

D. AGENCIES AND DEPARTMENTS OF THE U.S. GOVERNMENT PERFORMED WITH VARYING DEGREES OF COMPETENCY IN THE FULFILLMENT OF THEIR DUTIES; PRESIDENT JOHN F. KENNEDY DID NOT RECEIVE ADEQUATE PROTECTION; A THOROUGH AND RELIABLE INVESTIGATION INTO THE RESPONSIBILITY OF LEE HARVEY OSWALD FOR THE ASSASSINATION WAS CONDUCTED; THE INVESTIGATION INTO THE POSSIBILITY OF CONSPIRACY IN THE ASSASSINATION WAS INADEQUATE; THE CONCLUSIONS OF THE INVESTIGATIONS WERE ARRIVED AT IN GOOD FAITH, BUT PRESENTED IN A FASHION THAT WAS TOO DEFINITIVE

1. THE SECRET SERVICE WAS DEFICIENT IN THE PERFORMANCE OF ITS DUTIES

The assassination of President Kennedy was the first and only such crime since the Secret Service was assigned responsibility for full-time protection of the President in 1901, as a result of the assassination of William McKinley.(1) When originally formed in 1865, the Secret Service had not been given responsibility for Presidential protection, even though that was the year Lincoln was murdered.(2) Its primary purpose was to deal with counterfeiting, which had become a national outrage in the period before 1862 when a standardized national currency was adopted.(3) By the end of the 1860's, the new agency had all but eliminated the problem.(4)

For the balance of the 19th century, the Secret Service engaged in various criminal detection activities. It investigated the Ku Klux Klan in the 1870's,(5) Spanish espionage in the 1890's,(6) organized crime in New York City in the 1880's and 1890's,(7) and syndicated gambling in Louisiana at the turn of the century.(8)

Even with the assignment of Presidential protection as its primary purpose, the Secret Service was not always given the necessary annual appropriations to carry out the task.(9) It was not until 1908 that the agency's mission was better defined(10) and, at that, for an ironic reason. When the Secret Service exposed the participation in land fraud schemes by Members of Congress from several Western States, legislation was passed restricting the operations of the Agency and creating a new Federal law enforcement body that ultimately would become the Federal Bureau of Investigation.(11) Indeed, the original FBI men were eight agents transferred from the Secret Service.(12)

The law left the Secret Service with two concerns: Treasury matters, or counterfeiting, and protection of the President.(13) On occasion, however, it was given special assignments. During World War I, the Agency was concerned with German saboteurs,(14) and in 1921 it investigated the roles of Secretary of the Interior Albert B. Fall and Atty. Gen. Harry M. Daugherty in the Teapot Dome Scandal.(15) From about 1930 on, however, the Secret Service was an anticounterfeiting agency with the additional assignment of protecting the President. In its protective role, on only two occasions before November 22, 1963, was it tested by an actual assault on a President.

In February 1932, the car in which President Roosevelt was riding was fired on in Miami, killing the mayor of Chicago, Anton Cermak.(16) In November 1950, members of the Puerto Rican Nationalist Party tried to force their way into Blair House, the temporary home of President Truman.(17)

(a) *The Secret Service possessed information that was not properly analyzed, investigated, or used by the Secret Service in connection with the President's trip to Dallas; in addition, Secret Service agents in the motorcade were inadequately prepared to protect the President from a sniper.*

President Kennedy posed a problem for the Secret Service from the start. As a policymaker, he was liberal and innovative, startlingly so in comparison with the cautious approach of President Eisenhower.(18) His personal style was known to cause agents assigned to him deep concern. He traveled more frequently than any of his predecessors, and he relished contact with crowds of well-wishers. He scoffed at many of the measures designed to protect him and treated the danger of assault philosophically.(19) If someone wanted to kill him, he reasoned, it would be very difficult to prevent.(20) Commenting on the relationship between the President and the Secret Service, Presidential Assistant Kenneth O'Donnell told Gerald Behn, Special Agent-in-Charge of the White House Detail, "Politics and protection don't mix."(21)

The core of the Presidential security arm of the Secret Service is the White House Detail, which in 1963 was composed of 36 special agents.(22) In addition, there were six special agent-drivers, eight special agents assigned to the Kennedy family and five special officers detailed to the Kennedy home in Hyannisport, Mass. On the trip to Texas, there were 28 special agents in the Presidential entourage.(23)

In all, out of 552 employees in November 1963, there were 70 special agents and 8 clerks—or 14 percent of the total Secret Service work force—assigned to protect the President and Vice President directly or to the Protective Research Section, a preventive intelligence division charged with gathering and evaluating threat information and seeing that it is usefully disseminated.(24) In addition, there were 30 employees in the office of the Chief of the Secret Service, plus 313 agents and 131 clerks in 66 field offices, all of whom were on call to assist in Presidential protection.(25)

The time when the most manpower was needed in 1963 (as it was in 1978) was when the President traveled and was exposed to crowds of people in open spaces. On such occasions, the Secret Service called on municipal, county, and State law enforcement agencies for personnel who assisted in the preparation of large-scale protective plans.(26)

(1) *The committee approach.*—From the beginning of its investigation of the Secret Service, the committee realized the great importance of the Protective Research Section, renamed the Office of Protective Research in October 1965. This office is the memory of the Secret Service and is responsible for analyzing threat data.(27) By reviewing PRS files and interviewing its personnel, the committee sought to clarify just how much the Secret Service knew about the nature and degree of the dangers the President faced in the fall of 1963 and to learn what protective tactics had been devised in response to them.

The committee took care to distinguish between major and minor threats to the President in order that it could concentrate on the followup action to the significant ones. A threat was considered major if: (a) it was verbal or communicated by a threatening act, or (b) it created a danger great enough to require either an in-depth and intense investigation by the Secret Service or other law enforcement agency, or a cancellation or alteration of the President's planned trip itinerary.

The committee examined all threat profile investigations from March to December 1963 and incorporated into its analysis information on some major threat activities dating back to March 1961. (28)

The committee also considered the following questions in its investigation of Secret Service threat activity files, questions raised by the Kennedy assassination itself:

Were there indications of a conspiracy behind threats to harm persons under Secret Service protection?

Was there information developed in investigations of earlier threats that might have been useful in the investigation of the assassination?

Was the pertinent information in Secret Service files made available to the Warren Commission?

The committee began its investigation of Secret Service performance by reviewing the Warren Commission's findings on it. Although the Commission had considered both the question of intelligence-gathering and threat identification and the question of physical protection, it had relied primarily on a study conducted by the Secret Service in response to the President's assassination and to limited questioning of Secret Service personnel in depositions and hearings. The Commission's findings, in turn, stressed inadequate liaison between the Secret Service and other Government agencies in intelligence-gathering; (29) the need for broader criteria and automatic data processing in the assimilation of intelligence data by the Protective Research Section; (30) and the need for closer working arrangements between the PRS and the advance survey teams that handled preparations for Presidential trips. (31)

With respect to physical protection of the President, the Commission found that some aspects could have been improved, citing specifically the need for closer coordination and clearer definition of responsibilities among Secret Service headquarters, advance and protective detail agents, and local police authorities; (32) the failure to arrange for prior inspection of buildings along the motorcade route; (33) and a lack of discipline and bad judgment by some members of the Secret Service protective detail in Dallas, who were drinking on the night before the assassination. (34)

In its investigation, the committee relied heavily on Protective Research Section files. In addition, it took extensive testimony under oath from agents and officials who occupied pertinent positions in the Secret Service in 1963.

The committee's investigation confirmed that the Warren Commission's suggestions for improved Secret Service performance were well founded. The committee also noted that there were additional issues not addressed by the Warren Commission. One important one not analyzed by the Commission was whether the information that the Secret Service did possess prior to November 22, 1963, was properly

analyzed and acted upon. The committee found that the Secret Service did in fact possess information that was not properly analyzed and disseminated within the Secret Service. Consequently, it was not put to use with respect either to a protective investigation or to physical protection of President Kennedy in advance of the trip to Dallas.

The Warren Commission had found that the Secret Service should have taken a broader view of information that was considered a threat to the President.(35) The committee also took a closer look at Secret Service files to see if they contained what could have been recognized as significant threats that were simply overlooked in connection with the Dallas trip.

The committee discovered that the 1963 Protective Research Section files had since been summarized and computerized,(36) and the original files then destroyed. The committee thus reviewed the computerized summaries of PRS case files for the period March to December 1963.(37) The summaries indicated that during this period, the PRS received information on over 400 possible threats to the President, approximately 20 percent of which could have been attributed to political motivation. The committee then reviewed the trip files for 1963 to determine which threats the Secret Service had recognized as significant.(38) Although there are other concepts of significance, the committee decided to limit its review to those that actually caused cancellation of a trip, an alteration of the President's planned itinerary, or an intensive preliminary investigative effort by the Secret Service. By limiting the definition in this way, the committee believed it could reach a clear determination in the manner in which the Secret Service responded to significant threats.

The Secret Service "trip files" actually consisted of two basic documents—a preliminary survey report, reflecting the basic plans for a trip, and a final survey report, prepared after a trip had been completed, and incorporating any changes that had been made in the original plan.(39) These files were intended by the Secret Service to reflect principal problems encountered on each trip. A comparison of the preliminary and final reports should have revealed not only alterations of the President's itinerary, but the reasons for such changes. Because the final survey reports did not always reveal the specific nature of threats,(40) other files on investigations conducted prior to the President's trips in 1963 were also reviewed, and interviews with agents who worked on each trip were conducted.

(2) *Significant threats in 1963.*—The committee's review determined there were three significant threats to the President in the March to December 1963 period: first, a postcard warned that he would be assassinated while riding in a motorcade—this resulted in additional protection being provided when the President went to Chicago in March;(41) second, a threat in connection with a November 2 trip to Chicago that was canceled;(42) third, a threat in connection with a trip to Miami on November 18,(43)¹ resulting in an extensive preliminary investigation. The nature of the threats on November 2 and November 18 revealed these had been the reason for the Secret Service

¹ A Miami journalist later reported that a decision was made to transport President Kennedy from Miami International Airport to a Miami Beach hotel by helicopter to avoid exposing him to assassins by having him ride in a motorcade. The committee could find no documentation for this report.(44)

to have investigated individuals identified with them in terms of future danger to the President.(45)

The committee was unable to determine specifically why the President's trip to Chicago, scheduled for November 2, was canceled. The possibilities range from the condition of his health(46) to concern for the situation in South Vietnam following the assassination of President Diem(47) to the threat received on October 30.(48) On that date, the Secret Service learned that an individual named Thomas Arthur Vallee, a Chicago resident who was outspokenly opposed to President Kennedy's foreign policy, was in possession of several weapons.(49) Further, Vallee's landlady reported that he had requested time off from his job on November 2.(50) Vallee was subsequently interviewed, surveilled and eventually arrested by the Chicago police, who found an M-1 rifle, a handgun and 3,000 rounds of ammunition in his automobile.(51) Vallee was released from custody on the evening of November 2.(52)

The committee found that the Secret Service learned more about Vallee prior to the President's trip to Dallas on November 22: he was a Marine Corps veteran with a history of mental illness while on active duty;(53) he was a member of the John Birch Society(54) and an extremist in his criticism of the Kennedy administration;(55) and he claimed to be an expert marksman.(56) Further, he remained a threat after November 2, because he had been released from jail.(57)

The committee also learned that the information the Secret Service obtained on Vallee was not forwarded to the agents responsible for the President's trip to Texas on November 21-22, although it was transmitted to the Protective Research Section upon receipt on October 30.(58) The potential significance of Vallee as a threat was illustrated by the Secret Service's reports, which included a notation on November 27, 1963 of the similarity between his background and that of Lee Harvey Oswald,(59) and a record of extensive, continued investigation of Vallee's activities until 1968.(60)

In addition, the committee obtained the testimony of a former Secret Service agent, Abraham Bolden, who had been assigned to the Chicago office in 1963. He alleged that shortly before November 2, the FBI sent a teletype message to the Chicago Secret Service office stating that an attempt to assassinate the President would be made on November 2 by a four-man team using high-powered rifles, and that at least one member of the team had a Spanish-sounding name.(61) Bolden claimed that while he did not personally participate in surveillance of the subjects, he learned about a surveillance of the four by monitoring Secret Service radio channels in his automobile and by observing one of the subjects being detained in his Chicago office.(62)

According to Bolden's account, the Secret Service succeeded in locating and surveillance two of the threat subjects who,(63) when they discovered they were being watched, were arrested and detained on the evening of November 1 in the Chicago Secret Service office.(64)

The committee was unable to document the existence of the alleged assassination team. Specifically, no agent who had been assigned to Chicago confirmed any aspect of Bolden's version.(65) One agent did state there had been a threat in Chicago during that period, but he was unable to recall details.(66) Bolden did not link Vallee to the supposed

four-man assassination team, although he claimed to remember Vallee's name in connection with a 1963 Chicago case. (67) He did not recognize Vallee's photograph when shown it by the committee. (68)

The questionable authenticity of the Bolden account notwithstanding, the committee believed the Secret Service failed to make appropriate use of the information supplied it by the Chicago threat in early November 1963.

Similarly, the Secret Service failed to follow up fully on a threat in Miami, also in November 1963. On November 9, 1963, an informant for the Miami police, William Somerset, had secretly recorded a conversation with a rightwing extremist named Joseph A. Milteer, who suggested there was a plot in existence to assassinate the President with a high-powered rifle from a tall building. (69) Miami Police intelligence officers met with Secret Service agents on November 12 and provided a transcript of the Somerset recording. (70) It read in part:

SOMERSETT. I think Kennedy is coming here November 18 to make some kind of speech. I don't know what it is, but I imagine it will be on TV.

MILTEER. You can bet your bottom dollar he is going to have a lot to say about the Cubans; there are so many of them here.

SOMERSETT. Well, he'll have a thousand bodyguards, don't worry about that.

MILTEER. The more bodyguards he has, the easier it is to get him.

SOMERSETT. What?

MILTEER. The more bodyguards he has, the easier it is to get him.

SOMERSETT. Well, how in the hell do you figure would be the best way to get him?

MILTEER. From an office building with a high-powered rifle.

* * * * *

SOMERSETT. They are really going to try to kill him?

MILTEER. Oh, yeah; it is in the working.

* * * * *

SOMERSETT. * * * Hitting this Kennedy is going to be a hard proposition. I believe you may have figured out a way to get him, the office building and all that. I don't know how them Secret Service agents cover all them office buildings everywhere he is going. Do you know whether they do that or not?

MILTEER. Well, if they have any suspicion, they do that, of course. But without suspicion, chances are that they wouldn't.

During the meeting at which the Miami Police Department provided this transcript to the Secret Service, it also advised the Secret Service that Milteer had been involved with persons who professed a dislike for President Kennedy and were suspected of having committed violent acts, including the bombing of a Birmingham, Ala., church in which four young girls had been killed. They also reported that Milteer was connected with several radical rightwing organizations and traveled extensively throughout the United States in support of their views. (71)

Although it would have been possible to read Milteer's threats as hollow speculation, the Secret Service did not dismiss them lightly. The case agent in the Miami office forwarded a report and a recording of the Somerset-Milteer conversation to the Protective Research Section.(72) Robert I. Bouck, special agent in charge of PRS, then requested that the Miami office make discreet inquiries about Milteer.(73)

On November 18, 1963, Special Agent Robert Jamison of the Miami Secret Service office, in an interview with Somerset, had him place a telephone call to Milteer at his home in Valdosta, Ga., to verify he was in that city.(74) In addition, Jamison learned that Somerset did not know the identity of any violence-prone associates of Milteer in the Miami area.(75) The November 26 Miami field office report indicated that the information gathered "was furnished the agents making the advance arrangements before the visit of the President * * *"(76) PRS then closed the case, and copies of its report were sent to the Chief of Secret Service and to field offices in Atlanta, Philadelphia, Indianapolis, Nashville, Washington, and Miami.(77)

The Milteer threat was ignored by Secret Service personnel in planning the trip to Dallas. PRS Special Agent-in-Charge Bouck, who was notified on November 8 that the President would visit Miami on November 18, told the committee that relevant PRS information would have been supplied to the agents conducting advance preparations for the scheduled trip to Miami,(78) but no effort was made to relay it to Special Agent Winston G. Lawson, who was responsible for preparations for the trip to Dallas,² or to Forrest Sorrels, special agent-in-charge of the Dallas office. Nor were Sorrels or any Secret Service agent responsible for intelligence with respect to the Dallas trip informed of the Milteer threat before November 22, 1963.(80)

Following the assassination, Somerset again met with Milteer. Milteer commented that things had gone as he had predicted. Somerset asked if Milteer actually had known in advance of the assassination or had just been guessing. Milteer asserted that he had been certain beforehand about the inevitability of the assassination.(81)

Bouck and Inspector Thomas Kelley, who was assigned to represent the Secret Service in the investigation of the Kennedy assassination, testified to the committee that threat information was transmitted from one region of the country to another if there was specific evidence it was relevant to the receiving region.(82) The fact was, however, that two threats to assassinate President Kennedy with high-powered rifles, both of which occurred in early November 1963, were not relayed to the Dallas region.

(3) *Inspection of the motorcade route.*—During the Secret Service check of the Dallas motorcade route, Special Agent-in-Charge Sorrels commented that if someone wanted to assassinate the President, it could be done with a rifle from a high building.(83) President

² Lawson, on November 8, visited the PRS office in Washington to check geographical indexes. They revealed no listing of any individual or group that posed a potential danger to the President in the territory of the Secret Service regional office that included Dallas and Fort Worth.(79)

Kennedy himself had remarked he could be shot from a high building and little could be done to stop it.(84) But such comments were just speculation. Unless the Secret Service had a specific reason to suspect the occupants or activities in a certain building, it would not inspect it.(85) The committee found that at the time of the Dallas trip, there was not sufficient concern about the possibility of an attack from a high building to cause the agents responsible for trip planning to develop security precautions to minimize the risk.

The Warren Commission commented that a building survey conducted under a "level of risk" criterion might well have included the Texas School Book Depository.(86) Although the agent in the lead vehicle had some responsibility to scan the route for danger,(87) this would have been woefully inadequate to protect against a concealed sniper. Television films taken in Dallas on November 22, 1963 show foot patrolmen facing the motorcade but not the crowd or the buildings.(88) The police captain in charge of security on the route was not instructed to have his men watch the buildings, although they were ordered to watch the crowds.(89) The committee found that if the threats that the PRS was aware of had been communicated to agents responsible for the Dallas trip, additional precautions might have been taken.³

(4) *Performance at the time of the assassination.*—The committee concluded that Secret Service agents in the motorcade were inadequately prepared for an attack by a concealed sniper. Using films and photographs taken of the motorcade at the time of the firing of the shots and immediately thereafter, the committee studied the reactions of Secret Service agents.(96) In addition, the committee questioned agents who had been in the motorcade with respect to their preparedness to react to gunfire.

The committee found that, consistent with the protective procedures and instructions they had been given,(97) the Secret Service agents performed professionally and reacted quickly to the danger. But the committee also found that a greater degree of awareness of the possibility of sniper fire could have decreased reaction time on the part of the agents and increased the degree of protection afforded the President.⁴

No actions were taken by the agent in the right front seat of the Presidential limousine to cover the President with his body, although it would have been consistent with Secret Service procedure for him

³ The committee's investigation of the Vallee and Milteer threats dealt primarily with the Secret Service response to them. It also, however, investigated any actual connection they might have had with the assassination. In the Vallee case, the committee contacted relatives and his union(90) and visited his most recent known address(91) but was unable to develop additional information. Although Milteer as well as Somersett had since died, the committee did obtain the names and addresses of rightwing associates of Milteer. It found no connection to Oswald or Ruby or their associates.(92) The committee also investigated information that Milteer had called a friend from Dallas on the morning of November 22, 1963,(93) as well as an allegation that Milteer appeared in a photograph of the Presidential motorcade in Dallas.(94) The committee's investigation—which included an analysis of the photograph in question by forensic anthropologists—could find no evidence that Milteer was in Dallas on the day of the assassination.(95) In its investigation, therefore, the committee was unable to find a connection between the threat in Chicago or the threat in Miami with the assassination in Dallas.

⁴ The committee, of course, noted that if sniper fire had been expected, the motorcade should have been canceled. The committee learned that instruction received by Secret Service agents in 1978 in responding to a variety of emergency threats and attacks was far more intensive than it was in 1963.(98)

to have done so. (99) The primary function of the agent was to remain at all times in close proximity to the President in the event of such emergencies. (100) The committee found that the instructions to the driver of the limousine were inadequate to maximize his recognition of, and response to, such emergencies. (101) He should have been given the responsibility to react instantaneously on his own initiative and to take evasive action. Instead, his instructions were to act only at the judgment of the agent in the right passenger seat, who had general supervisory responsibilities. (102)

The committee found from its acoustical analysis that approximately 8.3 seconds elapsed from the first shot to the fatal head shot. (103) Under the circumstances, each second was crucial, and the delay in taking evasive action while awaiting instructions should have been avoided. Had the agents assigned to the motorcade been alert to the possibility of sniper fire, they possibly could have convinced the President to allow them to maintain protective positions on the rear bumper of the Presidential limousine, and both shielded the President and reacted more quickly to cover him when the attack began. The committee recognized, however, that President Kennedy consistently rejected the Secret Service's suggestions that he permit agents to ride on the rear bumper of the Presidential limousine or permit motorcycles to ride parallel to the limousine and in close proximity to it. (104)

Although the conduct of the agents was without firm direction and evidenced a lack of preparedness, (105) the committee found that many of the agents reacted in a positive, protective manner. Agent Clint Hill, assigned to protect the First Lady, reacted almost instantaneously. (106) Agent Thomas "Lem" Johns left Vice President Johnson's follow-up car in an effort to reach the Vice President's limousine, but he was left behind momentarily in Dealey Plaza as the procession sped away to Parkland Hospital. (107) Photographic analysis revealed that other agents were beginning to react approximately 1.6 seconds after the first shot. (108)

In reviewing the reactions of the agents, the committee also reexamined the allegation that several had been out drinking the evening before and the morning of the assassination. (109) Four of the nine agents alleged to have been involved were assigned to the motorcade and had key responsibilities as members of the President's follow-up car. (110) The supervisor of the agents involved advised that each agent reported for duty on time, with full possession of his mental and physical capabilities and was entirely ready to perform his assigned duties. (111) Inspector Thomas Kelley, who was in charge of an evaluation of Secret Service performance in the assassination, testified before the committee that an investigation of the drinking incident led to a conclusion that no agent violated any Secret Service rule. (112)

In an effort to reach its own conclusion about the drinking incident, the committee reviewed film coverage of the agents' movements at the time of the shooting. The committee found nothing in the reactions of the agents that would contradict the testimony of the Secret Service officials. (113)

(b) *The responsibility of the Secret Service to investigate the assassination was terminated when the Federal Bureau of Investigation assumed primary investigative responsibility.*

The committee found that the investigation by the Secret Service after the assassination was terminated prematurely when President Johnson ordered that the FBI assume primary investigative responsibility. (114) Although the initial investigative efforts of the Secret Service lacked coordination, individual field offices with information that might have been related to the assassination had started their own investigations and pursued them aggressively.

How the Secret Service responded after the assassination is illustrated by the investigation conducted by the Chicago Secret Service office. After the assassination, the acting special agent-in-charge of the Chicago field office wrote an urgent report indicating he had received reliable information about "a group in the Chicago area who (sic) may have a connection with the JFK assassination." (115) This report was based on information received after the assassination from a reliable informant who reported a conversation he had had on November 21, 1963. (116) The informant, Thomas Mosley, reported that for some time he had been involved in negotiating the sale of illegal arms with a Cuban exile, an outspoken critic of President Kennedy named Homer S. Echevarria. (117) On November 21, Echevarria had said his group now had "plenty of money" and that they were prepared to proceed with the purchases "as soon as we [or they] take care of Kennedy." (118)

After receiving the initial report, the Secret Service surveilled subsequent meetings between Mosley and Echevarria, (119) received reports from Mosley about the conversations, (120) and discussed the progress of the investigation with the local FBI office. (121) By December 3, 1963, a fuller picture of Echevarria was obtained (122) and reported to the Protective Research Section. (123) By that date, it appeared that Echevarria was a member of the 30th of November (Cuban exile) Movement, (124) that an associate of his who had also spoken directly with Mosley about the arms sales was Juan Francisco Blanco-Fernandez, military director for the Cuban Student Revolutionary Directorate (DRE), (125) ⁵ and that the arms purchases were being financed through Paulino Sierra Martinez, a Cuban exile who had become a Chicago lawyer. (126) Mosley inferred from his conversation with Echevarria and Blanco that Sierra's financial backers consisted in part of "hoodlum elements" who were "not restricted to Chicago." (127)

The committee's investigation provided substantial corroboration for the Secret Service's concern about the Mosley allegations. The committee found that the 30th of November Movement was receiving financial backing through the Junta del Gobierno de Cuba en el Exilio (JGCE), a Chicago-based organization led by Sierra. JGCE was essentially a coalition of predominantly right-wing anti-Castro groups. (128) It had been formed in April 1963 and abolished abruptly in January 1964. (129) During its short life, JGCE apparently acquired enormous financial backing, secured at least in part from

⁵ As previously noted, the FBI had learned that the Miami-based DRE had a representative in New Orleans, Carlos Bringuier, who had contact with Oswald in the summer of 1963 (see section I C 3 on anti-Castro Cuban exiles).

organized gambling interests in Las Vegas and Cleveland. (130) JGCE actively used its funds to purchase large quantities of weapons and to support its member groups in conducting military raids on Cuba. (131) The affiliates of JGCE, in addition to the 30th of November Movement, included Alpha 66, led by Antonio Veciana Blanch,⁶ and the MIRR, whose leader was the militant anti-Castro terrorist, Orlando Bosch Avila. (132)

The Secret Service recognized the need to investigate the alleged plots by Cuban exile groups more fully, especially that of Echevarria's 30th of November group. (133) But when the progress of the investigation was discussed with the FBI, the FBI responded that the 30th of November group was not likely to have been involved in any illegal acts. (134) ⁷ The Secret Service initially was reluctant to accept this representation in light of the evidence it had developed that indicated the group was in fact involved in illegal activities, (137) and therefore began preparations to place an undercover agent in Echevarria's groups to investigate his activities more closely. (138) On November 29, 1963, however, President Johnson created the Warren Commission and gave the FBI primary investigative responsibility. (139) Although the Secret Service understood the President's order to mean primary, not exclusive, investigative responsibility, (140) the FBI, according to testimony of former Secret Service Chief James J. Rowley and Inspector Thomas J. Kelley, soon made it clear that it did not consider the Secret Service to be an equal collaborator in the post-assassination investigation. Rowley testified that "in the ultimate," there was "no particular jurisdiction" on the part of the Secret Service to cooperate in the post-assassination investigation. (141) Inspector Kelley testified that an order came down not only to the Secret Service but to the Dallas Police Department that the FBI would take "full responsibility," (142) not joint responsibility, for the postassassination investigation of conspiracies.

In summary, the committee concluded that the Secret Service did in fact possess information that was not properly analyzed and put to use with respect to a protective investigation in advance of President Kennedy's trip to Dallas. Further, it was the committee's opinion that Secret Service agents in the Presidential motorcade in Dallas were not adequately prepared for an attack by a concealed sniper. Finally, the committee found that the investigation by the Secret Service of a possible assassination conspiracy was terminated prematurely when President Johnson ordered that the FBI assume primary investigative responsibility.

2. THE DEPARTMENT OF JUSTICE FAILED TO EXERCISE INITIATIVE IN SUPERVISING AND DIRECTING THE INVESTIGATION BY THE FEDERAL BUREAU OF INVESTIGATION OF THE ASSASSINATION

The position of Attorney General was created by law in 1789, but not until after the Civil War did the role of the chief legal officer of the

⁶ See section I C 3 on anti-Castro Cuban exiles.

⁷ As discussed in the section on the FBI investigation, the Bureau's Nationalities Intelligence Section, the most knowledgeable about anti-Castro Cuban exile activities, did not actively participate in the investigation, nor did the Bureau ever fully investigate the question of Cuban involvement. (135) After the Secret Service provided the results of its Echevarria investigation to the FBI, the FBI conducted only a limited investigation and closed the case on him. (136)

U.S. Government acquire its modern institutional forms. Since the post was (and is) appointive, the Department of Justice was established in 1870 to insure continuity from one administration to another. Over time, the Department increasingly took the lead in major Federal prosecutions and other Federal legal matters.

In the aftermath of the assassination of President Kennedy, the Justice Department participated in various discussions with White House and FBI officials, and it had a major part in the formation of the Warren Commission. The committee found, however, that the Department largely abdicated what should have been important responsibilities in the continuing investigation.

The committee determined, for example, that during the critical early days before there was a Warren Commission, officials at Justice did not exercise any significant role in shaping, monitoring or evaluating the FBI's investigation, despite the Bureau's organizational status as an agency within the Department. (1) Similarly, the committee discovered little indication that Justice Department officials moved to mount a sophisticated criminal investigation of the assassination, including its conspiracy implications, an investigation that could have relied on the enormous resources of the Department—its specialized investigative sections and attorneys, as well as the powers and capabilities of a Federal grand jury and the granting of immunity. (2) There was, the committee concluded, ample reason for the Department to have become so involved, since various officials contacted by the committee agreed that Federal jurisdiction existed, in spite of some confusion over each of the applicable statutes.

In examining the performance of the Department of Justice in the Kennedy assassination, the committee took into account the importance of the understandable personal situation of Attorney General Robert F. Kennedy during the period following his brother's death. The committee found that the Attorney General's deep-felt grief in fact significantly affected the Government's handling of the investigation, and that this effect was magnified by the inability of Attorney General Kennedy's deputies to take a strong position with FBI Director J. Edgar Hoover on the course of the investigation.

The committee did note that officials at Justice, notably Deputy Attorney General Nicholas deB. Katzenbach, were instrumental in creating the Warren Commission, in effect transferring the focus of the investigation from the FBI to a panel of distinguished Americans. Nevertheless, as before, the Department exercised little authority in the investigation that followed the formation of the Commission. (3)

In testimony at a public hearing of the committee, Katzenbach said he believed it would have been distasteful and of questionable propriety for Robert Kennedy to have presided over the investigation of his brother's death. (4) He insisted there had been a need for a special investigative body that could make use of the resources of a number of Federal agencies. (5) The committee agreed with Katzenbach's general points.

The committee observed, nevertheless, that it was regrettable that the Department of Justice was taken out of the investigation, for whatever reason. It was unfortunate that it played so small a role in insuring the most thorough investigation of President Kennedy's as-

sassination. The promise of what the Department might have realized in fact was great, particularly in the use of such evidence-gathering tools such as a grand jury and grants of immunity.

3. THE FEDERAL BUREAU OF INVESTIGATION PERFORMED WITH VARYING DEGREES OF COMPETENCY IN THE FULFILLMENT OF ITS DUTIES

- (a) *The Federal Bureau of Investigation adequately investigated Lee Harvey Oswald prior to the assassination and properly evaluated the evidence it possessed to assess his potential to endanger the public safety in a national emergency*
- (b) *The Federal Bureau of Investigation conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination*
- (c) *The Federal Bureau of Investigation failed to investigate adequately the possibility of a conspiracy to assassinate the President*
- (d) *The Federal Bureau of Investigation was deficient in its sharing of information with other agencies and departments*

(1) *History of the FBI.*—Until after the turn of the century Federal agencies and departments were responsible for their own investigations. The Department of Justice was primarily a prosecutorial body, although it had been given statutory authority to perform investigations in 1891. In 1907, Atty. Gen. Charles J. Bonaparte proposed an investigative force in the Justice Department and went ahead with it despite objections in Congress. His successor, George Wickersham, named the force the Bureau of Investigation. (1)

By the end of World War I, the Bureau was firmly established as the main investigative arm of the Federal Government, its size increasing fivefold from 1916 to 1920. The two major influences on this growth were: (1) the war itself, which confronted the Bureau with the task of enforcing President Wilson's alien enemy proclamations and with the problems of draft evasion and enemy espionage; and (2) the passage of the Mann Act, which gave the Federal Government jurisdiction over certain interstate criminal activities. Both made increased personnel and budgetary demands on the Bureau. (2)

After the war—in the period 1919 to 1924—two successive Attorneys General abused the power of the Bureau of Investigation. A. Mitchell Palmer, in his campaign against Bolshevist radicals, acted with questionable legality. After the bombing of his home in June 1919, Palmer created a General Intelligence Division within the Bureau to deal with radicalism. He named a young Justice Department attorney, J. Edgar Hoover, to head the Division. It used covert as well as overt means to gather information on suspected radicals. (3)

In 1920, Attorney General Palmer also directed the wholesale deportation of members of the American Communist Party and the Communist Labor Party. This led to the controversial "Palmer raids," which diminished the standing of American Communists and came to symbolize the misuse of police power for a political purpose.

Then came the Harding administration, under which Harry Daugherty, the President's campaign manager, was named Attorney General. He in turn appointed his friend, William S. Burns, of the Burns Detective Agency, to run the Bureau. Burns was antiradical and antilabor

as well, and he continued the questionable tactics of wiretapping and surreptitious entry in investigative work. Although the primary target continued to be Communists, the Bureau dealt a heavy blow to the Ku Klux Klan. (4)

Harlan Fiske Stone, a New York attorney and civil libertarian, was appointed Attorney General by Calvin Coolidge in 1924. Stone was a reformer, and he named Hoover Director of the Bureau of Investigation, with a mandate to clean it up. Hoover created a structure and a set of policies that were to endure for the nearly 50 years of his tenure. He also established the independence of the Bureau within the Department of Justice.¹

The Bureau stayed out of the limelight until the 1930's, when the emergence of a resourceful criminal underworld, feeding on the public response to Prohibition, became a national menace. The Bureau was recognized as the single law enforcement agency in the country that could cope with crime of such a national scope.

In 1933, public outrage over the kidnapping of Charles Lindbergh's infant son led to enactment of the so-called "Lindbergh Law." It added kidnapping to the list of interstate crimes that came under the jurisdiction of the Bureau.

Then, in 1934, there was a major expansion of Federal criminal laws when Congress passed a package of nine new statutes. They dealt with such crimes as killing or assaulting a Federal law enforcement officer, fleeing across a State line to avoid apprehension or prosecution, extortion involving interstate commerce. (5) That same year, Bureau agents were granted authority to go beyond general investigative powers and to serve warrants and subpoenas, to make seizures and arrests and to carry arms. They were soon to be tagged "G-men" by the underworld.

The Bureau was renamed in 1935, becoming the Federal Bureau of Investigation, and by the end of the decade it was able to point to an array of accomplishments, for example:

A Division of Identification with central fingerprint records;

An FBI laboratory with up-to-date scientific law enforcement techniques; and

A National Police Academy for training State and local law enforcement officers. (6)

The Bureau had no internal security or counterintelligence functions until they were established, beginning in 1936, by a series of Presidential orders coupled with a secret oral agreement between Hoover and President Roosevelt. The FBI was authorized to store intelligence information collected by other Federal agencies.

In 1939, a written directive was issued providing that the FBI take charge of investigative work relating to "espionage, sabotage, and violation of neutrality regulations." Subversive activities were not specifically mentioned until 1950, in an Executive order by President Truman. (7)

The FBI's primary responsibility during World War II was enforcement of laws dealing with espionage, sabotage, and conscription. It also handled the apprehension of enemy aliens. (Hoover was one of

¹ Hoover accepted the directorship with the assurance from Stone that he would have a free hand in running it and that it would be completely divorced from politics.

the few Government officials who opposed the relocation of Japanese citizens as a violation of their civil rights.) (8)

The FBI also conducted foreign intelligence in South America, attempting to gather information on activities detrimental to U.S. interests. FBI involvement in foreign intelligence was ordered terminated after World War II when the Central Intelligence Agency was formed.

After World War II, the fear of communism was such that internal security activities against it were acceptable to most Americans. The FBI's actions were based on statutes that covered membership in the Communist Party, including the Smith Act, the Internal Security Act of 1950, and the Communist Control Act of 1954. (9)

J. Edgar Hoover himself defined as disloyal any acts that could pose a threat to the Government, and even after the anti-Communist fervor of the McCarthy era had subsided, the internal security operations of the FBI continued at a high pace. By 1960, Hoover had developed a force of agents who employed sophisticated investigative techniques and enjoyed unusual independence. Hoover himself had become a formidable figure who deftly handled Presidents, Attorneys General, and Members of Congress. He was looked upon as an extraordinary crime fighter, and FBI appropriations passed without serious opposition after pro forma hearings.

(2) *The FBI investigation.*—From the beginning of its examination of the performance of the FBI in the Kennedy investigation, the committee was impressed with the extraordinary work that was done in certain aspects of the case. The thoroughness and efficiency of the collection and processing of such a mass of evidence, for example, could hardly be overstated. What can be said in criticism of the Bureau must be placed in the context of the superior performance of the vast majority of the agents who worked long hours on the investigation. Nevertheless, the committee did find some deficiencies and shortcomings in the FBI investigation.

The FBI was the only Federal agency to conduct a full field investigation in the period immediately after the assassination, the period in which the evidentiary components at the crime scene for solving a homicide are assembled in the great majority of cases. Thereafter, the FBI continued to assume an overwhelming share of the burden of the investigation. Since the Warren Commission did not have its own investigative staff, the Bureau was responsible for the investigative raw product, including the evidence upon which the Commission's deliberations about a possible domestic conspiracy were to be based. (10)

The committee concluded from its lengthy study of the roles of the FBI, Secret Service, CIA, and other Federal agencies that assisted the Warren Commission that the final determinations of who was responsible for President Kennedy's murder and whether there had been a conspiracy were based largely on the work of the FBI. (11) With an acute awareness of the significance of its finding, the committee concluded that the FBI's investigation of whether there had been a conspiracy in President Kennedy's assassination was seriously flawed. The conspiracy aspects of the investigation were characterized by a

limited approach and an inadequate application and use of available resources. (12)

The committee concluded that the FBI's investigation into a conspiracy was deficient in the areas that the committee decided were most worthy of suspicion—organized crime, pro- and anti-Castro Cubans, and the possible associations of individuals from these areas with Lee Harvey Oswald and Jack Ruby. In those areas in particular, the committee found that the FBI's investigation was in all likelihood insufficient to have uncovered a conspiracy.

Given the FBI's justifiable reputation as one of the most professional and respected criminal investigative agencies in the world, its effort in the Kennedy assassination was expected to be of the highest degree of thoroughness and integrity. Indeed, it was an effort of unparalleled magnitude in keeping with the gravity of the crime, resulting in the assignment of more Bureau resources than for any criminal case in its history. (13) In terms of hours worked, interviews conducted and tests performed, the FBI's response was, in fact, unexcelled. It was so wide-ranging that it could not be easily summarized, as could the FBI's investigation of the assassination in 1968 of Dr. Martin Luther King, Jr. Over 80 Bureau personnel were sent to Dallas, over 25,000 interviews were conducted, and 2,300 reports, consisting of 25,400 pages, were prepared. (14)

The FBI collected and examined the physical evidence with an impressive array of scientific equipment and personnel. By means of unusually rapid compilation of test results, laboratory and field personnel of the Bureau were able to trace elements of the physical evidence to Oswald, and a series of sophisticated techniques led to early identification of Oswald's rifle as the murder weapon. (15) Then, using spectrographic, fingerprint, textile, and other analyses, the Bureau was able to assemble a substantial mass of evidence that led to the identification of Oswald as a possible gunman. (16) Based on the committee's independent evaluation of the FBI's test results, the committee found that the FBI's performance in the investigation was at its best in the area of scientific analysis. Similarly, the FBI's ability to compile an abundance of disparate documentary evidence pertaining to Oswald's background and activities at the time of the assassination was highly commendable; it made full and efficient use of hundreds of FBI personnel. (17)

On the other hand, a qualitative assessment of aspects of the investigation raised some perplexing questions. From an appraisal of the structure of the operation, the committee detected weaknesses in both formulation and execution. The committee found evidence of organizational fragmentation, (18) an allocation of duties among various divisions of the Bureau that considerably, if unintentionally, compromised the quality of the effort to investigate the possibility of a conspiracy (19).²

The assassination investigation was divided between two main divisions of the FBI, the General Investigative Division and the Domestic

² The former assistant director, since deceased, who coordinated the FBI's conspiracy investigation himself characterized the effort in testimony before the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities as rushed, chaotic, and shallow, despite the enormity of paperwork that was generated. (20)

Intelligence Division. A primary responsibility of the General Investigative Division (21) was assembly of the basic facts of the assassination by means of testing and analysis of physical evidence. (22) Traditionally, the General Investigative Division handled FBI murder investigations, and it was the official in charge of the bank robbery desk in that Division who supervised the assassination investigation, since, according to the Bureau's manual of operations, jurisdiction for assaults on Federal officials was appropriately assigned to his desk.

The committee's conclusion that conspiracy was a blind spot in the FBI's investigation was reflected in the observation of the assistant FBI director in charge of the General Investigative Division, who said that while the Division was charged with investigating who specifically fired the shot or shots that killed President Kennedy, whether persons other than Oswald were involved was an "ancillary matter" that was not part of his division's responsibility. (23) He also characterized the investigation by saying, " * * * we were in the position of standing on the corner with our pocket open, waiting for someone to drop information into it, and we utilized what was fed to us, and disseminated it * * * to the Warren Commission." (24)

Within the General Investigative Division, the probe of Jack Ruby was delegated to the Civil Rights Division on the theory that Ruby violated Oswald's civil rights by killing him. (25) While the committee, in its investigation, found that Ruby's links to various organized crime figures were contained in reports received by the FBI in the weeks following his shooting of Oswald, the Bureau was seriously delinquent in investigating the Ruby-underworld connections. (26) The committee established that the Bureau's own organized crime and Mafia specialists were not consulted or asked to participate to any significant degree. (27) The assistant director who was in charge of the organized crime division, the Special Investigative Division, told the committee, "They sure didn't come to me * * * We had no part in that that I can recall." (28) The committee also determined that the Bureau's lack of interest in organized crime extended to its investigation of Oswald.

The Domestic Intelligence Division was responsible for the FBI's investigation of Oswald's activities, associations, and motivations, and it was assigned to consider all questions of a possible foreign conspiracy. (29) The assistant director who ran this phase of the investigation, however, had been one of several FBI officials and agents who were disciplined by Director Hoover following the assassination for what the Inspection Division determined to have been deficient performance in the investigation of Oswald prior to the assassination. The disciplinary action was kept a Bureau secret. Not even the Warren Commission was informed of it.

Within the Domestic Intelligence Division, the investigation of Oswald and a possible conspiracy was assigned to a team of agents from the Bureau's Soviet section because Oswald had been an avowed Marxist who had defected to the Soviet Union. (30)

While numerous specialists on Cuban affairs and exile activities were assigned to the Domestic Intelligence Division, the committee found that they were seldom consulted on the assassination or asked to participate in the investigation, despite the reported connections

between both Oswald and Ruby and individuals active in Cuban revolutionary activities. (31) Supervisors of Cuba-related activities at the Bureau in the early 1960's told the committee they were unaware of any investigation of the Cuban issue with respect to the assassination. Similarly, the committee found that neither the Domestic Intelligence Division nor FBI headquarters authorized an intelligence investigation into possible foreign complicity in the assassination. (32)

While the FBI Domestic Intelligence Division had some of the most sophisticated investigators and resources at its disposal, the committee concurred with the conclusion of the Senate select committee when it stated in 1976: "Rather than addressing its investigation to all significant circumstances, including all possibilities of conspiracy, the FBI investigation focused narrowly on Lee Harvey Oswald." (33)

The committee further concluded that the critical early period of the FBI's investigation was conducted in an atmosphere of considerable haste and pressure from Hoover to conclude the investigation in an unreasonably short period of time. (34) The committee also noted that Hoover's personal predisposition that Oswald had been a lone assassin affected the course of the investigation, adding to the momentum to conclude the investigation after limited consideration of possible conspiratorial areas. While Hoover continued to press conspiracy leads, his apparent attitude was reflected in a telephone conversation with President Johnson on November 24, 1963, just hours after Oswald had been shot of death by Ruby. Hoover said: "The thing I am most concerned about * * * is having something issued so we can convince the public that Oswald is the real assassin." (35) Two days later, on November 26, 1963, Hoover received a memorandum from an assistant director stating that, "* * * we must recognize that a matter of this magnitude cannot be fully investigated in a week's time." (36) In a notation on the memo, indicating his impatience, Hoover jotted: "Just how long do you estimate it will take. It seems to me we have the basic facts now." (37) Three days later, on November 29, in a memorandum regarding a conversation he had with President Johnson earlier that day, Hoover stated:

I advised the President that we hope to have the investigation wrapped up today, but probably won't have it before the first of the week, due to an additional lead being pursued in Mexico. (38)

The committee also concurred with other House and Senate committees that the FBI failed to cooperate fully with the Warren Commission. The committee found the Bureau's relationship with the Commission to have been distinctly adversarial and that there were limited areas in which the FBI did not provide complete information to the Commission and other areas in which the Bureau's information was misleading. (39) An entry from Oswald's notebook containing the name, address and phone number of an FBI agent in Dallas, for example, was initially withheld from the Warren Commission. (40) In addition, the same special agent in Dallas destroyed a note he had received, apparently from Oswald, within 2 weeks of the assassination. (41) The note, in which Oswald reportedly threatened the agent, (42) was flushed down a toilet several hours after Oswald was mur-

dered by Ruby. The existence of the note was also withheld from the Warren Commission and did not come to light for over 12 years.(43)

Warren Commission General Counsel J. Lee Rankin addressed himself to instances of FBI misconduct in testimony before the committee:

* * * it just raises doubt about the way our government has been conducted and the fact that it seems to be more important to people that they protect their particular agency or bureau than their own country. It does not prove that there was ever a conspiracy. By that I mean conspiracy to kill President Kennedy. But there may have been a conspiracy as far as the Commission was concerned, and what they were going to do to it, and it has worked.(44)

The committee also found that the FBI was deficient in failing to inform the Warren Commission that a number of Bureau officials had been disciplined by Hoover for deficiencies in the security investigation of Oswald prior to the assassination.(45) These same officials were subsequently assigned to the post-assassination investigation of Oswald and the possible conspiratorial involvement of others. Hoover had ordered an investigation shortly after the assassination to determine whether Bureau personnel had adequately probed Oswald's potential for subversive actions or violence and whether he should have been listed on the Bureau's security index.(46) The FBI Inspection Division concluded that there had been numerous deficiencies in the preassassination investigation and recommended various forms of disciplinary action or censure for five field agents, one field supervisor, three special agents-in-charge, four headquarters supervisors, two headquarters section chiefs, one inspector, and one assistant director.(47)

Subsequently, Hoover did in fact carry out most of the disciplinary actions recommended. A former assistant director stated that such action was taken in strict secrecy so that the Warren Commission would not become aware of the deficiencies. The committee found that Hoover's action in ordering the official disciplining (48) of some of these personnel went beyond what was justified, and that the Bureau's preassassination security investigation of Lee Harvey Oswald had been adequate.³ Nevertheless, the circumstances of such disciplinary action should have been communicated to the Warren Commission, particularly since a number of the personnel disciplined participated in the assassination investigation.

The committee determined further that in several instances Hoover's pledge to the Warren Commission that the FBI would continue to investigate information it received in years to come on the President's murder was not kept. The committee found specific cases in which the Bureau did not follow up on such information provided to it.(49) Two examples relate to leads received from underworld sources.

³ The committee examined the basis for this disciplinary action and found the action to have been unwarranted. The actions of the agents involved were appropriate under the circumstances as they knew them. That Oswald turned out to be an assassin should not have been used to fault the agents, since they had no reason to suspect that would be the case when they were dealing with him. If the agents were to be faulted in Oswald's case, they would have to have been faulted in all similar cases, and the Bureau's conduct in security matters would have to have been radically altered.

In the first instance, the Bureau received information from Chief Justice Warren regarding organized crime figure John Roselli's claim of personal knowledge relating to Cuban or underworld complicity. The Bureau declined to investigate the information and did not take any action until President Johnson personally intervened. (50) In the second instance, the Bureau received information from a source in 1967 regarding a reported meeting at which New Orleans Mafia leader Carlos Marcello had allegedly made a threat against the life of President Kennedy. (51) Rather than investigating the information, Bureau personnel took repeated action to discredit the source. (52)

To summarize, the committee found that the Bureau performed with varying degrees of competency in the investigation of the President's death. Its investigation into the complicity of Lee Harvey Oswald prior to and after the assassination was thorough and professional. Nevertheless, it failed to conduct an adequate investigation into the possibility of a conspiracy in key areas, and it was deficient in its sharing of information with the Warren Commission.

4. THE CENTRAL INTELLIGENCE AGENCY WAS DEFICIENT IN ITS COLLECTION AND SHARING OF INFORMATION BOTH PRIOR TO AND SUBSEQUENT TO THE ASSASSINATION

Created by the National Security Act of 1947, (1) the CIA was, in fact, a postwar outgrowth of the Office of Strategic Services (OSS). The head of OSS, though never a CIA official, was William J. Donovan, who in World War II adopted the British approach of combining the intelligence activities of various agencies into one office.

Toward the end of World War II, President Roosevelt sought Donovan's advice on a permanent intelligence apparatus. Donovan's classified reply, leaked to the press 3 months later, described an "all-powerful intelligence service . . . [which] would supersede all existing Federal police and intelligence units." (2) The reaction among the heads of existing intelligence and investigative agencies was predictably negative. Few wanted to see the OSS become more powerful.

President Roosevelt's death turned out to be a serious blow to OSS—nearly crippling, for President Truman abolished the wartime agency without consulting Donovan or the Joint Chiefs of Staff. As a result, the United States was handicapped by a serious intelligence gap in immediate postwar international struggles.

(a) *Establishment of the CIA*

Unification of the Armed Forces was the main objective of the 1947 act. It also created the National Security Council, of which the CIA was to be the intelligence coordinating unit. Under the act, the CIA was charged with four responsibilities:

- To advise the NSC on intelligence matters relating to national security;
- To make recommendations on the coordination of intelligence activities;
- To correlate, evaluate and disseminate intelligence; and

To engage in additional intelligence activities and national security functions at the direction of the NSC. The Agency was given no law enforcement functions.

In its early years, the CIA was hampered by internal organizational difficulties and bad relationships with other agencies. The turnover of directors was rather rapid—Lt. Gen. Hoyt S. Vandenberg in 1946, Adm. Roscoe H. Hillenkoetter in 1947, Lt. Gen. Walter Bedell Smith in 1950, Allen W. Dulles in 1952.

Dulles, who had been a wartime master spy, had strong opinions as to the type of men who should be named to top posts in the Agency. At Senate Armed Services Committee hearings on the National Security Act, he testified that the CIA:

* * * should be directed by a relatively small but elite corps of men with a passion for anonymity and a willingness to stick at that particular job. They must find their reward in the work itself, and in the service they render their Government, rather than in public acclaim. (3)

In addition, in its formative period the CIA was subjected to the harangues of Senator Joseph R. McCarthy, who demanded a purge of Agency personnel. The upshot was a severe tightening of employment standards, as well as a restriction within the Agency on the expression of political viewpoints.

Although the CIA is not required to make public its organizational structure, it is known to consist of five main entities—the Office of the Director and four Directorates. The Director and Deputy Director, only one of whom may be a military officer, are appointed by the President. The four Directorates are as follows:

The Directorate of Operations—the clandestine services unit, which is comprised of a number of geographical operating divisions supplemented by functional staffs.

The Directorate of Intelligence—its responsibility is to analyze and then synthesize raw intelligence information into finished intelligence products.

The Directorate of Science and Technology—it is responsible for basic research and development; it operates technical systems and analyzes highly technical information.

The Directorate of Administration—the Agency's housekeeping department.

At one time there were also a number of proprietary organizations, front groups and social or political institutions that were run by the CIA or on its behalf. The best known proprietaries were Radio Free Europe and Radio Liberty, both established in the early 1950's. Among the front organizations were airlines and holding companies to support clandestine operations. In early 1967, it was learned that the CIA had for years been subsidizing the country's largest student organization, the National Student Association. Eventually, it became known that the Agency had channeled money to a number of business, labor, religious, charitable, and educational organizations.

(b) *Rockefeller Commission investigation of CIA activities*

In 1974 and 1975, in response to charges that the CIA had engaged in large-scale spying on American citizens and had compiled dossiers on many citizens, a commission headed by Vice President Rockefeller investigated whether domestic CIA activities exceeded the Agency's statutory authority. Mail intercepts, infiltration of dissident groups, illegal wiretaps and break-ins were among the subjects of the investigation.

The Rockefeller Commission concluded that the "great majority of the CIA's domestic activities comply with its statutory authority * * * Nevertheless, over the 28 years of its history, the CIA has engaged in some activities that should be criticized and not permitted to happen again—both in light of the limits imposed on the Agency by law and as a matter of public policy." (4)

(c) *The committee investigation*

As the committee examined the Agency's role in the investigation of the death of the President, it focused its investigation in these areas:

The Agency's handling of the Oswald case prior to the assassination;

CIA support of the Warren Commission investigation; and

Developments relevant to the Kennedy assassination after publication of the Warren report.

The committee's investigation proceeded on the basis of interviews, depositions and hearings. Evidence was received from present and former CIA officials and employees, as well as members and staff attorneys of the Warren Commission. The CIA personnel who testified or were interviewed were assured in writing by the Acting Director of Central Intelligence that their secrecy obligation to the CIA was not in effect with respect to questions relevant to the committee's inquiry. (5) To the extent possible, the committee pursued investigative leads by interviewing Cuban and Mexican citizens. Further, an extensive review of CIA and FBI files on Oswald's activities outside of the United States was undertaken. The CIA materials made available to the committee were examined in unabridged form. (6)

Much of the information obtained by the committee came from present and former officials and employees of the CIA and dealt with sensitive sources and methods of the Agency. Since these sources and methods are protected by law from unauthorized disclosure, this report of the CIA investigation was written with the intention of not disclosing them. Much of what is presented is, therefore, necessarily conclusory, since detailed analysis would have required revealing sensitive and classified sources and methods.¹

(1) *CIA preassassination performance—Oswald in Mexico City.*—An individual identified as Lee Harvey Oswald came to the attention of the CIA in the fall of 1963 when he made a trip to Mexico City. The committee examined the efforts of the CIA to determine the true identity of the individual, the nature of his visit to Mexico and with whom, if anyone, he might have associated while there.

CIA headquarters in Washington, D.C., was informed on October 9, 1963, that a person who identified himself as Oswald had contacted

¹ Staff studies reflecting a comprehensive examination of the issues and containing pertinent information and analysis were classified and stored at the National Archives.

the Soviet Embassy in Mexico City on October 1, 1963. Headquarters was also advised that Oswald had spoken with an individual possibly identified as Soviet Consul Kostikov on September 28, 1963, and that a photograph, apparently of an American, had been obtained. This photograph, which was thought by some Agency personnel to be of Oswald, did not purport to be a positive identification of him. The subject of the photograph was described as approximately 35 years old, 6 feet tall, with an athletic build, a balding top, and receding hairline. (7)

During October 1963,² CIA intelligence sources abroad determined that Oswald had visited the Soviet Embassy or the Cuban consulate in Mexico City at least 5 times for the purpose of obtaining an in-transit visa to Russia via Cuba. (8) Once CIA headquarters determined that Oswald was a former defector to the Soviet Union, his activity in Mexico City was considered to be potentially significant by both headquarters personnel and CIA intelligence sources abroad. (9) Headquarters, however, was not informed about Oswald's visa request nor of his visits to the Cuban consulate. As a result, while other interested Federal agencies were apprised of Oswald's contact with the Soviet Embassy, they were not informed about his visa request or of his visit to the Cuban consulate. (10)

The committee considered the possibility that an imposter visited the Soviet Embassy or Cuban consulate during one or more of the contacts in which Oswald was identified by the CIA. This suspicion arose, at least in part, because the photograph obtained by the CIA in October 1963 was shown after the assassination by the FBI to Oswald's mother as possibly showing her son. (Mrs. Oswald maintained the person in the picture was her son's killer, Jack Ruby.) (11) In addition, the description, based on the photograph, that the CIA had received in its first report of Oswald's contact with the Soviet Embassy in Mexico City, in fact bore no resemblance to Oswald. (12) The man in the photograph was clearly neither Oswald nor Ruby, and the CIA and FBI were unable (as was the committee) to establish the identity of the individual in the photograph. The overwhelming weight of the evidence indicated to the committee that the initial conclusion of Agency employees that the individual in the photograph was Oswald was the result of a careless mistake. It was not, the committee believed, because the individual was posing as Oswald. In fact, the committee established that the photograph was not even obtained at a time when Oswald was reported to have visited the Soviet Embassy in Mexico City. (13)

The question of an Oswald imposter was also raised in an FBI letterhead memorandum to the Secret Service dated November 23, 1963. It was based in part upon information received by CIA headquarters on October 9, 1963, that on October 1, 1963, Oswald had contacted the Soviet Embassy in Mexico City :

The Central Intelligence Agency advised that on October 1, 1963, an extremely sensitive source had reported that an individual identified himself as Lee Oswald, who contacted the

² The Agency maintained that prior to the assassination, its field sources had not actually linked Oswald to the person who visited the Cuban consulate in October 1963. Testimony obtained directly from these sources, however, established that this connection had in fact been made in early October 1963.

Soviet Embassy in Mexico City inquiring as to any messages. Special Agents of this Bureau, who have conversed with Oswald in Dallas, Tex., have observed photographs of the individual referred to above and have listened to a recording of his voice. These Special Agents are of the opinion that the above-referred-to individual was not Lee Harvey Oswald.

(14)

In response to a committee inquiry, the FBI reported that no tape recording of Oswald's voice was in fact ever received. The Bureau explained that its Dallas office only received the report of a conversation to which Oswald had been a party. This explanation was independently confirmed by the committee. A review of relevant FBI cable traffic established that at 7:23 p.m. (CST) on November 23, 1963, Dallas Special Agent-in-Charge Shanklin advised Director Hoover that only a report of this conversation was available, not an actual tape recording. On November 25, the Dallas office again apprised the Director that "[t]here appears to be some confusion in that no tapes were taken to Dallas * * * [O]nly typewritten [reports were] supplied * * *"(15)

Shanklin stated in a committee interview that no recording was ever received by FBI officials in Dallas. (16) Moreover, former FBI Special Agents James Hosty, John W. Fain, Burnett Tom Carter, and Arnold J. Brown, each of whom had conversed with Oswald at one time, informed the committee they had never listened to a recording of Oswald's voice.³(17)

Finally, on the basis of an extensive file review and detailed testimony by present and former CIA officials and employees, the committee determined that CIA headquarters never received a recording of Oswald's voice. (18) The committee concluded, therefore, that the information in the November 23, 1963, letterhead memorandum was mistaken and did not provide a basis for concluding that there had been an Oswald imposter.

The committee did, however, obtain independent evidence that someone might have posed as Oswald in Mexico in late September and early October 1963. The former Cuban consul in Mexico City, Eusebio Azcue, testified that the man who applied for an in-transit visa to the Soviet Union was not the one who was identified as Lee Harvey Oswald, the assassin of President Kennedy on November 22, 1963. Azcue, who maintained that he had dealt on three occasions in Mexico with someone who identified himself as Oswald, described the man he claimed was an imposter as a 30-year-old white male, about 5 feet 6 inches in height, with a long face and a straight and pointed nose. (19)

In addition, the committee interviewed Silvia Duran, a secretary in the Cuban consulate in 1963. Although she said that it was in fact Oswald who had visited the consulate on three occasions, she described him as 5 feet 6, 125 pounds, with sparse blond hair, features that did not match those of Lee Harvey Oswald. (20) The descriptions given by both Azcue and Duran do bear a resemblance—height aside—to an

³ The committee did not contact the three other FBI special agents who had also conversed with Oswald at one time.

alleged Oswald associate referred to in an unconfirmed report provided by another witness, Elena Garro de Paz, former wife of the noted Mexican poet, Octavio Paz. Elena Garro described the associate, whom she claimed to have seen with Oswald at a party, as "very tall and slender [with] * * * long blond hair * * * a gaunt face [and] a rather long protruding chin."⁴(21)

Two other points warranted further investigation of the imposter issue. The Oswald who contacted the Russian and Cuban diplomatic compounds reportedly spoke broken, hardly recognizable Russian, yet there is considerable evidence that Lee Harvey Oswald was relatively fluent in this language.(22) In addition, Silvia Duran told the committee that Oswald was not at the Cuban consulate on September 28, 1963, a day the consulate was closed to the public.(23) The committee obtained reliable evidence of a sensitive nature from another source, however, that a person who identified himself as Oswald met with Duran at the consulate that day.(24)

The imposter issue could, of course, have been easily resolved had photographs of the person or persons in question been taken at the entrance to the Cuban consulate and Soviet Embassy. The Cuban Government maintained to the committee that the Cuban consulate was under photographic surveillance. In fact, the Cuban Government provided the committee with photographs of the alleged surveillance camera location.(25) The committee had other reports that the CIA had obtained a picture of Oswald that was taken during at least one of his visits to the Soviet Embassy and Cuban consulates.(26) The CIA, however, denied that such a photograph had been obtained, and no such pictures of Oswald were discovered by the committee during its review of the Agency's files.(27)

Despite the unanswered questions, the weight of the evidence supported the conclusion that Oswald was the individual who visited the Soviet Embassy and Cuban consulate. Silvia Duran, who dealt with Oswald at three different times, told the committee she was certain that the individual who applied for an in-transit visa to Russia via Cuba was Oswald.(28) She specifically identified the individual in the photograph on Oswald's visa application form as the Lee Harvey Oswald who had visited the Cuban consulate.(29) Moreover, Duran stated that Oswald's visa application was signed in her presence.(30)

Duran's statements were corroborated by Alfredo Mirabal who succeeded Azcue as Cuban consul in Mexico City in 1963. Mirabal testified that on two occasions, from a distance of 4 meters, he had observed Oswald at the Cuban consulate and that this was the same person who was later photographed being shot by Jack Ruby.(31) Further, the committee was given access by the Cuban Government to Oswald's original visa application, a carbon copy of which had been supplied to the Warren Commission. Testimony before the committee established that each of these forms had been signed separately.(32) The application papers were photographed, and the signature on them was then studied by the committee's panel of handwriting experts. The panel's analysis indicated that the signature on both forms was that of Lee Harvey Oswald.⁵(33) Finally, reliable evidence of a sensitive nature provided to the committee by the CIA tended to indicate that

⁴ Elena Garro's allegation is discussed in more detail in section I C 2, supra.

⁵ Cuban Consul Azcue indicated to the committee that consulate practice in 1963 prohibited applications from being removed from the consulate premises to be filled out elsewhere. Silvia Duran stated, however, that applications could be filled out elsewhere.

the person who contacted the Soviet Embassy was the same Lee Harvey Oswald who had visited the Cuban consulate. (34)

It can be said that the fact that the Agency's field sources noted Oswald's movements outside the United States was an indication of effective intelligence work. Nevertheless, the CIA's handling of the Oswald case prior to the assassination was deficient because CIA headquarters was not apprised of all information that its field sources had gathered with respect to Oswald, and headquarters, in turn, was thereby prevented from relaying a more complete résumé of Oswald's actions in Mexico City to the FBI, which was charged with responsibility for the Oswald security case.

The committee was unable to determine whether the CIA did in fact come into possession of a photograph of Oswald taken during his visits to the Soviet Embassy and Cuban consulate in Mexico City, or whether Oswald had any associates in Mexico City. Nevertheless, other information provided by the CIA, as well as evidence obtained from Cuban and Mexican sources, enabled the committee to conclude that the individual who represented himself as Lee Harvey Oswald at the Cuban consulate in Mexico was not an imposter.

(2) *The CIA and the Warren Commission.*—The CIA took the position that it was not to conduct a police-type investigation of the assassination of President Kennedy. According to the testimony of former Director Richard M. Helms, its role was to provide support for the Warren Commission's effort by responding to specific inquiries. (35) Nevertheless, because the CIA was the Commission's primary source of information beyond U.S. territorial limits with respect to the question of foreign complicity in the assassination, the committee sought to evaluate both the quality of the CIA's handling of the foreign conspiracy question and the Agency's working relationship with the Commission.⁶

The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities also studied the performance of the intelligence agencies in conducting their investigation of the assassination and their relationship with the Warren Commission. The Senate committee's report emphasized the Agency's failure to pursue certain leads to a possible Cuban conspiracy or to apprise the Warren Commission of CIA assassination plots against Fidel Castro. (36) In response, the CIA prepared a Task Force Report (1977 TFR) on the accuracy of the Senate committee's analysis. In its investigation, the committee reviewed the 1977 TFR⁷ and used it as a starting point in assessing the timeliness and effectiveness of the CIA's responses to the Warren Commission's periodic requests for information. (37)

The CIA investigation of the Kennedy assassination was focused at the outset on Oswald's trip to Mexico. It was managed at Washington headquarters by the desk officer responsible for intelligence activity related to Mexico. Immediately following the assassination, the desk officer was instructed by Richard Helms, then Deputy Director for

⁶ Results of the committee's investigation of how effectively the CIA pursued the question of foreign complicity can be found in sections II C 1 and 2.

⁷ For the committee's analysis of the significance of information that the CIA failed to provide the Warren Commission, see section I C 2.

Plans, to coordinate efforts to compile and evaluate incoming information pertaining to the assassination. The desk officer was assigned this responsibility due to his past experience conducting internal CIA security investigations and because Oswald had visited Mexico 2 months prior to the assassination.(38) The cable traffic this officer coordinated was voluminous.

By late December 1963, it had become apparent that the CIA's interest in information related to the assassination had extended beyond Oswald's trip to Mexico. It encompassed Oswald's defection to the Soviet Union as well as the possible involvement of foreign powers in an assassination conspiracy. Consequently, responsibility for coordinating CIA investigative efforts was shifted to the counterintelligence staff, which had worldwide resources and expertise in investigating sabotage, guerrilla activities and counterespionage.(39)

The second phase of the Agency information collection effort, designed principally to respond to the work of the Warren Commission, was coordinated by Raymond Rocca, Chief of Research and Analysis (CI/R & A) for the counterintelligence staff. CI/R & A was the counterintelligence staff component particularly concerned with research and analysis related to counterintelligence and the formulation of policy based on the analysis. Rocca was the CIA's working-level contact point with the Warren Commission; consequently he was in a position to review most CIA information pertaining to the assassination, which comprised a heavy volume of incoming cable traffic.(40) Due to compartmentalization, however, Rocca did not have access to all materials potentially relevant to the Warren Commission investigation. For example, Rocca had no knowledge of efforts by the CIA to assassinate Fidel Castro in the early 1960's.(41)

An examination of the functioning of the Warren Commission indicated to the committee that its staff assumed the CIA would expeditiously provide it with all relevant information rather than merely furnish data in response to specific requests.(42) An analysis by the committee showed that the Warren Commission's view was not shared by certain high-ranking officials of the Agency, including Deputy Director Helms. In fact, the CIA did not always respond to the Commission's broad request for all relevant material. In testimony to the committee, Helms said the CIA's general position was that it should forward information to the Commission only in response to specific requests.(43) Helms indicated that he did not inform the Warren Commission of the anti-Castro plots because he was never "asked to testify before the Warren Commission about * * * [CIA] operations."(44) This attitude caused, in the view of the Senate committee, an interpretation of the Warren Commission investigation that was too narrow in scope.(45)⁸

⁸ The committee agreed that this was an unacceptable explanation for the CIA's failure to inform the Warren Commission of the anti-Castro plots. It was apparent that the Commission was unable to make a specific request for information about the plots since it was unaware of their existence. In this regard, the observations of the Senate committee are worth quoting:

"Why senior officials of the FBI and the CIA permitted the investigation to go forward, in light of these deficiencies, and why they permitted the Warren Commission to reach its conclusion without all relevant information is still unclear. Certainly, concern with public reputation, problems of coordination between agencies, possible bureaucratic failure and embarrassment, and the extreme compartmentation of knowledge of sensitive operations may have contributed to these shortcomings. But the possibility exists that senior officials in both agencies made conscious decisions not to disclose potentially important information."(46)

The CIA also failed to provide the Warren Commission with all information in its possession pertaining to Luisa Calderon, a Cuban consulate employee in Mexico City suspected of having ties to the Cuban intelligence service. Calderon, who was alleged in 1964 by a Cuban defector to have been in contact with an American who might have been Oswald during the period of time of Oswald's visit to Mexico City, engaged in a conversation approximately 5 hours after the assassination in which she indicated possible foreknowledge of the assassination.⁹ The Warren Commission, however, was not apprised by the CIA of this conversation. (The CIA was unable to explain the omission, but the committee uncovered no evidence to suggest that it was due to anything but careless oversight.) (47)

With the exception of that which was obtained from sensitive sources and methods, CIA information, in general, was accurately and expeditiously provided to the Warren Commission. In cases of sensitive sources and methods, rather than provide the Commission with raw data that would have meant revealing the sources and methods, the substance of the information was submitted in accurate summary form. (48)

As a case in point, the committee determined that within two days of the President's assassination, CIA headquarters received detailed reports of Oswald's contacts with the Soviet Embassy and Cuban consulate in Mexico City in late September and early October 1963. (49) Accurate summaries of this material were given to the Warren Commission on January 31, 1964, but direct access to the original material (which would have revealed sources and methods that were sensitive) was not provided until April 1964, when Warren Commission investigators traveling abroad met with a CIA representative who provided it to them. (50) One Warren Commission staff member who reviewed the original material wrote an April 22, 1964, memorandum, which indicated the impact of this material:

[The CIA representative's] narrative plus the material we were shown disclosed immediately how incorrect our previous information had been on Oswald's contacts with the Soviet and Cuban Embassies [in Mexico City.] Apparently, the distortions and omissions to which our information had been subjected had entered some place in Washington, because the CIA information that we were shown by [the CIA representative] was unambiguous on almost all the crucial points. We had previously planned to show the [CIA representative] [Commission Assistant Counsel W. David] Slawson's reconstruction of Oswald's probable activities at the Embassies to get [his] opinion, but once we saw how badly distorted our information was we realized that this would be useless. Therefore, instead, we decided to take as close notes as possible from the original source materials at some later time during our visit. (51)

⁹ The substance of that conversation is covered in section I C 2 on a possible Cuban conspiracy. The CIA maintained that the original Agency report summarizing this conversation was inaccurately translated and that, when accurately translated, it was apparent that there was no basis for sending the original conversation to the Warren Commission. The committee, however, considered the CIA's revised translation of the report and did not regard it as definitive. Moreover, even if the Agency's revised translation were accepted, the substance of the report remained essentially unchanged. Accordingly, using either translation as the basis for analysis, the Warren Commission should have been apprised of this conversation.

The committee did note that these distortions may have merely been the product of the staff member's inaccurate analysis of the available material, since the record reflected that he had reviewed a CIA memorandum dated January 31, 1964, that accurately summarized these records. (52) Nevertheless, as a result of his direct review of the original source materials, he was able to clarify considerably his analysis of Oswald's activities in Mexico City.

Another instance in which the CIA's concern for protecting its sensitive sources and methods resulted in delayed access by the Warren Commission had to do with a photograph that was referred to when CIA headquarters was informed on October 9, 1963, that Oswald had contacted the Soviet Embassy in Mexico City. The photograph was described as apparently depicting an American initially believed by some CIA personnel to be Oswald. (53) It was also the photograph that was apparently shown to Marguerite Oswald after the assassination. (54)

The circumstances of the photograph's origin as well as the fact that the individual in the photograph bore no resemblance to Oswald were known to the CIA shortly after the assassination. (55) Nevertheless, the Warren Commission was not told those details by the CIA until late March 1964. (56)¹⁰ The Commission had requested an explanation of the photograph on February 12, 1964, having inadvertently learned of its existence from the testimony of Marguerite Oswald. (60)

The committee did not conclude that the CIA's handling of information derived from sensitive methods and sources, in fact, substantially impeded the progress of the Warren Commission, but it did find that the Agency's policy with respect to this information was inconsistent with the spirit of Executive Order 11130 that "[a]ll executive departments and agencies are directed to furnish the Commission with such facilities, services and cooperation as it may request from time to time."

(3) *Post-Warren report CIA investigation.*—The committee found that the CIA, as had the FBI, showed little or no inclination to develop information with respect to the President's assassination once the Warren Commission had issued its report. Three cases in point that emerged in the aftermath of the investigation and seemed relevant enough to warrant more careful consideration than they received have been described previously in this report.

In the case of Yuri Nosenko, the Soviet defector who claimed that, as an officer of the KGB, he handled the Oswald file¹¹, the CIA failed to capitalize on a potential source of critical evidence. By employing inexperienced interrogators who lacked interest in or knowledge of Oswald or the assassination, and by subjecting Nosenko to hostile interrogation, the CIA lost an opportunity to elicit information that might have shed light on Oswald, his wife Marina,

¹⁰ One CIA officer indicated that since the photograph was not of Oswald, there was no need to inform the Warren Commission about it, thereby jeopardizing a sensitive CIA source and method. (57) Further, CIA documents show that even when the Commission sought an explanation of the photograph, the Agency's concern for the protection of its sources and methods inhibited immediate compliance with the request. (58) The committee believed, nonetheless, that as the photograph was referred to in the first report that CIA headquarters received on Oswald's contact with the Soviet Embassy, (59) it was directly relevant to the Warren Commission investigation and should have been made available promptly.

¹¹ See section I C 1.

and a possible KGB connection to them. In the cases of two Mexican citizens who claimed to have had contacts with Oswald in Mexico City in the fall of 1963, Elena Garro de Paz and Oscar Contreras,¹² the CIA took only perfunctory action, consequently failing to gain insight into actions by Oswald that might have had a bearing on the assassination.

5. THE WARREN COMMISSION PERFORMED WITH VARYING DEGREES OF COMPETENCY IN THE FULFILLMENT OF ITS DUTIES

- (a) *The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination*
- (b) *The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that was in the possession of other agencies and departments of the Government*
- (c) *The Warren Commission arrived at its conclusions, based on the evidence available to it, in good faith*
- (d) *The Warren Commission presented the conclusions in its report in a fashion that was too definitive*

President John F. Kennedy was the fourth American President to be assassinated, but his death was the first that led to the formation of a special commission for the purpose of making a full investigation. In earlier assassinations, the investigations had been left to existing judicial bodies:

In the case of Abraham Lincoln in 1865, a military commission determined that John Wilkes Booth was part of a conspiracy, and the Office of the Judge Advocate General of the U.S. Army saw to the prosecution of six defendants, four of whom were hanged.

The assassins of James A. Garfield in 1881 and William McKinley in 1901 were promptly tried in courts of law and executed.

In the aftermath of the Kennedy assassination, it was decided by President Lyndon B. Johnson and his advisers that a panel of distinguished citizens should be given the responsibility for finding the full facts of the case and reporting them, along with appropriate recommendations, to the American people.

The Commission was authorized by Executive Order 11130 to set its own procedures and to employ whatever assistance it deemed necessary from Federal agencies, all of which were ordered to cooperate to the maximum with the Commission, which had, under an act of Congress, subpoena power and the authority to grant immunity to witnesses who claimed their privilege against self-incrimination under the fifth amendment.(1)

Chief Justice Earl Warren was selected by President Johnson to head the Commission. Two senior Members of the Senate, Richard B. Russell, Democrat of Georgia, and John Sherman Cooper, Republican of Kentucky, were chosen to serve on the Commission, as were two from the House of Representatives, Hale Boggs, Democrat of Louisiana, and Gerald Ford, Republican of Michigan. Two attorneys who

¹² See section I C 2.

had long been active in Government service, Allen W. Dulles, former Director of the CIA, and John J. McCloy, former president of the World Bank, were also named.(2) J. Lee Rankin, former Solicitor General of the United States, was sworn in as General Counsel on December 16, 1963, and 14 attorneys were appointed within a few weeks to serve as assistant counsel.(3)

The Commission did not employ its own investigative staff. Instead, it relied on agencies in place—the FBI and Secret Service for domestic aspects, the CIA for activities involving foreign countries.

In September 1964, following a 9-month effort, the Warren Commission published a report that not only included its conclusions and recommendations, but also a detailed analysis of the case. The Commission had seen its task to be :

* * * to uncover all the facts concerning the assassination of President Kennedy and to determine if it was in any way directed or encouraged by unknown persons at home or abroad.

While the committee concluded that the Warren Commission failed in significant areas to investigate “all the facts and circumstances” surrounding the tragic events in Dallas, the committee also found that assigning the responsibility for that failure needed to be approached with utmost caution and care. In large measure, the Warren Commission’s inadequacies in investigating important aspects of the President’s assassination were the result of failures by the CIA and the FBI to provide it with all relevant evidence and information.(4)

It has been the contention of the CIA and FBI that they gave full and complete responses to all specific requests of the Warren Commission, placing responsibility with the Commission for assuming it would receive the relevant materials automatically.(5) This apparent misunderstanding, in the view of the committee, compromised the effectiveness of the process by which the Warren Commission arrived at its conclusions.

The committee observed that during the course of its hearings, numerous former Warren Commission members and staff attorneys testified that the general atmosphere of Government had changed during the years since President Kennedy’s death. They repeatedly noted that they had been significantly more disposed toward trusting the CIA and FBI in 1963 and 1964 than they would have been in 1978.(6)

As it began to prepare its report on the performance of the Warren Commission, the committee took note of the high level of professionalism, dedication, and integrity it found to have characterized the members and staff of the Commission. The committee noted that criticisms leveled at the Commission had often been biased, unfair, and inaccurate. Indeed, the committee believed that the prevailing opinion of the Commission’s performance was undeserved. The competence of the Commission was all the more impressive, in the opinion of the committee, in view of the substantial pressure to elicit findings in only 9 months.(7) It was evident to the committee that the Commission could have productively used several more months for its investigation, although the committee recognized that this was a judgment based on the benefit of years of hindsight.

Nevertheless, the committee made the judgment that the time pressures under which the Warren Commission investigation was conducted served to compromise the work product and the conclusions of the Commission. (8) Early in the life of the Commission, it was working under internal deadlines of March or April 1964 for completion of the investigation, June 1 for a draft report and June 30 for a final report to the American public. Although these deadlines were finally abandoned, the committee found that the Commission staff was in fact under heavy pressure to meet them. President Johnson, among others in his administration, was anxious to have the investigation completed in advance of the 1964 Presidential conventions, out of concern that the assassination could become a political issue. (9)

The committee also found that most of the attorneys recruited for the Commission staff were promised their work would require no more than 3 or 4 months. Additionally, a number of lawyers were hired on a part-time basis. (10) Eventually, the realities of the task began to be apparent.

It was not until March that staff attorneys did any real field work in Dallas and elsewhere, and it was the middle of March before an investigation of Jack Ruby could get underway, since he was on trial for murder in Dallas. Nevertheless, a number of senior staff counsel, those who directed important areas of the case, left their jobs with the Commission by early summer 1964, over 4 months before the investigation officially ended. (11)

The committee found that the Commission demonstrated a high degree of competency and good judgment in its central determination that Lee Harvey Oswald was the assassin of President Kennedy. (12) Contrary to the allegations of some critics, the Commission was not part of a sinister Government coverup of the truth. The committee found that the Commission acted in good faith, and the mistakes it made were those of men doing their best under difficult circumstances. That being said, on the subject that should have received the Commission's most probing analysis—whether Oswald acted in concert with or on behalf of unidentified co-conspirators—the Commission's performance, in the view of the committee, was in fact flawed. (13) In its effort to fix responsibility for this failure, the committee, as noted, found one of the primary causes was the absence of the full and proper cooperation of the FBI and the CIA, along with the time pressures and the desire of national leaders to allay public fears of a conspiracy. (14)

Virtually all former Warren Commission members and staff contacted by the committee said they regarded the CIA-Mafia plots against Fidel Castro to be the most important information withheld from the Commission. (15) They all agreed that an awareness of the plots would have led to significant new areas of investigation and would have altered the general approach of the investigation. (16) J. Lee Rankin, who was the Commission's General Counsel, said he was outraged on learning in 1975 of the CIA's use of underworld figures for Castro assassination plots. Rankin stated to the committee:

Certainly * * * it would have bulked larger, the conspiracy area * * * we would have run out all the various leads and * * * it is very possible that we could have come down with a good many signs of a lead down here to the underworld. (17)

Burt W. Griffin, a Commission assistant counsel who directed much of the investigation of the possible involvement of organized crime and Cuban exiles, told the committee:

There was no showing that Oswald had any connection with organized crime. Therefore, there was no reason to think that simply because Ruby was involved in organized crime, that this would have been linked to the assassination of the President.

We needed to fill that in, in some way, but that is why the Cuban link is so important. If we had known that the CIA wanted to assassinate Castro, then all of the Cuban motivations that we were exploring about this made much, much more sense. If we had further known that the CIA was involved with organized criminal figures in an assassination attempt in the Caribbean, then we would have had a completely different perspective on this thing.

But because we did not have those links at this point, there was nothing to tie the underworld in with Cuba and thus nothing to tie them in with Oswald, nothing to tie them in with the assassination of the President. (18)

Apart from the inability of the Commission to obtain all of the information it needed from the CIA and FBI, the committee found inherent inadequacies in its investigation of an assassination conspiracy. (19) It was, for example, limited in approach and resources. (20) In the crucial areas of organized crime, Cuban exiles and other militant groups, and foreign complicity, the attorneys assigned were lacking in experience and knowledge. Moreover, the committee found little to indicate that outside experts in these areas were ever consulted by the Commission.

The committee also discovered certain basic deficiencies in the capacity of the Commission to investigate effectively the murder of a President. In the words of a Commission assistant counsel: "The style of the Commission's own staff * * * was not one of criminal investigators." (21) The committee found, further, that the Commission consciously decided not to form its own staff of professional investigators, choosing instead to rely on an analysis by its lawyers of the investigative reports of Federal agencies, principally the FBI and CIA. (22) And even though its staff was composed primarily of lawyers, the Commission did not take advantage of all the legal tools available to it. An assistant counsel told the committee: "The Commission itself failed to utilize the instruments of immunity from prosecution and prosecution for perjury with respect to witnesses whose veracity it doubted." (23) While the Commission did go beyond the expected role of traditional factfinding panels serving a President, its inability to break out of the mold of such blue-ribbon bodies severely restricted its effectiveness in investigating the assassination of the President and the murders of Dallas police officer J. D. Tippit and Lee Harvey Oswald.

The committee also found fault with the manner in which the conclusions of the Warren Commission were stated, although the committee recognized how time and resource limitations might have come into

play. There were instances, the committee found, in which the conclusions did not appropriately reflect the efforts undertaken by the Commission and the evidence before it. (24) In the Warren report, the Commission overstated the thoroughness of its investigation and the weight of its evidence in a number of areas, in particular that of the conspiracy investigation. (25) The Commission did not candidly enumerate its limitations due to time pressures, inadequate resources or insufficient information. Instead the language employed in the report left the impression that issues had been dealt with more thoroughly than they actually had. This was due in part, according to attorneys who worked for the Commission, to pressure from Commission members to couch the report in the strongest language possible. As an example, the Commission declared in the beginning paragraph of its conclusions section,

No limitations have been placed on the Commission's inquiry; it has concluded its own investigation, and all Government agencies have fully discharged their responsibility to cooperate with the Commission in its investigation. (26)

This, in the opinion of the committee, was an inaccurate portrayal of the investigation.

On conspiracy, the Commission stated, " * * * if there is any * * * evidence [of it], it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of this Commission." (27) Instead of such definitive language, the Commission should have candidly acknowledged the limitations of its investigation and denoted areas where there were shortcomings.

As the committee's investigation demonstrated, substantive new information has been developed in many areas since the Warren Commission completed its work. Particular areas where the committee determined the performance of the Commission was less than complete include the following:

Oswald's activities and associations during the periods he lived in New Orleans;

The circumstances surrounding the 2½ years Oswald spent in the Soviet Union;

The background, activities, and associations of Jack Ruby, particularly with regard to organized crime;

The conspiratorial and potentially violent climate created by the Cuban issue in the early 1960's, in particular the possible consequences of the CIA-Mafia assassination plots against Castro and their concealment from officials of the Kennedy administration;

The potential significance of specific threats identified by the Secret Service during 1963, and their possible relationship to the ultimate assassination of the President;

The possible effect upon the FBI's investigation from Director Hoover's disciplining agents for their conduct of the Oswald security case;

The full nature and extent of Oswald's visit to Mexico City 2 months prior to the assassination, including not only his contact

with the Soviet and Cuban diplomatic offices there, and the CIA's monitoring of his activities there, but also his possible associations and activities outside of those offices;

The violent attitude of powerful organized crime figures toward the President and Attorney General Robert Kennedy, their capacity to commit murder, including assassination, and their possible access to Oswald through his associates or relatives; and

Analysis of all available scientific evidence to determine the number of shots fired at the President.

In conclusion, the committee found that the Warren Commission's investigation was conducted in good faith, competently, and with high integrity, but that the Warren Report was not, in some respects, an accurate presentation of all the evidence available to the Commission or a true reflection of the scope of the Commission's work, particularly on the issue of possible conspiracy in the assassination. It is a reality to be regretted that the Commission failed to live up to its promise.

