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COMMITTEE DRAFT: "THE INTELLIGENCE AGENCIES AND
THE ASSASSINATION OF PRESIDENT KENNEDY"

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INTRODUCTION

Legally, the assassination of President Kennedy and the subsequent murder of Lee Harvey Oswald, the suspected assassin, was within the jurisdiction of authorities of the State of Texas.

But many Americans were questioning how a President could be assassinated despite the vast U.S. intelligence apparatus. Many were also openly skeptical of the FBI's stated findings that Oswald was the assassin and that he acted alone.

Congress and the President felt that public concern could only be assuaged by what they believed was a thorough and independent investigation of the assassination. Two resolutions were submitted in Congress calling for congressional investigations into the circumstances surrounding the assassination. The State of Texas set up a Commission for the same purpose. President Johnson, in establishing the Warren Commission by executive order on November 29, 1963, preempted the field.

The President's publicly stated reason for establishing the Commission was to "ensure a thorough and independent investigation of the circumstances surrounding the assassination." In that the only investigations of the assassination on record were the investigations that had been conducted by the Dallas Police Department and the Federal Bureau of Investigation -- and taking into account the public criticism and skepticism directed at these two agencies -- it can be inferred from President Johnson's public statements that the Commission's investigation was to be independent from the

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numerous rumors and theories the public interest in insuring the truth could not be met merely by adopting the reports or the analysis of Federal or state agencies."

When it began work in earnest in mid-December, the Commission was supplied with a tremendous number of reports from various Federal and state agencies. By far the greatest number of reports emanated from the FBI; of particular importance was the five volume, December 9, 1963, Report summarizing the Bureau's immediate post assassination investigation. Subsequently, the Commission requested and received the field investigation reports upon which the December 9, 1963, report had been based. The Commission stated in its report:

As these investigative reports were received, the staff began analyzing and summarizing them. The members of the legal staff, divided into teams, proceeded to organize the facts revealed by these investigations, determine the issues, sort out the unresolved problems, and recommend additional investigation by the Commission

After reviewing the accumulating materials, the Commission directed numerous additional requests to Federal and State agencies. (Report, p. xii)

The Commission's Report also states:

Because of the diligence, cooperation, and facilities of Federal investigative agencies, it was unnecessary for the Commission to employ investigators, other than the members of the Commission's legal staff. (Report, p. xiii)

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With only isolated minor exceptions, the entire body of factual material from which the Commission drew its findings was supplied by the intelligence community, and, primarily, the FBI. Even when material was provided by an agency other than the FBI, however, the record reflects that the agency usually first checked with the Bureau before supplying information to the Commission. Moreover, FBI memoranda indicate that CIA and Secret Service personnel reviewed Director Hoover's Commission testimony prior to the testimony of their respective agency head, for the stated purpose of "ensuring that there were no conflicts in testimony."

Thus, by its own admission, the Commission was dependent upon the intelligence agencies for the facts. As a second step, the Commission and its staff did analyze the material and frequently requested follow up agency investigations. However, if the Commission did not initially receive any evidence on a particular point, the second step would obviously not be reached, and the Commission's findings and conclusions would necessarily be drawn without the benefit of any information on the omitted point.

The Select Committee's investigation of alleged assassination attempts against foreign leaders raised questions as to possible connections these plots and the assassination of President Kennedy and as to whether information about these plots was provided the Warren Commission. Thus, in accordance with its mandate to review the performance of the intelligence agencies, the Select Committee established a subcommittee of two Senators to investigate the role of those agencies in events leading up to the assassination of the President and in the ensuing investigation.

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Given the tremendous volume of material ~~received~~ by the intelligence agencies relating to the assassination, the subcommittee, with limited staff and time, could obviously not attempt to duplicate the work of the Warren Commission.

Instead building on the other work of the Select Committee and utilizing its access to the agencies and its expertise in their function, the subcommittee examined how those agencies reacted to the Warren Commission's investigation.

It must be remembered that the purpose of the ^{sub}Committee's inquiry was to allow for an evaluation of the performance of the intelligence agencies (both prior and subsequent to the assassination) and the process by which information was provided to the Warren Commission. ~~Although the Committee did not directly seek to uncover evidence that would refute the Warren Commission's findings, any evidence which relates to these findings and was not made available to the Commission is discussed in this report.~~

It should also be remembered that all of our intelligence agencies were operating under tremendous pressures after the assassination. Literally thousands of persons contacted the CIA and FBI within days of the assassination, offering information which they believed to relate to the assassination. Much of the information so provided was irrelevant or of doubtful reliability. The agencies failure to follow a given lead or adequately investigate a lead ^{has to be considered} ~~is in most instances understandable.~~ The ^{sub}Committee is not now attempting to look back with twelve years of hindsight and criticize these agencies. Nor is our discussion of the assassination investigation intended to minimize the agencies'

extensive assassination investigation.

The following report of the subcommittee details the evidence developed by the subcommittee's review of intelligence agencies in connection with the assassination of President Kennedy.

It seems clear that a satisfactory explanation of the assassination may never be possible. Doubts will probably continue; and all questions can never be answered.

emphasis on conclusion
The subcommittee found ~~no direct evidence to contradict the~~
that the assassination of President Kennedy was the result of a
~~findings of the Warren Commission that Oswald acted alone in~~
conspiracy
~~assassinating the President.~~ It did obtain evidence which tends
to impeach the process by which ~~that conclusion was reached~~
the intelligence community
provided information to the Warren Commission.

It is the subcommittee's recommendation that this evidence impeaching the process of the investigation, should be further explored. For, if the intelligence agencies cannot be relied upon to investigate fully and to report candidly to a specially constituted body like the Warren Commission, then there is doubt as to whether these agencies can ever be relied upon to investigate their own operations and their own performance in critical situations. Moreover, if the agencies withheld information from the Warren Commission, or if their investigation of the assassination was deficient, the Warren Commission may have been precluded from determining the true circumstances surrounding the assassination of President John F. Kennedy.

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II. Interest of Intelligence Community in Oswald Prior to Assassination

A. Summary of Oswald's Activities of Interest to Intelligence Community Generally

While the Select Committee's investigation focused on the CIA and FBI because these two agencies were most involved in the assassination investigation, many other intelligence agencies had been involved in investigating Oswald's activities prior to the assassination.

In September 1959, Oswald received an early, hardship discharge from the Marine Corps, claiming he needed to support his mother, but instead he left for Europe shortly after being discharged. On October 1959, he showed up in Moscow. After a reported suicide attempt, he went to the U.S. Embassy in Moscow seeking to renounce his U.S. citizenship. He also informed Embassy officials that he planned to disclose to the Soviets certain classified information he had on Marine Corps radar equipment.

Upon learning this, the Office of Naval Intelligence reviewed Oswald's access to classified information and determined that any disclosure he might make would do little harm. ~~This fact was confirmed by the Marines after the assassination, and by the CIA, which determined that although Oswald was stationed at a U-2 base in Japan, he did not have access to any classified information about the U-2.~~ Oswald's half brother, John Pic, who was a sergeant in the Air Force, then became alarmed by Oswald's defection and submitted voluntarily to a background investigation by Air Force intelligence. By March 1960, the military concluded that there was little cause for concern about Oswald's defection, although the Marine Corps decided in August of that year to conduct his hardship

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discharge to an undesirable discharge because of his defection. Relevant documents on Oswald were circulated throughout the intelligence community, so that by late 1960, the Department of Defense, CIA, State Department, FBI, and I&NS all had intelligence files on Oswald.

Oswald spent two and one half years in the Soviet Union working in a television and radio parts factory in Minsk. In 1961, he met Marina and married her. They had one child born in the Soviet Union, and a second child born in the United States about a month before the assassination.

Oswald wrote his relatives while in the Soviet Union and these relatives passed some of this information on to the intelligence agencies. Oswald also wrote the State Department and the Marine Corps on several matters and this correspondence was duly included in intelligence files. CIA's mail intercept program also acquired correspondence. Information obtained from this correspondence was given to the FBI after the assassination.

By early 1962, it was learned that Oswald planned to return to the U.S. with his wife and daughter. ONI, FBI, I&NS, and State Department were all involved in determining when he would return. Oswald, in fact, returned by ship, landing in New York on June 6, 1962. There he was interviewed briefly by an I&NS agent. Oswald and his family then proceeded to Fort Worth, where he was interviewed by the FBI in late June and again in August. Neither ONI's nor CIA's files indicate their contact with Oswald after his return.*

These two agencies claim FBI was the appropriate agency for any

As discussed in Appendix —, the Committee received testimony that CIA did debrief Oswald after his return.

such contact.

As discussed infra, FBI and CIA investigated certain of Oswald's activities in 1963. Other intelligence agencies got copies of CIA's and FBI's reports, but, ~~with the exception of ONI's receipt of correspondence related to Oswald's attempt to get his undesirable discharge from the Marine Corps set aside, these other agencies developed no new information on Oswald.~~

investigations

*were not directly investigating Oswald's activities in 1963 prior to the assassination.**

** As discussed in Appendix —, agencies other than CIA and FBI developed information on Oswald during 1963. For example, ONI's files contain his correspondence with the Marine Corps in 1963 relating to Oswald's attempt to get his undesirable discharge set aside, and the State Department renewed his passport in 1963.*

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from New Orleans. As discussed in detail infra, the Kaack report was first routed to the Counterintelligence section of the Special Affairs Staff, then to the Counterintelligence Division in November 1963.

Five messages related to Oswald's visit to Mexico City in September and October 1963 were in the Western Hemisphere Division files on November 22, 1963. The information contained in these messages had not, as of that date, been incorporated in Oswald's 201 file.

CIA's mail intercept program intercepted one letter which Oswald had written while in Russia. That letter had not been put in his 201 file.

Finally, a message from CIA's ^{SM/}WAVE station indicates that its sources had limited information on Oswald prior to the assassination. This information and its significance is discussed infra. CIA recently informed the Select Committee that this information probably did not come from files held at the ^{SM/}WAVE station, but from files of Cuban exile groups connected with CIA. Technically, therefore, this information was not in CIA's files on Oswald prior to the assassination.

FBI'S
THE BUREAU'S PRE-ASSASSINATION OSWALD FILE

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A. Oswald's Defection

The Bureau opened a file on Lee Harvey Oswald on October 31, 1959, some four weeks subsequent to his departure for the Soviet Union. The opening was apparently based upon receipt of a UPI news ticker advising that Oswald was in Moscow, that he had applied to renounce his American citizenship and become a Soviet citizen for "purely political reasons," and that "he would never return to the United States for any reason." On November 3, 1959, the Bureau received a copy of an internal State Department telegram which confirmed the news ticker and additionally noted that ex-Marine Oswald "has offered Soviets any information he has acquired as an enlisted radar operator."

On November 2, 1959, the Bureau determined through liaison with the Navy Department that although the Office of Naval Intelligence ("ONI") did not have any record of Oswald, the United States Marine Corps did have a record (Memorandum from W. A. Branigan to A. H. Belmont, 11/4/59). These records revealed that Oswald had entered the Marine Corps on October 24, 1956, to serve three years. While in the service, Oswald attended the Aviation Fundamental School and completed the Aircraft and Control and Warning Operators' Course. However, there was no record of a security clearance. The

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Bureau's stated conclusion was that:

Since subject's defection is known to Department of the Navy, and since subject apparently has no knowledge of any strategic information which would be of benefit to the Soviets, it does not appear that any action is warranted by the Bureau in this matter. It is recommended, however, that this memo be referred to the Identification Division so subject's service fingerprints can be placed in the criminal files and that a stop be placed against the prints to prevent subject's entering the U.S. under any name. Espionage Section should be advised if subject again enters the U.S. (2). (Memorandum from W.A. Branigan to A.H. Belmont, 11/4/59.)

On April 28, 1960, Special Agent ("SA") John Fain interviewed Oswald's mother, Mrs. Marguerite Oswald, in Dallas, Texas. She had recently received a letter addressed to Lee from the Albert Schweitzer College in Switzerland, indicating that Lee was expected at the college on April 20, 1960. Mrs. Oswald furnished S. A. Fain with a photograph of Lee and informed him that her son had taken his birth certificate with him (Report from Dallas Field Office to FBI Headquarters, 5/12/60). By memorandum dated June 3, 1960, the Bureau expressed to the State Department its concern over the possibility that an imposter could be using Oswald's birth certificate, and requested all State Department information on Oswald.

Inquiries by the FBI's Paris Legal Attache ("Legat") revealed that Oswald had by letter, dated March 19, 1959, written the college announcing his intention to begin studies there in the fall of 1959, and that

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Oswald had paid the \$25 deposit. However, there was no record of Oswald ever having attended the School. (Memorandum from Legat, Paris to Director, FBI, 10/12/60)

On May 9, 1961, the Bureau's review of the State Department passport files on Oswald revealed that:

(a) On 2/13/61, the U.S. Embassy in Moscow received an undated letter from Oswald postmarked Minsk 2/5/61, indicating that he wished to return to the U.S. if legal proceedings were not brought against him. Oswald explained that he could not leave Minsk without permission and therefore was writing instead of visiting.

(b) On 3/20/61, the embassy received a second Oswald letter postmarked Minsk, 3/5/61. Oswald requested a questionnaire again explaining that he could not come to Minsk. (Memorandum from SAC, Washington Field Office to Director, FBI, 5/23/61.)

On January 11, 1961, the Bureau was informed by ONI (District Intelligence Office, 8th Naval District, New Orleans, Louisiana) that Oswald had been given an undesirable discharge from the U.S. Marine Corps Reserve on August 17, 1960. (Report from Dallas Field Office to FBI Headquarters, 7/3/61). According to the Special Agent in Dallas assigned to the Oswald case, the subsequent background investigation of Oswald -- as discussed in the 7/3/61 investigative report -- was "predicated" upon the information received from Naval Intelligence. (Report from Dallas Field Office to FBI Headquarters, 7/3/61.)

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A subsequent FBI review of the State Department's Oswald file on 8/22/61, indicated that:

- (a) by letter, dated May 1961, Oswald advised Embassy that he had no intention of returning unless guarantee of no prosecution. He also advised that he had married a Russian girl, and that he wanted to return with her.
- (b) On 7/8/61, Oswald appeared at the American Embassy in Moscow with respect to his desire to return now.
- (c) On 7/10/61, Oswald executed an application for passport renewal at the American Embassy.
- (d) By memorandum dated 8/18/61, the State Department authorized the American Embassy in Moscow to renew Oswald's passport for direct travel to the U.S. (Memorandum from SAC, Washington Field Office to Director, FBI, 9/1/61)

Based upon Oswald's stated intention to return to the United States and the renewal of his passport for direct travel, the FBI decided to interview Oswald's mother, Mrs. Marguerite Oswald, to determine (1) "if subject (Oswald) has returned to the U.S.," and (2) "if subject has not returned to U.S., contact should be maintained with Mrs. Oswald to determine subject's expected arrival in U.S." (Memorandum from SAC, WFO, to Director, FBI, 9/1/61; Memorandum from SAC, Dallas to Director, FBI, 9/29/61) On October 13, 1961, a special agent in the FBI Dallas field office learned during an interview of Mrs. Marguerite Oswald that Lee had not returned to the United States and that she had no idea when they might come or when they would be allowed to come. (Memorandum from SAC, Dallas to Director, FBI, 11/20/61)

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The final FBI review of the State Department Oswald file on 1/29/62, revealed that:

- (1) By letter to Embassy, dated 7/15/61, Oswald advised that he was continuing his efforts to obtain exit visas for his wife and himself.
- (2) By letter, dated 8/8/61, Oswald inquired if it would be permissible for him to travel through Poland by train after leaving Minsk, pointing out that he could not afford to fly from Moscow to New York City.
- (3) By letter dated 10/4/61, Oswald asked Embassy to assist him in obtaining exit visas from Soviet authorities.
- (4) By letter, dated 1/5/62, Oswald informed Embassy that he expected to receive exit visas within forty five days. (NOTE: Embassy had been notified by Soviet Ministry of Foreign Affairs that visas granted). (Memorandum from SAC, Washington, DC field office, to Director, FBI, 2/19/62)

On May 17, 1962, the State Department informed the Bureau that:

It has been determined that Oswald, the ex-Marine is still an American citizen; both he and his Soviet wife now have exit permits, and the Department has given approval for their travel with their infant child to the U.S.A. There is a problem with his wife, however, in that SOV in the Department is trying to get a waiver of 243 G, which requires that Oswald's wife pick up her visa for entry into the U.S.A. in Western Europe. As soon as this question has been settled, they will be free to travel. (Memorandum from Director, FBI, to SAC, Dallas; 5/31/62)

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B. Oswald's Return to the United States

On May 31, 1962, an FBI headquarters supervisor instructed the Dallas Field office that Oswald should be interviewed upon his return and that the interviewing agents attempt to ascertain whether he was recruited by Soviet Intelligence, whether he made any deals with the Soviets in order to obtain permission to return to the United States, and exactly what information he furnished to the Soviets. The supervisor noted that if any doubt existed as to Oswald's truthfulness, the agents should "consider requesting his consent to a polygraph examination and thereafter obtain Bureau authority for such an examination." (Memorandum from Director, FBI, to SAC, Dallas, 5/31/62)

On June 12, 1962, the Immigration and Naturalization Service ("I&NS") informed the Bureau's New York field office that the Oswald's were listed on the advance manifest of the "SS Maasdam," Holland-American Lines, which vessel was scheduled to dock at approximately 11:00 a.m., on June 13, 1962. (Memorandum from SAC, New York to Director, FBI, 6/12/62) On June 14, 1962, FBI Headquarters advised the New York field office that the Dallas field office had been instructed to interview Oswald upon his return; the New York field office was directed to contact I&NS to verify Oswald's arrival and to determine his destination in the United States. (Memorandum from SAC, New York to Director, FBI, 6/14/62)

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On June 22, 1962, I&NS confirmed that Oswald's family returned to the United States via Hoboken, New Jersey, on June 13, 1962, and that I&NS Inspector Frederick J. Wiedersheim interviewed Oswald at that time. Wiedersheim orally advised a Bureau agent that Oswald stated he had been employed as a mechanic in Russia, had threatened to renounce his United States citizenship, but never carried through with the threat and had never voted in Russia. The Oswald's destination of Fort Worth, Texas, was also verified. (Memorandum from SAC, New York, to Director, FBI, 6/26/62)

On June 26, 1962, SA's John Fain and B. Tom Carter interviewed Lee Harvey Oswald in Fort Worth, Texas. Fain reported that Oswald was "very difficult to interview," "cold and arrogant," and "on the whole was generally uncooperative." Oswald specifically denied that he had ever denounced his U.S. citizenship, offered military secrets to the Russians, or applied for Soviet citizenship. Additionally, Fain asked Oswald whether or not he would be willing to submit to a polygraph examination as to answers given by him during the interview. Oswald refused, and subsequently, also refused Fain's request to take a polygraph as to "his negative answers to the questions as to whether or not he had been providing services or furnished any information to the Soviets or whether he had made any deals with the Soviets in order to obtain permission to return to the United States." Fain indicated in his report that Oswald

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business.'" (Report from Dallas Field Office to FBI Headquarters, 8/23/62) By report, dated August 30, 1962, SA Fain closed the Oswald case.*

C. The Continued Investigation - Dallas

On September 23, 1962, the FBI's New York field office learned that Oswald had subscribed to "The Worker, which Bureau reports describe as "an East Coast communist newspaper." (Memorandum from SAC, Dallas, to Director, FBI, 3/25/63). SA James P. Hosty had been assigned the pending inactive Marina Oswald case on October 23, 1962, some five months prior to its scheduled status review. On March 3, 1963, Hosty ascertained through a review of I&NS records that Marina was living at an Elsbeth Street address in the Oak Cliff section of Dallas. On March 11, 1963, Hosty was informed by the Oswalds' landlady that she had evicted them on March 3, 1963, for fighting, and his drinking. Hosty was able to determine that the Oswald's had moved to Neely Street; he verified this address by checking the names on the mailbox. (Memorandum from SAC, Dallas, to Director, FBI, 3/25/63) Hosty subsequently reviewed the file on Lee Harvey Oswald and -- after noting that Oswald had subscribed to the Daily Worker -- requested, on March 25, 1963, that the Bureau reopen the case. Hosty also requested and received permission to interview Oswald's wife. Lee Oswald's case was reopened on March 31, 1963. (Hosty, 12/13/75, p. 119)

* Report from Dallas Field Office to FBI Headquarters, 8/30/62.
* Fain testified before the Warren Commission that he closed the case because, "There didn't seem to be any evidence that he [Oswald] had a potential for violence or anything like that."
5/5/64, O. Oswald had become employed, was not a member of the Communist party, denied any contact with Soviet agents and gave no indication of a potential for violence.
John Fain testimony. Warren Report dated 11-11-63 at bk. 425-

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On April 21, 1963, a confidential informant advised the Dallas office that Oswald was in contact with the Fair Play for Cuba Committee in New York City, at which time Oswald was quoted as stating that he had passed out pamphlets for the Fair Play for Cuba Committee ("FPCC") with a placard around his neck reading, "Hands Off Cuba, Viva Fidel." (Report from Dallas Field Office to FBI Headquarters, 9/10/63) Subsequent investigation, on May 27, 1963, revealed, however, that the Oswalds had moved from their last known Dallas address, and had left no forwarding address from that residence.

D. Continued Investigation - New Orleans

By letter, dated July 17, 1963, the FBI's New Orleans field office informed the Dallas office that it had received information that the Oswalds were living in New Orleans. This information was apparently provided by the FBI's New York field office. At Dallas' request, the New Orleans office, on August 13, 1963, verified the Oswalds' presence in that city. (Memorandum from SAC, Dallas, to Director, FBI, 8/23/63) On September 10, 1963, the office of origin (i.e., office of principal responsibility) for both Lee's and Marina's cases was changed from Dallas to New Orleans. (Memorandum from SAC, Dallas, to Director, FBI, 9/10/63).

In the interim, Oswald had been arrested in New Orleans and charged with "disturbing the peace by creating a scene." More specifically, while distributing FPCC literature, on August 9, 1963,

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Oswald had been involved in "fight" with three anti-Castro Cubans. On the morning of Saturday, August 10th, Oswald asked to see a Bureau agent, and he was interviewed in jail, at length, by SA John L. Quigley. (Report from New Orleans Field Office to FBI Headquarters, 8/15/63)

On August 22, 1963, the New Orleans office was provided with a copy of the transcript of an August 21 broadcast of a radio program called "Conversation Carte Blanche" in which Oswald had participated. During the program, Oswald stated that the FPCC was not Communist-controlled and that he ^{was} is a Marxist. On August 30, 1963, a local radio station manager told SA Milton R. Kaack (Oswald's case agent in New Orleans) that after the broadcast, Oswald told him that "the Russians had 'gone soft' on communism, and that Cuba is the only real revolutionary country in the world today." (Report from New Orleans Field Office to FBI Headquarters, 10/31/63)

On August 23, 1963, the New Orleans office received a headquarters air telegram instructing that office to:

ascertain facts concerning subject's distribution of above-mentioned pamphlet including nature of pamphlet following which contact should be made with established sources familiar with Cuban activities in the New Orleans area to determine whether subject involved in activities inimical to the internal security of the U.S. Submit results in letterhead memorandum form suitable for dissemination with appropriate recommendation as to further action. (Memorandum from Director to SAC, New Orleans, 8/21/63)

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The October 31, 1963, report of SA Milton Kaack reveals that Bureau agents in New Orleans contacted two confidential informants -- one familiar with Cuban activities, the other "with some phases" of Communist Party activities in the New Orleans area -- who advised that they had never heard of Lee Harvey Oswald.

On September 24, 1963, the New Orleans field office informed the Bureau that: "Investigation of Oswald is continuing, and a report containing the results thereof will be furnished to the Bureau together with the recommendation of the New Orleans office concerning further action concerning Oswald." (Memorandum from SAC, Dallas, to Director, FBI, 9/24/63) The subsequent New Orleans "investigation" of Oswald is set forth in SA Kaack's October 31, 1963, investigative report encompassing the period July 23, 1963, through October 10, 1963. The report recounts Oswald's FPCC activities, his arrest and subsequent interview, his letters to the FPCC and The Worker, and that the Oswalds had moved from New Orleans on or about September 25, 1963.

The Oswalds' landlord in New Orleans had told the FBI agents that the "same Russian speaking woman that had brought Marina to New Orleans had picked up Marina and her child in a station wagon with Texas license plates." Leads were sent out to Fort Worth (to attempt to identify the woman and locate Marina), to Dallas (to attempt to identify the woman and conduct neighborhood investigation at the Oswald's last known residence), and to Malvern, Arkansas (to inter-

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view Lee's brother to see if he had any information on the Oswald's whereabouts). Additionally, it was stated that New Orleans would "continue its efforts to locate subjects." (Report from New Orleans Field Office to FBI Headquarters, 10/31/63)

On October 10, 1963, Bureau headquarters through CIA liaison was provided with a copy of an Agency cable which stated that "Lee Henry Oswald" had been in contact with the Soviet Embassy in Mexico City on September 23, 1963. Further details of Oswald's contact, including an apparent meeting with Soviet counsel Kostikov, were provided in an October 13, 1963, cablegram from the Bureau's Legal Attache ["Legat"] in Mexico City to Bureau headquarters. That Legat also then advised headquarters that it was attempting to establish Oswald's entry into Mexico and his current whereabouts. A copy of each of these communications was sent to the New Orleans field office which eventually forwarded two copies on to the Dallas office.

(Memorandum from SAC, New Orleans to Director, FBI, 10/24/63)

On October 18, 1963, SA Hosty -- following up on the New Orleans field office's request to locate Oswald -- reviewed files at I&NS. Although Hosty was not able to find a new address for the Oswalds, he did learn from an I&NS agent of the CIA communication indicating that Oswald had contacted the Soviet Embassy in Mexico City. (Memorandum from SAC, Dallas, to Director, FBI, 10/22/63)

On October 22, 1963, the Bureau cabled certain general background information to the Mexico City Legat, and noted that addi-

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tional information on Oswald was simultaneously being sent by mail. Headquarters also advised that "Lee Henry Oswald" was apparently identical with "Lee Harvey Oswald." (Memorandum from Director, FBI, to Legat, Mexico City, 10/22/63)

On October 25, 1963, the New Orleans office learned that Oswald had left a forwarding address in New Orleans on September 26, 1963, showing his new address to be 2515 West 5th Street, Irving, Texas. It asked the Dallas office to verify that this was Oswald's residence. (Memorandum from SAC, New Orleans, to Director, FBI, 10/25/63)

E. Continued Investigation: Dallas

On October 30, 1963, SA Hosty, through a neighborhood pretext interview learned that Marina Oswald was living at the Fifth Street address with a Mrs. Michael R. Paine. SA Hosty also learned that although Oswald had visited his family at the Paine residence, he was not living there. He so informed the New Orleans office on October 31, 1963, noting that efforts to locate Oswald should be continued. (Memorandum from SAC, Dallas, to Director, FBI, 10/30/63)

SA Hosty then reviewed Bureau indices and checked with the Paine's employers to "ensure that there were no subversive references." On November 1, 1963, he proceeded to the Paine residence to interview Mrs. Paine. Although Mrs. Paine claimed she did not know Oswald's home address, she informed Hosty that Oswald was employed at the Texas School Book depository in Dallas. (Memorandum from SAC, Dallas, to Director, FBI, 11/14/63) Toward the end of the

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interview Mrs. Oswald entered the room; however, Hosty reported that he merely exchanged greetings with her. Hosty left his name and office telephone number with Mrs. Paine, requesting that she contact him if she learned of Oswald's address. (Memorandum from SA Hosty to SAC, Dallas, 11/24/63)

On November 2, 1963, Hosty by telephone verified Oswald's employment at the Book Depository. The other field offices were notified and instructed to discontinue efforts to locate Oswald. However, Hosty was not able to verify Oswald's residence; the Book Depository had it listed as the Paine's address. He returned to the Paine address again on November 5, 1963. Although Oswald had visited his family again on November 2, Mrs. Paine could provide nothing further as to an address; however, she did say that Oswald was "an illogical person and an admitted Trotskyite Communist."

(Memorandum from SA Hosty to SAC Dallas, to Director, FBI, 11/27/63)

By memorandum dated November 9, 1963, and November 15, 1963, ✓ the office of origin for ⁴Both Lee and Marina Oswald's cases was ✓ changed back to Dallas from New Orleans. (Memorandum from SAC, New Orleans to Director, FBI, 11/15/63, 11/18/63)

On November 19, 1963, the Washington field office informed FBI headquarters that Oswald:

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has recently been in contact with Consular Office, Soviet Embassy, Washington, DC, at which time he related he had recently met with Comrade KOSTIN, Soviet Embassy, Mexico City, Mexico. At this time OSWALD indicated to Soviet Embassy that he was unable to remain in Mexico because of Mexican visa restriction of 15 days and that he could not request a new visa unless he used his real name.

According to informant, OSWALD had originally intended to visit Soviet Embassy in Havana, Cuba, where he could have had time to complete his business but could not reach Cuba.

The informant stated that OSWALD is married to MARINA NICHILAYEVA OSWALD, a Soviet citizen, and has a new daughter, AUDREY MARINA OSWALD, born 10/20/63, Dallas, Texas. OSWALD's address is known to informant as Box 6225, Dallas, Texas.

This information was received in Dallas on November 22, 1963. (Memorandum from SAC, Washington, DC field office, to Director, FBI, 11/19/63)

F. Availability of Pre-Assassination FBI Oswald Documents to the Warren Commission

By letter, dated May 4, 1964, J. Edgar Hoover listed and summarily described for the Warren Commission each of the sixty-nine items that made up the Bureau's headquarters file on Lee Harvey Oswald prior to the assassination. Although certain of the summaries in the letter contain misleading descriptions of the underlying documents, the Committee has not in its review

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of FBI materials seen other than these sixty-nine documents in the headquarters FBI Oswald file.* Nor has the Committee found any indication that there were other than the usual underlying reports in the FBI Dallas, New Orleans, and Washington, DC field office files, the contents of which are accurately reflected in the headquarters materials.**

* By letter dated October 31, 1975, the Committee requested access to "all materials pertaining to Lee Harvey Oswald that were in FBI headquarters files at any time on or before November 22, 1963." In what we were informed was a complete response, the Bureau produced for the Committee the sixty-nine documents summarily described in Mr. Hoover's letter of May 4, 1964. It should again be emphasized, however, that the Committee has not had access to FBI files. Under the Committee's agreement with the Department of Justice, the Committee by letter requests either "access to" or "delivery of" FBI materials. Upon receipt of a Committee document request, the FBI reviews its files and produces those documents it believes responsive to the request.

** On 5/4/64, Assistant FBI Director Alan H. Belmont offered the entire ~~Bureau~~ ^{FBI} Headquarters' file on Lee Harvey Oswald to the Commissioners for their review. See testimony of Alan H. Belmont,

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DISCUSSION: THE BUREAU'S HANDLING OF OSWALD
PRE-ASSASSINATION CASE

A. Oswald's Defection

Upon learning on October 31, 1959 of Lee Harvey Oswald's defection and announcement to State Department officials in the Soviet Union that he intended to provide "radar secrets" to the Soviets, the Bureau opened a "security case" with Oswald as the subject. (Memorandum from W. A. Brannigan to A. H. Belmont, 11/4/59) The FBI then verified through inquiries with the Department of the Navy that Oswald did not have knowledge of strategic information that would benefit the Soviets. The Bureau's stated conclusion was that, although no further action on the case was warranted, a stop should be placed against Oswald's fingerprints to prevent him from entering the United States under any name. (Memorandum from W. A. Brannigan, 11/4/59)

Some six months later the Bureau interviewed Oswald's mother. They were informed that Oswald had taken his birth certificate with him to the Soviet Union; by memorandum disseminated to the State Department, the Bureau expressed concern that an imposter might attempt to return to the United States using Oswald's identity. (Report from Dallas Field Office to FBI Headquarters, 5/12/60).

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B. Oswald's Return to the United States

Despite the Bureau's expressed concern that an imposter might attempt to return to the United States using Oswald's identity, the FBI did not interview Oswald until some three weeks subsequent to his return to the United States on June 13, 1962. Oswald was interviewed at the dock by I&NS Inspector Frederick Weidersheim. (Memorandum from SAC, New York to Director, FBI, 6/26/62) There is no indication that either Inspector Weidersheim, or the FBI agents assigned to the Dallas field office who interviewed Oswald were ever alerted to the possibility that an imposter might attempt to assume Oswald's identity. Indeed, SA James P. Hosty, Jr. testified that he had neither seen a copy of the memorandum which raised the imposter possibility, nor attempted to determine whether someone had in fact assumed Oswald's identity. (Hosty, 12/12/75, p. 75)

On June 26, 1962, SA's John John W. Fain and B. Tom Carter interviewed Oswald in Fort Worth, Texas. According to SA Fain's report, Oswald was cold, arrogant, and difficult to interview. With copies of State Department documents in hand, Fain was aware that despite Oswald's denials he had stated to State Department officials at the American Embassy in Moscow that he

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(1) was going to renounce his American citizenship, (2) apply for Soviet citizenship, and (3) reveal radar secrets to the Soviets.* Indeed, SA Fain asked Oswald to take a polygraph test; Oswald refused to be polygraphed, even as to his negative answers on deals or relationships with Soviet intelligence. (Report from Dallas Field Office to FBI Headquarters, 7/10/62.)**

SA Fain also reported that Oswald denied that he had ever been a member of the Communist Party in the United States, or that he went to the Soviet Union because "of a lack of sympathy for the institutions of the United States." (Report from Dallas Field Office to FBI Headquarters, 7/10/62)

A second interview some three weeks later on August 16, 1962, went much the same way. Despite Oswald's attitude and demonstrable lies, SA Fain closed the Oswald security case on August 20, 1962; it was not to be reopened until March 26, 1963. (Hosty, 12/13/75, p. 119)

The only additional investigation of Oswald conducted by the Bureau at any time prior to March 26, 1963, were the reviews of the Oswald file at the Department of State, inquiring of two low-level Dallas Communist Party informants whether they knew of Oswald (with negative responses) and interviewing three of

See Fain testimony, Warren Report,

* ~~Warren Commission testimony of SA John W. Fain, 5/5/64, p.~~
Vol. 4, p. 418.

** The Warren Commission apparently was not provided with the administrative cover pages of SA Fain's report which discussed, inter alia, Oswald's refusals to be polygraphed. Fain did not mention Oswald's refusals to be polygraphed when he testified before the Warren Commission on May 5, 1964, despite detailed questioning by Commission members Ford and Dulles as to the discrepancies in Oswald's statements, and Fain's reaction to them. ~~See~~

See Fain testimony, Warren Report, Vol. 4.

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Oswald's relatives. Despite the extensive use of sources and techniques to develop background information on subjects of security cases, no neighborhood or employment sources were checked or developed in Oswald's case, Marina was not interviewed, and none of the Bureau's established techniques to determine with whom a person was in contact -- such as the mail cover -- were employed or their use even suggested.*

The Bureau's failure to interview Marina prior to the assassination is surprising. The documentary record reflects that Marina's case was opened in a pending inactive status, i.e., although the file was not technically closed, nothing was to be done in the case for six months. Marina Oswald had originally been considered for a Bureau program which monitored the activities of Soviet immigrants and repatriates who met criteria which suggested that they might have intelligence ties. However the Dallas field office supervisor concluded on July 25, 1962, that consideration of Marina for this program would be postponed for six months ^{because} ~~in that~~ her activities could be sufficiently monitored in connection with the subversive case on Lee Oswald. As previously noted, the case on Lee Oswald was closed on August 20, 1962. (Memorandum from SAC, Dallas to Director, FBI, 8/25/63)

* The Committee is neither suggesting that these techniques should have been employed nor that their use would have been proper. It is merely noting that its review of other FBI security files reflects that such sources and techniques were extensively used in cases similar to Oswald's.

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The Supervisor also testified in response to Senator Schmitter's question as follows:

Senator Schmitter. So based on your knowledge and your experience, you say it's not only very unusual, but it is the ~~except~~ exception to the policies operating at the time to let him come out with his wife.

Supervisor. Oh, yes, very definitely. That was very exceptional, and while we could not understand why, we were thinking in terms that this suggests something, that he might have been recruited, and that she was sent -- and that she was also an agent, or that she was sent along with him to keep him in line. [3/15/76, p 26]

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With respect to Oswald's marriage to Marina, and her return to the United States, the Commission stated:

Oswald's marriage to Marina Prusakova on April 30, 1961, is itself a fact meriting consideration. A foreigner living in Russia cannot marry without the permission of the Soviet Government. It seems unlikely that the Soviet authorities would have permitted Oswald to marry and to take his wife with him to the United States if they were contemplating using him alone as an agent. The fact that he had a Russian wife would be likely, in their view, to increase any surveillance under which he would be kept by American security agencies, would make him even more conspicuous to his neighbors as "an ex-Russian", and would decrease his mobility. A wife's presence in the United States would also constitute a continuing risk of disclosure. On the other hand, Marina Oswald's lack of English training and her complete ignorance of the United States and its customs would scarcely recommend her to the Soviet authorities as one member of an "agent team" to be sent to the United States on a difficult and dangerous foreign enterprise. (Warren Commission Report, p. 274.)

In contradistinction, a retired Bureau Soviet Section Supervisor told the Committee that of greatest concern to him in the Oswald case was the fact that the Soviets had allowed Marina to return to the United States with Oswald. He felt that if they desired to "tap Oswald on the shoulder and make use of him at some future date, Marina's presence would give them a great deal of leverage." (Staff interview with former FBI Headquarters Supervisor, 1/16/76; ^{WANT B} However, it should be emphasized that the Supervisor is not aware of any evidence which suggests that the Soviets in fact used or attempted to contact Oswald.

testimony, 3/15/76, p. 21).

ed to contact Oswald.

C. The Continued Investigation -- Dallas

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On September 28, 1962, the New York field office learned -- and subsequently informed Dallas -- that Oswald subscribed to The Worker. Oswald's subscription to this newspaper contradicted his interview statements that he was "disenchanted with the Soviet Union" and "not out of sympathy with U. S. institutions." (Report from Dallas Field Office to FBI Headquarters, 9/10/63)* The fact of Oswald's subscription was simply noted in his security file; FBI headquarters was not informed of the subscription until September 10, 1963, and then only after it had requested information on Oswald from the Dallas office. (Report from Dallas Field Office to FBI Headquarters, 9/10/63) Assistant FBI Director Gale of the Inspection Division, in his December 10, 1963, highly critical report on the Bureau's handling of the pre-assassination Oswald case noted: "In light of Oswald's defection, the case should have been reopened at the first indication of Communist sympathy or activity."

(Memorandum from J. H. Gale to Tolson, 12/10/63)**

In October of 1962, SA Hosty had been assigned the Marina Oswald security case, which remained at that time in a pending inactive status. The case was reviewed by Hosty for the first time in March of 1963, at which time he located Marina Oswald, but did not interview her because of her alleged marital difficulties. (Hosty, 12/19¹²/75, p. 117) Hosty did,

* SA James P. Hosty, Jr. recommended on March 25, 1963 that the Oswald case be reopened ~~solely~~ on the basis of this contradiction.¹ Testimony of SA Hosty, 12/13/75, p. 118.

** Mr. Hoover noted on November 29, 1963 that, "In Oswald's case there was no indication of repentance but only one of openly avowed hostility, and contacts with subversive elements." (Memorandum from W. C. Sullivan to A. H. Belmont, 11/29/63.) None of the Bureau's internal criticism of the handling of the pre-assassination Oswald case ever reached the Warren Commission. See discussion, supra, ~~at~~ ~~Section~~.

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however, review the Dallas Office's security file on Lee Oswald and, on the basis of Oswald's subscription to The Worker, requested (and subsequently received) approval to open the case on March 26, 1963. (Hosty, 12/10³/75, p. III)

With respect to Hosty's stated reason for not interviewing Marina -- i.e., in that he had developed information that Oswald had been drinking to excess and beating his wife, the relevant FBI manual provision required that he allow a "cooling off" period -- Mr. Hoover commented on the December 10, 1963 Gale memorandum that "this was certainly an asinine excuse" and "I just don't understand such solicitude." Inspector Gale had written that

this entire facet of the investigation was mishandled. Mrs. Oswald definitely should have been interviewed and the best time to get information from her would be after she was beaten up by her husband.*

The Director added the following notation next to Gale's conclusion: "This certainly makes sense." (Memorandum from J. H. Gale to Tolson, 12/10/63)

On April 21, 1963, the New York field office was informed that Oswald had written a letter to the FPCC. This is the first indication in Bureau files that Oswald had a relationship with this pro-Castro organization. (Report from Dallas Field Office to FBI Headquarters, 9/10/63) Oswald then wrote that he had passed out FPCC literature in Dallas with a placard around his neck reading "Hand[s] Off Cuba - Viva Fidel." This information

* In that the Committee has verified that such a manual provision was in effect, it would appear that Hosty's decision to allow "a cooling off" period prior to interviewing Marina was entirely in accordance with FBI regulations. The arguments do not provide an explanation why either Hoover or Gale required this provision.

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was not reported to Dallas until June 27, 1963 (Memorandum from J. H. Gale to Tolson, 12/10/63) and not reported to headquarters until September 10, 1963. (Report from Dallas Field Office to FBI Headquarters, 9/10/63) Once again, Oswald's activities appear to contradict his interview statements.

On May 27, 1963, Hosty returned to the Oswald's Neely Street residence to interview Marina, and was informed that the Oswalds had moved from the Dallas area without leaving a forwarding address. Pursuant to leads sent out by the Dallas office seeking information on the Oswalds' whereabouts, the New Orleans office informed Dallas on July 17, 1963, that the Oswalds were living in that city. (Memorandum from SAC, Dallas to Director, FBI, to SAC, New Orleans, 8/23/63) The Bureau apparently learned of Oswald's presence in New Orleans from a letter he had written to The Worker on June 26, 1963. Oswald claimed in the letter to be a long-time subscriber and stated that he was forming an FPCC chapter in New Orleans. He enclosed honorary membership cards for "those fighters for peace." Mr. Gus Hall (General Secretary of the Communist Party, USA) and Benjamin Davis (National Secretary of the Community Party, USA). (Report from New Orleans Field Office to FBI Headquarters, 10/31/63) On September 10, 1963, New Orleans became the office of origin for Lee and Marina's cases. (Memorandum from SAC, Dallas, to Director, FBI, 9/10/63)

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D. - The Continued Investigation -- New Orleans

In the interim, Oswald had on August 9, 1963, been arrested in New Orleans in connection with his FPCC activities and charged with "disturbing the peace by creating a scene." On the morning of Saturday, August 10, Oswald asked to see a Bureau agent, and he was interviewed at length by SA Quigley. Oswald also repeatedly lied to this FBI agent. For example, he told Quigley that he had met and married his wife in Fort Worth, Texas. (Report from New Orleans Field Office to FBI Headquarters, 8/15/63)

The New Orleans office learned on August 22, 1963, that Oswald participated in a radio program in his capacity as the secretary of the New Orleans FPCC chapter, and stated, among other things, that he was a Marxist and that "Cuba is the only real revolutionary country in the world today." (Report from New Orleans Field Office to FBI Headquarters, 10/31/63, p. 11) On August 23, 1963, the New Orleans office was instructed by headquarters to "submit results of their Oswald investigation to the Bureau." (Memorandum from Director, FBI, to SAC, New Orleans, 8/23/63) On September 24, 1963, the New Orleans office advised the Bureau that the investigation was continuing and that a report setting forth the investigative findings would be furnished (Memorandum from SAC, New Orleans, to FBI Headquarters, 9/24/63) Agent Kaack's investigative report was subsequently

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sent to the Bureau on October 31, 1963; it did not contain any significant information that was not already in Oswald's headquarters file. The report reveals that only two informants in the New Orleans area -- one familiar with Cuban activity -- were asked about Oswald. Neither informant had heard of him. (Report from New Orleans Field Office to FBI Headquarters, 10/31/63)

On or about October 2, 1963, agents of the New Orleans office attempted to ascertain Oswald's residence and place of employment. They learned that the Oswalds had left New Orleans. Leads to locate Lee Harvey Oswald were sent to Dallas, Fort Worth, and Malvern, Arkansas. (Report from New Orleans Field Office to FBI Headquarters; 10/31/63)

The evidence indicates that Lee Harvey Oswald was in Mexico City from September 27, 1963, through October 4, 1963. On October 10, 1963, Bureau headquarters through CIA liaison was provided with a copy of an Agency cable which stated that "Lee Henry Oswald" had been in contact with the Soviet Embassy in Mexico City on September 28, 1963. (CIA Cable from Mexico City Station to Director, FBI, 10/10/63; Memorandum from LEGAT Mexico City to Director, FBI, 10/18/63)

It was not until October 22, 1963 -- some twelve days subsequent to the date on which Bureau headquarters was first informed of Oswald's contact with the Soviet Embassy in Mexico

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City -- that information pertaining to Oswald's Mexico City trip was provided to the New Orleans Office. (Memorandum from Director, FBI, to Legat, Mexico, 10/22/63) Coincidentally, SA Hosty in Dallas had by chance ascertained similar information from the local I&NS office, and the report in which Hosty detailed this information was received in New Orleans on October 22, 1963. Thus, despite the fact that both the Dallas and New Orleans field offices were aware on October 22, 1963 of Oswald's contact with the Soviet Embassy in Mexico City, there is not evidence that either of these field offices intensified their "efforts" to locate and interview Oswald. Most surprising, however, is that the "Soviet experts" at FBI headquarters did not intensify their efforts in the Oswald case after being informed that Oswald had met with Vice Consul Kostikov at the Soviet Embassy in Mexico City. (Memorandum from Legat, Mexico City to Director, FBI, 10/18/63) Not only were these experts more familiar with Soviet activities in general; they knew that Kostikov was KGB, and had reason to believe he was an agent within the KGB's Department 13, which Department carries out assassination and sabotage.* They were also aware that American citizen contacts with the Soviet Embassy in Mexico City were extremely rare. (Testimony of Clark Anderson, 2/4/76) Ironically, the teletypes informing the Bureau of Oswald's Mexico City activities were sitting on a pile of documents on a headquarters

* All of this information was made available to the Warren Commission. (CIA letter to Commission of 1/22/64.)

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supervisor's desk awaiting initial action on November 22, 1963.

That portion of Inspector Gale's memorandum of December 10, 1963, which discusses these teletypes reads as follows:

The SOG (Seat of Government) supervisor failed to take any action on the teletypes, stating it did not appear to him any action was warranted. Inspector (i.e., Gale) feels . . . the field should have been instructed to intensify investigation . . . and Oswald placed on Security Index. (Memorandum from J. H. Gale to Tolson, 12/10/63)

E. Continued Investigation - Dallas

On October 26, 1963, the New Orleans field office advised the Dallas office that the Oswalds had left a forwarding address in Irving, Texas. Dallas was asked to verify the new residence. (Memorandum from SAC, New Orleans to Director, FBI, and SAC, Dallas, 10/25/63) On October 30, 1963, SA Hosty established that although Marina and the baby were living in Irving with the Paine family, Lee was not living there. On November 1, 1963, Hosty went to the Paine residence for the stated purpose of interviewing Mrs. Paine to "find out where Oswald was residing."* Mrs. Paine informed Hosty that she did not know where Oswald lived; however, she did state that Oswald was employed at the Texas Book Depository. Toward the end of the interview Marina Oswald came into the room. According to Hosty, she expressed fear of the FBI; his two or three minute conversation with her (with Ruth Paine translating) was cordial, and an attempt to waylay her fears. (Hosty, 12/12/75, p. 54)

* It should be noted that under the FBI manual provisions then in effect, any contact such as Oswald's with the Soviet Embassy in Mexico City required that immediate investigative action at the appropriate field office. However, these provisions also precluded the field office's interviewing Oswald without the express, written approval of headquarters.

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After the assassination, the Dallas office explained to Bureau headquarters that the investigation had been held in abeyance to "be sure that it was in possession of all information from New Orleans." Inspector Gale commented on this explanation in his December 10, 1963 memorandum:

Inspector definitely does not agree. New Orleans submitted sixteen-page report, 10/31/63, and only leads outstanding in New Orleans were to ascertain Oswald's whereabouts. No indication New Orleans had any further data Even if New Orleans had not reported all information in their possession, Dallas should have intensified investigation in light of Oswald's contact with Soviet Embassy in Mexico City and not held investigation in abeyance. (Memorandum from J. H. Gale to Tolson, 12/10/63)

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C. The CIA's Role in the Investigation

1. Nature of CIA's Investigation

Except for the requests from the Warren Commission, CIA received no written instructions to conduct an investigation. Unlike FBI, CIA was not directed by the President to undertake an active investigation; President Johnson only instructed Director McCone to make CIA resources available to FBI in order to assist FBI's investigation.

Nevertheless, as news of the assassination spread on November 22, CIA stations began reporting to CIA Headquarters any information they received that appeared to have even the remotest connection to the assassination. Of course, information from Mexico City was of paramount importance to CIA Headquarters since the station there had reported Oswald's contact with the Soviet Consulate only two months earlier. Headquarters analyzed these reports and for several weeks after the assassination closely followed the situation in Mexico City, ordering the station to investigate various allegations and to follow certain leads.

After the Warren Commission was established and after it was clear FBI had principal responsibility for investigating the assassination, CIA's work gradually shifted from the kind of active investigation it had been conducting in Mexico City to one of responding to requests from, or passing along information to, the Warren Commission or the FBI.

2. Effect of Assassination Plots Against Castro on the Warren Commission Investigation

The possibility that CIA had engaged in plots to assassinate

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foreign leaders was first acknowledged publicly in the course of the Rockefeller Commission's investigation and was confirmed by the Senate Select Committee's investigation and report.

The Rockefeller Commission investigated both CIA assassination plots and their connection with the Warren Commission investigation. David Belin, a staff attorney for the Warren Commission and Chief Counsel for the Rockefeller Commission, wrote:

At no time did the CIA disclose to the Warren Commission any facts which pertained to alleged assassination plans to kill Fidel Castro; (Memorandum from David Belin to the Rockefeller Commission, May 20, 1975, p. 1)

[T]he CIA withheld from the Warren Commission information which might have been relevant . . . in light of the allegations of conspiratorial contact between Oswald and agents of the Cuban government.

Mr. Belin also discussed this matter with Raymond Rocca, Chief, Research and Analysis, Counterintelligence Division, CIA, who was the "point of record" between the CIA and the Warren Commission. Mr. Rocca, like Mr. Belin, prepared a memorandum stating he was unaware of the plots until 1975 and expressing concern about the Warren Commission's findings in light of this new information.*

Mr. Belin also contacted former Warren Commission staff counsel, Burt Griffin, to get his views on this matter. Mr Griffin responded by letter wherein he expressed his feelings that assassination plots against Castro might have a significant effect on the Warren Commission findings.

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* Mr. Rankin, General Counsel of the Warren Commission, also advised the Committee he was not aware of the CIA's assassination plots until 1975.

Moreover, the Select Committee has previously concluded that one plot, possibly involving the assassination of Castro, was underway in the Fall of 1963 and that the plot involved the passing of a poison pen to a Cuban agent on the very day of President Kennedy's assassination. Because of the chronological relationship of this plot to the assassination of President Kennedy, the Select Committee investigated whether there were other connections between the plot and President Kennedy's assassination.

a. Background of Assassination Plots: Covert Actions Against Cuba

Fidel Castro's forces took over the government of Cuba on January 1, 1959. Although initially advocating reform through socialism, Castro soon openly advocated communism and aligned himself with the Soviet Bloc. The United States was properly concerned with Castro's change in direction, not merely because a Soviet aligned regime in Cuba posed a threat to U.S. security, but also because Castro seemed bent on exporting communist revolution throughout Latin America.

As a result, the United States embarked on a policy looking to the ouster of Castro and his communist regime. Implementation of this policy concerned all appropriate government agencies -- the Departments of State, Justice, and Defense included. The CIA was given principal responsibility for implementation of the policy through covert action.

The nature of the covert operations ran the gamut of the techniques CIA had available: propaganda, coastal raids, agent net-

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works, sabotage of facilities, defection of Cuban officials, outright invasion in the case of the Bay of Pigs, and coup planning and assassination. In addition to these operations directly controlled by CIA, there were various operations run by Cuban exiles.

Two major exile groups, referred to by the CIA as "autonomous operations," were assisted by CIA and were controlled as well as could be by CIA. The CIA therefore had files on many of those involved with the two autonomous groups. As will be discussed infra, this meant that even though many members were living in the United States and ostensibly within the jurisdiction of the FBI, not the CIA, the CIA could have assisted Warren Commission investigators in understanding Oswald's Cuban connections.

Thus, the Warren Commission's investigation of the assassination of President Kennedy was conducted against a background of CIA's covert operations against Cuba. Knowledge of these operations was relevant both to the Commission's conclusions about foreign conspiracies and to its investigation of Oswald's connections to pro-Castro and anti-Castro organizations.

b. The AMLASH Operation and Castro's Knowledge of It

Without doubt, Fidel Castro had good reason to fear U.S. policy under President Kennedy. Kennedy had permitted the abortive Bay of Pigs invasion and had threatened nuclear war over Soviet placement of nuclear weapons in Cuba. His administration constantly focused on the danger of the Castro regime.

On the other hand, Castro seemed to have little to gain from the death of Kennedy since he would be succeeded by Johnson who, Castro could have assumed, would carry on the same policies. Castro

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certainly noticed no difference between Kennedy's policies and those which might be adopted by Senator Goldwater, his likely opponent in the 1964 election. For example, in a report of an impromptu interview on September 7, 1963, AP correspondent Daniel Harker reported:

Castro then launched into a discussion of the U.S. political scene saying he expects no change in Washington's foreign policy even if there is a change in administrations after the 1964 presidential elections. 'I am sure it will be a fight between (President) Kennedy and (Sen. Barry) Goldwater (R Ariz.). Both are cheap and crooked politicians,' Castro said. 3/

In any event, speculation as to Castro's motives requires consideration of the specific actions the Kennedy administration was taking in the Fall of 1963. Of prime importance to Castro, may have been belief or actual knowledge that CIA was then attempting to assassinate him as part of a coup.

After the resolution of the Cuban missile crisis, CIA's covert operations, then designated as Project Mongoose, were halted on October 30, 1962. 4 Castro seemed to be aware of this decision in his November 1963 interview with the reporter Jean Daniel. 5

On the other hand, raids by Cuban exile groups could not be so easily controlled. However, after exile raiding boats fired on a Russian ship off the coast of Cuba in Spring 1963, the FBI, reportedly acting on Robert Kennedy's orders, started a crack-down on the U.S. based operations of the exile groups. Mechanisms were devised, however, to avoid FBI crack-down on the CIA operations. 6

In June 1963, a decision was reached to step up various covert operations against Cuba, including sabotage operations designed to encourage dissident groups inside Cuba, to worsen economic conditions in the country, and to cause Cubans to doubt the ability of the

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Castro regime to defend the country.

Perhaps this decision prompted CIA to renew contact with a highly placed Cuban, code-named AMLASH, who previously had indicated interest in assassinating Castro and in toppling the regime.

In late August 1963, AMLASH was in Brazil and there met with CIA case officers. Although before this meeting CIA's interest in AMLASH may have been to gain intelligence and to cultivate him as an asset for covert operations, the case officers learned that AMLASH himself was interested primarily in attempting an "inside job" against Castro and was awaiting a U.S. plan of action. A message from CIA Headquarters analyzed the contact by suggesting AMLASH did not seem interested in routine intelligence missions and should be directed toward recruiting cohorts for sabotage and "more serious matters on an orderly basis." The case officer testified he was aware of this analysis.⁸

There is no direct evidence that Castro was aware of these meetings with CIA, but there is reason to believe he was.

Shortly after the meeting, CIA received information from another source to the effect that Castro was aware of AMLASH's general sentiments. The case officer could not recall receiving this information, but he knew that AMLASH had been rather openly anti-communist.⁹

More importantly, on September 7, 1973, Castro gave an impromptu three hour interview with AP reporter Daniel Harker and warned against the U.S. "aiding terrorist plans to eliminate Cuban

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leaders." Castro chose a reception at the Brazilian Embassy in Havana as the occasion for his tirade. ¹⁰ The connection between Castro's warning and the AMLASH meeting may only be coincidental. Nevertheless, AMLASH had proposed a terrorist plan to eliminate Cuban leaders; and, according to an informal briefing by a current CIA analyst of Cuban affairs, Castro is prone to resort to subtle nuances, such as the choice of the Brazilian Embassy, to put his statements in context.

Similarly Mr. Rocca has concluded: "There can be no question from the facts surrounding the Castro appearance, which had not been expected, and his agreement to the interview, that this event represented a more-than-ordinary attempt to get a message on the record in the United States." (Memorandum for DC/OPS, May 23, 1975.)

According to Harker, Castro went on to say the "United States leaders would be in danger if they helped in any attempt to do away with leaders of Cuba We are prepared to fight them and answer in kind. United States leaders should think that if they are aiding terrorist plans to eliminate Cuban leaders, they themselves will not be safe."

Castro also talked about what he termed "recent U.S.-prompted raids on Cuban territory" and "piratical attacks" by the United States against the Cuban people. Indeed the CIA had conducted raids on Cuban coastal targets in August. In addition an air raid

testified * The case officer was not aware of this warning at the time. He conceded it may be a fair statement of the nature of the AMLASH operation. *seems coincidental with*

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by an exile group, not related to CIA, in the same time period was noted in a report of September 4, to be of much concern in Cuba."

Such raids, however, would not seem to justify Castro's threat: Objectively the raids cannot be considered "plans to eliminate Cuban leaders." AMLASH's proposal was. The raids would not objectively call for Castro to threaten the safety of American leaders aiding the plans. AMLASH's proposal might. In any event, Castro comments at that interview clearly suggest he held Kennedy responsible for whatever he was concerned about.

In the ensuing two months, CIA involvement in AMLASH's plot grew deeper. In early October the case officer told AMLASH that his proposal had U.S. support at the highest levels * and found AMLASH greatly relieved and ready to return to Cuba to undertake the "big job." Later in the month AMLASH demanded to meet with Robert Kennedy to obtain his personal assurance that the United States supported his plan -- a coup, the first step of which was probably the assassination of Castro. **

CIA did not arrange a meeting with Robert Kennedy, but instead sent Desmond Fitzgerald, head of the Special Affairs Staff (the office responsible for all covert operations against Cuba), to meet with AMLASH as the personal representative of Robert Kennedy. On October 29, Fitzgerald told AMLASH a successful coup would receive U.S. support.

AMLASH seemed satisfied with this show of high level

* He testified he meant the highest levels of CIA.

** The case officer repeatedly refused to characterize the AMLASH operation as an assassination plot. However, he testified that AMLASH was proposing a coup which included Castro's assassination as the first step.

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U.S. support for his plans, but ~~the~~ expressed concern that the U.S. was not furnishing him the necessary equipment, e.g., explosives and rifles with telescopic sights. * On November 20, a CIA case officer telephoned AMLASH to arrange a meeting for November 22, saying he did not know if it would be interesting, but it would be the meeting AMLASH requested. The case officer hesitated in stating that AMLASH would have understood this message as positive evidence CIA was going to meet his request for equipment.

At the November 22 meeting AMLASH was shown a poison pen device; given assurances that the requested equipment would be supplied him in Cuba, and shown a copy of President Kennedy's speech of November 18 in Miami. ** The case officer told AMLASH that Fitzgerald had helped write the speech. Certainly these actions left little doubt in AMLASH's mind that U.S. policy was fully in support of his proposal to do away with Castro and to foment a coup.

The contact report prepared on November 25 makes no mention of the poison pen or assassination. The case officer thought Fitzgerald had told him to make no mention of it. However, a March 19, 1965, document in AMLASH's file states:

* The case officer said he also asked for a device to protect himself in close quarters. The poison pen device was developed to satisfy this request.

** The case officer does not think he showed AMLASH the speech, but instead alluded to it. He testified that Fitzgerald had authorized him to make these representations to AMLASH. He did not know what authority Fitzgerald had or what the President or anyone above Fitzgerald had been told about the AMLASH operation.

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22 Nov. 63 Mr. Fitzgerald and Mr. *** [the case officer] assured subject [AMLASH] that this Agency would give him everything he needed (telescopic sight, silencer, all the money he wanted). The situation changed when Mr. *** and Mr. Fitzgerald left the meeting to discover that President Kennedy had been assassinated. Because of this fact, plans with subject changed and it was decided that this Agency could have no part in the assassination of a government leader (including Castro) and it would not aid subject in his attempt. This included the following. "We would not furnish the silencer, nor scope, nor any money for direct assassination; furthermore, we would not lift a finger to help subject escape from Cuba should he assassinate Castro."

The case officer took exception to the statements of fact contained in this document. First, he pointed out Fitzgerald was not at the November 22 meeting, but was instead in Washington. After repeated questions, he finally denied he had given AMLASH the assurance of "all the money he wanted." He testified AMLASH never asked for money. He and Fitzgerald had, however, assured AMLASH of all the support he needed; and money could be considered part of that support.

The case officer said he and Fitzgerald never discussed a connection between the AMLASH operation and the assassination of President Kennedy. Therefore, he thought the document's statement that plans changed because of Kennedy's assassination does not accurately describe the situation. He further said that there was no assurance to aid AMLASH's escape. The case officer felt the document was a summary drawn from the AMLASH file; attributing statements made to AMLASH much later to decisions in 1963.

There is no way to reconcile this document with the case officer's testimony. Fitzgerald apparently was not at the November 22 meeting with AMLASH. No other document, except a missing cable

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of November 23, allegedly instructing the case officer to break contact with AMLASH, suggests plans changed because of the assassination. No other document so directly refers to the AMLASH operation as an assassination plot. No other documents mention escape plans or money. If the case officer is correct in his testimony, the quoted portions of this 1965 document were cut out of whole cloth. And, if he is correct, many at the Agency, who had later responsibility for at least a portion of the operation, were acting on very erroneous information if they relied on this document.

Two other events occurring in the October-November 1963 time period deserve mention in this discussion of U.S.-Cuban relations. The first is that talks between the Cuban delegate to the UN, La Chuga, and a U.S. delegate, William Atwood, were proposed by the Cubans on September 5. After discussions about the location for such talks and Atwood's expressions of U.S. interest, La Chuga told Atwood on October 28 that "Havana didn't see exactly how a talk would be useful now, but he would be glad to maintain continuous contact." On November 29, La Chuga again inquired of Atwood about U.S. interest in talks.¹²

Secondly, the French reporter, Jean Daniel, had a brief interview with President Kennedy on October 24 before setting off on an assignment in Cuba. At that meeting, the President expressed his feeling that Castro had betrayed the revolution.¹³

Daniel travelled to Cuba but got no hint of a similar meeting with Castro. Then on November 19, the day after the President's speech in Miami, Castro contacted Daniel and spent six hours

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talking to him about U.S./Cuban relations. Daniel again met Castro on November 22, spending most of the day with him. Daniel's report of this meeting "When Castro heard the News" describes Castro's reaction to word of the assassination. Significantly, after word of Johnson's succession to the Presidency reached Castro, he asked: "What authority does he exercise over the CIA?"

Of course Castro was well aware of the U.S. program of covert operations against Cuba. In public speeches, he repeatedly attacked CIA operations, although he rarely distinguished between CIA operations and those of exile groups operating on their own. President Kennedy's speech of November 18 would have reinforced his belief that the U.S. was committed to his overthrow.

The Select Committee attempted to determine whether Castro had actual knowledge of the AMLASH operation either because AMLASH himself was a double agent or because Cuban/Soviet penetration of the CIA's Cuban operations would have given him such information.

This brief investigation has not yielded a definitive answer. However, the following facts indicate Castro could have known of the operation. First, Castro's statement on September 7 that "events of the last few days" indicate the U.S. was possibly aiding terrorist groups' plans to eliminate the leaders of the revolution is an accurate description of the CIA meetings with AMLASH. Second, the CIA received a report that Castro was aware of AMLASH's general sentiments. Third, CIA received information that employees of a Cuban Embassy suspected AMLASH was on some Top Secret business. Fourth, CIA learned that Cuban Embassy employees were angered by statements by AMLASH and others denigrating the revolution

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during the time he was meeting with CIA case officers. Sixth, CIA discovered at least one of its meetings with AMLASH was under surveillance by another intelligence service and CIA had to explain its actions to that service. Sixth, as late as 1965^A CIA analyst wrote speculating AMLASH might be a double agent and suggesting CIA compromise him; however the proposal apparently was not implemented. Seventh, the CIA received repeated reports that its Cuban operations were penetrated. For example one Cuban defector named a low level CIA agent who had been working for the Cubans for a long time and indicated there was a very highly placed Cuban intelligence agent in CIA's covert operations against Cuba. Finally, CIA's contact with AMLASH was terminated in 1965 for reasons of security. ✓

Thus, it is possible that Castro knew that CIA was meeting with AMLASH and knew generally that AMLASH was dissatisfied with the regime. He could surmise the threat posed by CIA's meeting with AMLASH.

c. Should CIA Have Disclosed the AMLASH Operation to the Warren Commission?

* The case officer testified that AMLASH may have expressed to his friends his opposition to Castro and admitted such conversations might have been overheard by others who would not have been receptive to such comments.

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Knowledge of covert operations generally must be distinguished from knowledge of specific operations. The members and staff of the Warren Commission knew Kennedy's policy toward Cuba and knew CIA was involved. Allen Dulles, a member of the Warren Commission and former DCI, was completely familiar with operations conducted until his departure from the CIA in November 1961. He could have assumed that those operations continued.

The more difficult question is who knew of assassination attempts against Castro and who knew of details of the AMLASH operation. John McCone, then DCI, had been briefed about previous assassination plots but denied knowledge of the AMLASH operation. Allen Dulles probably knew CIA had engaged in past attempts to kill Castro but there is no reason to believe he knew of the AMLASH operation.

* McCone testified he "had not related" assassination plots against Castro involving the Mafia with Kennedy's assassination. McCone further testified that Allen Dulles was in a position to brief the Warren Commission generally on "any activities in the CIA" that might have been relevant to the investigation.

Allen Dulles, my predecessor, was a member of the Warren Commission, and it seemed only natural that if there were any activities in the CIA that preceded my taking office, which might have in some way been responsible for this tragedy that Allen Dulles would have surfaced it with the Warren Commission, which he apparently did not do.

John McCone Testimony, 10/9/75, p. 13.

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The Select Committee's interim Report "Alleged Assassination Plots Involving Foreign Leaders" discusses at length who knew of CIA's assassination plots against Castro. So far as has been determined knowledge of plots involving the Mafia were known by a number of government officials outside CIA. For example, Hoover prepared a memorandum dated May 10, 1962, in which he recounted a private meeting he had with Attorney General Kennedy that day. Hoover noted:

Maheu had been hired by CIA to approach Giancana with a proposition of paying \$150,000 to hire some gunman to go into Cuba and kill Castro. He further stated that CIA admitted having assisted Maheu in making the bugging of Las Vegas.

A copy of this memorandum was disseminated to Messrs. Tolson, Belmont, Evans, Sullivan, and DeLoach. Although these senior Bureau officials were in various capacities involved in the assassination investigation, the Committee has uncovered no evidence that the Warren Commission was ever informed of these plots. There is no indication in the documentary record made available to the Committee which even suggests that any Bureau official considered these plots in connection with the assassination. * Indeed, FBI documents do not again reference these plots until February 1967.

However, there is no evidence that the AMLASH operation -- far more relevant to the Kennedy assassination than these earlier plots because it was underway in Fall 1963 -- was known outside CIA.

* Similarly, CIA and FBI materials reviewed by the Committee do not reflect that the Bureau ever inquired during the course of the assassination investigation as to the details of the agencies' Castro assassination plots or, more specifically, whether such plots were operational in the fall of 1963.

Mr. Angleton testified he often met informally with Mr. Dulles during the Warren Commission's investigation. He and Dulles discussed the Commission's investigation and the CIA's role. Mr. Angleton testified ^{CIA's} ~~he had no knowledge of the AMLASH operation until~~ ^{he first learned of assassination plots:} 1975. ^{"I think I read it in Jack Anderson. I mean I heard rumors and I knew that Harvey wasn't seeing this fellow}

Richard Helms, then Deputy Director of Plans and CIA ^{for nothing.}

liason with the Warren Commission, was informed about the AMLASH operation and approved Fitzgerald's being introduced to AMLASH as a representative of the Attorney General. Helms was questioned why he did not inform the Warren Commission of assassination plots (including both the attempts involving the Mafia and the AMLASH operation) since he had knowledge of both operations.

*and I didn't meet with the President & never do that. **

Chairman. Since you had knowledge of the CIA involvement in these assassination plots against Castro, and knew it at the time . . . I would have thought . . . that ought to have been related to the Commission, because it does bear on motives, whatever else.

Mr. Helms. . . . Mr. Allen Dulles was a member of the Warren Commission. And the first assassination plot happened during his time as director. What he said to the Warren Commission about this . . . I don't know. But at least he was sitting right there in (the Commission's) deliberations and knew about this, and I am sure that the same thought that occurred to you must have occurred to him. **/

The "thought . . . that must have occurred to (Dulles)" in Helm's opinion would only have related to those assassination plans against Castro before 1961. Dulles did not know that in the Fall 1963 CIA offered AMLASH rifles with telescopic sights, told AMLASH that Robert Kennedy approved the scheme, and called his attention to one of President Kennedy's speeches as an indication of Kennedy's approval of AMLASH's proposal to eliminate Castro. Dulles did not know of key meetings with AMLASH held during the Fall of 1963, with the final meeting taking place at the very moment of the assassination.

Helms also argued he did not think the AMLASH operation

** James Angleton's Testimony, 12/16/76 p. 31.*

was relevant to Kennedy's assassination.

Questioned why he did not think it important to give material about assassination plots to the Warren Commission, Helms indicated the Commission could have relied on public knowledge that the United States wanted "to get rid of Castro."

I don't recall that I was either instructed or it occurred to me to cover with the Warren Commission the precise details of the Agency's operations not because I made a significant judgment not to do this, but . . . my recollection at the time was that it was public knowledge that the United States was trying to get rid of Castro. */

Helms' assumption that early covert actions against Cuba which included assassination attempts "must have occurred to (Dulles)" is paradoxical to Helms' inability to recollect whether a 1963 plot which he authorized and which had a least chronological relevance to Kennedy's assassination "occurred" to him. When questioned why, in both positions of liaison with the Warren Commission and DDP, Helms did not inform the Warren Commission, Helms narrowly defined his position with the Warren Commission.

Sen. Morgan. . . . (in 1963) you were not . . . just an employee of the CIA. You were in the top echelon, the management level were you not?

Helms. Yes, I was Senator Morgan . . .

Sen. Morgan. . . . you had been part of an assassination plot against Castro?

Helms. I was aware that there had been efforts made to get rid of him by these means.

Sen. Morgan. . . . you were charged with furnishing the Warren Commission information from the CIA, information that you thought was relevant?

Helms. No sir, I was instructed to reply to inquiries from the Warren Commission for information from the Agency. I

was not asked to initiate any particular thing.

Sen. Morgan. . . . in other words (if) you weren't asked for it, you didn't give it.

Helms. That's right, sir.

Both Helms and the case officer who met AMLASH have testified that no relationship existed between the AMLASH operation and the Kennedy assassination. Both seemed to suggest there was no reason for informing the Warren Commission about the operations -- the thought never crossed their minds. Helms testified as follows:

Q. Now, after President Kennedy was assassinated in November 1963, and after it became known to you that the individual, Lee Harvey Oswald, was believed very broadly to have done the shooting, that Oswald had had some activity in the Fair Play for Cuba Committee did you hold any conversations with anybody about the possibility that the assassination of President Kennedy was a retaliation by Oswald against the activity, the talks and plans to assassinate Castro?

A. No. I don't recall discussing that with anybody. I don't recall the thought ever having occurred to me at the time. The first time I ever heard such theory as that enunciated was in a very peculiar way by President Johnson

Q. I am not asking you about a story, Ambassador. I am asking you whether or not there was a relationship between Oswald's contacts with the Cubans and his support for the Castro government, his attempts in September 1963 to get a passport to Cuba, to travel to Cuba, his attempts to penetrate anti-Castro groups. Did the connection ever enter your mind?

A. I don't recall its having done so.

Richard Helms Testimony, Rockefeller Commission, 4/24/75,
pp. 389-391.

The AMLASH case officer testified that there was no discussion between him and Mr. Fitzgerald (his immediate superior) about any link between the AMLASH operation and Kennedy's assassination;

* AMLASH Case Officer Testimony, 2/11/76, pp. 59-60.

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however, he also testified he assumed that after the November 22 meeting with AMLASH the "whole Cuban operation was going to be reassessed after what happened to President Kennedy."

Questioned if he ever made any link in his own mind between the AMLASH operation and the Kennedy assassination, the AMLASH case officer replied "none whatsoever" and suggested "that all the public theories" have distorted the context of the 1963 AMLASH operation. The Case Officer insisted the AMLASH operation was not an assassination plot and therefore there would be no reason to make any connections:

I have to preface what I have to say by saying that (the AMLASH operation) was not an assassination plot, so there would be no reason why we would be connecting Kennedy's assassination with this assassination plot. (AMLASH operation) was not an assassination plot, it was not conceived as an assassination plot . . . so there was really in the context of the time the fact that this was not an assassination plot conceived as an assassination plot, there was really no reason to connect this one particular operation with the tragedy of President Kennedy.

* AMLASH Case Officer Testimony, 2/11/76, p. 76.

**AMLASH Case Officer Testimony, 2/11/76, p. 87. With regard to his reference to "public theories," it is interesting to note the Case Officer testified he neither knew in November 1963, nor does he now know that Oswald was pro-Castro.

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The testimony of Mr. Helms and the case officer notwithstanding, it does not seem credible that those at CIA knowledgeable of the operation did not at least suspect there might be a relationship. Furthermore, there is some evidence to suggest that affirmative actions may have been taken to prevent those investigating the assassination from learning of the AMLASH operation.

For example, CIA files on AMLASH contain only the briefest report of the November 22 meeting with AMLASH. The case officer identified the document in the file as the report he prepared, but he could not explain why the type of the third page is dramatically lighter than that on the first two pages. He explained its failure to mention the poison pen device by saying Fitzgerald probably ordered him to avoid mention of it in the report. Indeed, although the case officer's testimony established the facts about the device, no existing document at CIA except for the 1967 I.G. Report, mentions it.

Moreover, there is the documentary evidence, contradicted by the case officer's testimony, that CIA terminated the AMLASH operation specifically because of the Kennedy assassination. The 1967 I.G. Report and the case officer's testimony before the Select Committee point to the existence of a cable from CIA Headquarters to the case officer on the morning of November 23, ordering the case officer to break off contact with AMLASH and return to Headquarters. Neither the staff of the Committee nor the staff of the I.G. in 1967 could locate this cable. The contents of such a cable might support the previously referenced 1965 summary of the AMLASH operation, which states the AMLASH "situation changed" when it was learned the President had been assassinated.

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Furthermore, the organization of CIA's investigation of the assassination and its work with the Warren Commission precluded disclosure of the AMLASH operation. The case officer testified he knew of no CIA investigation of a connection between the AMLASH operation and the assassination.

The AMLASH operation was the responsibility of the Special Affairs Staff headed by Desmond Fitzgerald. Although Mr. Fitzgerald was nominally within the Western Hemisphere Division of the DDP and so answered to the head of that Division, J. C. King, Mr. Fitzgerald often worked directly with Mr. Helms especially on sensitive projects. For example, minutes of White House meetings in 1964 on Cuban operations show Mr. Fitzgerald's presence but not Mr. King's.

Evidence available to the Select Committee is conflicting as to what Mr. King knew of the Cuban operations and assassination plots. The case officer did not know if Mr. King knew; but it seems fair to assume that Mr. King did not know of the AMLASH operation. For example, in a February 4, 1964 memorandum to AMLASH's case officer, King itemized intelligence requirements for AMLASH. This at least suggests that King was unaware of the September 1963 decision not to use AMLASH for intelligence and suggests he was unaware of the AMLASH operation. The case officer did not feel such a conclusion can be reached merely from the memorandum, but he did not recall receiving it.

In any event the staff of SAS apparently was not put in direct contact with the Warren Commission. Mr. Angleton testified that "point of record" for the Warren Commission's contact with CIA was Mr.

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Raymond Rocca of Angleton's staff. Rocca described himself as chief of research for matters of interest to the Warren Commission -- primarily Oswald's defection to Russia. Rocca had a staff of three who assisted him in research. One conducted research on the Soviet services. Another followed all FBI developments forwarded to CIA. And another handled Oswald's relationship to the DeMohrenschildts (a

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couple close to Oswald who were part of the Russian community in Dallas) and he followed overt references to Oswald and the Soviet services.

Rocca said the Mexico City aspects of the investigation were handled by Mr. King and his desk chief, Mr. Jack Whitten, the latter usually reporting directly to Mr. Helms. Helms, according to Rocca, was the major liaison with the Warren Commission and conducted any negotiation with Dulles or Rankin.

Consequently, SAS was not involved in the day-to-day work on the assassination although, according to Angleton, it might respond to requests from Helms or Rocca. Thus, except for Helms, CIA personnel knowledgeable of the AMLASH operation were not in direct contact with the Warren Commission.

However, SAS, it would seem, was the most logical office to be working on the case in view of the fact that Oswald's activities since at least August 1963 had revolved around Cuba. For instance, he headed a one-man Fair Play for Cuba Committee in New Orleans. The FBI report of this sent to CIA was routed first to SAS, Counterintelligence on November 15, 1963. Oswald attempted to join, and then argued with, members of an anti-Castro group. The CIA received a message about this on November 22, 1963, through SAS from the WAVE station [] CIA's response to the staff request for WAVE's files on Oswald was that there are none.

Indeed, the whole question of Cuban intelligence's role in the assassination could only have been analyzed by SAS's counterintelligence division -- a self-contained counterintelligence operation that was not under Mr. Angleton, CIA Chief of Counterintelligence.

Whether intentional or not, CIA's exclusion of SAS from day-to-day contact with the Warren Commission would seem to be of major

significance, for it denied the Warren Commission ready access to the CIA division with the most direct knowledge of both pro-Castro and anti-Castro activities, of the activity of Cuban intelligence, and of CIA's work with a high-level Cuban who planned to assassinate Castro.

Finally, on a document which apparently is a biography of AMLASH and which mentions his contact with CIA is written, "Dec 1963, Not to leave this officer per [the case officer's] orders." All documents in this file are filed chronologically and this document appears with others bearing a December 1963 date. It probably was the top document in the AMLASH file in December 1963.

The case officer testified that he did not recall giving such an order and he did not think such an order unusual. He testified that Fitzgerald indicated the AMLASH operation was very sensitive. Nevertheless, he conceded that a request for the file would, by virtue of this order, require that he be consulted before the file could be given out. It certainly seems possible that the order was given because Rocca and others investigating the assassination were requesting SAS files.

Indeed, CIA personnel working on the investigation of Kennedy's assassination were almost immediately concerned with the connection between Oswald and KGB and other Soviet personnel in Mexico City. On November 24, Mexico City station cabled all known contacts of certain Soviet personnel there. Among those contacts mentioned in the cable was AMLASH. Since all such names were presumably traced through CIA files, it seems likely that CIA personnel investigating the assassination would have requested all files on AMLASH.

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Of course, there are no documents indicating such a request was made or indicating the AMLASH file was turned over to CIA investigators. However, from the handwriting on the top document in the AMLASH file, one may infer that the investigators did not receive his file.

3. Mexico City Investigation

On September 25, 1963, Oswald left New Orleans by bus and travelled to Mexico City, arriving there at 10:00 a.m. on Friday September 27. He left Mexico City on the morning of October 2 and travelled by bus to Dallas area, where he lived until the assassination.

After the assassination, intensive investigation by the FBI and by Mexican authorities produced little information about Oswald's activities while in Mexico City. The investigation determined the bus he took, the passengers on the buses (whom the FBI interviewed), his arrival and departure times, and the hotel he stayed in. One person interviewed by the FBI recalled seeing Oswald at the hotel when he left for Dallas and another saw him eating

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lunch at a restaurant near the hotel. Otherwise, all information about Oswald's activities in Mexico City has come from the CIA and from documents furnished by the Cuban government to the Warren Commission. * Thus, although Oswald spent about five and a half days in Mexico City, CIA was the principal source of information about his activities there.

On the surface, the information only indicated Oswald was in Mexico City to obtain a visa to Russia with a stop-over in Cuba -- travel requiring he obtain the approval of both governments.

It was this information which brought Oswald to CIA attention before the assassination.

On October 8, 1963, the Mexico Station relying on this information reported to headquarters that Lee Oswald had been in contact with the Soviet consulate.

Later in October, CIA Headquarters passed this information with some background material from its files to the Navy, State Department and FBI; and the Mexico Station made a similar distribution, including the background information it received from Headquarters, to [] contacts in Mexico City. Passing this information to these three agencies ended CIA's responsibility in the matter. Since Oswald was an American citizen and since FBI was the responsible

* Documents furnished by the Soviets do not accord with this information from CIA. Infra.

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agency, there seemed to be nothing further CIA could do.

The CIA did obtain photographs of an American-looking male, in Mexico City at the time Oswald was there. The station reported his description to Headquarters, and asked for a photograph of Oswald to compare with the photograph of this man. After the assassination, the Station sent the photograph to Dallas and simultaneously realized from television pictures, the individual was not Oswald. CIA to this day maintains it does not know who this unidentified individual is.

In any event, after the assassination CIA concentrated most of its efforts on Soviet Embassy personnel in Mexico City who may have contacted Oswald and on other alleged contacts of Oswald there.

The great mass of material the CIA holds on the assassination has precluded exhaustive analysis of the thoroughness of its investigation in Mexico City. The Select Committee staff, operating on the assumption that information received by CIA immediately after the assassination^{is} probably the most reliable, analyzed this information closely. The staff attempted to determine what, if anything, was done to pursue the leads contained in this information.

It must be remembered that both CIA Headquarters and the station in Mexico City were operating under tremendous pressures after the assassination and were receiving a great deal of irrelevant information. ~~Failure to follow a given lead is understandable.~~ This discussion is not intended to minimize CIA's impressive work in inves-

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where conditions ~~undoubtedly~~ ^{probably} made it difficult to sort out and pursue fully all major leads.

coupled with

Confusion of investigative responsibility between FBI and CIA, ~~discussed infra, may also have hampered efforts~~

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tigating the assassination, but only to note the unresolved leads.

Furthermore, the Warren Commission staff travelled to Mexico City and was given access to files there and at Headquarters. The Committee staff did not attempt the difficult and tedious job of determining precisely what documents the Commission staff actually read or what documents it had access to. * There are summaries of the documents the Warren Commission staff reviewed in Mexico City and from these summaries it seems the staff did not review many of the Station's files; but these summaries are not necessarily accurate or complete.

In any event, the Select Committee's review of CIA files on Mexico City yields a different picture of Oswald's visit there than that painted in the public version of the Warren Report. Moreover, these documents disclose unusual activity by both the Soviets and Cubans in Mexico City, which may or may not relate to the assassination, but are, in the least, coincidental with it.

Oswald went to the Soviet Embassy on September 27, sometime after arriving in the city.

He visited the Cuban Consulate in the afternoon asking for a visa and indicating he had previously been to the Soviet consulate. He dealt with a Mexican employee of the Cuban Consulate named Sylvia Duran. She attempted to determine whether the Soviets had granted a visa and learned they had not. She told Oswald he could not get a visa to Cuba for travel on to Russia unless he had the Russian visa first. This is substantiated by the documents furnished by the Cuban

* We do know that the files we have reviewed may contain documents not seen by the Warren Commission staff.

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government.

The next morning Oswald apparently visited the Soviet Consulate again and then went to the Cuban Consulate. He had to return to the Soviet Consulate later in the day to give the Soviets his "address" which the Cubans had.

There is no explanation for why Oswald had to get his address from the Cubans, nor is it known whether it was his address in the United States or in Mexico City. ✓ However, in 1967 Sylvia Duran reportedly said that she had sexual relations with Oswald. She denied this in 1963 when interrogated by Mexican authorities.

Either on this day or the previous day, Oswald allegedly got into an argument with the Cuban consul, Asque. This fact was initially brought out in the interrogation of Duran by Mexican authorities immediately after the assassination. It was substantiated by Oswald's letter to the Soviet Embassy in Washington of November 9, 1963, in which he complained about the attitude of Asque. However, in mid-1964, it was reported that Oswald had also told Asque that he intended to shoot Kennedy. A 1967 article in the National Inquirer and the Mexican newspaper, Novedades, reports an interview by a British journalist, Comer Clark, with Castro in which Castro said Oswald told Asque that he planned to shoot Kennedy. *

Oswald may have met with the Soviet Consul and KGB agent, Yatskov, while in Mexico City. Oswald may also have met Vice-Consul and KGB agent Kostikov; Oswald's letter to the Soviet Embassy refers to a

* The Warren Commission Report tends to suggest Oswald did not contemplate assassination until a mid-November slight by Marina.

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discussion with "Comrade Kostin." Oswald easily could have been confused or could have forgotten Yatskov's name, so there seems to be no significance in the fact he met Yatskov. Kostikov is believed to have been in the KGB's 13th Department, specializing in sabotage and assassination. However, Kostikov, as part of his "cover" was responsible for issuing visas and CIA developed no evidence that Oswald's contact with Kostikov was other than for the purpose of obtaining a visa.

Nothing is known about Oswald's activities on September 29 or 30 -- although his visa application furnished by the Cubans indicates he wanted to travel to Cuba on September 30. The Cuban documents show his application was not approved until October 27 and then only on the condition that he have a Soviet visa.

On October 1, Oswald again contacted the Soviet Consulate about approval of his visa application. He was told there was no further information but a telegram had been sent to Washington.*

✓ CIA developed no further information in Mexico City about Oswald until the assassination. But shortly after the shooting in Dallas the CIA learned at least one Cuban and one Communist Bloc official in Mexico City ~~reportedly~~ said something to the effect that they knew "almost before Kennedy." This possibly means word of Oswald's threat against Kennedy, expressed to Asque, had spread throughout the Communist Bloc establishment in Mexico City before the assassination.

After the assassination CIA received a report from a source, later determined to be prone to exaggeration, that a reporter in

* The Soviet Ambassador in Washington turned over to the State Department all files in the Washington Embassy and Consulate. There is no telegram or other message from Mexico City.

Mexico said the Cubans had met Oswald at a restaurant on the outskirts of the city during his visit. The Mexican reporter denied the story to FBI investigators. Employees of the restaurant were interviewed and, after being shown pictures of Oswald and various Cuban officials, stated they could not recall seeing them at the restaurant.

The day after the assassination Mexican authorities arrested Sylvia Duran, the person Oswald contacted at the Cuban Consulate. Her arrest was strongly protested by the Cubans. Even if Cuba had no involvement with Oswald, the Cubans would be concerned about U.S. suspicions. In any event, the Cuban Ambassador met with Duran and reviewed what she had told the Mexicans. He then summarized what she told him in a report he sent to Cuba. Despite this report the Cubans remained concerned about allegations Duran might tell something about "money" and Oswald. Only after the Cubans were sure that she hadn't, did they decide it was safe to act on the information they had.

Shortly after the assassination, CIA learned of unusual activity on flights to Cuba. First, it was reported that a Cubana airline flight from Mexico City to Cuba in late afternoon on November 22 was delayed some five hours in order to take on an unidentified passenger who arrived in a small aircraft and who boarded the Cubana flight without passing through customs. No further information was ever received by CIA and there is no evidence that any further investigation was ever made.

Second, an American of Cuban birth (referred to herein as the Cuban-American) was reported to have travelled from Tampa to Texas where he crossed into Mexico on November 23. On November 25, he arrived

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in Mexico City and departed on a late evening flight to Havana on November 27. He was the only passenger on the Cubana airlines flight which had a crew of nine.

Information available to CIA also indicated that Soviet couriers were engaged in "unusual" travel between New York, Mexico City, and Havana both before and immediately after the assassination.

CIA drew no conclusion about this unusual activity.

3. Major Deficiencies in CIA's Investigation

a. Nossenko

In repeated testimony before the Select Committee, Mr. James Angleton, who was head of CIA counterintelligence for 20 years, emphasized the strange case of the defector Nossenko as a basis for his concern about Warren Commission findings. Nossenko, a high level KGB officer, defected to the U.S. in early 1964. Among other things, he told a story of KGB's belief that Oswald was unstable and of KGB's resultant disinterest in Oswald during his stay in Russia. Nossenko claimed to have reviewed the complete KGB dossier on Oswald shortly before his defection and assured interrogators that KGB had no connection with Oswald.

Mr. Angleton testified that neither he nor other CIA personnel responsible for Nossenko's interrogation believed him to be telling the truth -- in Mr. Angleton's parlance, Nossenko lacked bona fides. Current CIA counterintelligence officials, who strongly disagree with Mr. Angleton's policies generally, now assert that Nossenko is bona fides.

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Thus there is a difference in opinion between the counterintelligence experts as to the reliability of Nossenko's story.

If Nossenko is not bona fides but is instead a plant, then there is a very troubling question as to why he defected and as to why his story exonerates the KGB from a role in the assassination. Perhaps his defection was designed to give CIA incorrect information on many aspects of the

KGB's operation -- in which case his story about Oswald could still be true. However, there seem to be inconsistencies between his knowledge of the Oswald case and the known information about Oswald. For example, he claimed to have reviewed the entire KGB file on Oswald, yet he had no knowledge of Oswald's visit to Mexico City other than the bare fact that he went there. He did not tell interrogators, what surely must have been in Oswald's file, that Oswald met Yatskov and Kostikov -- both KGB agents. In any event, the Nossenko defection remains as mysterious now as it was in 1964.

b. Pursuit of the Cuban Connection

With substantial evidence pointing to Cuban involvement in the assassination, CIA would logically have been expected to use its resources to conduct a vigorous investigation of that connection. That did not happen.

The Mexico City Station informed Headquarters immediately after the assassination that the Mexican government, like CIA, knew that Oswald had met with Sylvia Duran at the Cuban Consulate. It

* This is the same deficiency in the documents furnished by the Soviet Ambassador.

further cabled that the Mexican authorities planned to arrest and interrogate Duran. Upon learning this Mr. Karamessines, then assistant to DDP Helms, ordered Mr. Whitten of the Mexican desk of the Western Hemisphere Division to telephone the Chief of Station on an open line to call off the arrest. The telephoned order was too late for Duran had already been arrested. However, Whitten did not agree with the order and wrote a memorandum for record stating that he carried out the order despite his personal objection to it.

Later that day, a message from Headquarters cautioned Mexico City Station about the interrogation of Duran because "it could jeopardize U.S. freedom on the whole question of Cuban responsibility." Neither Mr. Karamessines nor Mr. Whitten have been questioned about this order, but Mr. Angleton testified he ~~was unaware of it and~~ cannot understand why it was issued.

More importantly, the U.S. Ambassador to Mexico, Thomas Mann, apparently was at this time extremely interested in investigating the role of the Cubans. CIA cables from Mexico reveal he was exerting pressure on CIA, FBI and State Department personnel to investigate the Cuban connection. He proposed that Mexican authorities arrest Maria Louisa Caleron, a Cuban consulate employee, and the Cuban Consul Mirabil. The Chief of Station cabled headquarters about this pressure and warned of the "flap potential" of the Ambassador's continuing along his line of investigation. The Chief of Station is now dead so he cannot explain the meaning of his cable. The FBI representative in Mexico City who sat in on meetings with the Ambassador and Chief of Station testified that he was not aware of

any CIA reluctance to pursue Cuban involvement; and, he expressed surprise that the Chief of Station sent such a message to Headquarters. Moreover, Director McCone's calendar reveals he met with Ambassador Mann and Mr. King on December 13, 1963 in Washington. The Select Committee has not yet been able to obtain records of this meeting.

Indeed very little is known about the actions of the Cuban diplomatic/intelligence personnel in Mexico City either before or after the assassination.

Unlike the Soviet KGB personnel, Cuban intelligence officers were not closely watched by CIA. Maria Louisa Calderon, who was alleged to have been in contact with Oswald, moved her residence on the afternoon of the assassination and moved into the Cuban Embassy after the arrest of Duran. She returned to Cuba on December 13.

Furthermore, CIA undertook a major review of its Cuban policy immediately after the assassination. In early December, Headquarters first approved and then called off several operations against Cuba. CIA's [] station ("WAVE") complained about the confusing orders, but Headquarters assured WAVE that everything depended upon the high level review of Cuban/Caribbean policy.

Indeed White House documents of January 1964, note that orders had been issued in early December 1963 delineating the types of operations that could be conducted pending final decision by the President as to future Cuban policy. CIA has not yet given the staff access to its files on this review process.

Throughout January, February, and March, review at the White House level continued. Notes of discussions at these meetings are quite detailed, but the AMLASH operation was never mentioned by

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name, nor so far as we can determine, by even a general description. There is no reference in these notes to the events of the Fall of 1963, although almost every other CIA operation is detailed.

In November 1964, AMLASH was again in contact with CIA through an intermediary and the White House staff was duly informed of this. However, the staff was only told that AMLASH had been working for CIA since 1961 and had provided valuable information. The staff was not told that CIA had met AMLASH in connection with a coup or assassination attempt.

Memoranda for Record prepared by Director McCone of his meetings with President Johnson from November 22, 1963 through January 31, 1964, were reviewed by the staff of the Select Committee. There is no mention in those memoranda of the AMLASH operation or the possibility that CIA plots against Castro prompted him to retaliate.

In 1967, Mr. Helms orally briefed President Johnson on the CIA I.G. report on assassination. Helms' handwritten notes prepared for the briefing do not refer to any activity after mid-1963 although the I.G.'s report detailed the AMLASH operation as an assassination plot. As previously mentioned, Mr. Helms has testified he did not regard the AMLASH operation generally as an assassination plot.

c. Special Affairs Staff Information on Cuban Groups

As mentioned previously, CIA was engaged in a variety of covert operations against Cuba. At Headquarters, the Special Affairs Staff was responsible for Cuba. The WAVE station [] actually carried out the operations. WAVE had at least two major ties to the Cuban exile community. First, it employed exiles in CIA-controlled operations against Cuba. Cuban exiles were used as members of agent teams landed in Cuba and as the crews of boats and aircraft supporting operations. Necessarily, WAVE personnel were actively recruiting Cuban exiles for these operations and probably had a great deal of information about Cuban exile groups.

Second, WAVE apparently had responsibility for liaison contact with the two "autonomous groups." Both of these groups had extensive contacts in the Cuban exile community.

Despite WAVE's potential for assisting in the investigation of the assassination -- especially regarding Oswald's connection with Cuban exiles and allegations he was seen in the company of Mexicans or Cubans -- WAVE was not directed to give such assistance.

Although the Warren Commission requested FBI to furnish what information it held on various Cuban groups, it made no similar request of CIA. The Select Committee has not been able to learn why the Commission did not make such a request -- particularly significant in view of the fact that FBI's response noted CIA might have an operational interest in Cuban groups. In any event, a large and possibly fruitful area of investigation, the CIA's ties to Cuban groups, was not investigated by the Warren Commission or the CIA.

d. The Cuban-American

As mentioned previously, CIA learned that the Cuban-American crossed the border from Texas into Mexico on November 23. CIA knew that the border had been closed by Mexican authorities immediately after the assassination and reopened on November 23, so such a crossing was itself cause for investigation. The Cuban-American arrived in Mexico City on November 25. He stayed in a hotel until the evening of November 27, when he departed on a late evening Cubana airlines flight to Havana, using a Cuban "courtesy visa" and an expired U.S. passport. He was the only passenger on that flight, which had a crew of nine.

In March 1964, CIA received a report that a source alleged the Cuban-American had received his permit to enter Mexico on November 20 in Tampa, Florida. The same source also said the Cuban-American was somehow "involved in the assassination." There is no indication that CIA followed-up on this report.

The FBI did investigate this individual after receiving CIA's report of his unusual travel. The FBI's investigation terminated after publication of the Warren Report, because the Cuban-American was then in Cuba and so outside the FBI's jurisdiction.

The FBI's reports on the Cuban-American are confusing and incomplete but they are the only available information about him. The following information is taken from those reports.

The Cuban-American applied for a U.S. passport at the U.S. Consul Office in Havana on June 2, 1960. He presented proof that his mother was an American citizen although she moved to Cuba with her parents

when she was eight months old. She married the Cuban-American's father, a Cuban national in 1939 and the Cuban-American was born in 1940. His mother, in documents submitted with his application for passport indicated she planned to remain in Cuba. On July 13, 1960, the Cuban-American was issued a passport, but it was only valid until January 25, 1963, the date he would become 23 years old.

The Cuban-American requested Cuban authorities to permit him to return to Cuba on May 15, 1962. The Cuban-American's cousin said the Cuban-American had spent several weeks in Cuba and apparently he did travel there sometime after May 15, 1962.

In August 1962, the Cuban-American married an American woman, 11 years his elder. They lived in Key West until June 1963, when they moved to Tampa.

In August 1963, his wife moved back to Key West because of marital problems. His wife and others characterized the Cuban-American as pro-Castro.

The Cuban-American allegedly told FBI's sources that he had originally left Cuba to evade ^{Cuban} military service, but Selective Service records disclosed that he registered for the ^{U.S.} draft on July 29, 1960, at Key West -- shortly after his arrival in the U.S. He was classified 4-F on February 23, 1962, because of a language barrier and because he had a physician's letter stating he had grand mal epilepsy. Nevertheless, some sources told FBI that the Cuban-American had returned to Cuba in 1963 because he feared being drafted. Others attributed his return to his worry about his parents or about his own health.

It was also reported to FBI that the Cuban-American had a brother in the Cuban military who was studying in the Soviet Union.

On November 17, 1963, according to several sources, the Cuban-American was at a get-together at the home of a member of the Tampa Chapter of the Fair Play for Cuba Committee, where color slides of Cuba were shown.

[T]here was some talk about [the Cuban-American] having been at the residence for some time waiting for a telephone call from Cuba which was very important. It was understood that it all depended on his getting the "go ahead order" for him to leave the United States. He indicated he had been refused travel back to his native Cuba *

On November 20, 1963, the Cuban-American obtained a Mexican tourist card at the Honorary Consulate of Mexico in Tampa. He crossed the border into Mexico at Nuevo Laredo on November 23. Apparently because the Cuban-American was not listed as the driver of any vehicle crossing the border that day, FBI concluded he crossed in a privately owned automobile owned by another person.

On December 10, 1963, at the regular monthly meeting of the Tampa FPCC, a woman told the group that she had telephoned Cuba at 5:00 a.m. and learned the Cuban-American had arrived there safely via Texas and Mexico. On January 16, 1964, the same woman reportedly said he had borrowed \$190 prior to his leaving for Mexico.

On September 3, 1964, a source who told FBI that he was acquainted with the Cuban-American said he borrowed \$150 for his travel but repaid only \$25. Another source reported that as of September 1964, the Cuban-American was not working in Cuba but spent a great deal of time playing dominoes.

* President Kennedy made several public appearances in Tampa on

NOT RECORDED

The preceding was the extent of the FBI's and CIA's investigation.* So far as we can determine, neither FBI nor CIA told the Warren Commission about the Cuban-American's strange travel. Warren Commission files contain an excerpt of the FBI's check on the Cuban-American at the Passport Office, but nothing else. In responding to the Commission's request for information on the Miami chapter of FPCC, FBI mentioned the Tampa chapter had 16 members in 1961 and was active in May 1963. The FBI response did not mention the Cuban-American or the November and December 1963 meetings.

Moreover, a possible connection between Oswald and the Tampa chapter of FPCC was already indicated. Oswald applied to V. T. Lee, national president of the FPCC, for a charter for a New Orleans chapter. Lee wrote Oswald on May 29, 1963, suggesting Oswald get in touch with the Tampa chapter, which V. T. Lee had personally organized. Thus, the suspicious travel of this individual coupled with the possibility that Oswald had contacted the Tampa chapter certainly should have prompted a far more thorough and timely investigation than FBI conducted and the results should have been volunteered to the Warren Commission, regardless of its failure to request the information.

* A CIA employee did check the U.S. Passport Office's file on this individual in early December 1963, after a Mexico City station called a request for a check. In May, 1964, a defector from Cuban intelligence was asked if he knew anything about this individual and he responded in the negative.

THE FBI'S ASSASSINATION INVESTIGATIONPreliminary Discussion

The FBI's investigation of the assassination was a massive effort. Literally thousands of leads were followed by hundreds of agents, many of whom during the days immediately following the assassination worked round the clock. The investigative files total over five hundred and ninety volumes of materials.

Although the ^{sub-}Committee reviewed FBI materials in areas where allegations of disclosure or investigative difficiencies had been advanced, existing limitations of personnel and time precluded ^{sub-}~~Committee~~ review of the Bureau's entire investigative effort. Rather, than randomly selecting for examination a limited number of other substantive investigative areas, the ^{sub-}Committee directed the staff to review documents and examine Bureau employees to determine whether there were any limitations placed on the assassination investigation, or whether the Bureau withheld evidence from the Warren Commission. ^{we} ~~The~~ Committee began this aspect of ^{our} ~~its~~ investigation with the impression -- subsequently confirmed -- that the Warren Commission had not been informed of the CIA's attempts on Fidel Castro's life. Whether knowledge of these attempts, or existing Bureau activities, or the Bureau's relationship with the Commission, is likely to have affected the process by which information flowed from the Bureau to the Commission or the Bureau's assassination investigation, is discussed in

in next three sub-sections of this chapter. The remaining sub-sections consider certain aspect of the Bureau's investigative efforts in Dallas, Mexico City, and New Orleans.

- (a) The internally admitted investigative deficiencies in the Bureau's handling of the pre-assassination Oswald case

Immediately after the assassination, J. Edgar Hoover instructed that a complete analysis be made of "any investigative deficiencies in the Oswald case." By memorandum dated December 10, 1963, Assistant Director J. H. Gale (Inspection Division) reported that there were a number of investigative and reporting delinquencies in the handling of the Oswald case as follows:

Oswald should have been on the Security Index; his wife should have been interviewed before the assassination, and investigation intensified -- not held in abeyance -- after Oswald contacted Soviet Embassy in Mexico.

In the paragraph immediately preceding the section of the report which sets forth Mr. Gale's recommendations for disciplinary actions, he observes:

Concerning the administrative action recommended hereinafter, there is the possibility that the Presidential Commission investigating instant matter will subpoena the investigating Agents. If this occurs, the possibility then exists that the Agents may be questioned concerning whether administrative action had been taken against them. However, it is felt these possibilities are sufficiently remote that the recommended action should go forward at this time. It appears unlikely at this time that the Commission's subpoenas would go down to the Agent level.

to which Mr. Hoover noted: "In any event such gross incompetency cannot be overlooked nor administrative action postponed."

The following addendum to Mr. Gale's report was written
by Assistant Director Cartha D. DeLoach:

I recommend that the suggested disciplinary action be held in abeyance until the findings of the Presidential Commission have been made public. This action is recommended inasmuch as any "leak" to the general public, or particularly to the communications media, concerning the FBI taking disciplinary action against its personnel with respect to captioned matter would be assumed as a direct admission that we are responsible for negligence which might have resulted in the assassination of the President. At the present time there are so many wild rumors, gossip, and speculation that even the slightest hint to outsiders concerning disciplinary action of this nature would result in considerable adverse reaction against the FBI. I do not believe that any of our personnel will be subpoenaed. Chief Justice Warren has indicated he plans to issue no subpoenas. There is, however, the possibility that the public will learn of disciplinary action being taken against our personnel and, therefore, start a bad, unjustifiable reaction.

immediately below which Mr. Hoover noted: "I do not concur."

On December 20, 1963, 17 Bureau employees (5 field investigative agents, 1 field supervisor, 3 special agents in charge, 4 headquarters supervisors, 2 headquarters section chiefs, 1 inspector, and 1 assistant director) were disciplined (i.e., censured and/or placed on probation) for "shortcomings in connection with the investigation of Oswald prior to the assassination." Although the transferring of some of these agents was discussed at that time, certain transfers were held in abeyance until the issuance of the Warren Commission's report on September 24, 1964.*

Memorandum from J. H. Gale to C. Tolson, 9/30/64.

One of the investigative shortcomings identified by Assistant Director Gale was the failure to include Oswald's name on the Security Index.* Indeed, of the seventeen agents, supervisors, and senior officials who were disciplined, not a single one believed that Oswald met the criteria for the Security Index. In this regard Assistant^{b7c} Director Alan Belmont noted in an addendum to Mr. Gale's 12/10/63 memorandum that:

It is significant to note that all of the supervisors and officials who came into contact with this case at the seat of government, as well as agents in the field, are unanimous in the opinion that Oswald did not meet the criteria for the Security Index. If this is so, it would appear that the criteria are not sufficiently specific to include a case such as Oswald's and, rather than take the position that all of these employees were mistaken in their judgment, the criteria should be changed. This has now been recommended by Assistant Director Gale.

Mr. Hoover made the following handwritten notations next to Mr. Belmont's addendum: "They were worse than mistaken"; "Certainly no one in full possession of all his faculties can claim Oswald didn't fall within this criteria."

* The Security Index and the criteria pursuant to which names are selected for inclusion are discussed in detail on pages 195-199 of Tab D of the Committee's Domestic Report. With respect to the Oswald case, however, it is important to understand that under the procedures then in effect, the inclusion of Oswald on Security Index would not have resulted in the dissemination of Oswald's name to the Secret Service.

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On September 24, 1964 -- the same day the Warren Commission's report was officially released -- Assistant Director William C. Sullivan wrote:

In answer to the question as to why Lee Harvey Oswald was not on the Security Index, based on the facts concerning Oswald which were available prior to his assassination of the President, it was the judgment of the agents handling the case in Dallas and New Orleans. The Dallas field supervisor and the SAC in New Orleans as well as supervisors at the Seat of Government that such facts did not warrant the inclusion of Oswald in the Security Index. The matter has, of course, been re-examined in the Bureau and Mr. Gale by memorandum 12/10/63 expressed the opinion that Oswald should have been placed on the Security Index prior to 11/22/63. The Director concurred with Mr. Gale's opinion and administrative action has been taken.*

Mr. Hoover's handwritten notations on the above-quoted Sullivan memorandum were with respect to the Bureau personnel who failed to include Oswald on the Security Index, "They could not have been more stupid," and with respect to administrative action, "And now that the Bureau has been debunked publicly I intend to take additional administrative action."

Special Agent Hosty testified before the Warren Commission on May ⁵~~4~~, 1964. He had previously requested to talk to Mr. Hoover, and he learned from ~~Assistant Director~~ Alan Belmont on the morning of May ⁶~~5~~, 1964, that he would be allowed to see the Director later that day. According to ~~SA~~ Hosty, the

*Memorandum from W. C. Sullivan to A. H. Belmont, 9/29/64.

no saying
100 percent
Director could not have been more pleasant; SA Hosty testified
that "Everything was in order" and that he had "nothing"
that "There was not one negative word and the Director told me
that I had nothing to worry about." Indeed, this is exactly
what SA Hosty recounted to SAE Gordon Shanklin upon his return
to Dallas.** Mr. Hoover's version of the meeting differs con-
siderably from SA Hosty's. According to the Director:

[I] discussed with him the situation
which had developed in Dallas . . . and
of embarrassment which had been caused.***

On September 28, 1964 -- some four days after the issuance of
the Commission's report -- eight of the Bureau employees against
whom disciplinary action had been taken in December of 1963
were again censured and/or put on probation (and some this time
transferred) for reasons identical to those that led to action
being taken against them in December 1963. In addition to the
above eight, three other employees who had not been disciplined
as a result of the Oswald case in December 1963 were disciplined
as follows:

- 1) A Special Agent in Dallas was censured
and placed on probation for failing to
properly handle and supervise this matter;
- 2) An inspector at FBI HQ was censured for
not exercising sufficient imagination and
foresight to initiate action to have Security
Index material disseminated to Secret Service;
- 3) An Assistant to the Director at FBI HQ
was censured for his overall responsibility
in this entire matter.

Testimony of J. Gordon Shanklin, December 20, 1975, p.

Hosty, 12/5/75, p. 71.

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In a memorandum disseminated to senior bureau officials on October 12, 1964, Mr. Hoover noted:

There is no question in my mind but that we failed in carrying through some of the most salient aspects of the Oswald investigation. It ought to be a lesson to all, but I doubt if some even realize it now.

J. Edgar Hoover did not believe that the fact of disciplinary action would ever become known outside the Bureau. It did not until October 1975. Neither the testimony of FBI personnel nor the materials made available to the Commission suggest the slightest investigative deficiency in the Bureau's pre-assassination Oswald case. Indeed, the record gives just the opposite impression. However, the documentary record made available to the Committee reveals that Bureau officials were continually concerned with the possibility that the FBI might be regarded as "responsible for negligence that resulted in the assassination of President Kennedy because of pre-assassination investigative deficiencies in the Oswald case."*

Associate * Memorandum from ~~Assistant Director~~ Alan H. Belmont to ~~Assistant to the Director~~ Clyde Tolson, 10/1/64. Cf. Discussion, infra, subsection (b).

(b) The Bureau's perception of the Warren Commission as an adversary.

Not only was the Bureau subjected to its first major public criticism in years for its handling of the pre assassination case; a majority of Americans were skeptical of the Bureau's stated investigative findings that Oswald was the assassin and that he acted alone. The Warren Commission itself noted in its report that: "Because of the numerous rumors and theories, the public interest in insuring the truth was ascertained could not be met by merely adopting the reports on the analysis of Federal or state agencies." (1)

Assuming, arguendo, that the Warren Commission reported either that the Bureau's handling of the pre assassination Oswald case was deficient in some manner, the FBI would have been open to embarrassment and criticism and charged with responsibility for the assassination. Given this possibility and J. Edgar Hoover's known hostility and established reactions to either criticism or embarrassment (be it personal or of the Bureau), it is not at all surprising that from its inception Mr. Hoover, and therefore the Bureau, perceived the Commission as an adversary.

J. Edgar Hoover had, by November 23, 1963, informed President Johnson of the Bureau's preliminary investigative findings: viz.; (2) that Oswald was the assassin and that he acted alone. In a

(1) Warren Commission Report, p. X.

(2) *It should also be noted that*
By letter to the Warren Commission dated December 9, 1963, Deputy Attorney General Nicholas Katzenbach recommended that the Commission make an immediate press release pointing out that the FBI report clearly showed there was no international conspiracy or collusion and that Oswald was a loner. DeLoach had apparently learned of Katzenbach's letter from a Commission member. Memorandum from C. D. DeLoach to J. Mohr 12/12/63.

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November 9, 1963, memorandum, Mr. Hoover recounts a telephone conversation he had that day with President Johnson:

The President called and asked if I am familiar with the proposed group they are trying to get to study my report - two from the House, two from the Senate, two from the courts, and a couple of outsiders. I replied that I had not heard of that but had seen reports from the Senate Investigating Committee.

The President stated he wanted to get by just with my file and my report. I told him I thought it would be very bad to have a rash of investigations. He then indicated the only way to stop it is to appoint a high level committee to evaluate my report and tell the House and Senate not to go ahead with the investigation. I stated that would be a three-ring circus.

* * *

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 as an angle in Mexico is giving trouble - the matter of Oswald's getting \$6,500 from the Cuban Embassy and coming back to this country with it; that we are not able to prove that fact; that we have information he was there on September 18 and we are able to prove he was in New Orleans on that date; that a story came in changing the date to September 28 and he was in Mexico on the 28th. I related that the police have again arrested Duran, a member of the Cuban Embassy; that they will hold her two or three days; will confront her with the original informant and will also try a lie detector test on her.

* * *

The President then indicated our conclusions are: he is the one who did it; . . . whether he was connected with the Cuban operation with

money we are trying to nail down. I told him that is what we are trying to nail down; that we have copies of the correspondence; that none of the letters dealt with any indication of violence or assassination; that they were dealing with a visa to go back to Russia.

On November 29, 1963, President Johnson issued the executive order establishing the Presidential commission. Bureau documents reflect that each time Hoover received word that a particular person was being considered for the Commission or its staff, he asked to be informed as to "what the Bureau had" on the individual. Although derogatory information pertaining to members and staff was brought to Mr. Hoover's attention, the Bureau has informed the Committee staff that there is no documentary evidence which indicates that such information was ever disseminated. (3) *activity The Warren Commission was in session.*

On December 10, 1963, Hoover informed ~~Assistant Director~~ Alan Belmont that he would be "personally responsible for reviewing every piece of paper that went to the Warren Commission." Hoover also designated Inspector James Malley -- who had previously cosupervised the field investigation in Dallas along with SAC Shanklin -- as the Bureau liaison with the Warren Commission. In a memorandum recounting the December 10 meeting during which Malley was briefed

(3) The Committee and the Bureau defined their terms, such that "dissemination" includes informing the person himself of the derogatory information. Additionally, in order to ensure the protection of individual privacy, the Committee directed the staff not to request access to any derogatory information.

as to his new assignment, the Director wrote,

I told Mr. Malley that I wanted him to establish the closest and most amiable working relationship with Mr. Rankin. I told him that I had personally known Mr. Rankin quite well since he had served as Solicitor General under Attorneys General Brownell and Rogers.

I also alerted Mr. Malley that there were indications that the Chief Justice, who headed the Presidential Commission, was endeavoring to find fault with the FBI and certain information had been leaked by the Chief Justice to Drew Pearson which was critical of the FBI's functioning in Dallas prior to the assassination.

I told Mr. Malley and Mr. Belmont that the Chief Justice has now demanded all of the so-called "raw" reports upon which the FBI report of the assassination was predicated, and in doing so the Chief Justice had characterized the FBI report as being in "skeleton form." I stated the Chief Justice had further added in his statement to the press: "In order to evaluate it we have to see the materials on which the report was prepared." I stated that this statement by the Chief Justice I felt was entirely unwarranted and could certainly have been phrased better so as not to leave the impression, at least by inuendo, that the FBI had not done a thorough job.

On January 28, 1964, Lee Rankin met with Hoover at the Commission's direction to discuss the allegation that Oswald was an FBI informant. According to a Hoover memorandum of January 31, 1964:

Rankin stated that the Commission was concerned as to how this matter could be resolved, and it was for this reason that they asked him to see me. He stated that the Commission did not desire to initiate an investigation on the outside. . . as it might appear the Commission was investigating the FBI.

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I told Mr. Rankin that Lee Harvey Oswald was never at any time a confidential informant, undercover agent, or even a source of information for the FBI, and I would like to see that clearly stated on the record of the commission and I would be willing to so state under oath.

I commented to him that I had not appreciated what I interpreted as carping criticism by the Chief Justice when he referred to the Bureau's report originally furnished to the Commission as being a "skeleton report."

Throughout the Warren Commission's existence, Mr. Hoover was kept informed on a daily basis by Alan Belmont as to (1) the internal Commission meetings and decisions; (2) the areas in which the Commission was requesting information or further FBI investigation, and (3) (4) the materials which the Bureau intended to provide to the Commission. On various occasions, Mr. Hoover learned that the Commission members and/or staff members had stated that they were impressed with the testimony of Bureau personnel and the investigation conducted by the Bureau. (5) His handwritten notation on an April 4, 1964, memorandum succinctly states his usual response to such complimentary remarks:

I place no credence in any complimentary remarks made by Warren nor the Commission. They were looking for FBI "gaps" and having found none yet they try to get sympathy.

In his April 3, 1964 memorandum to William Sullivan, William Branigan

(4) See, e.g., memorandum from C. D. DeLoach to J. Mohr, 12/12/63; memorandum from A. Rosen to A. Belmont, 4/4/64.

(5) See, e.g., memorandum from A. Rosen to A. Belmont, 4/4/64.

FBI documents also reveal Mr. Angleton of CIA passed information he received about the Warren Commission investigation to the FBI. Mr. Angleton also told the Bureau CIA's planned response to the Commission's inquiry about any connection Oswald had with CIA.

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wrote

While complimenting the Bureau for its cooperation, the President's Commission, by letter dated 3-26-64, forwarded what purports to be 30 questions (by actual count there are 52 as some of the enumerated questions have more than one part) to which they request a reasoned response in reasonable detail and with such substantiating materials as seem appropriate.

The questions are those of a cross-examining attorney and it is evident that this is a cross-examination of the FBI or a part of it in the case of the assassination of President Kennedy.

Mr. Hoover noted on the memorandum, "Their so-called compliments of the Bureau's work are empty and have no sincerity."

Similarly, upon being informed that the Commission intended to send two of its staff members to Mexico City, the Director "expressed concern as to how lawyers on the Commission could spot gaps in our investigation."⁽⁶⁾

As is more fully discussed in subsection (c), supra, Special Agent Hosty met with Hoover the day after Hosty's Warren Commission testimony. On that occasion, Mr. Hoover mentioned that "the Warren Commission would exonerate the FBI completely" and that indications were that "the Commission would vote five to two in the Bureau's favor."⁽⁷⁾

(6)

(7) Testimony of SA James P. Hosty, Jr., 12/5/75, p. 68.

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The Commission did not "exonerate the FBI completely" and, in fact, criticized certain aspects of the FBI's handling of the Oswald pre assassination case and the Bureau's failure to inform the Secret Service of Oswald's presence in Dallas, Texas. For example, the Commission concluded that the "FBI took an unduly restrictive view of its responsibilities in preventive intelligence work, prior to the assassination. (8)

(8) Warren Commission Report, p. 443,

(c) The Bureau's Reaction to the Warren Commission Report

Upon receipt on September 25, 1964, of a copy of the Warren Commission's Report, the Director noted: "I want this carefully reviewed as it pertains to FBI shortcomings by Gale. Chapter 8 tears us to pieces." On September 29, 1964, Mr. Hoover, after reading a Washington Post article captioned "Praise is Voiced for Staff Engaged on Warren Report," directed that the Bureau's files on the 84 staff members listed in the article "be checked." By memorandum dated October 2, 1964, the Director was informed that "Bureau files contain derogatory information concerning the following individuals and their relatives."⁽¹⁾

On September 30, 1964, Assistant Director Gale presented ~~Assistant to the Director~~ ^{Associate Director} Clyde Tolson with a memorandum that reviewed the Commission Report "as it pertained to FBI shortcomings."

(1) On November 8, 1966, memoranda were furnished to Marvin Watson, Special Assistant to President Johnson, at his request, setting forth background information -- including derogatory materials -- on seven private citizens who wrote unfavorable articles concerning the Warren Commission findings. A February 3, 1975, FBI memorandum which discusses these memoranda and their dissemination in 1966 to the White House recounts:

No information was developed or furnished to the White House concerning immoral conduct on the part of the seven above listed critics of the Warren Commission with the exception of the information furnished regarding [identity of individual deleted for reasons of privacy.]

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The memorandum is captioned "Shortcomings in handling of Lee Harvey Oswald matter by FBI personnel." Gale wrote:

The Commission has now set forth in a very damning manner some of the same glaring weaknesses for which we previously disciplined our personnel such as lack of vigorous investigation after we had established that Oswald visited the Soviet Embassy in Mexico.

Gale notes instances where the testimony of FBI agents makes the Bureau look ridiculous and taints its public image." These instances include, inter alia, the following:

One agent testified that conditions in the Dallas police station at the time of detention and interrogation of Oswald were not "too much unlike Grand Central Station at rush hour, maybe like Yankee Stadium during the World Series games." It is questionable whether the agent should have described conditions in such an editorializing and flamboyant manner but rather should have indicated conditions were crowded.

More importantly, Gale's memorandum reveals a dichotomy between the Bureau's "public position" and what Bureau officials regarded as the truth:

The Commission report indicates that we did not have a stop on Oswald's passport with the Department of State and did not know Oswald applied for a passport in June 1963, to travel to Western European countries, Soviet Union, Finland and Poland. This is another specific example of how this case was improperly investigated. The same personnel are responsible for this example as were previously criticized for not using appropriate techniques and making a more vigorous and thorough investigation, to determine with whom Oswald in contact or whether he had intelligence

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assignment. The Bureau by letter to the Commission indicated that the facts did not warrant placing a stop on the passport as our investigation disclosed no evidence that Oswald was acting under the instructions or on behalf of any foreign Government or instrumentality thereof. Inspector feels it was proper at that time to take this "public" position. However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time.
[emphasis added.]

Not surprisingly, Gale states in the "observations" section of this memorandum:

We previously took administrative action against those responsible for the investigative shortcomings in this case some of which were brought out by the Commission. It is felt that it is appropriate at this time to consider further administrative action against those primarily culpable for the derelictions in this case which have now had the effect of publicly embarrassing the Bureau. [emphasis added.]

After reviewing the aforementioned Gale memorandum, Assistant Director Alan Belmont forwarded a one page memorandum to Clyde Tolson on October 1, 1964. Belmont argued that

I think we are making a tactical error by taking this disciplinary action in this case at this time. The Warren Commission report has just been released. It contains criticism of the FBI. We are currently taking aggressive steps to challenge the findings of the Warren Commission insofar as they pertain to the FBI.(2) It is most important, there-

(2) These "aggressive steps" are discussed in an October 6, 1964, memorandum from Cartha DeLoach to John Mohr, discussed, infra.

By letter dated

on September 9, 1964 the

Bureau informed the White House and the
Acting Attorney General that "the Commission's
report is seriously inaccurate in so far as its
treatment of the FBI is concerned". On an

October 1, 1964 memorandum ^{to Clyde Tolson,} J. Edgar Hoover

~~discusses~~ contains within a copy of this letter
should be sent to the Warren Commission.

Belmont wrote:

It is noted that this letter is
an indictment of the Commission
in that we charge that in the
Commission's approach, instead of
adopting a realistic and objective
attitude, the Commission was more
interested in avoiding possible
criticism. Bearing this in
mind, if we send a copy of

This letter ~~to~~ to the Commission
now, it will probably make the
other people to get me with a different
answer.

* * *

I suggest we may want to
wait a few days before we
consider sending a copy of this
letter to the Commission. Certainly
we owe no courtesy to the
Commission.

After reviewing the ~~letter, commenting on~~
~~the~~ ~~unsubstantiated~~ ~~reference~~ at the ~~on~~

The 10/1/64 Belmont memorandum, Hoover wrote

We might as well lay
down and let anybody
and everybody kick us
around and not defend
nor retaliate.

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fore, that we do not provide a foothold for our critics or the general public to serve upon to say in effect, 'See, the Commission is right, Mr. Hoover has taken strong action against personnel involved in this case and thus admits that the Bureau was in error!'

Mr. Hoover disagreed with Belmont's observations, writing:

We were wrong. The administrative action approved by me will stand. I do not intend to palliate actions which have resulted in forever destroying the Bureau as the top level investigative organization. (3)

(Insert - Attached -)

Bureau records reflect that on or about October 1, 1964, a senior Bureau official instructed Inspector James Malley (who had handled the Bureau's liaison with the Committee) to telephonically contact Commission General Counsel J. Lee Rankin and inform him that "he did the Bureau a great disservice and had out-McCarthyed McCarthy." A memorandum dated October 2, 1964, reflects that this request was dutifully carried out. (4)

On October 6, 1964, Assistant Director Cartha D. DeLoach forwarded to Assistant Director John Mohr a memorandum captioned "Criticism of the FBI Following the Assassination of the President."

DeLoach wrote:

The criticism concerning the FBI and its role in events surrounding the assassination of President Kennedy raises three questions

(3) Mr. Tolson also disagreed with Mr. Belmont. In an addendum to the Gale memorandum Tolson wrote: "Most of the administrative directions with respect to the Security Index, the prompt submission of reports, etc., and not the Oswald case per se."

(4) ~~This memorandum does not identify the Bureau official who instructed Inspector Malley to make the phone call.~~ *Malley could not recall the* *Staff Interview, 3/20/76,*

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which merit consideration at this time.

(1) What is the public image of the FBI at the present time?

Certainly, it cannot be denied that the public image of the FBI has been affected in certain areas by the criticism made of the Bureau and its role in the events taking place prior to the assassination of the President. It is believed this situation reached one stage during the days immediately following this event and was climaxed by Dallas Chief of Police Curry's statements which left the implication this Bureau was seriously derelict in discharging its responsibilities as an intelligence agency.

The second stage, the most acute, followed the issuance of the Warren Report.

While there is admittedly no absolute way to assess a public image, it is believed the image of the FBI improved steadily since the week following the assassination, and it improved immeasurably up until the release of the Warren Report. At the time we suffered a rough setback. Following the release of the Director's testimony, we have been well on the road back to good prestige. There is every indication this improvement will continue if we follow our current program regarding this situation.

(2) What has been done to counteract this criticism of the FBI?

Immediately following the assassination, we undertook a program designed to eliminate the misunderstanding as to the statutory responsibilities of the Secret Service and the FBI which existed among the uninformed. . . . Every appropriate medium such as the news media, radio scripts, FBI tours, correspondence, speeches and police training was used to clear the air concerning our responsibility.

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For the more educated group, those who were not necessarily biased, and who were aware of the statutory authority of the FBI we furnished full explanations for our actions prior to the assassination with respect to Lee Harvey Oswald. This was designed to convince them that this Bureau did not fail to properly evaluate the information available on Oswald prior to November 22, 1963, and that, in light of the facts available and the authority granted within which to act, we were not derelict in disseminating pertinent information to proper authorities.

* * *

(3) What should be our future course in this matter?

The liberal press, with the exception of the "New York Times," and its friends will continue to make a determined effort to place the FBI on the defensive; however, it is not felt we should engage in any prolonged debate with them. By keeping the argument going, we are diverting public attention from Secret Service and the State Department and their culpability.

* * *

The Director has said that "nothing is more devastating to a smear than an offensive of real outstanding accomplishments." Our attention and energies should be directed toward this end in the coming months.

At the bottom of the last page of this DeLoach memorandum, Mr.

Hoover made the following handwritten notation:

The FBI will never live down this smear which could have been so easily avoided if there had been proper supervision and initiative.

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ISSUES RAISED BY CERTAIN ASPECTS OF THE FBI'S
ASSASSINATION INVESTIGATION IN THREE CITIES

MEXICO CITY

The information developed by the Bureau's investigation in Mexico is discussed in detail in part two of the preceding section "The CIA's Role in the Investigation." The following section discusses certain facts which taken together give rise to the issue of the adequacy of the supervision and scope of the investigation in Mexico.

A. Issues as to Adequacy of Supervision of Investigation

Prior to November 22, 1963, all the information which the Bureau had on Oswald's trip to Mexico (September 27 through October 3) was generated by the CIA station in Mexico City. On October 13, 1963 the FBI's Legat in Mexico City, Clark Anderson, informed headquarters that his office would "attempt to establish Oswald's whereabouts and date of entry into Mexico." A subsequent November 22, 1963, Legat airtel to headquarters states:

Investigation Mexico has failed to determine any information concerning subject's entry into or departure from Mexico City. Last known information CIA advised subject in contact with Soviet Embassy, Mexico City, 9/28/63, and 10/1/63. Investigation continuing. (Cablegram from Legat, Mexico City to Headquarters, 10/18/63)

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Anderson was the highest ranking Bureau official in Mexico City. The Bureau's assassination investigation there was under his direction.* Anderson admitted that while conducting the investigation, he was proceeding under the "impression" that Oswald was the assassin and that he acted alone. He further stated:

Our investigation was dedicated or directed toward establishing Oswald's activities in Mexico and looking toward trying to establish whether he had been accompanied by anyone while he was in Mexico. **

He succinctly summarized the results of his investigation as follows:

We were able to get him in, get him out, where he stayed. I don't recall that we were able to establish where he was every day in Mexico. ***

The Bureau's intelligence network in Mexico was minimal. It was almost entirely dependent on liaison with CIA and the Mexican government for intelligence. In this regard, the testimony of Clark Anderson is instructive:

Q: Did the Bureau have any sources in the Cuban area in Mexico City?

A. To the best of my recollection the Bureau did not.

Q: I am trying to understand what the Bureau in Mexico City could have done to track down whether or not there were any connections between Oswald and the Cubans and the Soviets. Wouldn't that have been more of a matter for the CIA?

* Clark Anderson testimony, 2/4/76, p. 23

** Clark Anderson testimony, 2/4/76, p. 22.

*** Clark Anderson testimony, 2/4/76, p. 22.

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A: It would have been.

Q: Do you recall conducting an investigation for that purpose?

A: We were limited. The Bureau . . . would have been dependent on the CIA to help us . . . *

Q: Were you able to identify any contacts that Oswald may have had in Mexico or Mexico City?

A: To the best of my recollection, we were not.

Q: Do you know whether or not the CIA was conducting an investigation in Mexico City of the assassination?

A: I don't know. I would assume from the recollection of conversations with [Mexico City CIA Station Chief] that they were alert for any information they might get. **

Indeed, in a memorandum dated January 4, 1964, Mr. Hoover informed certain senior Bureau officials that he was "not at all impressed with the thoroughness of the investigations nor the supervision of the investigation." *** Upon subsequently being informed of the impending Mexico City trip of Warren Commission staff members, Hoover is noted by a subordinate to

* Indeed, Mr. Anderson testified that he did not even know who within the Soviet and Cuban diplomatic establishments was, or was suspected of being either KGB or DGI.

** Clark Anderson Testimony, 2/4/76, pp. 25-26. Our review indicates that the minimal active assassination investigation undertaken by the CIA was gradually phased out as FBI agents and the Mexican authorities began their investigation in early December 1963.

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have "expressed concern as to how lawyers on the Commission could spot gaps in our investigation."

Responsibility for the investigation in Mexico City was confused. Both the State Department and the FBI had claim to supervising it.

One of the major areas of investigation soon after Kennedy's assassination was an allegation of a Nicaraguan named Gilberto Alvarado Ugarte. Alvarado walked into the American Embassy in Mexico City on November 25, 1963, and alleged that he had been at the Cuban Consulate on September 18, 1963 and had observed Oswald receive \$6,500 from a consulate employee. Alvarado eventually admitted that he had fabricated the allegation. The Warren Commission received Alvarado's original claim and concluded it was false since overwhelming evidence indicated Oswald was in New Orleans on September 18, 1963. **

Cable traffic discussing investigative responses of the Legat office, CIA Station and Ambassador Mann to the Alvarado allegation indicate problems of coordination and raise questions of the adequacy surrounding the investigation of the assassination especially in the area of possible Cuban involvement. When the American Embassy heard Alvarado's allegation, Ambassador Mann requested that a Bureau representative "come down from Washington to Mexico City." CIA cables reflect Mann's belief that he was not being fully informed on all developments in the FBI's investi-

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gation in the United States. Mann was also concerned about the gravity of Alvarado's allegation and requested that the investigation of Alvarado's claim be given the highest priority. J. Edgar Hoover shared Mann's concern over the Alvarado allegation noting.

Ambassador Mann may be one of the pseudo-investigators, a Sherlock Holmes; but he has made a lot of statements which, if true, throw an entirely different light on the whole picture. *

In apparent response to Hoover's stated concern; and the Ambassador's request Assistant Director William C. Sullivan, Domestic Intelligence Division, instructed Supervisor Lawrence Keenan to proceed to Mexico City where he was to "direct and coordinate" the investigation. However, in a memorandum to Alan Belmont dated November 27, 1963, Sullivan wrote:

Supervisor Lawrence Keenan, in complying with the Director's request; has been selected to go to Mexico to direct and coordinate our entire investigation there and to pursue it vigorously until the desired results are obtained. **

Mr. Keenan's presence in Mexico City was short lived. He arrived on November 27, and returned to FBI headquarters on December 1, 1963. A Sullivan to Belmont memorandum of 12/3/63 reflects that once Alvarado admitted he had fabricated his story, the Ambassador "advised that it was no longer necessary for Keenan to stay." Sullivan's previous statement that Keenan was "selected to go to Mexico to direct and coordinate the entire investigation

* FBI Memorandum, November 27, 1963.

** Memorandum from W. C. Sullivan to A. H. Belmont, 11/27/63.

there and pursue it vigorously until the desired results are obtained," cannot be reconciled unless the thorough investigation and desired results were the "breaking" of Alvarado.

Indeed, CIA documents reflect that Agency's confusion as to the role Keenan was to play. On November 26, 1963, the Mexico City station cabled Helms:

Believe FBI in Mexico, as does station, has all information needed to investigate Mexican aspects, leads on cases. In my opinion, it is desirable that FBI send officer to Mexico to satisfy Ambassador, unless Mr. [Alexis] Johnson can convince Ambassador that chief FBI Mexico will receive and make available to him all information of interest to Ambassador concerning U.S. angles of these cases.

On November 27, Helms cabled back to the station:

Mr. Johnson has informed me that Mr. Katzenbach spoke with Chief, FBI who contended that Mexi FBI office possessed all relevant information and that he was not rpt disposed to send FBI officer to Mexi.

Would you please let us know a) whether FBI Mexi does in fact have necessary information, b) is it desirable in your opinion that FBI do send agent to Mexi?

However, on November 28, Headquarters cabled:

Note FBI man Larry Keenan now in Mexi was sent especially to follow up leads on entire assassination. Pls cooperate with him fully.

On November 27, 1963, Ambassador Mann showed Clark Anderson two State Department cables in which Alexis Johnson is quoted as stating, "FBI is considered to be in full charge of investigation

* Clark Anderson testified that he was never informed that Keenan was being sent down to direct the investigation. (Anderson testimony, 2/3/76, p. 27 .) Keenan told the staff that it was his understanding that he had been sent to Mexico City to direct the entire investigation.

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and CIA and State have made it clear that we expect FBI to call the shots." * In a cablegram dated November 28, 1963, Keenan "strongly recommended that Johnson be immediately contacted and that he be straightened out," adding that he "unequivocally advised Mann that FBI was not directing investigations here." Keenan also stated in the cablegram "Anderson and I following most closely and will assume no initiative from which it may be construed FBI is calling shots here." ** A subsequent memorandum reflects that Assistant Secretary Mann was "formally advised that the FBI was not in charge of the investigation " ***

According to Anderson, the FBI's investigation was "independent" and "overt" ~~from the Bureau~~, and, as stated previously, "****the investigation was dedicated or directed toward establishing Oswald's activities in Mexico and looking toward trying to establish whether he had been accompanied by anyone else when he was in Mexico. " *****

B. Issues as to the FBI's Pursuit of the Cuban Connection in Mexico City

As discussed infra CIA's investigation of possible Cuban

* Memorandum from W. Brunninger to W. Sullivan, 11/29/63.

** Memorandum from W. Brunninger to W. Sullivan, 11/29/63

*** The Bureau's stated position was that "the State Department and CIA have jurisdiction in dealing with foreign governments and in getting investigative results and intelligence coverage abroad; that while we are cooperating fully with State and CIA [redacted] the responsibility in this matter should rest with State and CIA. Memorandum from Courtney Evans to A. Belmont, 11/27/63.

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connections to the assassination seems incomplete. FBI documents also reveal a reluctance to follow leads in the Cuban area.

By cablegram, dated November 23, 1963, Legat informed headquarters that:

Ambassador Mann is greatly concerned that Cubans behind subject's assassination of President. He feels that both we and CIA doing everything possible there to establish or refute Cuban connection.

In a subsequent cablegram sent on November 24, 1963, Anderson stated:

Ambassador here feels Soviets much too sophisticated to participate in direction of assassination of President by subject, but thinks Cubans stupid enough to have participated in such direction even to extent of hiring subject. If this should be case, it would appear likely that the contract would have been made with subject in U.S. and purpose of his trip to Mexico was to set up get away route. Bureau may desire to give consideration to polling all Cuban sources in U.S. in effort to confirm or refute this theory.

There is no indication that the Bureau ever attempted to confirm or refute this theory. Indeed, a Bureau supervisor's handwritten notation on the cablegram states: "Not desirable. Would serve to promote rumors."

Mr. Helms' sentiments coincided with this Bureau supervisor's. In his November 23, 1963 cable to the Mexico City station chief, Helms stated:

For your private information, there distinct feeling here in all three agencies (CIA, FBI, State) that Ambassador is pushing this case too hard . . . and that we could well create flap with Cubans which could have serious repercussions.

On November 27, 1963, Anderson sent an urgent cablegram to Bureau headquarters in which he noted that a press release had been made by former Cuban diplomat, through the agency, and that:

At one point in the lengthy release he was quoted as saying that they do not have the slightest doubt that assassination of President Kennedy and subsequent elimination of his assassin is work of Communist direction. To back up this statement he alleged that Fidel Castro in his speech made at the Brazilian Embassy in Havana on September 7, 1963, accused CIA and President Kennedy of planning attempt against Castro and that Castro stated, 'Let Kennedy and his brother Robert take care of themselves since they too can be the victims of an attempt which will cause their death.'

On November 27, 1963, Anderson again cabled Bureau headquarters, this time informing that:

Neither Legat nor CIA office here has been able to identify unknown subject who visited Cuban and Soviet Embassies here and who at first was thought to be identical with subject because of timing of visits. . . . It should be noted that CIA states have additional information, indicating this person visited Cuban Embassy October 14 last, a number of days after Oswald's departure from Mexico City. This would make it appear unlikely that UNSUB had any connection with Oswald.

On December 3, 1963, Anderson informed headquarters of the following information:

Reliable source today furnished information which may have bearing on instant case.

On November 23 last, U. S. citizen named [the Cuban-American], 23 years of age entered Mexico at Nuevo Laredo. Although means of travel not known [the Cuban-American] apparently proceeded to Mexico City. He was only passenger aboard Cubana Flight 465 which departed Mexico City for Havana on November 27 last.

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In view of travel of [the Cuban-American] during significant period of time and fact he was only passenger on Cubana flight going to Havana it is requested that Washington Field Office check passport records to obtain full background information and photographs of [the Cuban-American] and that investigation be conducted to fully identify and establish connections.

Subsequent CIA and FBI investigation of the activities of this Cuban - American are discussed, infra, Section C.

NEW ORLEANS

The Committee has not been able to fully review the Bureau's investigative efforts in New Orleans. However, our preliminary examination has revealed certain facts which give rise to the issue of the adequacy of the investigation conducted in that city, and suggest the need for more detailed review.

The Warren Commission's Report states that Oswald moved from Dallas to New Orleans on April 24, 1963, and suggests the following as reasons for the move:

When Ruth Paine visited the Oswald's at their apartment on April 24, she was surprised to learn that Oswald was packed and ready to leave for New Orleans by bus. He explained that he had been unable to find employment in or around Dallas, and that Marina had suggested that he go to New Orleans since he had been born there. Marina has testified that the real reason behind her suggestion was that she wanted him to get out of town because of the Walker incident.*

There is no indication in FBI documents or the Commission's record that Oswald was in New Orleans on any occasion between October 1959 and April 24, 1963. However, an Immigration and Naturalization Service Inspector testified before the Committee that he is absolutely certain that he interviewed Lee Harvey Oswald in a New Orleans jail cell sometime shortly before his April 10, 1963, transfer out of New Orleans.** Although the

* Warren Commission Report, p. 725. Oswald's only known attempt to find employment in Dallas during the period between his April 6, 1963 discharge and his April 24, 1963 move to New Orleans was a single visit to the Texas Employment Commission on April 3, 1963.

** Testimony of INS Inspector, 12/11/75, p. 20. The Inspector does not recall whether on this occasion he went to the police station in response to a routine call, or whether he learned that Oswald was an alien during a routine visit to the station (p. 21).

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inspector is not now certain whether Oswald was "using that particular name at that time," he is certain that Oswald was "claiming to be a Cuban alien" and that he "interviewed Oswald to verify or disprove this status."* The inspector neither recalls what Oswald said nor what language or languages he conversed in. He does not recall anything unusual about Oswald's dress or demeanor, and believes that he quickly ascertained that Oswald was not a Cuban alien, at which time he would have left Oswald in his jail cell.

Senator Schweiker: Well, what if the person is claiming to be a foreigner and he isn't. How have you run that down?

Inspector: Well, I have never run into a case where a guy claimed to be a foreigner and he was a United States citizen, where he didn't break individually, because when the Immigration Service comes into play and you advise them, if you are in the United States illegally and you're subject to deportation, and these kinds of things.

Senator Schweiker: So in all probability, something like that would have happened in Oswald's incident?

Inspector: I am sure.**

Although the inspector did state that based upon his experience it was most unusual for an American citizen to assert that he was an alien, he noted that visits to jail cells to verify an individual's citizenship status were frequent and routine, and reports were not filed unless it was determined that the individual was illegally in the United States.***

* Inspector, 12/11/75, p.21. Oswald told the arresting New Orleans police officers on August 9, 1963 that he was Cuban born.

** Inspector, 12/11/75, p.28

*** I&NS headquarters officials informed the Committee that the I&NS had no documentary record of the interview, noting that interviews of this nature were generally not written up.

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On January 6, 1976, the Committee staff telephonically contacted the New Orleans Police Department and requested that they review their Oswald arrest records to see if he had been arrested other than on August 9, 1963. On January 7, the staff was informed that there was no record of another Oswald arrest, and that the New Orleans Police Department, in fact, had no information on Oswald prior to August 9, 1963.*

Oswald distributed FPCC handbills in the vicinity of the U.S.S. Wasp on June 16, 1963, and, subsequently, in downtown New Orleans, on August 9 (on which occasion he was arrested), and August 16. On August 17, he appeared briefly on a radio program, and on August 21 he participated in a radio debate about Cuba.**

The Bureau was unable to identify any persons in the New Orleans area whom Oswald may have been in contact in connection with his pro-Castro activities. Indeed, the Commission's conclusion was that "Oswald's FPCC activities may be viewed as a very shrewd political operation in which one man single-handedly created publicity for his cause."***

* The police official told the staff that procedures in 1963 would have required documentation of an arrest, unless "someone was in on a drunk charge." Although the I&NS inspector does not know the charge Oswald was booked on, he testified that he would not have interviewed Oswald if he was drunk (*Inspector*, p35). Special Agent Hosty testified that investigation after the assassination established that Oswald neither smoked nor drank (*Hosty*, 11/10/75).

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*** Warren Commission Report, p. 407.

During a staff interview on December 1, 1975, a New Orleans resident familiar with the Cuban community in that city, unequivocally asserted that in the summer of 1963 Oswald associated with various Federal agents in New Orleans. He specifically identified an inspector who was then with the I&NS Border Patrol Station in New Orleans and an inspector who was then with the United States Customs Service. Although this I&NS inspector subsequently testified that he had neither met nor spoken with Oswald, he recalled that he "may" have seen Oswald on one occasion passing out handbills near Jackson Square in New Orleans. The inspector also informed the Committee that I&NS in 1963 had some responsibility for surveilling certain Cuban groups in New Orleans.* Although the inspector could not recall the dates these surveillances were in effect, he believes they had been requested by the Department of Justice.** The former Customs inspector had not heard of Lee Harvey Oswald (under that name or any of his known aliases) prior to November 22, 1963.

Neither of the I&NS inspectors who appeared before the Committee had been questioned during the assassination investigation; the inspectors do not believe that any I&NS New Orleans personnel were questioned.***

* The I&NS inspector identified was not the inspector who had interviewed Oswald in a New Orleans jail cell prior to April 10, 1963.

** I&NS Inspector, 12/9/75, p. . Neither I&NS nor the Department of Justice have records of any such surveillance.

*** The other I&NS personnel interviewed by the Committee staff were also not contacted by the Warren Commission.

Although the name _____ [a Tulane University professor] does not appear in the Warren Commission Report, materials available at the Archives reflect that the Commission was provided with certain FBI reports containing information on the professor developed during the assassination investigation. A brief review of the Bureau's handling of allegations of an alleged Oswald acquaintanceship with the professor is instructive in that the Committee finds it exemplary of the FBI's investigation of persons with whom Oswald was suspected of having been in contact.

On November 27, 1963, the New Orleans FBI field office learned that sometime in late 1962 some FPCC literature had been found in the street in the 1200 or 1300 block of Pine Street, New Orleans, near the residences of two Tulane University professors, one of whom was the professor referenced above.* The teletype from the FBI's New Orleans field office, pursuant to which this information was disseminated to headquarters, noted "investigation being conducted to determine any possible association with Oswald.**"

On November 30, 1963, New Orleans Police Captain James Arnold informed SA John Quigley that this professor "had been mentioned as being possibly affiliated with the Fair Play for Cuba Committee."**

The Tulane University professors

* There was also a separate allegation that FPCC literature was observed in Reidman's car in early 1963, *✓*

** Teletype from SAC, New Orleans to Director, FBI and SAC, Dallas, 11/27/63.

*** Report of SA John L. Quigley, 11/30/63.

Arnold -- who was present for the August 9 interview of Oswald -- recalled that Oswald mentioned during the interview that some of the meetings of the FPCC had been held on Fine Street. According to SA Quigley's report on the Arnold interview:

Arnold asked Oswald if [the professor] was a member of the FPCC. Oswald did not give a verbal answer to this question, but Captain Arnold said he gathered from the expressions appearing on Oswald's face and from the words he uttered at that time, which he could not recall at this time, that Oswald knew or was acquainted with [the professor]. He said he attempted to pursue this further, but Oswald refused to admit any knowledge of [the professor] or ever having been at [the professor's] home. *

On November 29, SA Milton Kaack interviewed Lt. Francis Martello of the New Orleans Police Department, who along with Captain Arnold was present at the August 9 arrest interview of Oswald. According to Kaack's report, Martello stated:

When questioned by Martello about Fair Play for Cuba Committee, Oswald said that some of the meetings of the FPCC were held on Pine St. in New Orleans, refusing to give specific location. Martello recalled that Fair Play for Cuba Committee literature had been found in the past in the one thousand block of Pine St., which is close to the residence of [the professor]. Martello further recalled that [the professor] was reported to be a member of the New Orleans Council for Peaceful Alternatives, which was a "ban the bomb" group established in New Orleans and which

* Report of SA Quigley, 11/30/63.

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had conducted two or three demonstrations here. Martello asked Oswald if he knew [the professor] or if he had held FPCC meetings in [the professor's] home. Oswald evaded the question and appeared to Martello to have a nervous reaction. Martello advised during interview he asked Oswald if he knew [another Tulane University professor]. Oswald refused to answer this question. *

On December 2, 1963, John Rice, Chief of the New Orleans Secret Service office, spoke with assistant special agent in charge, Sylvester, of the New Orleans FBI field office. ** Rice then related that Charles Steele -- the person photographed with Oswald passing out literature in front of the International Trade Mart Building -- recalled Oswald having told him that someone at Tulane University had given him this literature. Rice also recounted a Secret Service interview with Dean Andrews, in which Andrews recalled Oswald having stated that he was "getting \$25 a day to do this [i.e., pass out FPCC literature]." According to a subsequent December 6, 1963 report, on December 3, 1963, the FBI requested that the Secret Service not interview [the professor]. ***

However, [the professor] had already been interviewed by the FBI on December 2, 1963. According to the two-page FBI teletype

* Teletype from SAC, New Orleans to Director, FBI, SAC's Dallas and San Francisco, 11/30/63.

** Secret Service memorandum prepared by J. Rice, 12/6/63.

*** Secret Service memorandum prepared by J. Rice, 12/6/63.

recounting the interview, [the professor] "could not recall ever having known Oswald." He stated that "he never knew of the existence of a FPCC chapter in New Orleans and never had any connection in any way with any so-called left wing organizations."*

This cursory interview apparently satisfied the FBI that the professor had not had any contact with Lee Harvey Oswald. The documents made available to the Committee fail to reflect that any of the professor's friends or Pine Street neighbors were ever interviewed by the FBI. Nor do these documents provide any explanation for this apparent investigative oversight.

* Teletype from SAC, San Francisco to Director, FBI and SAC's Dallas and New Orleans, 12/2/63.

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Dallas: November 22 and 23

The FBI neither participated in the advance planning for the President's Dallas visit nor Presidential security for the trip itself. Bureau agents assigned to the Dallas field office in November 1963 have told us that the Secret Service did not advise that office of the President's trip; they learned of the impending visit through newspaper accounts.^{1/} Moreover, an off-duty agent was instructed by his Supervisor not to attend the scheduled November 22, 1963, Presidential luncheon because "the FBI and Secret Service were having some difficulties over jurisdictional lines."^{2/}

In that the assassination of the President was not then a Federal crime, the Dallas agents functioned merely as observers. For example, SA Robert Barrett was present at the Dallas Theatre when Dallas police officers took Oswald into custody. Barrett is absolutely positive that the Theatre's house lights were off the entire time Oswald was in the theatre.^{3/} The police and patrons who testified before the Warren Commission swore that the lights were on.^{4/} Barrett was not asked to testify before the Commission.^{5/}

^{1/} See e.g., testimony of SA James Hosty, Jr., 12/5/75.

^{2/} Testimony of FBI Special Agent.

^{3/} Testimony of SA Robert Barrett, 12/17/75, p. 54

^{4/} Warren Commission testimony of H. N. McDonald, 3/25/64 and John Braver, 4/2/64.

^{5/} Barrett, 12/17/75, p. 92.

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Immediately upon being taken into custody by the Dallas police, Oswald was transported to the office of Captain J. Will Fritz. Special Agent James Bookhout--who was then serving as FBI liaison with the local police--was present when Oswald was brought in. Upon learning that Oswald was a suspect in the assassination, Hosty immediately informed SAC Shanklin that the Bureau had a security file on Oswald.^{6/} Hosty spent the next few hours in Shanklin's office, assisting in the relaying of all Oswald data to Belmont.^{7/}

Belmont subsequently instructed SAC Shanklin to direct Hosty to proceed to the police station and "participate in the interrogation of Oswald."^{8/} Upon arriving at the station, Hosty ran into Dallas police lieutenant Jack Revill, who later quoted Hosty as then stating that "the FBI knew Oswald was capable of assassinating the President."^{9/} The mention of Hosty's name as he entered Captain Fritz's office provoked Oswald; he attempted to jump out of the chair to which he was handcuffed and screamed, "you're the guy who's been bothering my wife."^{10/}

Although the questioning of Oswald was conducted exclusively by local police officials, Hosty did suggest certain questions

^{6/} Hosty, 12/13/75, p. 108

^{7/} Hosty, 12/13/75, p. 108

^{8/} Hosty, 12/13/75, p. 117
Shanklin, p. 117

^{9/} Memorandum, Jack Revill; to Captain W. F. Gargaway, 11/22/63; Testimony of Lt. Jack Revill before the Warren Commission; 5/13/64, p. 25.

^{10/} Hosty, 12/5/75, p. 26.

to Captain Fritz. Interestingly enough, when Hosty suggested that Fritz ask Oswald about Mexico City, Oswald interjected, screaming "How do you know about that?", before Fritz was able to ask the question.^{11/} Oswald subsequently denied ever having been to Mexico City. However, he did admit to having been in Tijuana.^{12/}

The interrogation was interrupted at approximately 4:30 p.m., when Oswald was called in for a lineup. Hosty was then informed by SA Bookhout that he was not to mention Oswald's Mexico City visit to anyone. Hosty later learned that these orders had come from headquarters.^{13/} Although he was never told the reason for the order, he believes that it was intended to protect the sensitive CIA methods which had verified Oswald's presence in that city.^{14/} It was apparently during this same "break" for the lineup that Secret Service Agent William Patterson recalls Hosty informing him that "Oswald had been in contact with two known subversives two weeks before the assassination."^{15/}

Within minutes after receiving the aforementioned instructions through Agent Bookhout, Hosty received a call from the

^{11/} Hosty, 12/5/75, p. 26.

^{12/} Hosty, 12/5/75, p. 35. It is not clear whether Oswald's response indicated a recent trip to Tijuana.

^{13/} Hosty, 12/5/75, pp. 40-41.

^{14/} Hosty, 12/5/75, p. 32.

^{15/} Testimony of William Patterson, 11/5/75, p. 20. Although the Patterson memorandum of December 12, 1963, which recounts Hosty's statement, was apparently made available to the Commission, Patterson was not questioned by the Commission.

field office directing him to report to Shanklin's office.^{16/}

It is on this occasion that Shanklin confronted Hosty with the note Oswald had left at the Dallas field office.^{17/} The circumstances surrounding the destruction of the note are discussed, in section supra.

President Johnson called Mr. Hoover at 1:00 p.m. on November 24, 1963. According to Hoover, "the President was greatly disturbed about this incident [the murder of Oswald] and decreed that the FBI conduct whatever investigation possible into this matter . . . without regard for technicalities."^{18/}

There was an early morning meeting of all agents of the Dallas field office on November 27, 1963.^{19/} When asked by the staff whether any limitations were placed upon the investigation, one of the agents who attended this meeting initially testified as follows:

The morning after the assassination Mr. Shanklin called all of the agents together in a conference and did relate to us that Washington; was the term he used, is quite anxious that we do not make any inflammatory statements or ask any questions or delve too much into the Soviet aspect of this case, that we are to soft-peddle that and not to bring this up too much.

In response to Senator Gary Hart's question as to whether this meant that leads relating to international conspiracies were not

^{16/} Hosty, 12/13/75, p. 144

^{17/} Hosty, 12/13/75, p. 144

^{18/} ^{Hoover} Memorandum from Director, FBI, 11/24/63.

^{19/} Hosty, 12/1/75, p.

to be pursued, the agent responded: "I kind of had that impression." However, this agent later told the Committee:

I want to emphasize that I did not mean that we did not investigate Oswald's possible Soviet involvement, just that . . . this [aspect of the] investigation was tightly controlled by FBI headquarters.

Although SAC Shanklin recalls the early morning meeting on November 23, 1963, he denies ever having made the statement attributed to him by the agent. Additionally, of the other agents who were present at the meeting who were interviewed by Committee staff, none recall such an instruction being conveyed *by* Shanklin, *or anyone else.*

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THE RECEIPT AND DESTRUCTION OF THE NOTE WHICH OSWALD PERSONALLY
DELIVERED TO THE FBI'S DALLAS FIELD OFFICE

(1) Preliminary Discussion

On or about July 2, 1975, Thomas Johnson, of the Dallas Times Herald, advised recently retired Dallas SAC Gordon Shanklin that an individual, whose identity he would not reveal, had told him that Oswald had visited the FBI office in Dallas sometime prior to the assassination; that Oswald left a note -- allegedly threatening in nature -- for the Agent who had been handling the Bureau's investigation of Oswald; and that neither Oswald's visit nor the note was reported prior to or following the assassination of President Kennedy. Shanklin suggested that Johnson should contact Deputy Associate Director James Adams.

On July 7, 1975, Johnson met in Washington, D. C., with Adams and Director Kelley repeating the aforementioned allegations. The Attorney General was advised of the allegations on July 8, 1975, and informed that the Bureau intended to conduct an inquiry regarding them.

On July 8, 1975, a conference was held in Director Kelley's office. In attendance, in addition to Mr. Adams, were Gordon Shanklin (former SAC Dallas), ^{1/} Theodore Gunderson (SAC Dallas), the headquarters agent presently assigned to the assassination case, and Harold Bassett (Assistant Director in Charge of

^{1/} In that Shanklin had recently retired from the Bureau and the alleged destruction of the note involved the field office of which he had been in charge, his attendance at this headquarters

the Inspection Division). The handling of the investigation was discussed, and Bassett was assigned personal responsibility for directing it.

The Bureau's initial file review did not develop any information indicating that Oswald had ever visited the Dallas Office of the FBI or that he had left a note. Interviews of personnel assigned, in 1963, to the Dallas field office did establish that:

- (1) Lee Harvey Oswald did, in fact, visit the office some two or three weeks prior to the assassination;
- (2) That Oswald asked to see SA James Hosty, and upon being informed that he was not in, left a note for Hosty;
- (3) That the note was destroyed after the assassination.

However, as to certain of the most basic facts, the evidence developed by the Bureau contains sharp conflicts. The FBI's investigation failed to establish:

- (1) whether the note was threatening in nature;
- (2) at whose instruction the note was destroyed.

Each of these questions raises important issues. If the note was threatening in nature, then the FBI would have been on notice that Oswald was capable of violence. If the orders to destroy the note emanated from FBI headquarters, the inference that there might have been orders to destroy other pieces of evidence is stronger than if the note had been simply destroyed for entirely personal reasons by agents in the Dallas field office.

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However, neither the review of the Bureau's investigative file, nor the sworn testimony of Bureau personnel alleged to have knowledge of the delivery of the note and its subsequent destruction has allowed the Committee to resolve any of the above noted factual discrepancies. The Committee has also not received a satisfactory explanation as to the reasons why the existence of the note was not discussed internally in the Bureau, or at the Dallas field office during the assassination investigation.

Rather than attempting to draw conclusions from an evidentiary record replete with factual discrepancies, the Committee decided that it would make the entire record available to the public for its review. Section (A), infra, summarizes this record, highlighting those areas where discrepancies exist. The materials relating to the investigation in this area will be made available under separate cover.

²
(a)
K

^a
(a) The wording of the note

Approximately one week or ten days prior to November 22, 1963, Oswald appeared at the reception desk in the Dallas field office and asked to see Hosty. After being informed that Hosty was not in, Oswald left an envelope with a note inside. On the envelope appeared the name SA Hosty. The envelope was not sealed and the note was partially sticking out. The recep-

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Receptionist read the note and according to her recollection it read as follows:

Let this be a warning. I will blow up the
FBI and the Dallas Police Department if you
don't stop bothering my wife.
Signed -- Lee Harvey Oswald.

Sometime later in the day the receptionist personally gave the note to Hosty.^{4/}

Hosty recalled the note's wording as:

If you have anything you want to learn about me,
come talk to me directly. If you don't cease
bothering my wife, I will take appropriate action
and report this to proper authorities. ^{5/}

Hosty's supervisor -- Kenneth Howe -- who claimed to have seen the note, said that he seemed to recall it contained some kind of threat but could not remember specifics.^{6/}

Aside from these three persons -- the receptionist, Agent Hosty, and Agent Howe -- no one else who was interviewed by the Bureau admitted having seen the note. Some indicated they understood that the note contained a threat; however, this was hearsay knowledge, having come primarily from conversations they had had with the receptionist.

^{4/} Affidavit of receptionist, 7/15/75.

^{5/} Affidavit of James P. Hosty, Jr., 7/17/75; testimony of James P. Hosty, Jr., 12/13/75, p.

^{6/} Affidavit of Kenneth C. Howe; 7/21/75

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Hosty had placed the note in his workbox -- where it remained until the day of the assassination.^{7/} Hosty participated in an interview of Oswald at the Dallas Police Department on the day of the assassination and returned to the Field Office about an hour later, at which time he was called into Shanklin's office. Howe was in the office along with Shanklin; one of them displayed the threatening note and asked Hosty to explain its contents.^{8/}

By Hosty's account, he told them he had interviewed Marina Oswald and Mrs. Paine on November 1, 1963; and that when he participated in the interview of Oswald at the Dallas Police Department, Oswald, upon learning his name, commented that he was the

^{7/} Hosty initially stated that he did not recall any signature on the note and in fact thought it was from the subject of a case he had handled who had made a complaint alleging his civil rights had been violated and upon his interview of this individual's wife she furnished a different version of the allegations, completely wiping out the civil rights complaint. (Hosty affidavit, 7/17/75) Subsequently, after being informed by Bureau officials that he had interviewed the above referenced subject in June, 1963, Hosty stated in his affidavit of September 22, 1975, "[in that] the interview took place in June, 1963, [it seems] inconceivable that I would think that this was from [the civil rights subject]."

^{8/} Affidavit of James P. Hosty, Jr., 7/17/75; testimony of James P. Hosty, Jr., 12/13/75.

one who was talking to and bothering his wife -- that if the Agent wanted to know something about Oswald he should have come and talked to Oswald himself. ^{9/}

At this point, Hosty claims that Shanklin ordered him to prepare a memorandum setting forth the information regarding the note and his interview with Marina Oswald and Mrs. Paine. He stated that he did prepare such a memorandum, three or four pages in length, and delivered it to Shanklin on the evening of November 22, 1963. ^{10/}

Agent Howe said that it was he who found the note in Hosty's workbox very soon after the assassination of President Kennedy. He stated that he took the note to Shanklin's office, but had no recollection where the note may have gone or who may have had it thereafter. He has no knowledge of the disposition of the note. ^{11/}

According to Hosty, approximately two hours after Oswald had been pronounced dead on November 24, Howe told him that Shanklin wanted to see them. Hosty claims that upon arriving in Shanklin's office, he was instructed by Shanklin to destroy both the note and the November 22 memorandum regarding it. Hosty states that he complied with these instructions by flushing them down the toilet. ^{12/}

^{9/} Hosty Affidavit, 9/22/75; Hosty, 12/13/75, p.

^{10/} Hosty Affidavit, 9/22/75; Hosty, 12/13/75, p.

^{11/} Howe Affidavit, 7/21/75; Agent Howe actually submitted three affidavits; the quoted statements are as he corrected them.

^{12/} Hosty Affidavit, 9/22/75; Hosty Testimony, 12/13/75; Deputy Associate FBI Director James B. Adams while testifying on October

Shanklin denies having any knowledge of Oswald's visit to the Dallas Office or of Oswald's leaving a note there. He maintains that he did not issue any orders to destroy the note. In fact, he claims that he had no knowledge of this entire matter until July 1975.^{13/}

The personnel who were assigned to the Dallas Office in November 1963, and who have admitted personal knowledge of the Oswald visit and note, all have denied having any knowledge that the facts of this matter were brought to the attention of FBI Headquarters.

However, William Sullivan, who was an Assistant Director at the time of the assassination, has stated that he discussed the Oswald case many times with Shanklin, and that Shanklin mentioned on one occasion that "he had an internal problem involving one of his Agents who had received a threatening message from Oswald because the Agent was investigating Oswald." Sullivan recalls that Shanklin seemed disinclined to discuss the matter other than to say he was handling it as a personnel problem

footnote continued . . .

21, 1975, before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, stated that the agent who destroyed the note did so to "avoid embarrassment to the Bureau." However, there is no testimony in the record which supports such a claim.

13/ Affidavit of J. Gordon Shanklin; 9/24/75 Testimony of J. Gordon Shanklin, 12/19/75. Ural Horton, a recently retired Special Agent, in an affidavit submitted to the Bureau, swore that he mentioned the note and the destruction to Shanklin while driving with him in a car in August of 1974.

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with Assistant to the Director, John P. Mohr.^{14/} Mohr has
denied under oath any knowledge of the note or the destruction.^{15/}
Similarly, all other living Bureau officials in the chain of
command of the two investigative Divisions which supervised
the Kennedy assassination case, each furnished the Bureau with
sworn statements denying any knowledge of this matter.

^{14/} Affidavit of William C. Sullivan, 9/16/75.

^{15/} Affidavit of John P. Mohr, 9/12/75.

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IV. THE 1967 INVESTIGATION OF ALLEGATIONS OF CASTRO'S CONNECTION
WITH THE ASSASSINATION.

On or about January 23, 1967, Drew Pearson met with Chief Justice Warren. At that time, Pearson advised that a lawyer, Ed Morgan, had a client who informed him that Bobby Kennedy had organized a group that went to Cuba to kill Castro; that all were killed or imprisoned except one person who escaped; that, subsequently, Castro

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decided to utilize the same procedure to kill President Kennedy and that he hired Oswald to do the job." (7) Pearson wanted the Chief Justice to see Ed Morgan; however, he declined. The Chief Justice informed Pearson that it would be necessary for him to pass this information on and Pearson inferred that he would prefer that the Service and not the FBI be notified. (8)

On January 31, 1967, James J. Rowley, Director, U.S. Secret Service, met with the Chief Justice, and was informed of the allegations that had been passed on by Rowley. According to Rowley,

The way he [the Chief Justice] approached it, was that he said he thought this was serious enough and so forth, but he wanted to get it off his hands. He felt that he had to -- that it had to be told to somebody, and that the Warren Commission was finished, and he wanted the thing pursued, I suppose, by ourselves or the FBI. (9)

Arrangements were made by James J. Rowley, Director, United States Secret Service, with Drew Pearson, to have Morgan come to

(7) In an interview conducted by Committee staff on February 25, 1976, Edward Pierpont Morgan admitted that he had passed this information on to his close friend, Drew Pearson, but specifically denied ever being informed (or telling Pearson) that "Oswald had been hired to do the job."

(8) These events are detailed in a memorandum from Rowley to Hoover, 2/13/67. Mr. Rowley confirmed the details set forth therein in his testimony before the Committee on February 13, 1976. The Secret Service has informed the Committee that they do not have a copy of the 2/13/67 Rowley memo.

(9) Testimony of James J. Rowley, 2/13/76, p. 17. Rowley also testified that the Chief Justice did not mention whether this was the first time he had heard that the United States Government had plotted to assassinate Castro. (p. 16)

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see him on February 8, 1967. Subsequently, on February 10, 1967, Mr. Rowley spoke with the Chief Justice, informing him that neither Pearson nor Morgan had called and that the information would be reported to the Bureau. (9)

This information was reported by Rowley to the Bureau in a letter dated February 13, 1967. The Bureau's reply, dated February 15, 1967, states:

In connection with the allegation that a Castro conspiracy was involved in the assassination of President Kennedy, our investigation uncovered no evidence indicating Fidel Castro or officials of the Cuban Government were involved with Lee Harvey Oswald in the assassination of President Kennedy.

This Bureau is not conducting any investigation regarding this matter. However, should Mr. Pearson, Mr. Morgan, or Mr. Morgan's source of information care to volunteer any information to this Bureau, it would be accepted. Thereafter, consideration would be given as to whether any additional investigation is warranted.

(9) Memorandum from Rowley to Hoover, 2/13/67; memorandum from Rosen to DeLoach, 2/15/67. It was Rowley's understanding that either Pearson or Morgan was to meet with him on February 8, 1967, or contact him for the purpose of arranging a meeting on another date. Rowley still had not heard from either person by February 10, 1967, and he decided to forward the information on to the FBI. (Rowley, p. 20) Although Assistant FBI Director DeLoach informed Marvin Watson on March 17, 1967, that Rowley had made several attempts to contact Morgan, but Morgan refused to keep appointments, (memorandum from DeLoach to Tolson, 3/17/67) neither Rowley nor Morgan recalled any such "attempts."

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In a memorandum from Assistant Director Alex Rosen to Cartha DeLoach, dated February 15, 1967 -- the stated purpose of which was "to advise DeLoach of the action taken in response to a letter dated 2/13/67 from James J. Rowley" -- Rosen wrote:

Consideration was given to furnishing this information to the White House, but since this matter does not concern, nor is it pertinent to the present Administration, no letter is being sent.

However, on March 17, 1967, DeLoach received a telephone call from Presidential Assistant Marvin Watson, who informed DeLoach that "The President had instructed that the FBI interview Morgan concerning any knowledge he might have regarding the assassination of President Kennedy." (10) Watson stated that, "This request stemmed from a communication which the FBI had sent to the White House some weeks ago." (11) DeLoach explained that this communication emanated from the Secret Service. According to his memorandum of March 17, 1967, DeLoach then told Pearson

that Drew Pearson had gone to see Chief Justice Warren and had told him that Edward P. Morgan

(10) Memorandum from DeLoach to Tolson, 3/17/67.

(11) Memorandum from DeLoach to Tolson, 3/17/67. It should be noted that FBI documents pertaining to DeLoach's discussion with Watson, and the subsequent FBI interview of Morgan, were delivered to the Committee by the FBI on March 10, 1976, (some six weeks after they had initially been requested), thereby precluding adequate evaluation of the documents.

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had a rather bizarre story to tell about the assassination. Pearson asked the Chief Justice to see Morgan. The Chief Justice asked Jim Rowley of Secret Service to see Morgan. Rowley made several attempts but Morgan refused to keep the appointments.

I told Watson that, under the circumstances, it appeared that Morgan did not want to be interviewed, and even if he was interviewed he would probably not divulge the identity of his sources who apparently were clients. Watson stated that the President knew all this, but that the President still desired that the FBI conduct the interview in question. I told Watson that, under the circumstances, we had no alternative but to make this attempt, however, I hoped he and the President realized that this might be putting the FBI into a situation with District Attorney Garrison, who was nothing more than a publicity seeker.

(12)
Morgan was interviewed by the FBI on March 20, 1967. In-
voking the attorney-client privilege, Morgan refused to identify
the persons who furnished him this information. He stated that
these clients were used by a United States Government agency to
plot the assassination of Fidel Castro, and that Castro learned
of the plot, and, thereafter, dispatched "teams of assassins" to
the United States for the purpose of assassinating President
Kennedy. Morgan added that his clients were aware of the identity
of some of these individuals, and he understood that two such in-

(12) Memorandum from A. Rosen to DeLoach, 3/22/67

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dividuals lived in New Jersey. (13) A report summarizing the Bureau's interview with Morgan was sent to the White House, the Attorney General, and the Secret Service. (14)

There is no indication in the documentary record made available to the Committee that the Bureau ever pursued the "Morgan allegations."

Although the Select Committee has not been able to establish that President Johnson queried CIA about Morgan's story, it notes that then Director Helms on March 23 ordered CIA's Inspector General to investigate and report on CIA's assassination plots against Castro. The 1987 I. G. Report references not only Drew Pearson's newspaper articles, but also the fact of Morgan's contacts with Warren, Rowley and the FBI. So it may be inferred that the Report was prepared directly in response to Presidential concern about the Morgan allegations.

By April 24, the I. G. began submitting portions of its report to Director Helms. Sometime between then and May 22, the Director met and briefed President Johnson on the I. G.'s findings. As mentioned previously, a one page note in Director Helms' handwriting, apparently prepared for use in briefing the President, only references covert actions against Cuba through mid-1963.

Director Helms was not asked whether he briefed the President about the Fall 1963 AMLASH operation; but he testified that he did.

(13) FBI memorandum, 3/21/67.

(14) Letter from J. Edgar Hoover to the White House, 3/22/67.

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not brief the President about later dealings with AMLASH, because Helms did not regard AMLASH as an assassination agent. The TIGR Report, however, did treat the AMLASH operations in 1963 and 1964 as possibly aimed at assassinating Castro. Moreover, the Report also indicated that Morgan's clients may have had knowledge of the AMLASH operation.

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V. DISCUSSION

It is hoped that the preceding report sufficiently conveys the preliminary nature of the subcommittee's investigation and the fact the subcommittee has not been able to develop a complete evidentiary record in the time available to it. Where conflicting evidence was received, the subcommittee has attempted to set forth both sides in its report so that the evidence may speak for itself. Resources did not permit the subcommittee to hear from every witness whose name arose during the investigation. In certain cases, time constraints necessitated that testimony be taken prior to the receipt of all relevant agency materials.

The subcommittee believes that the preliminary nature of its inquiry precludes the issuance of findings and conclusions. However, the subcommittee also believes that disclosure of the evidence developed to date is necessary. Thus, this discussion is meant merely to highlight those questions which have arisen during the course of the investigation for which the subcommittee has not received an adequate answer.

It is apparent that the Warren Commission's findings were affected, at least in tone if not in substance, by the FBI's fear the Commission would criticize its performance prior to the assassination. For example, the Bureau by letter to the Commission indicated that the facts did not warrant placing a stop on Oswald's passport with the Department of State since its investigation had

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disclosed no evidence that Oswald was acting under the instructions or at the behalf of any foreign government. Yet internal FBI memoranda reveal that this was only a "public posture," that FBI concluded Oswald's background should have caused FBI to request a stop on his passport, and that disciplinary action was taken against the agents responsible for this "investigative deficiency."

The Bureau assured the Commission that it had no reason to believe Oswald was a threat to the President; yet some two weeks prior to the assassination Oswald delivered a note, claimed by some FBI employees to be threatening in tone, to the FBI's Dallas field office. The FBI also knew some five weeks before the assassination that Oswald had been in contact with an alleged KGB sabotage and assassination case officer in Mexico City; yet it did not know what Oswald discussed with them, and did not vigorously push its local agents to interview Oswald about the meetings. For these failures, the Bureau also censured certain of its supervisory personnel.

The fact that the Bureau had determined that there were serious investigative failures in connection with its pre-assassination Oswald case, was never disclosed to the Warren Commission. Indeed the documentary record reflects it was the Bureau's "public position" that this case was "properly handled."

It is also clear that knowledge of CIA assassination plots generally, and of CIA's AMLASH operation in particular, would have focused a great deal of Commission attention on Oswald's Cuban connections. Indeed Commission documents reveal its concern with the subject of political assassination generally, in its

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requests about assassination attempts against De Gaulle, Sukarno and other foreign leaders.

Moreover, CIA provided the Commission, and the subcommittee, with detailed accounts of KGB's Department 13 -- a department specializing in sabotage and assassination. Knowledgeable CIA personnel told the subcommittee that they had "second-hand" information that this Department had hatched plots to assassinate foreign leaders in the early 1950s, including a plan to kill President-elect Eisenhower during a visit to Korea. However, these CIA analysts also noted the primary mission of the 13th Department had changed in the late 1950s to one of preparation for sabotage in the event of war. They could not subscribe to any theory that the 13th Department was given a mission of assassinating President Kennedy.

They were also asked to analyze Oswald's apparent contact with the Soviet Vice-Consul Kostikov, an alleged 13th Department case officer, during Oswald's trip to Mexico City. The analysts testified that Oswald's contact with Kostikov and Oswald's subsequent actions did not conform to the known operating methods of the 13th Department. Their informed opinion was the same as that reached by CIA analysts in 1964 -- Oswald was not given a mission by the KGB to assassinate President Kennedy.

Nevertheless, even the limited amount of evidence the subcommittee has uncovered in the Cuban area raises the issue of whether the evidence excluded from the Commission's review would have affected its findings that Oswald acted alone. Only days

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after the CIA met with AMLASH in Brazil and learned of his plan to enlist U.S. support to topple the Castro regime and to "eliminate" Castro, Castro met with a U.S. reporter at the Brazilian Embassy in Havana for three hours, talked of U.S. leaders supporting terrorists plans to eliminate Cuban leaders, and threatened retaliation. He warned the situation could lead to a crisis worse than the missile crisis of October 1962. Despite this warning, CIA continued to plot with AMLASH. Indeed AMLASH asked for and received the assurance of a senior CIA official that President Kennedy was fully in support of his intended action.

AMLASH was not given the final assurances he requested -- a poison pen device and the promise of a weapons drop (including rifles with telescopic sights) -- until the very day of the assassination. However, two days before then, he was telephoned and told that there would be a meeting on November 22 and that it was the meeting he requested.

Whether Castro knew or suspected AMLASH was working with CIA has not been determined. Castro's hastily arranged meeting with Jean Daniel, the French reporter, on November 19 to discuss President Kennedy and his policies may have been a product of his alarm over Kennedy's strongly anti-Castro speech on November 18 in Miami. Castro's decision to spend the day with Mr. Daniel on November 22, especially in view of Daniel's great difficulty in getting any interview with Castro cannot be explained. Even Daniel, not privy to the details of CIA plots against Castro, realized the significance of Castro's question about Lyndon Johnson: "What authority does he exercise over the CIA?"

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Moreover, the CIA uncovered but did not pursue tantalizing leads which suggested the possibility of Cuban involvement or prior knowledge in the assassination. It learned that a Cubana Airlines flight to Cuba on the afternoon of the assassination had been delayed five hours awaiting an unidentified passenger who arrived in a light plane, bypassed customs, and rode in the cockpit of the Cubana aircraft.

It learned that a Cuban-American had left Tampa, where President Kennedy had made public appearances only four days before the assassination, travelled to Mexico on the day after the assassination, and flew to Cuba as the only passenger on a late evening flight on November 27, using an expired passport. CIA later received an allegation that this individual was "involved" in the assassination.

FBI's investigation of this same Cuban-American was also far from adequate. It was terminated without any conclusion because the Cuban-American had returned to Cuba. There is no evidence that the significant FBI reports pertaining to the Cuban-American which pre-dated the Commission's termination, were provided the Warren Commission.

The Warren Commission was not given the details of CIA's covert actions against Cuba. The Commission may not have realized that CIA's Cuban operations were specially compartmented within CIA under the Special Affairs Staff and that it had not been in contact with any members of this section.

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While the Warren Commission may have believed that CIA counter-intelligence experts on the Soviet services were the most logical ones to deal with the assassination investigation, CIA had, only seven days before the assassination, routed FBI's report of Oswald's activities in New Orleans to SAS's counterintelligence staff before it was sent to Soviet counterintelligence personnel.

SAS also directed the activities of the CIA's WAVE station in Florida which had the closest and most extensive contacts with the Cuba exile community. Although CIA headquarters received some information by WAVE evidencing Oswald contacts with residents of this Cuban exile community, about Oswald there is no record of CIA having ever directed WAVE to obtain further information about Oswald or about various Cubans whose names arose in the course of the Warren Commission investigation. Indeed, the FBI wrote the Commission noting that CIA had an operational interest in some Cuban groups the Commission had inquired about, but the Commission did not pursue the implicit suggestion that CIA be asked to provide information on these groups. Although the FBI interviewed some Cuban exiles connected with CIA operations, neither these individuals nor CIA volunteered information about their CIA connections.

Of course, a complete disclosure of CIA operations to the Warren Commission was not called for. The Warren Commission might reasonably have assumed^{ed} CIA would make its own investigation of such operations and report to the Commission only whatever information the CIA felt significant. Yet there is no evidence that CIA made such an investigation of its AMLASH operation, although it did review all its Cuban/Caribbean operations in early December 1963.

Finally, the subcommittee questions the FBI's and CIA's

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reaction to allegations advanced by Mr. Morgan that Kennedy's assassination may have been instigated by Castro in retaliation for CIA plots. The documents reflect that the FBI reluctantly interviewed Morgan only after being ordered to do so by the President. It reported what he said to the President, but did not further investigate his charges.

The day after the President received the report of FBI's interview of Morgan, Director Helms ordered the CIA Inspector General to investigate and report on CIA's assassination plots against Castro. Although the I.G. Report characterized the AMLASH operation as an assassination plot and although the Report speculates Morgan could have obtained information about the AMLASH operation, Director Helms apparently did not mention the operation when he briefed the President about the I.G.'s Report.

The subcommittee believes that even the limited amount of evidence developed pursuant to its preliminary investigation is of sufficient substance and relevancy ^{question} ~~to raise the issue of~~ the adequacy of the process through which the Commission arrived at its conclusions. The subcommittee can ^{not forecast} ~~only speculate as to~~ what evidence a more extensive investigation would disclose. The subcommittee again emphasizes that its ^{preliminary} ~~investigation~~ has uncovered no ^{conclusive} ~~direct~~ evidence that the assassination of President Kennedy was the result of a conspiracy.

Therefore, the subcommittee recommends the full Committee consider the evidence developed with a view to a Committee recommendation that the investigation initiated by the subcommittee be continued

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in a manner deemed appropriate by the full Committee until
satisfactory answers to the questions raised can be obtained.

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Appendix A

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REVIEW OF CLASSIFIED AGENCY AND WARREN COMMISSION MATERIALS

(A) FBI

The FBI has an extensive and efficient data retrieval system. Each filed document is indexed and serialized. An abstract of every document is prepared and filed separately by author and subject. The system ensures that it is virtually impossible to destroy the record of a document's existence once that document has been filed.^{*} However, the Committee is not itself allowed to use this data retrieval system; it has been required to make requests to the FBI and rely upon a good faith compliance. Thus, gaining access to FBI materials was a tedious and time consuming project.

Unlike the CIA, the Bureau did not make its Oswald and assassination investigation files available en toto for review. This necessitated a series of lengthy Committee document requests.

* The Committee is aware that the Bureau had a "Do Not File" procedure, pursuant to which certain documents are initially filed in other than the usual files and periodically destroyed. Memorandum from W. C. ~~Inman~~ to C. D. DeLoach, 7/19/66. Although it would appear that the "Do Not File" procedure ~~would have been limited to requests~~ for authorization for illegal ^{techniques} acts, such as break-ins, the Committee has not been able to establish whether this or a similar procedure was employed in connection with materials relating to Oswald or the assassination.

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When the ~~arrangement~~ ^{were} ~~could be given~~ ^{to give} ~~the~~ ^{the} ~~technology~~ ^{technology} could be
"safely used without any danger to
coming to the Bureau"

The Bureau reviewed its files and produced documents responsive to the request. In those areas where general document requests would have required an inordinate review of Bureau documents, the Committee virtually requested access to abstracts of the documents. After reviewing the abstracts, the Committee selected certain authorizing documents to be reviewed in their entirety, and such documents were requested by the Committee and produced by the FBI. However, even the use of abstracts has not allowed the staff to familiarize itself with FBI materials in other than the few areas to which it decided to direct attention. This inability to review even the relevant FBI documentary record in its entirety should be considered in evaluating the staff's conclusions and recommendations.

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(B) CIA

The CIA granted the staff free access to three major files related to the assassination of President Kennedy: the Agency's "201 file" on Oswald; the files of the Mexico City Station on Oswald and the assassination investigation; a file of materials CIA developed because of the Garrison investigation.

Shortly after the assassination Mr. Rocca of the CIA's Counterintelligence staff was designated the "point of record" for then existing CIA's work on the assassination investigation. Rocca attempted to collect all their existing documents on Oswald and the assassination and he had those documents, or copies, put into Oswald's "201 file." Rocca also attempted to put into the "201 file" all later documents received or generated by CIA. Thus the "201 file" on Oswald now has approximately 56 file folders containing the CIA's pre-assassination documents on Oswald, documents generated during the life of the Warren Commission, and miscellaneous documents (including books and articles) collected by the Agency over the past twelve and one half years relating to the assassination.

The Mexico City station maintained a similar file on Oswald until 1967 when all its holdings were transferred to CIA headquarters. The Mexico City Station files fill six large file folders.

Since New Orleans District Attorney Garrison made many allegations relating to CIA in the course of his investigation, the CIA Office of Security opened a file on the Garrison investigation. That file contains, for the most part, books and articles

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about the Garrison investigation and internal CIA memoranda analyzing allegations about CIA.

The sheer size of these files precluded detailed examination and analysis of each document. The Select Committee staff concentrated on documents received or prepared in the first few weeks after the assassination, although it reviewed all documents prepared during the course of the Warren Commission investigation.

In addition to these files, the Select Committee requested access to a number of other CIA files, such as those on AMLASH, those containing Director McCone's memoranda of conversations with President Johnson, and those on certain individuals whose names arose in the course of the Select Committee's investigation.

(C) NSA and the Military Intelligence Agencies

Assassination files of the military intelligence agencies -- Navy, Army, and Air Force intelligence -- are considerable. For the most part, they are merely duplicate copies of material other agencies prepared and turned over to the Warren Commission. All three agencies have, with one exception, furnished the staff with all preassassination documents on Oswald. The Office of Naval Intelligence (ONI) invoked the third-agency rule and did not give the staff a copy of any pre-assassination document in its file which was originated by a third agency but did furnish a list of all third-agency documents it acquired between May 1962 and December 1963. All three agencies gave the staff access to all their files on Oswald or the assassination.

The Warren Commission had full access to files of the

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military intelligence agencies. The files of ONI, the military agency with principal interest in Oswald, were reviewed in their entirety immediately after the assassination by senior State and Defense Department officials.

NSA maintains it has no materials pertaining to Oswald, the assassination, or the cast of characters (American, Soviet, and Cuban) that were identified by Committee document requests, aside from a few relatively unimportant documents it furnished. NSA has stated that it, unlike the other intelligence agencies, has no existing file on Oswald or the assassination.

The staff interviewed Dr. Tordella, who was Deputy Director of NSA in 1963. He stated NSA developed no significant information relating to the assassination. This statement was confirmed by Mr. Angleton of CIA.

(D) SECRET SERVICE

The Secret Service -- unlike the CIA and the FBI -- is not an intelligence agency. It is charged with protecting certain government officials; (most notably, the President), visiting dignitaries and Presidential candidates. The Service's protective research files contain information only on persons who are presently regarded as potential threats to the safety of the protected individuals. Thus, with the exception of the limited number of documents pertaining to that Agency's limited participation in the assassination investigation, there is little relevant material in Secret Service files.

The staff reviewed what the Secret Service represented as

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all materials pertaining to the assassination, the subsequent investigation, and the Warren Commission. Aside from reports dealing with Presidential protection and the actions of individual agents in Dallas on November 22, 1963, these materials primarily supplement FBI reports. They do, additionally, reflect the Service's limited role in the assassination investigation and reveal specific instances where the Service's investigation was terminated at the Bureau's request.*

It is worth briefly noting that the Secret Service did not have certain documents one would expect them to have. For example, there were neither materials pertaining to Warren Commission proceedings as such, nor memoranda reflecting internal meetings or discussions relating to Warren Commission testimony by Secret Service personnel. Additionally, although FBI documents make reference to Warren Commission related meetings attended by Secret Service representatives, the Service's files contain no documents which even refer to these meetings. It is also surprising that there is no formal report of the Service's forty-five minute interview of Marina Oswald on November 23, 1963 -- the first post assassination interview of Marina by any Federal agency.

The "absence" of materials is not, in itself, sufficient to give rise to the inference that documents were not provided to the Committee. It is of concern, however, and the staff requested a written response from the Service assuring it that the materials the staff reviewed are all they ever had.

* President Johnson, on November 25, 1963, directed the Bureau to conduct the investigation of the assassination.

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(E) Immigration and Naturalization Service.

The staff reviewed all documents at I & NS on Lee and Marina Oswald. Invoking the third agency rule, I & NS refused to allow the staff to examine FBI documents. However, it did provide a listing of these FBI materials.

(F) State Department

The staff reviewed selected materials in State Department files pertaining to Lee Harvey Oswald and Marina Oswald. Most of these documents in State's files were generated elsewhere. The State Department generated materials relating to: (1) Oswald's applications for passports; (2) Oswald's defection to and return from the Soviet Union; and (3) Marina Oswald's admission to the United States.

There are significant questions raised by the State Department's handling of the Oswalds. For example, with a "stop" on Lee's passport file after his defection, Department procedures should have precluded the automatic reissuance of the passport Oswald obtained in July 1963. Other questions surround State's decision to allow the Oswalds to return from the Soviet Union (and even finance the trip) after Oswald's announced defection. However, the Committee did not pursue these questions; since all this information was available to the Warren Commission.

(G) Warren Commission

An understanding of the information that was made available to the Commission is a prerequisite to any determination that evidence was withheld. Although limited resources precluded a review of Commission materials in their entirety, the staff attempted

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to identify what materials were provided to the Commission in certain areas, and to review completely the materials so identified. It also reviewed regardless of subject area, the ninety classified numbered Commission documents and the ninety-five classified unnumbered Commission documents presently stored at the National Archives.

Of the ninety numbered Commission documents, nineteen are CIA generated, sixty-three are the FBI's and eight are the Department of State's. The CIA generated documents include a chronology of Oswald's stay in the Soviet Union, miscellaneous information relating to Oswald's activities in Mexico City, personal background information on George DeMohrenschildt and information pertaining to Soviet and Cuban intelligence agency activities. The FBI materials include personal background information on Michael and Ruth Paine and Mark Lane, investigative reports on Oswald's visit to Mexico City, and extensive background information on Cuban groups. The Department of State documents include reports on alleged assassination attempts of world leaders and cable traffic from the American Embassies in Moscow and Mexico City.

The thirty-three unnumbered documents classified by the CIA and the Warren Commission are either letters and memoranda to the CIA or internal Warren Commission memoranda containing national security information. More specifically, these documents contain records of conversations between Warren Commission staffers and CIA personnel about administrative and substantive issues; memoranda of the Commission about CIA information on Oswald's stay in the Soviet Union and his trip to Mexico City; information pertaining to the Soviet defector, Nosenko; draft reports of the

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Warren Commission on the possibility of a foreign conspiracy; a memorandum by Warren Commission staffers on their visit to Mexico City; and, letters to the Soviet and Cuban Governments asking for information on Oswald. Included in the thirty-nine classified unnumbered FBI documents are investigative reports from Mexico and personal information concerning Mark Lane and Marina Oswald. The twenty-three classified unnumbered Department of State documents include correspondence between the Warren Commission and the Department of State concerning Oswald's defection to the Soviet

Union and his return to the United States, and the Department's requests to the Soviet and Cuban Governments for materials relating to Oswald.

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Appendix B

Were There Connections Between Oswald and U.S. Intelligence

I. Agencies Other Than the FBI

The Warren Commission investigated the charge that Oswald had in some way been an agent for the U.S. Government and concluded:

Thus, close scrutiny of the records of the Federal agencies involved and the testimony of the responsible officials of the U.S. Government establish that there was absolutely no type of informant or undercover relationship between an agency of the U.S. Government and Lee Harvey Oswald at any time. (WR 327)

Nevertheless, Warren Commission critics have continuously asserted such a relationship existed. For example, it has been claimed that Oswald was an agent for military intelligence and defected to the Soviet Union at its instigation; or that Oswald was likewise an agent for CIA. Such allegations often cite the rather unusual circumstances of his defection to Russia, his ease in returning to the United States, and the apparent lack of interest in him by U.S. intelligence prior to the assassination.

Indeed these were unusual circumstances and there is no satisfactory explanation for them. For example, despite evidence that the Navy, FBI and State Department were extremely interested in and did determine the precise date and place Oswald would return to the United States he was not interviewed by FBI until three weeks after his return, and even then was not questioned in detail

as to his activities in the Soviet Union.

The subcommittee received testimony from a former CIA employee claiming to have read a CIA report of a debriefing of a re-defector who had been in Minsk and who was either a corporal or captain in the Marines. The subcommittee reviewed the cases of other re-defectors noting many were debriefed by CIA as well as FBI. And, CIA documents disclose that at least some at CIA had, prior to Oswald's return, proposed he be debriefed.

Because of CIA's interest in re-defectors and because of the testimony indicating a possible debriefing of Oswald, some CIA debriefing of Oswald after his return would be expected. Nevertheless, the subcommittee has not been able to locate evidence of a CIA debriefing. The Oswald file at CIA contains no record of any contact; the records of the Domestic Contacts Division (the CIA Division which the former CIA employee alleged to be the originator of the report he saw) denies having any record of a debriefing. At the subcommittee's request, CIA reviewed its data base on Minsk and stated it could locate no information which it could attribute to Oswald.*

The limitations and restrictions under which the subcommittee has operated has not allowed it to definitively resolve the question

* One CIA employee did recall reading a report about Oswald's stay in Minsk. He thought he saw it after the assassination. He was shown copies of the three known FBI reports summarizing its interviews of Oswald but could not positively identify any as the report he saw; however, he indicated one report might have been the one he saw. Assuming CIA's denial of such a debriefing is correct, the only explanation for his recollection is that he saw some version of information on Oswald, such as his diary, which CIA acquired after the assassination.

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of whether Oswald was in any capacity employed by U.S. intelligence. The extreme compartmentation of information within CIA makes it possible for CIA to employ agents without centralized clearance and without records retrievable by anyone other than knowledgeable CIA employees. Indeed CIA's compartmentation permits only the Director to have access to all information about all Agency relationships with agents. However, Director McCone in 1964 denied, under oath, that Oswald was in any way connected with CIA. He remains the only person qualified to make such a flat statement.

And there is nothing in any of the CIA's files the subcommittee staff reviewed which suggests Oswald was employed by CIA. Moreover, present CIA officials state they have found nothing, after an extensive search to indicate he was so employed.

Furthermore, from the time of Oswald's defection to Russia in 1959 until after the assassination, procedures required CIA be informed of the names of all agents used by any U.S. intelligence agency. This procedure obviously was necessary in order to avoid two agencies using the same individual. For example, Army intelligence was required to clear with CIA the name of any agent it intended to use. CIA is not aware of any agency's circumvention of this procedure. So, if Oswald were employed for foreign intelligence purposes by an agency other than CIA, there should be a record of such employment at CIA. CIA has informed the subcommittee that it has no such record.

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Discussion: Alleged Oswald FBI Connections

A. The 1964 Allegation.

On Wednesday, January 22, 1964, J. W. Rankin received a call from the then Attorney General of Texas, Waggoner Carr. Mr. Carr stated that he had recieved on a confidential basis an allegation to the effect that Oswald was an undercover agent for the FBI since September 1962 and that he had been paid \$200 a month from an account designated as No. 179. Carr indicated that this allegation was in the hands of the press and defense counsel for Ruby and suggested that his information came ultimately from District Attorney Henry Wade, although he stated that he had not discussed this matter with Wade.

Rankin immediately informed the Chief Justice of these allegations and a meeting of the Commission was called for 5:30, Wednesday, January 22, 1964. Rankin then laid out the allegations for the attending members. In response to Senator Cooper's query as to how the Commission could test "this kind of thing," Rankin responded:

It is going to be very difficult for us to be able to establish the facts in it. I am confident that the FBI would never admit it, and I presume their records will never show it.

*
Executive Session, 1/22/64, President's Commission on the Assassination of President Kennedy, p. 1.

**

Memorandum for the files from J. Lee Rankin, undated.

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On Thursday, January 23, 1964, J. Lee Rankin reviewed a Secret Service Report which summarized an interview of Houston Post reporter Alonso Hudkins. Hudkins had told the interviewing Secret Service agents on December 17, 1963 that Allan Sweatt of the Sheriff's Office had an "opinion" that Oswald was being paid \$200 a month by the FBI. Hudkins also told the Secret Service that Oswald's alleged informant number was "S172".

On Friday, January 24, 1964, Rankin and Chief Justice Warren met at Commission headquarters with Texas Attorney General Carr, Dallas District Attorney Wade, Assistant District Attorney Alexander, Leon Jaworski and Dean Storey. They were informed that the sources for the Oswald informant allegations were several reporters, including Hudkins.

On Friday evening, January 24, 1964, Rankin was informed that the Secret Service had also interviewed Allen Sweatt regarding the Oswald informant allegations. Sweatt stated that he received the allegation from Alexander. He also mentioned Houston Post reporter Hudkins as a source of the information.

All of the above was presented to the full Commission on Monday, January 27, 1964. The transcript reflects the concern of the Commission members with this allegation, and their desire to avoid offending Hoover and the appearance of accusing

*
Memorandum for the files from J. Lee Rankin, undated.

**
U.S. Secret Service Investigative Report, 1/3/64.

Op. cit., p. 4.

Op. cit., p. 5

the FBI. Various possible approaches for "running down" the allegations were discussed. It was decided that Rankin would inform Hoover directly of these allegations, and allow the FBI the opportunity to refute the allegations.*

Rankin discussed Hudkin's allegation that Oswald was an FBI informant with James Malley, FBI liaison to the Warren Commission, on February 7, 1964.** Hudkins was interviewed by FBI agents on February 8, 1964. He stated that a government official (not a federal official in Dallas) had told him that

* Executive Session, 1/27/64, President's Commission on the Assassination of President Kennedy. Hoover submitted to the Commission an affidavit which he swore

That he has caused a search to be made of the records of the Federal Bureau of Investigation, United States Department of Justice, by employees of the said Federal Bureau of Investigation and that said search discloses that Lee Harvey Oswald was never an informant of the FBI, was never assigned a symbol number in that capacity and was never paid any amount of money by the FBI in any regard. (Hoover affidavit, 2/6/64, attached to letter from Hoover to Rankin, 2/6/64)

The Bureau additional forward nine affidavits (of Special Agents Clark, Hosty, Carter, Bronw, Howe, Maynor, Quigley, Lynn and retired Special Agent Fain):

who because of their assignments, would have been responsible for or cognizant of any attempt to develop Lee Harvey Oswald as an informant of the FBI." (Letter from Hoover to Rankin, 2/12/64.)

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Letter from Hoover to Rankin, 2/11/64.

Oswald was on the payroll of either the FBI or CIA with voucher number 179 and that he had received no less than \$150 a month and no more than \$225 a month." Hudkins further stated that Philadelphia Inquirer reporter Joseph Golden had also mentioned to him that Oswald was an FBI informant, but with a voucher number different from 179.

In testimony to the Committee, Hudkins detailed his role in the allegation that Oswald was an FBI informant, ^{Hudkins testimony} which differs significantly from the information he supplied Federal agencies in 1963 and 1964. ^{**} Hudkins testified that on or about January 3, 1964 he visited Allan Sweatt at the Sherriff's office in Dallas and was told that an FBI agent (who was still in the building) had been trying to locate him. Hudkins met with two FBI agents, immediately thereafter, and told him that "SL72" had been fabricated. Hudkins testified that he, Hugh Aynesworth and William Alexander "made-up" the informant story during a three way conference call in early December as a means of determining whether any of their telephones were being tapped. According to Hudkins, within thirty minutes of this conversation an FBI agent from the Houston office (whom

*
When contacted by the FBI, Golden declined to identify his source beyond stating that he "had obtained the information from a law enforcement officer in Dallas." (Letter from Hoover to Rankin, 2/11/64.)

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Alonzo Hudkins testimony, 11/20/75

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Hudkins could not identify) dropped by his office and asked whether he had heard anything about Oswald having a payroll number. Hudkins expressed puzzlement over the controversy that has developed from the "made-up" ^{number} for Oswald and stated that he could not understand "why (the Bureau) let the (Warren) Commission go through all that crap (about Oswald being an FBI informant)." (Hudkins testimony, 11/20/75, p. 21)

B. MORE RECENT ALLEGATIONS

On January 22, 1964, the allegation that Oswald was an FBI informant was brought to the attention of the Commission by Texas officials. John McCone swore that Oswald "was not an agent, employee, or informant of the CIA . . . * Hoover swore that "a search (of FBI records). . . discloses that Oswald was never an informant of the FBI . . . " ** Similar affidavits of Special Agents Shanklin, Clark, Hosty, Carter, Brown, Howe, Manor, Fain, Quigley, and Lynn were also submitted to the Commission. ***

More recently, in sworn Committee testimony Special Agents Hosty and DeBrueys unequivocally denied any Bureau relationship with Oswald. Although the staff is not permitted to physically review raw FBI files, in response to specific Committee requests the Bureau has informed us that ^{the Committee has} they have no

*John McCone affidavit, 5/18/64.

**Hoover affidavit, 2/6/64, attached to Letter from Hoover to Rankin, 2/6/64.

***Letter from Hoover to Rankin, 2/12/64.

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documents indicating that Oswald was ever a Bureau "source,
*
informant, agent or asset."

On April 29, 1964 Walter Jenkins, Special Assistant to President Johnson, informed Assistant FBI Director Cartha DeLoach that a close personal friend ** had spoken with an FBI agent that had assisted in the investigation of the Oswald case and that the agent had stated that Oswald was definitely an FBI informant and that Bureau files in Washington was definitely prove this fact. Jenkins added that the agent had also told his friend that he had been transferred from New Orleans to Dallas as a result of getting into difficulty with a woman in the French Quarter. *** At the close of the memorandum pursuant to which DeLoach recounted Jenkins statements for Associate Director John Mohr, DeLoach recommends:

*Cite

**Jenkins declined to divulge his friend's identity to the FBI. In that the Committee did not receive the FBI reports which discuss this matter until March 3, 1976, the staff attempting to contact Jenkins for the first time on March 4, learned from his attorney that he was under a "doctor's care" and his health precluded the Committee's directly contacting him. The attorney agreed to supply the Committee with a doctor's statement verifying the above, and further agreed that Mr. Jenkins would answer written interrogatories from the Committee.

***Memorandum from C. D. DeLoach to J. Mohr, 4/30/64. According to DeLoach, Jenkins stated that "there was no question in his mind regarding the falsity of this allegation, and Jenkins had previously informed his friend that" this was an old rumor . . . , and that the FBI had branded it as being completely false."

Despite the fact that this matter has been tied down as being false, it is considered desirable to review personnel files of agents in Dulles to find out if any of the Agents have been transferred there from New Orleans for a type of disciplinary problem as described above. If there is such an Agent he should be interviewed regarding this matter.

The subsequent review of Dallas field office personnel files revealed that one agent had been transferred from New Orleans in May, 195⁹0, following misconduct while attending a night club in the New Orleans French Quarter, and a second agent was similarly transferred in May 1960 following an allegation involving himself and a female FBI employee. These agents were personally interview^{ed} by the Special Agent in Charge of the Dallas field office, J. Gordon Shanklin and the Assistant Special Agent in Charge Kyle Clark. They categorically denied ever telling anyone outside the Bureau the reason for their transfer and they similarly denied telling anyone that Oswald was an FBI informant.

On May 6, 1964 DeLoach orally informed Jenkins of the Bureau's investigative findings, noting that the Bureau would not pursue this matter further unless Jenkins subsequently chose to reveal his friend's identity.

On January 17, 1976, the Committee staff interviewed a former FBI agent who had been assigned to the Bureau's Kansas

* Memorandum from W. Branigan to W.C. Sullivan, 5/5/64.

** Memorandum from W. Branigan to W.C. Sullivan, 5/5/64.

*** Memorandum from C. D. DeLoach to ~~John Mohr~~, 5/6/64.

City field office when Hosty was transferred there from Dallas in September, 1964. This ex-agent is positive that Hosty told him that both Hosty and the Dallas agent who had handled the Oswald case prior to Hosty [i.e., John Fain] had attempted to develop Oswald as a potential security informant ("PSI"). More specifically, the agent quoted Hosty as stating:

that Oswald had been a PSI (Potential Security Informant) for an older agent who reitred just before Hosty moved to the Dallas office. Hosty told us that his older agent had had no contact with Oswald, and that one of the last acts the older agent did before he reitred was to deactivate the Oswald file as a PSI. Hosty commented that as part of his effort to reopen the Oswald matter, he left notes at Oswalds' apartment, urging him to get in touch with the FBI. I recall Hosty commenting that although he had listed Oswald as a PSI, he had not had any contact with him.*

This former agent also advised that Hosty made similar remarks to certain other FBI agents then stationed in Kansas City. The Committee has talked to two agents; neither one recalls Hosty ever stating that Oswald was a PSI.

*Affidavit of former FBI agent, 1/30/76.