—those that I know personally.

Senator RUSSELL. But none other than those that worked there in the same plant?*

*Mrs. OSWALD. There was one young man who was a friend of his, which did not work in the same plant, but was a student at the medical college.

Senator RUSSELL. Did Lee go to school while he was there in Minsk? Did he do any studying in any of the institutes?

Mrs. OSWALD. No.

Senator RUSSELL. He did not.

*Mrs. OSWALD. Lee wanted to attend Patrice Lumumba Institute in Moscow but his application was turned down. He was very much put out, because he told me that one of the main reasons he came to the Soviet Union was to get education. He said that after his application was turned down. He told that to me after his application was turned down.

Senator RUSSELL. Was that before or after you were married?

Mrs. OSWALD. After.

Senator RUSSELL. Now, in reading your testimony, Mrs. Oswald, I noticed that you referred to a number of foreign students who attended the institutes in Minsk, including, I believe you said, a number of Cubans. Do you know whether or not Lee Oswald was acquainted with any of those Cubans?*

*Mrs. OSWALD. I have never met these Cuban friends of his, but I do know that he and Erich; Erich is the medical student previously referred to, they had Cuban friends. What they were talking about, I do not know. I have never met him. Lee was interested in Cuba and in Cuban affairs, but I don't know anything in detail, just through conversations.

Senator RUSSELL. Do you know whether he had any Cuban friends here in Texas or in New Orleans after he came back from Russia?

Mrs. OSWALD. No. [Nodding a negative response.]

Senator RUSSELL. You don't know whether he did or not?

Mrs. OSWALD. No; I don't think he had.

Senator RUSSELL. You don't think he did. Now, you referred to the fact in your testimony about his joining some gun club or rifle club in Minsk?*

*Mrs. OSWALD. Yes.

Senator RUSSELL. And he purchased, I believe, a rifle or he had a rifle?

*Mrs. OSWALD. By the time we got married, he already owned a rifle and he already was a member of a gun club in Minsk.

Senator RUSSELL. From your testimony I gathered that he was not very active in the gun club in carrying on with his rifle?*

*Mrs. OSWALD. No. He never went hunting except once during all the time that we lived in Minsk.

Senator RUSSELL. Did he ever discuss with you his desire to meet any high official with the Soviet Government? * *

*Mrs. OSWALD. No.

Senator RUSSELL. He never did?*

*Mrs. OSWALD. No.

Senator RUSSELL. Do you know whether or not he carried on any correspondence?

Mrs. OSWALD. Excuse me—

*The only instance I recall—when we filed an application for our returning to the United States, he visited some colonel, some Soviet colonel. Aksenov [spelling] A-k-s-e-n-o-v, in order to expedite the exit visas for us. I also visited this Colonel Aksenov.

Mrs. OSWALD. I'm sorry—

*Correction. He never got to see Colonel Aksenov because when he went to discuss this question in the—whatever office that was—he talked to some junior officer, and they would not let him have an audience with the colonel.

Senator RUSSELL. Did you go to see the colonel likewise?

Mrs. OSWALD. Yes.

Senator RUSSELL. You were both there together?

*Mrs. OSWALD. We never got to see him. I saw Colonel Aksenov later on.

Senator RUSSELL. Was he a colonel in the army or in the militia or in the police or just what? Where did he get his rank?*

*Mrs. OSWALD. He was a colonel in the MVD, which is the Administer of Internal Affairs.

Senator RUSSELL. He had to do then with the passports. His recommendation would have had to have been had with the passports?*

*Mrs. OSWALD. I think so. I do not know definitely, but that meeting was in the Ministry of Internal Affairs. He was not dressed in a military uniform.

Senator RUSSELL. Had you known the colonel prior to that time?*

*Mrs. OSWALD. No; he introduced himself as Colonel Aksenov.

Mr. GREGORY. When?

*Mrs. OSWALD. When I talked to him concerning these documents for exit visas. Even if he were in a uniform, I would not have known what the insignia meant.

Senator RUSSELL. If you didn't know him prior to that time, why is it you got to see him and Lee could not visit him?*

*Mrs. OSWALD. When Lee went to see Colonel Aksenov in regard to the exit visas and other documents, he could not see the colonel. Then, on another later occasion, I went to see the colonel and they let me see him, on a later occasion.

Senator RUSSELL. But you don't know why?*

Mrs. OSWALD (no response).

Senator RUSSELL. Did any of your friends or relatives intercede with the colonel in your behalf?*

*Mrs. OSWALD. My uncle works in the MVD, but I'm sure that he did not discuss this matter of exit visas with Colonel Aksenov because I think he would have been afraid to talk about it. When my uncle knew that Lee and I were planning to go back to the United States, my uncle was afraid for his own job and for his own welfare.

Senator RUSSELL. I knew you testified before that he did not want you to come to the United States, that your uncle did not, but he was working in the same line of work as this colonel was?*

*Mrs. OSWALD. In the same building, but not in the same department. I believe that Colonel Aksenov knew my uncle.

Senator RUSSELL. Yes; but you didn't testify before, I believe, that your uncle would have been afraid to have helped you. You did testify that he did not want you to leave Russia? That's the way I recall it. I could be in error about that—do you know why he was afraid? Why should he have been afraid for you to leave Russia?*

*Mrs. OSWALD. My uncle never told me personally that he was afraid that something might happen to him if I went to America, but his wife, my aunt, confided in me that my uncle was afraid for his job and for his well-being if I went to America.

Senator RUSSELL. What rank did your uncle hold in the MVD? If this man was a colonel, what was your uncle, was he a colonel or a major or what?*

*Mrs. OSWALD. My uncle has a degree in forestry, but he is also a colonel in MVD. Every employee has to be in the service, in the military service. He has a degree in forestry, but he is also a colonel in MVD.

Senator RUSSELL. He also has the rank of a colonel in the MVD?*

Mrs. OSWALD. No. He is the head of the forestry department in MVD. I don't know what he is doing there.

Senator RUSSELL. Did you ever have any occasion or know any other Russian wife of a foreigner who tried to leave Russia?*

*Mrs. OSWALD. Mrs. Zeger. Mrs. Zeger and her husband lived in Argentina for 25 years—

Senator RUSSELL. Well, you testified very fully about them. But I am asking now if you know of any Russian national or citizen who was married to a foreign national who ever was able to get a visa to leave from Russia?

*Mrs. OSWALD. No; I don't know—I don't know of anyone. I only heard in the American Embassy in Moscow, where I heard of a Russian woman married to an American, who had difficulty leaving the country.

Senator RUSSELL. Well, that's what I had in mind.

*Mrs. OSWALD. Therefore, to the very last moment we did not believe that they would let us out of the Soviet Union.

Senator RUSSELL. Did they examine you very much or ask you many questions about why you wished to leave, other than the fact that your husband decided to return to the United States?*

Mrs. OSWALD. No.

*No. We only filled out a proper questionnaire containing a statement that this will be a permanent residence in the United States, or leaving the Soviet Union for permanent residence in the United States.

Senator RUSSELL. And none of the officials or police examined you at all about your reason for wishing to leave?*

*Mrs. OSWALD. It's very surprising, but nobody did.

Senator RUSSELL. Do you know as to whether or not Lee corresponded with any of his friends in Russia after he came back to this country?*

Mrs. OSWALD. Yes.

*He did.

Mrs. OSWALD. With Mr. and Mrs. Zeger.

*With Mr. and Mrs. Zeger, and Erich; the medical student. I don't recall the medical student, and Pavel Golovachev.

Senator RUSSELL. Paul—he was one of your old boy friends, wasn't he?

Mrs. OSWALD. Paul?

Senator RUSSELL. I thought one of them was named Paul?*

Mrs. OSWALD. (no response).

Senator RUSSELL. Did he correspond very frequently?*

*Mrs. OSWALD. Not often.

Senator RUSSELL. Did you write very often to your family and friends in Russia?*

*Mrs. OSWALD. I wrote several letters shortly after we came to America, but I never received any answer. I also wrote to some of my colleagues where I worked.

Senator RUSSELL. In Minsk?

*Mrs. OSWALD. And shortly after that, my aunt wrote me. Then I understood that perhaps the letters I wrote my aunt never reached her.

Senator RUSSELL. She did not refer to your letters when she wrote to you?*

*Mrs. OSWALD. No; the only thing that she wrote, she was glad to get—that she learned my address.

Senator RUSSELL. Did she say how she learned it? That was my next question?*

*Mrs. OSWALD. The supervisory of a drugstore, an apothecary—

Senator RUSSELL. An apothecary?

*Mrs. OSWALD. Or manager of a drugstore telephoned my aunt and told her she received a letter from me.

Senator RUSSELL. But she did not answer that letter, or if she did, you didn't receive it?

Mrs. OSWALD. No—she answered this letter.

Senator RUSSELL. I understand, but the friend in the apothecary, did he answer?*

Mrs. OSWALD. No.

Senator RUSSELL. Now, in some of your testimony you referred to a time when you became somewhat piqued with Lee about something and wrote one of your old friends there and forgot to put the stamp or didn't know that the stamps had been increased—you recall that testimony, do you not?

Mrs. OSWALD. Yes.

Senator RUSSELL. Did you write to any of your other friends there and put the proper stamps on them?*

*Mrs. OSWALD. No; this was the only letter I wrote.

Senator RUSSELL. The only one you wrote?

*Mrs. OSWALD. This was the only letter I wrote after I found out the proper postage required for mailing letters. After that, my aunt never wrote me.

Senator RUSSELL. Have you corresponded with your uncle or aunt at any time since this great tragedy?*

*Mrs. OSWALD. Yes; I did.

Senator RUSSELL. And did you receive any reply?

Mrs. OSWALD. No.

Senator RUSSELL. Have you written them more than once since this great tragedy?*

*Mrs. OSWALD. I don't remember exactly whether I did or not.

Senator RUSSELL. But you've written them at least once without receiving a reply?

*Mrs. OSWALD. I remember well that I wrote at least once, maybe it was twice or three times, but I don't remember.

Senator RUSSELL. Has any official of the Russian Government communicated with you since this great tragedy?*

*Mrs. OSWALD. No; no one ever communicated with me from the Soviet Embassy or any other representative of the Soviet Government, and I felt rather bad about it, because there I was—all alone in a strange country and I did not receive any encouragement from anyone. They didn't approach me even as a show of interest in my well-being.

Senator RUSSELL. You didn't even hear from them with reference to your application for visas to return to Russia, although you had heard from them prior to the time Lee was killed?*

*Mrs. OSWALD. Not after Lee was killed.

Senator RUSSELL. Now, if I've understood it from reading your testimony, Mrs. Oswald, Lee went to Mexico from New Orleans a day or two after Mrs. Paine brought you back to Texas, is that right?

*Mrs. OSWALD. I do not know definitely, but I believe Mrs. Paine and I left one day before he went to Mexico.

Senator RUSSELL. He had talked to you about going to Mexico, had he not?*

*Mrs. OSWALD. Yes; he had told me he was going to Mexico.

Senator RUSSELL. And he had told you that he intended to visit the Russian Embassy and the Cuban consulate while he was there?

Mrs. OSWALD. Yes.

Senator RUSSELL. And that was at a time when he was very anxious to get to Cuba, I believe?

Mrs. OSWALD. Yes.

Senator RUSSELL. When was it, Mrs. Oswald, that Lee told you he thought it was best for you to go back to Russia, as to time? I know you testified he told you that, but was that after the Walker case or before the Walker case?*

*Mrs. OSWALD. I believe it was before he made the attempt on General Walker's life. It may be that I stated it differently in my deposition, but I believe it was before. Lee insisted on my returning to the Soviet Union before the attempt on Walker's life.

Senator RUSSELL. I gather from your evidence, Mrs. Oswald, that Lee was a very devoted husband, unusually so for an American husband, even though you had little spats at times. Do you think that he advised you that because he thought something was going to happen that would involve the family in difficulties?*

Mrs. OSWALD. No.

Senator RUSSELL. You don't think so?

*Mrs. OSWALD. No; he was not a good husband. I may have said so in my deposition, but if I did, it was when I was in a state of shock.

Senator RUSSELL. You not only said so in your deposition, Mrs. Oswald, but you testified in your testimony before the Commission several times that he was a very good husband and he was very devoted to you, and that when he was at home and not employed that he did a great deal of the housework and in looking after the children?

*Mrs. OSWALD. Well, I also testified to the fact that he beat me on many occasions, so some of the statements I made regarding him were good and some were bad.

Senator RUSSELL. In other words, some of them were not true that you made?*

*Mrs. OSWALD. No; everything was true.

Senator RUSSELL. Everything was true?

Mrs. OSWALD. Yes.

*I made statements in the record that he was good when he did housework and washed the floors and was good to the baby, and again, he was not good when he beat me and was insolent.

Senator RUSSELL. Did he beat you on many occasions?*

*Mrs. OSWALD. Rather—many.

Senator RUSSELL. Well, you only testified to one, did you not, before the Commission?*

*Mrs. OSWALD. I was rather embarrassed to discuss this before the Commission, but he beat me on more than on one occasion.

Senator RUSSELL. And you stated at that time that you bruise very readily and that's the reason you had such a bad black eye? Did you not testify to that? * **

*Mrs. OSWALD. Yes.

Senator RUSSELL. Was that true or not true?*

*Mrs. OSWALD. It is true—it is—whatever I said.

Senator RUSSELL. It is true that you bruise easily, but that was just one of many occasions he had beat you?*

*Mrs. OSWALD. On one occasion; yes.

Senator RUSSELL. But you didn't testify to the others, did you?

*Mrs. OSWALD. I think I testified only about one particular occasion that I was asked about, whether he beat me or not, and I replied that he did, but he beat me on more than one occasion.

Senator RUSSELL. Did he ever fail to provide for you and the children?*

Mrs. OSWALD. No—

*While he never earned too much, but when he had the job and earned, say, around \$200 a month, we never had any particular need of anything. However, Lee was so frugal, not only frugal, but he kept part of the money in his own possession all the time that was not available for the family.

Senator RUSSELL. You always had plenty to eat and the children had plenty to wear?

Mrs. OSWALD. Not really.

*We were never hungry, but we didn't have much. We were never too hungry, but we never had any plentitude. We never had too much, and I wanted—I always wanted this and that, but that was not available.

Senator RUSSELL. But he never made a great deal of money, did he?*

*Mrs. OSWALD. I marvel now how we managed to live on what he earned at that time in comparison with what I have now. We spent \$12 or \$15 a week at that time.

We spent \$12 or \$15 a week at that time—you know, we can live—that was for milk and so on.

Senator RUSSELL. He didn't spend any money on himself, did he, he wasn't extravagant in his own habits? He didn't spend his money on clothes or whisky or women or things of that kind, did he?

Mrs. OSWALD. Oh, no. He told—somebody told about Jack Ruby—he went to his nightclub, he never did go to nightclub.

Senator RUSSELL. Well, I mean just extravagance in his own habits—he was frugal in his own eating habits, he didn't eat much when he was away from home, did he?

Mrs. OSWALD. No.

Senator RUSSELL. You knew where he kept his money in your home, did you not?*

*Mrs. OSWALD. He had a black wallet, but I never ventured into it.

Senator RUSSELL. Did he not tell you to take some of the money out of the wallet at one time and buy some clothes for the children and yourself?

Mrs. OSWALD. No.

Mr. GOPADZE. Pardon—you don't understand the question?*

*Mrs. OSWALD. Yes; he did. It was the morning before the tragedy.

Senator RUSSELL. Before the assassination of the President?

*Mrs. OSWALD. Yes.

Senator RUSSELL. Did he ever talk to you about the result of his visit to Mexico?

*Mrs. OSWALD. Yes.

Senator RUSSELL. Did he say his efforts were all a failure there, that he got any assistance that he was seeking?*

*Mrs. OSWALD. He told me that he visited the Cuban Embassy and the Soviet Embassy and that they have the same bureaucracy in the Cuban Embassy that they have in the Soviet Embassy and that he obtained no results.

Senator RUSSELL. Did you have less money in the United States than you had in Russia when you were married over there?

*Mrs. OSWALD. We had more money in the United States than we did in the Soviet Union, but here we have to pay \$65 a month rent from \$200 earned, and we didn't have to do that in the Soviet Union. Here the house rent amounted to 30 percent of total wages earned, while in the Soviet Union we paid 10 percent of the wages earned. Then, all the medical expenses, medical assistance—expenses are paid there. However, Lee didn't spend much money on medical expenses here because he found ways to get the expenses free; the services free.

Senator RUSSELL. You have testified, I believe, that Lee didn't use his rifle much, the one he had in the Soviet Union. Did he ever discuss shooting anyone in the Soviet Union like he did in shooting Nixon and Walker here in this country?*

*Mrs. OSWALD. No; not in the Soviet Union.

Senator RUSSELL. You haven't then heard from anyone except one letter from your aunt, since you left Russia?*

*Mrs. OSWALD. No; I received letters from my girl friend.

Senator RUSSELL. Oh, how many letters from your girl friend?

Mrs. OSWALD. Just from one—a Christmas card—I don't remember how many, probably not more than four or five.

*But only one letter from the aunt.

*Mrs. OSWALD. We received letters from Lee's friends written to both of us—several letters.

Senator RUSSELL. Written to you?

*Mrs. OSWALD. Written to Lee and to me.

Senator RUSSELL. I see, but it's strange about your family that you didn't hear from them when you had written to them?*

*Mrs. OSWALD. It is strange and it's hurtful.

Senator RUSSELL. Mrs. Oswald, I believe you testified that Lee didn't ever discuss political matters with you very much?*

*Mrs. OSWALD. He discussed politics with me very little.

Senator RUSSELL. And that when he was discussing political matters with Mr. Paine and Mr. De Mohrenschildt and others, that you didn't pay any attention, that they didn't address any of it to you, that they discussed it between themselves?*

*Mrs. OSWALD. No; I did not participate in those conversations.

Senator RUSSELL. And that he didn't discuss a great many things about his work and things of that kind with you?*

*Mrs. OSWALD. The only time he discussed his work with me was when he worked for a printing company. He told me that he liked that job.

Senator RUSSELL. Why do you suppose he told you about the fact that he was going to shoot Mr. Nixon and had shot at General Walker?*

*Mrs. OSWALD. As regards General Walker, he came home late. He left me a note and so that is the reason why he discussed the Walker affair with me.

*Now, in regard to Mr. Nixon, he got dressed up in his suit and he put a gun in his belt.

Senator RUSSELL. You testified in his belt—I was going to ask about that, because that was a very unusual place to carry a gun. Usually, he would carry it in his coat. Did you ever see him have a gun in his belt before?*

*Mrs. OSWALD. No; I would have noticed it if he did.

Senator RUSSELL. You wouldn't have noticed it?

*Mrs. OSWALD. I would have noticed it if he did.

Senator RUSSELL. I see—you would have noticed it.

*Mrs. OSWALD. And so—I have never seen him before with the pistol.

Senator RUSSELL. He didn't state to you that he talked to any person in Mexico other than at the Russian Embassy and the Cuban Embassy?*

*Mrs. OSWALD. No. The only persons he mentioned were the Cuban Embassy and the Soviet Embassy in Mexico.

Senator RUSSELL. Now, going back to your personal relations, Mrs. Oswald, with Lee. Do you think he wanted to send you back to Russia just to get rid of you?*

*Mrs. OSWALD. This is the question that I am puzzled about and I am wondering about it myself, whether he wanted to get rid of me.

Senator RUSSELL. Do you think he was really devoted to the children or was he just putting on a show about liking the children?*

*Mrs. OSWALD. Yes; he loved the children.

*I believe he loved the children, but at times—one side of his life was such that I wondered whether he did or not. Some of the things that he did certainly were not good for his children—some of the acts he was engaged in.

Senator RUSSELL. He knew you would take the children back to Russia with you, if you wanted, did he not?*

*Mrs. OSWALD. Of course I would have taken the children with me to the Soviet Union.

Senator RUSSELL. It seems to me that I recall once or twice in this testimony when you had had some little domestic trouble, as all married couples have, that he had cried, which is most unusual for a man in this country—men don't cry very often, and do you think that he cried despite the fact that he wasn't very devoted to you and loved you a great deal? * *

*Mrs. OSWALD. The fact that he cried, and on one occasion he begged me to come back to him—he stood on his knees and begged me to come back to him—whether that meant that he loved me—perhaps he did. On the other hand, the acts that he committed showed to me that he didn't particularly care for me.

Senator RUSSELL. You think then that his acts that he committed outside your domestic life within the family, within the realm of the family, was an indication that he did not love you?*

*Mrs. OSWALD. The fact that he made attempts on the lives of other people

showed to me that he did not treasure his family life and his children, also the fact that he beat me and wanted to send me to the Soviet Union.

Senator RUSSELL. And you think that the fact that he promised you after the Walker incident that he would never do anything like that again but did, is an indication that he didn't love you?*

*Mrs. OSWALD. Logically—yes. That shows to me that he did not love me. At times he cried, and did all sorts of helpful things around the house. At other times he was mean. Frankly, I am lost as to what to think about him.

And I did not have any choice, because he was the only person that I knew and I could count on—the only person in the United States.

Senator RUSSELL. Did he beat you very often, Mrs. Oswald, strike you hard blows with his fists? Did he hit you with his fists?*

*Mrs. OSWALD. When he beat me, sometimes he would beat me hard and sometimes not too hard. Sometimes he would leave a black eye and sometimes he wouldn't, depending on which part of me he would strike me. When we lived in New Orleans he never beat me up.

Senator RUSSELL. Did he ever beat you in Russia before you came to this country?*

Mrs. OSWALD. No.

Senator RUSSELL. Had you ever heard of any husband striking his wife in Russia?*

*Mrs. OSWALD. It seems that beating of wives by the Russian husbands is a rather common thing in the Soviet Union and that is why I was afraid to marry a Russian.

Senator RUSSELL. I see. Do they beat them with anything other than their hands?

There was a law in my State at one time that a man could whip his wife as long as he didn't use a switch that was larger than his thumb. That law has been repealed.

But, did they ever whip their wives with anything other than their hands in Russia?*

*Mrs. OSWALD. I do not know. I was not interested in what manner they beat their wives.

Senator RUSSELL. That's difficult for me to believe—that a very charming and attractive girl who was being courted by a number of men, I would have thought you would have been greatly interested in all the aspects of matrimony?*

*Mrs. OSWALD. How would I know?

Senator RUSSELL. How would you know it—well, by general conversation. Don't people talk about those things all over the world—in Russia and everywhere else?

Mrs. OSWALD. That's different there.

Senator RUSSELL. People are very much the same, aren't they, all over the world? If a man in the neighborhood gets drunk and beats and abuses his wife and children, isn't that discussed by all the people in the block—in that area?

Mrs. OSWALD. **Sometimes during a life of 20 years with a husband, everything will be all right, and then some occasion will arise or something will happen that the wife will learn about what kind of person he is.

*I know of one family in the Soviet Union in Minsk, where a husband was married to a woman 17 years, and he just went to another woman.

For 1 year.

*For 1 year—then he came back to the first one full of shame and repentance and he cried and she took him back in. He lived with her for 3 days and then left her again. He was excluded from the party.

Senator RUSSELL. Excommunicated from the party?

Mrs. OSWALD. **Expelled from the party.

*But he took all the possessions of their common property when he left.

Senator RUSSELL. I'm taking too much time, and I will hurry along. Did he ever beat you badly enough, Mrs. Oswald, for you to require the services of a doctor, a physician?*

Mrs. OSWALD. No.

Senator RUSSELL. Did he ever strike you during your pregnancy, when you were pregnant?*

*Mrs. OSWALD. Yes.

Mr. GOPADZE. She said, "I think." She said, "I think."

*Mrs. OSWALD. Yes; he did strike me.

Senator RUSSELL. What reason did he give for striking you, usually?*

*Mrs. OSWALD. Well, the reasons were if—they were very petty—I can't even remember what the reasons were after this quarrel was over. Sometimes he would tell me to shut up, and I don't take that from him.

**I'm not a very quiet woman myself.

Senator RUSSELL. "I'm not—" what?

*Mrs. OSWALD. I'm not a quiet woman myself and sometimes it gets on your nerves and you'll just tell him he's an idiot and he will become more angry with you.

*Enraged. When I would call him an idiot, he would say, "Well, I'll show you what kind of an idiot I am," so he would beat me up.

Senator RUSSELL. Did you ever strike him?*

*Mrs. OSWALD. I would give him some in return.

Senator RUSSELL. You would give him some in return.

As I recall your testimony, when he told you about the Nixon incident, you testified that you held him in the bathroom by physical strength for some 4 or 5 minutes, so you should have been able to hold your own pretty well with him if you could do that?*

Mrs. OSWALD. Probably not 5 minutes, but a long time for him.

*Sometimes one can gather all of his strength in a moment like that. I am not a strong person, but sometimes under stress and strain perhaps I am stronger than I ordinarily am.

Senator RUSSELL. Did you ever strike him with anything other than your hand?*

*Mrs. OSWALD. Well, I think at one time I told him that if he would beat me again, I will hurl a radio, a transistor radio, and when he did strike me, I threw the radio at him.

Senator RUSSELL. You missed him?

*Mrs. OSWALD. No—it broke. I missed him.

Senator RUSSELL. Yes, she missed him.

*Mrs. OSWALD. I tried not to hit him.

Senator RUSSELL. Now, going back a moment or two to your uncle, whom you lived with and to whom I understand you are quite devoted—did he try to keep you from coming to the United States very vigorously?

*Mrs. OSWALD. My uncle was against my going to America, but he never imposed his will or his opinion on me.

Senator RUSSELL. Did he or any other members of your family ever tell you why you had such little difficulty in getting your passport approved?*

*Mrs. OSWALD. During the pendency of receiving this exit visa, we never discussed the question, my uncle and my aunt, but when we received it, the exit visa and was granted to us so quickly, they were very much surprised.

Mr. GOPADZE. Now, Marina, I'm sorry. I would like to make a correction to that point.

Mr. GREGORY. All right.

Mr. GOPADZE. That during the time they were expecting a visa to depart the Soviet Union, the relatives didn't express too much about it—because they didn't [think] they would depart, and when they did receive it, they were very much surprised—

Mr. GREGORY. Correct.

Mr. GOPADZE. With the expediency of the visa. Therefore, they didn't bother asking any questions or into their affairs concerning the departure. The last time they visited their aunt and uncle, they say, "Oh, of all places, you're going to the United States."

Senator RUSSELL. Lee never did make much more than \$225 a month, in that area, did he, and he was unemployed almost as much as he was employed?*

*Mrs. OSWALD. Yes.

Senator RUSSELL. How did he manage to pay the State Department the money he had borrowed from them and to pay his brother Robert under those circumstances?*

*Mrs. OSWALD. He paid those debts out of his earnings. The first few weeks when we came to the United States, we lived with his mother, and that gave us the opportunity to pay the debts.

Senator RUSSELL. Well, you only lived with Mrs. Oswald a matter of 3 or 4 weeks, didn't you?*

*Mrs. OSWALD. Yes; but he was earning money during that time.

Senator RUSSELL. I understand, but he was not earning more than \$200 a month, was he, and he paid four or five or six—what was it, Mr. Rankin?

Mr. RANKIN. It was over \$400.

Senator RUSSELL. Over \$450 or more to the State Department and some amount to his brother Robert.

Mrs. OSWALD. Around \$100.

*It was \$100.

It was probably \$100.

Senator RUSSELL. That's \$550, and a person that's earning \$200 a month part of the time, and having to support a family, that's a rather remarkable feat, isn't it, of financing?*

*Mrs. OSWALD. I think that at the time we were leaving Russia, some of the rubles were exchanged for dollars, and maybe he kept part of that money, of which I have no knowledge, when we arrived in the United States. The only thing I know is that we lived very, very economically and Lee was saying all the time that the debts have to be paid as quickly as possible.

Senator RUSSELL. I was under the impression that there was a very drastic limit on the number of rubles that could be exchanged, that it was a hundred or 150 or something in that area?*

*Mrs. OSWALD. According to the law in the Soviet Union, they allow about 90 rubles per person to be exchanged into foreign currency or dollars—\$180 in our case because Lee was including the baby, and she—

Senator RUSSELL. For each of them—the exchange.

Mrs. OSWALD. Not for Lee.

Senator RUSSELL. No; he couldn't bring out any more than he took in with him. Well, he wasn't a visitor, though—yes, he was a visitor then. I know they checked my money when I went in there.**

**Mrs. OSWALD. I don't know the reason why they didn't allow Lee to exchange \$90, but I believe that there is a Soviet law that for Soviet citizens they allow \$90 for each person. Excuse me.

*I believe that a foreigner is also entitled to exchange rubles for dollars, but in a very limited amount.

Senator RUSSELL. Mrs. Oswald, do you have any plans to return to the Soviet Union, or do you intend to live in this country?*

*Mrs. OSWALD. Of course—to remain in the United States.

Senator RUSSELL. I have a few other questions, but I'm already taking too much time.

Senator COOPER. I want to say something off the record.

(Conference between Senator Cooper and Senator Russell off the record.)

Representative BOGGS. I have just one question.

Senator COOPER. All right.

Senator RUSSELL. Go right ahead.

Representative BOGGS. Mrs. Oswald, have you been taking English lessons?

Mrs. OSWALD. Yes.

Representative BOGGS. Do you speak English now?*

*Mrs. OSWALD. I can't call it speaking English.

Representative BOGGS. But you understand English, you replied to my question a moment ago?***

Mrs. OSWALD. Yes.

Representative BOGGS. But you have been speaking English, studying English, and whom do you live with now?

Mrs. OSWALD. With myself and my kids, with my neighbors.

Representative BOGGS. Do you read English?

Mrs. OSWALD. No. A little bit.

*A little bit.

Mr. GOPADZE. Naturally, she knows the English alphabet, but she doesn't read too much.

*Sometimes I read on my own, but on the other hand, it might be entirely different for an American.

Senator RUSSELL. Well, I believe you can speak it pretty well, Mrs. Oswald. You are a very intelligent person, and I've never seen a woman yet that didn't learn a foreign language three times as fast as a man.

Mrs. OSWALD. Thank you.

Senator RUSSELL. They all do, and in some places in Russia you run into women that speak three or four languages very fluently, including in the high schools, where they have 10 or 12 years of English, starting in the first grade with it?

Mrs. OSWALD. That's the way they try—to learn it in school.

Senator RUSSELL. Is that your foreign language? I understand in Russia each student has to study some one foreign language all the way—or at least for 5 or 6 years?

Mrs. OSWALD. Yes; but I don't like this system of education in Russia to study some languages—well, he can speak, you know.

Senator RUSSELL. Mrs. Oswald, your attorney—your then attorney, according to the record, asked the Commission some questions about your memoirs, your diary or whatever it was that you have written—your reminiscences, and that they not be released. Have you ever made arrangements yet to sell them? Have you gotten rid of them? Because—the record of the Commission will be printed at a rather early date? * *

*Mrs. OSWALD. I do not want these memoirs to be published by Warren Commission.

Senator RUSSELL. Yes; I understand that.

*Mrs. OSWALD. I am now working on a book and I may wish to include these memoirs in that book. I have no objection to the publication of the material in those memoirs that have any relation to the assassination of the President, or anything that is pertinent to this particular inquiry.

Senator RUSSELL. Of course, a great deal of it is very personal. It's about your social relations when you were a young woman. Of course, you are a young woman now, but when you were even younger than you are now, and the friends that you had, and things of that nature, and this report is going to be published before too long. And that's among the evidence there, and I was trying to get some timing on your book or whatever it is you are going to publish that would utilize this material, in an effort to help you—that is the only purpose I had, to try to see that you don't lose the publicity value of the memoirs.*

*Mrs. OSWALD. I understand that and I'm certainly grateful to you for it.

**Would it be possible to publish in the report only parts of my life, that pertaining to the assassination, instead of my private life?

Senator RUSSELL. I cannot answer that, and only the entire Commission could answer that, but when I read that in the testimony, I was hoping that you had found some means of commercializing on it either to the moving picture people or to the publishing world.

Mrs. OSWALD. As yet, I have not availed myself of that opportunity, sir.

Senator RUSSELL. When do you think you will publish this book?*

*Mrs. OSWALD. The publisher will possibly publish the book toward the end of December, maybe in January and even perhaps—

Mr. GOPADZE. Not the publisher. The person who writes the story is hoping to be able to finish it in the latter part of December.

Senator RUSSELL. Of course, it goes into much more detail, I'm sure, than this sketch we have, because this wouldn't be anything like a book. It would be more of a magazine article.

**Mrs. OSWALD. Would it be possible to delete it from the Commission's report?

Senator RUSSELL. I can't answer that because I'm not the whole Commission.**

Very frankly, I think the Commission would be disposed to publish all the material that they have, is my own honest view about it. The reason I am discussing it with you is to find out if you have done anything about it. Of

course, if you are writing a whole book, it won't be so important, just this one phase of it.

Mrs. OSWALD, during the course of your testimony, you testified that Lee often called you twice a day while he was working away from home.

Why do you think he called you if he was not in love with you? * **

*Mrs. OSWALD. When he was away from me, he told me that he missed me.

Senator RUSSELL. You don't think that's an indication that he loved you? *

*Mrs. OSWALD. This shows—this would show that he loved me. He was a dual personality.

Senator RUSSELL. Split personality.

Mrs. OSWALD. Split personality—that's it.

Senator RUSSELL. Mrs. Oswald, I noticed that one of the witnesses, I've forgotten which one it was, that ran the boarding house where Lee lived, testified that he called someone every night and talked to them at some length in a foreign language. That couldn't have been anyone except you, could it, that he was calling? * **

*Mrs. OSWALD. I believe that I was the person he talked to.

Senator RUSSELL. He did call you quite frequently, did he not when you were in Irving and he was in Dallas, for example?

Mrs. OSWALD. Every day.

Senator RUSSELL. But he didn't call you to abuse you over the phone, did he? * **

*Mrs. OSWALD. Of course not.

Senator RUSSELL. It was the ordinary small talk you would have between a man and his wife—he would ask you about how the children were—one of them—was? *

*Mrs. OSWALD. He always talked about our daughter June.

Senator RUSSELL. Did he ever say anything about, "I love you" or anything like that over the phone? **

Mrs. OSWALD. (no response).

Mr. GOPADZE. Did he?

**Mrs. OSWALD. Yes.

Senator RUSSELL. He did?

*Mrs. OSWALD. He did.

Senator RUSSELL. Now, you've testified before, and I'm just going on recollection, but I'm sure I'm right about this, that he told you in New Orleans that he was going to Mexico City and that he was going by bus and that a round trip would be much cheaper than a one-way fare. I noticed something in the paper the other day where you had found a one-way ticket or stub on the bus from Mexico City to Dallas, I believe it was. How did you happen to come into possession of that stub? *

*Mrs. OSWALD. You say round trip was cheaper than one-way?

Senator RUSSELL. Yes; that's what you testified he told you in New Orleans when he said he was going. But here, according to the press—I don't know—a one-way stub turns up where he came back here to Dallas. Where did you get that stub? *

*Mrs. OSWALD. My statement apparently was misinterpreted in the record, because Lee stated that the cost of the ticket, say, from Dallas to Mexico is cheaper than it is from Mexico City to Dallas or from one point to Mexico and from Mexico to that same point.

Senator RUSSELL. Well, that very easily could have become confused in translation, but it certainly is in there. *

Mr. RANKIN. I think they have confused your question, Senator, I think they have confused your question. I think they think that you were saying that a round trip was cheaper than one way? Or—two ways?

Senator RUSSELL. I'm sorry, Mr. Gregory. You misunderstood it. I didn't mean that a round trip was cheaper than one way. I meant that a round trip was cheaper than to go there and back on individual tickets—than two ways.

Mr. GREGORY. She understood you correctly. I misunderstood you, Senator. I'm sorry.

*Mrs. OSWALD. The fact remains, according to Lee, that it is cheaper from

Mexico—a one-way ticket from Mexico City, say, to Dallas costs less than from Dallas to Mexico, Mexico City. Or vice versa.

Senator RUSSELL. Be that as it may, how about the stub?

*Mrs. OSWALD. I found the stub of this ticket approximately 2 weeks ago when working with Priscilla Johnson on the book. Three weeks.

*Three weeks ago—I found this stub of a ticket among old magazines, Spanish magazines, and there was a television program also in Spanish and there was the stub of this ticket.

Mrs. OSWALD. But this was, you know, a piece of paper and I didn't know this was a ticket.

Senator RUSSELL. You didn't know it was a ticket?

Mrs. OSWALD. No.

Senator RUSSELL. Until you showed it to Miss Johnson?

Mrs. OSWALD. Yes—it was in the TV book and then Mr. Liebeler called me on telephone and asked me some questions about Mexico.

Senator RUSSELL. Yes?

Mrs. OSWALD. And I told him, "Just a minute, I'll go and inquire and tell him what I have," and I told him I have some kind of piece of paper. I don't know what it is. I don't know whether it would be interested—the Commission, and somebody who was at my house one time—

*Read what was on the stub.

Senator RUSSELL. You could read the stub all right, could you, Mrs. Oswald? There wasn't anything complicated there, you could read "One-way ticket," couldn't you? You know that much English?*

*Mrs. OSWALD. It was a mixture of Spanish and English.

Senator RUSSELL. Oh, I see—it had it both ways, and the name of the bus company, too, perhaps.

Mrs. OSWALD. I didn't understand this in languages—you can't say this.

Senator RUSSELL. Where had that magazine been that had this bus ticket in it, was anything else in it, any tickets to bull fights or anywhere else?*

*Mrs. OSWALD. I turned all of this material over to the FBI, thinking that they might find something of interest in it. I did not try to determine for myself what it was.

Senator RUSSELL. Was it in the possessions that were removed from Mrs. Paine's room, or was it in some of Lee's material that was moved from his boardinghouse?*

Mrs. OSWALD. It was with Mrs. Paine.

Senator RUSSELL. Didn't you testify, Mrs. Oswald, that Lee couldn't read Spanish, when you were testifying before? What was he doing with a Spanish magazine?

Mrs. OSWALD. It wasn't a Spanish magazine, it was a TV program.

Senator RUSSELL. Pardon?

Mrs. OSWALD. It was a TV program.

*It was not a Spanish magazine, it was a TV program.

Senator RUSSELL. Oh, it was not a magazine, it was a TV program. I understood you to say it was a Spanish magazine? I'm sorry.

*Mrs. OSWALD. I found all this among my old magazines and newspapers, that I was collecting after the assassination of the President, and there also were English books which could have been in that small suitcase in which I put everything.

Senator RUSSELL. How did the FBI happen to overlook that when they made the raid out there at Mrs. Paine's? I thought they carried off everything you had out there, practically?*

*Mrs. OSWALD. The reason they overlooked this particular suitcase is because I took it with me to—

**To the hotel—the first night they moved us.

*When we stayed in the hotel.

It was in Dallas.

Senator RUSSELL. It was in Dallas. That's when they were at the big hotel—where you spent one night there?

*Mrs. OSWALD. It was in Dallas and I took it with me because there were children's books.

Senator RUSSELL. I thought the FBI had already removed your passports and your diploma and everything before that time?

*Mrs. OSWALD. The first day when Lee was arrested, the FBI made a search.

Mr. GOPADZE. The FBI or police.

Mr. GREGORY. The FBI or police.

Senator RUSSELL. I believe it was the police then.

*Mrs. OSWALD. The police made the search in the Paine's house.

Senator RUSSELL. Yes.

*Mrs. OSWALD. And everything was there. I did not take anything with me that first day when I was arrested.

Senator RUSSELL. When you returned to Mrs. Paine's you found they had left this particular program there with this bus stub? You testified they had removed your passport and your diploma and Lee's union cards and Social Security card and everything else—I was just wondering how they happened to leave this particular article with the bus stub in it?*

Mrs. OSWALD. **I never retained that for any special reason.

Senator RUSSELL. I'm quite sure of that. I wasn't asking that at all.**

Mrs. OSWALD. **I don't know the reason.

Senator RUSSELL. They just overlooked that?

Mrs. OSWALD. **It was just overlooked—the same way they overlooked that other.

Senator RUSSELL. Mrs. Oswald, what are your relations now with the friends that you made in the Russian community here in Dallas? I don't remember all of the names—one of them was named Elena Hall, is that right, and Katya Ford, Anna Meller, De Mohrenschildt, De Mohrenschildt's wife and children—are you still on friendly terms with them, do you see them occasionally?*

*Mrs. OSWALD. As far as I'm concerned, I consider all of them as my friends, but George Bouhe, and Katya Ford are the only two people that come to visit me. Others perhaps feel that it is not healthy for them to come to see me.

Senator RUSSELL. I wondered if they had expressed their opinion or whether they were afraid of you on account of publicity contamination?*

*Mrs. OSWALD. No, they never said that to me personally that they are afraid to come to see me. When we meet in the church, they are all very pleasant to me, but they never invite me.

Mr. GOPADZE. No.

**Mrs. OSWALD. Sometimes they invite Katya Ford, but they never invite me. Nataska Krassovska is very nice to me.

Senator RUSSELL. When was the first time you ever heard of Jack Ruby or Jack Rubenstein?*

Mrs. OSWALD. When he killed him.

Senator RUSSELL. You had never heard of him until that time?

Mrs. OSWALD. (Nodding a negative response.)

Senator RUSSELL. That's all.

Senator COOPER. What is your address now, Mrs. Oswald, and with whom do you live?

Mrs. OSWALD. 629 Belt Line Road, Richardson, Tex.

Senator COOPER. Does someone live with you or do you live with someone?

Mrs. OSWALD. No; I live by myself with my children.

Senator COOPER. After the death of your husband, you had a lawyer, Mr. Thorne, and a business agent, Mr. Martin, and they were discharged. Was there any particular reason for discharging them?*

*Mrs. OSWALD. I got rid of them because the contract that they prepared was unfair to me, and it was prepared at a time when I did not understand it and when it was not translated to me.

Senator COOPER. Now, you later employed Mr. McKenzie as your attorney and you have since discharged him, haven't you?*

*Mrs. OSWALD. I employed Mr. McKenzie to wind up the affair with Mr. Martin and Mr. Thorne, and he was not employed on any other basis—just for that particular thing.

**Not permanently.

*Not permanently—just for that particular thing, despite the fact that he did give advice on other business of mine. Of course, I needed an attorney

in my dealings with the Commission that's what he told me—that I needed an attorney to deal with the Commission.

Mr. GOPADZE. She said—

Mr. RANKIN. She said more than that.

**Mrs. OSWALD. Now, as I feel now, I don't need any lawyer before the Commission.

Senator COOPER. If you'll just answer my question now: Do you have a lawyer to represent you now?*

Mrs. OSWALD. No.

Senator COOPER. Who is your business agent?

Mrs. OSWALD. Mrs. Katya Ford.

Senator COOPER. Can you tell the Commission about how much money has been donated to you or how much you have earned through contracts?*

*Mrs. OSWALD. I do not know at this time how much money I have.

Senator COOPER. Approximately?*

*Mrs. OSWALD. Donations were \$57,000, from which twelve and one-half thousand plus expenses were paid to Martin and Thorne, and \$15,000 to Mr. McKenzie.

Senator COOPER. Do you have any contracts, have you made any contracts for the sale of your writings which may be payable in the future? **

Mrs. OSWALD. The publishing company contract with me is all.

**I have not signed any contracts with the publishing company, except I have already signed several contracts with Life Magazine.

After the diary was published.

**After the diary was published.

Senator COOPER. That's for \$20,000?

Mrs. OSWALD. \$20,000 plus \$1,000 for Parade Magazine, and one girl—Helen—I don't know her last name, I know we did—

**Also, I signed—I agreed with a girl by the name of Helen—I cannot remember her last name, for possible future stories Helen might write.

We have interview.

Senator COOPER. You testified that your uncle is an official and a Colonel in the MVD? ** And, a member of the Communist Party, is that correct?

Mrs. OSWALD. Yes.

Senator COOPER. Do you know that any other members of your family are members of the Communist Party? **

*Mrs. OSWALD. The husband of another aunt.

Senator COOPER. Is that the aunt you visited from time to time? **

**Mrs. OSWALD. Yes.

Senator COOPER. At Kharkov?

Mrs. OSWALD. At Minsk.

Senator COOPER. With whom did you file your declaration for an exit visa? ** *

*Mrs. OSWALD. There is a special institution in Minsk where prospective departees filed application for exit visa. They leave the application in that institution, and that institution transmits it to Moscow where the decision is made whether to grant or to deny the exit permit. The reply then comes to the MVD in Minsk.

*I want to assure the Commission that I was never given any assignment by the Soviet Government or the American Government, and that I was so surprised myself that I got the exit visa.

Senator COOPER. When you talked to Colonel Aksenov, what did he tell you when you asked him about the exit visa?*

*Mrs. OSWALD. When I went to see Colonel Aksenov, I went to ask him about the state in which my application is for exit visa, and he replied—

Mr. GOPADZE. No. "Was it favorable or not," and he said it was favorable.

Mr. GREGORY. Yes, and he said—

Mr. GOPADZE. That it takes official process of getting the answer.

*Mrs. OSWALD. He said, "You are not the only one who is seeking exit permit, and so you have to wait your turn."

Senator COOPER. Did he attempt to discourage you from seeking the exit visa?

Mrs. OSWALD. No.

Senator COOPER. Did Lee Oswald ever express any opinion to you as to why he thought an exit visa might be granted to you and your daughter?

*Mrs. OSWALD. He encouraged me and he thought that I would consider that he exerted every effort on his part for me to get this exit. Maybe he just was saying that that way, but never hoped that actually I would get the exit permit.

Senator COOPER. During that time or at any other time, did Lee ever say to you that he might do some work for the Soviet Union if you did return to the United States?*

*Mrs. OSWALD. He did not.

Senator COOPER. I would like to turn to your testimony about your knowledge of the rifle that Lee possessed. Now, as I remember your testimony, you stated that you first learned that he had the rifle early in 1963.*

*Mrs. OSWALD. In the year that he bought it, I learned it.

Senator COOPER. You had seen him clean it, you had watched him sight the rifle in New Orleans and work the bolt?* **

Mr. GREGORY. In New Orleans?

Senator COOPER. Yes; in your testimony, you said you saw him sitting on the little back porch—

Mrs. OSWALD. On the little back porch—yes.

Senator COOPER. And sight the rifle?

*Mrs. OSWALD. I'm sorry, I might be mixed up.

Senator COOPER. When you testified that you believed he did some target practice at least a few times?

Mrs. OSWALD. In Dallas or New Orleans? **

*Yes; when we lived on Neely Street.

Senator COOPER. He told you that he had used this rifle to fire at General Walker?*

Mrs. OSWALD. Yes.

Senator COOPER. He told you he had threatened Vice President Nixon, you had said?*

*Mrs. OSWALD. He did not say "Vice President Nixon," he just said "Nixon."

Senator COOPER. Now, was it your opinion throughout these months that he was keeping this rifle for his purpose of using it again, firing at some individual, perhaps an official of the United States Government?* **

Mrs. OSWALD. **He never expressed himself.

*When the assassination of President Kennedy took place, I was asking people whether—people in general—whether General Walker was with President Kennedy. It perhaps was a silly question, but I thought that he—

Senator COOPER. Listen to my question: During this time, didn't you have the opinion that he was keeping possession of this rifle and practicing with it for the purpose of using it to shoot at some individual, and perhaps an official of the United States Government?*

*Mrs. OSWALD. I never thought—I was afraid to think that he would do anything like that until the shooting of General Walker occurred.

Senator COOPER. But now my question. After that—the continued possession—* **

**Mrs. OSWALD. After the attempting of the killing of General Walker, I thought he might do it, but I didn't visualize that he could do anything like that.

Senator COOPER. When you testified before the Commission, you said—generally—you didn't think Lee would repeat anything like that—"Generally, I knew that the rifle was very tempting for him".

"Very tempting for him"—what did you mean by that, about the rifle being very tempting for him? Did you believe he might be tempted to shoot at someone else?*

*Mrs. OSWALD. Yes; I was afraid that he did have temptation to kill someone else.

Senator COOPER. Mrs. Oswald, you testified that when you talked to Lee after he had shot at General Walker, or told you he had shot at General Walker, he said that it would have been well if someone had killed Hitler because many lives would be saved, is that correct?

Mrs. OSWALD. Yes.

Senator COOPER. After that, you testified that many times or a number of times he read you articles about President Kennedy?

Mrs. OSWALD. Yes.

Senator COOPER. And said at one time, discussing President Kennedy's father, that he had made his money through wine and he had a great deal of money, and that enabled him to educate his sons and to give them a start.

I want you to remember and tell the Commission if he did ever express any hatred or dislike for President Kennedy. You have several times—not changed—but you have told the Commission things you did not tell them when first asked.

Now, if he did speak to you about President Kennedy, we think you should tell the Commission?*

*Mrs. OSWALD. I don't think he ever expressed hatred toward President Kennedy, but perhaps he expressed jealousy, not only jealousy, but envy, but perhaps he envied, because he said, "Whoever has money has it easy." That was his general attitude. It was not a direct quotation.

Representative BOGGS. Pursuing this—I asked you that very question in Washington back in February, and the answer was "No." I asked you whether or not your husband ever expressed hostility toward President Kennedy—is your answer still "No"?*

*Mrs. OSWALD. My answer is "No."

**He never expressed himself anything against President Kennedy, anything detrimental toward him. What I told them generally before, I am repeating now too.

Representative BOGGS. Did he ever indicate to you, except in the Walker situation where he said he'd shot at General Walker, that he would kill anyone?*

*Mrs. OSWALD. No.

Representative BOGGS. What about Nixon?*

*Mrs. OSWALD. He did tell me he was about ready to commit that particular act, with respect to Nixon. That's when I kept him in the bathroom, but he never said, "Well, today it's Walker and then I'm going to kill someone else." He never said that. He never related to me any of his plans about killing anybody.

*In other words, he never said to me, "Now, I'll kill Walker and then I'll kill this fellow" and so on—he never did.

Senator COOPER. You testified that your husband said that he did not like the United States for several reasons; one, because of certain Fascist organizations; two, because of difficulty of securing employment; and another reason—because of the high cost of medical care. Did he ever say that those things that he did not like could be remedied or changed if an official of the Government were done away with? * *

*Mrs. OSWALD. No; he never told me.

**No; he never told me—he never told me.

Senator COOPER. Did any official of the Soviet Union, or any person who was a Soviet citizen, ever talk to you or ever talk to Lee to your knowledge, during the time that you were in the United States?

Mr. GREGORY. At any time before or after?

Senator COOPER. Yes?

Senator RUSSELL. You said—in the United States, didn't you?

Senator COOPER. Yes; in the United States.*

*Mrs. OSWALD. No; no one ever did. The only time Lee talked with a representative of the Soviet Union was in Mexico, but not me and Lee, we were never approached by the Soviet representatives.

Senator COOPER. When was the first time you ever heard of Police Officer Tippit?*

*Mrs. OSWALD. When there was a broadcast over the radio that Officer Tippit was killed.

Senator COOPER. Have you seen Mrs. Paine since the time you left her home after the assassination?*

Mrs. OSWALD. Yes.

*I saw her twice since I left Irving, since I lived with her in Irving.

Senator COOPER. When was that?*

*Mrs. OSWALD. Once, when I lived with Katya Ford in February of this year, and the next time I do not recall—maybe 1 month later.

In my house.

Senator COOPER. You had quite an association with her, and I need not recall all of the facts, but is there any reason now that you do not wish to see her?*

*Mrs. OSWALD. One of the reasons is that she belongs to the Civil Liberties Union and I don't want to get mixed up in anything. I already have plenty of grief.

Senator COOPER. Just one other question—is there any other fact about this subject, which you have been asked by the Commission or by anyone else that you have knowledge of that you have not told us about it? Any fact that would bear on this inquiry?*

*Mrs. OSWALD. I would be glad to, but I don't know of any.

Representative BOGGS. May I just ask one or two questions?

Have you seen Mrs. Marguerite Oswald at any time since you first appeared before the Commission?

Mrs. OSWALD. No.

Representative BOGGS. Have you heard from her?

Mrs. OSWALD. No.

Representative BOGGS. You've had no communication from her either directly or indirectly?*

Mrs. OSWALD. No.

*She tried to get in touch with me.

**Through Attorney McKenzie.

Representative BOGGS. And you refused to see her?

Mrs. OSWALD. Yes.

*I think that she may have been bad influence with the children—improper influence with the children.

**I feel that—I hardly believe—that Lee Oswald really tried to kill President Kennedy.

Mrs. OSWALD. I feel in my own mind that Lee did not have President Kennedy as a prime target when he assassinated him.

Representative BOGGS. Well, who was it?

*Mrs. OSWALD. I think it was Connally. That's my personal opinion that he perhaps was shooting at Governor Connally, the Governor of Texas.

Senator RUSSELL. You've testified before us before that Lee told you he was coming back to Texas—if he was back in Texas, he would vote for Connally for Governor. Why do you think he would shoot him?

Mrs. OSWALD. **I feel that the reason that he had Connally in his mind was on account of his discharge from the Marines and various letters they exchanged between the Marine Corps and the Governor's office, but actually, I didn't think that he had any idea concerning President Kennedy.

Representative BOGGS. Well, now, my next question is—did he ever express any hostility to Governor Connally?*

*Mrs. OSWALD. He never expressed that to me—his displeasure or hatred of Connally, but I feel that there could have been some connection, due to the fact that Lee was dishonorably discharged from the Corps, and there was an exchange of letters between the Governor's Office and Lee. That's my personal opinion.

Representative BOGGS. Just a minute. Excuse me, Senator.

I asked you in February, Mrs. Oswald, I said, "What motive would you ascribe to your husband in killing President Kennedy?" And, you said, "As I saw the documents that were being read to me, I came to the conclusion that he wanted by any means, good or bad to get into history, and now that I've read a part of the translation of some of the documents, I think that there was some political foundation to it, a foundation of which I am not aware."

And then you go on and you express no doubt in your mind that he intended to kill President Kennedy.

Mrs. OSWALD. **Did I say that, this last time in Dallas? The last time in Dallas, apparently there was some misunderstanding on the part of my answers

to the Commission, because I was told by Mr. McKenzie that it wasn't reported accurately.

*The record should read that on the basis of the documents that I have read, I have no doubt—that I had available to me to read—I had no doubt that he did—

Mr. GOPADZE. That he could kill him—

Mr. GREGORY. Could or have wanted to—could have wanted to—

Mr. GOPADZE. He could kill—she doesn't say "want"—he could have killed him. Representative BOGGS. Let's straighten this out because this is very important.

Mrs. OSWALD. Okay.

Representative BOGGS. I'll read it to you, "I gather that you have reached the conclusion in your own mind that your husband killed President Kennedy?" You replied, "Regretfully—yes."

Now, do you have any reason to change that?*

*Mrs. OSWALD. That's correct. I have no doubt that he did kill the President.

Representative BOGGS. Now, the other answer as I read it was: "On the basis of documents that you had seen presented at the Commission hearings"—isn't that right?

Mrs. OSWALD. **The word "documents" is wrong—the facts presented—that's what I mean.

Representative BOGGS. Again we get back to the question of motive. You said again today that you are convinced that Lee Oswald killed President Kennedy.

You said something additionally today, though, and that is that you feel that it was his intention not to kill President Kennedy, but to kill Governor Connally.

Now, am I correct in saying that she had not said this previously?

Mr. RANKIN. Ask her that.* **

Representative BOGGS. Let's get an answer. I think this answer is quite important.

*Mrs. OSWALD. On the basis of all the available facts, I have no doubt in my mind that Lee Oswald killed President Kennedy.

*At the same time, I feel in my own mind as far as I am concerned, I feel that Lee—that my husband perhaps intended to kill Governor Connally instead of President Kennedy.

Representative BOGGS. Now, let me ask you one other question: Assuming that this is correct, would you feel that there would be any less guilt in killing Governor Connally than in killing the President?*

*Mrs. OSWALD. I am not trying to vindicate or justify or excuse Lee as my husband. Even if he killed one of his neighbors, still it wouldn't make much difference—it wouldn't make any difference—a killing is a killing. I am sorry.

Representative BOGGS. There are one or two other questions I want to ask her.

I know you've been asked a lot of questions about this thing. How old were you when you left Russia?*

Mrs. OSWALD. Twenty years. My birthday—I was 21 when I came here. In July—my birthday was in July.

Representative BOGGS. Were you a member of the Communist Party in Russia?*

Mrs. OSWALD. No.

*I was a member of a Komsomol organization.

Representative BOGGS. What is that?*

*Mrs. OSWALD. It is an association of young Communist youth. It is not party, sir. In order to become a member of the Communist Party, one has to be first a member of the Komsomol, but I didn't even have the membership card in Komsomol Association.

Representative BOGGS. Would it be normal for one to graduate, so to speak, from the Komsomol to the membership in the Communist Party?*

*Mrs. OSWALD. It is a prerequisite for a prospective member of the Communist Party to be first a member of the Komsomol organization, but not every member of Komsomol becomes a Communist Party member.

Mr. RANKIN. What percentage?

Senator COOPER. She was expelled?

Senator RUSSELL. No; she testified she quit the Youth Movement.*

*Mrs. OSWALD. I was dismissed.

**I was expelled from Komsomol.

Senator RUSSELL. Why—for what reason?*

*Mrs. OSWALD. The reason given to me for being expelled from Komsomol was because I did not get my card, because I did not take out my Komsomol card for 1 year. That was the reason given to me, but I believe the true reason why they expelled me from Komsomol was because I married an American.

It also happened about the time when I visited the American Embassy. I was expelled the following week after I visited the American Embassy in Moscow.

Senator RUSSELL. Did you pay any dues to the Komsomol?

Mrs. OSWALD. Yes; 30¢

*Yes; 30¢ every month.

Senator RUSSELL. I thought that practically all young people belonged to the Komsomol?*

Mrs. OSWALD. No.

Senator RUSSELL. There are many more of them than there are members of the Communist Party, aren't there?*

Mrs. OSWALD. Oh, yes.

Senator RUSSELL. Nearly every city in Russia has a big building, there is a Youth Komsomol Building?*

*Mrs. OSWALD. Yes; I was persuaded or talked into joining the Komsomol organization.

Senator RUSSELL. I thought that was automatic?*

Mrs. OSWALD. No.

*No—one has to be accepted into Komsomol. It is not automatic.

Representative BOGGS. One further question, and this is off the record.

(Interrogatories and answers off the record at this point.)

Representative BOGGS. In response to Senator Russell, I gathered that you plan to stay in the United States?*

*Mrs. OSWALD. Yes; if possible.

Representative BOGGS. Do you aspire to become a citizen of the United States, or are you a citizen?*

*Mrs. OSWALD. I am not a citizen. I wish to become an American citizen.

Senator RUSSELL. Mrs. Oswald, when you were before us before, you testified that you were not a member of any church, but you had your own religion in your own heart, as I recall?*

*Mrs. OSWALD. In Russia I did not belong to any church. No one belongs to any church in Russia.

Senator RUSSELL. Except old women?

*Mrs. OSWALD. I'll say this—that I believe it's unhealthy in the Soviet Union to openly belong to any church. While there is no persecution of religious belief in Russia, the officials look at it with much disfavor.

Senator RUSSELL. But you are not actually a member of the church, are you?*

**Mrs. OSWALD. In Russian churches, they don't have a fee or they don't have any membership, they have dues in Russian churches.

Senator RUSSELL. But you've not been baptized in any church?*

Mrs. OSWALD. Oh, yes; I have been baptized.

Senator RUSSELL. When were you baptized?

Mrs. OSWALD. I don't remember.

Senator RUSSELL. Are you actually a member of the church?*

**Mrs. OSWALD. Actually, I am not a member as you know in the United States. However, I belong to the church, the Russian church here in Dallas, and I don't pay dues.

Senator RUSSELL. You are more of a communicant now than you are a member of the church?

Mrs. OSWALD. I think the understanding of church membership is different in the Soviet Union or in the understanding of a person that was brought up in the Soviet Union.

Senator RUSSELL. I am concerned about this testimony, Mrs. Oswald, about

your believing now that Lee was shooting at Connally and not at the President, because you did not tell us that before.*

*Mrs. OSWALD. At that time I didn't think so, but the more I mull over it in my own mind trying to get it in my own mind what made him do what he did, the more I think that he was shooting at Connally rather than President Kennedy.

Senator RUSSELL. Now, did you not testify before that Lee wrote a letter to Connally when he was Secretary of the Navy about the nature of his Marine discharge?

Mrs. OSWALD. Yes.

Senator RUSSELL. And that when he got a letter back, that you asked him what it was?

Mrs. OSWALD. Yes.

Senator RUSSELL. And he said, "Well, it's just some Bureaucrat's statement"?'*

Mrs. OSWALD. Yes.

*Yes.

Senator RUSSELL. Did you not further testify that Lee said in discussing the gubernatorial election in Texas that if he were here and voting, that he would vote for Mr. Connally?*

*Mrs. OSWALD. Yes.

Senator RUSSELL. Now, do you think he would shoot and kill a man that he would vote for, for the Governor of his state? **

**Mrs. OSWALD. The only reason is—I am trying to analyze, myself, there was a reason—more reason to dislike Connally as a man than he had for Kennedy.

Senator RUSSELL. Well, she testified before that he had spoken, as far as Lee spoke favorably of anyone, that he had spoken favorably of both Kennedy and of Governor Connally.**

**Mrs. OSWALD. He also told me that he was also favorable toward Connally, while they were in Russia. There is a possibility that he changed his mind, but he never told her that.

Senator RUSSELL. Well, I think that's about as speculative as the answers I've read here. He might have changed his mind, but he didn't tell her anything about it, as she testified—that discussing politics in Texas, that he said that if he were here when they had the election, that he would vote for John Connally for Governor, and that was after he got the letter about the Marine Corps.* **

**Mrs. OSWALD. That happened in Russia when he received some kind of pamphlet with a picture of Connally, a separate time, at which time he remarked that when he returned, if and when he returned to Texas he would vote for Connally.

Senator RUSSELL. That's right—that's exactly right, but yet now you say that he was his prime target.

I want to know what Connally had done to Lee since he got back from Russia that would cause him to change his mind, to shoot him?***

*Mrs. OSWALD. I do not know, but there is a possibility that Lee became hateful of Connally because the matter of this dishonorable discharge was dragging so long.

Senator RUSSELL. Yes; but Connally had left the Navy, where he had anything to do with the discharge, before he got the pamphlet about his being a candidate for Governor?***

**Mrs. OSWALD. I am not sure when that particular thing happened, whether Mr. Connally was the Secretary of the Navy or what he was doing.

Senator RUSSELL. Well, it's a matter of common knowledge that he ran for Governor after he resigned as Secretary of the Navy.

Mrs. OSWALD. I don't know.

Senator RUSSELL. Did you not know that when Mr. Connally was running for Governor of Texas, he was no longer Secretary of the Navy and had nothing to do with the Marine Corps?*

*Mrs. OSWALD. Yes, I knew—I knew that he was not the Secretary of the Navy any more because Lee told me that Connally stated in the letter to Lee that he was no longer Secretary of Navy and hence he couldn't do anything for him, and that Connally referred the petition to the proper authorities.

Senator RUSSELL. Mrs. Oswald, didn't Lee read about government a great deal? Didn't Lee read about civic affairs and about government a great deal?*

*Mrs. OSWALD. He read books about Kennedy, about Hitler, about others.

Senator RUSSELL. Haven't you been in this country long enough to know that the President is Commander and Chief of the Army and Navy and he's even head of the Secretary of the Navy. He can order him to do anything he wants to?*

*Mrs. OSWALD. I didn't pay any attention to it or I didn't know it or wasn't told.

Senator RUSSELL. Do you have any facts on which you base your opinion now that Lee Oswald was shooting and was intending to kill Connally rather than President Kennedy?*

*Mrs. OSWALD. I have no facts whatsoever. I simply express an opinion which perhaps is not logical at all, but I am sorry if I mixed everybody up.

Senator RUSSELL. You haven't mixed anybody up, except I think that you have your evidence terribly confused.*

*Mrs. OSWALD. No; I have no facts whatsoever. I'm sorry I told them that.

Senator RUSSELL. Do you know whether or not Lee knew Connally personally or did he know that he was going to be in this motorcade at all?*

*Mrs. OSWALD. No; I did not know whether Lee knew or ever contacted the Governor personally, and I don't know whether Lee knew that the Governor would be in the motorcade.

Senator RUSSELL. But Lee did take his gun into town that day, and so far as you know, I believe you said that was the first day he had carried it into town?

*Mrs. OSWALD. I do not personally know that Lee took the rifle that morning or the night before. Apparently the Commission has witnesses or information to that effect, but of my own knowledge, I don't know.

Senator RUSSELL. Did you not testify that you thought this was Lee's rifle that was shown you as the one that shot Connally and the President?*

*Mrs. OSWALD. Yes; I testified that that was the rifle.

Mr. GOPADZE. No—I'm sorry. As far as she knows about the arms, the rifle which was shown to her looked like the one he had.

Mr. GREGORY. Yes; that's right.

Senator RUSSELL. That's all I asked her. That's just exactly what I asked her.

Mr. GREGORY. Yes; that's correct.

Senator RUSSELL. In discussing the motorcade, did he say anything about Connally would be riding with the President?*

*Mrs. OSWALD. No; he did not.

Senator RUSSELL. I believe you testified, did you not, Mrs. Oswald, that the day before Lee told you that he fired at General Walker, that he seemed to be under great emotional stress, strain, very tense? * *

*Mrs. OSWALD. He was angry and excited. He was angry and excited.

Senator RUSSELL. Did he show any of that on the morning that he left home when the President was assassinated? * *

**Mrs. OSWALD. Well, I did not notice any difference in Lee's attitude during that morning from any other day. But sometimes, quite often, he was impulsive and nervous and excited. I got tired from watching him in those particular moods, in his moods, and I didn't pay any attention.

Senator RUSSELL. Why did you happen to watch him then on the morning that he shot at General Walker?*

*Mrs. OSWALD. I simply—his mood left no impression on me that particular morning. There was nothing extraordinary about it.

Senator RUSSELL. On the Walker morning?

Mrs. OSWALD. No, no—on the morning of the President's assassination.

Senator RUSSELL. Yes, but you said you noticed it on the morning before he shot Walker?

Mrs. OSWALD. Are you talking about Walker?

Senator RUSSELL. If you didn't notice his moods, how did you happen to notice it on the day before he shot at General Walker? * *

***Mrs. OSWALD.** The reason I didn't notice that particular morning about his mood was because the night before we had a little quarrel and I didn't pay any attention to that, particularly, and I was thinking that it was due to that quarrel we had the night before.

Senator RUSSELL. Well, of course, that was the quarrel you had about him registering under an assumed name or giving an assumed name at his room.**

Was that not the time, did you not try to telephone him and they told you that no such person stayed there at all?

***Mrs. OSWALD.** That was the cause of the quarrel. You see, at this particular morning of the assassination, I was very tired because the baby woke up several times during the night and I was very tired, and in the morning I did not register or I did not even attempt to register his moods.

Senator RUSSELL. I think you testified before that you only saw him when he got up, that you stayed in bed and that he got up and fixed his own coffee and got out.* **

***Mrs. OSWALD.** The only extraordinary thing that I noticed about him the morning of the assassination was that when Lee was leaving the house, he asked me if I purchased a pair of shoes.

Senator RUSSELL. For June?

Mrs. OSWALD. For me.

Senator RUSSELL. And for June?*

***Mrs. OSWALD.** And for the baby.

Senator RUSSELL. And for June?

***Mrs. OSWALD.** And that was the only thing that was extraordinary, and I wondered what was happening that he became, that he was so kind all of a sudden.

Senator RUSSELL. That was out of the money in the black wallet, too?

Mrs. OSWALD. Yes.

***Yes**—that was a fleeting thought in my mind of why the change in him.

Senator RUSSELL. But apparently he was not as excited and as upset as he was the morning before the Walker shooting?*

***Mrs. OSWALD.** He was just as usual—sort of sleepy that particular morning. He was not excited. Then, I was so sleepy myself that I didn't pay any attention.

Senator RUSSELL. But you did testify that he was unusually excited the night before he shot at General Walker, did you not?

***Mrs. OSWALD.** The more time is passing, the more I am mixed up as to the exact occurrence. I'm forgetting these fine details with the passing of time.

Mr. RANKIN. Mr. Chairman, I wonder if we could take a 5-minute recess? The reporter has been at it a long time?

Senator RUSSELL. Oh, yes; I don't know how she's stood it. I've never seen one in the Congress that took it anything like that long.

The REPORTER. Thank you.

Mr. RANKIN. And we will let you have a 5 minute recess, Mrs. Oswald.

(At this point the proceedings were recessed and resumed as stated, at 6:40 p.m., Sunday, September 6, 1964.)

Mr. RANKIN. Mr. Chairman.

Mrs. Oswald, you have not appeared here today with a lawyer, have you?*

Mrs. OSWALD. Yes.

Mr. RANKIN. You have not, is that right? You have no lawyer with you?

Mrs. OSWALD. No.

Senator RUSSELL. No.

Mr. RANKIN. When you appeared before the Commission the other two times, you did have a lawyer with you, did you not?

Mrs. OSWALD. Yes—the other two times.

Mr. RANKIN. Is there some reason why you do not have a lawyer at this time?*

***Mrs. OSWALD.** That attorney cost me too much.

Mr. RANKIN. And—before this hearing, Mrs. Oswald, we offered to, that is the Commission offered to furnish you an attorney if you wanted one to be supplied to you for this hearing, did it not? **

****Mrs. OSWALD.** You did so?

Mr. RANKIN. I understood that that message was given to you by the Secret Service that we would ask for the appointment of counsel to attend the meeting

with you, if you wished it, and you said you didn't need it, you would just tell the truth?

Mrs. OSWALD. Mr. Sorrels called me on telephone and he asked me if I have a lawyer, an attorney, and I said, "No," and he told me, "Do I want to have one?" and I said, "No."

Mr. RANKIN. And you understood that you would be supplied a lawyer if you wanted one and you said you didn't, is that right?

Mrs. OSWALD. Yes.

Mr. RANKIN. You referred to the fact, when you were asked, that your husband had a rifle in the Soviet Union while he was there. In your prior testimony, you referred to either a rifle or a shotgun, do you know which it was?*

*Mrs. OSWALD. I do not know the difference between the shotgun and the rifle.

Mr. RANKIN. Do you know that he had one or the other?*

*Mrs. OSWALD. I know that there is a difference between this particular rifle and another rifle, but I don't know what the difference is. It was perhaps a different color.

Mr. RANKIN. You know that in the Soviet Union he did have either a rifle or a shotgun, do you?*

Mrs. OSWALD. Yes.

Mr. RANKIN. Turning to the period when you were in New Orleans, just before you went back to Dallas with Ruth Paine, do you recall that time?*

*Mrs. OSWALD. Yes—faintly.

Mr. RANKIN. Do you remember that was the latter part of September?*

Mrs. OSWALD. **Possibly.

Mr. RANKIN. Do you remember what date you went back to Dallas from New Orleans? * **

*Mrs. OSWALD. It wasn't the 26th of September?

Mr. RANKIN. Wasn't it about the 23d of September that you went back? * **

Mrs. OSWALD. The 23d?

*I do not know.

Mr. RANKIN. Do you remember that you had a discussion with your husband about the unemployment check that he was to receive about that time? * **

*Mrs. OSWALD. I remember Lee told me that he was expecting an unemployment check just before he left for Mexico.

Mr. RANKIN. Did he tell you that he had changed the postal address and that that check would probably come to Ruth Paine's?*

*Mrs. OSWALD. He told me that he was going to change his address and that the letters would come to that new address of Ruth Paine.

Mr. RANKIN. Did the unemployment check ever come to Ruth Paine's?*

*Mrs. OSWALD. When he returned from Mexico, he asked me if the unemployment check arrived, and I replied that I did not know. No; there was no check.

Mr. RANKIN. Did he say anything about getting the check at New Orleans and cashing it himself? * **

*Mrs. OSWALD. I do not remember it right now, but if I mentioned that to the Commission before, then it was so.

Mr. RANKIN. Do you have any recollection about it now?*

*Mrs. OSWALD. I do not recall distinctly now, but I think there was some conversation about the check being long in transit, that the check was sent from Dallas to New Orleans and from New Orleans to Irving.

Mr. RANKIN. Well apparently, Mrs. Oswald, the facts show that the check was cashed by your husband with a stamped mark of the bank, dated the 26th of September, in New Orleans. Does that refresh your memory at all? * **

*Mrs. OSWALD. I was not with Lee at that time.

Mr. RANKIN. Did he ever tell you anything about it?*

*Mrs. OSWALD. I do not remember at this moment.

Mr. RANKIN. Apparently he cashed the check at the little store, or the super-market, near where you lived there in New Orleans. Did he every tell you that? * **

*Mrs. OSWALD. No; he did not tell me. I do not remember that he told me.

Mr. RANKIN. Did Lee ever tell you where he stayed the night after you left, that is, the night of the 23d of September?*

*Mrs. OSWALD. He told me that he stayed in that same house.

Mr. RANKIN. At the house where you had lived?*

**Mrs. OSWALD. He stayed with his aunt. I remember something that he stayed a couple days with his aunt in New Orleans.

*Did I leave on the 23d?

Mr. RANKIN. Yes.

*Mrs. OSWALD. I do not recall distinctly at this moment, but I believe he said he spent the first night at the house where we lived, and perhaps one or two nights at Aunt Lillian's.

Mr. RANKIN. Is there something else?

*Mrs. OSWALD. It is so difficult for me to remember now.

Mr. RANKIN. Did your husband have any Cuban friends at New Orleans?*

*Mrs. OSWALD. I do not know about this.

Mr. RANKIN. Do you remember the time a man by the name of Bringuier came to the house there? Bringuier [spelling] B-r-i-n-g-u-i-e-r.

*Mrs. OSWALD. Someone came, but I don't know from which organization or who he was.

Mr. RANKIN. Was there more than one person who came asking about that or only one?*

Mrs. OSWALD. Just one.

Mr. RANKIN. Do you recall that your husband hired someone to help hand out leaflets about fair play for Cuba on the streets of New Orleans?*

*Mrs. OSWALD. He mentioned that he hired a boy to help him, by giving him some money to buy ice cream or something—I don't know.

Mr. RANKIN. I'll hand you what is marked as Frank Pizzo Exhibit No. 453-A, which is a photograph, and ask you if you recognize your husband there, and also, any of the other men there in the picture?*

*Mrs. OSWALD (examining instrument mentioned). I recognize only my husband.

Mr. RANKIN. Is your husband the man with the marks that sort of look like a "T" in light green?*

Mrs. OSWALD. Yes.

Mr. RANKIN. I ask you if you recognize anyone besides your husband in Frank Pizzo Exhibit No. 453-B?*

Mrs. OSWALD. No. *No. [Examining instrument mentioned.] No.

Mr. RANKIN. But you do recognize your husband there?

Mrs. OSWALD. Yes—yes.

Mr. RANKIN. He has a green mark over his photograph, does he not?

Mrs. OSWALD. Yes.

Mr. RANKIN. Do you know whether or not your husband consulted any attorneys in New Orleans while he was there?*

*Mrs. OSWALD. I do not know about this.

Mr. RANKIN. Do you know of a Clay Bertrand, [spelling] B-e-r-t-r-a-n-d?*

*Mrs. OSWALD. No.

Mr. RANKIN. Did your husband ever say anything about consulting an attorney about his discharge from the Marines or about his American citizenship?*

*Mrs. OSWALD. He did not.

Mr. RANKIN. Do you know whether or not your husband was in Dallas in September between the 23d, the date that you left with Mrs. Paine, and the 26th of September—at any time?*

*Mrs. OSWALD. I do not know.

Mr. RANKIN. Did he ever say anything about anything like that?*

*Mrs. OSWALD. No.

Mr. RANKIN. Did you ever know a Sylvia Odio, [spelling] O-d-i-o?*

*Mrs. OSWALD. No.

Mr. RANKIN. You never heard of her?*

*Mrs. OSWALD. No.

Mr. RANKIN. Sylvia Odio is a woman in Dallas who said that your husband, along with two Cubans, came to see her under the name "Leon Oswald," on the evening of the 25th or the 26th of September 1963. Do you know anything about that?*

**Mrs. OSWALD. No; I do not know about this.

Mr. RANKIN. Have you ever heard of her?*

*Mrs. OSWALD. No.

Mr. RANKIN. Did you ever hear of a person by the name of Rodriguez [Spelling] R-o-d-r-i-g-u-e-z, that your husband was said to have known in New Orleans, while you were there? Do you know whether your husband ever knew a Rodriguez [spelling] R-o-d-r-i-g-u-e-z in New Orleans?*

*Mrs. OSWALD. He may have known him, but I don't know anything about it.

Mr. RANKIN. He never told you that he knew anyone like that?*

*Mrs. OSWALD. No; he did not tell me.

Mr. RANKIN. When you lived in New Orleans and after your husband lost his job, did he stay away from home in the evenings much?*

*Mrs. OSWALD. He was not at home during the day time, but he was at home most of the time in the evenings.

Mr. RANKIN. And by being at home in the evenings, what time do you mean—from 6 o'clock on, or 7 o'clock, or what time?*

*Mrs. OSWALD. After 7.

Mr. RANKIN. Did he ever show signs of having been drinking or being drunk when he came home?*

*Mrs. OSWALD. Never.

Mr. RANKIN. Did he ever talk about having seen some friends or some Cubans or Mexicans in the bar or some bar in New Orleans? * *

*Mrs. OSWALD. No; it's strange for me to hear that Lee visited bars or that he drank.

Mr. RANKIN. Did you know of his drinking at all in New Orleans?*

*Mrs. OSWALD. I never did.

Mr. RANKIN. He was arrested in connection with the Fair Play for Cuba matter around August 9, if you will recall. You may not remember the exact date, but I refresh your memory and call your attention to the fact that it was that date—August 9?*

*Mrs. OSWALD. I know about this.

Mr. RANKIN. How did that come to your attention, how did you learn about it?*

*Mrs. OSWALD. That night I waited for him until 3 o'clock in the morning. Then, I went to bed. When he came in the morning, I asked him where he had been and he told me he was arrested by the police.

Mr. RANKIN. Had he stayed out all night that way before? * *

Mrs. OSWALD. No.

Mr. RANKIN. It hadn't ever happened before? **

Mrs. OSWALD. No.

Mr. RANKIN. You say it never happened that he would even stay out late in the evening?*

Mrs. OSWALD. No; sometimes he was delayed, but he would be home by 9 o'clock.

Mr. RANKIN. Did you ever hear your husband say anything about being associated with any pro-Castro or anti-Castro groups in Dallas?*

*Mrs. OSWALD. I didn't know that he belonged to any organization in Dallas.

Mr. RANKIN. Did you know of any such associations or any associations with Cubans after he returned from Mexico City?*

*Mrs. OSWALD. I do not know about this.

Mr. RANKIN. Did he ever mention Sylvia Odio to you or any name like that, that you recall? * **

*Mrs. OSWALD. No.

Mr. RANKIN. Now, when you testified before the Commission before, you were asked what kind of a job your husband had at the Minsk factory, do you recall that?*

*Mrs. OSWALD. Yes.

Mr. RANKIN. You said he read blueprints and translated them into the finished product. Do you remember your husband saying anything like that to you? * **

*Mrs. OSWALD. I don't think I testified to that.

Mr. RANKIN. You don't recall testifying to that?*

*Mrs. OSWALD. I testified that he was a—slesar.

Mr. GREGORY. Off the record, please?

She names a trade and that Russian word stands for locksmith, but I know that he was not a locksmith, I mean, from the description of work that he was doing. He was working at a factory where he was assembling details for—metallic details. He was a machinist apprentice working on parts for radio receivers.

Mr. RANKIN. He told the FBI at one time in one of the interviews that he was busy reading blueprints and translating them.

Mr. Gregory, are you telling me what she says his job was or are you telling me what you know?

Mr. GREGORY. No; she's telling me, but Mrs. Oswald tells me that the technical name of his job was the Russian word (spelling) s-l-e-s-a-r'.

Mr. RANKIN. Now, will you describe, Mrs. Oswald, what he did in that job so it will be clearer than just that word. Tell us what he did?*

*Mrs. OSWALD. I have never been at the plant where Lee worked or in any factory, but from the description that Lee gave me—

Mr. RANKIN. Tell us that? * **

*Mrs. OSWALD. He was grinding details—detailed parts for small parts, small metallic parts for radio receivers, on a lathe.

Perhaps he was boasting about the importance of his work when he told you about reading the blueprints and translating them into the finished product. He may have actually done that kind of work, but I know nothing about that.

Mr. RANKIN. Was the only work that he told you he was doing during the period that you were there in Minsk, this job of grinding these parts on the lathe?*

*Mrs. OSWALD. While he and I lived together—yes. That was the kind of work that he was doing in Minsk.

Mr. RANKIN. And that's all that you know of?*

*Mrs. OSWALD. That's all I know about his work.

Mr. RANKIN. Now, turning to the period that your husband was in Moscow in 1959 when he first came there, and, of course, you were married later than that, did he tell you about his experiences when he first came to Moscow?*

*Mrs. OSWALD. He told me that for the most part he visited museums and studied the Russian language.

Mr. RANKIN. Did he say anything about the intourist guides, the women studied the Russian language.

Mrs. OSWALD. The Russian guides?

Mr. RANKIN. Did he tell you about any of the others that he knew there?*

*Mrs. OSWALD. He did, but I don't remember their names, except Rimma. The only reason I remember Rimma Sherikova is because she visited us in Minsk. She did not come especially to see us, but she was passing through Minsk and stopped to see us.

Mr. RANKIN. What did your husband tell you about Rimma?*

*Mrs. OSWALD. That she was a very fine, pretty, smart young girl, and unfortunately, older than he is, and that she helped him a great deal.

Mr. RANKIN. Did he tell you how she helped him?*

*Mrs. OSWALD. First of all, as an interpreter.

Mr. RANKIN. What else?

*Mrs. OSWALD. And that he spent time with her and did not feel lonesome.

Mr. RANKIN. Did he say anything about Rimma or the other intourist guides helping him with learning Russian?*

*Mrs. OSWALD. Yes; he did.

Mr. RANKIN. Did he say how much they did that?*

*Mrs. OSWALD. No; he did not.

Mr. RANKIN. Did he say anything about the guides helping him in dealing with the Embassy about his citizenship or giving up his citizenship? * **

*Mrs. OSWALD. No; he did not tell me about that.

Mr. RANKIN. Did he say anything about the guides giving him any financial help?*

*Mrs. OSWALD. No; he did not tell me.

Mr. RANKIN. Did your husband say anything about when he learned that he might be able to stay in Russia, how he learned it?

*Mrs. OSWALD. No; he did not. He, Lee, took part in radio broadcasts, propaganda in favor of the Soviet Union, which he felt helped him to get permission to stay in the Soviet Union.

Mr. RANKIN. Did he say when he did that?*

*Mrs. OSWALD. That was before my time.

Mr. RANKIN. How did you learn about it?*

*Mrs. OSWALD. He told me about it. Lee told me that the Soviet Union offered him Soviet citizenship, but he turned it down. He told me that he turned it down. At the same time, other developments as I recall, left the impression with me that he actually wanted to become a Soviet citizen, but I didn't connect the two. There is a discrepancy between the two, but at the time, I couldn't reconcile these apparent differences in what he said.

Mr. RANKIN. You know he told the reporters that he talked to in Moscow in November, that the Government was going to let him stay, but his diary says he didn't get that word until January the 4th of the following year. Now, do you know anything about that, how that happened?*

Mrs. OSWALD. 1960?

Mr. RANKIN. 1959 in November is when he told the reporters, and it was January 4, 1960, that he actually put it in his diary that he had the first learning of it?*

Mrs. OSWALD. That they would let him stay in the Soviet Union?

Mr. RANKIN. Yes.

Mrs. OSWALD. Newspaper reporters?

Mr. RANKIN. Yes; newspaper reporters—Miss Johnson and Miss Mosby.*

*Mrs. OSWALD. He made the entry into his diary, I think, at a later date, and they may not be correct or precise—just one.

Mr. GREGORY. I think she's a little tired. She's saying many words, but I can't connect them. She says, "To be brief, I don't believe I know."

Mr. RANKIN. We will soon be through, Mrs. Oswald. There are just a few more questions.*

When your husband said that he had spoken over the radio and he thought that helped him, did he tell you what he said over the radio? * *

*Mrs. OSWALD. He spoke over the radio of how everything—how wonderful everything was in the Soviet Union, or what he thought they liked to hear.

Mr. RANKIN. And did you understand that he spoke that in Moscow while he was there?*

*Mrs. OSWALD. Yes; while he was in Moscow.

Mr. RANKIN. That was during the period after he had first come to the country and before he came to Minsk, is that right?*

*Mrs. OSWALD. Yes.

Mr. RANKIN. Now, do you recall any more than you have told us about the time you had the interview with the MVD about your visa—what they said to you and what you said to them?*

*Mrs. OSWALD. First of all, Colonel Aksenov asked me why I wanted to go to America, "Is it so bad here that you want to leave?" And I replied that I wanted to go to America with my husband and that I believe that I have that right.

Mr. RANKIN. What did they say to that?*

*Mrs. OSWALD. Then he said, "You will simply have to wait because you are not the only one who wants to leave. You will have to wait your turn."

Mr. RANKIN. Do you recall anything else that was said at that time?*

*Mrs. OSWALD. At that time I was pregnant and Colonel Aksenov suggested that may be it would be better for me to wait until the baby came.

Mr. RANKIN. What did you say to that?*

*Mrs. OSWALD. I told him that I would prefer to leave as soon as possible.

Mr. RANKIN. Is that all you remember of the conversation?*

*Mrs. OSWALD. Nothing of importance.

Mr. RANKIN. Where did this conversation occur?*

*Mrs. OSWALD. In the MVD building in Minsk.

Mr. RANKIN. And who was present besides you and Colonel Aksenov?*

*Mrs. OSWALD. At first there were two military men who later left, and they accompanied me or rather they showed me to the room where Colonel Aksenov was. We were the only two in the room.

Mr. RANKIN. Now, your husband said that before you both left for the United States, he had an interview with the MVD. Do you recall that?*

Mrs. OSWALD. Before we left where?

Mr. RANKIN. Before you left the Soviet Union?*

*Mrs. OSWALD. I do not know about this.

Mr. RANKIN. Do you recall anything like that while you were in Moscow before you left for the United States?*

*Mrs. OSWALD. No.

Mr. RANKIN. You were never told about anything like that by your husband?*

*Mrs. OSWALD. No.

Mr. RANKIN. By anyone else?*

Mrs. OSWALD. Nobody.

Mr. RANKIN. You were not present at any such meeting?*

*Mrs. OSWALD. No.

Mr. RANKIN. Do you know of any meeting of that kind in Minsk?*

*Mrs. OSWALD. He never told me that he had interviews.

Mr. RANKIN. He said he quarreled with them trying to expedite the visas, the exit permits, and where was that?*

*Mrs. OSWALD. In Minsk.

Mr. RANKIN. And did he tell you whom he talked to when he quarreled with them about the exit visas?*

*Mrs. OSWALD. I do not know their names, but all the people that were empowered with issuance of the exit permits.

Mr. RANKIN. Was that the time that you said he tried to get to see Colonel Aksenov and they wouldn't let him? * *

Mrs. OSWALD. It could have happened before we moved because he apparently had a conversation with the Colonel.* *

**I remember it was cold.

Mr. GREGORY. May I ask Marina—will you mind to read the question?

The REPORTER. "Was that the time that you said he tried to get to see Colonel Aksenov and they wouldn't let him?"

Mr. RANKIN. I was asking about the meeting with the MVD.

Mr. GREGORY. Lee meeting with the MVD in Minsk?

Mr. RANKIN. Yes—about the exit visas.

Mr. GREGORY. And you wanted to know the year and the month of the year?

Mr. RANKIN. No; I was first trying to find out what meeting she was talking about and whether it was the one she referred to later.

Mr. GREGORY. When she could not get the audience with the man?

Mr. RANKIN. That's right.* *

*Mrs. OSWALD. It was approximately in January 1962.

Mr. RANKIN. And did he tell you what happened at that meeting?*

*Mrs. OSWALD. He did not meet with—he did not get to see Colonel Aksenov.

Mr. RANKIN. But he did see someone else in there?

*Mrs. OSWALD. Apparently he talked to someone who substituted or was inferior to Colonel Aksenov.

Mr. RANKIN. And what did he tell you happened at that time?*

*Mrs. OSWALD. Lee told me that when he came to MVD he asked to see Colonel Aksenov, and the people in the office asked him the nature of the business he wanted to discuss with him, and he told them that it was about exit visas, and they told him that he could not see Aksenov, but that they, whoever "they" were, were empowered to act on that question, but he insisted on seeing the colonel, and he did not get to see him.

Mr. RANKIN. Then what happened?*

*Mrs. OSWALD. Then he came home—then I went to MVD, then he sent me to MVD. I said, "I don't want to go there and he said, "I insist." Then, I was afraid to go there, but I did go, and the Colonel did not eat me up.

Mr. RANKIN. Did you talk to the colonel about both your visa and your husband's at that time?*

*Mrs. OSWALD. The conversation with Colonel Aksenov was to find out why the delay in the issuance of the exit permits.

Mr. RANKIN. That's all I have.

Senator COOPER. There has been a good deal of testimony that you and your husband were good friends with the De Mohrenschildt family?*

Mrs. OSWALD. Yes.

Senator COOPER. Is it correct that when he came to your house on one occasion that he saw the rifle, your husband's rifle?*

*Mrs. OSWALD. I do not know about this. It is possible that I have shown the rifle to them.

Senator COOPER. Do you remember when Mr. De Mohrenschildt said something like this after the Walker incident: "How could you miss it?" or something like that.*

*Mrs. OSWALD. De Mohrenschildt—as soon as he opened the door, he said to Lee, "How could you have missed, how could you have missed him?"

Senator COOPER. Do you have any explanation for that?* **

*Mrs. OSWALD. I do not know whether Lee told De Mohrenschildt about shooting at Walker, and then Lee looked at me thinking—whether I told De Mohrenschildt about it—I don't know. He even couldn't speak that evening. Lee could not speak that evening. We were on the porch.

Senator COOPER. Did he later ask you if you had told De Mohrenschildt?*

*Mrs. OSWALD. He asked me if I told De Mohrenschildt about it and when I said I didn't, he said, "How did he guess it?"

Mr. GOPADZE. No; she said, "Maybe you have told him."

*Mrs. OSWALD. Then he said. "Maybe you've told him about it", and then he added—he said, "How did he guess it?"

Senator COOPER. De Mohrenschildt said he had lived in Minsk, did he ever talk to you about Minsk?* **

*Mrs. OSWALD. Yes; he did say he lived in Minsk when he was a small child.

Senator COOPER. You said also you heard them talking on occasions, that is, you heard Lee Oswald and De Mohrenschildt talking about Russia, did you hear them talking about political problems, political affiliations?*

*Mrs. OSWALD. Yes; they discussed politics.

Senator COOPER. Was De Mohrenschildt living in Dallas at the time of the assassination of President Kennedy?*

*Mrs. OSWALD. He lived in Haiti.

Mr. GOPADZE. Do you know if he was in Haiti?

*Mrs. OSWALD. I do not know whether he lived in Dallas at the time of the assassination or whether he lived in Haiti.

Senator COOPER. Could you think back, Mrs. Oswald, is there any fact which comes to your mind which would lead you to believe that any person or persons were associated with your husband in any plan to assassinate President Kennedy, or you thought, Governor Connally?*

*Mrs. OSWALD. Of course, I don't know anything about it.

Senator COOPER. But my question was—not whether you knew. I asked you whether you had any facts which would lead you to believe that there was anyone?* **

*Mrs. OSWALD. I do not know about this.

Senator COOPER. One other question. Did Lee Oswald ever say to you that he had any kind of connection with the Cuban Government or any of its agents?*

*Mrs. OSWALD. He did not tell me.

Senator COOPER. I said one more, and this is the last one, I promise you.

Once you said that when you went to New Orleans together, he said something like this: "I'm lost." If that's correct, what was he talking about? Do you remember that?* **

*Mrs. OSWALD. On that particular occasion he sat by the icebox or the frigidaire and he sat there and he had his head in his hands and he said, "I am lost." I believe that that was the result of all the failures of his.

Senator COOPER. Did you feel sympathy for him and love for him in those days?*

*Mrs. OSWALD. Yes; I felt sorry for him. I knew it was difficult for him with his family. I felt sorry for him.

Senator COOPER. All right.

Senator RUSSELL. When you testified the second time in Washington, Mrs. Oswald, that you didn't think Mr. De Mohrenschildt was as dangerous as he sounds—that was your personal opinion—what did you mean by that?*

Here it is: "Mr. Mohrenschildt once took us out to the Fords' house. It was at New Year's, I think—Katya Ford's house. It was either Christmas or New Year's. I don't think Mr. De Mohrenschildt is as dangerous as he sounds. That's my personal opinion."

No one had said anything about him being dangerous, so why was that your opinion?*** *

Mr. GREGORY. Off the record.

Senator RUSSELL. She understood that.

Mr. GREGORY. This goes into the record, of course?

Senator RUSSELL. Yes, sir.

Mr. GREGORY. I think she's hesitated—

Senator RUSSELL. I think she should explain it.

*Mrs. OSWALD. George is such a big mouth.

Senator RUSSELL. Let's let her testify, if you don't mind?

Mr. GREGORY. I'm translating what she said.

Senator RUSSELL. Oh, is that what she said? I see. I'm sorry. I'm sorry—I didn't hear it.

*Mrs. OSWALD. George is such a loud mouth or big talker—

Senator RUSSELL. Big talker—that would be the equivalent, I'm sure.

*Mrs. OSWALD. I simply do not believe that—it is my intuition—

Mr. GOPADZE. No; that point?

*Mrs. OSWALD. It is my opinion that people that talk too much do little.

Senator RUSSELL. And did he talk too much or talk very loud? I don't know Mr. De Mohrenschildt.** *

Mrs. OSWALD. Very loud.

*He jokes all the time and people don't know when he talks sense and when he jokes.

**Sometimes he would say something jokingly and people would think that he's telling the truth.

Senator RUSSELL. Was that boasting about some imaginary achievement of his?*

*Mrs. OSWALD. It's simply his manner of speaking—of talking. It's his character.

Senator RUSSELL. He didn't talk then about his feats of any kind, about performing any great feats?*

*Mrs. OSWALD. No; he never did.

Senator RUSSELL. It was merely his tone of voice and his manner of expression that made him sound dangerous?***

**Mrs. OSWALD. He was boasting about it, but he never would follow through.

Mr. RANKIN. You might tell the full story.

Mrs. OSWALD. Quite often he would be boasting about something big but he never did follow through.

Senator RUSSELL. So he did talk about great achievements most of the time?*

**Mrs. OSWALD. Just like a fellow who is just a happy go-around man, a happy go-lucky man.

Senator RUSSELL. If there is nothing further, the Commission thanks you very much for your assistance, and you, Mr. Gregory, and above all, the very remarkable reporter who has been able to stay with us from the beginning.

The Commission will now recess subject to the call of the Chairman or Chief Justice Warren.

Mrs. OSWALD. Thank you very much.

Senator RUSSELL. Thank you.

(Whereupon, at 8 p.m., the President's Commission adjourned.)

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