

“This Dirty Rumor”

Earl Warren's Refusal to Examine the So-Called Oswald FBI File from Agent LHO, a chapter in *The Iron Sights*, a work in progress.

©1995 by George Michael Evica

All rights reserved.

The first executive session of the Warren Commission was quickly followed by (at least) two later sessions concerned with a threatening “dirty rumor”: that Lee Harvey Oswald had been a paid asset, an “informer,” for the FBI. Afterward, having been once-burned dealing with this topic, the Commission (or at least its chair Chief Justice Earl Warren) apparently intended to avoid any future backdraft as the Commission faced four months of testimony often touching on that same “dirty rumor.”

The fifth volume (5 H) of the Warren Commission’s 26 volumes of material is central to the topic of Oswald’s possible participation in U.S. intelligence activities. In Washington, Dallas, and elsewhere, from May 6th, 1964, through September 6th, 1964, the Commission listened to representatives of the FBI, including J. Edgar Hoover; the U.S. Army (on wound ballistics); the CIA, including its Director and its Deputy Director for Plans; Texas law enforcement officers on the state, county, and city levels; the U.S. State Department, including the Secretary of State; the Secret Service, including its Chief, James J. Rowley; and the Treasury Department, including Treasury Secretary C. Douglas Dillon. The Commission also took testimony from Mark Lane, asked by Oswald’s mother to represent the accused assassin; from the President of the United States, Lyndon Baines Johnson and his wife; and from several prominent residents of Dallas, including Marina Oswald and Jack Ruby.

First on this distinguished list of witnesses was Alan Belmont, Assistant Director of the FBI, who testified in Washington on May 6th, 1964. (5H 1-32)

After some preliminary questions and comments, Commission member Allan Dulles began the more serious inquiry, asking Belmont about teletype operations connecting FBI offices; Dulles’ specific example was, appropriately for an Oswald focus, the link between the New Orleans and Dallas FBI offices. (5 H 3)

Commission member John J. McCloy, also adopting an Oswald focus, asked about U.S. “defections: to the Soviet Union. (5 H 4) Both McCloy and Dulles questioned whether the so-called Oswald FBI file had been “closed” or “open.” (5 H-6) Within a half-hour of Alan Belmont being sworn in, two Commission members (for whatever their reasons) had begun to explore important issues in the Oswald “dirty rumor” story.

Samuel A. Stern, Warren Commission staff assistant counsel, referred to an April 6th, 1964, FBI letter prepared and reviewed by Belmont (signed by FBI Director Hoover) and sent to J. Lee Rankin, Chief Counsel of the Warren Commission. (5H 6) Though its contents were not given at that moment in Belmont’s testimony, the letter did indeed summarize (according to the Bureau) the FBI’s relationship with Lee Harvey Oswald. (5H 11)



Lee Oswald in New Orleans

The letter, dated May 4th, 1964, reportedly answered "...a number of questions which the Commission posed to the FBI." (5H 6). The letter, a response to a meeting on May 4th, 1964, between Warren Commission staff members and Belmont, briefly described 69 items contained in the FBI's Oswald file. (17 H [CE 834] 804-813). Earlier, the Warren Commission had written a letter to the FBI (dated March 26th, 1964) inquiring about the FBI's knowledge of Lee Harvey Oswald before November 22nd, 1963; the Bureau's replies to the Commission's thirty questions posed by its staff were delivered in an FBI letter (dated April 6th, 1964) with a separate cover letter signed by Director Hoover; many of the Warren Commission's questions asked for information bearing directly on the Oswald-as-agent question. (17H [CE 833] 787-803)

Earlier in the session, Commission Staff Assistant Counsel Stern had established the Commission's primary focus: Lee Harvey Oswald. Belmont had commented: "As the individual in charge of all investigative operations, [I am responsible for] the Lee Harvey Oswald investigation..., the same as any other investigative case in the Bureau." (5H 4)

Stern soon arrived at the hearing's crucial point: Belmont's "...examination of the investigation...of the



Lee Oswald in New Orleans

nature of the FBI interest in Oswald." (5 H 6) Clearly, Stern wished to examine through Belmont the key issue of Oswald's rumored intelligence links. But Warren interrupted Stern twice (5H 6, 7), attempting to shut off Stern early in the session. (5H 7) In this exchange (and later exchanges involving Rankin), apparently the Warren Commission counsel (Rankin and Stern) and

Earl Warren demonstrated quite different agendas relative to Lee Harvey Oswald and U.S. intelligence.

But despite Warren's objections, Stern persisted in exploring the Oswald-as-agent theme, querying Belmont about both the FBI's domestic intelligence and identification divisions (on defection, on Oswald's Marine fingerprints, on Oswald's correspon-

dence, and on the Albert Schweitzer College puzzle: (5H 7). Though neither Stern nor any Commission member (nor later, any Commission counsel) reportedly pursued the topic, Stern elicited from Belmont that the FBI had "set up" certain "connections with the State Department passport file" on Oswald's (undefined) "activities" and on Oswald's "...dealing with the [U.S.] Embassy in Moscow." (5H 7)

Belmont further asserted that the FBI had no interest in Oswald when he returned from the Soviet Union (5 H 8) and that Oswald was "not known" to be connected to FBI "sources" in New Orleans (5 H 9)

Despite Warren's interruptions and objections, Stern (on behalf of Rankin and his Commission counsel and staff) had been able to begin exploring hints of Oswald's possible intelligence connections.

Stern now introduced the Belmont summary of the "HQ" FBI file on Oswald, its cover letter to Rankin dated May 4th, 1964, and entered into the Commission's evidence as CE 834 (17 H 804-813). Stern established that Belmont at that moment was in possession of the actual FBI file. (5 H 11)

Stern asked Belmont about "...materials in that [Oswald] file...for security reasons you would prefer

Commissioners ... must have understood that the FBI's "informants in subversive movements" in the so-called Oswald file had to include New Orleans and possibly Dallas informants who had operated in side pro-Castro organizations and whose identities might have led directly to evidence establishing Oswald as a U.S. intelligence asset.

not to disclose....” (5 H 11) Belmont responded by defining the file’s “security” materials: “The file contains the identity of some of our informants in subversive movements.” (5 H 11) Commissioners Warren, McCloy, and Dulles and Commission Counsels Stern and Rankin (at least) must have understood that the FBI’s “informants in subversive movements” in the so-called Oswald file had to include New Orleans and possibly Dallas informants who had operated in side pro-Castro organizations and whose identities might have led directly to evidence establishing Oswald as a U.S. intelligence asset. Stern cautioned Belmont: “I think that is enough, Mr. Belmont, on that.” (5 H 11)

But it was not “enough” for Commissioner McCloy (5 H 11), whose query of Belmont elicited a response from Warren attempting to cut off any further questioning of Belmont on security “matters” in the FBI’s Oswald file. (5 H 11) Though he complimented Warren on his security-conscious behavior, Belmont indicated that his chief J. Edgar Hoover had insisted that Belmont be of “utmost help” to the Commission. (5 H 11)

Belmont’s testimony strongly suggested that

1. The FBI (through Belmont) and Chief Justice Earl Warren had earlier scripted the FBI’s offer of the so-called Oswald file to the Warren Commission so that Warren could reject it on “security” grounds but that
2. Commission counsel Stern and Rankin (unaware of this probable FBI-Warren accommodation) were working against Warren in order to accept the FBI’s seeming offer of the file.

After Stern elicited from Belmont that the FBI file was “...available to the Commission...” (5 H 11), Warren countered by establishing the “...security matter” involving identified FBI informants was contained in that allegedly complete file. (5 H 11) Belmont verified that fact: “This file is as it is maintained at the Bureau with all information in it.” (5 H 11) Justice Warren responded: “With all information in it?” (5 H 11: italics added) Belmont answered: “Yes sir; this [the file apparently in Belmont’s hands or on the table in front of him] is the actual file.” (5 H 11: italics added) Warren commented: “I see.” (5 H 11)

Now Chief Counsel Rankin intervened, asking Belmont if he would indeed leave that actual file in the Commission’s possession so that “...any of the Commissioners [could]...examine it personally...” (5 H 11) Obviously, Rankin intended to secure the purported entire FBI Oswald file for his Commission staff. Belmont agreed to leave the file. (5 H 11)

But Warren immediately interrupted with a confused statement about nonexistent “conditions” and not wanting “...information that involves our security...” (5 H 11) How the identity of FBI informers in New Orleans or Dallas might compromise the security of the United States (“our security”) was never made clear.

Warren then pushed his argument further, rejecting the possession (and therefore the assumed use) of any sensitive intelligence documents (5 H 11), opting for only Belmont’s testimony. This rejecting of a reportedly full intelligence file (on the accused assassin) and relying solely on the sworn statements of an intelligence officer helped to establish the Warren Commission’s antipathy toward any documentation of Oswald’s suspected intelligence links.

Warren concluded his argument with a muddled statement in favor of “open” discussion as opposed to reading and talking about sensitive documents “in privacy.” (5 H 12)

Rankin was now apparently willing to give up almost all of his ground if only to be allowed to examine the FBI file; he promised that “...the [Commission] staff will not examine it...” (5 H 12), a statement obviously directed at Warren rather than Belmont. But Warren countered that reading the FBI file was “one thing” (whatever that meant), but for him, asking Belmont questions about his summary of the Oswald FBI was enough. (5 H 12) Finally, Warren defined his bottom-line position: “...I really would prefer not to have a secret file...a file that contains [security] matters of that kind in our possession.” (5 H 12)

Rankin now had little leverage except to air the vexing “dirty rumor,” which he strongly hinted at in his final major argument for accepting FBI’s offer of the “HQ” Oswald file. Though his impromptu statement was garbled, Rankin obviously wanted the FBI Oswald file available so that the Warren Commission could, as he said, “...be satisfied that nothing was with-

Rankin obviously wanted the FBI Oswald file ... Rankin’s two phrases, “this particular question” and “the purpose of the inquiry,” clearly pointed to the Commission’s continuing problem: the “dirty rumor” of Oswald’s FBI link.

held from it [the Commission] in regard to this particular question. That was the purpose of the inquiry.” (5 H 12) Rankin’s two phrases, “this particular question” and “the purpose of the inquiry,” clearly pointed to the Commission’s continuing problem: the “dirty rumor” of Oswald’s FBI link.

Allan Dulles accepted Warren’s lead, but McCloy, apparently now looking at a copy of the actual FBI file, interfered, indicating Belmont’s “summary” was disturbingly not “a complete description” of the file’s contents as McCloy examined it. (5 H 12)

Warren again tried to head off objections (5 H 12), but Rankin counterattacked, articulating the Warren Commission’s strongest argument for independent analysis of intelligence files, concluding: “...we did want the [Warren Commission] record in such condition that the Commission could say in its report, ‘We have seen everything that they have.’ I think [this file]... is important to the case.” (5 H 13)

Further, Commissioner McCloy remained dubi-

Clearly, Warren was blocking any curious Commissioner from reading through actual files and actual documents, whether those materials were in the possession of the staff or not.

ous, suggesting that the Commission might miss “...the full impact of all the narrative...” in the file’s FBI reports on Oswald. (5 H 13) Both Belmont and Warren then argued with McCloy, telling him that the Commission already had possession of the particular FBI records to which he referred. (5 H 13)

Clearly, Warren was blocking any curious Commissioner from reading through actual files and actual documents, whether those materials were in the possession of the staff or not. For Warren, the question seemed to be: Where would it all end?

Rankin persisted, trying to emphasize his (and

Stern’s) argument: the Warren Commission would be in possession of “...everything...the FBI had [on Oswald]...[,] this is their total file...so that...nothing [is] withheld from you as far as the FBI is concerned. That is...what we [the staff counsel] are trying to develop this morning...” (5 H 13: italics added)

Dulles again supported Warren, speaking to a separate issue involving the staff, allowing Warren to close with his argument against sharing files with non-government investigators: “...the same people who would demand that we see everything of this kind would also demand that they be entitled to see it, and if it is security matters[,] we can’t let them see it. It has to go back to the FBI without their scrutiny.” (5 H 13: italics added)

But Commissioner McCloy persisted in opposing Warren, apparently looking at Belmont’s file summary on telegrams from “the Embassy” and “Mexico,” key issues that later would be relevant to both the so-called Second Oswald story and CIA manipulation of the “Oswald” in Mexico story. (t H 14) Warren, however, triumphed, and Stern and Warren moved to admit only the Belmont file “summary” (CE 834) into the record. (5 H 14) One last time, Warren emphasized his point: “There are no security matter [detailed] in this [summary]?” (5 H 14)

Belmont then continued his testimony, asserting that Oswald was neither an agent nor an informant for the FBI (5 H 14-16 and 29), speaking at length but to no productive purpose about the FBI, the Secret Service, cooperation, and presidential security; about Ruby and Communism; and, at least for the FBI, about some minor matters (5 H 16-32).

On behalf of the Warren Commission, its chairperson Chief Justice Earl Warren had successfully refused to accept the FBI HQ file on Lee Harvey Oswald, ultimately relying on the unsupported statements of U. S. intelligence officers that Lee Harvey Oswald was not an agent (or asset) of the U.S. intelligence community. Later, circumstantial evidence and some of the CIA’s Oswald files would be made available to the House Select Committee on Assassinations, strongly supporting the argument that Oswald may either have thought he was a U.S. intelligence agent or was, indeed, an agent or asset of--and provocateur for--any of several U.S. intelligence services, including the FBI, CIA, NO, ATF, and at least one Senate subcommittee investigating weapons traffic in the United States.